

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CRS ADVANCED TECHNOLOGIES, INC.
Petitioner

v.

FRONTLINE TECHNOLOGIES, INC.
Patent Owner

Case CBM2012-00005
Patent 6,675,151C1

Before SALLY C. MEDLEY, THOMAS L. GIANNETTI, and JENNIFER S. BISK, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

ORDER ON REHEARING

SUMMARY

On September 16, 2012, CRS Advanced Technologies, Inc. (“CRS” or “Petitioner”) filed a Petition under 35 U.S.C. § 321, pursuant to Section 18 of the Leahy-Smith America Invents Act (“AIA”) ¹. In a decision entered January 23, 2013 (“Decision”), the Board concluded that U.S. 6,675,151 (“the ’151 patent”) qualified as a covered business method

¹ Pub. L. No. 112–29, 125 Stat. 284 (2011).

patent under AIA § 18(d) and instituted a transitional covered business method review for claims 3, 6, 7, 16, 24, and 33. On February 6, 2013, Patent Owner, Frontline Technologies, Inc., filed a request for rehearing (“Rehearing Req.”) to modify the Decision’s determination that the ’151 patent is a covered business method patent.

DISCUSSION

The applicable standard for a request for rehearing is set forth in 37 C.F.R. § 42.71 (d), which provides in relevant part:

A party dissatisfied with a decision may file a request for rehearing, without prior authorization from the Board. The burden of showing a decision should be modified lies with the party challenging the decision. The request must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, opposition, or a reply.

Patent Owner asserts that the Board applied a legally erroneous standard in determining that the ’151 patent was subject to review as a covered business method patent. Rehearing Req. 1. Specifically, Patent Owner argues that the Board applied a standard that “an activity that is at least ‘incidental’ and/or ‘complementary to a financial activity’ . . . qualifies as a covered business method patent under the statute” instead of applying the actual language of the statute. *Id.* at 3-12. Patent Owner asserts that the activities recited in the claims of the ’151 patent are “used in an entirely different pursuit than the practice, administration or management of a financial product or service.” Rehearing Req. 14 (internal quotation marks omitted). Therefore, according to Patent Owner, under the correct standard the ’151 patent does not qualify as a covered business method patent. *Id.*

Instead, the Patent owner asserts that the claims recite actions that are used in “performing substitute fulfillment for a plurality of different organizations.” *Id.* at 13.

We disagree that the Decision applied an erroneous standard for determining whether the ’151 patent is a covered business method patent. In making this argument, Patent Owner focuses narrowly on several sentences of the Decision. In our Decision, we found that the broadest reasonable construction of the ’151 claim term “performing substitute fulfillment for a plurality of different organizations” includes retail banks. Decision 8. Moreover, claim 1 of the ’151 patent explicitly recites “retail banks.” *Id.* (citing ’151 patent, col. 17, l. 47). The Decision also explains, and Patent Owner has not disputed, that retail banks provide financial products and services to their customers. *Id.* In addition, as described by the ’151 patent, performing substitute fulfillment for a retail bank may entail providing temporary employees to the bank, such as tellers (*see* ’151 patent col. 14, l.47-col.15, l. 19), to carry out the functions of the retail bank. *Id.* Thus, because the legislative history supports the notion that the definition of covered business method patents be broadly interpreted, we concluded that the substitute fulfillment and processing operations claimed by the ’151 patent are “used in the practice, administration or management of a financial product or service” as required by the statute. *Id.*

As detailed in our Decision, we are not persuaded by Patent Owner’s arguments that the activities claimed by the ’151 patent are not used in the practice, administration, or management of a financial product or service. We further conclude that Patent Owner has not met its burden to show that

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the Decision misapprehended or overlooked any matters. 37 C.F.R.
§ 42.71(d).

CONCLUSION

For the foregoing reasons, Patent Owner's request for rehearing is granted to the extent that we have reconsidered our decision in light of Patent Owner's request and otherwise denied because we see no basis for changing that decision.

For Petitioner

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For Patent Owner

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