

Petition for Covered Business Method Patent Review
of U.S. Patent No. 6,834,282

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLUSION, INC.
Petitioner

v.

**VERSATA SOFTWARE, INC. AND
VERSATA DEVELOPMENT GROUP, INC.**
Patent Owner

U.S. Patent No. 6,834,282

Issue date: December 21, 2004

**Title: LOGICAL AND CONSTRAINT BASED BROWSE HIERARCHY
WITH PROPAGATION FEATURES**

Covered Business Method Patent Review No. Unassigned

**PETITION FOR POST-GRANT REVIEW UNDER 35 U.S.C. § 321
AND §18 OF THE LEAHY-SMITH AMERICA INVENTS ACT**

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Cases

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Other Authorities

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