

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

Case CBM2013-00018
Patent 7,426,481 B1

Before HOWARD B. BLANKENSHIP, SALLY C. MEDLEY, and
KEVIN F. TURNER, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION
Institution of Covered Business Method Patent Review
37 C.F.R. § 42.208

SUMMARY

Petitioner Volusion, Inc. filed a petition seeking a covered business method patent review of Patent Owner Versata's 7,426,481 patent pursuant to section 18 of the Leahy-Smith America Invents Act (AIA).¹ The Petition ("Pet.") challenges all the claims (1-73) of the '481 patent as unpatentable under 35 U.S.C. § 101. Patent Owner filed a preliminary response opposing institution of the review. Paper No. 6 ("Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 324.

The standard for instituting a covered business method patent review is set forth in 35 U.S.C. § 324(a), which provides as follows:

THRESHOLD --The Director may not authorize a post-grant review to be instituted unless the Director determines that the information presented in the petition filed under section 321, if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.

We determine that the '481 patent is a covered business method patent. Petitioner has demonstrated that it is more likely than not that claims 1-73 are directed to non-statutory subject matter and, thus, unpatentable under 35 U.S.C. § 101. Therefore, we institute a covered business method patent review for claims 1-73 of the '481 patent based upon Petitioner's challenge that the claims are unpatentable under § 101.

THE CHALLENGED PATENT

The '481 patent relates to a computer system and a database that stores product configurations and product configuration information. Ex. 1001,

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

Abstract. Received product-related data can include different types of information such as attribute information and product identifier information.
Id.

Figure 7 is reproduced below.

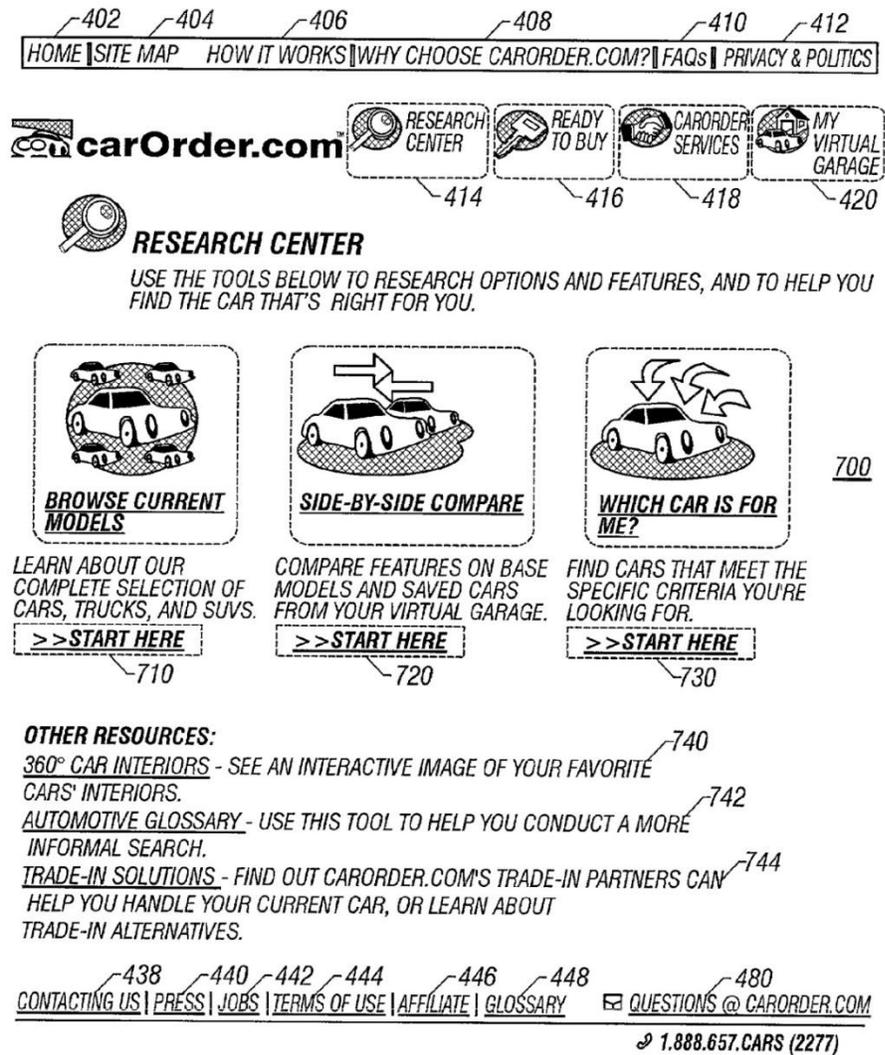


FIG. 7

Figure 7 of the '481 patent is said to be a plan view of a web page through which a user can access product-related information. Ex. 1001, col. 4, ll. 4-6. Figure 7 includes a number of hypertext links that enable access to a

database of information related to products such as vehicles. A hypertext link 710 accesses a database concerning the makes and models of available vehicles. Hypertext link 730 accesses the same database, but facilitates searching based upon the features associated with vehicles in the database. *Id.* at col. 10, ll. 44-54.

Illustrative Claim

50. A method of using a computer system to provide one or more product selections to a user in accordance with product related data provided by the user, the method comprising:

receiving the product related data from the user via a data processing system;

identifying products stored in a memory based on two different types, (A) and (B), of product identification, wherein the memory stores product configuration information for multiple products, the product configuration information includes product features, and the two different types of product identification comprise:

(A) searching for products in the memory based on product features included in the product related data if the product related data represents the one or more product features; and

identifying one or more products stored in the memory that each include the one or more features, if the product related data represents the one or more product features; and

(B) identifying one or more products stored in the memory that are identified by a product model identifier, if the product related data represents the product model identifier; and providing identified products to the user for display by the data processing system of the user.

COVERED BUSINESS METHOD PATENT

Related Litigation

In compliance with 37 C.F.R. § 42.302(a), Petitioner certifies that it has been sued for infringement of the '481 patent. Pet. 2. Patent Owner does not challenge the certification.

Used in the Practice, Administration, or Management of Financial Products or Services

A covered business method patent “claims a method or corresponding apparatus for performing data processing or other operations used in the practice, administration, or management of a financial product or service, except that the term does not include patents for technological inventions.” AIA § 18(d)(1). The legislative history of the AIA “explains that the definition of covered business method patent was drafted to encompass patents ‘claiming activities that are financial in nature, incidental to a financial activity or complementary to a financial activity.’” 77 *Fed. Reg.* 48,735 (Aug. 14, 2012) (quoting 157 *Cong. Rec.* S5432 (daily ed. Sept. 8, 2011)).

Petitioner points out that the '481 patent explicitly states that the invention relates to “transacting commerce over a network, and, more particularly, to a method and apparatus for processing information related to such commercial transactions.” Pet. 8; Ex. 1001, col. 1, ll. 34-36. Patent Owner alleges that the patent does not claim a method or corresponding apparatus used in the practice, administration, or management of financial products or services. Prelim. Resp. 24-27. Patent Owner does not address the explicit statement in the '481 patent concerning “transacting commerce over a network” that was pointed out in the Petition. *See id.*

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