

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

**DELL INC.  
Petitioner**

**V.**

**DISPOSITION SERVICES LLC  
Patent Owner**

**U.S. Patent No. 5,424,944  
Issue date: June 13, 1995**

**Title: SYSTEM AND METHOD FOR CONTROLLED ASSET  
DISPOSITION**

**Covered Business Method Review No. Unassigned**

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

## TABLE OF CONTENTS

	<b>Page</b>
I. INTRODUCTION .....	1
II. REQUIRED DISCLOSURES .....	2
A. Mandatory Notices .....	2
1. Real Party-in-Interest (37 C.F.R. § 42.8(b)(1)) .....	2
2. Related Matters (37 C.F.R. § 42.8(b)(2)) .....	2
3. Lead and Back-Up Counsel (37 C.F.R. § 42.8(b)(3)) .....	2
4. Service Information (37 C.F.R. § 42.8(b)(4)).....	2
B. Filing Date Requirements.....	3
1. Compliance with 37 C.F.R. § 42.304 .....	3
2. Certificate of Service on Patent Owner (37 C.F.R. § 42.205(a)).....	3
3. The Filing Fee (37 C.F.R. §§ 42.15(b) and 42.203(a)).....	3
C. Additional Disclosures .....	4
1. At Least One Challenged Claim Is Unpatentable (37 C.F.R. § 42.208(c)) .....	4
2. Eligibility Based on Time of Filing (37 C.F.R. § 42.303).....	4
3. Power of Attorney (37 C.F.R. § 42.10(b)).....	4
4. A Legible Copy of Every Exhibit in the Exhibit List (37 C.F.R. § 42.63).....	4
III. GROUNDS FOR STANDING.....	5
A. Eligibility Based on Infringement Suit (37 C.F.R. § 42.302(a)).....	5
B. Eligibility Based on Lack of Estoppel (37 C.F.R. § 42.302(b)) .....	5
C. The '944 Patent Is a CBM Patent (37 C.F.R. § 42.304(a)).....	5
1. Claims 1-23 Meet the Definition of a CBM .....	6

2.	Claims 1-23 Are Not Directed to a “Technological Invention” .....	9
IV.	STATEMENT OF PRECISE RELIEF REQUESTED FOR EACH CLAIM CHALLENGED .....	14
A.	Claims for Which Review is Requested (37 C.F.R. § 42.304(b)(1)) .....	14
B.	Statutory Grounds of Challenge (37 C.F.R. § 42.304(b)(2)) .....	14
C.	Claim Construction (37 C.F.R. § 42.304(b)(3)).....	14
1.	Broadest Reasonable Interpretation .....	14
2.	Means-Plus-Function Limitations.....	17
V.	CLAIMS 1-23 OF THE '944 PATENT ARE UNPATENTABLE UNDER 35 U.S.C. § 101.....	18
A.	The Claims Are Directed to an Abstract Idea and Contain No Inventive Concept.....	20
1.	Claim 1 is directed to a purely abstract idea.....	20
2.	Claim 2 adds only conventional, routine elements to the abstract idea.....	23
3.	Claims 3-14 add only conventional, routine elements to the abstract idea.....	25
4.	System claims 15-23 are unpatentable for the same reasons as method claims 1-14. ....	27
B.	The Claims Do Not Satisfy the Machine-or-Transformation Test .....	29
VI.	CONCLUSION.....	32

..

## TABLE OF AUTHORITIES

	<b>Page(s)</b>
<b>CASES</b>	
<i>In re Am. Acad. of Sci. Tech Ctr.</i> , 367 F.3d 1359 (Fed. Cir. 2004) .....	14, 15
<i>Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Canada (U.S.)</i> , 687 F.3d 1266 (Fed. Cir. 2012) .....	22, 24, 25, 27, 28, 29
<i>In re Bilski</i> , 545 F.3d 943 (Fed. Cir. 2008) .....	32
<i>Bilski v. Kappos</i> , 130 S. Ct. 3218 (2010).....	18, 19, 29, 32
<i>CLS Bank Int’l v. Alice Corp. Pty</i> , 717 F.3d 1269 (Fed. Cir. 2013) (per curiam) (Fed. Cir. 2011) .....	28
<i>CyberSource Corp. v. Retail Decisions, Inc.</i> , 654 F.3d 1366 (Fed. Cir. 2011) .....	22, 24, 27, 31
<i>Dealertrack v. Huber</i> , 674 F.3d 1315 (Fed. Cir. 2012) .....	31
<i>Fort Props., Inc. v. Am. Master Lease, LLC</i> , 671 F.3d 1317 (Fed. Cir. 2012) .....	22
<i>Gottschalk v. Benson</i> , 409 U.S. 63 (1972).....	18, 24
<i>Mayo Collaborative Servs. v. Prometheus Labs., Inc.</i> , 132 S. Ct. 1289 (2012).....	18, 19, 24, 27
<i>Parker v. Flook</i> , 437 U.S. 584 (1978).....	18
<i>In re Trans Texas Holdings Corp.</i> , 498 F.3d 1290 (Fed. Cir. 2007) .....	16
<i>Ultramercial, Inc. v. Hulu, LLC</i> , 107 U.S.P.Q.2d 1193, 2013 U.S. App. LEXIS 12715 (Fed. Cir. 2013) .....	19

...

*In re Zletz*,  
893 F.2d 319 (Fed. Cir. 1989) .....15

**STATUTES**

35 U.S.C. § 101 ..... 1, 4, 14, 18, 19, 23, 24, 25, 27, 28, 29, 31, 32  
35 U.S.C. §112, 6<sup>th</sup> paragraph.....17  
35 U.S.C. § 112(b) .....18  
35 U.S.C. §112(f).....17  
35 U.S.C. § 321 .....1, 4, 14  
35 U.S.C. § 324(a) .....4

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.