

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LINKEDIN CORP.
Petitioner

v.

AVMARKETS INC.
Patent Owner

Case CBM2013-00025
U.S. Patent 7,856,430 B1

Before MICHAEL P. TIERNEY, JONI Y. CHANG, and
WILLIAM V. SAINDON, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

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

I. INTRODUCTION

A. Background

On May 29, 2013, LinkedIn Corporation (“LinkedIn”) filed a petition (Paper 2, “Pet.”) requesting review under the transitional program for covered business method patents of U.S. Patent 7,856,430 (“the ’430 patent”) (Ex. 1001). Patent owner, AvMarkets Incorporated (“AvMarkets”), filed a preliminary response (Paper 12, “Prelim. Resp.”) on August 12, 2013. We have jurisdiction under 35 U.S.C. § 324. *See* section 18(a) of the Leahy-Smith America Invents Act, Pub. L. 112-29, 125 Stat. 284, 329 (2011) (“AIA”).

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

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.

LinkedIn challenges claims 1-17 of the ’430 patent solely under 35 U.S.C. § 101. Pet. 11-27. Taking into account AvMarkets’s preliminary response, we conclude that the information presented in the petition demonstrates that it is more likely than not that claims 1-3, 5-7, 9-11, and 13-15 are unpatentable under 35 U.S.C. § 101. Pursuant to 35 U.S.C. § 324 and section 18(a) of the AIA, we hereby authorize a covered business method patent review to be instituted as to claims 1-3, 5-7, 9-11, and 13-15.

LinkedIn’s petition is GRANTED.

B. The '430 Patent

The '430 patent is titled "Method for Generating Increased Numbers of Leads Via the Internet." The patent generally describes generating sales leads on the Internet through the creation of Web pages to display information. Ex. 1001, col. 1:1-13. The patent explains that Web pages containing items indexed by search engines generate greater sales leads because potential customers can find those items using a search engine. *Id.* at col. 3:46-56. In order to generate the Web pages for display on the Internet, the method receives a list of data items and lists the data items as hyperlinks on a Web page. *Id.* at col. 6:10-16 (receive list), 37-47 (list data). The patent specifies that when a hyperlink is activated, the invention generates a Web page showing the data item in a title, URL (Uniform Resource Locator), meta-tag, or text of the generated Web page. *Id.* at col. 6:48-58. In additional embodiments, the invention can: provide access credentials specifying authorized users of the Web site; generate an index of non-duplicative data items after receiving the data items; and include a prompt on the generated Web page. *Id.* at col. 6:7-10 (credentials), 20-36 (index); col. 7:10-14 (prompt).

Claims 1-4 are representative of the claimed methods:

1. A method for generating increased numbers of sales leads for each of a plurality of sellers of parts via a network implemented by a computer executing computer readable instructions to perform the steps of:

receiving one or more part numbers for said parts from each of the plurality of sellers;

listing each of said part numbers as a part number hyperlink on a Web page; and

generating a part number Web page for any activated part number hyperlink wherein the part number Web page includes two or more components each of which incorporates the part number from said activated part number hyperlink, wherein each such component is selected from the group consisting of a title, a URL, a meta-tag and a text entry.

2. The method of claim 1 wherein said receiving is implemented via one or more BLOB fields.

3. The method of claim 1 wherein each generated part number Web page includes a prompt for issuing a request for quotation or an order relating to one of said part numbers.

4. The method of claim 1 wherein each generated part number Web page has a static URL.

C. Claim Construction

In the transitional program for covered business method patents, claims are construed under the broadest reasonable interpretation standard. 37 C.F.R. § 42.300(b). LinkedIn's proposed constructions are as follows:

Claim Term (Claims)	LinkedIn's Proposed Construction	Supporting Explanation
"parts" (1-4, 9-7)	"Products marketed by sellers"	Pet. 13 (citing Ex. 1001, col. 5:44-46, 49-54)
"part number" (1-4, 7, 9-17)	"Any number that could represent a product, part of a product, or a person"	Pet. 14 (citing Ex. 1001, col. 3:46-56); <i>but see infra</i>
"Web page" (all)	"A document available on the World Wide Web"	Pet. 15 (citing Ex. 1001, col. 1:15-18; Ex. 1005 at 564 (defining "Web page"))
"hyperlink"	"A link on one document to	Pet. 15-16 (citing Ex. 1001,

(all)	retrieve another piece of that document or another document”	col. 1:15-19; 2:64-65; Ex. 1106 at 462 (defining “hyperlink”))
“meta-tag” (all)	“An HTML tag that provides information about a Web page without affecting how the page is displayed. . . .”	Pet. 16 (citing Ex. 1001, col. 3:8-13; Ex. 1005 at 336 (defining “metatag”))
“BLOB field” (2, 6, 10 14)	“A user input field for accepting Binary Large Objects, which comprises not only the traditional character, numeric, and memo fields but also pictures or other data that consumes a large amount of space”	Pet. 17 (citing Ex. 1001, col. 6:10-13; Ex. 1006 at 163 (defining “BLOB”))

AvMarkets “does not dispute” LinkedIn’s proposed constructions because “LinkedIn’s petition . . . must be denied even under [its] own constructions,” but indicates that such inaction “should [not] be interpreted as an agreement.” *See* Prelim. Resp. 11.

We have reviewed LinkedIn’s proposed claim interpretations and determine that the interpretations are consistent with the ordinary and customary meaning of the terms as understood by one of ordinary skill in the art, with the exception of the term “part number.” Accordingly, for purposes of this decision, we adopt the above interpretations with the exception of the term “part number,” which we construe more broadly. Specifically, the term “part number” merely means some handle for representing the part. Whether that handle comprises numbers, letters, symbols, or a combination thereof is not functionally significant. It is well understood that “part numbers,” for example, components of airplanes, can include any number of

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