

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

METAVANTE CORPORATION and
FIDELITY NATIONAL INFORMATION SERVICES, INC.
Petitioner

v.

CHECKFREE CORPORATION
Patent Owner

Case CBM2013-00032
Patent 7,792,749

Before BRIAN J. McNAMARA, BARRY L. GROSSMAN, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

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

BACKGROUND

Pursuant to 35 U.S.C. § 321 and section of 18 of the Leahy-Smith America Invents Act, Pub. L. 112-29, 125 Stat. 284, 329 (2011) (“AIA”), Metavante Corporation and Fidelity National Information Services, Inc. (collectively, Petitioner) request that the Patent Trial and Appeal Board initiate a covered business method patent review to review claims 1-60 (the challenged claims) of U.S. Patent 7,792,749 B2 (the ‘749 Patent). Checkfree Corporation (Patent Owner) filed a Patent Owner’s Preliminary Response on September 30, 2013. Paper No. 11. We have jurisdiction under 35 U.S.C. § 324. The standard for instituting a covered business method patent review is the same as that for a post-grant review. AIA § 18(a)(1). The standard for instituting post-grant 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 [35 U.S.C. §] 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.

Petitioner contends that, pursuant to 37 C.F.R. §§ 42.301 and 42.304(a), the ‘749 Patent meets the definition of a covered business method patent and does not qualify as a technological invention. Pet. 2-7. Petitioner further contends that claims 1-60 fail to comply with the patentable subject matter requirements of 35 U.S.C. § 101. Pet. 7-21. Petitioner does not propose any other challenges to the claims of the ‘749 Patent in this proceeding.

We institute covered business method patent review on Petitioner’s challenge to claims 1-60 of the ‘749 Patent as unpatentable under 35 U.S.C. § 101.

PENDING LITIGATION

A person may not file a petition under the transitional program for covered business method patents unless the person or the person's real party in interest or privy has been sued for infringement or has been charged with infringement under that patent. AIA §18 (a)(1)(B). Petitioner represents that it has been sued for infringing the '749 Patent in *CheckFree Corporation v. Metavante Corp.*, No. 3:12-cv-00015 (M.D. Fla.). Pet. 1.

THE '749 PATENT (EXHIBIT 1001)

The system and method of processing bill payment information described in the '749 Patent includes a bill presentment and payment network in which a large number of payee and payer user stations communicate over the Internet (or other network) with a central clearinghouse station. Ex. 1001, col. 3, ll. 59-60; col. 4, ll. 5-8; col. 9, ll. 4-35. Each of the user stations can communicate with the central clearinghouse station, although only certain users are registered to present or pay bills electronically via the network. *Id.* at col. 9, ll. 31-35. The central clearinghouse generates and directs the storage of billing information in association with registered and unregistered user identifiers, as may be desired by a registered user. *Id.* at col. 11, ll. 52-56. If a payee's bills are payable electronically, a processor directs notice of that capability be transmitted to the payer, either through electronic media or by mail. *Id.* at col. 4, ll. 36-46. A database associated with the central clearinghouse stores information, i.e., a payee-pick-list, identifying the payees whom a registered user payer intends to pay electronically. *Id.* at col. 4, ll. 47-50; col. 16, ll. 49-67. Each of the payee-pick lists, which can include payees who are registered users and unregistered users, is

associated with a different payer and can include payee identification and related account information. *Id.* at col. 16, ll. 65-67; col. 4, ll. 58-62.

ILLUSTRATIVE CLAIM

1. A method comprising:
 - executing computer-implemented instructions performed by one or more processors for:
 - receiving, by a bill presentment and payment central clearinghouse, a request that is not associated with electronic bill presentment, the request comprising information identifying a payee of a payor, and the request comprising one of (i) a payment request or (ii) a request to add the payee to a pick list associated with the payor, wherein the payor has not previously activated electronic bill presentment from the payee through the clearinghouse;
 - accessing, from at least one database by the clearinghouse utilizing at least a portion of the received information identifying the payee, stored billing information;
 - identifying, by the clearinghouse from the accessed billing information, a bill presentment information associated with the payee;
 - generating, by the clearinghouse, a notification of the identified bill presentment information associated with the payee; and
 - transmitting, by the clearinghouse to the payor, the generated notification.

BASIS OF PETITION

Petitioner challenges the patentability of claims 1-60 as failing to recite patentable subject matter under 35 U.S.C. § 101. The Petition does not assert any other challenges to the patentability of the claims of the '749 Patent.

CLAIM CONSTRUCTION

In a covered business method patent review, a claim is given its broadest reasonable interpretation in light of the specification. 37 C.F.R. § 42.300(b).

Petitioner does not propose any specific construction for any of the terms used in the claims of the '749 Patent. Pet. 7-8.

Patent Owner argues that a “bill presentment and payment central clearinghouse” in claim 1 is a specialized computer system, i.e., one that enables customers to both receive and pay bills electronically through the use of specially programmed computers that can receive, process, and respond to data transmitted in specific formats via specialized networks in an electronic bill presentment and payment (EBPP) system. Prelim. Resp. 10. Claim 1 does not recite such limitations on the clearinghouse. Although the claims are interpreted in light of the specification, limitations from the specification should not be read into the claims. *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993). It is improper to read a limitation from a specification into a claim, and a claim is not limited to any embodiment disclosed in the specification, absent a demonstrated clear intention to limit the claim scope. *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 904-908 (Fed. Cir. 2004). Applying the broadest reasonable interpretation to the claims under consideration, there is no indication that the claim scope is limited in the manner argued by Patent Owner. Claim 1 recites that a computer executes instructions performed by one or more processors. Those instructions direct the clearinghouse to carry out the steps specifically recited in claim 1 set forth above. There is no need for further construction of the bill presentment and payment central clearinghouse, because claim 1 adequately defines it in terms of the functions the clearinghouse performs.

Patent Owner contends that the '749 Patent defines “billing information” as a data construct within an EBPP system. *Id.* at 12. As Patent Owner recognizes in the context of claim 1, however, stored billing information identifies bill presentment information associated with a payee. *Id.* at 13. Claim 1 does not limit the billing information to a data construct, or to data that is obtained in any

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