

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERTHINX, INC.
Petitioner

v.

CORELOGIC SOLUTIONS, LLC
Patent Owner

Case CBM2012-00007
Patent 5,631,201

Before, MICHAEL P. TIERNEY, JONI Y. CHANG and
BRIAN J. McNAMARA, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

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

BACKGROUND

Pursuant to 35 U.S. C. § 321 and § 18 of the America Invents Act (AIA), Interthinx (Petitioner) requests that the Patent Trial and Appeal Board initiate a Transitional Post-Grant Review Proceeding for a Covered Business Method Patent to review of claims 1, 5, 6, 9 and 10 (the challenged claims) of U.S. Patent 5,631,201 (the '201 Patent). We have jurisdiction under 35 U.S.C. §§ 6(b)(4) and 324. The standard for instituting a Transitional Covered Business Method Proceeding is the same as that for a Post-Grant Review. (§ 18(a)(1) of the AIA). 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.

We conclude that Petitioner has satisfied this threshold.

Petitioner contends that pursuant to 37 CFR §§ 42.301 and 42.304(a) the '201 Patent meets the definition of a covered business method patent and does not qualify as a technological invention. (Pet. 5-7). Petitioner further contends that claims 1, 5, 6, 9 and 10 all fail to comply with the patentable subject matter requirements of 35 U.S.C. § 101 (Pet. 13-20) and that the challenged claims are

invalid under 35 U.S.C. §§ 102 - 103 for the following reasons outlined in the
Petition (Pet. 20-80):

1. Claims 1, 5, 9, and 10 should be cancelled under 35 U.S.C. § 102(a) for anticipation by Tay et al., “Artificial Intelligence and the Mass Appraisal of Residential Apartments,” 10 Journal of Property Valuation and Investment (Issue 2 of 4) 525-540 (1991-1992) (Interthinx Exhibit 1007, “Tay”).
2. Claim 6, and, to the extent that they are not cancelled for anticipation by Tay, claims 5, 9, and 10 should be cancelled under 35 U.S.C. § 103 as obvious in view of Tay.
3. Claims 1, 5, 6, 9, and 10 should be cancelled under 35 U.S.C. § 102(a) as anticipated by Lu et al., “Neurocomputing Approach to Residential Property Valuation,” 4 Journal of Microcomputer Systems Management 21-30 (Spring 1992) (Interthinx Exhibit 1008, “Lu”).
4. To the extent that they are not cancelled for anticipation by Lu, Claims 5, 6, 9 and 10 should be cancelled under 35 U.S.C. § 103(a) as obvious in view of Lu.
5. Claims 1, 5, 9, and 10 should be cancelled under 35 U.S.C. § 102(b) as anticipated by Boyle, “An Expert System for Valuation of Residential Properties,” 2 Journal of Property Valuation and Investment 271 – 286 (1984) (“Boyle”) (Interthinx Exhibit 1009, “Boyle”).
6. Claim 6, and, to the extent that they are not cancelled for anticipation by Boyle, claims 5, 9, and 10 should be cancelled under 35 U.S.C. § 103(a) as obvious in view of Boyle.
7. Claims 1, 5, 9, and 10 should be cancelled under 35 U.S.C. § 102(b) as anticipated by Jensen, “Artificial Intelligence in Computer-Assisted Mass Appraisal,” 9 Property Tax Journal 5-24 (1990) (Interthinx Exhibit 1010, “Jensen-2”).

8. Claim 6, and, to the extent that they are not cancelled for anticipation by Jensen-2, claims 5, 9, and 10 should be cancelled under 35 U.S.C. § 103(a) as obvious in view of Jensen-2 alone.
9. Claims 1, 5, 9, and 10 should be cancelled under 35 U.S.C. § 102(b) for anticipation by Carbone et al., “A Feedback Model for Automated Real Estate Assessment,” 24 Management Science 241-248 (1977) (Interthinx Exhibit 1011, “Carbone”).
10. Claim 6, and, to the extent that they are not cancelled for anticipation by Carbone, claims 5, 9, and 10 should be cancelled under 35 U.S.C. § 103(a) as obvious in view of Carbone.
11. Claims 1, 5, 9, and 10 should be cancelled under 35 U.S.C. § 102(a) as anticipated by Des Rosiers et al., “Integrating Geographic Information Systems to Hedonic Price Modeling: An application to the Quebec Region,” 11 Property Tax Journal 29-58 (March 1992) (Interthinx Exhibit 1012, “Des Rosiers”).
12. Claim 6, and, to the extent that they are not cancelled for anticipation by Des Rosiers, claims 5, 9, and 10 should be cancelled under 35 U.S.C. § 103(a) as obvious in view of Des Rosiers.
13. Claims 1, 5, 9, and 10 should be cancelled under 35 U.S.C. § 102(b) as anticipated by Eckert et al., “Property Appraisal and Assessment Administration,” The International Association of Assessing Officers (June 1990) (Interthinx Exhibit 1013, “Eckert”).
14. Claim 6, and, to the extent that they are not cancelled for anticipation by Eckert, claims 5, 9, and 10 should be cancelled under 35 U.S.C. § 103(a) as obvious in view of Eckert.
15. Claims 1, 5, 6, 9, and 10 should be cancelled under 35 U.S.C. § 102(b) as anticipated by Jensen, “Alternative Modeling Techniques in Computer-Assisted Mass Appraisal,” 6 Property Tax Journal 193-237 (1987) (Interthinx Exhibit 1014, “Jensen- 1”).

16. To the extent that they are not cancelled for anticipation by Jensen-1, claims 5, 6, 9, and 10 should be cancelled under 35 U.S.C. § 103(a) as obvious in view of Jensen-1.

CoreLogic Solutions, LLC (the Patent Owner) was previously known as Corelogic Information Solutions, Inc. (Pet. 2; Ex. 2007, p. 16). Generally, the Preliminary Response of the Patent Owner (Response), timely filed on January 2, 2013, contends that the '201 Patent is not a covered business method patent, is not invalid under 35 U.S.C. § 101, that Petitioner has applied the wrong claim construction standard because the '201 patent expired on October 29, 2012, and that the assertions in the Petition For Post-Grant Review under 35 U.S.C. §§ 321 and 18 of the AIA (the Petition) are not supported by evidence. (Response 1-2).

PENDING LITIGATION

A person may not file a petition for a 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. (§18 (a)(1)(B) of the AIA). The '201 Patent is the subject of a jury verdict rendered on September 28, 2012 and a judgment entered in *CoreLogic Information Solutions, Inc. v. Fiserv, Inc. et al*, No. 2:10-CV-132-RSP (E.D. Tex. Oct. 2, 2012). Among other things, the District Court entered judgment in favor of

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.