

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MONSTER WORLDWIDE, INC., INDEED, INC., and
THELADDERS.COM, INC.,
Petitioner,

v.

CAREER DESTINATION DEVELOPMENT, LLC,
Patent Owner.

Case CBM2014–00070
Patent No. 8,374,901 B2

Before SALLY C. MEDLEY, MEREDITH C. PETRAVICK, and
JUSTIN BUSCH, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

DECISION

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

I. INTRODUCTION

A. Background

Indeed, Inc., Monster Worldwide, Inc., and theLadders.com, Inc.
(collectively “Petitioner”) filed a Petition (Paper 1, “Pet.”) on February 12,
2014 that requests review under the transitional program for covered

business method patents of U.S. Patent No. 8,374,901 B2 (Ex. 1001, “the ’901 patent”). Career Destination Development, LLC (“Patent Owner”) did not file a preliminary response. We have jurisdiction under 35 U.S.C. § 324, which provides that a post-grant review may not be instituted “unless . . . the information presented in the petition . . . would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.”

Petitioner challenges the patentability of claims 1–33 (“the challenged claims”) of the ’901 patent under 35 U.S.C. §§ 112, 102, and 103. We determine that the Petition demonstrates that it is more likely than not that the challenged claims 1 and 12–33 are unpatentable. Pursuant to 35 U.S.C. § 324, we institute a covered business method patent review of claims 1 and 12–33 of the ’901 patent.

B. Related Matters

Petitioner and Patent Owner identify three related U.S. District Court cases, each filed in the District of Kansas: *Career Destination Dev., LLC v. Monster Worldwide, Inc.*, No. 2:13-cv-02434 KHV/KGG (D. Kan.); *Career Destination Dev., LLC v. Indeed, Inc.*, No. 2:13-cv-02486 JWL/JPO (D. Kan.); and *Career Destination Dev., LLC v. theLadders.com, Inc.*, No. 2:13-cv-02522 JWL/KGS (D. Kan.). Pet. 1–2; Paper 7, 2.

CBM2014-00070
Patent 8,374,901 B2

Further, Petitioner and Patent Owner state that the '901 patent is the subject of another covered business method patent review, CBM2014-00069. Pet. 1; Paper 7, 2. In addition, Petitioner states that related U.S. Patent No. 7,424,438¹ is the subject of CBM2014-00077 and CBM2014-00068. Pet. 2.

C. The '901 Patent (Ex. 1001)

The '901 patent is titled “Career and Employment Services System and Apparatus,” and issued February 12, 2013 from Application No. 12/846,635 filed July 29, 2010. Ex. 1001, 1. Application No. 12/846,635 is a divisional of Application No. 10/101,644, filed March 19, 2002. *Id.*

The '901 patent discloses a system that matches talent (i.e., employment candidates) with employers based upon information provided by each. *See id.* at col. 5, l. 59 – col. 6, l. 2. Figure 10 is reproduced below.

¹ The '901 patent resulted from a divisional of the application that resulted in U.S. Patent No. 7,424,438. Ex. 1001, 1.

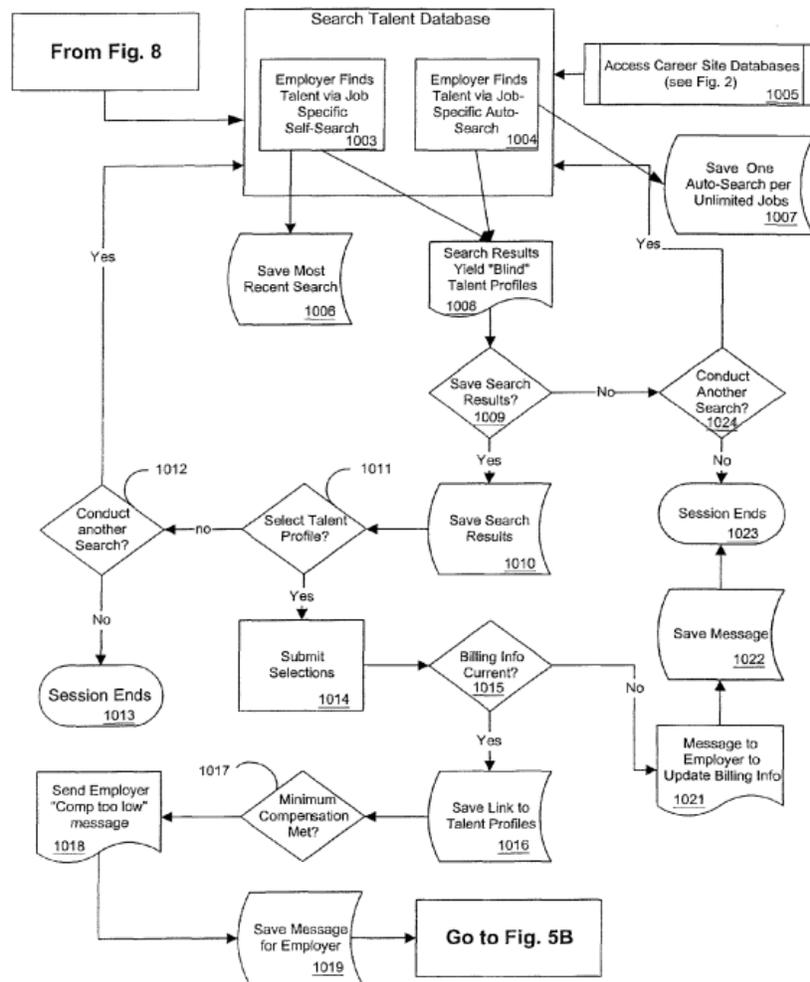


Fig. 10

Figure 10 depicts a flow diagram illustrating an employer-initiated search for talent. *Id.* at col. 7, ll. 14–18. The flow diagram begins with stage 1003 or stage 1004, where the employer performs a self-search or an automatic search of the talent profiles for a specific job. *Id.* at col. 39, ll. 33–42. The employer searches by specifying “a geographic point of reference and at least one of several non-geographic search parameters, such as industry, occupation, license, language, etc.” *Id.* at col. 39, ll. 43–46. The system returns to the employer “blind” talent profiles that satisfy the employer-provided search parameters. *Id.* at col. 43, ll. 37–44, Fig. 10, stage 1008.

“Blind” talent profiles do not include talent contact or confidential information. Ex. 1001, col. 41, l. 67–col. 42, l. 1; col. 22, ll. 38–52. The employer then selects one or more talent profiles, from the resulting talent profiles, for further employment inquires. *Id.* at col. 43, ll. 48–50; Fig. 10, stage 1011. The system then determines whether a maximum compensation the employer is willing to pay is greater than the minimum compensation the talent is willing to accept. *Id.* at col. 44, ll. 7–10; Fig. 10, stage 1017. If maximum compensation and minimum compensation match, the talent is contacted to disclose contact information and to provide further information and, subsequently, that information is then provided to the employer for a fee. *See id.* at col. 44, ll. 27–29; col. 47, ll. 6–11; Fig. 10, stage 1018; Fig. 5B. Similar to the above described employer initiated search for talent, talent can perform talent initiated searches of employer provided job descriptions. *See id.* at Fig. 4.

Claims 1, 12, and 23 of the '901 patent are illustrative of the challenged claims and are reproduced below:

1. A method of searching a plurality of candidate profiles having respective candidate attributes and threshold requirements by a computer system having at least one computer comprising at least one processor and storage medium within a computer network, said method comprising:

storing candidate attributes received from a candidate in a structured format on said at least one storage medium in communication with said at least one computer;

receiving by said at least one computer from a prospective employer at least one threshold requirement selected from said candidate profiles;

identifying at least one candidate profile by said computer system based on at least one search parameter received from said prospective employer;

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