

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SALESFORCE.COM, INC.,
Petitioner,

v.

APPLICATIONS IN INTERNET TIME LLC,
Patent Owner.

Case CBM2014-00168
Patent 7,356,482 B2

Before LYNNE E. PETTIGREW, MITCHELL G. WEATHERLY, and
JENNIFER M. MEYER, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

DECISION

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

I. INTRODUCTION

Petitioner, Salesforce.com, Inc., filed a Petition requesting covered business method (“CBM”) patent review of claims 1–59 of U.S. Patent No. 7,356,482 B2 (Ex. 1001, “the ’482 patent”), pursuant to 35 U.S.C. § 321 and

section 18 of the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284, 329 (2011) (“AIA”) (stating that transitional proceedings for covered business method patent review under section 18 of the AIA shall employ the standards and procedures for post-grant reviews under chapter 32 of title 35, United States Code). Paper 2 (“Pet.”). Patent Owner, *Applications in Internet Time LLC*, filed a Preliminary Response. Paper 9 (“Prelim. Resp.”).

A transitional proceeding under section 18 of the AIA may be instituted only for a patent that is a covered business method patent. AIA § 18(a)(1)(E). Upon consideration of the Petition and the Preliminary Response, we conclude Petitioner has not established that the ’482 patent is a “covered business method patent” pursuant to the statutory definition in section 18(d)(1) of the AIA. Therefore, we deny the Petition.

A. Related Matters

The parties indicate that Patent Owner is asserting the ’482 patent against Petitioner in *Applications in Internet Time LLC v. Salesforce.com, Inc.*, No. 3:13-CV-00628-RCJ-VPC (D. Nev.) (filed Nov. 8, 2013). Pet. 7; Paper 8, 2 (Patent Owner’s Mandatory Notice).

B. The ’482 Patent

According to its Abstract, the ’482 patent is directed to an “integrated system for managing changes in regulatory and non-regulatory requirements for business activities at an industrial or commercial facility.” Ex. 1001, Abstract. The integrated system described in the ’482 patent manages data that is constantly changing by (1) “provid[ing] one or more databases that contain information on operations and requirements concerning an activity or area of business,” (2) “monitor[ing] and evaluat[ing] the relevance of

information on regulatory and non-regulatory changes that affect operations of the business and/or information management requirements,”

(3) “convert[ing] the relevant changes into changes in work/task lists, data entry forms, reports, data processing, analysis and presentation . . . of data processing and analysis results to selected recipients, without requiring the services of one or more programmers to re-program and/or recode the software items affected by the change,” and (4) “implement[ing] receipt of change information and dissemination of data processing and analysis results using the facilities of a network, such as the Internet.” *Id.* at 8:30–46, 8:66–67.

Figure 1 of the '482 patent is reproduced below:

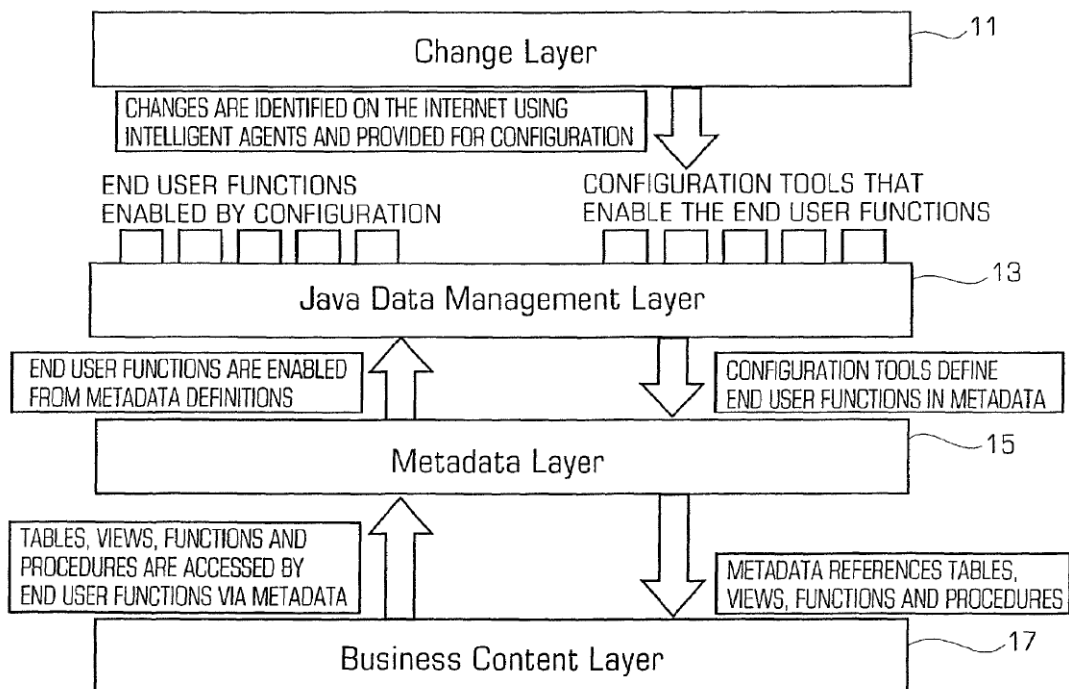


FIG. 1

As shown in Figure 1, the integrated system operates at four layers: (1) a change management layer that identifies on the Internet regulatory and non-regulatory changes that may affect a user’s business, (2) a Java data

management layer that generates a user interface, (3) a metadata layer that provides data about the user interface including “tools, worklists, data entry forms, reports, documents, processes, formulas, images, tables, views, columns, and other structures and functions,” and (4) a business content layer that is specific to the particular business operations of interest to the user. *Id.* at 9:33–48.

C. Illustrative Claim

Claims 1, 21, and 41 of the '482 patent are independent. Claim 1 is illustrative of the claimed subject matter:

1. A system for providing a dynamically generated application having one or more functions and one or more user interface elements; comprising:

a server computer;

one or more client computers connected to the server computer over a computer network;

a first layer associated with the server computer containing information about the unique aspects of a particular application;

a second layer associated with the server computer containing information about the user interface and functions common to a variety of applications, a particular application being generated based on the data in both the first and second layers;

a third layer associated with the server computer that retrieves the data in the first and second layers in order to generate the functionality and user interface elements of the application; and

a change management layer for automatically detecting changes that affect an application,

each client computer further comprising a browser application being executed by each client computer, wherein a user interface and functionality for the particular application is

distributed to the browser application and dynamically generated when the client computer connects to the server computer.

Ex. 1001, 32:9–34.

D. Asserted Grounds of Unpatentability

Petitioner contends that all claims of the '482 patent (claims 1–59) are unpatentable under 35 U.S.C. § 112, second paragraph. Pet. 25–32.

Petitioner also contends that claims 1, 3, 5, 6, 10, 20, 21, 23–26, 30, 40, 41, 43, 45, 46, and 49 are unpatentable based on the following grounds (*see* Pet. 24–25):

Reference(s)	Basis
Peters ¹	35 U.S.C. § 102
Gordon ²	35 U.S.C. § 102
Haverstock ³	35 U.S.C. § 102
Bederson/Pad++ ⁴	35 U.S.C. § 102
Peters in view of Gordon, Haverstock, and/or Bederson/Pad++	35 U.S.C. § 103
Gordon in view of Peters, Haverstock, and/or Bederson/Pad++	35 U.S.C. § 103

¹ Kathleen A. Peters, THE DESIGN OF A CHANGE NOTIFICATION SERVER FOR CLIENTS OF A PASSIVE OBJECT-ORIENTED DATABASE MANAGEMENT SYSTEM (Simon Fraser University 1992) (Ex. 1003, “Peters”).

² U.S. Patent No. 6,243,717 B1, issued June 5, 2001 (Ex. 1004, “Gordon”).

³ U.S. Patent No. 6,064,977, issued May 16, 2000 (Ex. 1005, “Haverstock”).

⁴ For grounds based on the “Bederson/Pad++” reference, Petitioner cites two publications: Benjamin B. Bederson et al., *Pad++: A Zoomable Graphical Sketchpad for Exploring Alternate Interface Physics*, 7 J. VISUAL LANGUAGES & COMPUTING (1996) (Ex. 1006, “Bederson I”), and Benjamin B. Bederson et al., *A Zooming Web Browser*, in *Proceedings of SPIE Conference on Multimedia Computing and Networking* (1996) (Ex. 1007, “Bederson II”).

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