

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIBRANT MEDIA, INCORPORATED,
Petitioner,

v.

GENERAL ELECTRIC COMPANY,
Patent Owner.

Case IPR2013-00172
Patent 6,092,074

Before JONI Y. CHANG, JAMES B. ARPIN,
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

Opinion for the Board filed by *Administrative Patent Judge Chang*.

Opinion Dissenting-in-Part filed by *Administrative Patent Judge Weatherly*.

CHANG, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

Vibrant Media Corporation (“Vibrant Media”) filed a Petition on February 27, 2013, requesting an *inter partes* review of claim 1–12 of Patent No. US 6,092,074 (Ex. 1001; “the ’074 patent”). Paper 1 (“Pet.”). General Electric Company (“GE”) did not file a Patent Owner Preliminary Response. We determined that the information presented in the Petition demonstrated that there was a reasonable likelihood that Vibrant Media would prevail with respect to claims 1–12. Pursuant to 35 U.S.C. § 314, we instituted this trial as to those claims. Paper 8 (“Dec.”).

After institution, GE filed a Patent Owner Response (Paper 19, “PO Resp.”), but elected not to file a Motion to Amend Claims. In response, Vibrant Media filed a Reply to the Patent Owner Response (Paper 25, “Pet. Reply”). Oral hearing was held on February 24, 2014.¹

We have jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a). We conclude that claims 1–12 of the ’074 patent are unpatentable under 35 U.S.C. § 103(a).

A. *Related Proceeding*

Vibrant Media indicates that the ’074 patent is the subject of litigation titled *General Electric Co. v. Vibrant Media, Inc.*, No. 1:12-cv-00526-UNA (D. Del.). Pet. 1. Vibrant Media also filed another Petition in IPR2013-

¹This proceeding and IPR2013-00170 involve the same parties and similar issues. The oral arguments for both *inter partes* reviews were merged and conducted at the same time. A transcript of the oral hearing is included in the record as Paper 49.

00170, seeking *inter partes* review of Patent No. US 6,581,065 B1, which is a continuation of the '074 patent.

B. The '074 patent

The '074 patent relates to a computer system for providing hypertext anchor codes and destination addresses for a user-readable text file.

Ex. 1001, 1:7–9. At the time of the invention, hypertext was a common method of linking related computer files or pages. *Id.* at 1:19–23.

According to the '074 patent, it would be desirable to provide a system that automatically enters hypertext links into a computer file, such as a news article or other sequence of user-readable character strings. *Id.* at 3:35–38.

C. Illustrative Claim

Of the challenged claims, claims 1, 3, 6, 7, 9, and 12 are independent claims. Claim 7, reproduced below, is illustrative:

7. A method for providing hypertext links for a plurality of character strings including a first character string, said method comprising the steps of:

providing an annotation database associated with a primary computer which comprises a plurality of linkable character strings;

providing a destination database associated with said primary computer which comprises a plurality of destination addresses;

determining a matching linkable character string for said first character string, if present, in said annotation database;

wherein said matching linkable character string is associated with at least one of said destination addresses;

wherein said annotation database further comprises a plurality of class codes which are associated with said plurality

of linkable character strings;
the matching linkable character string has a plurality of class codes associated therewith; and
said destination database comprises a plurality of destination addresses corresponding to said plurality of class codes of the matching linkable character string;
said method comprising the further steps of:
querying said destination database to obtain the plurality of destination addresses corresponding to the associated plurality of class codes; and
providing a plurality of anchor codes which relate said matching linkable character string to said corresponding plurality of destination addresses to provide a corresponding plurality of hypertext links for said first character string.

D. Prior Art Relied Upon

Vibrant Media relies upon the following prior art references:

van Hoff	US 5,822,539	Oct. 13, 1998	(Ex. 1004)
Anthony	US 5,815,830	Sep. 29, 1998	(Ex. 1005)
Kleinberg	US 6,112,202	Aug. 29, 2000	(Ex. 1006)
Borden	US 5,495,606	Feb. 27, 1996	(Ex. 1007)
Logue	US 5,935,207	Aug. 10, 1999	(Ex. 1008)

E. Grounds of Unpatentability

We instituted the instant trial based on the following grounds of unpatentability:

Claim	Basis	References
1-5, 7-11	§ 103(a)	van Hoff and Anthony
6, 12	§ 103(a)	van Hoff, Anthony, Kleinberg, and Borden
9	§ 103(a)	van Hoff, Anthony, and Logue

II. ANALYSIS

A. Claim Construction

Consistent with the statutory language and legislative history of the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), we interpret claims using the broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b); *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012). This is true even if a district court has construed the patent claims. *See* Changes to Implement *Inter Partes* Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents, Final Rules, 77 Fed. Reg. 48,680, 48,697 (Aug. 14, 2012) (citing *In re NTP, Inc.*, 654 F.3d 1269, 1274 (Fed. Cir. 2011)); *see also* *SAP America, Inc. v. Versata Development Group, Inc.*, CBM2012-00001, slip op. 7–19 (PTAB June 11, 2013) (Paper 70).

Under the broadest reasonable construction standard, claim terms are presumed to have their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech. Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). An inventor may rebut that presumption by providing a definition of the term in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). In the absence of such a definition, limitations are not to be read from the specification into the claims. *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993).

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