Trials@uspto.gov
571-272-7822

Paper 50
Entered: July 28, 2014

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

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

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-

[1]This 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.

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

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

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

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

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

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).

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.

WHAT WILL YOU BUILD? | sales@docketalarm.com | 1-866-77-FASTCASE

fastcase®
Smarter legal research.