

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DOMINO'S PIZZA, LLC, HILTON RESORTS CORPORATION,  
HILTON WORLDWIDE, INC., HILTON INTERNATIONAL CO., MOBO  
SYSTEMS, INC., PIZZA HUT OF AMERICA, INC., PIZZA HUT, INC.,  
and USABLENET, INC.,  
Petitioner,

v.

AMERANTH, INC.,  
Patent Owner.

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Case CBM2015-00082<sup>1</sup>  
Patent No. 6,871,325 B1

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Before MEREDITH C. PETRAVICK, RICHARD E. RICE, and  
STACEY G. WHITE, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
Covered Business Method Patent Review  
35 U.S.C. § 328(a) and 37 C.F.R. § 42.73

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<sup>1</sup> CBM2015-00097 has been consolidated with this proceeding.

## I. INTRODUCTION

A number of entities including Apple, Inc. (“collectively, Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting review under the transitional program for covered business method patents of claims 11–15 (“the challenged claims”) of U.S. Patent No. 6,871,325 B1 (Ex. 1003, “the ’325 patent”). On September 1, 2015, pursuant to 35 U.S.C. § 324, we instituted this trial as to claims 11, 13, and 15<sup>1</sup> on one ground of unpatentability — claims 11, 13, and 15 being unpatentable under 35 U.S.C. § 103 over DeLorme<sup>2</sup>. Paper 13, 30 (“Dec. to Inst.”). We did not institute as to any of the other grounds proposed in the Petition. *Id.*

Ameranth, Inc. (“Patent Owner”) filed a Corrected Patent Owner’s Response (Paper 22, “PO Resp.”) and Petitioner filed a Reply (Paper 26, “Pet. Reply”). Patent Owner filed a Sur-Reply. Paper 32, (“PO Sur-Reply”).

An oral hearing in this proceeding was held on May 10, 2016. A transcript of the hearing is included in the record. Paper 43 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 328(a) and 37 C.F.R. § 42.73.

For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 11, 13, and 15 of the ’325 patent are unpatentable.

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<sup>1</sup> The Institution Decision mistakenly included claim 12 in the instituted ground. *See* Paper 25, 3. Claim 12 was not challenged in the ground based upon DeLorme.

<sup>2</sup> U.S. Patent No. 5,948,040 (issued Sept. 7, 1999) (Ex. 1024).

*A. The '325 Patent*

The '325 patent is titled “Information Management and Synchronous Communications System with Menu Generation” and issued on March 22, 2005, based on Application No. 10/015,729, filed, on November 1, 2001. Ex. 1003, (54), (45), (21), (22). Application No. 10/015,729 claims priority to Application No. 09/400,413, which matured into U.S. Patent No. 6,384,850. There are two aspects to the system: menu generation and synchronous communication. *See, e.g., id.* at col. 3, ll. 20–28. The first aspect includes a “desktop software application that enables the rapid creation and building of a menu.” *Id.* at col. 3, ll. 20–22. Claims 1–10, which are not challenged in this proceeding, are directed to this first aspect.

Claims 11–15, some of which are challenged in this proceeding, are directed to the second aspect of the system, synchronous communication. *See id.* at col. 2, ll. 61–67, col. 3, ll. 1–5, col. 11, ll. 3–8. The '325 patent discloses a synchronous communication system, which includes a computer workstation, a central database, multiple wireless handheld devices, a web server, and a web page. *Id.* at col. 3, l. 64–col. 4, l. 1, col. 6, l. 24. A communications control module provides a single point of entry for all hospitality applications, on the central database, wireless handheld devices, web server and web pages, to communicate with one another. *Id.* at col. 9, ll. 35–41, col. 11, ll. 37–43.

This communications module is a layer that sits on top of any communication protocol and acts as an interface between hospitality applications and the communication protocol. . . . The single point of entry works to keep all wireless handheld devices and linked [w]eb sites in synch with the backoffice server (central database) so that the different components are in equilibrium at any given time and an overall consistency is achieved.

*Id.* at col. 11, ll. 40–49.

For example, a reservation made online would be automatically communicated to the backoffice server and then synchronized with all the wireless handheld devices wirelessly. Similarly, changes made on any of the wireless handheld devices would be reflected instantaneously on the backoffice server, [w]eb pages and the other handheld devices.

*Id.* at col. 2, ll. 31–37.

Third parties, such as point-of-sale companies, affinity program companies, and internet content providers, can integrate fully with the system through an application program interface. *Id.* at col. 2, ll. 16–20; col. 11, ll. 28–32.

### *B. Illustrative Claim*

Claims 11 and 13 are independent. Claim 15 depends from claims 11, 12, and 13. Claim 11 of the '325 patent is illustrative of the claims at issue. Claim 11 reads as follows:

- 11.** An information management and synchronous communications system for use with wireless handheld computing devices and the internet comprising:
  - a. a central database containing hospitality applications and data,
  - b. at least one wireless handheld computing device on which hospitality applications and data are stored,
  - c. at least one [w]eb server on which hospitality applications and data are stored,
  - d. at least one [w]eb page on which hospitality application and data are stored,
  - e. an application program interface, and
  - f. a communications control module,

wherein application and data are synchronized between the central [database], at least one wireless handheld computing device, at least one [w]eb server and at least one [w]eb page, wherein the application program interface enables integration of outside applications with the hospitality applications and wherein the communications control module is an interface between the hospitality applications and any other communications protocol, wherein the synchronized data relates to orders.

Independent claim 13 is substantially the same as claim 11, except that the last limitation “wherein the synchronized data relates to reservations.”

### *C. Related Proceedings*

Both Petitioner and Patent Owner identify numerous related ongoing district court proceedings. Pet. 2–4; Paper 7, 5–6. The ’325 patent is related to U.S. Patent No. 6,384,850 B1 (“the ’850 patent”), U.S. Patent No. 6,982,733 B1, and U.S. Patent No. 8,146,077 B2. These patents were or are the subject of the following covered business method patent reviews:

U.S. Patent No.	Previous CBM Reviews	Pending CBM Reviews
6,384,850 B1	CBM2014-00015	CBM2015-00080 CBM2015-00091 CBM2015-00096
6,871,325 B1	CBM2014-00016	CBM2015-00097 CBM2015-00099
6,982,733 B1	CBM2014-00013	
8,146,077 B2	CBM2014-00014 CBM2015-00081 CBM2015-00095	

In case CBM2014-00016, a Final Written Decision, determining claims 1–10 to be unpatentable, was issued on March 20, 2015 and is on appeal to the U.S. Court of Appeals for the Federal Circuit.

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