

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC., EVENTBRITE INC.,  
STARWOOD HOTELS & RESORTS  
WORLDWIDE, INC.,  
Petitioner,

v.

AMERANTH, INC.,  
Patent Owner.

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Case CBM2015-00082  
Patent 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*.

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

## I. INTRODUCTION

### *A. Background*

On February 19, 2015, Apple Incorporated, Eventbrite Incorporated, and Starwood Hotels & Resorts Worldwide, Incorporated (“collectively, Petitioner”) filed a Petition requesting a review under the transitional program for covered business method patents of U.S. Patent No. 6,871,325 B1 (Ex. 1003, “the ’325 patent”). Paper 1 (“Pet.”). Ameranth, Incorporated (“Patent Owner”) filed a Preliminary Response on June 4, 2015. Paper 9 (“Prelim. Resp.”).

We have jurisdiction under 35 U.S.C. § 324, which provides that a post-grant review may not be instituted “unless . . . it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.” 35 U.S.C. § 324(a).<sup>1</sup>

Petitioner challenges the patentability of claims 11–13 and 15 of the ’325 patent under 35 U.S.C. § 103. Our factual findings and conclusions at this stage of the proceeding are based on the evidentiary record developed thus far (prior to Patent Owner’s Response). This is not a final decision as to the patentability of any of the claims for which a covered business method patent review is instituted. Our final decision will be based on the record as fully developed during trial. For the reasons given below, we conclude that the information presented in the Petition establishes that at least one of the challenged claims is more likely than not unpatentable. Thus, we institute a covered business method patent review of claims 11–13 and 15 of the ’325 patent.

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<sup>1</sup> See § 18(a) of the Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 329 (2011).

*B. Related Matters*

Both Petitioner and Patent Owner identify numerous related ongoing district court proceedings in the Petition. Pet. 2–4; Paper 7, 5–6. The '325 patent is related to U.S. Patent No. 6,384,850 B1, 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	CBM2015-00091 CBM2015-00096
6,871,325 B1	CBM2014-00016	CBM2015-00082 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 currently on appeal.

*C. 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.

*D. Illustrative Claim*

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.

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