UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioner v.

AMERANTH, INC.,

Patent Owner

CASE CBM Unassigned

Patent No. 8,146,077

PETITION FOR COVERED BUSINESS METHOD REVIEW OF U.S. PATENT NO. 8,146,077

Mail Stop "PATENT BOARD"

Patent Trial & Appeal Board U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450



TABLE OF CONTENTS

				<u>Page</u>		
I.	INTF	RODU	CTION	1		
II.	COMPLIANCE WITH FORMAL REQUIREMENTS2					
	A.	Mandatory Notices Under 37 C.F.R. §§ 42.8(b)(1)-(4)				
		1.	Real Parties-In-Interest	2		
		2.	Related Matters	2		
		3.	Lead and Back-up Counsel	4		
		4.	Power of Attorney and Service Information	5		
	B.	Proof	f of Service on the Patent Owner	5		
	C.	Fee		6		
III.	GROUNDS FOR STANDING6					
	A.	The '	077 Patent Is a Covered Business Method Patent	6		
IV.	STA	ГЕМЕ	NT OF PRECISE RELIEF REQUESTED	9		
V.	IDEN	NTIFIC	CATION OF PATENTABILITY CHALLENGES	9		
VI.	LEV	EL OF	ORDINARY SKILL IN THE ART	10		
VII.	SUMMARY OF THE '077 PATENT					
	A.	Paten	nt Specification and Claims	10		
	B.	Over	view of the Prosecution History	12		
VIII.	CLAIM CONSTRUCTION					
	A.	Legal	l Standard	15		
	B.	truction of the Terms Used In the Challenged Claims	15			
		1.	"hospitality application information" (claim 13)	16		
		2.	"synchronized" (claims 1, 9 and 13)	16		
		3.	"cascaded sets"	16		
		4.	"graphical user interface screens" (Claims 1, 9, and 13)	16		
		5.	"unique to the wireless handheld computing device" (Claims 1, 9, and 13).	17		



		6.	"web	page" (Claim 13)	17		
		7.	"data	base" (claims 2, 3, 10, 12-15)	17		
		8.	"real	time" (claims 1, 9 and 13)	17		
		9.	The I	Preambles are Not Limiting	18		
IX.	STA	ГЕ ОБ	THE .	ART PRIOR TO THE '077 PATENT	18		
X.	WILI	L PRE	A REASONABLE LIKELIHOOD THAT PETITIONER VAIL ON AT LEAST ONE CLAIM OF THE '07721				
XI.				LANATION OF THE CHALLENGES			
711.	A.	Chall	lenge t	o Claims 1-18 As Indefinite Due to Lack of Basis For "the same connected system" Limitations			
	B.		_	o All Claims Based on the Micros 8700 Pub and	22		
		1.	Sumi	nary of Micros 8700 Pub	22		
		2.	Sum	nary of Digestor	24		
		3.	Chall	enge Based on the Micros 8700 Pub and Digestor	25		
	C.	Chall	lenge t	o Claims 13-18 Based on Blinn and Digestor	57		
		1.	Paten	nt Owner's Declarations Do Not Antedate Blinn	58		
			a.	Statement of the Relevant Law	58		
			b.	PO's Declarations Do Not Establish Conception	59		
			c.	PO's Declarations Do Not Establish Actual Reduction To Practice.	60		
			d.	Patent Owner's Declarations Do Not Establish Diligence	61		
		2.	Sumi	nary of Blinn	62		
		3.	Paten	tability Challenge Based on Blinn and Digestor	63		
XII.	THE	CHAL	LENC	GES ARE NOT REDUNDANT	79		
VIII	CON	CONCLUCION 90					



TABLE OF EXHIBITS

EXHIBIT	DESCRIPTION
1001	U.S. Patent No. 6,384,850 to McNally, et al.
1002	Turnbull Expert Declaration
1003	U.S. Patent No. 6,871,325 to McNally, et al.
1004	U.S. Patent No. 8,146,077 to McNally, et al.
1005	U.S. Patent No. 6,982,733 to McNally, et al.
1006	U.S. Patent Application Number 09/400,413 (the "'413 application") (850 app)
1007	U.S. Patent Application Number 10/015,729 (the "'729
	application") (325 app)
1008	U.S. Patent Application Number 11/112,990 (the "'990
	application") (077 Application)
1009	U.S. Patent Application Number 10/016,517 (the "'517
	application") (733 application)
1010	U.S. Patent No. 6,384,850 to McNally, et al. File History
1011	U.S. Patent No. 6,871,325 to McNally, et al. File History
1012	U.S. Patent No. 8,146,077 to McNally, et al. File History Excerpts
1013	CBM2014-00015 – CBM petition for U.S. Patent No. 6,384,850
1014	CBM2014-00016 – CBM petition for U.S. Patent No. 6,871,325
1015	CBM2014-00014 – CBM petition for U.S. Patent No. 8,146,077
1016	CBM2014-00013 – CBM petition for U.S. Patent No. 6,982,733



1017	CBM2014-00015 – Paper 20 – '850 Institution Grant
1018	CBM2014-00016 – Paper 19 – '325 Institution Grant
1019	CBM2014-00014 – Paper 19 – '077 Institution Denial
1020	CBM2014-00013 – Paper 23 – '733 Institution Grant
1021	Inkpen, Gary, Information Technology for Travel and Tourism
	(2d ed. 1998)
1022	Timothy Bickmore, Digestor: Device Independent Access to the
	World Wide Web, Computer Networks and ISDN Systems 29,
	1075-1082 (1997)
1023	Nokia 9000i Communicator Owner's Manual (1997)
1024	U.S. Pat. No. 5,948,040 to DeLorme et al.
1025	U.S. Pat. No. 6,058,373 to Blinn et al.
1026	McFadden et al., Modern Database Management (5th ed.
	May, 1999), Chapter 11
1027	Micros 8700 HMS Version 2.10 User's Manual
1028	Aronson, Larry, HTML Manual of Style (1994)
1029	Jesitus, "Wireless Technology Keeps Customers In Order,"
	Hospitality Technology (January 1977)
1030	Ameranth Inc. v. Apple Inc., Case No. 3-12-cv-02350 (S.D. Cal.,
	filed Sept. 26, 2012) (ECF No. 7) and Ameranth Inc. v. Starwood
	Hotels & Resorts Worldwide, Inc., Case No. 12-cv-1629 (S.D.
	Cal. Filed June 29, 2012) (ECF No. 1)
1031	Complaints filed by Ameranth related to Ameranth Inc. v. Apple



DOCKET

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.

