

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STARBUCKS CORPORATION

Petitioner

v.

AMERANTH, INC.

Patent Owner

CASE: To Be Assigned

Patent No. 6,384,850 B1

**PETITION FOR COVERED BUSINESS METHOD PATENT REVIEW
OF
U.S. PATENT NO. 6,384,850 B1**

TABLE OF CONTENTS

	Page
EXHIBIT LIST	iv
I. INTRODUCTION	1
II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(b)	2
A. REAL PARTY IN INTEREST	2
B. RELATED MATTERS	2
C. LEAD AND BACK-UP COUNSEL	3
D. SERVICE INFORMATION	4
III. REQUIREMENTS FOR COVERED BUSINESS METHOD PATENT REVIEW	4
A. GROUNDS FOR STANDING	4
1. Eligibility Based on Infringement Suit	5
2. Eligibility Based on Lack of Estoppel by Other AIA Trials	5
3. The '850 Patent is a Covered Business Method Patent	5
B. IDENTIFICATION OF CHALLENGE	13
1. Claims Challenged	13
2. The Prior Art	13
3. Statutory Grounds of Challenge and Legal Principles	14
4. Supporting Evidence Relied Upon For The Challenge	16
5. Claim Construction	16
6. How Claims Are Unpatentable Under Statutory Grounds	16
IV. OVERVIEW OF THE '850 PATENT	17
A. SUMMARY OF THE '850 PATENT	17
B. SUMMARY OF PROSECUTION FILE HISTORY	21
C. SUMMARY OF CBM2014-00015 PROCEEDING	22
D. PATENT OWNER'S INTERPRETATION OF CHALLENGED CLAIMS IN LITIGATION	23

TABLE OF CONTENTS
(continued)

	Page
E. PROPOSED CLAIM CONSTRUCTION.....	24
F. STATE OF THE ART PRIOR TO THE '850 PATENT.....	24
1. The Internet and Web-Based Applications.....	25
2. Handheld Computing Devices	26
3. Computers in the Hospitality Industry.....	27
G. LEVEL OF ORDINARY SKILL IN THE ART	27
V. IT IS MORE LIKELY THAN NOT THAT THAT AT LEAST ONE CLAIM OF THE '850 PATENT IS UNPATENTABLE	28
A. INVALIDITY OF THE CHALLENGED CLAIMS UNDER 35 U.S.C. § 112	28
1. The “Hospitality Applications and Data” Limitations (Grounds 1-3).....	28
a. Ground 1: The Challenged Claims are Invalid for Lack of Enablement Because of the “Hospitality Applications and Data” Limitations	29
b. Ground 2: The Challenged Claims are Invalid for Being Indefinite Because of the “Hospitality Applications and Data” Limitations	31
c. Ground 3: The Challenged Claims are Invalid for Lack of Written Description Because of the “Hospitality Applications and Data” Limitations	34
2. The “Communications Control Module” Limitations	35
a. Ground 4: The Challenged Claims are Invalid for Lack of Enablement Because of the “Communication Control Module” Limitations.....	36
b. Ground 5: The Challenged Claims are Invalid for Being Indefinite Because of the “Communication Control Module” Limitations	40

..

TABLE OF CONTENTS
(continued)

	Page
c. Ground 6: The Challenged Claims are Invalid for Lack of Written Description Because of the “Communication Control Module” Limitations.....	41
3. Ground 7: The Challenged Claims Are Invalid for Lack of Enablement Because the Specification Fails to Disclose the “Software Libraries” that Supposedly Enable the Claimed Subject Matter	42
4. Ground 8: Each of the Challenged Claims, as a Whole, is not Enabled	43
B. INVALIDITY OF THE CHALLENGED CLAIMS FOR OBVIOUSNESS UNDER 35 U.S.C. § 103.....	44
1. Ground 9: The Challenged Claims Are Obvious Over Brandt In View Of Nethopper.....	44
2. Ground 10: The Challenged Claims Are Obvious Over Brandt In View Of Demers And Alonso	64
C. GROUND 11: INVALIDITY OF THE CHALLENGED CLAIMS UNDER § 101	68
1. The Challenged Claims Are Directed to Abstract Ideas.....	69
2. The Challenged Claims Do Not Include An “Inventive Concept” That Is “Significantly More” Than the Abstract Idea	72
3. The Challenged Claims Fail the “Machine-or-Transformation” Test	78
VI. THE GROUNDS OF INVALIDITY ARE NOT REDUNDANT	79
VII. CONCLUSION.....	80

...

EXHIBIT LIST

- Ex. 1001 U.S. Patent No. 6,384,850 B1 to McNally et al. (the “’850 Patent”)
- Ex. 1002 U.S. Patent No. 6,871,325 B1 to McNally, et al. (the “’325 patent”)
- Ex. 1003 Declaration of Abdelsalam Helal, Ph.D. including Appendix A (Curriculum Vitae)
- Ex. 1004 Japanese Unexamined Application No. H10-247183 to Brandt et al (“Brandt”)
- Ex. 1005 English translation of Brandt (Ex. 1004) and executed affidavit attesting to the accuracy of the English translation
- Ex. 1006 NetHopper Version 3.2 User’s Manual (“NetHopper”)
- Ex. 1007 Declaration of Wayne Yurtin with respect to NetHopper (Ex. 1006)
- Ex. 1008 Jeff Walsh, *Apple Releases MessagePad 2100 Handheld PCs*, InfoWorld, Oct. 27, 1997, at 50
- Ex. 1009 Alan Demers et al., *The Bayou Architecture: Support for Data Sharing Among Mobile Users* (“Demers”)
- Ex. 1010 IEEE Abstract for Demers
- Ex. 1011 Library of Congress catalog entry for book containing Demers
- Ex. 1012 Gustavo Alonso et al., *Exotica/FMDC: A Workflow Management System for Mobile and Disconnected Clients* (“Alonso”)
- Ex. 1013 Springer Abstract for Alonso
- Ex. 1014 Library of Congress catalog entry for book containing Alonso
- Ex. 1015 ’850 Patent Prosecution History, Nov. 29, 2000 Office Action
- Ex. 1016 ’850 Patent Prosecution History, Feb. 26, 2001 Amendment
- Ex. 1017 ’850 Patent Prosecution History, May 22, 2001 Office Action

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.