### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Racz et al. Attorney Docket No.: 104677-5008-828

U.S. Patent No.: 8,061,598

Issue Date: November 22, 2011

Appl. Serial No.: 13/012,541

Filing Date: January 24, 2011

Title: DATA STORAGE AND ACCESS SYSTEMS

## **Mail Stop Patent Board**

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

PETITION FOR COVERED BUSINESS METHOD PATENT REVIEW
OF UNITED STATES PATENT NO. 8,061,598 PURSUANT TO 35 U.S.C.
§ 321 AND § 18 OF THE LEAHY-SMITH AMERICA INVENTS ACT



## TABLE OF CONTENTS

1.	MAI	NDATO	JRY N	NOTICES UNDER 37 C.F.R § 42.8(a)(1)	1			
	A.	Real	Party-	In-Interest Under 37 C.F.R. § 42.8(b)(1)	1			
	B.		•	tters Under 37 C.F.R. § 42.8(b)(2				
	C.							
II.	PAY			EES				
III.	REQ	UIRE	MENT	S FOR CBM UNDER 37 C.F.R. § 42.304	2			
	Α.	Grou	nds for	r Standing Under 37 C.F.R. § 42.304(a	2			
	B.			Under 37 § 42.304(b) and Relief Requested				
	C.		_	struction under 37 C.F.R. §§ 42.304(b)(3)				
	D.			atent is a Covered Business Method Patent				
	E.	The '	598 Pa	atent Is Not Directed to a Technological Invention, And	1			
		Thus	, Shoul	ld Not Be Excluded From the Definition of a CBM				
		Pater	ıt		8			
IV.	SUN	<b>IMAR</b>	Y OF T	ГНЕ '598 Patent	11			
	A.	Brief	Descr	iption	11			
	B.	Sumi	mary o	f the Prosecution History of the '598 Patent	13			
	C.	OMI'	TTED	······································	14			
V.	DEM	1ONST	RATI	ON OF A REASONABLE LIKELIHOOD THAT AT				
LEA	ST ON	NE CLA	AIM O	F THE '598 PATENT IS UNPATENTABLE	14			
	A.	GRO	UND	1 – Claim 7 is Patent-Ineligible under 35 U.S.C. § 101				
		For A	Abstrac	etness	14			
		1.	Legal	1 Standard	14			
		2.	Clain	n 7 of the '598 Patent Recites an Abstract Idea, as Each	1			
			of the	e Limitations Can be Performed in the Human Mind				
			and b	y a Human Using a Pen and Paper	17			
			(i)	interface for reading and writing data				
			(ii)	use rule memory to store one or more use rules	18			
			(iii)	program store storing code for storing at least one				
				content data item in the content data memory and at				
				least one use rule in the use rule memory	19			
			(iv)	a processor	20			
			(v)	payment data memory to store payment data and code	3			
				to provide the payment data to a payment validation				
				system	20			
		3.	Clain	n 7 of the '598 Patent Recites an Abstract Idea, as it				
			Preer	npts All Effective Uses of the Abstract Idea of				
			Enab	ling Limited Use of Paid-for/Licensed Content	21			



## Attorney Docket No 104677-5008-828 CBM of U.S. Patent No. 8,061,598

		4.	Claim 7 of the '598 Patent is Not Tied to a Particular	
			Machine in any Manner that Would Make Claim 7 Patent-	
			Eligible	.23
		5.	Claim 7 of the '598 Patent Does Not Transform Anything in	
			any Manner that Would Make it Patent-Eligible	.26
	B.	OMIT	rted	.27
VI	CON	CLUS	ION	2.7



## **EXHIBITS**

Exhibit 1001	U.S. Patent No. 8,061.598 ("the '598 Patent" or "'598")
Exhibit 1002	File history of U.S. Patent No. 8,061,598
Exhibit 1003	Declaration of Dr. Jeffrey Bloom ("Bloom")
Exhibit 1004	U.S. Patent No. 5,530,235 (incorporating 5,629,980)
	("Stefik '235")
Exhibit 1005	U.S. Patent No. 5,629,980 ("Stefik '980")
Exhibit 1006	PCT Publication No. WO 00/08909 ("Gruse")
Exhibit 1007	PCT Application PCT/GB00/04110 ("the '110 Appln."
	or "110"), which is the application as filed for U.S.
	Patent Application No. 11/336,758 ("the '758 Appln." or
	'758") and U.S. Patent Application No. 10/111,716 ("the
	'716 Appln." or "'716")
Exhibit 1008	United Kingdom Patent Application GB9925227.2 ("the
	"227.2 Appln." or ""227.2")
Exhibit 1009	Transitional Program for Covered Business Method
	Patents—Definitions of Covered Business Method Patent
	and Technological Invention, 77 Fed. Reg. 157
	(August14, 2012)
Exhibit 1010	A Guide to the Legislative History of the America
	Invents Act; Part II of II, 21 Fed. Cir. Bar J. No. 4
Exhibit 1011	Interim Guidance for Determining Subject Matter
	Eligibility for Process Claims in View of Bilski v.
	Kappos (July 27, 2010)



Exhibit 1012	Apple Inc. v. Sightsound Technologies, LLC, CBM2013-
	00019 Paper No. 17 (entered October 8, 2013) at 11-13
Exhibit 1013	Volusion, Inc. v. Versata Software, Inc. and Versata
	Development Group, Inc., CBM2013-00017 Paper No. 8
	(entered October 24, 2013)
Exhibit 1014	Salesforce.com, Inc. v. VirtualAgility, Inc., CBM2013-
	00024 Paper No. 16 (entered November 19, 2013)
Exhibit 1015	U.S. Patent No. 8,336,772 ("the '772 Patent" or '772")
Exhibit 1016	U.S. Patent No. 8,118,221 ("the '221 Patent" or "'221")
Exhibit 1017	RESERVED
Exhibit 1018	U.S. Patent No. 8,033,458 ("the '458 Patent" or '458")
Exhibit 1019	U.S. Patent No. 7,942,317 ("the '317 Patent" or "'317")
Exhibit 1020	U.S. Patent Application No. 12/014,558 ("the '558
	Appln." or "558")
Exhibit 1021	U.S. Patent No. 7,334,720 ("the '720 Patent" or "'720")
Exhibit 1022	RESERVED
Exhibit 1023	RESERVED
Exhibit 1024	RESERVED
Exhibit 1025	U.S. Patent Application No. 13/012,541 ("the '541
	Appln." or "541")
Exhibit 1026	RESERVED
Exhibit 1027	RESERVED
Exhibit 1028	Weinstein "MasterCard Plans Point-of-Sale Product for
	Merchants Leery of Bank Cards"
Exhibit 1029	Mayo Collaborative Serv v. Prometheus Labs., Inc., 132
	S. Ct. 1289 (2012)



# 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.

