UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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STARBUCKS CORPORATION, APPLE, INC., EVENTBRITE INC., and
STARWOOD HOTELS &
RESORTS WORLDWIDE, INC.,
Petitioner,

v.

AMERANTH, INC.,
Patent Owner.

_____

Case CBM2015-00091[1]
Patent 6,384,850 B1

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

WHITE, *Administrative Patent Judge*.

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

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[1] Case CBM2016-00007 has been joined with this proceeding.

I. INTRODUCTION

A. Background

Starbucks Corporation filed a Petition (Paper 1, "Pet.") requesting covered business method patent review of claims 12–16 ("challenged claims") of U.S. Patent No. 6,384,850 B1 (Ex. 1001, "the '850 patent") pursuant to § 18 of the Leahy-Smith America Invents Act ("AIA"). Ameranth, Inc. ("Patent Owner") filed a Preliminary Response. Paper 7 ("Prelim. Resp.").

Pursuant to 35 U.S.C. ¶ 324, we instituted this trial on the following grounds (Paper 9, "Dec."):

References	Basis	Claims Challenged
Brandt[2] and NetHopper[3]	§ 103	12–16
Brandt, Demers,[4] and Alonso[5]	§ 103	12–16

Apple Inc., EventBrite, Inc. and Starwood Hotels & Resorts Worldwide, Inc.[6] subsequently requested covered business method patent review of the same claims based on the grounds instituted in this proceeding and sought joinder with this

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[2] Japanese Unexamined App. No. H10-247183 (published Sept. 14, 1998) (Ex. 1004) (certified translation, Ex. 1005, "Brandt").

3 NetHopper Version 3.2 User's Manual, 1–24 (1997) (Ex. 1006, "NetHopper").

[4] Alan Demers, et al., *The Bayou Architecture: Support for Data Sharing Among Mobile Users*, Mobile Computing Systems & Applications, 1995. Proceedings, Workshop on. IEEE, 1–7, 1995. (Ex. 1009, "Demers").

[5] Gustavo Alonso et al., *Exotica/FMDC: A Workflow Management System for Mobile and Disconnected Clients*, Databases & Mobile Computing, 28–45, 1996 (Ex. 1012, "Alonso").

6 The term Petitioner as used in this Decision collectively refers to Starbucks, Apple Inc., EventBrite, Inc. and Starwood Hotels & Resorts, Worldwide, Inc.

proceeding. CBM2016-00007, Paper 1, 2. We instituted reviewed on that petition and joined it with this proceeding. Paper 28.

Patent Owner filed a Corrected Patent Owner's Response. Paper 17 ("PO Resp."). Petitioner filed a Reply to Patent Owner's Response. Paper 19 ("Reply"). Patent Owner filed a Sur-Reply to Petitioner's Reply. Paper 24 (Sur-Reply); *see also* Paper 22 (Order authorizing Patent Owner's Sur-Reply). In addition, the parties filed cross motions seeking to exclude documents. *See* Paper 26 ("Pet. Mot. Excl."), Paper 25 ("PO Mot. Excl.").

An oral hearing was held on May 10, 2016. A transcript of the hearing is included in the record. Paper 37 ("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 12–16 of the '850 patent are unpatentable.

B. Related Proceedings

The parties indicate that the '850 patent is the subject of the following district court case: *Ameranth, Inc. v. Starbucks Corp.,* No. 3-13-cv-01072 (S.D. Cal.) filed May 6, 2013. Pet. 2 (citing Ex. 1045). Petitioner notes that Patent Owner has asserted the '850 patent against thirty-five other defendants in a number of civil actions that have been consolidated into *Ameranth, Inc. v. Pizza Hut,* No. 3-11-cv-01810 (S.D. Cal.). *Id.* at 3.

In a previous proceeding before the Board, claims 1–11 of the '850 patent were held to be unpatentable. *Agilysys, Inc. v. Ameranth, Inc.,* Case CBM2014-00015 (PTAB Mar. 20, 2015) (Paper 36). Petitioner also filed a petition for covered business method patent review of a related patent, U.S. Patent No.

6,871,325 B1. *Starbucks Corp. v. Ameranth, Inc.,* Case CBM2015-00099. Patent Owner identifies numerous covered business method patent reviews (both pending and completed) that it states are related to this Petition. Paper 5 (Notice of Related Matters). The previous and pending related petitions are summarized in the table below.

U.S. Patent No.	Previous CBM Reviews	Pending CBM Reviews
6,384,850 B1	CBM2014-00015 CBM2015-00080 CBM2015-00096	
6,871,325 B1	CBM2014-00016 CBM2015-00082 CBM2015-00097	CBM2015-00099
6,982,733 B1	CBM2014-00013	
8,146,077 B1	CBM2014-00014 CBM2015-00081 CBM2015-00095	
9,009,060 B2		CBM2016-00053

C. The '850 Patent

The '850 patent, titled "Information Management and Synchronous Communications System with Menu Generation" issued May 7, 2002 based on Application No. 09/400,413 filed September 21, 1999. Ex. 1001, at [21], [22], [45], [54]. The challenged claims are directed to an information management and synchronous communications system. *Id.* at 16:1–47. This system "results in a dramatic reduction in the amount of time, and hence cost, to generate and maintain computerized menus for, e.g., restaurants and other related applications that utilize non-PC-standard graphical formats, display sizes or applications." *Id.* at 3:26–30.

The system includes a central database, multiple handheld devices, and a web server. *Id.* at 3:59–63. It also includes an application programming interface

("API") that enables third parties, such as point-of-sale companies, affinity program companies, and internet content providers, to integrate fully with the computerized hospitality applications. *Id.* at 2:11–16; 3:64–67; 11:15–19. The system has a communications control module to "provide[] a single point of entry for all hospitality applications, e.g., reservations, frequent customer ticketing, wait lists, etc.[,] to communicate with one another wirelessly and over the Web." *Id*. at 4:5–8. This communications control module is a layer that sits on top of any communication protocol and acts as an interface between hospitality applications and the communication protocol. *Id.* at 4:8–11; 11:24–30.

Claim 12 of the '850 patent is illustrative of the claims at issue and read as follows:

> 12. 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 Web server on which hospitality applications and data are stored,
>
> d. at least one Web page on which hospitality applications and data are stored,
>
> e. an application program interface, and
>
> f. a communications control module,
>
> wherein applications and data are synchronized between the central data base, at least one wireless handheld computing device, at least one Web server and at least one Web page; wherein the application program interface enables inte[]gration of outside applications with the hospitality applications and wherein the

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