

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AGILYSYS, INC. ET AL.,
Petitioner

v.

AMERANTH, INC.,
Patent Owner

Case CBM2014-00015
Patent No. 6,384,850 B1

Before JAMESON LEE, MEREDITH C. PETRAVICK, and
NEIL T. POWELL, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

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

I. INTRODUCTION

Agilysys, Inc. and other entities¹ (collectively, “Petitioner”) filed a Petition (Paper 9, “Pet.”) requesting review under the transitional program for covered business method patents of claims 1–16 of U.S. Patent No. 6,384,850 B1 (Ex. 1031, “the ’850 patent”, issued May 7, 2002). On March 26, 2014, pursuant to 35 U.S.C. § 324, we instituted this trial as to claims 1–11 on only one proposed ground of unpatentability, 35 U.S.C. § 101 (Paper 20, “Dec. to Inst.”). We did not institute as to claims 12–16 on any of the grounds proposed in the Petition. Ameranth, Inc. (“Patent Owner”) filed a Patent Owner Response (Paper 27, “PO Resp.”) and Petitioner filed a Reply (Paper 28, “Reply”).

An oral hearing in this proceeding was held on October 24, 2014. A transcript of the hearing is included in the record (Paper 34, “Tr.”). The oral hearing was consolidated with the oral hearing for related CBM2014-00016 and CBM2014-00013.

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.

¹ Expedia, Inc.; Fandango, LLC; Hotel Tonight, Inc.; Hotwire, Inc.; Hotels.com, L.P.; Kayak Software Corp.; Live Nation Entertainment, Inc.; Oracle Corp.; Orbitz, LLC; Opentable, Inc.; Papa John’s USA, Inc.; Stubhub, Inc.; Ticketmaster, LLC.; Travelocity.com LLP; Wanderspot LLC; Pizza Hut, Inc.; Pizza Hut of America, Inc.; Domino’s Pizza, Inc.; Domino’s Pizza, LLC; Grubhub Holdings, Inc.; Order.in, Inc.; Mobo Systems, Inc.; Starbucks Corporation; Eventbrite, Inc.; Best Western International, Inc.; Hilton Resorts Corp.; Hilton Worldwide, Inc.; Hilton International Co.; Hyatt Corporation; Marriott International, Inc.; Starwood Hotels & Resorts Worldwide, Inc.; Usablenet, Inc.; and Apple, Inc.

For the reasons that follow, we determine that Petitioner has shown by a preponderance of the evidence that claims 1–11 of the '850 patent are unpatentable.

A. The '850 Patent

The '850 patent, titled “Information Management and Synchronous Communications System with Menu Generation,” issued on May 7, 2002, based on Application No. 09/400,413, filed on September 21, 1999. Ex. 1031, 1.

The '850 patent discloses a “desktop software application that enables the rapid creation and building of a menu.” *Id.* at col. 3, ll. 15–17. Figure 1 of the '850 patent is reproduced below.

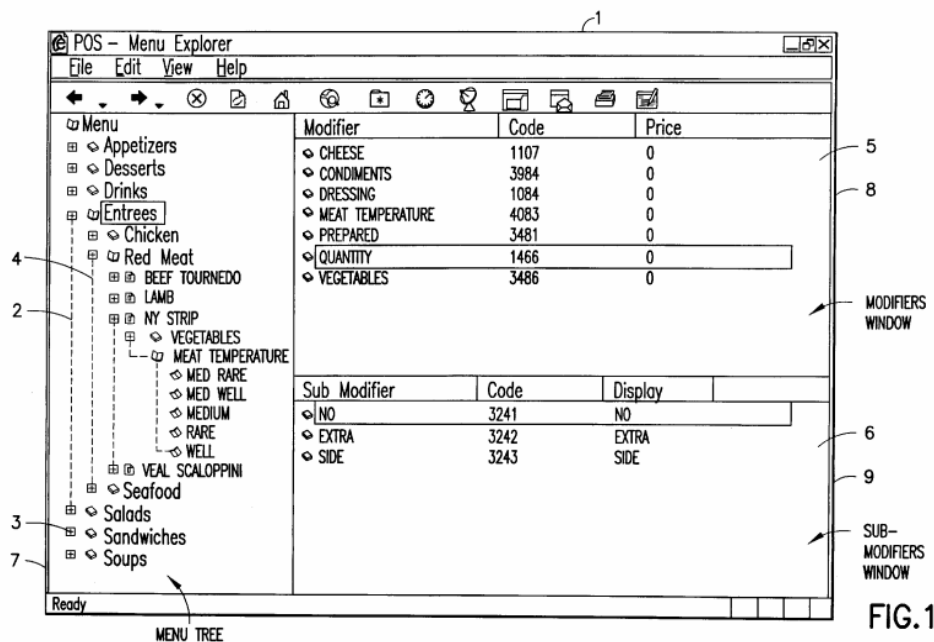


FIG. 1

Figure 1 depicts a graphical user interface (“GUI”) that is used to generate a menu.

GUI 1 includes menu tree window 7, modifiers window 8, and sub-modifiers window 9. *Id.* at col. 6, ll. 26–32. Menu tree window 7 includes hierarchical tree structure 2 that shows the relationships between menu

categories, such as salads or desserts; menu items, such as caesar salad or green salad; menu modifiers, such as dressing; and menu sub-modifiers, such as ranch or bleu cheese. *Id.* at col. 6, ll. 13–21. A user generates a menu using GUI 1 to add or delete menu categories, menu items, modifiers, and sub-modifiers, and to link modifiers and sub-modifiers to menu items in hierarchical tree structure 2. *Id.* at col. 6, l. 35–col. 8, l. 20. After the new menu is generated, it can be previewed and downloaded to wireless handheld devices and Web pages. *See id.* at col. 3, ll. 59–64; col. 6, ll. 22–25; col. 7, ll. 12; col. 8, ll. 45–51; col. 9, l. 66–col. 10, l. 1.

B. Illustrative Claim

Of the challenged claims, claim 1 is independent and is illustrative of the claims at issue. Claim 1 is reproduced below:

1. An information management and synchronous communications system for generating and transmitting menus comprising:
 - a. a central processing unit,
 - b. a data storage device connected to said central processing unit,
 - c. an operating system including a graphical user interface,
 - d. a first menu consisting of menu categories, said menu categories consisting of menu items, said first menu stored on said data storage device and displayable in a window of said graphical user interface in a hierarchical tree format,
 - e. a modifier menu stored on said data storage device and displayable in a window of said graphical user interface,

- f. a sub-modifier menu stored on said data storage device and displayable in a window of said graphical user interface, and
- g. application software for generating a second menu from said first menu and transmitting said second menu to a wireless handheld computing device or Web page,

wherein the application software facilitates the generation of the second menu by allowing selection of cat[e]gories and items from the first menu, addition of menu categories to the second menu, addition of menu items to the second menu and assignment of parameters to items in the second menu using the graphical user interface of said operating system, said parameters being selected from the modifier and sub-modifier menus.

C. Related Proceedings

Both parties identify numerous related ongoing district court proceedings. Pet. 12–16; Paper 8, 4–5; Paper 26, 1.

In addition, Petitioner requested covered business method patent review of the following related patents: U.S. Patent No. 6,871,325 (CBM2014-00016) and U.S. Patent No. 6,982,733 (CBM2014-00013). We instituted covered business method patent review in CBM2014-00016 and CBM2014-00013, and final written decisions in those proceedings are entered concurrently with this decision.

Petitioner also requested covered business method patent review of related U.S. Patent No. 8,146,077 (CBM2014-00014). We did not institute covered business method patent review in CBM2014-00014.

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