UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PLAID TECHNOLOGIES INC.,
Petitioner,

v.

YODLEE, INC. and YODLEE.COM, INC.,
Patent Owner.

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Case CBM2016-00037
Patent 6,199,077 B1

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Before KEVIN F. TURNER, MICHAEL R. ZECHER, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

DECISION
Denying Institution of Covered Business Method Patent Review
35 U.S.C. § 324(a) and 37 C.F.R. § 42.208

I.   INTRODUCTION

Petitioner, Plaid Technologies Incorporated ("Plaid"), filed a corrected Petition requesting a review under the transitional program for covered business method patents of claims 1–12 of U.S. Patent No. 6,199,077 B1 (Ex. 1001, "the '077 patent"). Paper 4 ("Pet."). Patent Owner, Yodlee, Incorporated and Yodlee.com, Incorporated (collectively, "Yodlee"), filed a Preliminary Response. Paper 8 ("Prelim. Resp.").

We have jurisdiction under 35 U.S.C. § 324(a),[1] which provides that a covered business method patent review may not be instituted unless the information presented in the Petition demonstrates "that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable." Taking into account the arguments presented in Yodlee's Preliminary Response, we determine that the information presented in the Petition does not establish that the '077 patent qualifies as a "covered business method patent" that is eligible for review, as defined by § 18(d)(1) of the AIA. We, therefore, *deny* the Petition.

A. Related Matters

Plaid indicates that the '077 patent has been asserted in a district court case. *See* Pet. 22. The parties also indicate that the '077 patent was challenged previously in another petition seeking an *inter partes* review. In particular, Plaid filed a Petition requesting an *inter partes* review of claims

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[1] *See* Section 18(a)(1) of the Leahy-Smith America Invents Act, Pub. L. No. 112–29, 125 Stat. 284, 329–31 (2011) ("AIA"), which provides that the transitional program for covered business method patents will be regarded as a post-grant review under Chapter 32 of Title 35 of the United States Code, and will employ the standards and procedures of a post-grant review, subject to certain exceptions.

1–12 of the '077 patent. Pet. 22 (citing Ex. 1012); Paper 7, 2. In that case, another Board panel did not institute an *inter partes* review on any of the asserted grounds as to any of the challenged claims because the Petition was time-barred under 35 U.S.C. § 315(b). *Plaid Techs., Inc. v. Yodlee, Inc.*, Case IPR2016-00275 (PTAB June 9, 2016) (Paper 15), *reh'g denied*, (PTAB Aug. 12, 2016) (Paper 17).

B. The '077 Patent

The '077 patent generally relates to the field of Internet navigation and, in particular, to a method and apparatus for gathering summary information from users or websites and presenting that information as HyperText Markup Language to the users or websites via either push or pull technology. Ex. 1001, 1:16–22. According to the '077 patent, one problem encountered by an individual who has several subscriptions to Internet-brokered services is that there are numerous passwords and usernames to remember. *Id.* at 1:46–49. Another problem encountered by an individual with numerous subscriptions services is that he/she must bookmark all the corresponding web pages in a computer cache so he/she can find and access these services quickly. *Id.* at 1:59–62. The '077 patent purportedly addresses these problems by providing an Internet portal that includes a server connected to the Internet, along with portal software executing on the server that includes a summary software agent. *Id.* at 2:59–62. The Internet Portal maintains a list of Internet websites specific to a particular user, and the summary software agent accesses these websites, retrieves information according to pre-programmed criteria, and then summarizes the retrieved information for delivery to the user. *Id.* at 2:62–67.

C. Illustrative Claims

Of the challenged claims, claims 1 and 7 are independent. Independent claim 1 is directed to an Internet portal, whereas independent claim 7 is directed to a method executed in an Internet portal system for gathering data specific to a person from a plurality of Internet sites storing data specific to that person. Claims 2–6 directly depend from independent claim 1; and claims 8–12 directly depend from independent claim 7. Independent claims 1 and 7 are illustrative of the challenged claims and are reproduced below:

> 1.   An Internet Portal, comprising:
> an Internet-connected server;
> a list of addresses of Internet sites associated with a specific person, which sites store information specific to the person; and
> a software suite executing on the server, the software suite including a set of gathering spitware agents, with at least one gatherer agent dedicated to each of the Internet sites;
> wherein the Portal accomplishes a gathering cycle by accessing individual ones of the Internet sites, authenticating too each site accessed as the person, and the gathering agent dedicated to each site accessed extracts data from that site.

> 7.   In an Internet Portal system, a method for gathering data specific to a person from a plurality of Internet sites storing data specific to that person, the method comprising the steps of:
> (a) initiating a gathering cycle accessing individual ones of the plurality of sites;
> (b) authenticating to the sites as the person; and
> (c) executing a software gathering agent at each site accessed to gather data from the site, the gathering agent dedicated to each site accessed.

Ex. 1001, 18:2–15, 18:31–40.

D. Prior Art Relied Upon

Plaid relies upon the following prior art references:

Inventor[2]	U.S. Patent No.	Dates	Exhibit No.
Lowery	5,894,554	issued Apr. 13, 1999, filed Apr. 23, 1996	1005
Brandt	5,892,905	issued Apr. 6, 1999 filed Dec. 23, 1996	1009

Author	Title and Date	Exhibit No.
Zhao[3]	*Technical note WebEntree: A Web service aggregator*, 37 IBM SYS. J. 584 (1998)	1007
VerticalOne Corporation to Offer Internet User One-stop for Managing Online Personal Content and Account Information, BUSINESS WIRE PRESS RELEASE, May 25, 1999 ("VerticalOne")		1013

E. Asserted Grounds of Unpatentability

Plaid challenges claims 1–12 of the '077 patent based on the asserted grounds of unpatentability ("grounds") set forth in the table below. Pet. 23.

Reference(s)	Basis	Challenged Claims
	§ 101	1–12
Zhao	§ 103(a)	1–12
Zhao and VerticalOne	§ 103(a)	1–12
Lowery, Brandt, and Zhao	§ 103(a)	1–12

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[2] For clarity and ease of reference, we only list the first named inventor.

[3] For clarity and ease of reference, we only list the author's last name.

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