

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSTRATEGY, INC.
Petitioner,

v.

Patent of ZILLOW, INC.
Patent Owner.

Case IPR2013-00034
Patent No. 7,970,674

**PATENT OWNER'S RESPONSE TO THE REVISED PETITION
FOR *INTER PARTES* REVIEW**

TABLE OF CONTENTS

TABLE OF AUTHORITIES.....	2
LIST OF EXHIBITS	4
STATEMENT OF MATERIAL FACTS IN DISPUTE	5
PATENT OWNER'S RESPONSE TO THE REVISED PETITION.....	6
I. BACKGROUND.....	6
II. STATEMENT OF THE PRECISE RELIEF REQUESTED.....	7
III. FULL STATEMENT OF THE REASONS FOR THE RELIEF REQUESTED	8
A. GOVERNING LAW, RULES, AND PRECEDENT.....	8
i. Legal Standard for Anticipation.....	8
ii. Legal Standard for Obviousness	9
iii. Claim Interpretation	10
iv. Requirements for a Petition under 37 C.F.R. § 42.104.....	12
B. The '674 Patent.....	12
C. Dugan.....	14
D. Kim	16
E. Construction of "user knowledgeable about the distinguished home".....	18
F. Dugan Does Not Anticipate Claim 15	19
i. Dugan does not disclose an "automatic valuation"	19
G. Claim 2 is Not Obvious in Light of Dugan and Kim	24
i. Dugan and Kim, alone or in combination, neither disclose nor suggest an "automatic valuation"	24
ii. It would not have been obvious to replace an appraiser with an owner in an appraisal system	26
H. Claim 8 is Not Obvious in Light of Dugan and Kim	28
I. Claim 30 is Not Obvious in Light of Dugan and Kim	30
J. Claims 13 and 14 are Not Obvious in Light of Dugan and Kim	31
K. Claim 27 is Not Obvious in Light of Dugan and Kim	32
L. Claim 12 is Not Obvious in Light of Dugan, Kim, and Shinoda	34
M. Claim 34 is Not Obvious in Light of Dugan, Kim, and Sklarz	35
N. Claim 38 is Not Obvious in Light of Dugan, Kim, and Sklarz	36
IV. CONCLUSION.....	39

TABLE OF AUTHORITIES

Cases

Glaverbel Société Anonyme v. Northlake Mktg. & Supply, Inc., 45 F.3d 1550, 1554 (Fed. Cir. 1995)

Ex parte Levy, 17 U.S.P.Q.2d 1461, 1462 (Bd. Pat. App. & Interf. 1990)

Atlas Powder Co. v. E.I. duPont De Nemours, 750 F.2d 1569, 1574 (Fed. Cir. 1984)

KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 418 (2007)

In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)

Advanced Fiber Techs. Trust v. J&L Fiber Servs., Inc., 674 F.3d 1365, 1372-73 (Fed. Cir. 2012)

Omega Eng'g, Inc. v. Raytek Corp., 334 F.3d 1314, 1324 (Fed. Cir. 2003)

Computer Docking Station Corp. v. Dell, Inc., 519 F.3d 1366, 1374-75 (Fed. Cir. 2008)

Grober v. Mako Prods., Inc., 686 F.3d 1335, 1341 (Fed. Cir. 2012)

Krippelz v. Ford Motor Co., 667 F.3d 1261, 1267 (Fed. Cir. 2012)

In re Am. Acad. of Sci. Tech. Ctr., 367 F.3d 1359, 1364 (Fed. Cir. 2004)

In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997)

In re Suitco Surface, Inc., 603 F.3d 1255, 1260 (Fed. Cir. 2010)

In re Buszard, 504 F.3d 1364 (Fed. Cir. 2007)

In re Ruff, 256 F.2d 590, 118 USPQ 340 (CCPA 1958)

In re Wada and Murphy, Appeal 2007-3733 (B.P.A.I. Jan. 14, 2008)

CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003)

Statutes

35 U.S.C. § 102(b)

35 U.S.C. § 103(a)

Regulations

37 C.F.R. § 42.23

37 C.F.R. § 42.104

Other

Manual of Patent Examining Procedure (MPEP) § 2111

Manual of Patent Examining Procedure (MPEP) § 2143

Manual of Patent Examining Procedure (MPEP) § 2144

LIST OF EXHIBITS

Zillow 2001 - Microstrategy, Inc. v. Zillow, Inc., Case IPR2013-00034 (Kilpatrick Declaration)

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.