

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSTRATEGY, INC.
Petitioner

v.

ZILLOW, INC.
Patent Owner

Case IPR2013-00034
Patent 7,970,674

**PETITIONER'S REPLY TO
PATENT OWNER RESPONSE TO PETITION**

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LIST OF EXHIBITS

MICROSTRATEGY 1014	Uniform Standards of Professional Appraisal Practice and Advisory Opinions 2005 Edition, Appraisal Standards Board, The Appraisal Foundation, Effective January 1, 2005
MICROSTRATEGY 1015	(Reserved)
MICROSTRATEGY 1016	(Reserved)
MICROSTRATEGY 1017	(Reserved)
MICROSTRATEGY 1018	USPAP Q&A, The Appraisal Foundation, Vol. 9, No. 6, June 2007
MICROSTRATEGY 1019	Standard on Automated Valuation Models (AVMs), International Association of Assessing Officers, Approved September 2003
MICROSTRATEGY 1020	RMBS: Guidelines for the Use of Automated Valuation Models for U.K. RMBS, September 26, 2005
MICROSTRATEGY 1021	real-info.com, "What is an AVM?" December 22, 2005
MICROSTRATEGY 1022	Deposition of John A. Kilpatrick, Ph.D., August 8, 2013
MICROSTRATEGY 1023	Declaration of Dr. Richard Borst

TABLE OF AUTHORITIES

Cases

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

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

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

Teleflex, Inc. v. Ficosa N. Am. Corp., 299 F.3d 1313 (Fed.Cir.2002)

Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371 (Fed. Cir. 2004)

In re American Academy of Science Tech Center, 367 F.3d 1359 (Fed. Cir. 2004)

I. INTRODUCTION

The Patent Owner's Response filed on June 14, 2013 presents several arguments through which the following positions are advanced in an attempt to distinguish independent claims 2 and 15 from Dugan and Kim: (1) the term "automatic valuation," as recited in independent claims 2 and 15, requires the implementation of an Automated Valuation Model (AVM); and (2) Dugan and Kim describe "appraisal systems," which are exclusively used by appraisers and which produce an output that is different than the output of an AVM. Relatedly, the Patent Owner's Response also attempts to narrow the scope of various claim terms through claim scope disavowal.

To support these arguments, the Patent Owner introduces, for the first time, the concept of an "Automated Valuation Model." It is clear from the prior art submitted by the Patent Owner during original prosecution that the Patent Owner was aware of the term "Automated Valuation Model." See Ex. 1001, p. 2 (listing at least two references submitted by the Patent Owner of which the subject is AVM technology). Nonetheless, the term "Automated Valuation Model" was not included anywhere in the specification or claims of the '674 patent, nor was this term (or the term, "automatic valuation") ever mentioned by the Patent Owner during the original prosecution of the '674 patent to describe the Patent Owner's invention. Yet, Patent Owner anchors its response in the misguided view that the term is within and required by the claims at issue. It is not.

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