

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Cheng et al.

U.S. Patent No.: 7,970,674

Attorney Docket No.: 30693-0090IP1

Issue Date: June 28, 2011

Appl. Serial No.: 11/347,024

Filing Date: February 3, 2006

Title: AUTOMATICALLY DETERMINING A CURRENT VALUE FOR A REAL ESTATE PROPERTY, SUCH AS A HOME, THAT IS TAILORED TO INPUT FROM A HUMAN USER, SUCH AS ITS OWNER

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**PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT NO. 7,970,674
PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42**

TABLE OF CONTENTS

I.	MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)	1
A.	Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)	1
B.	Related Matters Under 37 C.F.R. § 42.8(b)(2)	1
C.	Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)	1
D.	Service Information	2
II.	PAYMENT OF FEES – 37 C.F.R. § 42.103	2
III.	REQUIREMENTS FOR IPR UNDER 37 C.F.R. §§ 42.104	2
A.	Grounds for Standing Under 37 C.F.R. § 42.104(a)	2
B.	Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested	2
C.	Claim Construction under 37 C.F.R. §§ 42.104(b)(3)	4
IV.	SUMMARY OF THE '674 PATENT	5
A.	Brief Description	5
B.	Summary of the Prosecution History of the '674 Patent	6
V.	THERE IS A REASONABLE LIKELIHOOD THAT AT LEAST ONE CLAIM OF THE '674 PATENT IS UNPATENTABLE	7
VI.	MANNER OF APPLYING CITED PRIOR ART TO EVERY CLAIM FOR WHICH REEXAMINATION IS REQUESTED	11
A.	Dugan in view of Kim	11
B.	Dugan	45
C.	Hough	48
D.	Dugan in view of Kim and further in view of Khedkar	52
E.	Dugan in view of Kim and further in view of Shinoda	53
F.	Dugan in view of Kim and further in view of Kilgore	55
G.	Dugan in view of Kim and further in view of McNanus	55
H.	Dugan in view of Kim and further in view of Kilgore and McNanus	56
I.	Dugan in view of Kim and further in view of IRS Pub946 (2004)	58
J.	Dugan in view of Kim and further in view of Sklarz	58
VII.	CONCLUSION	59

EXHIBITS

Appendix A. (MICROSTRATEGY 1001) U.S. Patent No. 7,970,674 to Cheng

Appendix B. (MICROSTRATEGY 1002) Prosecution History of the `674 patent to Cheng

Appendix C. (MICROSTRATEGY 1003) U.S. Patent No. 5,857,174 to Dugan (“Dugan”)

Appendix D. (MICROSTRATEGY 1004) U.S. Patent Application Publication No. 2005/0154657 to Kim et al. (“Kim”)

Appendix E. (MICROSTRATEGY 1005) U.S. Patent No. 6,609,118 to Khedkar (“Khedkar”)

Appendix F. (MICROSTRATEGY 1006) U.S. Patent Application Publication No. 2004/0049440 to Shinoda et al. (“Shinoda”)

Appendix G. (MICROSTRATEGY 1007) U.S. Patent No. 6,877,015 to Kilgore et al. (“Kilgore”)

Appendix H. (MICROSTRATEGY 1008) U.S. Patent No. 6,401,070 to McNanus et al. (“McNanus”)

Appendix I. (MICROSTRATEGY 1009) Internal Revenue Service Publication 946, How To Depreciate Property, 2004 (“IRS Pub. 946”)

Appendix J. (MICROSTRATEGY 1010) Appendix J. U.S. Patent Application Publication No. 2002/0087389 to Sklarz et al. (“Sklarz”)

Appendix K. (MICROSTRATEGY 1011) U.S. Patent No. 5,414,621 to Hough et al. (“Hough”).

MicroStrategy Inc. (“Petitioner” or “MicroStrategy”) petitions for *Inter Partes* Review (“IPR”) under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42 of claims 1-40 of U.S. Patent No. 7,970,674 (the ‘674 patent). In the following, MicroStrategy demonstrates that there is a reasonable likelihood that MicroStrategy will prevail with respect to at least one of the claims challenged in this petition.

I. MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)

Petitioner, MicroStrategy Inc., is the real party-in-interest for the instant petition.

B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

Petitioner is not aware of any disclaimers or reexamination certificates for the ‘674 patent nor is Petitioner aware of any pending prosecution concerning the ‘674 patent.

Petitioner is, however, aware of a certificate of correction for the ‘674 patent.

Petitioner is aware that the ‘674 patent has been involved in litigation. Specifically, Petitioner understands that the ‘674 patent has been involved in a case pending in U.S. District Court for the Western District of Washington, stylized Zillow, Inc. v. Trulia, Inc. (Docket No. 2:12cv1549).

C. Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)

Petitioner provides the following designation of counsel.

LEAD COUNSEL	BACK-UP COUNSEL
W. Karl Renner, Reg No. 41,265 P.O. Box 1022	Thomas A. Rozylowicz, Reg. No. 50,620 P.O. Box 1022

D. Service Information

Please address all correspondence to the counsel at the address provided in Section I(C) of this Petition. Petitioner also consents to electronic service by email at APSI@fr.com

II. PAYMENT OF FEES – 37 C.F.R. § 42.103

The Petitioner authorizes the Patent and Trademark Office to charge Deposit Account No. 06-1050 for the fee set in 37 C.F.R. § 42.15(a) for this Petition and further authorizes payment for any additional fees to be charged to this Deposit Account.

III. REQUIREMENTS FOR IPR UNDER 37 C.F.R. §§ 42.104**A. Grounds for Standing Under 37 C.F.R. § 42.104(a)**

Petitioner certifies that the '674 patent is eligible for IPR and that Petitioner is not barred or estopped from requesting IPR.

B. Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested

Petitioner requests IPR of claims 1-40 of the '674 patent on the grounds set forth in the table below and requests that each of the claims be found unpatentable. An explanation of how claims 1-40 are unpatentable under the statutory grounds identified below, including the identification of where each element can be found in the prior art patents or publications and the relevance of the prior art reference, is provided in the form of detailed claim charts.

Ground	'674 Patent Claims	Basis for Rejection
Ground 1	1, 2, 5-10, 13-18, 25-	Obvious under § 103(a) by Dugan in view of Kim

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