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Paper 18
Entered: February 3, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC., LINKEDIN CORP., and TWITTER, INC.
Petitioners,

v.

SOFTWARE RIGHTS ARCHIVE
Patent Owner.

Case IPR2013-00479
Patent No. 5,832,494

Before SALLY C. MEDLEY, CHRISTOPHER L. CRUMBLEY, and BARBARA A. PARVIS, *Administrative Patent Judges.*

CRUMBLEY, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

On July 30, 2013, Facebook, Inc., LinkedIn Corp., and Twitter, Inc. (collectively, "Petitioners") filed a petition for *inter partes* review of claims 18-20, 45, 48, 49, 51 and 54 of U.S. Patent No. 5,832,494 (Ex. 1201, "the '494 Patent"). Paper 2, "Pet." The owner of the '494 patent, Software Rights Archive, LLC ("Patent Owner"), filed a preliminary response. Paper 15, "Prelim. Resp." We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides as follows:

> THRESHOLD—The Director may not authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Upon consideration of Petitioners' petition and Patent Owner's preliminary response, we determine that the arguments and information presented establish that there is a reasonable likelihood that Petitioners would prevail with respect to claims 18-20, 45, 48, 49, 51 and 54 of the '494 Patent. Accordingly, pursuant to 35 U.S.C. § 314, we authorize an *inter partes* review to be instituted as to these claims.

A. Related Proceedings

Petitioners and Patent Owner both indicate that the '494 patent is involved in the following co-pending district court proceedings: *Software Rights Archive, LLC v. Facebook, Inc.*, Case No. 12-cv-3970; *Software Rights Archive, LLC v. LinkedIn*

Corp., Case No. 12-cv-3971; *and Software Rights Archive, LLC v. Twitter, Inc.*, Case No. 12-cv-3972, each pending in the United States District Court for the Northern District of California. Pet. 1; Paper 9, Patent Owner's Mandatory Notice, 2. In addition, Petitioners filed another petition, IPR2013-00480, which also seeks *inter partes* review of the '494 patent. Petitioners filed other petitions on related patents including: (1) IPR2013-00478, which seeks *inter partes* review of U.S. Patent No. 5,544,352 (the "'352 patent") and (2) IPR2013-00481, which seeks *inter partes* review of U.S. Patent No. 6,233,571 (the "'571 patent"). The '352 patent issued from the parent of the application that issued as the '494 patent. The '571 patent issued from an application that was a divisional of the application that issued as the '494 patent. The '494 patent was the subject of Reexamination No. 90/011,014.

B. The '494 Patent

The '494 Patent relates to computerized research on databases. Ex. 1201, 1:11-13. The '494 Patent discloses that it improves search methods by indexing data using proximity indexing techniques. *Id*. at 3:20-31. According to the '494 patent, proximity indexing techniques generate a quick-reference of the relations, patterns, and similarity found among the data in the database. *Id*. at 3:28-31.

Figure 2 of the '494 Patent illustrates the high-level processing of software for computerized searching (*Id.* at 8:7-8) and is reproduced below:

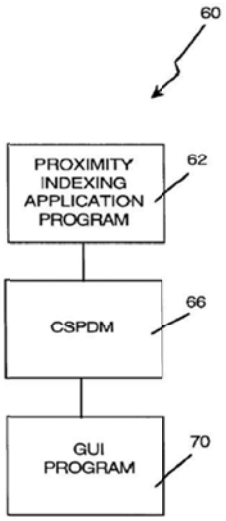

Fig. 2

Figure 2 depicts software system 60 comprising Proximity Indexing Application Program 62, Computer Search Program for Data Represented by Matrices (CSPDM) 66, and Graphical User Interface (GUI) program 70.

Ex. 1201, 11:29-36.

Processing of software system 60 begins with Proximity Indexing Application Program 62 indexing a database. *Id*. at 11:46-47. Then, CSPDM 66 searches the indexed database and retrieves requested objects. *Id.* at 11:49-53. CSPDM 66 relays the retrieved objects to GUI program 70 to display on a display. *Id*. at 11:53-55.

Software system 60 runs on a computer system comprising, for example, a processor of a personal computer. *Id.* at 10:11-15. The system comprises a display, which displays information to the user. *Id.* at 10:43-44. Exemplary displays include: computer monitors, televisions, LCDs, or LEDs. *Id*. at 10:44-46.

The processor is connected to a database to be searched. *Id.* at 10:18-20. Data in the database may be represented as a node. *Id*. at 12:29-33. Exemplary nodes include an object or a portion of an object, a document or section of a document, and a World Wide Web page. *Id*. at 12:35-38.

A cluster link generation algorithm may be used alone or in conjunction with other proximity indexing subroutines, and prior to searching. *Id.* at 21:30-33. The cluster link generation algorithm may generate candidate cluster links (*Id*. at 21:64-66) and then derive actual cluster links, which are used to locate nodes for display (*Id*. at 22:1-4). Actual cluster links are: "a subset of the candidate cluster links . . . which meet a certain criteria." *Id*. at 22:1-4.

C. Illustrative Claim

Of the challenged claims, only claim 18 is independent, whereas claims 19-20, 45, 48, 49, 51 and 54 depend directly or indirectly from claim 18. Claim 18 is illustrative of the claimed subject matter and is reproduced below:

> 18. A method of analyzing a database having objects and a first numerical representation of direct relationships in the database, comprising the steps of:
>
> generating a second numerical representation using the first numerical representation, wherein the second numerical representation accounts for indirect relationships in the database;
>
> storing the second numerical representation;
>
> identifying at least one object in the database, wherein the

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