UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SOFTWARE RIGHTS ARCHIVE, LLC,
Patent Owner.

_____

Case IPR2013-00480
Patent 5,832,494

_____

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

PARVIS, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. BACKGROUND

A.   *Introduction*

On July 30, 2013, Facebook, Inc., LinkedIn Corp., and Twitter, Inc.
(collectively "Petitioner") filed a Petition ("Pet.") requesting an *inter partes*
review of claims 1, 5, 8, 10, 11, 14–16, 35, and 40 of U.S. Patent No.

5,832,494 (Ex. 1001, "the '494 Patent"). Paper 2. On February 3, 2014, we instituted trial for all challenged claims 1, 5, 8, 10, 11, 14–16, 35, and 40 of the '494 Patent on certain of the grounds of unpatentability alleged in the Petition. Paper 17 ("Decision to Institute" or "Inst. Dec.").

After institution of trial, Patent Owner, Software Rights Archive, LLC ("Patent Owner"), filed a Patent Owner Response ("PO Resp."). Paper 31. Patent Owner also filed a Motion to Amend to cancel claims 8, 10, 11, 35, and 40. Paper 32 ("Motion to Amend" or "Mot. Am."). Patent Owner's Motion to Amend did not propose to add or amend any claims. Mot. Am. 1. Petitioner filed a Reply to the Patent Owner Response. Paper 40 ("Reply").

A consolidated oral hearing for IPR2013-00478, IPR2013-00479, IPR2013-00480, and IPR2013-00481, each involving the same Petitioner and the same Patent Owner, was held on October 30, 2014. The transcript of the consolidated hearing has been entered into the record. Paper 53 ("Tr.").

We have jurisdiction under 35 U.S.C. § 6(c). This final written decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

Petitioner has shown by a preponderance of the evidence that claim 14 of the '494 Patent is unpatentable.

Petitioner has not shown by a preponderance of the evidence that any of claims 1, 5, 15, or 16 of the '494 Patent are unpatentable.

Patent Owner's Motion to Amend to cancel claims 8, 10, 11, 35, and 40 of the '494 Patent is *granted*.

B.   *Related Proceedings*

Petitioner indicates that the '494 patent is involved in the following co-pending lawsuits: *Software Rights Archive, LLC v. Facebook, Inc.*, No. 12-cv-3970 (N.D. Cal., filed July 27, 2012), *Software Rights Archive, LLC v.*

LinkedIn Corp., No. 12-cv-3971 (N.D. Cal., filed July 27, 2012), and *Software Rights Archive, LLC v. Twitter, Inc.*, No. 12-cv-3972 (N.D. Cal., filed July 27, 2012). Pet. 2. Petitioner also indicates that the '494 patent was the subject of prior litigation: *Software Rights Archives, Inc. v. Google*, No. 08-cv-3172 (N.D. Cal.) ("Google Litigation"). Pet. 9.

Petitioner filed another petition, IPR2013-00479, which also seeks *inter partes* review of the '494 patent. The '494 patent was the subject of reexamination no. 90/011,014. Additionally, Petitioner 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.

C.   *The '494 Patent*

The '494 Patent relates to computerized research on databases. Ex. 1001, 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 similarities 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 (Ex. 1001, 8:7–8) and is reproduced below:
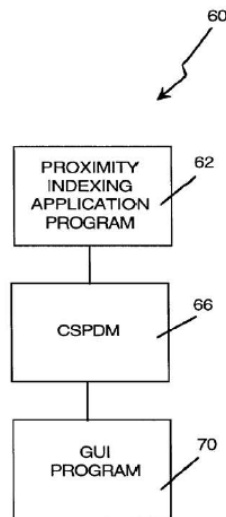
Fig. 2

Figure 2 illustrates high-level processing of three main programs for computerized searching.

As shown in Figure 2 above, software system 60 comprises: Proximity Indexing Application Program 62, Computer Search Program for Data Represented by Matrices (CSPDM) 66, and Graphical User Interface (GUI) Program 70. Ex. 1001, 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. Ex. 1001, 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, and LEDs. *Id.* at 10:44–46.

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The processor is connected to a database to be searched. Ex. 1001, 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. Ex. 1001, 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 22:1–3.

D. Illustrative Claims

The independent claims are 1 and 14. Dependent claim 5 depends directly from claim 1. Each of dependent claims 15 and 16 depends, directly or indirectly, from claim 14.

Independent claims 1 and 14 illustrate the claimed subject matter and are reproduced below:

> 1. A method of analyzing a database with indirect relationships, using links and nodes, comprising the steps of:
>
> selecting a node for analysis;
>
> generating candidate cluster links for the selected node, wherein the step of generating comprises an analysis of one or more indirect relationships in the database;
>
> deriving actual cluster links from the candidate cluster links;
>
> identifying one or more nodes for display; and
>
> displaying the identity of one or more nodes using the actual cluster links.

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