

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.
Petitioner

v.

B.E. TECHNOLOGY, L.L.C.
Patent Owner

Case IPR2014-00031
Patent 6,771,290 B1

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

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

I. INTRODUCTION

Petitioner, Google Inc., filed a petition requesting an *inter partes* review of claims 2 and 3 of U.S. Patent No. 6,771,290 B1 (Ex. 1001, “the ’290 patent”). Paper 1 (“Pet.”). Patent Owner, B.E. Technology, L.L.C., did not file a preliminary response. We have jurisdiction under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . 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 the petition, we conclude that there is a reasonable likelihood that Petitioner would prevail in challenging claims 2 and 3 as unpatentable. Accordingly, under 35 U.S.C. § 314(a), we authorize an *inter partes* review to be instituted as to claims 2 and 3 of the ’290 patent.

A. Related Proceedings

Petitioner states that the ’290 patent is involved in *B.E. Technology, L.L.C. v. Google, Inc.*, No. 2:12-cv-02830 (W.D. Tenn.), and numerous district court cases filed by Patent Owner against other defendants. Pet. 1. Petitioner also indicates it has filed concurrently another petition for *inter partes* review of the ’290 patent (IPR2014-00033). Pet. 2. In addition, the ’290 patent is the subject of these *inter partes* reviews: IPR2014-00029, IPR2014-00040, and IPR2014-00044.

In IPR2014-00038, Petitioner requests *inter partes* review of related U.S. Patent No. 6,628,314 B1 (“the ’314 patent”), also at issue in *B.E. Technology, LLC v. Google, Inc.*, No. 2:12-cv-02830 (W.D. Tenn.). The

'314 patent is also the subject of these *inter partes* reviews: IPR2014-00039, IPR2014-00052, and IPR2014-00053.

B. The '290 Patent (Ex. 1001)

The '290 patent describes a system that provides remote storage of user-specific files and resources that can be accessed over a network, such as the Internet. Ex. 1001, 5:43-50, 12:45-50. The disclosed system includes client computers, each running a client software application that provides access via a network to an advertising and data management (ADM) server. *Id.* at 11:42-49. The server includes a user database that stores a user profile and a user library for each user. *Id.* at 12:45-13:12. The user profile is accessed by the client software application using a unique identifier for the user via a login. *Id.* at 12:52-56. The user profile may contain user-specific customized settings for the operating system used by the client computer. *Id.* at 12:56-58. Additionally, the user profile may contain “bookmarks, shortcuts, and other such links to files and information resources accessible via” the network. *Id.* at 12:67-13:3. The user library “enables the user to store files (documents, executable programs, email messages, audio clips, video clip, or other files) that can then be accessed from any client computer.” *Id.* at 13:4-7. By storing user profiles and user libraries on the server, users “can have world-wide access to their preferences, addresses, bookmarks, email, and files without having to physically transport them from one place to another.” *Id.* at 13:9-12.

The '290 patent further describes a user interface on a client computer, provided by a graphical user interface (GUI) module. *Id.* at

13:41-43. The user interface comprises an application window with selectable items such as icons. *Id.* at 13:43-53. As shown in Figure 5b, reproduced below, the application window may include “icons that represent various files and links to information resources.” *Id.* at 15:48-53.

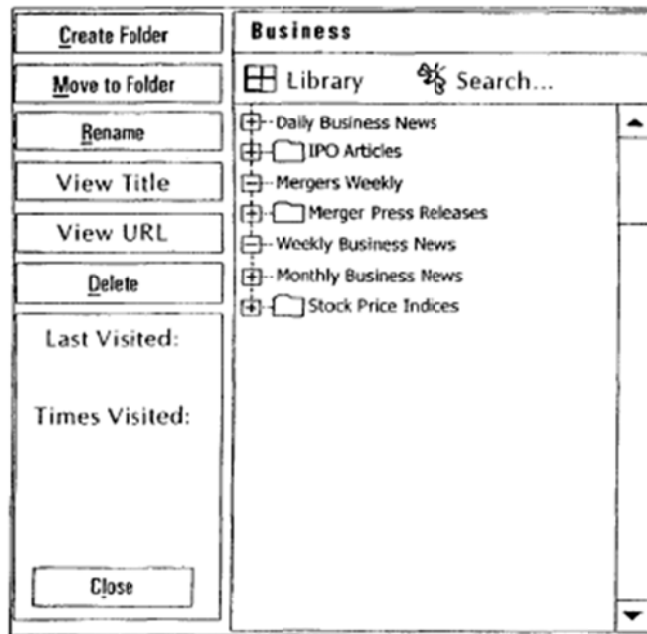


FIG. 5b

Figure 5b illustrates an application window with icons representing files and links to information resources.

The application window in Figure 5b includes a library icon, which, when selected, provides a display as shown in Figure 5c, reproduced below.

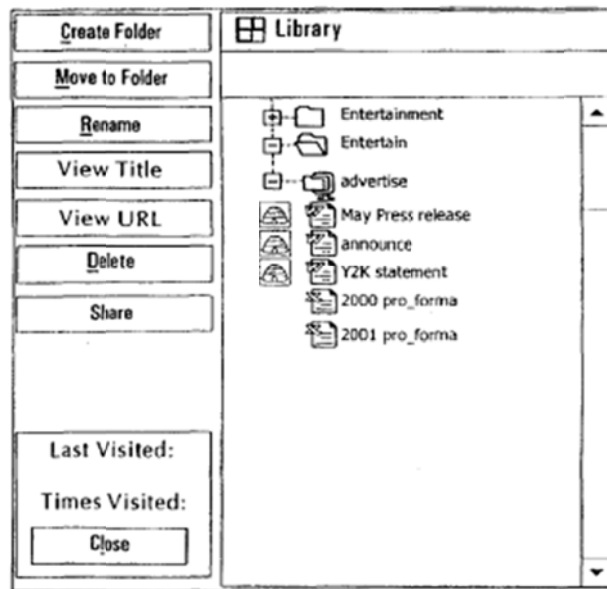


FIG. 5c

Figure 5c illustrates an application window displaying files in a user library.

The display in Figure 5c provides a list of all files contained in a user library. *Id.* at 15:55-56. From this window, “the user can access any of the files contained in his or her user library.” *Id.* at 15:56-57.

C. Claims

Petitioner challenges claims 2 and 3, which read:

2. A computer-readable memory for use by a client computer in conjunction with a server that is accessible by the client computer via a network, the server storing a user profile and user library for each of a number of different users, with the user library containing one or more files and the user profile containing at least one user link that provides a[] link to one of the files in the user library, the computer-readable memory comprising:

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