UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE, INC., MATCH.COM LLC, and PEOPLE MEDIA, INC.,
Petitioner,

v.

B.E. TECHNOLOGY, LLC,
Patent Owner.

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Case IPR2014–00038
Case IPR2014–00699
Patent 6,628,314

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

DESHPANDE, *Administrative Patent Judge*.

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

I.   INTRODUCTION

A. Background

Google, Inc. ("Google") filed a Petition to institute *inter partes* review of claims 11, 12, 13, 15, 18, and 20 of U.S. Patent No. 6,628,314 (Ex. 1001, "the '314 patent"). Paper 1 ("Pet."). B.E. Technology, LLC ("Patent Owner") did not file a preliminary response. Pursuant to 35 U.S.C. § 314, we instituted *inter partes* review on April 9, 2014, as to claims 11, 12, 13, 15, 18, and 20 of the '314 patent—claims 11, 12, 13, 18, and 20 under 35 U.S.C. § 102 as anticipated by Logan[1] and claim 15 under 35 U.S.C. § 103 as obvious over Logan and Robinson.[2] Paper 9 ("Dec.").

After institution of the *inter partes* review, Match.com LLC ("Match.com") and People Media, Inc. ("People Media") filed a Petition and a Motion to Join the *inter partes* review. IPR2014-00699, Papers 1, 4. We granted the motion and joined Google, Match.com, and People Media (collectively, "Petitioner") in the *inter partes* review. Paper 22.

Patent Owner filed a Response (Paper 25, "PO Resp.") and Petitioner filed a Reply (Paper 27, "Pet. Reply"). Patent Owner filed a Motion to Amend (Paper 26, "Mot. to Amend"), Petitioner filed an Opposition to Patent Owner's Motion to Amend, and Patent Owner filed a Reply to Petitioner's Opposition.

Oral hearing was held on December 10, 2014, and the hearing transcript has been entered in the record as Paper 35 ("Tr.").

The Board has 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. For the

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[1] U.S. Patent No. 5,721,827 (Ex. 1002) ("Logan").
[2] U.S. Patent No. 5,918,014 (Ex. 1003) ("Robinson").

reasons discussed below, we determine that Petitioner has shown by a preponderance of the evidence that claims 11, 12, 13, 15, 18, and 20 of the '314 patent are unpatentable. Patent Owner's contingent Motion to Amend is *denied*.

B. Related Proceedings

Petitioner indicates that the '314 patent is the subject of several district court cases: *B.E. Technology, L.L.C. v. Google, Inc.*, No. 2:12-cv-2830-JPM (W.D. Tenn.), filed on October 9, 2012; *B.E. Technology, L.L.C. v. People Media, Inc.*, No. 2:12-cv-02833 (W.D. Tenn.), filed on September 21, 2012; and *B.E. Technology, L.L.C. v. Match.com LLC*, No. 2:12-cv-02834 (W.D. Tenn.), filed on September 21, 2012. Pet. 1; IPR2014-00699, Paper 1, 2.

The '314 patent is also the subject of *Microsoft Corp. v. B.E. Technology, L.L.C.*, IPR2014-00039 (PTAB Apr. 9, 2014), *Facebook, Inc. v. B.E. Technology, L.L.C.*, IPR2014-00052 (PTAB Apr. 9, 2014), *Facebook, Inc. v. B.E. Technology, L.L.C.*, IPR2014-00053 (PTAB Apr. 9, 2014), *Match.com LLC v. B.E. Technology, L.L.C.*, IPR2014-00698 (PTAB June 13, 2014), *Google, Inc. v. B.E. Technology, L.L.C.*, IPR2014-000738 (PTAB June 18, 2014), *Google, Inc. v. B.E. Technology, L.L.C.*, IPR2014-00743 (PTAB June 18, 2014), and *Google, Inc. v. B.E. Technology, L.L.C.*, IPR2014-00744 (PTAB June 18, 2014). IPR2014-00738 has been joined with IPR2014-00039, IPR2014-00743 has been joined with IPR2014-00052, and IPR2014-00698 and IPR2014-00744 have been joined with IPR2014-00053.

C. The '314 Patent

The '314 patent relates to user interfaces that provide advertising obtained over a global computer network. Ex. 1001, col. 1, ll. 12–16. The '314 patent discloses a client software application that comprises a graphical user interface

(GUI) program module and an advertising and data management (ADM) module. *Id.* at col. 6, ll. 64–67. The GUI comprises multiple regions, including a first region comprising a number of user selectable items and a second region comprising an information display region, such as banner advertisements. *Id.* at col. 4, ll. 24–37. Program modules associated with the GUI store statistical data regarding the display of the selected informational data, allowing the targeting of banner advertisements based upon the type of link selected by the user. *Id.* at col. 4, ll. 43–51. The system for selecting and providing advertisements is set forth in Figure 3 as follows:
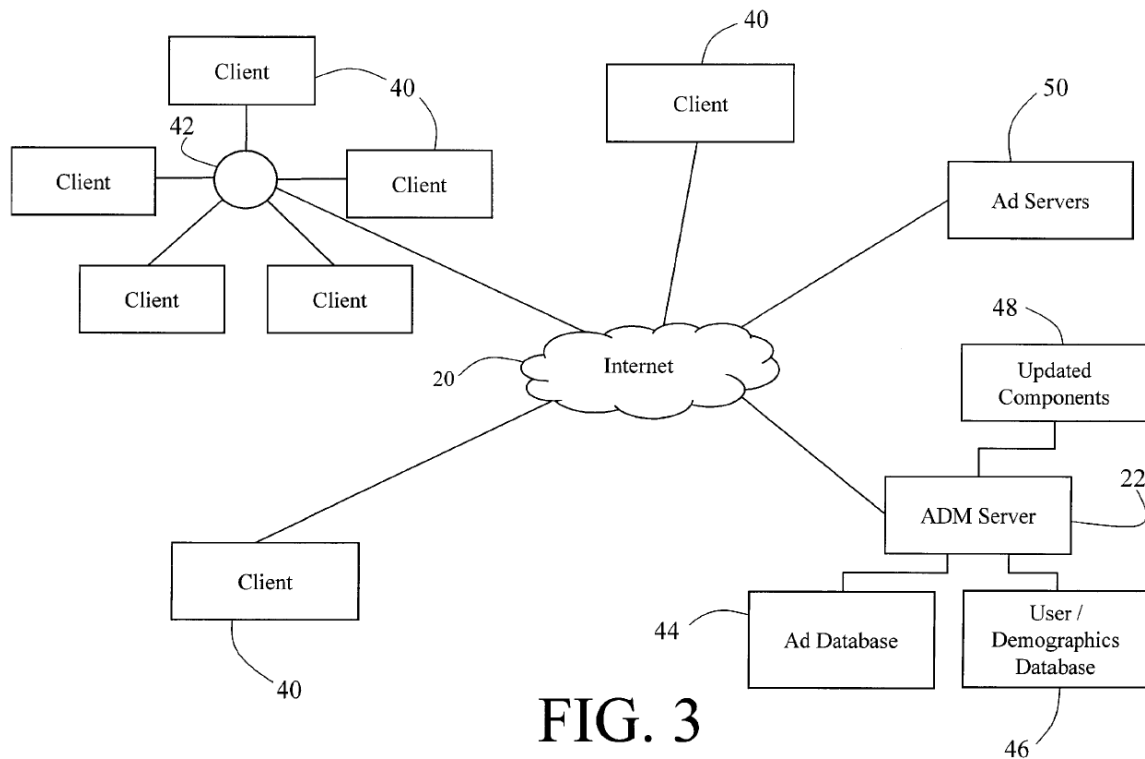

FIG. 3

Figure 3 illustrates a block diagram of a system distributing advertisements over the Internet. *Id.* at col. 6, ll. 21–22. ADM server 22 is accessible by client computers 40 over Internet 20, where client computers 40 have the client software application installed. *Id.* at col. 8, ll. 32–35. ADM server has associated with it

Ad Database 44 and User/Demographics Database 46. *Id.* at col. 8, ll. 38–43. Ad

Database 44 stores banner advertising that is provided to client computers 40. *Id.*

User/Demographics Database 46 stores demographic information used in targeting

advertising downloaded to individual client computers 40. *Id.* at col. 8, ll. 55–57.

When a user first accesses the client software application for the purposes of

downloading and installing the application, the user submits demographic

information that is used to determine what advertising is provided to the user. *Id.*

at col. 8, ll. 57–62. The demographic information is submitted by the user by

entering the information into a form provided to the user, and ADM server 22

checks the completeness of the form. *Id.* at col. 16, l. 60 – col. 17, l. 2. ADM

server 22 then assigns a unique ID to the user and stores the unique ID with the

received user demographic information. *Id.* at col. 17, ll. 11–15. An initial set of

advertisements is selected, and the client software application is downloaded to

client computer 40 for installation. *Id.* at col. 17, ll. 17–23. The client software

application monitors user interaction with the computer, whether with the client

software application or with other applications, and later reports this information to

the ADM server. *Id.* at col. 12, ll. 55–59, col. 13, ll. 1–2. Advertising banners are

displayed in response to some user input or periodically at timed intervals. *Id.* at

col. 14, ll. 40–43. The client software application targets the banner advertising

displayed, based on the user's inputs, so that it relates to what the user is doing. *Id.*

at col. 14, ll. 43–46.

D. Illustrative Claims

Petitioner challenges claims 11, 12, 13, 15, 18, and 20 of the '314 patent.

Independent claim 11 and dependent claim 15 are illustrative of the claims at issue

and follow:

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