

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner

v.

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

Case IPR2014-00040
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, Microsoft Corporation, filed a corrected petition requesting an *inter partes* review of claims 1-3 of U.S. Patent No. 6,771,290 B1 (Ex. 1001, “the ’290 patent”). Paper 5 (“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 1-3 as unpatentable. Accordingly, under 35 U.S.C. § 314(a), we authorize an *inter partes* review to be instituted as to claims 1-3 of the ’290 patent.

A. *Related Proceedings*

Petitioner states that the ’290 patent is involved in *B.E. Technology, L.L.C. v. Microsoft Corp.*, No. 2:12-cv-02829 (W.D. Tenn.). Pet. 1. We also note that the ’290 patent is involved in numerous district court cases filed by Patent Owner against other defendants. In addition, the ’290 patent is the subject of these *inter partes* reviews: IPR2014-00029, IPR2014-00031, IPR2014-00033, and IPR2014-00044.

In IPR2014-00039, 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, L.L.C. v. Microsoft Corp.*, No. 2:12-cv-02829 (W.D. Tenn.).

The '314 patent is also the subject of these *inter partes* reviews: IPR2014-00038, 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.

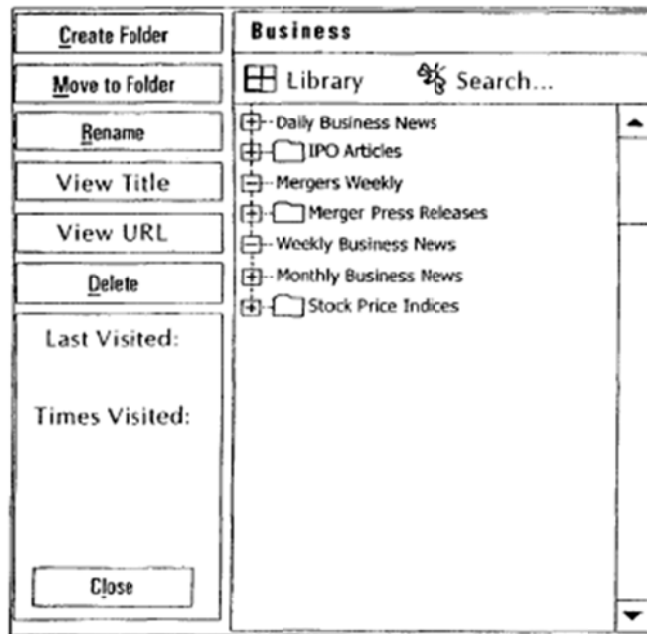


FIG. 5b

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.

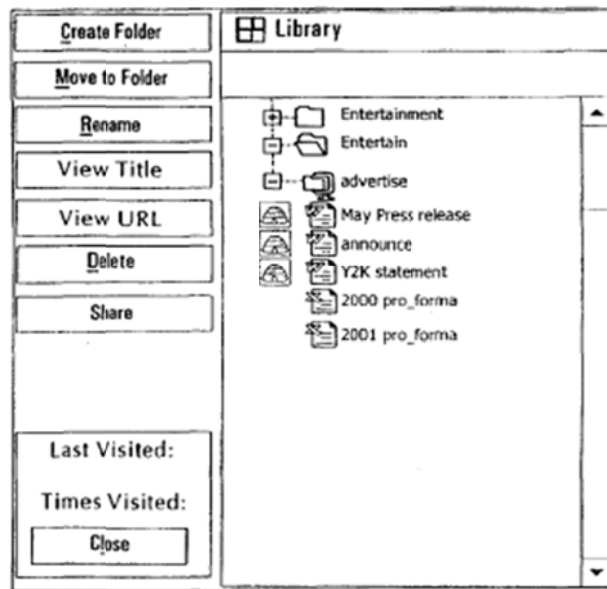


FIG. 5c

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. Illustrative Claims

Petitioner challenges all claims (claims 1-3) of the '290 patent.

Independent claims 1 and 2 are illustrative:

1. A computer-readable memory for use by a client computer to provide a user of the computer with an integrated, customized, graphical user interface to a plurality of computer resources, the computer-readable memory comprising:

a non-volatile data storage device;

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.