

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

B.E. TECHNOLOGY, LLC,
Patent Owner.

Case IPR2014-00052
Case IPR2014-00053
Case IPR2014-00698
Case IPR2014-00743
Case IPR2014-00744
Patent 6,628,314

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

IPR2014-00052 IPR2014-00053 IPR2014-00698
IPR2014-00743 IPR2014-00744
Patent 6,628,314

I. INTRODUCTION

A. Background

Facebook, Inc. (“Facebook”) filed two Petitions¹ 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”). 52 Paper 1 (“52 Pet.”); 53 Paper 1 (“53 Pet.”). B.E. Technology, LLC (“Patent Owner”) did not file a Preliminary Response to either Petition. 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 under 35 U.S.C. § 103 as obvious over Shaw² and W3C³ and as obvious over Angles⁴ and Shaw. 52 Paper 10 (“52 Dec.”); 53 Paper 10 (“53 Dec.”).

After institution of the *inter partes* reviews, Match.com LLC (“Match.com”) and People Media, Inc. (“People Media”) filed a Petition and a Motion to Join the IPR2014-00053 *inter partes* review. IPR2014-00698, Papers 1, 4. Google, Inc. (“Google”) filed two Petitions and Motions to Join the *inter partes* reviews. IPR2014-00743, Papers 1, 3; IPR2014-00744, Papers 1, 3. We granted Match.com, People Media, and Google’s motions and joined Match.com, People Media, Google, and Facebook (collectively, “Petitioner”) in the *inter partes* reviews. 52 Paper 28; 53 Paper 26; 53 Paper 28.

Patent Owner filed a Response in each of the proceedings; the following table identifies the remaining papers filed by the parties:

¹ Citations may be preceded by “52” to designate IPR2014-00052 or “53” to designate IPR2014-00053.

² U.S. Patent No. 5,809,242 (52 Ex. 1103) (“Shaw”).

³ Melissa Dunn et al., *Privacy and Profiling on the Web* (June 1, 1997), available at <http://www.w3.org/TR/NOTE-Web-privacy.html> (52 Ex. 1105) (“W3C”).

⁴ U.S. Patent No. 5,933,811 (53 Ex. 1003) (“Angles”).

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Case No.	IPR2014-00052	IPR2014-00053
Petition	Paper 1 (“52 Pet.”)	Paper 1 (“53 Pet.”)
Decision to Institute	Paper 10 (“52 Dec.”)	Paper 10 (“53 Pet.”)
PO Response	Paper 31 (“52 PO Resp.”)	Paper 32 (“PO Resp”)
Petitioner’s Reply	Paper 33 (“52 Pet. Reply”)	Paper 33 (“Pet. Reply”)
Patent Owner’s Motion to Amend	Paper 32 (“52 Mot. to Amend”)	Paper 31 (“53 Mot. to Amend”)
Petitioner’s Opposition to Motion to Amend	Paper 34 (“52 Opp. Mot. to Amend”)	Paper 34 (“53 Opp. Mot. to Amend”)
Patent Owner’s Reply to Petitioner’s Opposition to Motion to Amend	Paper 36 (“52 PO Reply Opp. Mot. to Amend”)	Paper 36 (“53 PO Reply Opp. Mot. to Amend”)

Oral hearing for both IPR2014-00052 and IPR2014-00053 was held on December 10, 2014, and the hearing transcript has been entered in the record as 52 Paper 44 and 53 Paper 44.

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 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. Facebook, Inc.*, No.

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12-cv-2769-JPM (W.D. Tenn.), filed on September 7, 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. 52 Pet. 1; 53 Pet. 1; IPR2014-00698, Paper 1, 2; IPR2014-00743, Paper 1, 2; IPR2014-00744, Paper 1, 2.

The '314 patent is also the subject of *Google, Inc. v. B.E. Technology, L.L.C.*, IPR2014-00038 (PTAB Apr. 9, 2014), *Microsoft Corp. v. B.E. Technology, L.L.C.*, IPR2014-00039 (PTAB Apr. 9, 2014), *Match.com LLC v. B.E. Technology, L.L.C.*, IPR2014-00699 (PTAB June 13, 2014), and *Google, Inc. v. B.E. Technology, L.L.C.*, IPR2014-000738 (PTAB June 18, 2014). IPR2014-00699 has been joined with IPR2014-00038 and IPR2014-00738 has been joined with IPR2014-00039.

C. The '314 Patent

The '314 patent relates to user interfaces that provide advertising obtained over a global computer network. 52 Ex. 1101, 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:

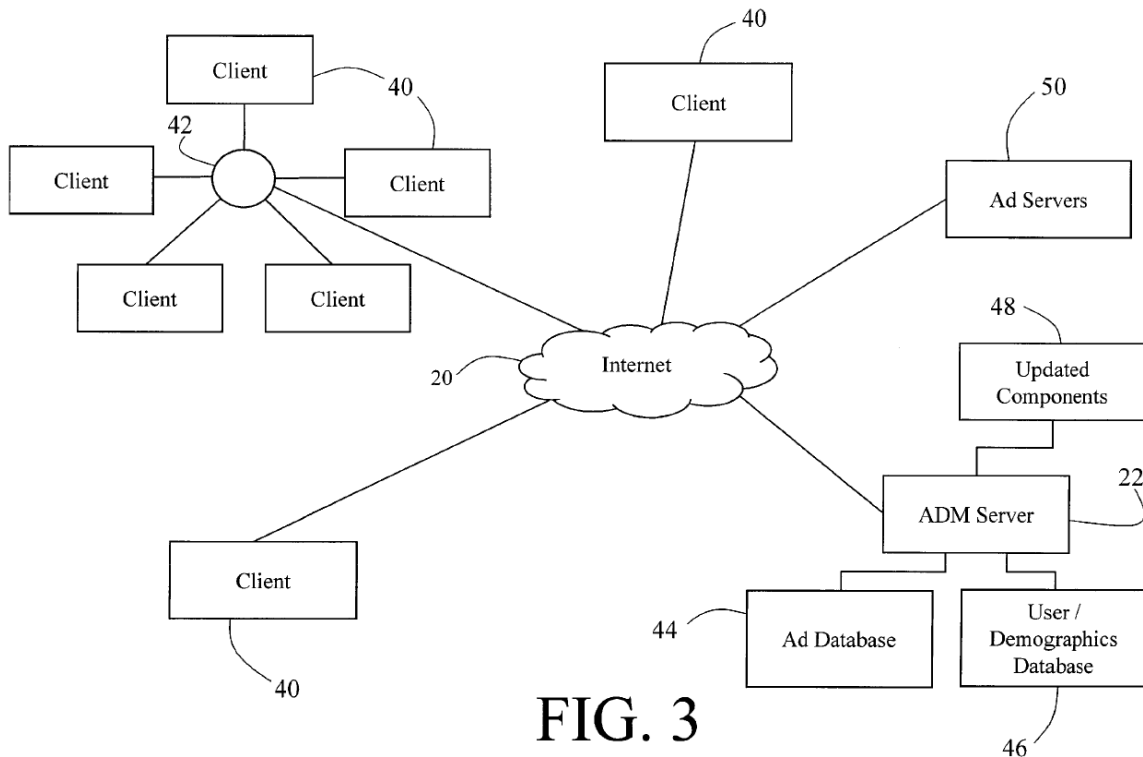


FIG. 3

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

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