

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRAVELOCITY.COM L.P., PRICELINE.COM INC.,
and EXPEDIA, INC.,
Petitioner,

v.

CRONOS TECHNOLOGIES, LLC,
Patent Owner.

Case CBM2014-00082
Patent 5,664,110

Before JENNIFER S. BISK, JAMES B. ARPIN, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

ARPIN, *Administrative Patent Judge*.

DECISION
Denying Covered Business Method Patent Review
37 C.F.R. § 42.208

I. BACKGROUND

Travelocity.com L.P., Priceline.com Inc., and Expedia, Inc. (collectively, “Petitioner”) filed a Petition (Paper 8, “Pet.”) requesting institution of a covered business method patent review of claims 1–3, 8–19, 22–28, 31–36 and 41–44 of U.S. Patent No. 5,664,110 (Ex. 1001, “the ’110 Patent”) pursuant to 35 U.S.C. §§ 321–329. Cronos Technologies, LLC (“Patent Owner”) filed a Preliminary Response (Paper 9, “Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 324.

The standard for instituting a covered business method patent review is set forth in 35 U.S.C. § 324(a):

THRESHOLD.—The Director may not authorize a post-grant review to be instituted unless the Director determines that the information presented in the petition filed under section 321, if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.

Petitioner challenges claims 1–3, 8–19, 22–28, 31–36, and 41–44 of the ’110 Patent as unpatentable under 35 U.S.C. § 103(a) over various combinations of references. Pet. 16. For the reasons that follow, the Petition is *denied*.

A. *The ’110 Patent (Ex. 1001)*

The ’110 Patent generally relates to a remote ordering terminal that provides a user the ability to create or edit, or both, one or more order lists that are resident in memory within a user device and the further ability to review a user-interpretable display of the contents of such lists. Ex. 1001, col. 1, ll. 38–42. The remote ordering terminal provides multiple merchant stock databases, a data format/transfer computer (DFTC) as an interface

between customers and the merchant databases, and a user device referred to as a display/processor unit (DPU) at each of multiple customer sites for creating and transmitting order lists. *Id.* at col 1, ll. 42–47.

Figure 2 of the '110 patent is reproduced below:

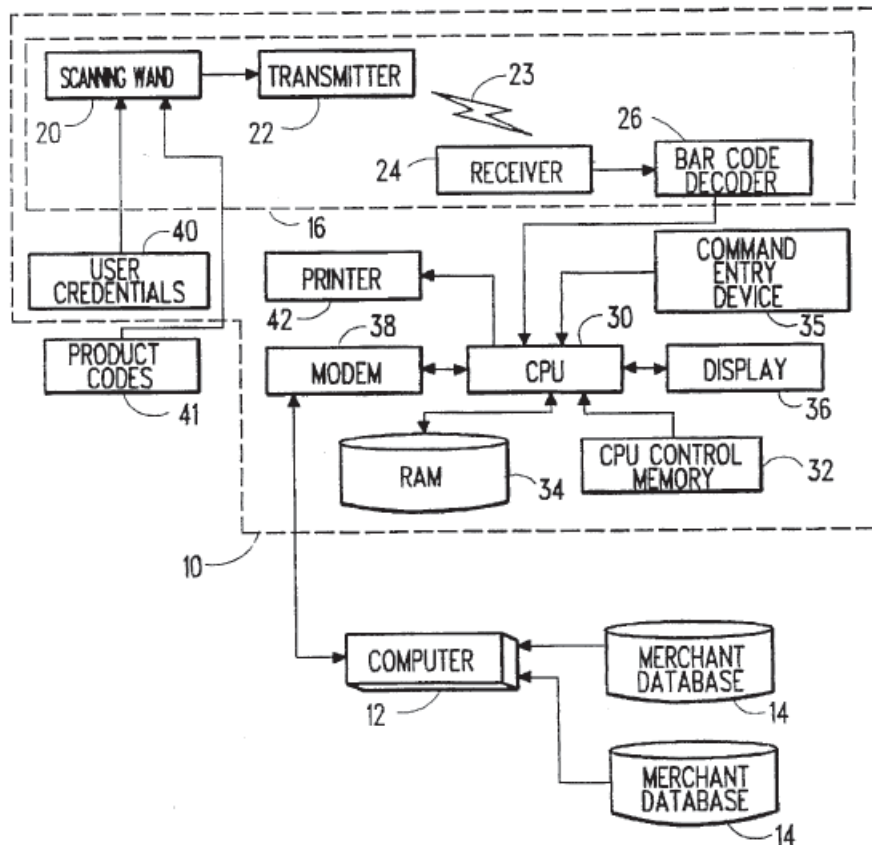


FIG. 2

Figure 2 is a schematic representation of the remote ordering system according to the '110 Patent.

As illustrated in Figure 2, each DPU 10 includes data entry device 16 which provides coded information to the rest of DPU 10. *Id.* at col. 3, ll. 5–7. In the embodiment of Figure 2, data entry device 16 includes optical

scanning wand 20 having RF transmitter 22 in communication with RF receiver 24, and also includes bar code decoder 26. *Id.* at col. 3, ll. 7–11. Scanning wand 20 may be passed over some form of bar code 41, whether displayed on a screen, printed on packaging for a desired product, in a catalog of codes, on coupons, or printed on a credit-card sized identification control card. *Id.* at col. 3, ll. 11–15. “The specific bar code employed may be Code 128, Codabar, or one of the UPC (UPC-A, UPC-E) or EAN (EAN-8, EAN-13) codes, or any other code including system specific code.” *Id.* at col. 3, ll. 15–18.

Regardless of the detection means or the code read, “the received code is interpreted by bar code decoder 26 to provide a common representation of the coded information, such as in ASCII format.” *Id.* at col. 3, ll. 18–21. The code may be user identification means, a merchant identification means, or a product bar code scanned from a list or screen. *Id.* at col. 3, ll. 5–21; *see id.* at col. 10, ll. 30–41. The user may create a list for local storage and review and for provision to a remotely-located order processing system. *See id.* at col. 7, ll. 1–13. When the list is provided to the order processing system, the order processing system returns new or replacement user-discernible information data, or both, relating to the items on the list. *Id.* at col. 1, ll. 54–58.

B. Related Matters

The ’110 Patent has been asserted in proceedings listed in the Petition. Pet. 67–70; *see* Paper 6, 1–2. The ’110 Patent currently is being asserted against Petitioner in *Cronos Technologies LLC v. Travelocity.com L.P.*, Case No. 1:13-cv-01544-LPS (D. Del.); *Cronos Technologies LLC v. Priceline.com*, Case No. 1:13-cv-01541-LPS (D. Del.); and *Cronos*

Technologies LLC v. Expedia Inc., Case No. 1:13-cv-01538-LPS (D. Del.).
Exs. 1002–1004.

C. Illustrative Claims

Petitioner challenges claims 1–3, 8–19, 22–28, 31–36, and 41–44 of the '110 Patent. Pet. 1. Claims 1 and 22 are independent. Claims 2, 3, and 8–19 depend from independent claim 1; and claims 23–28, 31–36, and 41–44 depend from independent claim 22. *See* Ex. 1001, col. 14, l. 46–col. 18, l. 28. Independent claim 1 is directed to a remote ordering terminal (*id.* at col. 14, l. 46–col. 15, l. 22), and independent claim 22 is directed to a method for remote ordering (*id.* at col. 16, l. 23–col. 17, l. 4). Claims 1 and 22 of the '110 Patent are illustrative of the claims at issue:

1. A remote ordering terminal for providing at least one list of at least one item or group of items to a remotely located order processing system associated with one or more merchants on each of a plurality of occasions, each item or group of items having an item code associated therewith, said remote ordering terminal comprising:

user and/or merchant identifier means;

at least one data entry device for providing said terminal with said item associated item codes and with data from said user and/or merchant identifier means;

a database unit providing a user-specific database including user-discernable item data associated with item codes for user-selected items or groups of items;

memory to provide storage for said user-specific database, said memory in communication with said at least one data entry device for storing said at least one list;

communication means for associating said memory and said

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