UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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FIDELITY NATIONAL INFORMATION SERVICES, INC.,
Petitioner,

v.

DATATREASURY CORP.,
Patent Owner.

_____

Case IPR2014-00489
Patent 5,910,988

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Before MICHAEL P. TIERNEY, WILLIAM V. SAINDON, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

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

I.   INTRODUCTION

Fidelity National Information Services, Inc. ("Petitioner") filed a Petition requesting *inter partes* review of claims 22-25, 36-50, and 66-123 ("the challenged claims") of U.S. Patent No. 5,910,988 (Ex. 1001, "the '988 patent"). Paper 2 ("Pet."). DataTreasury Corp. ("Patent Owner") filed a Preliminary Response. Paper 6 ("Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314.

Upon consideration of the Petition and Preliminary Response, we determine that the information presented by Petitioner has not established that there is a reasonable likelihood that Petitioner would prevail in showing unpatentability of the challenged claims of the '988 patent. Accordingly, the Petition is denied.

A. Related Proceedings

Petitioner and Patent Owner indicate that the '988 patent is involved in three co-pending district court cases in the United States District Court for the Eastern District of Texas: *DataTreasury Corp. v. Fiserv, Inc.*, 2:13-cv-00431 (E.D. Tex. filed May 28, 2013); *DataTreasury Corp. v. Jack Henry & Associates, Inc. et al.*, 2:31-cv-00433 (E.D. Tex. filed May 28, 2013); and *DataTreasury Corp. v. Fidelity National Information Services, Inc. et al.*, 2:13-cv-00432 (E.D. Tex. filed May 28, 2013). Pet. 3-5; Paper 4, 2-3. Petitioner and Patent Owner also identify several closed district court proceedings involving the '988 patent. Pet. 3-5; Paper 4, 2-4.

Petitioner and Patent Owner also identify additional petitions for *inter partes* review and for covered business method review of the '988 patent: CBM2014-00021, CBM2014-00057, CBM2014-00087, and IPR2014-00491. Pet. 3; Paper 4, 2; Paper 5, 1. Petitioner and Patent Owner also

identify petitions for *inter partes* review and for covered business method review of Patent Owner's related U.S. Patent No. 6,032,137: CBM2014-00020, CBM2014-00056, CBM2014-00088, and IPR2014-00490. *Id.* Petitioner and Patent Owner also identify an *ex parte* reexamination of the '988 patent (Control No. 90/012,537) (pending). Pet. 3; Paper 4, 2.

B. The '988 patent

The '988 patent is directed to a system for remote data acquisition and centralized processing and storage of the acquired data. Ex. 1001, Abstract. An object of the invention is to provide an automated system to manage and store captured electronic and paper transactions from various activities including banking and consumer applications. *Id.* at 3:30–35. Generally, the '988 patent describes scanning documents using a scanner attached to a general purpose network computer that is connected via a carrier cloud to a server that inserts images and data received into a database. *Id.* at Figs. 1–2, 3:30–51, 4:60–67, 5:40–45, 16:38–45. Additionally, the general purpose network computer encrypts the images and data to provide a system with maximal security. *Id.* at 3:30–35, 7:31–35, 8:3–5.

Figure 1 of the '988 patent, provided below, depicts a preferred embodiment of the system having three major operational elements:
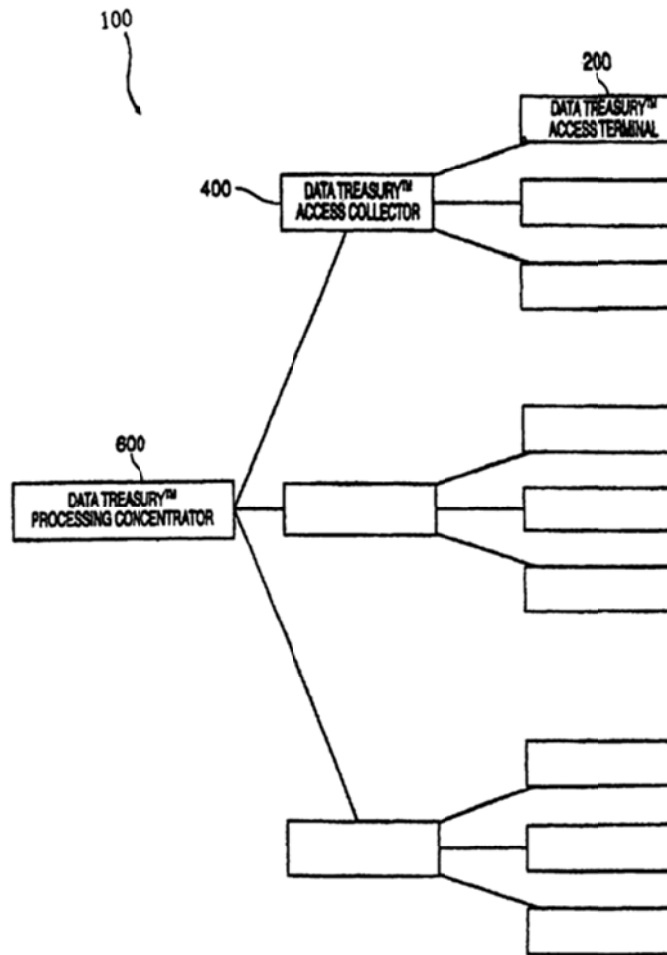
FIG. 1 (Amended)

The '988 patent describes the tiered arrangement depicted in Figure 1 as
follows:

> FIG. 1 shows the architecture of the DataTreasury™ System
> 100. The DataTreasury™ System 100 has three operational
> elements: the DataTreasury™ System Access Terminal (DAT)
> 200 (the remote data access subsystem), the DataTreasury™
> System Access Collector (DAC) 400 (the intermediate data
> collecting subsystem), and the DataTreasury™ System
> Processing Concentrator (DPC) 600 (the central data processing
> subsystem).

Id. at 4:60–67.

Figure 2 of the '988 patent, provided below, depicts a block diagram of the DAT (remote data access subsystem terminal):
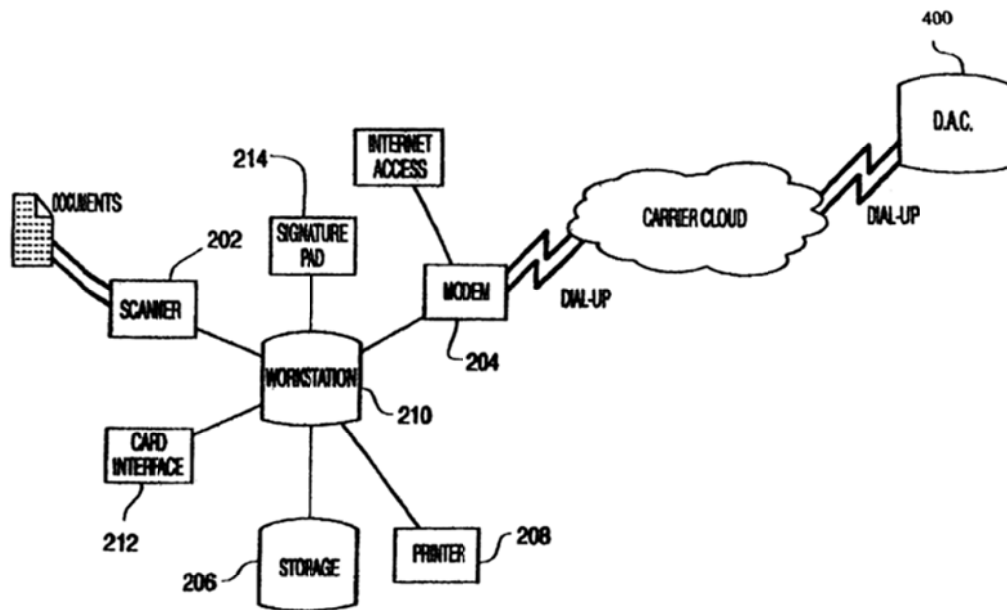

FIG. 2 (Amended)

As shown in Figure 2, a scanner 202 is connected to a workstation 210, which is connected to a data system access collector 300. The workstation can be a general purpose computer and performs tasks including compressing, encrypting, and tagging a scanned bitmapped image. *Id.* at 5:40–45, 7:31–35.

The '988 patent is said to improve upon the prior art by providing an automated, reliable, secure system to process electronic and paper transactions. *Id.* at 3:25–29.

C. Illustrative Claim

Independent claims 26 and 42 are illustrative of the challenged claims in the '988 patent and are reproduced below:

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