

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DOMINION DEALER SOLUTIONS, LLC
Petitioner

v.

AUTOALERT, INC.
Patent Owner

Case IPR2013-00222 (JL)
U.S. Patent No. 7,827,099

Before JAMESON LEE, JONI Y. CHANG, and
MICHAEL R. ZECHER, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*

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

I. INTRODUCTION

Dominion Dealer Solutions, LLC (“Dominion”) filed a petition (“Pet.”) requesting *inter partes* review of claims 1-20 of U.S. Patent No. 7,827,099 (“the ’099 patent”). Paper 1. Patent Owner, AutoAlert, Inc. (“AutoAlert”), filed a preliminary response (“Prel. Resp.”). Paper 11. We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a), which provides:

THRESHOLD --The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 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.

For the reasons set forth below, we conclude that the information presented in the petition does not establish that there is a reasonable likelihood that Dominion will prevail in showing that claims 1-20 are unpatentable under 35 U.S.C. §§ 102(b) and 103(a). We hereby deny the petition.

A. *Related Matters*

Dominion indicates that the ’099 patent was asserted against it in *AutoAlert, Inc. v. Dominion Dealer Solutions, LLC, Autobase, Inc. and 110 Reynolds, LLC*, SACV12-01661 JST (JPR), filed in the U.S. District Court for the Central District of California. Pet. 2. Dominion also filed four other petitions seeking *inter partes* review of the following patents: U.S. Patent

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No. 8,005,752 (IPR2013-00220); U.S. Patent No. 8,086,529 (IPR2013-00223); U.S. Patent No. 8,095,461 (IPR2013-00224); and U.S. Patent No. 8,396,791 (IPR2013-00225). *Id.*

B. The Invention of the '099 Patent (Ex. 1001)

The invention of the '099 patent generally relates to alerting dealers when favorable financial terms are available to customers. Ex. 1001, 1:17-19. In particular, the invention of the '099 patent generates and sends alerts to a dealer when a prospective customer is able to enter into a new financial arrangement under financial terms that are favorable to the customer. Ex. 1001, 1:62-65; 22:5-8. Financial terms that are favorable to a customer are those in which the customer will pay less under a new financial arrangement than under an old financial arrangement. Ex. 1001, 22:8-11. However, in certain cases, a customer may find terms favorable to the customer even when the customer will pay more under the new financial arrangement, *e.g.*, purchasing a vehicle with a higher level of quality or luxury. Ex. 1001, 22:11-15. A salesperson associated with the dealer can use the alerts to contact customers proactively and offer them a new financial agreement that would replace their old financial agreement. Ex. 1001, 4:26-28.

Figure 39 of the '099 patent illustrates a financial terms alert generation system attached to a computer network. Ex. 1001, 4:5-7; 21:4-6. Figure 39 is reproduced below:

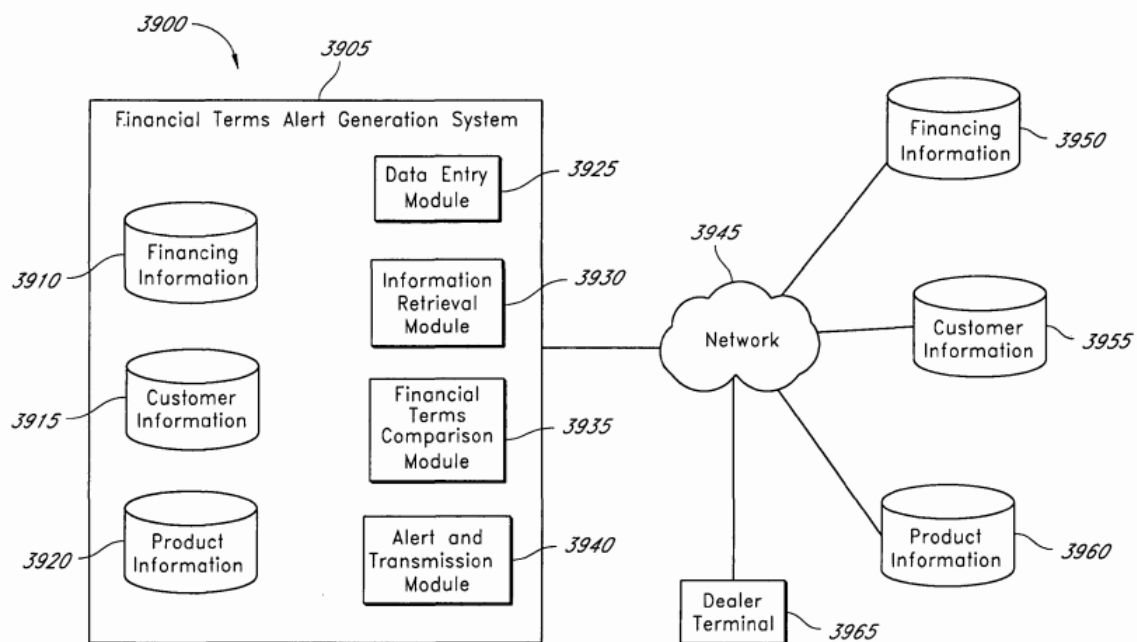


FIG. 39

Figure 39 illustrates the local storages and modules that form the financial terms alert generation system.

According to Figure 39, the financial terms alert generation system 3905 includes the following local storages: financing information 3910; customer information 3915; and product information 3920. Ex. 1001, 21:6-11. The financial terms alert generation system 3905 also includes the following modules: a data entry module 3925; an information retrieval module 3930; a financial terms comparison module 3935; and an alert transmission module 3940. *Id.* The financial terms alert generation system 3905 is connected via a computer network 3945 to external financing information 3950, external customer information 3955, external product

information 3960, and at least one dealer terminal 3965. Ex. 1001, 21:11-15.

The '099 patent discloses that the information retrieval module 3930 retrieves information automatically about products, customers, and financing from sources available on the network 3945, *e.g.*, from the external financing information 3950, the external customer information 3955, and the external product information 3960. Ex. 1001, 21:45-50. Upon retrieving information about products, customers, and financing from sources available on the network 3945, the information retrieval module 3930 makes the information available to the financial terms alert generation system 3905, which in turn uses the information to perform calculations that are necessary to determine whether a customer advantageously can enter into a new financial agreement. Ex. 21:50-57. Thereafter, the alert transmission module generates alerts and sends those alerts to the dealer terminal 3965 whenever the new information retrieved by the information retrieval module 3930 affects whether a customer is able to enter into a new lease or purchase transaction. Ex. 1001, 22:51-55; 23:23-25.

In one embodiment, the financial terms comparison module 3935 performs the processing illustrated in block 3620 of Figure 36. Ex. 1001, 19:16-18, 29-31. Figure 36 is reproduced below:

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