

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.
Petitioner

v.

AT HOME BONDHOLDERS' LIQUIDATING TRUST
Patent Owner

Case IPR No. Unassigned
U.S. Patent 6,286,045

**Petition for *Inter Partes* Review of U.S. Patent No. 6,286,045 UNDER 35
U.S.C. §§ 311-319 and 37 C.F.R. §§ 42.1-.80, 42.100-.123**

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I. INTRODUCTION

Google Inc. ("**Petitioner**") petitions for *Inter Partes* Review, seeking cancellation of claims 20-31, 33, 43-44, 47-48, 59, 61-63, 72-73, 75, and 77-78 ("**challenged claims**") of U.S. Patent No. 6,286,045 to Griffiths *et al.* ("**the '045 patent**") (GOOG 1001), which is owned by At Home Bondholders' Liquidating Trust ("**Patent Owner**").

II. GROUNDS FOR STANDING (37 C.F.R. § 42.104(a)); PROCEDURAL STATEMENTS

Petitioner certifies that the '045 patent is available for IPR, and that it is not barred or estopped from requesting IPR of the challenged claims on the grounds identified in this petition, as Petitioner was first served less than a year ago with an infringement complaint on Feb. 20, 2014, in U.S. District Court for the District of Delaware (1:14-cv-00216)¹. (GOOG 1015.) Filed herewith are Powers of Attorney and an Exhibit List per § 42.10(b) and § 42.63(e), respectively. The required fee is paid online via credit card. The Office is authorized to credit overpayments and charge fee deficiencies to Deposit Acct. No. 19-0036 (Cust. ID No. 45324).

¹ Petitioner notes that it was also served with a complaint based on the '045 patent on Feb. 10, 2014. However, that complaint was dismissed without prejudice, and is therefore not relevant to the IPR bar date. (IPR2012-00004, Paper No. 18.)

III. STATEMENT OF THE PRECISE RELIEF REQUESTED AND THE REASONS THEREFOR (37 C.F.R. § 42.22(a))

Petitioner requests IPR and cancellation of claims 20-31, 33, 43-44, 47-48, 59, 61-63, 72-73, 75, and 77-78 of the '045 patent. A detailed statement of the reasons for the relief requested is set forth in §§ IV and VII below.

IV. OVERVIEW

Inter partes review ("IPR") was created to improve patent quality and, if warranted, cancel unpatentable claims. That core purpose is furthered by this Petition, as the challenged claims of the '045 patent should never have been issued. Not only was the alleged invention known before the '045 patent filing date, but the four "fundamental principles" of the alleged invention – touted by the Patent Owner during prosecution as distinguishing the invention from the art – were also well-understood by the industry. Because Petitioner is, at a minimum, reasonably likely to prevail in showing unpatentability, the Petition should be granted and trial instituted on all of the challenged claims as set forth below.

A. The '045 Patent

The '045 patent was filed on May 19, 1997, and issued on September 4, 2001. According to USPTO assignment recordation records, At Home Bondholders' Liquidating Trust is now the Patent Owner.

The '045 patent claims nothing more than a well-known method of Internet advertising and the ability to accurately account for the number of times an

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