UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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GOOGLE INC.,
Petitioner,

v.

AT HOME BONDHOLDERS' LIQUIDATING TRUST,
Patent Owner.
_____

Case IPR2015–00657
Patent 6,286,045 B1

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Before, KARL D. EASTHOM, JUSTIN T. ARBES, and
MIRIAM L. QUINN *Administrative Patent Judges.*

QUINN, *Administrative Patent Judge.*

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

Google Inc. ("Petitioner") filed a Petition to institute *inter partes* review of claims 20–31, 33, 43, 44, 47, 48, 59, 61–63, 72, 73, 75, 77, and 78 of U.S. Patent No. 6,286,045 B1 ("the '045 patent") pursuant to 35 U.S.C. § 311–319. Paper 2 ("Pet."). At Home Bondholders' Liquidating Trust ("Patent Owner") timely filed a Preliminary Response. Paper 10 ("Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314.

For the reasons that follow, we institute an *inter partes* review as to claims 59, 61–63, 72, and 73 on certain grounds of unpatentability.

I. BACKGROUND

A. RELATED MATTERS

Petitioner identifies that the patent-at-issue is the subject matter of a district court case filed in the U.S. District Court for the District of Delaware (Case No. 1:14-cv-00216). Pet. 59–60.

B. ASSERTED GROUNDS

Petitioner contends that claims 20–31, 33, 43–44, 47–48, 59, 61–63, 72–73, 75, 77 and 78 ("the challenged claims") are unpatentable under 35 U.S.C. § 103 based on the following specific grounds:

References	Basis	Claim[s] challenged
Angles[1] and Merriman[2]	§ 103	20, 24–26, 28, 30–31, 75, 78

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[1] U.S. Patent No. 5,933,811 (Exhibit 1012) ("Angles").
[2] U.S. Patent No. 5,948,061 (Exhibit 1013) ("Merriman").

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References	Basis	Claim[s] challenged
Angles, Merriman, and Garland[3]	§ 103	22, 23, 29, 33, 43–44, 47–48, 77
Angles, Merriman, and Davis[4]	§ 103	21
Angles, Merriman, and HTTP 1.0[5]	§ 103	27, 59, 61–63, 72–73
Wexler,[6] HTTP 1.0	§ 103	20, 21, 24–28, 31, 33, 72, 75, 77, 78
Wexler, HTTP 1.0, and Meeker[7]	§ 103	30, 59, 61–63, 73
Wexler, HTTP 1.0, and Garland	§ 103	22–23, 29, 43–44, 47
Wexler, HTTP1.0, Garland, and Meeker	§ 103	48

C. THE '045 PATENT (EX. 1001)

The '045 patent is directed to a system for storing information on a computer network and allowing the information to be accessed by terminals connected to the computer network, either directly, or through an intermediary device such as a local or proxy server. Ex. 1001, Abstract. The system includes computers or web sites that store pages, which may

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[3] Michael Garland et al., *Implementing Distributed Server Groups for the World Wide Web*, Carnegie Mellon University (Jan. 25, 1995) (Exhibit 1009) ("Garland").

[4] U.S. Patent No. 5,796,952 (Exhibit 1014) ("Davis").

[5] T. Berners-Lee et al., *HTTP Working Group Internet Draft Hypertext Transfer Protocol–HTTP/1.0*, (Feb. 19, 1996) (Exhibit 1008) ("HTTP 1.0").

[6] U.S. Patent No. 5,960,409 (Exhibit 1007) ("Wexler").

[7] Mary Meeker, *Technology: Internet/New Media The Internet Advertising Report*, Morgan Stanley, U.S. Investment Research (Dec. 1996) (Exhibit 1010) ("Meeker").

include references to banners to be displayed in conjunction with the web pages on the terminal. *Id.* The '045 patent also discloses a method that "solves the initial problem of how to create accurate counts of banner information displays on user terminals while avoiding the problems created by requiring the banner information to be retransmitted across the computer network each time the banner information is requested by a user or a user's terminal." *Id.* at 14:33–40. In one embodiment, the '045 patent describes the use of an initial banner request signal that is a general content Uniform Resource Locator ("URL") address generated by the terminal, where the URL does not specify which banner is to be displayed. *Id.* at 17:22–26. The recipient of the initial banner request signal selects which banner is to be displayed on the terminal, and returns a specific content URL address to the terminal, using a "Status HTTP 302 Redirect signal," indicating the address of the selected banner. *Id.* at 17:26–36. Therefore, even though the banner may be cached or stored on the user's terminal or on a proxy server, the specific content URL address signal is not cached, preventing the initial banner request signal from being blocked by either the terminal or the proxy server. *Id.* at 17:42–50.

D. ILLUSTRATIVE CLAIMS

Challenged claims 20, 43, 59, 72, and 75 are independent. Claims 20 and 59 are illustrative and are reproduced below.

20. A method for distributing a banner over a computer network to a device when the banner is referenced or linked to in a document served to the device, wherein the banner is stored in one or more servers, comprising:

receiving a first banner request signal from a device at a first server requesting that a banner be served to the device, wherein said first banner request signal includes information intended to prevent said first banner request signal from being blocked from reaching said first server by the device despite previous caching of said specified banner in the device;

sending a banner location signal from said first server to the device, wherein said banner location signal includes location information for a specified banner stored on a second server; and

receiving a second banner request signal from the device at said second server requesting that the second server serve said specified banner to the device.

59. A method for serving a banner to a client device, comprising:

receiving at a primary server a first request for a banner, said first request containing at least a portion of an initial URL, wherein said first request includes information intended to prevent said first request from being blocked from the primary server despite previous storage of the banner on the client device;

sending a signal from the primary server to the client device that includes at least a portion of a second URL associated with the banner's location;

receiving at the primary server a second TCP/IP compliant request requesting that the banner be served to the client device if the banner is not stored on the client device;

serving the banner to the client device; and

counting at least one display of the banner on the client device.

II. ANALYSIS

A. CLAIM INTERPRETATION

The Board interprets claims using the "broadest reasonable construction in light of the specification of the patent in which [they] appear[]." 37 C.F.R. § 42.100(b). We presume that claim terms have their ordinary and customary meaning. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007) ("The ordinary and customary meaning 'is the

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