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Paper 14
Entered: August 14, 2015

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 IPR2015-00658
Patent 6,286,045 B1

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

QUINN, *Administrative Patent Judge.*

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

Google, Inc. ("Petitioner") filed a Petition to institute *inter partes* review of claims 1–12, 14–19, and 34–42 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 deny the Petition.

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. 60.

B. ASSERTED GROUNDS

Petitioner contends that claims 1–12, 14–19, and 34–42 ("the challenged claims") are unpatentable under 35 U.S.C. § 103 based on the following specific grounds:

Reference[s]	**Basis**	**Claims challenged**
Angles[1] and Merriman[2]	§ 103	1–6, 12, 14, 15, 17–19, 34, 35, 40

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

Reference[s]	Basis	Claims challenged
Angles, Merriman, and Garland[3]	§ 103	7–11, 16, 39
Angles, Merriman, and Davis[4]	§ 103	42
Angles, Merriman, and HTTP1.0[5]	§ 103	36–38, 41
Wexler[6] and HTTP1.0	§ 103	1–6, 12, 14–18, 34–42
Wexler, HTTP1.0, and Meeker[7]	§ 103	19
Wexler, HTTP1.0, and Garland	§ 103	7–11

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 include references to banners to be displayed in conjunction with the web

[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) ("HTTP1.0").
[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").

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 1 and 34 are independent, and are reproduced below.

1. A method for storing information on a primary server and one or more secondary servers and on computer sites connected to a computer network, wherein information delivered over the computer network to a terminal or a group of terminals may contain references to other information to be delivered to the terminal, comprising:

serving a first portion of information to a terminal, wherein said first portion of information contains a reference to a second portion of information;

causing a first request signal to be transmitted from the terminal to a primary server requesting a location address for said second portion of information from which said second portion of information can be served to the terminal, wherein said first request signal includes information intended to prevent said first request signal from being blocked from reaching said primary server by either the terminal or any intermediary device located topologically between the terminal and the primary server as a result of previous caching of said first portion of information or said second portion of information in the terminal or said intermediary device;

sending a location signal from the primary server to the terminal providing said location address of said second portion of information;

causing a second request signal to be transmitted from the terminal containing said location address of said second portion of information and requesting said second portion of information be served to the terminal; and

serving said second portion of information to the terminal.

34. A method for enabling a web page and an associated banner to be served to a computer, wherein the web page contains a link or other reference to the banner, comprising:

serving a web page to a computer;

causing a banner request signal to be sent from the computer to a primary server requesting a banner be served to the computer, wherein said banner request signal includes a Uniform Resource Locator address for said primary server and wherein said banner request signal includes information intended to prevent said banner request signal from being blocked from being received by the primary server as a result of previous caching of the banner on the computer;

determining which specified banner will be served to the computer; and

sending a banner location signal from said primary server to the computer, wherein said banner location signal includes the Uniform Resource Locator address for a device on which the specific banner to be served to the computer is stored.

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