UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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inCONTACT, INC.,
Petitioner,

v.

MICROLOG CORP.,
Patent Owner.

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Case IPR2015-00560
Patent 7,092,509 B1

Before JUSTIN T. ARBES, FRANCES L. IPPOLITO, and
MINN CHUNG, *Administrative Patent Judges.*

CHUNG, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

In this *inter partes* review, instituted pursuant to 35 U.S.C. § 314, Petitioner inContact, Inc. ("Petitioner") challenges the patentability of claims 1–6 and 8–13 (the "challenged claims") of U.S. Patent No. 7,092,509 B1 (Ex. 1001, "the '509 patent"), owned by Microlog Corp. ("Patent Owner"). The Board has jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. With respect to the grounds instituted in this trial, we have considered the papers submitted by the parties and the evidence cited therein. For the reasons discussed below, we determine Petitioner has shown by a preponderance of the evidence that claims 1–6 and 8–13 of the '509 patent are unpatentable.

A. Procedural History

On January 15, 2015, Petitioner filed a Petition (Paper 2, "Pet.") requesting an *inter partes* review of claims 1–6 and 8–13 of the '509 patent. Patent Owner filed a Preliminary Response (Paper 7, "Prelim. Resp."). On July 30, 2015, we instituted an *inter partes* review of claims 1–6 and 8–13 based on the ground that the challenged claims are unpatentable as anticipated by Haigh[1] under 35 U.S.C. § 102(b). Paper 8 ("Dec. on Inst.").

After institution of trial, Patent Owner filed a Patent Owner Response (Paper 13, "PO Resp."), to which Petitioner filed a Reply (Paper 17, "Reply"). No oral hearing was held in this proceeding in view of the Joint

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[1] Ex. 1002, U.S. Patent No. 5,793,861 (issued Aug. 11, 1998).

Notice of Waiver of Oral Argument (Paper 19) filed by the parties. *See* Paper 20.

B. Related Proceedings

According to Petitioner, the '509 patent is the subject of the following patent infringement case: *Microlog Corp. v. inContact, Inc.*, No. 14-47 (LPS) (D. Del.). Pet. 1.

II. THE '509 PATENT

A. Described Invention

The '509 patent describes a system and method to receive and distribute to agent workstations "contacts" of various media types—such as telephone calls, emails, facsimiles, and web chats—based on criteria associated with the contacts and the available agents. *See* Ex. 1001, Abstract; col. 1, ll. 21–30. Figure 1 of the '509 patent is reproduced below.
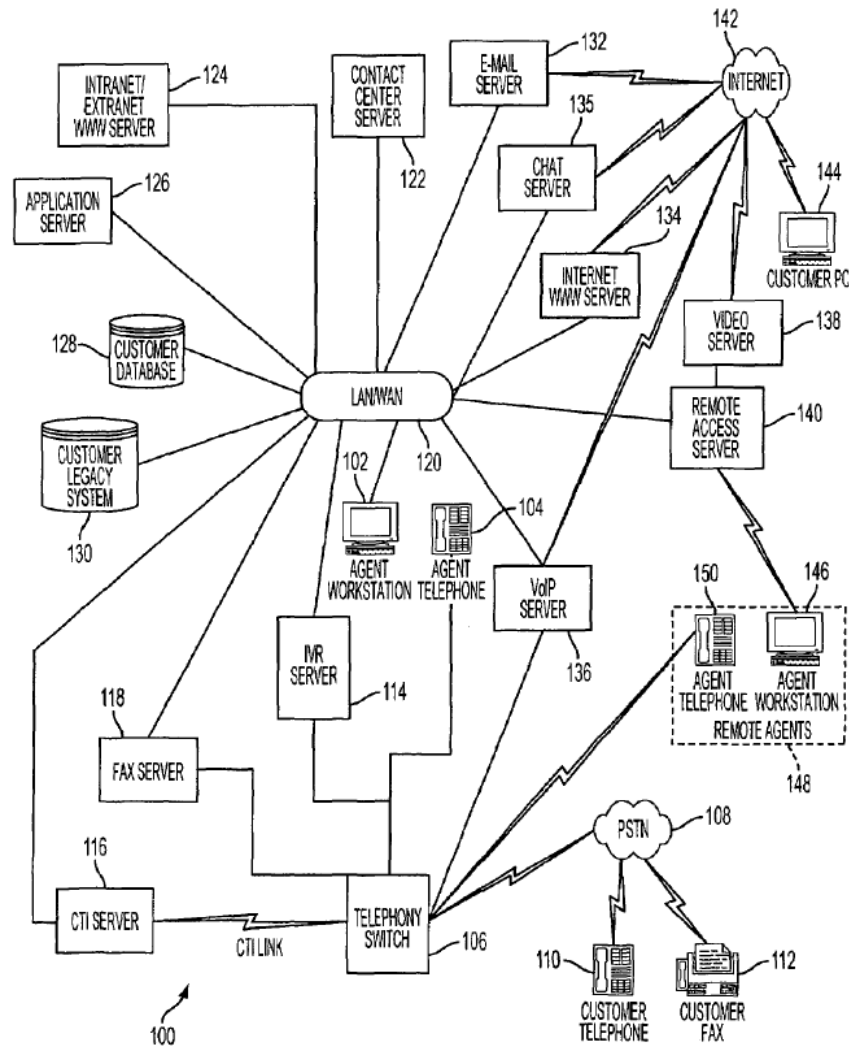
FIG. 1

Figure 1 depicts contact center or call center system 100, which includes

telephony switch 106, contact center server 122, agent workstation 102, and

agent telephone 104. In an embodiment, telephone switch 106 can be a

conventional automatic call distributor (ACD) that distributes incoming

telephone calls to the agents. *Id.* at col. 1, ll. 38–43; col. 8, ll. 50–52.

According to the '509 patent, although conventional call centers were

incapable of handling contacts other than telephone calls (*id.* at col. 2, ll. 52–

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60), contact center system 100 of the '509 patent can receive, queue, and route contacts of additional media types, including emails, facsimiles, web callbacks, and web chat, to agent workstations 102 and/or agent telephones 104. *Id.* at col. 3, ll. 19–29; col. 9, ll. 35–38.

The '509 patent further describes that the received contacts of different types are queued and routed to appropriate agents by way of a common queue. *Id.* at col. 41, ll. 44–48. Figure 50 of the '509 patent is reproduced below.
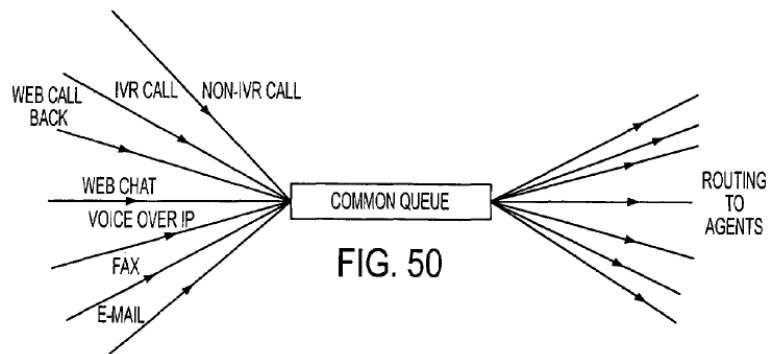

FIG. 50

Figure 50 shows that incoming contacts of various types are placed in a common, shared queue and subsequently routed to available agents. *Id.* According to the '509 patent, "because the different media-type contacts are all queued in a common queue independent of media type, the system is adaptable to handle any type of contact." *Id.* at col. 41, ll. 52–55. In further embodiments, the queued contacts are matched and routed to suitable agents based on various criteria, including the media type, the priority level, and the agent skill. *Id.* at col. 10, ll. 6–22; col. 47, ll. 12–60; Fig. 68.

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