

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

VILOX TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2018-00044
Patent 7,302,423 B2

Before SALLY C. MEDLEY, ROBERT J. WEINSCHENK, and
JOHN D. HAMANN, *Administrative Patent Judges*.

HAMANN, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73
DECISION ON MOTION TO AMEND
35 U.S.C. § 316(d) and 37 C.F.R. § 42.121

I. INTRODUCTION

This *inter partes* review, instituted pursuant to 35 U.S.C. § 314, challenges the patentability of claims 1–9 and 13 (“the challenged claims”) of U.S. Patent No. 7,302,423 B2 (“the ’423 patent,” Ex. 1001), owned by Vilox Technologies, LLC (“Patent Owner”). We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

For the reasons discussed herein, Unified Patents Inc. (“Petitioner”) has shown by a preponderance of the evidence that (i) the challenged claims of the ’423 patent are unpatentable, and (ii) Patent Owner’s contingent, substitute claims would be unpatentable.

II. BACKGROUND

A. Procedural History

On October 6, 2017, Petitioner filed a Petition requesting *inter partes* review of the challenged claims of the ’423 patent. Paper 1 (“Pet.”). The Petition is supported by the Declaration of Philip Greenspun, Ph.D. (“Greenspun Decl.,” Ex. 1005) and the Declaration of Ingrid Hsieh-Yee, Ph.D. (Ex. 1011). Patent Owner filed a Preliminary Response. Paper 7.

On April 19, 2018, we instituted *inter partes* review of all of the challenged claims of the ’423 patent on all of the asserted grounds. Paper 9 (“Inst. Dec.”), 6, 38. On July 9, 2018, Patent Owner filed a Response to the Petition. Paper 26 (“PO Resp.”). The Response is supported by the Declaration of Wesley W. Chu, Ph.D. (“Chu Decl.,” Ex. 2017), the Declaration of Dr. Joseph L. De Bellis (Ex. 2021), and the Declaration of Lucille Marie De Bellis (Ex. 2022). On September 24, 2018, Petitioner filed a Reply to Patent Owner’s Response. Paper 41 (“Pet. Reply”). On

November 6, 2018, Patent Owner filed an amended Sur-Reply to Petitioner's Reply. Paper 52 ("PO Sur-Reply").

In addition, on July 9, 2018, Patent Owner filed a contingent Motion to Amend certain of the challenged claims. Paper 27 ("MTA"), 1–2. On September 24, 2018, Petitioner filed an Opposition to Patent Owner's Motion to Amend. Paper 42 ("MTA Opp."). The Opposition to the Motion to Amend is supported by a separate Declaration of Philip Greenspun, Ph.D. ("Greenspun MTA Decl.," Ex. 1013). On October 22, 2018, Patent Owner filed a Reply to Petitioner's Opposition to Patent Owner's Motion to Amend. Paper 45 ("MTA Reply"). Patent Owner's Reply for the Motion to Amend is supported by a separate Declaration of Wesley W. Chu, Ph.D. ("Chu MTA Decl.," Ex. 2027) and a Declaration of Lucille Marie De Bellis (Ex. 2029). On November 13, 2018, Petitioner filed a Sur-Reply to Patent Owner's Reply to Petitioner's Opposition to Patent Owner's Motion to Amend. Paper 53 ("MTA Sur-Reply").

On November 5, 2018, Patent Owner filed a Motion to Exclude Evidence. Paper 49 ("Mot. Ex. Ev."). On November 16, 2018, Petitioner filed an Opposition to Patent Owner's Motion to Exclude Evidence. Paper 56 ("Opp. Ex. Ev."). On November 28, 2018, Patent Owner filed a Reply to Petitioner's Opposition to Patent Owner's Motion to Exclude Evidence. Paper 57 ("Reply Ex. Ev.").

An oral hearing was held on December 11, 2018. A transcript of the oral hearing is included in the record. Paper 63 ("Tr.").

B. Related Matters

Petitioner identifies the following as matters that the '423 Patent "is or has been involved."

	Name	Number	District
1.	<i>Smart Search Concepts LLC v. Buy.com Inc.</i>	1-13-cv-01034	D. Del.
2.	<i>Smart Search Concepts LLC v. Wal-Mart Stores Inc.</i>	1-13-cv-01042	D. Del.
3.	<i>Smart Search Concepts LLC v. Neiman Marcus Inc.</i>	1-13-cv-01039	D. Del.
4.	<i>Vilox Tech. LLC v. The Priceline Group, Inc.</i>	2-15-cv-01460	E.D. Tex.
5.	<i>Vilox Tech. LLC v. Orbitz Worldwide, Inc.</i>	2-15-cv-01459	E.D. Tex.
6.	<i>Vilox Tech. LLC v. Expedia, Inc.</i>	2-15-cv-01457	E.D. Tex.
7.	<i>Vilox Tech. LLC v. Express, Inc.</i>	2-15-cv-02025	E.D. Tex.
8.	<i>Vilox Tech. LLC v. Costco Wholesale Corp.</i>	2-15-cv-02019	E.D. Tex.
9.	<i>Vilox Tech. LLC v. Mindgeek USA, Inc.</i>	2-16-cv-01278	E.D. Tex.

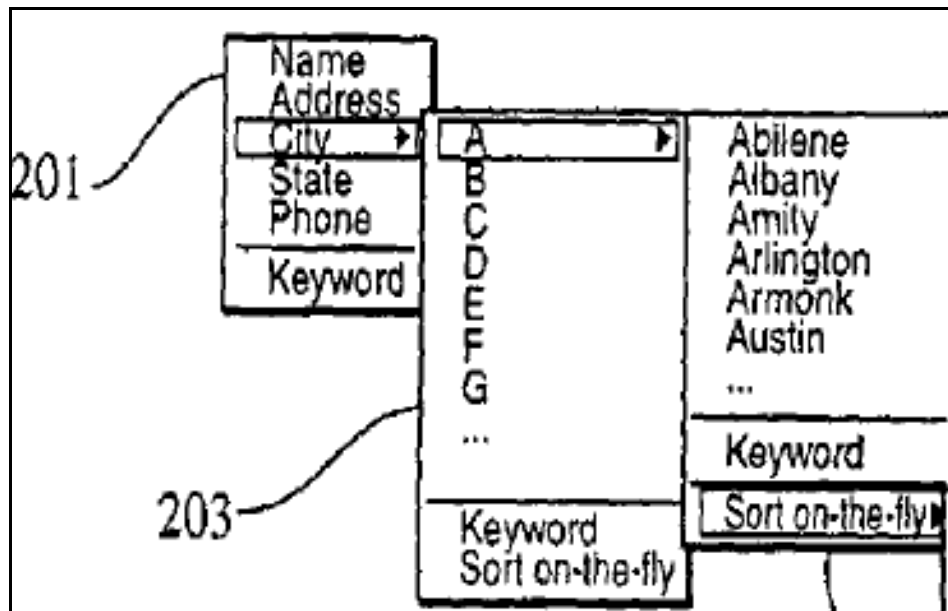
Pet. 1–2. Patent Owner submits that there are no related matters in accordance with 37 C.F.R. § 42.8(b)(2) — this section requires identification of “any other judicial or administrative matter that would affect, or be affected by, a decision in the proceeding.” Paper 4 (Patent Owner’s Mandatory Notices), 2.

Accordingly, we understand that (i) the judicial matters involving the '423 Patent identified by Petitioner are no longer pending and (ii) there are no other matters that would affect or be affected by a decision in this proceeding.

C. The Challenged Patent

The '423 patent discloses, in relevant part, formatting for display on a screen the data returned (i.e., search results) from querying a database — a database is a collection of data having a structure, such as a collection of tables for a relational database. *E.g.*, Ex. 1001, [57], 1:24–54, 24:51

(reciting for independent claim 1 “[a] computer-implemented method for displaying data”), 25:3–4 (reciting for independent claim 3 “[a] computer-implemented method for formatting data for display”). More specifically, the ’423 patent discloses that if the search results from a query would be too large (e.g., too many entries) to be displayed conveniently on a screen, the search results can be truncated so that they can be displayed more easily. *E.g., id.* at [57], 8:27–48. In one embodiment, when the search results are larger than the display size, the query’s constraints are changed so that fewer distinct search results are returned, allowing for the search results to be displayed on one page. *Id.* at 8:40–48. For example, the screen may be limited to displaying 20 lines of data, and thus, if the query returns more than 20 entries, the entries would need to be truncated (e.g., instead of a full name of a city, the first *n* letters can be used) until a displayable amount (i.e., 20 or less) of search results are achieved. *Id.* at 8:36–37, 8:48–52. Figure 10, a portion of which is shown below, illustrates an example of this truncation. *Id.* at 3:62–63.



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