

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BloomReach, Inc.,
Petitioner,

v.

Guada Technologies LLC,
Patent Owner.

Case IPR2019-01304
Patent No. 7,231,379

GUADA'S PRELIMINARY RESPONSE

Dated: October 25, 2019

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1. Introduction

When evaluating BloomReach’s petition for *inter partes* review, the Board should consider these key points:

- Wesemann (the first of two primary references) teaches how to automatically traverse *connected* nodes of telephone service systems, because these legacy systems *cannot* jump nodes;
- the menu embodiment of Fratkina (the second of two primary references) also fails to teach the jumping limitation; and
- Bloomreach cannot combine Fratkina’s alleged “jumping” feature of autocontextualization to its menu embodiment.

BloomReach has therefore failed to show “that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable” and therefore institution of *inter partes* review must be denied. 35 U.S.C. § 324(a).

2. Wesemann fails to teach key limitations of each of the challenged claims, leaving the board with no basis for institution (Grounds 1 and 2).

2.1 Wesemann teaches how to automatically traverse *connected* nodes of telephone service systems, because these legacy systems *cannot* jump nodes.

“Jumping” nodes—as undisputedly construed here—is contrary

to the teachings of Wesemann.¹ Element 1(b)² recites: identifying at least one node, other than the first node, that is not directly connected to the first node but is associated with the at least one keyword, **and jumping to the at least one node**. Ex. 1001, claim 1 (emphasis added) (also referred to as the “jumping limitation”).

Wesemann provides a user interface for navigating legacy telephone service systems that can only receive dual tone multi-frequency signals as inputs. *See* Ex.1004, Abstract. These legacy telephone systems *cannot* jump to non-connected menu states (i.e. nodes):

¹ Bloomreach adopted Guada’s construction of “jumping”, citing the prosecution history and the Patent Owner Opposition to Motion to Dismiss. Presumably, Bloomreach thereby also adopts the construction of “Jumping to the At Least One Node” and “Jumping to the Vertex”, which makes clear that the subject doing the jumping is the “system”. *See* Ex. 1003, 18-19 (where these terms are construed as “**the system jumping** to the at least one node” and “**the system jumping** to the vertex”, respectively; emphasis added).

² Bloomreach acknowledges that all of the challenged claims possess an equivalent jumping limitation, whether jumping across nodes (independent claim 1 with corresponding dependent claims 2-6) or jumping across vertices (independent claim 7). *See* Petition, 39 (Bloomreach opines that the jumping limitation of Claim 1(b) as equivalent to the same limitation in Claim 7(c)).

Wesemann teaches moving between *connected* menu states *only* because of the inherent limitations of telephone service systems

“To cause the telephone service system to jump from a first menu state to a second menu state, the voice-enabled user interface generates and transmits output to the telephone service system that causes the telephone service system to traverse the one or more menu states it is jumping over, steps 536, 538. **For example, if the telephone service system is in the menu state of business laptop sales 662 when the user speaks “home laptop sales,” then the voice-enabled user interface generates and transmits output to the telephone service system that causes the telephone service system to first transition to business computer sales 660, then to sales 630, then to home computer sales 650, and then finally to home laptop sales 652.** It should be appreciated that all of the communications associated with jumping from one menu state to another menu state are conducted without the knowledge and efforts of the user, which is an improvement over the prior art.” (Ex. 1004, 12:53-65; emphasis added.)

As an example, when a user requests home laptop sales 652 while in the business laptop sales 662 menu state, Wesemann teaches how to automatically transition between *connected* menu states without user interaction. In this way, Weisman’s user interface (which provides inputs to, but is inherently limited by, the telephone service system) generates the following series of connected menu state transitions in order to move from business laptop sales 662 (highlighted yellow) to home laptop sales 652 (highlighted purple):

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