

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELASTIC N.V., OHIO FARMERS INSURANCE COMPANY,
and PREGIS LLC,
Petitioners,

v.

GUADA TECHNOLOGIES LLC,
Patent Owner.

IPR2021-00875¹
Patent 7,231,379 B2

Before MIRIAM L. QUINN, KIMBERLY McGRAW, and
MATTHEW J. McNEILL, *Administrative Patent Judges*.

McNEILL, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

In this *inter partes* review, instituted pursuant to 35 U.S.C. § 314,
Elastic N.V., Ohio Farmers Insurance Company, and Pregis LLC

¹ Ohio Farmers Insurance Company and Pregis LLC, who filed a petition in IPR2022-00217, have been joined as Petitioners in this proceeding.

(“Petitioners”) challenge the patentability of claims 1–7 of U.S. Patent No. 7,231,379 B2 (Ex. 1001, “the ’379 patent”). 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 below, we determine Petitioners have shown by a preponderance of the evidence that claims 1–7 of the ’379 patent are unpatentable.

I. BACKGROUND

A. *Procedural History*

Elastic N.V. filed a Petition (Paper 2, “Pet.”) requesting an *inter partes* review of claims 1–7 of the ’379 patent. Elastic N.V. filed a Declaration of Dr. Padhraic Smyth (Ex. 1007) with its Petition. Guada Technologies LLC (“Patent Owner”) filed a Preliminary Response (Paper 6, “Prelim. Resp.”).

We instituted an *inter partes* review of the challenged claims, applying the standard set forth in 35 U.S.C. § 314(a), which requires demonstration of a reasonable likelihood that Petitioners would prevail with respect to at least one challenged claim. Paper 7 (“Inst. Dec.”). In the Institution Decision, we determined Elastic N.V. demonstrated a reasonable likelihood of prevailing as to at least one challenged claim, and we instituted trial on all claims and all grounds in the Petition. Inst. Dec. 25.

Patent Owner filed a Patent Owner’s Response (Paper 9, “PO Resp.”), and Elastic N.V. filed a Reply to Patent Owner’s Response (Paper 10, “Reply”). Patent Owner did not file a sur-reply to Petitioner’s Reply.

Ohio Farmers Insurance Company and Pregis LLC filed a Petition requesting *inter partes* review of claims 1–7 of the ’379 patent and a motion for joinder to this proceeding in IPR2022-00217. We granted the motion for

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joinder and joined Ohio Farmers Insurance Company and Pregis LLC as Petitioners in this proceeding. *See* IPR2022-00217, Paper 9.

An oral hearing was held on July 26, 2022, and a copy of the hearing transcript has been entered into the record. Paper 17 (“Tr.”).

B. Real Parties in Interest

Elastic N.V. identifies itself as a real party in interest. Pet. 10. Ohio Farmers Insurance Company and Pregis LLC, who joined as Petitioners, identify the following entities as real parties in interest: Ohio Farmers Insurance Company d/b/a Westfield, Westfield Insurance Company, Westfield National Insurance Company, and Pregis LLC. *See* IPR2022-00217, Paper 2. Patent Owner identifies itself as a real party in interest. Paper 4, 1.

C. Related Matters

On May 3, 2021, Petitioners indicated that Patent Owner had asserted the '379 patent in the following matters:

- *Guada Technologies LLC v. Ply Gem Industries, Inc.*, 1-20-cv-01718 (D. Del.);
- *Guada Technologies LLC v. GAF Materials LLC*, 1-20-cv-01719 (D. Del.);
- *Guada Technologies LLC v. Flowserve US, Inc.*, 1-20-cv-01431 (D. Del.);
- *Guada Technologies LLC v. Rolled Alloys, Inc.*, 1-20-cv-01432 (D. Del.);
- *Guada Technologies LLC v. Milacron LLC*, 1-20-cv-01143 (D. Del.);

- *Guada Technologies LLC v. Argos USA LLC*, 1-20-cv-00993 (D. Del.);
- *Guada Technologies LLC v. The Gillette Company LLC*, 1-20-cv-00999 (D. Del.);
- *Guada Technologies LLC v. Revlon Consumer Products Corporation*, 1-20-cv-01000 (D. Del.);
- *Guada Technologies LLC v. Dole Food Company, Inc.*, 1-20-cv-00869 (D. Del.);

Pet. 10. On July 7, 2022, Patent Owner indicated that there are no pending administrative or judicial related matters. Paper 14. However, Patent Owner identifies IPR2019-01304 as a related matter by asserting that the arguments set forth in the present Petition are copied “word for word” from the petition in that proceeding. PO Resp. 4. (comparing Pet. 16–65, with *Bloomreach, Inc. v. Gauda Techs. LLC*, IPR2019-01304, Paper 2 at 16–54).

Petitioners indicate that the ’379 patent was the subject of a similar *inter partes* review petition in IPR2021-00771, which has since been terminated. Pet. 11. Petitioners also identify the following *inter partes* review proceedings as challenging the ’379 patent: IPR2017-01039 (terminated); IPR2019-01304 (terminated); and IPR2020-00598 (terminated). *See* Pet. 5–6.

D. *The ’379 patent*

The ’379 patent relates to a method for searching a hierarchical menu tree of nodes or vertices. Ex. 1001, Abstract. One common example of a hierarchical menu tree of nodes or vertices is an automated telephone voice response system. *Id.* at 1:40–41. Users of the system typically have some goal they seek to accomplish within the system, such as a transaction or

piece of information they wish to access. *Id.* at 1:66–2:3. The user’s goal is represented by one or more “nodes” or “vertices” within the menu tree. *Id.* at 2:5–8. The user’s intent in navigating the menu tree is to get from the first, initial entry point in the menu to the goal vertices. *Id.* at 2:9–18. The ’379 patent teaches a system that purportedly allows users to navigate a menu tree more efficiently. *Id.* at 2:22–31.

The ’379 patent teaches that in graph theory, a “path” leads from a first vertex to a second vertex, where the path consists of a sequence of “edges” that connect the vertices between the first vertex (the initial entry point into the graph) and the goal vertex. Ex. 1001, 2:64–67. The ’379 patent teaches a system that allows a user to navigate a graph or menu tree in a way that allows the user to move from a first vertex to a second vertex where these vertices are not directly connected, eliminating the necessity for making choices to navigate the tree to the goal. *Id.* at 3:29–34.

The ’379 patent teaches prompting users for keywords that can be used to identify the user’s goal. *Id.* at 4:22–41. Keywords are assigned to each node in the menu tree, allowing a user to “jump” to another place in the tree by providing a keyword associated with the unconnected node. *Id.* at 4:42–5:12.

To illustrate these concepts, the ’379 patent teaches an example associated with Figure 2, shown below.

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