

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAP AMERICA, INC.  
Petitioner

v.

PI-NET INTERNATIONAL, INC.  
Patent Owner

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Case CBM2013-00013  
Patent 8,037,158

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Before KARL D. EASTHOM, JONI Y. CHANG and  
BRIAN J. McNAMARA, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

DECISION  
DENYING REQUEST FOR REHEARING  
37 C.F.R. § 42.71(d)

## BACKGROUND

On September 19, 2013, the Board instituted a trial based on Petitioner's challenges to claims 1-3 under 35 U.S.C. § 101, Petitioner's challenges to claims 1-3 and 11 under 35 U.S.C. § 103 as obvious over the combination of U.S. Patent 5,220,501 (Exhibit 1006, "Lawlor") and The Cyberbanks article (Exhibit 1007, "Computerworld") and obvious over the combination of a book entitled Electronic Banking (Exhibit 1004) and an article concerning the Stanford Federal Credit Union (Exhibit 1005, "SFCU"), and Petitioner's challenge to claims 1-6 and 11 under 35 U.S.C. § 112(b). Decision To Institute 35-36. The Board declined to institute a trial based on Petitioner's challenges to claims 4-6 under 35 U.S.C. § 101 and as obvious over the combination of Lawlor and Computerworld and obvious over the combination of Electronic Banking and SFCU. The Board also declined to institute a trial based on Petitioner's challenges to claims 1-6 and 11 as obvious over the combination of Electronic Banking and Applicant's Admitted Prior Art. On October 2, 2013, Petitioner requested rehearing of the Board's decision not to institute a trial on claims 4-6 as obvious over the combination of Lawlor and Computerworld and the combination of Electronic Banking and SFCU.

On October 10, 2013 Patent Owner filed an Opposition to Petitioner's Motion for Rehearing. Paper No. 20. 37 C.F.R. § 42.71(d) does not provide for a party to file an opposition to a Request For Rehearing without first obtaining authorization from the Board. Patent Owner did not seek the Board's authorization to file its opposition and, therefore, Patent Owner's opposition has not been considered. *See*, CBM2012-00001 Order Authorizing Additional Briefing, Paper No. 73.

Claim 4 - Object Routing

With respect to claim 4, Petitioner contends that the Board misapprehended or overlooked Lawlor's purported disclosure of object routing, as that term has been construed. Rehearing Req. 2-4. Petitioner further contends that Electronic Banking also discloses object routing. Rehearing Req. 8-9.

Citing paragraph 26 of the declaration of Dr. Marvin Sirbu, Ex.1003, the Petition contends that "'object routing' should be construed as encompassing actions or data that execute a user's request, which may include sending an object from one point to another" and that "[a]n object in the context of object routing could include a message." Pet. 18. In the Decision To Institute, the Board construed "'object routing' to mean *the use of individual network objects to route a user from a selected transactional application to the processing provided by the service provider.*" Decision To Institute, Paper No. 15, p. 17. The Petition does not discuss individualized network objects.

In its Request For Rehearing, Petitioner cites a statement in the Decision To Institute that the routing module in Lawlor is a structure that facilitates switching a user who selects a transactional application to a service provider program that provides immediate processing. Rehearing Req. 3. The subject matter Petitioner cites from the Decision To Institute concerns the Board's institution of a trial based on Petitioner's challenge that Lawlor renders claim 1 obvious. The cited passage relates to claim 1's recitation of "a routed transactional data structure."<sup>1</sup> The Board is not persuaded that Lawlor describes the object routing recited in claim 4, however.

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<sup>1</sup> The Board also instituted a trial on Petitioner's challenge that the term "routed transactional data structure" is indefinite. Decision To Institute, Paper No. 15, p. 34. Petitioner did not challenge the term "object routing" as indefinite.

Petitioner's arguments focus on facilitating the transmission of messages between computing entities and, at least in the case of Lawlor, the additional feature of converting internal system transactions information into a format that is compatible with the network. In the rehearing request, Petitioner contends that a pair of messages generated in Lawlor, i.e., a POS debit and a POS credit, constitutes networked objects that facilitate the routing of a user for the selected transactional application to the processing provided by the service provider. Rehearing Req. 3-5. Petitioner notes that Lawlor also describes an interface module that converts internal system transaction information, such as user and service provider accounts and transaction amounts, to a format that is compatible with the network, so that the computer system can interface with the interchange network. Pet. 37. It is not clear from the Petition or the rehearing request how the use of such standard messages constitutes the use of individualized network objects required for object routing. In particular, there is no discussion in the Petition or Rehearing Request of how the user is routed to the processing provided by the service provider.

Petitioner takes a similar position with respect to the description of message transmission in Electronic Banking. The Request For Rehearing cites the argument in the Petition that when the customer selects banking, the network controller sets up a direct connection between the customer and the financial switch, the bank takes over the session management function, completely controlling the customer's transaction, and the FRCS-80 transport network moves data from one district to another. Rehearing Req. 8-9. Although the Board instituted a trial on claim 1, which recites a routed transactional data structure, Decision To Institute 26, it remains unclear how Electronic Banking describes object routing.

We are not persuaded by Petitioner's assertion that "in the context of object routing an object could include a message." Pet. 18. The description of object routing in the '158 Patent states that networked objects are each assigned an Internet address based on the node at which the networked object lies. Ex. 1001, col. 8, ll. 3-6. Thus, as described in the '158 Patent, an object lies at a node and is not a message. A networked object is assigned an Internet address based on the Web server IP address, forming a branch from a node and a hierarchical tree structure through which the individual object is reachable. *Id.* at ll. 7-15. The disclosures in Lawlor and Electronic Banking of passing messages between computers, even in a standard format, do not describe a networked object residing at a node. Thus, we deny Petitioner's request for rehearing on claim 4 on the basis that the references disclose object routing. Claim 5 depends from claim 4. We deny Petitioner's Request For Rehearing on claim 5 for at least the reasons we deny rehearing on claim 4.

#### Claim 6

Petitioner contends that both Lawlor and Electronic Banking disclose the claimed virtual information store recited in claim 6, which depends from claim 1. The Board construed the claimed "'virtual information' store to mean *an information store in which information entries and attributes are associated with a networked object identity.*" Decision To Institute 17. The Board declined to institute a trial on claim 6 because neither Lawlor nor Electronic Banking describes databases with the characteristics of the claimed virtual information store. Decision To Institute 28, 32.

Petitioner now contends that the databases disclosed by Lawlor have information entries and attributes associated with a networked object identity because they include account and destination bank descriptor information, which

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