

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP AMERICA, INC.,
Petitioner,

v.

LAKSHMI ARUNACHALAM,
Patent Owner.

Case CBM2014-00018
Patent 8,037,158 B2

Before, KARL D. EASTHOM, WILLIAM V. SAINDON, and
BRIAN J. McNAMARA, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

FINAL WRITTEN DECISION

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

BACKGROUND

On March 7, 2014, we entered a Decision to Institute (“Dec. to Inst.”) a trial in this proceeding on the ground that claims 9 and 10 are unpatentable under 35 U.S.C. § 101. In addition, we instituted a trial on the following grounds asserted under 35 U.S.C. § 103: claims 4–6 as unpatentable over Lawlor,¹ Computerworld,² and CORBA 1;³ claims 4–6 as unpatentable over Lawlor, Computerworld, and CORBA 2;⁴ claims 5 and 6 as unpatentable over Lawlor, Computerworld, CORBA1, and SNMP;⁵ claims 5 and 6 as unpatentable over Lawlor, Computerworld, CORBA 2, and SNMP; claims 4–6 as unpatentable over EB,⁶ SFCU,⁷ and CORBA 1; claims 4–6 as unpatentable over EB, SFCU, and CORBA 2; claims 5 and 6 as unpatentable over EB, SFCU, CORBA 1, and SNMP; claims 5 and 6 as unpatentable over EB, SFCU, CORBA 2, and SNMP.

¹ Lawlor et al., U.S. Patent No. 5,220,501, issued June 15, 1993 (“Lawlor”). Ex. 1006.

² The Cyberbanks, Computerworld, 80 (June 26, 1995) ProQuest Telecommunications (“Computerworld”). Ex. 1007.

³ Thomas J. Mowbray And Ron Zahavi, The Essential Corba: Systems Integration Using Distributed Objects (Robert Elliott ed., 1995)(“CORBA 1”). Ex. 1009

⁴ The Common Object Request Broker: Architecture And Specification, Rev. 2.0, 1–463 (1995) (“CORBA 2”). Ex.1012.

⁵ Jeffrey D. Case et al., *Protocol Operations For Version 2 Of The Simple Network Management Protocol*, 1–37 (1993) (“SNMP”). Ex. 1011.

⁶ Allen H. Lipis et al., *Electronic Banking, The Stock Market*, 4th Edition, 1–220, (1985) John Wiley & Sons, New York (“EB”). Ex. 1004.

⁷ www.thefreelibrary.com/_/print/PrintArticle.aspx?id=17104850, (last visited Mar. 15, 2013) Stanford Federal Credit Union Pioneers Online Financial Services, (“SFCU”). Ex. 1005.

In this Final Written Decision, we conclude that claims 9 and 10 do not recite patent-eligible subject matter under 35 U.S.C. § 101. We further conclude that claims 4–6 are unpatentable under 35 U.S.C. § 103.

THE '158 PATENT

The '158 Patent purports to provide “a method and apparatus for providing real-time, two-way transactional capabilities on the Web.” Ex. 1001, Abstract. The '158 Patent Specification states that “[a] ‘transaction’ for purposes of the present invention includes any type of commercial or other type of interaction that a user may want to perform.” *Id.* at col. 5, ll. 22–25. The '158 Patent also states that Figure 4A illustrates conceptually the user value chain, depicting the types of transactions and the channels through which the transactions are performed “today,” i.e., at least as early as the priority date of the application that led to the '158 Patent. *Id.* at col. 5, ll. 19–25. Thus, Figure 4A represents a prior art value chain, rather than the invention.

Figure 4B illustrates an embodiment of the invention in which a Web merchant provides real-time transactional capabilities to users who access a merchant’s services through switching sites on Web servers or on non-Web network computer sites and cellular provider sites. *Id.* at col. 5, ll. 45–55. The '158 Patent Specification states that the embodiment shown in Figure 4B includes a service network running on top of a facilities network, namely the Internet, the Web, or e-mail networks. *Id.* at col. 5, ll. 49–51. The Specification further states that the following five components interact to provide the service network functionality: an exchange, an operator agent, a management agent, a management manager, and a graphical user interface. *Id.* at col. 5, ll. 58–61.

The difference between the prior art subject matter of Figure 4A and embodiment of the invention in Figure 4B lies solely in the number of items listed in the “Service Channels.” That is, in addition to the service channels in Figure 4A, Figure 4B also includes a TransWeb⁸ Exchange (hereinafter “Exchange”) that includes a Web page and point-of-service (POSvc) applications. The ’158 Patent states that “[a] POSvc application is an application that can execute the type of transaction that the user may be interested in performing.” *Id.* at col. 6, ll. 32–34. The type of services offered by a POSvc application is determined by each Web merchant. *Id.* at col. 7, ll. 1–2, 15–16.

The Exchange can reside on a web server or on a separate computer system on the Internet with an Internet address. *Id.* at col. 6, ll. 16–20, ll. 49–55. The Exchange conceptually includes a switching component and an object routing component, *id.* at col. 6, ll. 11–12, and may also include an operator agent that interacts with a management manager, *id.* at col. 6, ll. 19–21. As previously noted, the switching site need not be a Web server but may include non-Web network computer sites and cellular provider sites. *Id.* at col. 5, ll. 54–58.

When the Exchange receives a consumer's request for a transactional application, a graphical user interface displays on a Web page a list of POSvc applications from which the user may select. *Id.* at col. 6, ll. 30–49. The ’158 Patent discloses that the embodiment of the invention supports

⁸ The ’158 Patent refers to a TransWeb Exchange in Figure 4 and at column 7, lines 55–56, describes the TransWeb™ Exchange as having a proprietary protocol (TransWeb™ Management Protocol (TMP)). Elsewhere, the ’158 Patent uses the term “Exchange.”

hypertext markup language (HTML), Virtual Reality Markup Language, Java™, and other graphical user interface standards. *Id.* at col. 6, ll. 36–42.

By selecting a POSvc to activate, the user can access services and perform transactions offered by that POSvc application, which can access back-office data repositories. *Id.* at col. 6, l. 56 – col. 7, l. 42.

The '158 Patent states that the connection between the user and the services is managed by the Exchange, through an operator agent on a Web server that ensures the availability of distributed functions and capabilities. *Id.* at col. 6, ll. 62–67. However, as noted above, the '158 Patent emphasizes that the Exchange may reside on a Web server or on a separate computer system with an Internet address. *Id.* at col. 6, ll. 16–19, 49–55. The '158 Patent also states that a management manager, which may be on the Exchange or on a separate computer system on the Internet, interacts with the operator agent on the Exchange. *Id.* at col. 7, ll. 47–52.

The Exchange and a management agent may act in various roles, including client-server, peer-to-peer, or master-slave roles and constitute a value-added network (VAN) switch. *Id.* at col. 7, ll. 43–47. The VAN switch provides multiprotocol object routing, depending on the VAN services chosen, using a proprietary protocol, the TransWeb™ Management Protocol (TMP). *Id.* at col. 7, ll. 53–56. However, the '158 Patent does not describe TMP, except to state that it incorporates the same security features as the traditional Simple Network Management Protocol (SNMP). *Id.* at col. 7, ll. 56–60. In addition, according to the '158 Patent, TMP can incorporate s-HTTP, Java™, the WinSock API, or ORB with distributed on-line service information bases (DOLSIBs) to perform object routing. *Id.* at col. 7, ll. 61–66. Thus, object routing in the '158 Patent is not limited to a specific

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