

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BANK OF AMERICA, N.A.,  
PNC FINANCIAL SERVICES GROUP, INC., and PNC BANK, N.A.,  
Petitioner,

v.

INTELLECTUAL VENTURES I LLC,  
Patent Owner.

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Case CBM2014-00028  
Patent 8,083,137 B2

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Before THOMAS L. GIANNETTI, HYUN J. JUNG, and  
GREGG I. ANDERSON, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
35 U.S.C. § 328(a) and 37 C.F.R. § 42.73

Bank of America, N.A., PNC Financial Services Group, Inc., and PNC Bank, N.A. (“Petitioner”) filed a Petition (Paper 9, “Pet.”) requesting institution of a covered business method patent review of claims 1–24 of U.S. Patent No. 8,083,137 B2, issued December 27, 2011 (Ex. 1001, “the ’137 patent”), pursuant to 35 U.S.C. § 321. Patent Owner, Intellectual Ventures I LLC, filed a preliminary response. Paper 16 (“Prelim. Resp.”). Based on these submissions, we instituted trial as to all claims of the ’137 patent. Paper 18 (“Institution Dec.”).

After institution, Patent Owner filed a Response (Paper 26, “PO Resp.”) and Petitioner filed a Reply (Paper 35, “Pet. Reply”). In addition, the parties rely upon expert testimony. Petitioner proffered the Declaration of Brad Myers, Ph.D. (Ex. 1005, “Myers Decl.”) with the Petition. Patent Owner proffered the Declaration of Bradley O. Walton (Ex. 2003, “Walton Decl.”) with its Response. In addition, a transcript of Mr. Walton’s deposition (Ex. 1026, “Walton Dep.”) was submitted by Petitioner. No deposition transcript was filed for Dr. Myers.

Patent Owner filed a Motion to Exclude Evidence. Paper 37 (“PO Mot. Exclude”). Petitioner filed an Opposition to Patent Owner’s Motion to Exclude Evidence. Paper 44 (“Opp. Mot. Exclude”).

Oral Hearing was held on March 2, 2015. A transcript of the argument is entered in the record as Paper 51 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is entered pursuant to 35 U.S.C. § 328(a). We conclude for the reasons that follow that Petitioner has shown by a preponderance of the evidence that claims 1–24 of the ’137 patent are unpatentable.

## I. INTRODUCTION

### A. The '137 Patent (Ex. 1001)

The '137 patent, titled "Administration of Financial Accounts," issued on December 27, 2011, based on Application 12/472,177, filed May 26, 2009.

The '137 patent describes a credit facility for allowing a user to place self-imposed limits on the user's spending in selected transaction categories. Ex. 1001, Abstract. When the limit is reached the user is notified. *Id.* at 1:67–2:1. The user may set the self-imposed spending limits on a category by category basis. *Id.* at 2:9–12.

Figure 1 of the '137 patent is reproduced below.

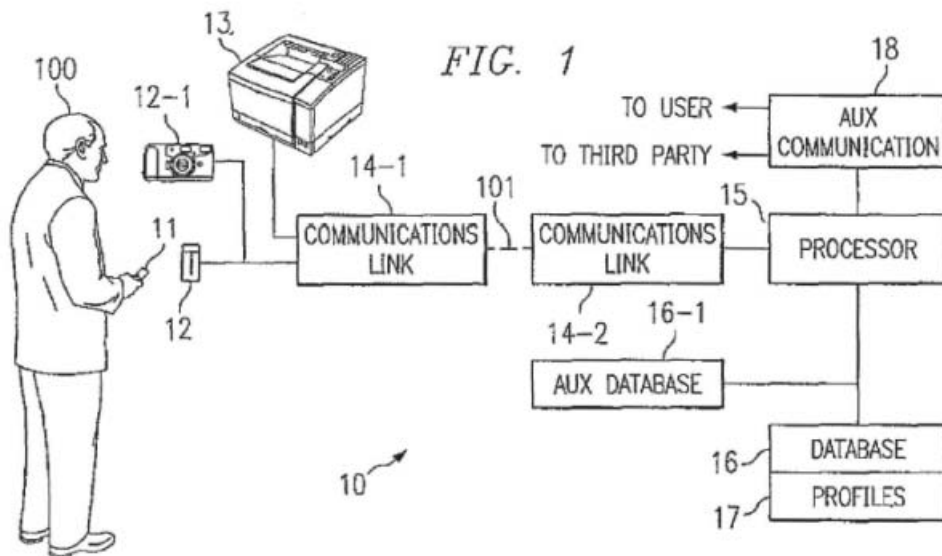


Figure 1 is a block diagram showing user 100 with credit card 11 and card reader 12 which are used to complete a sales transaction at a point of sale. Ex. 1001, 3:41–44. Communications links 14-1 and 14-2 convey card information over network 101 to central processor 15. *Id.* at 3:45–47. The processor categorizes the various purchases being made and stores those

purchase amounts and categories in database 17 according to the profiles of the user. *Id.* at 3:47–52. If the amounts in a category exceed a certain amount, the user or a third party as identified in the user’s profile, would be required to give specific approval for a particular purchase. *Id.* at 4:1–5.

*B. Related Matters*

Petitioner has been charged with infringement of the ’137 patent in the following cases: *Intellectual Ventures I LLC v. PNC Financial Services, Inc.*, No. 2:13-cv-00740 (W.D. Pa., filed May 29, 2013) and *Intellectual Ventures I LLC v. Bank of America, N.A.*, No. 3:13-cv-00358 (W.D.N.C. filed June 12, 2013). Pet. 1 (citing Exs. 1006 & 1009). In addition, Petitioner advises us of six additional lawsuits where Patent Owner alleges the ’137 patent is infringed. Pet. 64–65.

*C. Illustrative Claims*

Of the challenged claims, claims 1, 5, 12, and 19 are independent claims. Claims 1 and 19 are system claims and claims 5 and 12 are method claims. Claims 1 and 5 are reproduced below:

1. A system comprising:

means for storing a profile keyed to a user identity and containing one or more user-selected categories to track transactions associated with said user identity, wherein individual user-selected categories include a user pre-set limit; and

means for presenting transaction summary data for at least one of the one or more user-selected categories, said transaction summary data containing said at least one user-selected category's user pre-set limit.

5. A method comprising:

storing, in a database, a profile keyed to a user identity and containing one or more user-selected categories to track transactions associated with said user identity, wherein individual user-selected categories include a user pre-set limit; and

causing communication, over a communication medium and to a receiving device, of transaction summary data in the database for at least one of the one or more user selected categories, said transaction summary data containing said at least one user-selected category's user pre-set limit.

*D. Ground Upon Which Trial Was Instituted*

Trial was instituted on the ground that claims 1–24 of the '137 patent are unpatentable under 35 U.S.C. § 101. Institution Dec. 25–26.

*E. Claim Interpretation*

The Board will interpret a claim of an unexpired patent using the broadest reasonable construction in light of the specification of the patent in which it appears. *See* 37 CFR § 42.300(b); *In re Cuozzo Speed Techs., LLC*, 778 F.3d 1271, 1279–83 (Fed. Cir. 2015); Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012). Under that standard, claim terms are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). Any special definition for a claim term must be set forth with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). Furthermore, claim construction is “is not an inviolable prerequisite to a validity determination under § 101.” *Content Extraction & Transmission LLC v. Wells Fargo Bank*, 776 F.3d 1343, 1349 (Fed. Cir. 2014) (citations omitted).

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