UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PLAID TECHNOLOGIES, INC.,
Petitioner,

v.

YODLEE, INC.,
Patent Owner.

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Case CBM2016-00070
Patent 7,263,548 B2

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Before MICHAEL W. KIM, MICHAEL R. ZECHER, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges.*

Opinion for the Board filed by *Administrative Patent Judge* KAISER.

Dissenting Opinion filed by *Administrative Patent Judge* KIM.

DECISION
Denying Institution of Covered Business Method Patent Review
35 U.S.C. § 324(a) and 37 C.F.R. § 42.208

INTRODUCTION

A. *Background*

This is a preliminary proceeding to decide whether, under section 18 of the Leahy-Smith America Invents Act, Pub. L. No. 112–29, 125 Stat. 284, 331 (2011) ("AIA"), a covered business method patent review of U.S. Patent No. 7,263,548 B2 (Ex. 1001, "the '548 patent") should be instituted under 35 U.S.C. § 324(a).[1] Plaid Technologies, Inc. ("Petitioner") filed a Petition (Paper 3, "Pet.") requesting a covered business method patent review of claims 1–38 of the '548 patent. Yodlee, Inc. ("Patent Owner") filed a Preliminary Response. Paper 7 ("Prelim. Resp."). A covered business method patent review may not be instituted "unless . . . the information presented in the petition . . ., if such information is not rebutted, would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable." 35 U.S.C. § 324(a); *see* 37 C.F.R. § 42.208.

For reasons that follow, we determine that Petitioner has not established that the challenged patent qualifies as a covered business method patent. Accordingly, we do not institute a covered business method patent review of any of the challenged claims.

B. *Related Matters*

The parties identify a related piece of litigation, *Yodlee, Inc. v. Plaid Technologies, Inc.*, No. 14-cv-01445 (D. Del.). Pet. 3; Paper 6, 1. Petitioner

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[1] *GTNX, Inc. v. INTTRA, Inc.*, 789 F.3d 1309, 1310 (Fed. Cir. 2015) (describing transitional program for review of covered business method patents under 35 U.S.C. §§ 321–329, pursuant to the AIA, as subject to "the standards and procedures of[] a post-grant review under . . . 35 U.S.C. §§ 321–329," absent exceptions not applicable here).

also challenges the claims of U.S. Patent No. 7,424,520, which is related to the '548 patent, in Case CBM2016-00082.

C. The Asserted Grounds of Unpatentability

Petitioner contends that claims 1–38 of the '548 patent are unpatentable for lack of patent-eligible subject matter under 35 U.S.C. § 101. Pet. 23–48. Petitioner's arguments rely on a Declaration from Dr. Todd Mowry. Ex. 1002 ("the Mowry Declaration" or "Mowry Decl.").

In addition, Petitioner argues that claims 20, 35, and 36 are unpatentable under 35 U.S.C. § 103 as obvious over both the combination of Bull[2] and MaxMiles[3] and the combination of VerticalOne[4] and Bull. Pet. 48–85.

D. The '548 Patent

The '548 patent relates to "[a] system for retrieving and disseminating information records from Internet sources." Ex. 1001, at [57]. It "pertains more particularly to restructuring of personal data and, in some cases, general data for the purpose of enabling receipt of such data by a variety of connected and portable network appliances without requiring added hardware or software." *Id.* at 1:21–25. The '548 patent notes that many

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[2] Bull et al., U.S. Patent No. 5,901,287, issued May 4, 1999 (Ex. 1005, "Bull").

[3] MileageMiner, Take your Miles to the Max with MaxMiles MileageMiner™ (Jan. 28, 1999, 6:22:11 PM), http://web.archive.org/web/19990128182211/http://www.maxmiles.com/MileageMiner/AboutMileMiner.html (Ex. 1006, "MaxMiles").

[4] VERTICALONE CORPORATION TO OFFER INTERNET USERS ONE-STOP FOR MANAGING ONLINE PERSONAL CONTENT AND ACCOUNT INFORMATION (Business Wire Inc., May 25, 1999) (Ex. 1007, "VerticalOne").

"electronic communication devices," such as "cellular telephones, personal digital assistants (PDA's), pagers, and notebook and laptop computers," have difficulty maintaining a continuous, reliable connection to the internet. *Id.* at 1:40–63. An existing solution to the problem of transmitting data over such unreliable connections was to modify the receiving devices with "software and/or hardware" to allow the viewing of data that had been formatted in a way that could be displayed on the modified devices. *Id.* at 2:39–48. The '548 patent describes this solution as having the disadvantage of not necessarily working with "independent device[s]" that had not been modified specially. *Id.* at 2:49–53. Accordingly, the '548 patent notes the ongoing need for "a method and apparatus for intelligent restructuring of . . . data from the Internet into model/device-specific data formats such that it may be easily made available for transmission to . . . communication devices." *Id.* at 3:1–6. The '548 patent purportedly satisfies this need by describing software that intelligently restructures data obtained from servers on the internet "for delivery to a specific Internet appliance that may not be normally adapted for receiving and displaying the data." *Id.* at 6:60–67.

E. Illustrative Claims

Of the challenged claims in the '548 patent, claims 1 and 20 are independent and illustrative. They recite:

1. A subscription system for providing information from an Internet source for a client device, comprising:

    client profiles for subscribers to the system including data relative to information destinations on the Internet for a specific

client and a record of a client device and an application other than a Browser application executable by the client device;

a software function for translation and transmission;

wherein the client profiles also include data records to be retrieved from the destinations, and data forms for transformation of specific records and the system accesses information from the Internet source in a first format, translates the information into a format compatible with the application executable on the client device, and transmits the information for the client device for presentation according to the client profiles.

Ex. 1001, 14:57–15:5.

20. A method for providing information from an Internet source for a client device, comprising:

(a) maintaining client profiles for subscribers, the client profiles including data relative to information destinations on the Internet for a specific client, data records to be retrieved from the destinations, and data forms for transformation of specific records;

(b) accessing information from the Internet destinations in a first format;

(c) translating the information into a format compatible with an application, other than an Internet browser application, executable on the client device; and

(d) transmitting the information for the client device for presentation in the format compatible with the other than a format for an Internet browser application according to the client profiles.

Id. at 16:18–33.

ANALYSIS

A. Claim Construction

In a covered business method patent review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in

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