

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLAID TECHNOLOGIES, INC.,
Petitioner,

v.

YODLEE, INC.,
Patent Owner.

Case CBM2016-00082
Patent 7,424,520 B2

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. 7,424,520 B2 (Ex. 1001, “the ’520 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 1–40 of the ’520 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

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).

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also challenges the claims of U.S. Patent No. 7,263,548, which is related to the '520 patent, in Case CBM2016-00070.

C. The Asserted Grounds of Unpatentability

Petitioner contends that claims 1–40 of the '520 patent are unpatentable for lack of patent-eligible subject matter under 35 U.S.C. § 101. Pet. 24–54. 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 21, 37, and 38 are unpatentable under 35 U.S.C. § 103 as obvious over both the combination of MaxMiles² and Bull³ and the combination of VerticalOne⁴ and Bull. Pet. 55–87.

D. The '520 Patent

The '520 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 1:25–29. The '520 patent notes that many

² 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”).

³ Bull et al., U.S. Patent No. 5,901,287, issued May 4, 1999 (Ex. 1005, “Bull”).

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 1:41–65. 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 2:41–51. The ’520 patent describes this solution as having the disadvantage of not necessarily working with “independent device[s]” that had not been modified specially. *Id.* at 2:52–56. Accordingly, the ’520 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 3:4–9. The ’520 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 6:57–64.

E. Illustrative Claims

Of the challenged claims in the ’520 patent, claims 1 and 21 are independent and illustrative. They recite:

1. A system for retrieving and disseminating information, comprising:
 - a server including software executing from a digital medium and coupled to the Internet network; and
 - a digital appliance operated by a person, coupled to the server by a network link and executing an application other than an Internet browser application;wherein the server collects a record associated uniquely with the person from an Internet source in a first form in which the record is recorded at the Internet source, transforms the record from the first form to a second form specific to the application executing in the digital appliance, and transmits the transformed record to the digital appliance for display.

Ex. 1001, 14:47–61.

21. A method for retrieving and disseminating information records on behalf of a specific client from Internet sources, comprising steps of:
 - (a) collecting a record associated uniquely with the client in a first data form from an Internet source by a server connected to the Internet;
 - (b) transforming the record into a second data form specific to an application other than an Internet browser application, the application executable by a digital appliance operated by the client connectable to the server; and
 - (c) transmitting the transformed record to the digital appliance for display.

Id. at 16:9–20.

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 light of the specification of the patent in which they appear. 37 C.F.R.

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