UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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T-MOBILE US, INC.,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

_____

Case CBM2016-00083
Patent 6,115,737

_____

Before FRANCES L. IPPOLITO, KEVIN W. CHERRY and
ROBERT A. POLLOCK, *Administrative Patent Judges.*

POLLOCK, *Administrative Patent Judge*.

DECISION
Denying Institution of Covered Business Method Patent Review
37 C.F.R. § 42.208

I. INTRODUCTION

T-Mobile US, Inc. ("Petitioner") filed a Petition (Paper 1, "Pet.") seeking a covered business method patent review of claims 7–9 and 14 of U.S. Patent No. 6,115,737 (Ex. 1001, "the '737 Patent"). Intellectual Ventures II LLC ("Patent Owner") filed a Preliminary Response (Paper 8, "Prelim. Resp."). Both Petitioner (Paper 3) and Patent Owner (Paper 7) filed motions requesting a district court-type claim construction pursuant to 37 C.F.R. § 42.300(b).

We have jurisdiction under 35 U.S.C. § 324, which provides that a post-grant review may not be instituted "unless . . . the information presented in the petition . . . would demonstrate that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable."

For reasons that follow, the information presented in the Petition does not establish that the '737 Patent qualifies as a covered business method patent for purposes of section 18(d)(1) of the Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112–29, 125 Stat. 284, 331 (2011). Accordingly, we decline to institute a covered business method patent review of claims 7–9 and 14 of the '737 Patent. *See* 35 U.S.C. § 324(a).

II. BACKGROUND

A. Related Proceedings

Petitioner asserts that it "has been charged with infringement of the '737 Patent in *Intellectual Ventures II LLC v. T-Mobile USA, Inc.*, No. 1:13-cv-1633-LPS (D. Del.) and is not estopped from challenging the '737 Patent claims." Pet. 59. Patent Owner discloses four additional cases that "may

affect or be affected by a decision in this proceeding." Paper 6, 1; *see also*
Ex. 1043 (excerpt from Joint Claim Construction Chart in *Intellectual
Ventures I, LLC, and Intellectual Ventures II, LLC v. AT&T et al*, Case No.
12-193-LPS, identifying the '737 Patent among sixteen patents in suit).

B. The '737 Patent

The '737 Patent, entitled "System and Method for Accessing
Customer Contact Services over a Network," describes a system and method
employing "[a] customer contact services node/Internet gateway (CCSN/IG)
to connect a user to the services and to information from a provider via the
Internet. . . . [whereupon] [t]he user can [] get information about the services
and can initiate service changes and can get user-specific information."
Ex. 1001, Abstract. Alternatively, "the CCSN/IG . . . can [] be used in an
'intra-net' or internal Web server used exclusively to service the needs of an
individual organization." *Id*. at 10:65–11:1; *cf* claims 8, 9. According to the
Specification, "the CCSN/IG . . . provides a gateway between a provider's
WWW home page and its information and services . . . a single platform for
all customer care access methods . . . . [and] the opportunity to immediately
offer self-service options on the WWW." *Id.* at 4:48–54.

With respect to the prior art, the Specification discloses that, "call
center automation systems and services, such as automatic call distributors,
interactive voice response (IVR) systems, coordinated voice and data
deliver, and voice mail," have some limitations and disadvantages. *Id*. 1:18–
24. For example,

> callers interacting with an IVR self-service system can only be
> given a limited set of options at any point because of the
> tendency of people to become frustrated by long lists of

> options. Also, effectively communicating large amounts of data over the telephone can be difficult. For example, providing a customer with a line-by-line billing record over the telephone is typically not feasible. Additionally, communicating certain types of common data, such as names and addresses, or other alphanumeric data, requires specialized hardware to perform speech recognition and speech synthesis.

Id. at 1:25–35.

In setting forth the objects of the invention, the Specification asserts that the use of a CCSN/IG "substantially obviates one or more of the problems due to limitations and disadvantages of the related art," noting that:

> It is desirable to provide a CCSN/IG by which a user can access a provider's information and services via the Internet.
>
> It is additionally desirable to enhance a provider's existing Internet and home page capabilities to include more complex transactions.
>
> It is also desirable to provide a common toolset for implementing business rules and data access which will leverage the equipment and experienced staff already involved in service creation via an ECNPL [telephony channel].
>
> It is further desirable to provide a common toolset for tracking and reporting on various aspects of a company's customer care offerings including integrating data across the different channels.

Id. at 3:11–28. Accordingly, the Specification provides that:

> The WWW-based "customer care" channel of the present invention is an effective complement to a telephony channel and the present invention envisions a set of WWW customer contact services similar to today's AIN [advanced intelligent network] customer contact services. In addition to providing a complement to a telephone-based self-service channel, such as ECNPL, according to the present invention, a customer contact

> service node Internet gateway (CCSN/IG) expands the
> capabilities available through a company's home page by
> allowing Internet users to not only get customer-specific
> information and information about available services, but to
> access and update customer-specific data.

Id. at 3:45–56.

Figure 1 of the '737 Patent (reproduced below) "is a block diagram of a customer contact services system in accordance with one embodiment of the present invention." *Id*. at 5:41–44.
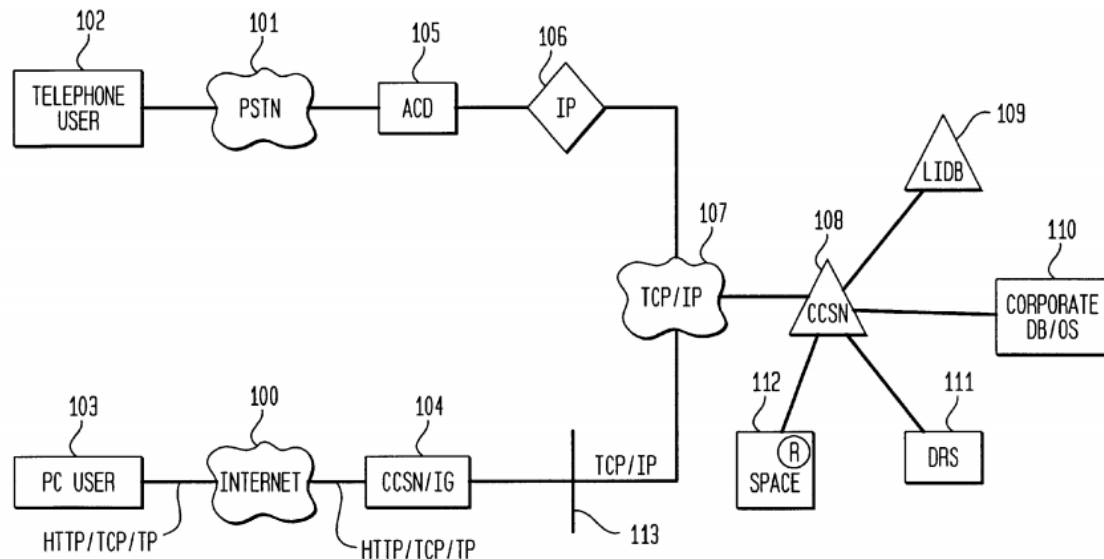

Figure 1 depicts a customer contact services system that integrates a telephonic channel (top branch) with an internet channel (bottom branch). With respect to the latter, "a PC user **103** is connected to the internet **100** via the HTTP/TCP/TP protocol." *Id*. at 6:12–13. "The Internet **100** communicates with the CCSN/IG **104,"** which "provides a gateway interface between the PC user 103 and a provider's customer contact services node (CCSN) **108**." *Id*. at 6:19–22.

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