

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
Petitioner,

v.

AT HOME BONDHOLDERS' LIQUIDATING TRUST,
Patent Owner.

Case IPR2015-00662¹
Patent 6,014,698

Before KARL D. EASTHOM, JUSTIN T. ARBES, and
MIRIAM L. QUINN, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

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

¹ Case IPR2015-00666 has been consolidated with this proceeding.

I. BACKGROUND

Petitioner Google Inc. filed two Petitions requesting *inter partes* review of claims 1–3, 5–7, 9, 11–20, 22–31, 34–39, 41–47, and 49 of U.S. Patent No. 6,014,698 (Ex. 1001, “the ’698 patent”)² pursuant to 35 U.S.C. §§ 311–19, as listed in the following chart.

Case Number	Challenged Claims	Petition
IPR2015-00662	1–3, 5–7, 9, 11–16, and 23	Paper 2 (“Pet.”)
IPR2015-00666	17–20, 22–31, 34–39, 41–47, and 49	Paper 2 (“-666 Pet.”)

On August 14, 2015, we instituted an *inter partes* review of claims 1–3, 5–7, 9, 11–20, 22, 24–31, 34–39, 41–47, and 49 on two grounds of unpatentability and consolidated Case IPR2015-00666 with Case IPR2015-00662 (Paper 14, “Dec. on Inst.”). Patent Owner At Home Bondholders’ Liquidating Trust filed a Patent Owner Response (Paper 22, “PO Resp.”), and Petitioner filed a Reply (Paper 34, “Reply”). A combined oral hearing for this proceeding and Case IPR2015-00657 was held on April 7, 2016, and a transcript of the hearing is included in the record (Paper 39, “Tr.”).

We have jurisdiction under 35 U.S.C. § 6(c). This final written decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons that follow, we determine that Petitioner has not shown by a preponderance of the evidence that claims 1–3, 5–7, 9, 11–20, 22, 24–31, 34–39, 41–47, and 49 are unpatentable.

² Unless otherwise specified, references to papers and exhibits are to those filed in Case IPR2015-00662.

*A. The '698 Patent*³

The '698 patent describes a “system for the storage, management, and delivery of information on a computer network” that provides for the “efficient and accurate counting of advertising information displayed on terminals connected to the computer network.” Ex. 1001, col. 1, ll. 19–23. According to the '698 patent, prior art systems could not count accurately the number of times a banner (e.g., a graphic of an advertisement) is displayed to users due to the use of caching. *Id.* at col. 3, ll. 16–37, col. 6, ll. 22–29, col. 7, ll. 9–20. For example, when a web page and associated banner are stored on a user’s terminal or an intermediary proxy server connected to the user’s terminal, a subsequent request for the information may be satisfied from the cache, such that no request is forwarded over the computer network to a server and the server cannot obtain an accurate count of banner displays. *Id.* at col. 13, ll. 1–14, Fig. 3. Prior art systems attempted to overcome this problem by prohibiting caching on the user’s terminal or proxy server, but doing so introduced other problems, such as increased network traffic and increased retrieval time due to the need to retransmit the information over the network every time it is requested. *Id.* at col. 13, l. 40–col. 14, l. 44.

The '698 patent states that its disclosed system is able to count accurately banner displays while at the same time taking advantage of the performance gains obtained from caching. *Id.* at col. 14, ll. 45–57. The user’s terminal first requests and receives a web page that has an associated banner. *Id.* at col. 9, ll. 38–49. The terminal then sends an initial banner

³ The '698 patent is a continuation-in-part of U.S. Patent No. 6,286,045 B1 (“the '045 patent”), which is being challenged in Case IPR2015-00657.

request signal, which may include a general content Uniform Resource Locator (“URL”) address that does not specify which banner is to be displayed. *Id.* at col. 17, ll. 34–38, Fig. 4 (step 112). Because software on the user’s terminal (e.g., web browser) or a proxy server might block the initial banner request signal if the banner had been cached previously, the strings “cgi-bin” and “?” may be included in the signal to “prevent[] the terminal from blocking” the signal. *Id.* at col. 19, ll. 24–57. Then, rather than returning the banner itself (as in the prior art), the recipient of the initial banner request signal selects which banner is to be displayed on the terminal, increments the count of displays, and returns a banner address to the user’s terminal. *Id.* at col. 15, ll. 42–56, Fig. 4 (steps 113 and 114). The return information may be, for example, a specific content URL address in the form of a “Status HTTP 302 Redirect (temporary) signal” indicating where the selected banner is stored. *Id.* at col. 17, ll. 38–49. The user’s terminal then retrieves the banner, either from a local cache or proxy server cache, or a remote server if the banner had not been cached. *Id.* at col. 15, l. 60–col. 16, l. 34. In that way, the disclosed system is able to maintain an accurate count of banner displays, while also retaining the performance benefits of caching. *Id.* at col. 14, ll. 45–57.

B. Illustrative Claim

Claim 1 of the ’698 patent recites:

1. A method for delivering information to a terminal connected to a computer network, wherein information delivered over the computer network from a primary server to the terminal contains references to other information to be delivered to the terminal from the primary server or from one or

more other servers connected to the computer network, comprising:

 serving a first portion of information to the terminal, wherein said first portion of information contains a reference to a second portion of information;

 sending a first request signal from the terminal to the primary server requesting a location address for said second portion of information from which said second portion of information can be served to the terminal, wherein said first request signal cannot be blocked from reaching said primary server by either the terminal or any intermediary device located topologically between the terminal and the primary server as a result of previous caching or storing of said first portion of information or said second portion of information by the terminal or said intermediary device;

 sending a location signal from the primary server to the terminal providing said location address of said second portion of information; and

 determining if said second portion of information is already stored on the terminal and, if said second portion of information is not already stored on the terminal, sending a second request signal from the terminal containing said location address of said second portion of information and requesting that said second portion of information be served to the terminal for display on the terminal, and, if said second portion of information is already stored on the terminal, displaying said second portion of information on the terminal.

C. Prior Art

The pending grounds of unpatentability in the instant *inter partes* review are based on the following prior art:

 U.S. Patent No. 5,796,952, filed Mar. 21, 1997, issued Aug. 18, 1998 (Ex. 1014, “Davis”);

 U.S. Patent No. 5,933,811, filed Aug. 20, 1996, issued Aug. 3, 1999 (Ex. 1012, “Angles”);

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.