

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FEDEX CORPORATION,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC
Patent Owner.

Case IPR2017-00743
Patent 6,633,900 B1

Before DAVID C. MCKONE, BARBARA A. PARVIS, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

A. Background

FedEx Corporation (“Petitioner”) filed a Petition (Paper 2, “Pet.”) to institute an *inter partes* review of claim 1 of U.S. Patent No. 6,633,900 B1 (Ex. 1101, “the ’900 patent”). Petitioner indicates that FedEx Corp., FedEx Corporate Services, Inc., Federal Express Corporation, FedEx Ground Package System, Inc., FedEx Freight, Inc., FedEx Custom Critical, Inc., FedEx Office and Print Services, Inc., and GENCO Distribution System, Inc., are real parties in interest. Pet. 44–45. Intellectual Ventures II LLC (“Patent Owner”), filed a Preliminary Response (Paper 6, “Prelim. Resp.”). Upon consideration of the Petition and Preliminary Response, we conclude, under 35 U.S.C. § 314(a), that Petitioner has not established a reasonable likelihood that it would prevail with respect to the challenged claim. Accordingly, we do not institute an *inter partes* review of claim 1 of the ’900 patent.

B. Related Matters

The parties indicate that the ’900 patent has been asserted against Petitioner in *Intellectual Ventures II LLC v. FedEx Corp.*, No. 2:16-cv-980 (E.D. Tex.). Pet. 45; Paper 5, 1. Another petition has been filed challenging claim 1 of the ’900 patent (i.e., IPR2016-00741). *Id.* Petitioner indicates that the ’900 patent also has been asserted in *Intellectual Ventures II LLC v. FTD Cos. Inc.*, No. 6:16-cv-195 (E.D. Tex.) and *Intellectual Ventures II LLC v. Sally Beauty Holdings, Inc.*, No. 2:15-cv-1414 (E.D. Tex.), but these cases have been terminated. Pet. 45.

C. Evidence Relied Upon

Petitioner relies on the following prior art:

Ex. 1102 (“Jones”)	US 6,748,318 B1	June 8, 2004 (Filed May 6, 1997)
Ex. 1103 (“Kaman”)	US 5,715,905	Feb. 10, 1998 (Filed Feb. 5, 1997)

Petitioner also relies on the Declaration of Tal Lavian, Ph.D.
(Ex. 1104, “Lavian Decl.”).

D. The Asserted Ground

Petitioner asserts that claim 1 is unpatentable, under 35 U.S.C.
§ 103(a), over Jones and Kaman. Pet. 3.

E. The '900 Patent

The '900 patent describes a method for managing work order
assignments. Ex. 1101, 2:29–40. Figure 5, reproduced below, illustrates an
example:

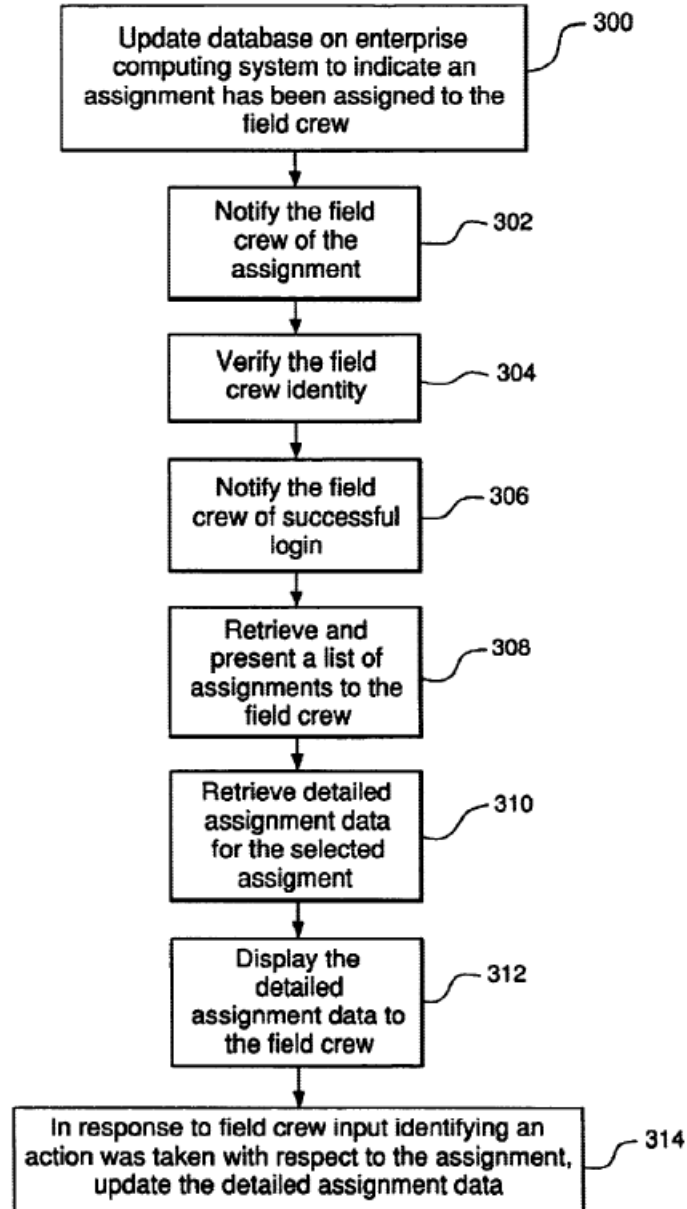


FIG. 5

Figure 5 is flow diagram of a process for distributing work order assignment data to a field crew having a mobile unit. *Id.* at 2:59–61. As shown in Figure 5, at step 300, a database is updated by an application program to indicate a work order has been assigned to a particular field crew. *Id.* at 9:2–4. At step 302 the field crew is notified of the assignment. *Id.* at 9:4–5.

In accordance with Figure 5, at steps 304 and 306, login data input by the field crew is verified and the field crew is notified if the login was successful. *Id.* at 9:5–10. At step 308 a list of assignments is retrieved and presented to the field crew. *Id.* at 9:10–11. At steps 310 and 312, in response to a selection by the field crew of an assignment from the list of assignments, detailed assignment data for the selected assignment is retrieved from the database and displayed on the mobile field unit. *Id.* at 9:11–16. At step 314 in response to field crew input identifying that an action was taken with regard to the assignment, the detailed assignment data is updated in the database. *Id.* at 9:16–19.

Claim 1, reproduced below, is illustrative of the invention:

1. A method for distributing work order assignment data to a field crew using a system having an enterprise computing system and at least one mobile field unit, comprising the following steps:

- (A) updating a database on the enterprise computing system to indicate an assignment has been assigned to the field crew;
- (B) notifying the field crew of the assignment;
- (C) in response to the input of field crew login data, verifying field crew identity;
- (D) notifying the field crew of successful login;
- (E) retrieving and presenting a list of assignments to the field crew;
- (F) in response to field crew input selecting an assignment from the list of assignments, retrieving detailed assignment data for the selected assignment;
- (G) displaying the detailed assignment data to the field crew; and

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