

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, INC.
Petitioner,

v.

BRIDGE AND POST, INC.,
Patent Owner.

Case IPR2017-01423
Patent 7,657,594 B2

Before MIRIAM L. QUINN, BARBARA A. PARVIS, and
KEVIN C. TROCK, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

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

I. INTRODUCTION

Unified Patents, Inc. (“Petitioner”) filed a request for *inter partes* review of claims 1–24 (the “challenged claims”) of U.S. Patent No. 7,657,594 B2 (Ex. 1001, “the ’594 patent”). Paper 1 (“Pet.”). Bridge and Post, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

Under 35 U.S.C. § 314, an *inter partes* review must not be instituted “unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the Petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Upon considering the Petition and Preliminary Response, we determine that Petitioner has not demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims. Accordingly, we do not institute an *inter partes* review as to any claim of the ’594 patent.

A. Related Proceedings

Petitioner advises that it is aware of the following case: *Bridge and Post, Inc. v. Verizon Commc’ns, Inc.*, Case No. 3:17-cv-00094 (E.D. Va.). Pet. 7. Patent Owner agrees that Case No. 3:17-cv-00094 would affect, or be affected by, a decision in this proceeding. Paper 4, 2.

B. The ’594 Patent

The ’594 patent relates to determining directed media to provide to a user of a web site on a network, such as the Internet, based on user preferences. Ex. 1001, 1:20–23, 2:1–14. The directed media may include “advertisement, coupons, video, music, or any other media which is tailored to the user preferences.” *Id.* at 2:41–43. The ’594 patent notes that

traditionally, users have been identified on a network through personal accounts or through downloaded programs on the user's network access device (e.g., "cookies"). *Id.* at 1:29–32. To avoid the problems associated with using cookies to track a user's computing device, such as a user blocking or deleting cookies (*id.* at 1:51–59), the '594 patent describes the use of user profiles associated with a persistent device identifier to identify a user's network access device (*id.* at 2:67–3:4, 3:33–36). "The device identifier may comprise a media access control address (MAC address), an international mobile station identity (IMSI), an international media equipment identity (IMEI), or any anonymous device identifier." *Id.* at 36–39.

A history module collects and maintains historic information about the network access device, including the number, date, and time of network accesses. *Id.* at 7:57–8:2. A profile engine generates user profiles based on the collected information and associates it with the persistent device identifier. *Id.* at 5:66–6:5, 6:64–7:1. The profile engine can incorporate into the profiles' group characteristics, which have group identifiers indicating the associated group. *Id.* at 6:24–27. A media selection optimizer determines a directed media component based on the user profile. *Id.* at 2:15–29. The directed media is then provided to the user's network access device. *Id.* at 8:53–64.

C. Challenged Claims

Petitioner challenges claims 1–24 of the '594 patent. Claims 1, 15, and 24 are independent and are substantially similar—the principal difference being that claim 1 recites a method, claim 15 recites a system, and

claim 24 recites a machine-readable storage medium. *Id.* at 11:58–12:31, 13:7–50, 14:17–59. Claim 1 is illustrative.

1. A method for providing directed media to a user on a network, comprising:

receiving a request from the user to access a content provider web site over a network through a network access device operated by the user;

retrieving a persistent device identifier of the network access device;

determining a current network address of the network access device and one or more characteristics of the access device, wherein the current network address is assigned to the network access device by a network service provider for a present network access session;

retrieving historic information for the user, the historic information including patterns of usage for the network access device, and wherein the historic information comprises network access information including times and locations of network access and number of previous network accesses by the network access device;

retrieving location-centric information for a location from which the user is accessing the network;

generating a user profile based on the historic information for the user, the location-centric information, and the one or more characteristics of the access device;

storing the user profile as a record that identifies the user through the current network address and the persistent device identifier associated with the network access device;

incorporating into the user profile one or more group characteristics identifying a group with which the user is associated;

assigning a group identifier to the group based on the patterns of usage;

analyzing the retrieved device identifier, historic information, and location-centric information to determine a directed media component to be provided to the user or the group on the network access device, and

placing directed media referenced by the directed media component in the web site requested by the user request from the content provider, wherein the directed media comprises content that is customized to the user based on the user profile.

Id. at 11:58–12:31.

D. Applied Evidence

Petitioner relies upon the following references:

- (1) U.S. Patent Application Publication No. 2003/0083938 A1, published May 1, 2003 (“Smith”) (Ex. 1003);
 - (2) International Patent Application Publication No. PCT/US00/11803, published Nov. 9, 2000 (“Parekh”) (Ex. 1004);
 - (3) U.S. Patent Application Publication No. 2002/0173981 A1, published Nov. 21, 2002 (“Stewart”) (Ex. 1005);
 - (4) U.S. Patent Application Publication No. 2005/0172154 A1, published Aug. 4, 2005 (“Short”) (Ex. 1006);
 - (5) U.S. Patent Application Publication No. 2002/0059094 A1, published May 16, 2002 (“Hosea”) (Ex. 1007);
 - (6) International Patent Application Publication No. PCT/US00/11840, published Nov. 9, 2000 (“Mathai”) (Ex. 1008);
 - (7) U.S. Patent No. 6,487,538 B1, issued Nov. 26, 2002 (“Gupta”) (Ex. 1009);
- Petitioner also relies on the Declaration of Dr. Jon Weissman. (“Weissman Decl.”) (Ex. 1002).

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