

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORP.,  
Petitioner,

v.

IMRPOVED SEARCH LLC,  
Patent Owner.

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Case IPR2017-01614  
Patent 6,604,101 B1

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Before KARL D. EASTHOM, MIRIAM L. QUINN and  
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

HARLOW, *Administrative Patent Judge*.

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

## I. INTRODUCTION

Microsoft Corp. (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–28 of U.S. Patent No. 6,604,101 B1 (Ex. 1001, “the ’101 patent”). Paper 1 (“Pet.”). Improved Search LLC (“Patent Owner”) filed a Preliminary Response. Paper 7 (“Prelim. Resp.”). We have authority to determine whether to institute an *inter partes* review under 35 U.S.C. § 314, which provides that an *inter partes* review may 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.”

For the reasons set forth below, we deny the Petition.

### A. Related Matters

The ’101 patent is asserted against Petitioner in *Improved Search LLC v. Microsoft Corporation*, Case No. 1-16-cv-00650 (D. Del.). Pet. 2. The ’101 patent is also asserted against other parties in matters pending before the District of Delaware. Pet. 2; Paper 5, 2. In addition, the ’101 patent has been challenged previously by Google, Inc. in an *inter partes* review proceeding; however, the Board declined to institute review in that matter. Pet. 2; Paper 5, 2; *Google Inc. v. Improved Search LLC*, IPR2016-00797 (PTAB Sept. 6, 2016) (Paper 9).

Concurrent with this proceeding, Petitioner has filed a petition for *inter partes* review of related U.S. Patent No. 7,516,154 B1 (IPR2017-01613), which was also the subject of a covered business method review

(CBM2017-00038 (institution denied)) and various suits in the District of Delaware. Pet. 2; Paper 5, 2–3.

### *B. The '101 Patent*

The '101 patent is titled “Method and System for Translingual Translation of Query and Search and Retrieval of Multilingual Information on a Computer Network.” Ex. 1001, [54]. The '101 patent issued from U.S. Patent Application No. 09/606,655, filed on June 28, 2000. *Id.* [21], [22].

The '101 patent describes “a method and system for conducting a translingual search on the Internet and accessing multilingual web sites through dialectal standardization, pre-search translation and post-search translation.” *Id.* at 1:11–14. More specifically, the '101 patent discloses a system and method “for dialectally standardizing a query input by the user in the source language and then translating the standardized keyword to the target language and searching and retrieving web documents in the target language as well as providing translations of said search results into the source language.” *Id.* at 3:40–45.

In discussing the problem it aims to solve, the '101 patent notes that “most of the search tools cater primarily to the needs of the English speaking Internet user,” and explains that “[t]his is a serious drawback, which has not been addressed by any of the existing search engines.” *Id.* at 2:14–24. The '101 patent likewise observes that “the non-English speaking Internet users also create web sites to store information in non-English languages. This

rich source of information is not available to query by English oriented search engines.” *Id.* at 2:25–28.

*C. Illustrative Claim*

Of the challenged claims, claims 1, 9, 12, 22, and 23 are independent. Claim 1, reproduced below, is illustrative of the claimed subject matter.

1. A method for performing a contextual search and retrieval of documents in a computer network, comprising:

receiving through an input device, a query in a first language;

processing said query to extract at least one content word from the query;

performing dialectal standardization of the at least one content word extracted from the query;

translating the at least one dialectally standardized content word into a second language through a translator;

performing a contextual search in the second language based on the at least one translated content word, using a search engine in the second language; and

obtaining the search results in the second language in the form of at least one of site names (URLs) and documents, satisfying a search criteria.

Ex. 1001, 7:66–8:15.

*D. Evidence Relied Upon*

Petitioner relies upon the following prior art references (Pet. 12–19):

Williamowski	US 6,381,598 B1	Apr. 30, 2002	(Ex. 1008)
Sullivan	US 5,956,711	Sept. 21, 1999	(Ex. 1009)
Poznanski	US 6,360,196 B1	Mar. 19, 2002	(Ex. 1010)
Redpath	US 6,347,316 B1	Feb. 12, 2002	(Ex. 1011)

Petitioner also relies on the Declaration of James Allan, Ph.D. (“Allan Declaration”) (Ex. 1005).

*E. Asserted Grounds of Unpatentability*

Google asserts the following grounds of unpatentability (Pet. 5–6):

<b>Claim(s)</b>	<b>Basis</b>	<b>Reference(s)</b>
1–6, 12–17, 22, 27, 28	§ 103(a)	Williamowski and Sullivan
1–7, 12–17, 22–28	§ 103(a)	Williamowski, Sullivan, and Poznanski
8–11, 18–21	§ 103(a)	Williamowski, Sullivan, Poznanski, and Redpath

II. ANALYSIS

*A. Level of Ordinary Skill in the Art*

The level of skill in the art is a factual determination that provides a primary guarantee of objectivity in an obviousness analysis. *Al-Site Corp. v. VSI Int’l Inc.*, 174 F.3d 1308, 1324 (Fed. Cir. 1999) (citing *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966); *Ryko Mfg. Co. v. Nu-Star, Inc.*, 950 F.2d 714, 718 (Fed. Cir. 1991)).

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