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Paper 40
Entered: April 15, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS,
Petitioner,

v.

BRIDGE AND POST, INC.,
Patent Owner.

Case IPR2018-00054
Patent 8,862,747 B2

Before JONI Y. CHANG, BARBARA A. PARVIS, and KEVIN C. TROCK, *Administrative Patent Judges.*

CHANG, *Administrative Patent Judge.*

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

I. INTRODUCTION

Cellco Partnership d/b/a Verizon Wireless ("Petitioner") filed a Petition requesting an *inter partes* review of claims 1−9 ("the challenged claims") of U.S. Patent No. 8,862,747 B2 (Ex. 1001, "the '747 patent"). Paper 1 ("Pet."). Bridge and Post, Inc. ("Patent Owner") filed a Preliminary Response. Paper 6 ("Prelim. Resp."). We concluded that Petitioner has established a reasonable likelihood that it would prevail with respect at least one claim, and we instituted this *inter partes* review proceeding as to claims 1−9 of the '747 patent and all the grounds asserted by Petitioner. Paper 7 ("Dec."), Paper 13.

Subsequently, Patent Owner filed a Response (Paper 15, "PO Resp."), and Petitioner filed a Reply (Paper 22, "Reply"). Patent Owner also filed a Motion to Exclude certain evidence (Paper 30, "Mot."); Petitioner filed an Opposition to the Motion to Exclude (Paper 32, "Opp."); and Patent Owner filed a Reply in Support of its Motion to Exclude (Paper 34, "Mot. Reply"). A transcript of the oral hearing held on January 17, 2019, has been entered into the record as Paper 39 ("Tr.").

This Decision is a final written decision under 35 U.S.C. § 318(a) as to the patentability of the challenged claims. For the reasons provided below, we conclude that Petitioner has demonstrated by a preponderance of the evidence that claims 1−9 of the '747 patent are unpatentable.

A. Related Matters

The parties indicate that the '747 patent is involved in *Bridge and Post, Inc. v. Verizon Communications,* Case No. 3:17-cv-00094 (E.D. VA)

and other proceedings. Pet. 1−2; Paper 4, 2−3. Petitioner also filed another petition requesting an *inter partes* review of claims 10−17 of the '747 patent. Pet. 1−2; Case IPR2018-00055, Paper 1.

B. The '747 Patent

The '747 patent claims priority to U.S. Provisional Patent Application No. 60/894,195 (Ex. 1003, "the '195 provisional application"), which was filed on March 10, 2007. Ex. 1001, at [60]. The '747 patent describes a method and system for tagging network traffic with user-relevant information using extensible fields in message headers. *Id*. at [54], 1:15−17. The ability to provide directed or targeted message delivery to users based on network access is important to content providers, such as online advertisers. *Id*. at 1:21−23. Figure 2 of the '747 patent is reproduced below.

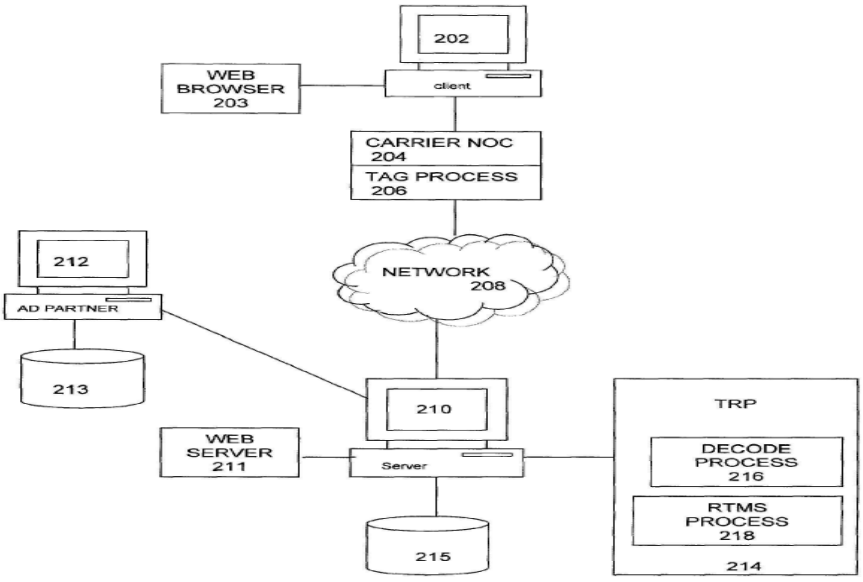

Figure 2 above illustrates a client-server network including a network tagging component. *Id*. at 7:53−54. According to the '747 patent, Figure 2 shows a standard Internet Protocol ("IP") based access system in which

client device 202 executing web browser 203 accesses a web site destination that has server computer 210 executing web server process 211. *Id*. at 7:55−8:25. Client device 202 accesses network 208 through a telecommunication pathway provided by carrier network operation center ("NOC") 204. *Id*. Server computer 210 provides web page content. *Id*. Ad server 212 generates advertisements to be displayed with the content. *Id*. Tag processor 206 generates a request identifier based on information associated with client computer 202 and the user. *Id*. at 8:26−28.

Figure 3 of the '747 patent is reproduced below.

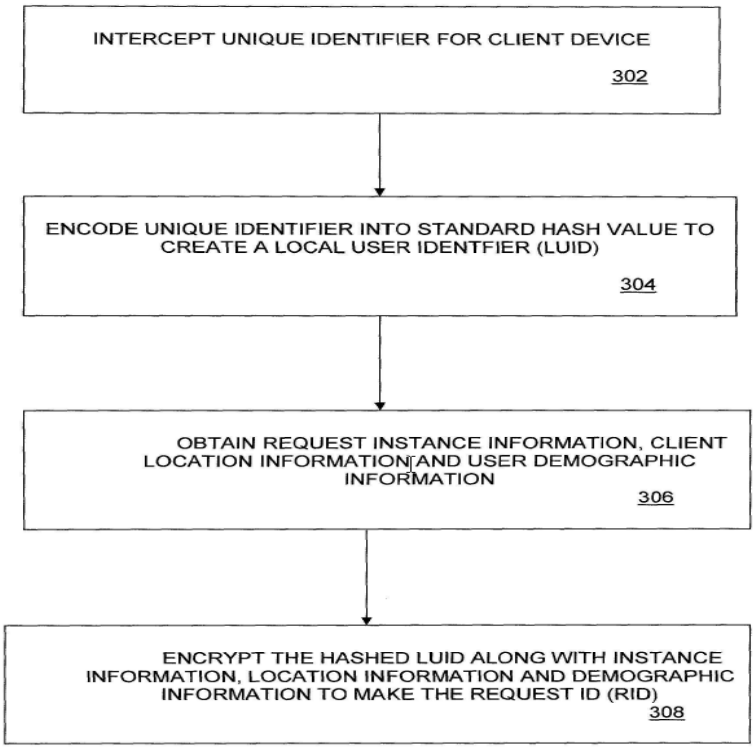

Figure 3 above is a flowchart illustrating a method of generating a request identifier. *Id*. at 4:5−6. At block 302, tag processor 206 intercepts the device identifier (e.g., the MAC address of client device 202). *Id*. at 8:30−34. At block 304, tag processor 206 encodes the device identifier to

create a local user identifier, by using a standard one-way hash algorithm or any equivalent coding method that ensures adequate privacy. *Id*. at 8:38−40. At block 306, tag processor 26 obtains request instance information (e.g., time of the request), location information of client device 202 (e.g., zip code, phone area code, or street address), and demographic information (e.g., gender, age, race, occupation of the user). *Id*. at 8:40−57. At block 308, tag processor 26 generates a request identifier by encrypting the local user identifier, instance information, location information, and demographic information. *Id*. at 57−60.

C. Illustrative Claim

Of the challenged claims, claim 1 is independent. Claims 2−9 depend directly or indirectly from claim 1. Claim 1 is illustrative:

> 1. [1.0][1] A method of processing data sent from a user of a client computer over a network, comprising:
>
> [1.1 and 1.2] intercepting a request that is in a hypertext transport protocol (HTTP) format from the client computer to a server computer over the network
>
> [1.3] at a routing device within the network and coupled between the client and server computers, and prior to receipt by the server computer,
>
> [1.4] wherein the network is the World Wide Web portion of the Internet, and further
>
> [1.5] wherein the client computer is selected from the group consisting of: a personal computer, a mobile computing device,

[1] We use the same claim element reference numbers used by the parties.

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