UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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BLOOMREACH, INC.,
Petitioner,

v.

GUADA TECHNOLOGIES LLC,
Patent Owner.

_____

IPR2019-01304
Patent 7,231,379 B2

_____

Before MIRIAM L. QUINN, KIMBERLY McGRAW, and
MATTHEW J. McNEILL, *Administrative Patent Judges*.

McNEILL, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

Petitioner, Bloomreach, Inc., filed a Petition (Paper 1, "Pet.")
requesting an *inter partes* review of claims 1–7 of U.S. Patent No. 7,231,379
B2 (Ex. 1001, "the '379 patent"). Petitioner filed a Declaration of
Dr. Padhraic Smyth (Ex. 1007) with its Petition. Guada Technologies LLC
("Patent Owner") filed a Preliminary Response (Paper 6, "Prelim. Resp.").

We have authority to determine whether to institute an *inter partes* review. *See* 35 U.S.C. § 314(b); 37 C.F.R. § 42.4(a). Under 35 U.S.C. § 314(a), we may not authorize an *inter partes* review unless the information in the petition and any preliminary response "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 that follow, we institute an *inter partes* review as to claims 1–7 of the '379 patent on all grounds of unpatentability asserted in the Petition.

I. INTRODUCTION

A. Related Matters

Petitioner indicates that Patent Owner asserted the '379 patent in the following related matters:

- *Guada Technologies LLC v. Pier 1 Imports (US), Inc.*, 1-19-cv-01016 (D. Del.);

- *Guada Technologies LLC v. Sally Beauty Supply LLC*, 1-19-cv-01017 (D. Del.);

- *Guada Technologies LLC v. Staples, Inc.,* 1-19-cv-01018 (D. Del.);

- *Guada Technologies LLC v. Big 5 Corp.*, 1-19-cv-00755 (D. Del.);

- *Guada Technologies LLC v. Floor and Decor Outlets of America*, Inc., 1-19-cv-00756 (D. Del.);

- *Guada Technologies LLC v. HSN, Inc.*, 1-19-cv-00757 (D. Del.);

- *Guada Technologies LLC v. Hibbett Sporting Goods, Inc.*, 1-19-cv-00185 (D. Del.);

- *Guada Technologies LLC v. BSN SPORTS, LLC*, 1-19-cv-00186 (D. Del.);

- *Guada Technologies LLC v. UncommonGoods, LLC*, 1-19-cv-00187 (D. Del.);

- *Guada Technologies LLC v. Williams-Sonoma, Inc.*, 1-19-cv-00188 (D. Del.);

- *Guada Technologies LLC v. Teespring, Inc.*, 1-18-cv-01867 (D. Del.).

Pet. 2–3.

B. The '379 Patent

The '379 patent relates to a method for searching a hierarchical menu tree of nodes or vertices. Ex. 1001, Abstract. One common example of a hierarchical menu tree of nodes or vertices is an "automated telephone voice response system." *Id.* at 1:40–41. Users of the system typically have some goal they seek to accomplish within the system, such as a transaction or piece of information they wish to access. *Id.* at 1:66–2:3. The user's goal is represented by one or more "nodes" or "vertices" within the menu tree. *Id.* at 2:5–8. The user's intent in navigating the menu tree is to get from the first, initial entry point in the menu to the goal vertices. *Id.* at 2:9–18. The '379 patent teaches a system that purportedly allows users to navigate a menu tree more efficiently. *Id.* at 2:22–31.

The '379 patent teaches that in graph theory, a "path" leads from one vertex in a graph to another, where the path consists of a sequence of "edges" that connect the vertices between the first vertex (the initial entry

point into the graph) and the goal vertex. Ex. 1001, 2:64–67. The '379 patent teaches a system that allows a user to navigate a graph or menu tree in a way that allows the user to skip from one vertex to another vertex where these vertices are not directly connected, eliminating the necessity for making choices to navigate the tree to the goal. *Id.* at 3:29–34.

The '379 patent teaches prompting users for keywords that can be used to identify the user's goal. *Id.* at 4:22–41. Keywords are assigned to each node in the menu tree, allowing a user to "jump" to another place in the tree by providing a keyword associated with the unconnected node. *Id.* at 4:42–5:12.

To illustrate these concepts, the '379 patent teaches an example associated with Figure 2, shown below.
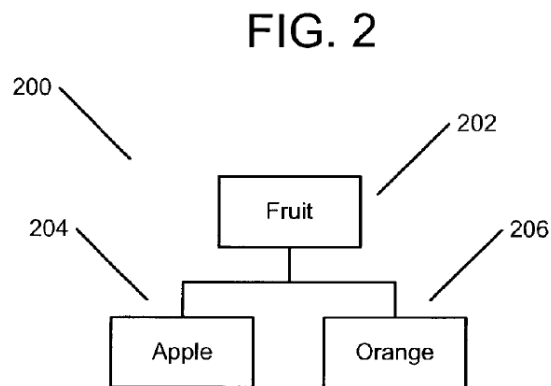
FIG. 2

Figure 2 depicts a simplified graph 200 representing a portion of a more complex tree involving possible decisions relating to fruit. Ex. 1001, 5:43–48. In this example, a user that is prompted at a node above the fruit node with the query "What would you like to buy today?" may respond "orange." *Id.* at 6:7–15. The system would respond by identifying node 206 as relating to the keyword orange and would jump directly to node 206,

bypassing the need to navigate through node 202, which is associated with the keyword "fruit." *Id.* at 6:15–21.

Of the challenged claims, claims 1 and 7 are independent. Claims 2–6 depend from claim 1. Claim 1 is illustrative of the challenged claims and recites:

> 1.   A method performed in a system having multiple navigable nodes interconnected in a hierarchical arrangement comprising:
>
> at a first node, receiving an input from a user of the system, the input containing at least one word identifiable with at least one keyword from among multiple keywords,
>
> identifying at least one node, other than the first node, that is not directly connected to the first node but is associated with the at least one keyword, and
>
> jumping to the at least one node.

Ex. 1001, 22:47–24:11.

C.   Evidence Relied Upon

Petitioner relies on the following prior art:

U.S. Patent No. 6,731,724, issued May 4, 2004, filed June 22, 2001 (Ex. 1004, "Wesemann");

U.S. Patent No. No. 6,366,910, issued April 2, 2002 (Ex. 1005, "Rajaraman"); and

U.S. Patent No. 7,539,656, issued May 26, 2009, filed March 6, 2001 (Ex. 1006, "Fratkina").

D.   The Asserted Grounds

Petitioner asserts the following grounds of unpatentability:

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