UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FEDEX CORPORATION,
Petitioner,

v.

FLECTERE LLC,
Patent Owner.

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IPR2020-00403
Patent 6,415,284 B1

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Before DAVID C. McKONE, CHRISTA P. ZADO, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

BELISLE, *Administrative Patent Judge*.

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

# I. INTRODUCTION

## A. Background

FedEx Corporation ("Petitioner") filed a Petition (Paper 1, "Pet.") to institute an *inter partes* review of claims 1–21 of U.S. Patent No. 6,415,284 B1 (Ex. 1001, "the '284 patent"). Petitioner certifies that it is the only real party in interest. Pet. 69. Flectere LLC ("Patent Owner") is identified as the owner of the '284 patent. Paper 4, 2. Patent Owner waived filing of a preliminary response to the Petition. Paper 7.

We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314(b); 37 C.F.R. § 42.4(a) (2019). We may not institute an *inter partes* review "unless . . . 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). The Supreme Court has held that a decision to institute under 35 U.S.C. § 314 may not institute review on fewer than all claims challenged in the petition. *SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1355–56 (2018). Moreover, if the PTAB institutes a trial, the PTAB will institute on all challenges raised in the petition. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide 64 (Nov. 2019), https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf ("The Board will not institute on fewer than all claims or all challenges in a petition.").

Applying those standards, and upon consideration of the information presented in the Petition, we determine that Petitioner has established a reasonable likelihood of success in proving that at least one claim of the '284 patent is unpatentable. Accordingly, we institute an *inter partes* review as to all challenged claims of the '284 patent on all grounds raised in the

Petition.  We base our factual findings and conclusions at this stage of the proceeding on the evidentiary record developed so far.  This is not a final decision as to the construction of any claim term or the patentability of any claim.

### B.    Related Proceedings

Petitioner indicates that the '284 patent was involved in three U.S. district court actions, namely, *Flectere LLC v. Academy*, *Ltd.*, 2:18-cv-00227 (E.D. Tex.) (dismissed Dec. 4, 2018); *Flectere LLC v. Sears Brands, L.L.C.*, 2:18-cv-00228 (E.D. Tex.) (dismissed Dec. 4, 2018); and *Flectere LLC v. Staples, Inc.*, 2:18-cv-00229 (E.D. Tex.) (dismissed Sept. 24, 2018).  Pet. 69–70.  Patent Owner indicates that there is no judicial or administrative matter that would affect, or be affected by, a decision in this proceeding.  Paper 4, 2.

Petitioner also indicates that the '284 patent was involved in *Unified Patents Inc. v. Flectere LLC*, IPR2019-00479 (PTAB Dec. 31, 2018), in which the Board denied institution.  Pet. 69–70.

### C.   The '284 Patent

The '284 patent relates generally to intelligent or "smart" forms for improved automated workflow processing.  Ex. 1001, Abstract.  More specifically, the '284 patent is directed to:

> [I]ntelligent forms [that] are intelligently pre-populated using a business database and include logic for verification of properly supplied data to minimize effort in filling in such forms and to minimize the risk of accepting invalid form data, thus reducing the system's susceptibility to error.

Ex. 1001, 2:20–26.  Figure 1 of the '284 patent is reproduced below.
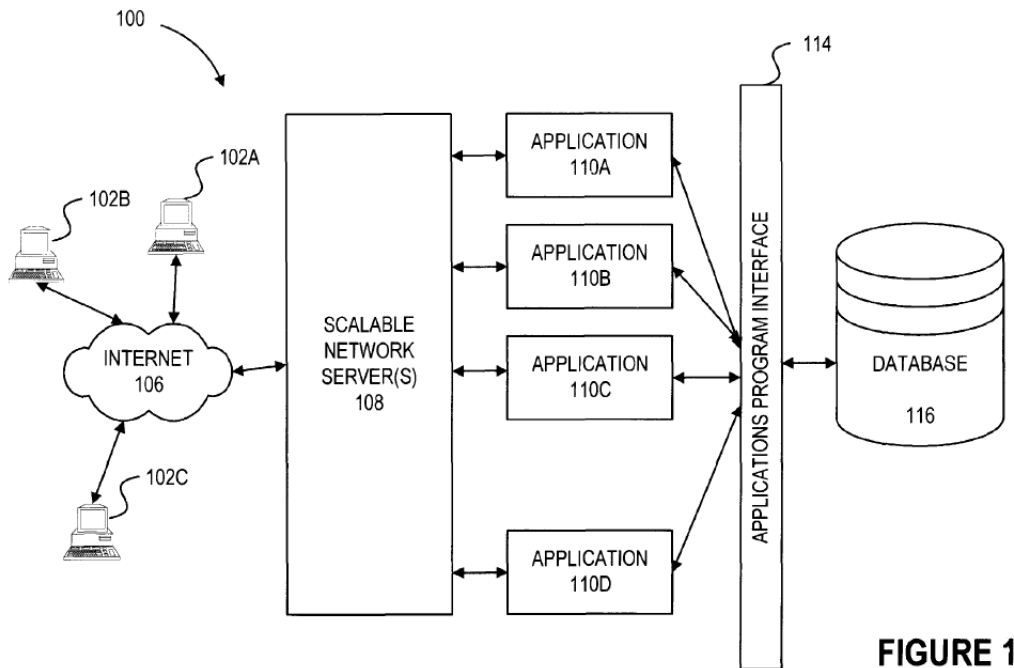
Figure 1 is a block diagram of computer system 100 for processing insurance applications that implements smart forms for workflow improvement.

*Id.*, 1:65–67, 2:26–28, Fig. 1.

As depicted in Figure 1, a "number of computers 102A–C are coupled through a wide area network 106, such as the Internet, to a scalable network server 108." Ex. 1001, 2:33–35. Scalable network server 108 "routes data between computers 102A–C on one end and applications 110A–D on the other end." *Id.*, 2:44–46. "Applications 110A–D access data in a database 116 through an applications programming interface (API) 114." *Id.*, 2:47–48. Applications 110A–D perform a number of business functions, such as "payroll, accounting, benefits administration, and inter-office communications such as e-mail." *Id.*, 2:49–53.

According to the '284 patent, applications 110A–D implement "workflows," which include a number of actions to be taken by applications

110A–D in carrying out tasks that typically include interaction with users, such as employees. Ex. 1001, 2:61–3:2. Workflows include "smart form[s]" having a number of fields, "each of which corresponds to a particular piece of information which is used in carrying out the task of workflow." *Id.*, 3:3–9. Fields include, as relevant to this Petition, "default annotation[s]" and "verification annotation[s]." *Id.*, 3:14–15. These annotations are "logic which can include references to data contained in records in database 116." *Id.*, 3:35–36.

A default annotation includes logic that "specifies a default data value" for a field, and can include "references to data contained in records in database 116." Ex. 1001, 3:37–41. For example, according to the '284 patent, if a field corresponds to an employee's name, the default annotation can specify that the employee's name is retrieved from database 116. *Id.*, 3:41–44. A verification annotation includes logic that "processes data entered by an employee and indicates whether the entered data is valid," and may include "references to data stored in database 116." *Id.*, 3:57–60. For example, according to the '284 patent, if a field represents a number of vacation days requested by an employee, the verification logic may include logic that compares the requested vacation to the number of days of vacation available to the employee. *Id.*, 3:60–64.

According to the '284 patent, a default annotation typically is executed within application 110A, for example, because application 110A is close to database 116, at least relative to computers 102A–C, and therefore can quickly and efficiently resolve references within default annotation to items of data within database 116. Ex. 1001, 4:1–6. However, for verification annotation, "application 110A resolves references to data items

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