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Paper 7
Date: October 28, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELASTIC N.V.,
Petitioner,

v.

GUADA TECHNOLOGIES LLC,
Patent Owner.

IPR2021-00875
Patent 7,231,379

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, 37 C.F.R. § 42.4

I. INTRODUCTION

A. Background and Summary

Petitioner filed a Petition (Paper 2, "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) (2018); 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.

B. Real Parties in Interest

Petitioner identifies Elastic N.V. as the real party-in-interest. Pet. 10.

C. Related Matters

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

- *Guada Technologies LLC v. Ply Gem Industries, Inc.*, 1-20-cv-01718 (D. Del.);
- *Guada Technologies LLC v. GAF Materials LLC*, 1-20-cv-01719 (D. Del.);
- *Guada Technologies LLC v. Flowserve US, Inc.*, 1-20-cv-01431 (D. Del.);
- *Guada Technologies LLC v. Rolled Alloys, Inc.*, 1-20-cv-01432 (D. Del.);
- *Guada Technologies LLC v.Milacron LLC*, 1-20-cv-01143 (D. Del.);

- *Guada Technologies LLC v. Argos USA LLC*, 1-20-cv-00993 (D. Del.);
- *Guada Technologies LLC v. The Gillette Company LLC*, 1-20-cv-00999 (D. Del.);
- *Guada Technologies LLC v. Revlon Consumer Products Corporation*, 1-20-cv-01000 (D. Del.);
- *Guada Technologies LLC v. Dole Food Company, Inc.*, 1-20-cv-00869 (D. Del.);

Pet. 10. Petitioner indicates that the '379 patent was the subject of a similar *inter partes* review petition in IPR2021-00771, which has since been terminated. *Id.*

Petitioner also identifies the following *inter partes* review proceedings as challenging the '379 patent: IPR2017-01039 (terminated); IPR2019-01304 (terminated); IPR2020-00598 (terminated). *See* Pet. 5–6.

D. 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 a first vertex to a second vertex, 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 move from a first vertex to a second 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

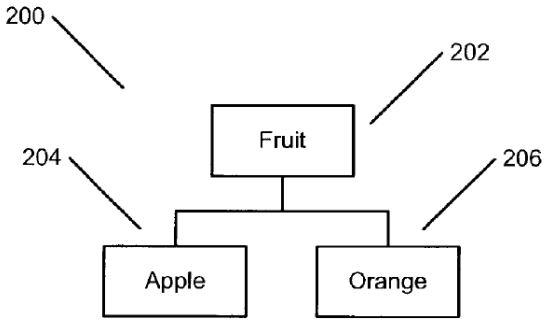

Figure 2 depicts a simplified graph 200 representing a portion of a more complex tree involving possible decisions relating to fruit. Ex. 1001, 5:43–48. In this example, a user that is prompted at a node above the fruit node with the query “What would you like to buy today?” may respond “orange.” *Id.* 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.

E. Illustrative Claims

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, 22:47–57.

F. Evidence

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").

G. Prior Art and Asserted Grounds

Petitioner asserts that claims 1–7 would have been unpatentable on the following grounds:

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