

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

FINNAVATIONS LLC,
Patent Owner.

Case IPR2015-01209
Patent 8,132,720 B2

Before PHILLIP J. KAUFFMAN, MEREDITH C. PETRAVICK, and
CARL M. DEFRANCO, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING
37 C.F.R. § 42.71(d)

I. INTRODUCTION

Unified Patents Inc., (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1–20 of U.S. Patent No. 8,132,720 B2 (Ex. 1001, “the ’720 patent”) pursuant to 35 U.S.C. §§ 311–319. Paper 1 (“Pet.”). Finnnavations LLC (“Patent Owner”) filed a Preliminary Response to the

Petition. Paper 11 (“Prelim. Resp.”). On November 30, 2015, we entered a Decision denying institution of *inter partes* review on the following grounds. Paper 13 (“Dec.”).

No.	Ground	Claims	Prior Art
1	§ 103	1–7 and 11–20	Williams ¹ and Chancey ²
2	§ 103	8–10	Williams, Chancey, and Schrader ³
3	§ 103	1–7, 11–12, and 14–18	Schutzer ⁴ and Chancey
4	§ 103	8–10	Schutzer, Chancey, and Schrader
5	§ 103	13, 19, and 20	Schutzer, Chancey, Mäkipää, ⁵ and Tannenbaum ⁶

On December 30, 2015, Petitioner filed a Request for Rehearing asking the Board to reconsider its Decision. Paper 14 (“Req.”). We have considered Petitioner’s request but decline to modify our Decision.

II. DISCUSSION

A. *Standard of Review*

When rehearing a decision on petition, the Board will review the decision for an abuse of discretion. *See* 37 C.F.R. § 42.71(c). An abuse of discretion may be determined if a decision is based on an erroneous

¹ U.S. Patent No. 5,815,657 (issued Sept. 29, 1998) (Ex. 1004).

² U.S. Patent No. 5,842,185 (issued Nov. 24, 1998) (Ex. 1005).

³ U.S. Patent No. 5,903,881 (issued May 11, 1999) (Ex. 1006).

⁴ U.S. Patent No. 5,920,848 (issued Jul. 6, 1999) (Ex. 1007).

⁵ U.S. Patent No. 6,394,341 B1 (issued May 28, 2002) (Ex. 1008).

⁶ U.S. Patent No. 5,521,363 (issued May 28, 1996) (Ex. 1009).

interpretation of law, if a factual finding is not supported by substantial evidence, or if the decision represents an unreasonable judgment in weighing relevant factors. *See Arnold Partnership v. Dudas*, 362 F.3d 1338, 1340 (Fed. Cir. 2004).

The party challenging the decision has the burden of showing a decision should be modified. 37 C.F.R. § 42.71(d). In its Request for Rehearing, the dissatisfied party must (1) specifically identify all matters the party believes the Board misapprehended or overlooked and (2) identify the place where each matter was previously addressed. *Id.*

B. Analysis

Petitioner argues that we overlooked or misapprehended its arguments in the Petition with respect to ground 1, obviousness over Williams and Chancey, and with respect to ground 3, obviousness over Schutzer and Chancey. Req. 1–3.

For the reasons below, we are not persuaded by Petitioner that we abused our discretion by overlooking or misapprehending arguments in the Petition. We could not have overlooked or misapprehended arguments that were not raised in the Petition.

i. Illustrative Claim

Claim 1 is reproduced below and is illustrative of the claimed subject matter. The limitations at issue are italicized in the reproduced claim.

1. A financial management system configured to transmit a set of transaction data, the financial management system comprising:
 - a personal financial management application configured to store personal financial management application

transmission data including purchase amount data, purchase date data, payee data, and card identification data, and *a financial assistant comprising:*

a set of graphical user interface generation executable code configured to generate a graphical user interface at the conclusion of the online transaction, the graphical user interface comprising:

a purchase amount field,

a purchase date field,

a payee field,

a category field configured to accept user input, and an accept button.,

a set of graphical user interface population executable code that populates the purchase amount field, the purchase date field, the payee field, and the card identification field based on the received transaction data, and

a set of personal financial management application transmission executable code that transmits the personal financial management application transaction from the fields of the graphical user interface to the personal financial management application when the accept button is activated.

Ex. 1001, claim 1.

ii. Ground 1 – Obviousness over Williams and Chancey

Petitioner argues that we overlooked and misapprehended that the Petition relied upon the screen depicted in Figure 21 of Williams, and not the screen depicted in Figure 11 of Williams, to teach the claimed graphical user interface (“GUI”) generated at the conclusion of the transaction. Req. 3–6. Petitioner states “the screen of *Figure 21 of Williams* is the screen generated after the transaction, and is the screen with the memo field.” *Id.* at 3.

Petitioner’s argument is misplaced because, contrary to Petitioner’s argument, the Petition equated the claimed graphical user interface

generated at the conclusion of an online transaction to the GUI depicted in Figure 11 of Williams, not Figure 21. *See* Pet. 20–23; Dec. 7–8. The Petition states “[t]he next element of claim 1 sets forth the financial assistant with a GUI with fields for the transaction data. This is shown by the Williams electronic wallet, and the GUI of Fig. 11, below for example.” *Id.* at 20. The claim chart in the Petition also points to Figure 11 of Williams as disclosing a GUI generated at the conclusion of the online transaction and disclosing many of the data field required to be part of the GUI, including the accept button. *Id.* at 23.

Petitioner points to the Petition’s reliance on the memo field of the GUI depicted in Figure 21 of Williams to support its argument. Req. 4 (citing Pet. 11–12, 16). The Petition, however, relies upon the memo field on the GUI depicted in Figure 21 to teach a category field, not to teach the GUI generated at the conclusion of the transaction. Pet. 22–23. The Petition proposes modifying the GUI depicted in Figure 11 to include such category field. *Id.* at 22. The Petition states “Williams also shows a ‘merchant’ tab in Figs. 11 and 12, without describing the details. It would be obvious to have a category on the merchant tab.” *Id.*

Petitioner argues that it makes “no sense” to include a category field on a GUI that is generated prior to the acceptance of an online transaction, like the GUI depicted in Figure 11 of Williams, because the claims required that the GUI is generated at the conclusion of an online transaction. Req. 3. The Petition, however, proposes just that — adding a category field to the GUI depicted in Figure 11. *See* Pet. 22.

We, thus, are not persuaded by Petitioner that we abused our discretion by overlooking or misapprehending the arguments in the Petition.

We could not have overlooked or misapprehended arguments that were not raised in the Petition.

Nonetheless, even if we were now to consider the GUI depicted in Figure 21 of Williams to be the claimed GUI generated at the conclusion of the online transaction, the Petition still fails to demonstrate a reasonable likelihood that the claims are unpatentable over Williams and Chancey. In addition to requiring a category field to be on the GUI generated at the conclusion of the online transaction, the claims also require the GUI to have an accept button and to transmit transaction data from the fields of the GUI to the personal financial management application when the accept button is activated. *E.g.*, see Ex. 1001, claim 1.

The Petition relies upon accept button 1140 depicted on Figure 11 of Williams to disclose the claimed accept button on the GUI generated at the conclusion of the online transaction and the claimed transmitting when the accept button is activated. Pet. 20, 23–25. Accept button 1140 does not appear on the GUI depicted in Figure 21 of Williams (Ex. 1004, Fig. 21; Dec. 10) and the Petition does not propose modifying the GUI of Figure 21, to include accept button 1140 or provide any other rationale or explanation as to why it would be obvious to include a button, like accept button 1140, on the GUI depicted in Figure 21. Indeed, such a modification would seemingly make no sense because the GUI depicted in Figure 21, is a register detail display that depicts information already transmitted to the register, i.e., the personal financial management application. See Dec. 10 (citing Ex. 1004, col. 33, ll. 52–53).

We are not persuaded by Petitioner that we abused our discretion in determining that the Petition failed to demonstrate, sufficiently, a reasonable

likelihood that claims 1–7 and 11–20 are unpatentable over Williams and Chancey.

iii. Ground 2 – Obviousness over Schutzer and Chancey

Petitioner argues that we overlooked or misapprehend its argument when we determined that the Petition failed to provide sufficient evidence to support Petitioner’s contention that one of ordinary skill in the art would have found the last element of claim 1 an obvious matter of design choice based on the teachings of Schutzer. Req. 10–12; *see* Dec. 13–19. The last element of claim 1 requires “a set of personal financial management application transmission executable code that transmits the personal financial management application transaction from the fields of the graphical user interface to the personal financial management application when the accept button is activated.” Ex. 1001, claim 1. According to Petitioner, Schutzer, itself, suggests combining the functionality of the OK button 125 on the GUI depicted in Figure 8 of Schutzer with the functionality of the Financial Planning button 135 on the GUI depicted in Figure 9 of Schutzer. Req. 12.

We are not persuaded by Petitioner that we abused our discretion by overlooking or misapprehending the arguments in the Petition. We could not have overlooked or misapprehended arguments that were not or inadequately raised in the Petition.

The claim chart in the Petition points to the Financial Planning button 135 on the GUI depicted in Figure 9 of Schutzer, as well as OK button 125 on the GUI depicted in Figure 8 to teach this limitation. Pet. 42. OK button 125 on the GUI depicted in Figure 8 of Schutzer functions to make a payment, using the transaction data, such as account information, payee

name, amount, and date, entered by the user in the fields on the GUI. *See* Dec. 17 (citing Ex. 1007, Fig. 8, col. 13, ll. 42–46). Financial Planning button 135 on the GUI depicted in Figure 9 separately functions to execute a financial planner, such as Quicken and that a user can then import information from the system into the planner. *See* Dec. 17 (citing Ex. 1007, col. 15, ll. 49–52; col. 4, ll. 50–53).

The Petition states

Schutzer shows the “downloading” and “transferring” to the “financial software application.” Fig. 8 shows an “OK” button, which one of skill in the art would recognize as initiating the download. The downloaded data can be imported to a “financial planner, such as Quicken.” It would be an obvious matter of design choice to instead have these two steps combined, so that the OK button downloads and imports the information to the financial planner.”

Pet. 41; *see* Dec. 14.

As can be seen from the above, the Petition does not contend that Schutzer, itself, provides a suggestion to combine the function of Financial Planning button 135 with the function of OK button 125.

We, thus, are not persuaded by Petitioner that we abused our discretion by overlooking or misapprehending the arguments in the Petition. We could not have overlooked or misapprehended arguments that were not raised in the Petition.

Nonetheless, even if we were to consider, now, whether Schutzer, itself, suggests Petitioner’s combination, we determine that Schutzer does not. As can be seen from our discussion of Schutzer in our Decision, Schutzer discloses that Financial Planning button 135 and OK button 125 as separate buttons with separate functions and does not suggest combining the

functions of the Financial Planning button 135 with OK button 125. *See* Dec. 15–18.

Further, Petitioner now argues, in the Request, that “[i]t has long been held that rearranging the order of steps or eliminating a step, that do not change the operation, is an obvious matter of design choice” to further support its contention that it would have been obvious to combine the functionality of OK button 125 with the functionality of Financial Planning button 135. Req. 13 (quoting *In re Japikse*, 181 F.2d 1019 (CCPA 1950) and *In re Kuhle*, 526 F.2d 553 (CCPA 1975)). Petitioner’s argument and reliance upon *Japikse* and *Kuhle*, however, is misplaced, as here, the Petitioner is proposing more than modification to the location of Financial Planning button 135 or elimination of its function, but a modification to the operation of Schutzer’s OK button 125 to perform an additional function.

We are not persuaded by Petitioner that we abused our discretion in determining that the Petition failed to demonstrate, sufficiently, a reasonable likelihood that claims 1–7, 11–12, and 14–18 are unpatentable over Schutzer and Chancey.

III. CONCLUSION

We are not persuaded by Petitioner that we abused our discretion. Petitioner’s request for rehearing is denied.

IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner’s Request for Rehearing is *denied*.

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