

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

METARAIL, INC.,
Patent Owner.

IPR2024-01270
Patent 9,633,378 B2

Before STACEY G. WHITE, FRANCES L. IPPOLITO, and
BRIAN P. MURPHY, *Administrative Patent Judges*.

IPPOLITO, *Administrative Patent Judge*.

DECISION
Denying Petitioner's Request for Rehearing of Institution Decision
37 C.F.R. § 42.71(d)

I. INTRODUCTION

Google LLC (“Petitioner”) filed a Petition pursuant to 35 U.S.C. § 311 requesting institution of *inter partes* review of claims 1–26 of U.S. Patent No. 9,633,378 B2 (Ex. 1001, “the ’378 patent”). Paper 2 (“Pet.”). Metarail, Inc. (“Patent Owner”) filed a Patent Owner Preliminary Response. Paper 6 (“Prelim. Resp.”). On April 24, 2025, we denied institution of the requested *inter partes* review. Paper 11 (“Decision” or “Dec.”). On May 27, 2025, Petitioner timely filed a Request for Rehearing of our Decision. Paper 12 (“Rehearing Request” or “Req.”).

II. ANALYSIS

A request for rehearing “must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, a reply or sur-reply.” 37 C.F.R. § 42.71(d). The party challenging a decision bears the burden of showing the decision should be modified. *Id.* We address Petitioner’s rehearing arguments below.

The Rehearing Request asserts that (1) we misapprehended the scope of the claims because we misapplied the mapping step as claimed UVM structure, (2) the Petition showed that Halevy’s form database as modified in the asserted Belanger-Halevy combination meets the claimed Universal Variable Map (“UVM”), and (3) we “effectively limited the claims to the ‘non-limiting’ Table 1 of the specification.” Req. 1, 3, 5.

The Rehearing Request is based on the faulty premise that the Board misconstrued the mapping limitations recited in claim limitation [1C] by incorrectly parsing the claim limitation and referencing a particular UVM embodiment disclosed in the ’378 patent, rather than by comparing the Belanger-Halevy prior art to the recited claim limitations. *Id.* at 1–10.

Petitioner focuses in particular on limitation [1C]: “mapping the plurality of computer-readable field identifiers to one another using a set of normalized variables stored in a normalized variable data database, the normalized variable data database representing a universal variable map of searchable classes and attributes of products or services on the Internet, the mapping linking computer-readable field identifiers of the plurality of sites or application.” Petitioner asserts that:

The Board split Limitation [1C] and analyzed the pieces separately. *See* DI, 20-26 (analyzing “*mapping...stored in a normalized variable data database*” as Limitation [1C(i)]), 26-31 (analyzing “*the normalized variable data database representing a [UVM]... the mapping linking computer-readable field identifiers of the plurality of sites or applications*” as Limitation [1C(ii)]).

Id. at 3. Petitioner adds that the Petition showed limitation [1C] as a whole is met in Belanger/Halevy by Halevy’s “form database” containing information about fields from different websites disclosed by Belanger (and provided to Halevy to identify the claimed “mapping” as presented in Ground 1). *Id.* at 4 (citing Pet. 39, 46–50).

We disagree with Petitioner’s characterization that our Decision on Institution analyzed the features of limitation [1C] separately. Petitioner, itself, structures its arguments for limitation [1C] into those for limitation [1C(i)] and limitation [1C(ii)] and presents arguments in this manner in the Petition. Pet. 46 (addressing “mapping the plurality of computer-readable field identifiers to one another using a set of normalized variables stored in a normalized variable data database, ...”), 48 (addressing “the normalized variable data database representing a universal variable map of searchable classes and attributes of products or services on the Internet, the mapping linking computer-readable field identifiers of the plurality of sites or applications”). The Decision on Institution

addressed the arguments presented in the Petition as they were presented. For example, with regard to limitation [1C(i)], Petitioner argued that

“[s]ince Halevy’s crawling process maps the fields of various forms to a set of SO-properties associated with the form’s SO-class, POSAs would have recognized the SO-properties to be ‘a *set of normalized variables*’ that are used to ‘*map[] the plurality of computer-readable field identifiers to one another.*’ Further, since the mapping of fields to SO-properties is stored in the form database (see Figure 3), POSAs would have recognized that the SO-properties (i.e., ‘*set of normalized variables*’) are ‘*stored in*’ the form database, thus making the form database ‘a *normalized variable data database.*’” Pet. 47–48. Our Decision discussed both Petitioner and Patent Owner’s positions on this point by addressing the arguments in the Petition and Preliminary Response for limitation [1C(i)]. Dec. 19–26; see Prelim. Resp. 17–18 (“The first part of this element recites ‘mapping the plurality of computer readable field identifiers to one another using a set of normalized variables stored in a normalized variable data database.’ Petitioner relies solely on Halevy as allegedly teaching this limitation. See Pet., 46-48.”). Therefore, the Decision did not split limitation [1C] or analyze the features of the limitation separately, but simply organized the analysis based on the arguments in the Petition.

Next, limitation [1C] recites “*mapping the plurality of computer-readable field identifiers to one another using a set of normalized variables stored in a normalized variable data database*, the normalized variable data database representing a universal variable map of searchable classes and attributes of products or services on the Internet, the mapping linking computer-readable field identifiers of the plurality of sites or applications.” Ex. 1001, 22:21–29.

In our Decision, we made clear that we were not persuaded by the Petition’s assertion that Belanger-Halevy disclosed or taught limitation [1C] because

“[m]issing, however, from Halevy’s disclosure is any teaching or suggestion that a ‘plurality of computer-readable field identifiers’ are mapped ‘to one another’ as required by claim 1.” Dec. 22. We discussed and quoted extensively from Petitioner’s expert declaration of Dr. Fox and Patent Owner’s expert declaration of Dr. Malek. *Id.* at 22–26 (citing Ex. 1003 ¶ 104; Ex. 2001 ¶¶ 69, 71). In reviewing the parties’ submissions, we found that:

Halevy’s disclosures are consistent with Patent Owner’s arguments and Dr. Malek’s testimony that Halevy does not teach mapping fields to one another or mapping of fields to one another through SO-properties. For example, as described, in Figure 6 and Halevy as a whole, Halevy does not teach or suggest mapping or linking different keywords to one another, rather the keywords are mapped to SO-properties.

Dec. 26 (citing Ex. 1006, Figs. 3, 6). In short, our Decision did not compare the prior art to Table 1 of the ’378 Patent’s specification, rather than comparing the art to the claim as asserted by Petitioner. Req. 5–8. Further, in our Decision, we made clear that we were not persuaded by the Petition’s assertion that Belanger-Halevy disclosed or taught limitation [1C] because, among other things, Dr. Fox’s testimony was not supported by his citations to the ’378 patent. We noted that:

Dr. Fox states that “Halevy’s disclosure of a form database in which corresponding fields from different forms on different websites map to the same SO-properties would have been recognized by a POSA as what the ’378 patent refers to as a universal variable map.” Ex. 1003 ¶ 108 (citing Ex. 1001, 17:42–46). Based on this conclusory opinion, Dr. Fox reasons that Halevy’s form database is a “universal variable map” that must also link computer-readable field identifiers (including parameter names) from multiple different websites to each other in the form database, because the field identifiers are mapped to the same SO-properties associated with an SO-class. *Id.*

We observe first that Dr. Fox’s conclusion is not supported by the cited portions of the ’378 patent. In column 17, lines 42–46, the ’378 patent explains that fields or variables may be part of forms and variations of these data fields or variables “may include a source form, a destination form, a single source to many destination form, many sources to one

destination form, cascading forms (e.g., a first form links to a second form which links to a third form, etc.) and so on.” Ex. 1001, 17:42–46. While this portion of the ’378 patent indicates that forms may include variations on fields or variables, it does not describe any linking or mapping of variables to one another. Ex. 2001 ¶ 76 (“[T]hat portion of the specification does not have anything to do with the definition of a “universal variable map.” Rather, it merely discusses different types of variables and fields that might appear in different types of forms.”).

Dec. 28–29. We again referred to the disclosure of the ’378 patent to address evidence in the Petition relied upon by Dr. Fox to support Petitioner’s position. *Id.* We credited Dr. Malek’s testimony over Dr. Fox’s testimony because Dr. Malek underlined the distinctions between the asserted Belanger-Halevy prior art combination and limitation [1C]. Dec. 28–31. In short, any confusion applying the prior art Belanger-Halevy references to the claim limitation is rooted in the Petition. The Board denied the Petition because the Petition did not demonstrate a reasonable likelihood of showing that Belanger-Halevy discloses or teaches limitation [1C] of the ’378 patent.

In addition, nowhere does our Decision indicate that the UVM itself must store a mapping, particularly with regard to limitation [1C], as asserted by Petitioner. *See* Dec. 19–31. Nor did we compare the preferred embodiment in Table 1 of the ’378 patent to Halevy and overlook the actual language of limitation [1C]. *Id.*; Req. 6. In fact, the Request repeatedly relies on Table 1 in our Decision, but Table 1 appears on page 5 in our Introduction and background section, where we described the UVM embodiment in Table 1 of the ’378 patent as “an example” of the claimed invention, nothing more. *See* Req. 1, 2, 6–8. Elsewhere, our Decision addressed the testimony of Petitioner’s expert, Dr. Fox, who cited to the disclosure in the ’378 patent. Specifically, we stated:

Dr. Fox states that “Halevy’s disclosure of a form database in which corresponding fields from different forms on different websites map to the same SO-properties would have been recognized by a POSA as

what the '378 patent refers to as a universal variable map.” Ex. 1003 ¶ 108 (citing Ex. 1001, 17:42–46).

Dec. 29. We then reviewed Dr. Fox’s testimony with the disclosure of the '378 patent because Dr. Fox’s testimony cited to the '378 patent and his testimony was unsupported and inconsistent with the disclosure of the '378 patent as a whole. See Dec. 28–30. We furthered compared the Belanger-Halevy prior art asserted in the Petition to the limitation [1C] and found the Petition’s evidence and argument insufficient to support institution. Dec. 19–31. Thus, we did not misapprehend the “correct analysis and compare[] the prior art to Table 1 of the '378 Patent’s specification, rather than comparing the art [Belanger-Halevy] to the claim language as required,” as asserted by Petitioner. Req. 5.

Finally, with regard to the Reply and Sur-Reply submitted by the parties (Req. 9), we note that our Decision on Institution reviewed the parties’ discussion of claim construction, but ultimately determined that “[b]ased on our review of the preliminary record, we do not need to construe any terms expressly to reach our decision.” Dec. 11. Thus, we disagree with Petitioner that we misconstrued the mapping limitation where we did not find it necessary to construe any claim term for the purposes of our institution decision because we determined the Petition deficient for failing to meet our threshold requirements as discussed above and in detail in the Decision on Institution. See Req. 1–11.

Therefore, for the reasons given above, we *deny* Petitioner’s request for rehearing.

III. ORDER

It is hereby ORDERED that Patent Owner’s request for rehearing is *denied*.

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