

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

METARAIL, INC.,
Patent Owner.

Case No. IPR2024-01272
Patent No. 10,152,734

**PETITIONER’S REQUEST FOR REHEARING OF DECISION DENYING
INSTITUTION OF *INTER PARTES* REVIEW**

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I. THE BOARD’S DECISION MISAPPREHENDED THE SCOPE OF THE CLAIMS

The method claims of the ’734 patent require “*determining...field identifiers of [a] networked data source **stored** in [a] universal variable data database,*” where the database represents a “*universal variable map*” (“UVM”), and also require “*determining...field identifiers of a networked data target that are **mapped to the field identifiers of the networked data source***” in the database representing the UVM. Paper No. 11 (“DI”), 9 (Limitations [1A]-[1C]). But nothing in the claims requires that any kind of “*map[ing]*” between field identifiers be “**stored**” in the UVM; field identifiers must *be* “mapped” as part of performing the method, but that does not mean that the UVM itself must store a mapping, much less any particular kind of mapping. The Board’s denial of institution misapplies the claimed determining *step* as unclaimed UVM *structure*, which it is not.

As discussed *infra* §I.B, this confusion was driven by PO’s insistence that the ’734 patent’s claims be effectively limited to the type of structure shown in the “non-limiting example” (EX1001, 12:56-57) of Table 1 of its specification. POPR (Paper No. 6), 5 (citing EX1001, 12:56-66); DI, 6 (citing EX1001, 12:44-66). The claims cannot be limited to a “non-limiting” specification embodiment despite

PO's clear disavowal.¹ *Dealertrack, Inc. v. Huber*, 674 F.3d 1315, 1327 (Fed. Cir. 2012) (“[I]t is improper to read limitations from a preferred embodiment described in the specification – even if it is the only embodiment – into the claims absent a clear indication in the intrinsic record that the patentee intended the claims to be so limited.”) (internal citation omitted).

A. The Petition Showed that Halevy's Form Database as Modified in the in Oldham/Halevy Combination Meets the Claimed UVM

As Limitations [1A]-[1C] make clear, the UVM does not require any stored mapping; rather, field identifiers stored in the UVM must be “mapped” in the course of performing the method, but the mapping need not be stored in the UVM, and the structure of the UVM is unconstrained other than that it must contain field identifiers:

[1A] in response to a user interacting with a user interface of a networked data source on a user device, accessing *a universal variable data database, the universal variable data database representing a universal variable map* of searchable classes and

¹ Petitioner does not concede this disavowal was proper. *See Marine Polymer Techs., Inc. v. HemCon, Inc.*, 672 F.3d 1350, 1364 (Fed. Cir. 2012) (“If, in [post grant proceedings], the examiner determines that particular claims are invalid and need amendment to be allowable, one would expect an examiner to require amendment rather than accept argument alone.”).

attributes of products or services on the Internet, the accessing performed by a computer having a processor and a non-transitory computer-readable medium, the universal variable data database maintained by the computer;

[1B] determining, by the computer based on dynamic data collected through the user interface while the user is interacting with the user interface of the networked data source, *field identifiers of the networked data source stored in the universal variable data database*, the dynamic data containing user-specified values pertaining to a product or service;

[1C] determining, by the computer, *field identifiers of a networked data target that are mapped to the field identifiers of the networked data source* in the universal variable data database;

DI, 9 (emphasis added).

The Petition showed that when the UVM is properly interpreted, it is met in Oldham/Halevy by use of Halevy's "form database" to perform the claimed mapping of Oldham's query. *See* Petition, 28-32. Specifically, the Petition showed that Halevy discloses the required *universal variable data database representing a universal variable map* because Halevy discloses a single database in which fields on different websites may be mapped to the same "SO-property." Petition, 17-19, 29-30. The petition then showed that "*field identifiers of a networked data target*" are "*mapped to the field identifiers of the networked data source,*" where these networked data source field identifiers are "*in the universal*

variable data database,” because form fields from various websites are mapped to SO-properties that are also mapped to the query keywords provided by Oldham. Petition, 29, 35-37.

So, when (as in the proposed ground) a query submitted to Oldham’s search engine is passed to Halevy’s form engine to retrieve deep-links from the form database, Halevy’s form engine *determines the field identifiers of the networked data source stored in the universal variable data database*, which *represents a universal variable map* (Petition, 29-31), by mapping the Oldham query to stored SO-properties. Petition, 33-34. Once mapped to SO-properties, Halevy’s form engine retrieves “forms of interest” to return to the user by *determining* which forms have fields corresponding to the keywords, *i.e.*, by *determining field identifiers of a networked data target*. Petition, 35-37. These determined *field identifiers of the networked data target* are mapped to the *field identifiers of the networked data source* by virtue of being mapped to the same SO-properties. Petition, 35-37. But as explained *infra* §I.B, the Grounds’ mapping to Oldham/Halevy was not properly addressed, because of the misapprehension in claim construction.

B. The Board Misapprehended the Proper Construction to Arrive at a Narrow Construction Limiting the Claims to the Specification

As discussed below, the Board’s analysis effectively limited the claims to the “non-limiting” (EX1001, 12:56-57) Table 1 of the specification. As a result,

the Board misapprehended the correct analysis and compared the prior art to Table 1 of the '734 Patent's specification, rather than comparing the art to the claim language as required. *Corephotonics, Ltd. v. Apple Inc.*, 84 F.4th 990, 1003 (Fed. Cir. 2023) (“In determining whether a claim is invalid as obvious, we compare the prior art ***to the claim language***, and if necessary, after the claim language has been properly construed when the meaning or scope is in dispute.”) (emphasis added).

In the section of the Board's decision entitled “The '734 patent” (DI, 3), the Board focused on the exemplary “normalized variables in a universal variable map” shown in the patent's Table 1. DI, 6 (citing EX1001, 12:44-66). Table 1 (shown below) is a database table with rows corresponding to different “normalized variables,” in which, *e.g.*, the data fields “Orig,” “Depart_City,” and “From” are grouped together in one row and associated with the normalized variable “from,” and the fields “Dest,” “Arrival_City,” and “To” are associated with the normalized variable “to.” EX1001, 12:59-67. Thus, in the Table 1 example, the UVM comprises a structure that maps fields from different websites to each other directly by placing them in the same row for a given normalized variable.

Web Sites	xxx.com	yyy.net	zzz.org	...	Normalized Variables
Variable 1	Orig	Depart_City	From	...	from
Variable 2	Dest	Arrival_City	To	...	to
Variable 3	...	...	...	...	...
...	...	...	...	...	...

But despite the Table 1 example being explicitly labeled as “non-limiting,” the Board’s analysis compared Halevy’s “form database” to the structure described in Table 1. For example, the Board said that the POPR “correctly points out that Halevy does not disclose, teach, or suggest ‘that the SO-properties establish any relationship between different websites’ on which different forms would be found.” DI, 31 (quoting POPR, 23). But whether Halevy’s SO-properties by themselves “establish any relationship” between fields is irrelevant to the claim language and proposed ground; this question is relevant only if Halevy’s form database—alone—is being compared to the Table 1 example, which *does* show “normalized variables” like “from” and “to” establishing a relationship between websites by virtue of fields from different websites being grouped together on a single row corresponding to each variable, as discussed above. The Board’s statement that “Halevy’s SO-property search filters are used identify and rank forms relevant to a user’s search query, not to map or link form fields to one another across forms and websites in order to generate deep-links” (DI, 33)

likewise only matters if Halevy is being compared to the Table 1 example rather than to the claims, and if the combination of the ground is disregarded.

Additionally, the Board credited Patent Owner's argument that Halevy's "form database does not provide the predetermined mapping between different websites in a universal variable data database as contemplated in the '734 patent." DI, 33-34 (quoting POPR, 24-25). But there is no "*predetermined* mapping," much less one that is "*in*" the database, "contemplated in" the claims of the '734 patent; this is contemplated only in the specification's Table 1 example as explained above. The only mention of "map[ing]" in claim 1 is in [1C], which recites:

[1C] *determining*, by the computer, field identifiers of a networked data target *that are mapped* to the field identifiers of the networked data source in the universal variable data database;

DI, 9. [1C] does not recite a predetermined mapping. Nor does [1C] recite a mapping of fields being stored in the database; what is in the database are the "field identifiers of the networked data source," which Limitation [1B] says are "stored" in the database, as discussed *supra* §I.A.

That the Board misapprehended the claims by limiting the UVM to the Table 1 example is further illustrated by the Board's contention that the Petition was somehow inconsistent in its mapping. The Board credited the testimony of Patent Owner's expert, Dr. Malek, that there were "inconsistencies in the petition"

because the Petition referred to ““SO-properties mapped to the keywords”” in Halevy’s form database as being both “field identifiers” and “normalized variables.” DI, 24-26 (quoting EX2001, ¶59, 61-64). But this alleged “inconstancy” is a red herring, because while the Table 1 example in the *specification* refers to “normalized variables” (see EX1001, 12:56-67, reproduced below), the *claim* does not recite the term “normalized variable.” See DI, 9-10. The claim only recites “*field identifiers*,” and the Petition showed that the keywords mapped to SO-properties are field identifiers. Petition, 33-34. That the SO-properties *also* function as what the specification calls “normalized variables” has no bearing on the correctness of the Petition’s argument that the mapped keyword/SO-property pairs in Halevy’s form database qualify as the required *field identifiers*. This supposed inconsistency would matter only in a circumstance where the claims were limited to a structure like the Table 1 example that has separate columns for fields and normalized variables.

Web Sites	xxx.com	yyy.net	zzz.org	...	Normalized Variables
Variable 1	Orig	Depart_City	From	...	from
Variable 2	Dest	Arrival_City	To	...	to
Variable 3	...	...	...	...	...
...	...	...	...	...	...

Finally, the Board’s misapprehension of the claims is demonstrated by the Board’s overlooking the positions of the pre-institution Reply that the Board

authorized on these claim construction issues. *See* Paper No. 7. The Reply pointed out the Petition’s showing that the claims of the ’734 patent encompass the Figure 11B embodiment of the ’734 patent’s specification; in this embodiment, the keywords of a search query may be indexed to normalized variables in the UVM and used to create deep-links that are returned to the user in response to a search. Reply, 1; Pet., 6; EX1001, 16:59-60, 17:6-19; Fox, ¶37-38. The Reply also reiterated the Petition’s showing that Halevy discloses the UVM as properly construed to encompass the Figure 11B embodiment because in Halevy, just as in the Figure 11B embodiment, the “form database” matches keywords in a user query to SO-properties in order to create deep-links to forms filled in with the search query data just like in the ’734 patent. Reply, 2-3; Pet., 33-34; Fox, ¶101; Halevy, [0112], [0136]-[0138]. The Reply further noted the POPR’s improper attempt to restrict the claims to the Table 1 example, and the POPR’s failure to address the Figure 11B embodiment. Reply, 3-5. Yet despite mentioning the Board’s “consideration of the Petition, the [POPR], the Reply, [and] Sur-Reply” (DI, 2), the institution decision does not address these points in its analysis. The institution decision also appears to overlook Figure 11B, and only discusses Table 1 and Figure 11A, which is the same improperly narrow view of the ’734 patent that the POPR advanced, as the Reply pointed out. DI, 6-9.

II. CONCLUSION

For the foregoing reasons, Petitioner requests that the Board grant rehearing and institute trial.

Respectfully submitted,
Google LLC

Date: May 27, 2025

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CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (e)(4)

I certify that on May 27, 2025, a copy of the foregoing document, including any exhibits filed therewith, is being served via electronic mail, as previously consented to by Patent Owner, upon the following:

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