

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PLAID TECHNOLOGIES INC.,  
Petitioner,

v.

YODLEE, INC. and YODLEE.COM, INC.,  
Patent Owner.

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Case CBM2016-00037  
Patent 6,199,077 B1

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Before KEVIN F. TURNER, MICHAEL R. ZECHER, and  
JOHN A. HUDALLA, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

DECISION

Denying Institution of Covered Business Method Patent Review  
*35 U.S.C. § 324(a) and 37 C.F.R. § 42.208*

## I. INTRODUCTION

Petitioner, Plaid Technologies Incorporated (“Plaid”), filed a corrected Petition requesting a review under the transitional program for covered business method patents of claims 1–12 of U.S. Patent No. 6,199,077 B1 (Ex. 1001, “the ’077 patent”). Paper 4 (“Pet.”). Patent Owner, Yodlee, Incorporated and Yodlee.com, Incorporated (collectively, “Yodlee”), filed a Preliminary Response. Paper 8 (“Prelim. Resp.”).

We have jurisdiction under 35 U.S.C. § 324(a),<sup>1</sup> which provides that a covered business method patent review may not be instituted unless the information presented in the Petition demonstrates “that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.” Taking into account the arguments presented in Yodlee’s Preliminary Response, we determine that the information presented in the Petition does not establish that the ’077 patent qualifies as a “covered business method patent” that is eligible for review, as defined by § 18(d)(1) of the AIA. We, therefore, *deny* the Petition.

### A. *Related Matters*

Plaid indicates that the ’077 patent has been asserted in a district court case. *See* Pet. 22. The parties also indicate that the ’077 patent was challenged previously in another petition seeking an *inter partes* review. In particular, Plaid filed a Petition requesting an *inter partes* review of claims

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<sup>1</sup> *See* Section 18(a)(1) of the Leahy-Smith America Invents Act, Pub. L. No. 112–29, 125 Stat. 284, 329–31 (2011) (“AIA”), which provides that the transitional program for covered business method patents will be regarded as a post-grant review under Chapter 32 of Title 35 of the United States Code, and will employ the standards and procedures of a post-grant review, subject to certain exceptions.

1–12 of the '077 patent. Pet. 22 (citing Ex. 1012); Paper 7, 2. In that case, another Board panel did not institute an *inter partes* review on any of the asserted grounds as to any of the challenged claims because the Petition was time-barred under 35 U.S.C. § 315(b). *Plaid Techs., Inc. v. Yodlee, Inc.*, Case IPR2016-00275 (PTAB June 9, 2016) (Paper 15), *reh'g denied*, (PTAB Aug. 12, 2016) (Paper 17).

*B. The '077 Patent*

The '077 patent generally relates to the field of Internet navigation and, in particular, to a method and apparatus for gathering summary information from users or websites and presenting that information as HyperText Markup Language to the users or websites via either push or pull technology. Ex. 1001, 1:16–22. According to the '077 patent, one problem encountered by an individual who has several subscriptions to Internet-brokered services is that there are numerous passwords and usernames to remember. *Id.* at 1:46–49. Another problem encountered by an individual with numerous subscriptions services is that he/she must bookmark all the corresponding web pages in a computer cache so he/she can find and access these services quickly. *Id.* at 1:59–62. The '077 patent purportedly addresses these problems by providing an Internet portal that includes a server connected to the Internet, along with portal software executing on the server that includes a summary software agent. *Id.* at 2:59–62. The Internet Portal maintains a list of Internet websites specific to a particular user, and the summary software agent accesses these websites, retrieves information according to pre-programmed criteria, and then summarizes the retrieved information for delivery to the user. *Id.* at 2:62–67.

*C. Illustrative Claims*

Of the challenged claims, claims 1 and 7 are independent. Independent claim 1 is directed to an Internet portal, whereas independent claim 7 is directed to a method executed in an Internet portal system for gathering data specific to a person from a plurality of Internet sites storing data specific to that person. Claims 2–6 directly depend from independent claim 1; and claims 8–12 directly depend from independent claim 7. Independent claims 1 and 7 are illustrative of the challenged claims and are reproduced below:

1. An Internet Portal, comprising:
  - an Internet-connected server;
  - a list of addresses of Internet sites associated with a specific person, which sites store information specific to the person; and
  - a software suite executing on the server, the software suite including a set of gathering spitware agents, with at least one gatherer agent dedicated to each of the Internet sites;wherein the Portal accomplishes a gathering cycle by accessing individual ones of the Internet sites, authenticating too each site accessed as the person, and the gathering agent dedicated to each site accessed extracts data from that site.
  
7. In an Internet Portal system, a method for gathering data specific to a person from a plurality of Internet sites storing data specific to that person, the method comprising the steps of:
  - (a) initiating a gathering cycle accessing individual ones of the plurality of sites;
  - (b) authenticating to the sites as the person; and
  - (c) executing a software gathering agent at each site accessed to gather data from the site, the gathering agent dedicated to each site accessed.

Ex. 1001, 18:2–15, 18:31–40.

*D. Prior Art Relied Upon*

Plaid relies upon the following prior art references:

<b>Inventor<sup>2</sup></b>	<b>U.S. Patent No.</b>	<b>Dates</b>	<b>Exhibit No.</b>
Lowery	5,894,554	issued Apr. 13, 1999, filed Apr. 23, 1996	1005
Brandt	5,892,905	issued Apr. 6, 1999 filed Dec. 23, 1996	1009

<b>Author</b>	<b>Title and Date</b>	<b>Exhibit No.</b>
Zhao <sup>3</sup>	<i>Technical note WebEntree: A Web service aggregator, 37 IBM SYS. J. 584 (1998)</i>	1007
	<i>VerticalOne Corporation to Offer Internet User One-stop for Managing Online Personal Content and Account Information, BUSINESS WIRE PRESS RELEASE, May 25, 1999 (“VerticalOne”)</i>	1013

*E. Asserted Grounds of Unpatentability*

Plaid challenges claims 1–12 of the ’077 patent based on the asserted grounds of unpatentability (“grounds”) set forth in the table below. Pet. 23.

<b>Reference(s)</b>	<b>Basis</b>	<b>Challenged Claims</b>
	§ 101	1–12
Zhao	§ 103(a)	1–12
Zhao and VerticalOne	§ 103(a)	1–12
Lowery, Brandt, and Zhao	§ 103(a)	1–12

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<sup>2</sup> For clarity and ease of reference, we only list the first named inventor.

<sup>3</sup> For clarity and ease of reference, we only list the author’s last name.

## II. ANALYSIS

Under § 18(a)(1)(E) of the AIA, we may institute a transitional review proceeding only for a covered business method patent. A “covered business method patent” is a patent that “claims a method or corresponding apparatus for performing data processing or other operations used in the practice, administration, or management of a financial product or service, except that the term does not include patents for technological inventions.” AIA § 18(d)(1); *see also* 37 C.F.R. § 42.301 (defining “[c]overed business method patent” and “[t]echnological invention”). For purposes of determining whether a patent is eligible for a covered business method patent review, the focus is on the claims. *Blue Calypso, LLC v. Groupon, Inc.*, 815 F.3d 1331, 1340 (Fed. Cir. 2016) (stating that “§ 18(d)(1) directs us to examine *the claims* when deciding whether a patent is a [covered business method] patent”). Our analysis below solely focuses on whether Plaid has demonstrated that the challenged claims of the ’077 patent are directed to a method or apparatus for performing data processing or other operations used in the practice, administration, or management of a financial product or service.

The U.S. Court of Appeals for the Federal Circuit has recognized that “‘financial product or service’ should be interpreted broadly.” *See Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306, 1323–26 (Fed. Cir. 2015). “[B]roadly” in this context, however, does not mean without limits. As the Federal Circuit explained, “[t]he plain text of the statutory definition contained in § 18(d)(1)—‘performing ... operations used in the practice, administration, or management of a financial product or service’—on its

face covers a wide range of *finance-related activities*.” *Id.* at 1325 (emphasis added).

Although not binding authority, several Board decisions have determined that the following considerations weigh in favor of concluding that the patent at issue is not a covered business method patent eligible for review: (1) claims of general utility with (2) no explicit or inherent finance-related terminology or limitations. *See, e.g., Qualtrics, LLC v. OpinionLab, Inc.*, Case CBM2015-00164, slip op. at 5–6 (PTAB Feb. 3, 2016) (Paper 8) (“*Qualtrics*”) (determining that a claim that “solicit[s] feedback from website visitors across a variety of sectors” is of general utility and, therefore, is not directed to a covered business method patent eligible for review); *ServiceNow, Inc. v. Hewlett-Packard Co.*, Case CBM2015-00077, slip op. at 5–7 (PTAB Sept. 17, 2015) (Paper 12) (determining that a claim reciting “a system for managing a Web service” is of general utility and, therefore, is not directed to a covered business method patent eligible for review); *ServiceNow, Inc. v. BMC Software, Inc.*, Case CBM2015-00107, slip op. at 10–15 (PTAB Sept. 11, 2015) (Paper 12) (determining that a claim that performs “fault analysis” is of general utility and, therefore, is not directed to a covered business method patent eligible for review).

Plaid contends that the challenged claims of the ’077 patent cover financial-related activities because these claims gather data for “subscription services,” such as activities like “banking, stock trading, shopping, and so forth.” Pet. 11 (citing Ex. 1001, 1:35–38). In particular, Plaid argues that independent claim 7 of the ’077 patent falls squarely within the range of finance-related activities, because this claim encompasses, and indeed was designed to cover, financial embodiments. *Id.* at 12–13. For instance, Plaid

argues that the claimed “Internet Portal system” is intended to be used to gather data, particularly financial data, because the corresponding “Internet sites” may include a number of financially-related websites, such as “My Bank.com,” “My Stocks.com,” “My shopping.com,” “Mortgage.com,” and “Airline.com.” *Id.* at 13 (citing Ex. 1001, 5:4–21, Fig. 2).

Plaid also argues that the claimed “accessing individual ones of the plurality of sites” entails gaining access to servers 23, 25, and 27 illustrated in Figure 1 of the ’077 patent. Pet. 14 (citing Ex. 1001, 4:39–58) (emphasis omitted). Plaid asserts that the specification of the ’077 patent indicates that these servers may include a bank server, investment server, or an airline/travel server. *Id.* Lastly, Plaid argues that the claimed “executing a software gather agent at each site accessed to gather data from the site” entails extracting data from a user-subscribed website, “such as account summaries, order tracking information and certain other information according to user-defined parameters.” *Id.* at 15 (citing Ex. 1001, 10:25–32) (emphasis omitted). As just one example, Plaid directs us to a disclosure in the specification where a user enters a request to return a summary of pricing for all apartments that cost less than \$1,000.00 a month. *Id.* at 15–16 (citing Ex. 1001, 11:20–36).

In response, Yodlee contends that Plaid’s arguments do not demonstrate that the challenged claims of the ’077 patent are directed to a method or apparatus for performing data processing or other operations used in the practice, administration, or management of a financial product or service. Prelim. Resp. 6. In particular, Yodlee argues that Plaid’s arguments may be broken down as follows: (1) the claimed “data” are financial; (2) the claimed “plurality of sites” are financial; and (3) the claimed “software

gathering agent” gathers or extracts financial data from financial websites. *Id.* at 7 (citing Pet. 13–16). Yodlee, however, argues that these arguments presented by Plaid narrowly focus on examples in the specification of the ’077 patent. *Id.* Yodlee asserts that Plaid does not identify a single claim term that is tied sufficiently to a financial-related activity that would justify concluding that the ’077 patent is a covered business method patent eligible for review. *Id.* Yodlee further argues that Plaid does not propose any claim constructions that are financial in nature, which, according to Yodlee, also weighs in favor of determining that the ’077 patent is not a covered business method patent eligible for review. *Id.* at 8. Lastly, Yodlee argues that the specification of the ’077 patent does not confine the challenged claims to the particular embodiments upon which Plaid relies, much less limit the scope of these claims to something related to a financial product or service. *Id.* at 10–11.

We agree with Yodlee that Plaid has not demonstrated that the challenged claims of the ’077 patent are directed to a method or apparatus for performing data processing or other operations used in the practice, administration, or management of a financial product or service. We begin our analysis by focusing on the language of independent claim 7, particularly the language regarding “the plurality of sites,” “executing a software gathering agent,” and “gather[ing] data from [these] site[s].” Ex. 1001, 18:35–40. Independent claim 1 recites similar limitations. *Id.* at 18:4–15 (reciting “Internet sites,” “a software suite executing on the server,” and “extract[ing] data from [each] site”). The language of these independent claims generally applies to executing a software program to gather or extract data from a plurality of websites on the Internet. Given this general utility,

we agree with Yodlee that these independent claims are devoid of any claim terms that reasonably could be argued as being tied sufficiently to a financial-related activity that would justify concluding that the '077 patent is a covered business method patent eligible for review. *See* Prelim. Resp. 6–8. We also agree with Yodlee that Plaid does not propose any claim constructions that are financial in nature that would warrant a different conclusion. *See* Prelim. Resp. 8; *see also* Pet. 8–10 (setting forth Plaid’s proposed constructions, none of which indicates a specific tie to a financial product or service).

Although Plaid directs us to certain examples in the specification of the '077 patent to support its arguments that the challenged claims cover financial embodiments (*see* Pet. 13–16), Plaid does not point to any language in the specification that somehow limits the scope of independent claims 1 and 7 in this way. Indeed, the specification discloses that the list of websites on a user’s personalized web page, which may include “My Bank.com,” “My Stocks.com,” “My shopping.com,” “Mortgage.com” and “Airline.com,” are “but a few of many *exemplary* destinations that may be present and listed on [the user’s personalized web page].” Ex. 1001, 5:14–18 (emphasis added). In addition, the specification discloses that the data gathered or extracted from these websites “may include *any information* contained in any of the stored pages such as text, pictures, interactive content, or the like.” *Id.* at 9:43–46 (emphasis added). The specification further discloses that a software program or script may be written to obtain “*any type of text information* available from *any site.*” *Id.* at 13:46–48 (emphases added). Based on these cited disclosures in the specification, the websites on the Internet and the process of gathering or extracting data

therefrom required by independent claims 1 and 7 are not limited in any way to financial institutions and financial data, respectively, but instead may include a broad spectrum of websites and a wide variety of data that have no particular connection to a financial product or service.

To the extent Plaid argues that challenged claims cover financial-related activities because these claims require gathering or extracting data from websites that provide “subscription services,” we do not agree. *See* Pet. 11, 13. First, Plaid does not direct us to, nor can we find, language in independent claims 1 and 7 that limits the claimed websites to only websites that provide subscription services. Even if we were to assume that the claimed websites were limited to just websites that provide subscription services, there is nothing in the specification of the ’077 patent suggesting that the services subscribed to by the user require payment of a fee.

Second, although we recognize that independent claims 1 and 7 both recite “authenticating” to the plurality of websites as the user, there is nothing in these claims confining this authentication process to websites that require log-in or password codes particular to a user. Indeed, the specification of the ’077 patent discloses at least one embodiment where “a user would not be required to supply log-in or password codes.” Ex. 1001, 14:67–15:2; *see also id.* at 16:61–63 (disclosing that “[t]he method and apparatus of the present invention may be used to present summaries to users without user input”), 17:43–47 (disclosing that “[a] user may forbid use of a user’s personal information, in which case, no enterprise-initiated summaries would be performed unless they are conducted strictly in an offer mode instead of a comparative mode”). Based on these cited disclosures in the specification, independent claims 1 and 7 are broad enough to

encompass “authenticating” to the plurality of websites as a user without using personal information, such as a log-in or password codes particular to the user. In other words, we decline to limit the claimed websites to just those websites that provide subscription services because personal information, such as log-in or password codes particular to a user, that is necessary to obtain such subscription services is not an explicit requirement of the authentication process recited in the challenged claims.

Lastly, we take this opportunity to note that the Board panel’s reasoning in *Qualtrics* applies equally to the circumstances presented in this case. *Qualtrics*, slip op. at 8. That is, if we were to adopt the position advocated by Plaid in its Petition, it would mean that any patent claiming something that might potentially apply to a financial product or service would be a covered business method patent eligible for review, regardless of its general utility and application outside of finance. *See id.* We are not persuaded that Plaid’s position is consistent with the statutory language in § 18(d)(1) of the AIA and the Federal Circuit’s guidance *Blue Calypso*, both of which require us to focus on what is recited explicitly or inherently in the challenged claims. *See Qualtrics*, slip op. at 8. To be clear, because the challenged claims of the ’077 patent are of general utility with no explicit or inherent finance-related terminology or limitations, we conclude that this patent is not a covered business method patent eligible for review.

In summary, based on this record, we are not persuaded that Plaid has demonstrated that the challenged claims satisfy the “financial product or service” component of the definition for a covered business method patent, as set forth in § 18(d)(1) of the AIA.

### III. CONCLUSION

Taking into account the arguments presented in Yodlee's Preliminary Response, we determine that the information presented in the Petition does not establish that the '077 patent qualifies as a "covered business method patent" that is eligible for review, as defined by § 18(d)(1) of the AIA. We, therefore, do not institute a covered business patent review based on any of the asserted grounds as to any of the challenged claims.

### IV. ORDER

In consideration of the foregoing, it is ORDERED that the Petition is DENIED and no trial is instituted.

CBM2016-00037  
Patent 6,199,077 B1

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