

Trials@uspto.gov
571-272-7822

Paper 21
Entered: June 13, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FIDELITY NATIONAL INFORMATION SERVICES, INC.,
Petitioner,

v.

DATATREASURY CORP.,
Patent Owner.

Case CBM2014-00020
Patent 6,032,137

Before MICHAEL P. TIERNEY, WILLIAM V. SAINDON, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

TIERNEY, *Administrative Patent Judge*.

DECISION
Fidelity's Request for Rehearing
37 C.F.R. § 42.71

Fidelity National Information Services, Inc. (“Fidelity”) requests rehearing on the Board’s decision (Paper 13), which institute a covered business method patent review on claims 1-67 of U.S. Patent No. 6,032,137 (“the ’137 patent”). Paper 15, “Req.” In its request for rehearing, Fidelity contends that the Board failed to appreciate that the ’137 patent fails to provide written description for the term “within and between” as it appears in claims 1-67.

A conference call was held on May 29, 2014, during which the request for rehearing was denied.¹ As explained in the decision to institute, the term “within and between” appears verbatim in the Summary of the Invention portion of the ’137 patent specification at col. 3, ll. 55-58. Paper 13 at 15. Fidelity does not dispute that one of ordinary skill in the art would understand that the term “within and between” means data transmission between subsystems of the same hierarchical level. Req. at 4 and Petition at 18. Fidelity however, does contend that the verbatim description appearing in the specification fails to convey possession of the full scope of the claimed invention as the ’137 fails to describe data transmissions between subsystems of the same tier.

The Summary of the Invention states that the invention comprises:

at least one communication network for the transmission of the transaction data within and between said at least one data access subsystem and said at least one data processing subsystem.

¹ This decision summarizes statements made during the conference call. A more complete record may be found in the transcripts, which is to be filed by Fidelity.

Ex. 1002, 3:55-58. Accordingly, the plain language of the ‘137 patent specification describes data transfer within a subsystem.

Fidelity’s request for rehearing is *denied*.

For PETITIONER:

Erika H. Arner
Darren M. Jiron
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
erika.arner@finnegan.com
darren.jiron@finnegan.com

For PATENT OWNER:

Abraham Hershkovitz
Eugene C. Rzucidlo
HERSHKOVITZ & ASSOCIATES, PLLC
AHershkovitz@Hershkovitz.net
GRzucidlo@Hershkovitz.net