

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CORELOGIC, INC.,
Petitioner,

v.

BOUNDARY SOLUTIONS, INC.,
Patent Owner.

Case IPR2015-00219
Patent 8,065,352 B2

Before LYNNE E. PETTIGREW, CARL M. DEFRANCO, and
PETER P. CHEN, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, CoreLogic, Inc., filed a Petition for *inter partes* review of claims 1–23 of U.S. Patent No. 8,065,352 B2 (Ex. 1001, “the ’352 patent”). Paper 1 (“Pet.”). Patent Owner, Boundary Solutions, Inc., filed a

Preliminary Response. Paper 5 (“Prelim. Resp.”). Institution of an *inter partes* review is authorized by statute when “the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); *see* 37 C.F.R. § 42.108. Upon consideration of the Petition and the Preliminary Response, we conclude the information presented shows there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claims 12–15 and 17–21 of the ’352 patent.

A. *Related Matters*

The parties state that Patent Owner recently asserted the ’352 patent against Petitioner in *Boundary Solutions, Inc. v. CoreLogic, Inc.*, No. 3:14-cv-00761 (N.D. Cal.) (filed Feb. 19, 2014). Pet. 59; Paper 4 (Patent Owner’s Mandatory Notice). Patent Owner also has asserted related U.S. Patent No. 7,499,946 (“the ’946 patent”) and U.S. Patent No. 7,092,957 (“the ’957 patent”) in that proceeding. Pet. 59; Paper 4.

Petitioner has filed two additional petitions for *inter partes* review of the ’352 patent—IPR2015-00222 and IPR2015-00225. Petitioner also has filed petitions for *inter partes* review of the ’946 patent (IPR2015-00226) and the ’957 patent (IPR2015-00228).

B. *The ’352 Patent*

The ’352 patent relates generally to Geographic Information Systems (“GIS”) and, in particular, to a National Online Parcel-Level Map Data Portal (“NPDP”) that provides online delivery of parcel-level map data. Ex. 1001, Abstract, 1:22–37. The ’352 patent describes the NPDP as an electronic repository for parcel-level maps and linked attribute data acquired

from public and private entities. *Id.* at 2:41–53. Databases from different jurisdictions are assembled and stored in a standard format, with each jurisdictional database placed in an individual directory. *Id.* at 4:8–10, 7:22–30. Information is normalized to a single universal spatial protocol. *Id.* at 3:16–19, 7:33–54. Parcel-level information includes parcel boundaries and geocodes, which are linked using a parcel identifier to a non-graphic database containing property tax records. *Id.* at 1:60–64, 4:10–17, 8:14–25.

The '352 patent describes retrieving a parcel-level map based on the address of a parcel requested by an end user. *Id.* at 1:65–2:1, 4:52–56. A jurisdictional lookup table is searched to identify, for example, the jurisdiction in which the requested parcel is located. *Id.* at 8:26–30. The non-graphic database for that jurisdiction is searched for a record matching the address, and the parcel identifier for that record is used to access a graphic database containing the selected parcel. *Id.* at 3:56–63. The selected parcel and surrounding parcels may be displayed, with the selected parcel shown as a highlighted polygon. *Id.* at 4:61–63. The parcel's linked data (e.g., tax record) also may be displayed. *Id.* at 4:63–64.

C. Illustrative Claim

Claims 1, 9, and 12 of the '352 patent are independent. Claim 12 is illustrative of the claimed subject matter:

12. A method for retrieving and displaying geographic parcel boundary polygon maps comprising:

receiving, by a server, a request for a parcel boundary polygon map for a selected parcel;

searching, by the server, using a jurisdictional identifier[,] a multi-jurisdictional digital parcel map database for the selected parcel boundary polygon and the parcel boundary polygons of adjacent and surrounding parcels, the

database having information about individual land parcels normalized to a common spatial data protocol, including polygon data used to describe the boundaries of a plurality of properties; and,

transmitting the parcel boundary polygon map data for the selected parcel along with the adjacent and surrounding parcels for display, wherein the parcel boundary polygon map includes the selected parcel polygon along with adjacent and surrounding parcel boundary polygons around the selected parcel.

Ex. 1001, 17:13–30.

D. Asserted Grounds of Unpatentability

Petitioner contends that claims 1–23 of the '352 patent are unpatentable based on the following specific grounds (Pet. 13–59):

References	Basis	Challenged Claims
Harder ¹ and ARC/INFO ²	35 U.S.C. § 103(a)	1–23
Harder, ARC/INFO, and DeMers ³	35 U.S.C. § 103(a)	7–11 and 19–22
Oosterom ⁴	35 U.S.C. § 102(a)	12–15 and 17–21
Oosterom and Roy ⁵	35 U.S.C. § 103(a)	1–3, 7, 8, and 23
Oosterom, Roy, and Harder	35 U.S.C. § 103(a)	4–6, 9, 11, 13, and 16
Oosterom, Roy, Harder, and DeMers	35 U.S.C. § 103(a)	10 and 22

II. DISCUSSION

A. Claim Construction

In an *inter partes* review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b). Consistent with the broadest reasonable construction, claim terms are presumed to have their ordinary and customary meaning as understood by a person of ordinary skill in the art in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir.

¹ Christian Harder, *Serving Maps on the Internet* (1998) (Ex. 1003, “Harder”).

² Environmental Systems Research Institute, Inc., *Understanding GIS, The ARC/INFO[®] Method* (1997) (Ex. 1004, “ARC/INFO”).

³ Michael N. DeMers, *Fundamentals of Geographic Information Systems* (1997) (Ex. 1005, “DeMers”).

⁴ P.J.M. van Oosterom et al., *Spatial data management on a very large cadastral database*, 25 COMPUTERS, ENVIRONMENT AND URBAN SYSTEMS 509 (2001) (Ex. 1010, “Oosterom”).

⁵ U.S. Patent No. 5,966,135, issued Oct. 12, 1999 (Ex. 1012, “Roy”).

2007). An inventor may provide a meaning for a term that is different from its ordinary meaning by defining the term in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

Petitioner and Patent Owner propose constructions for several claim terms. For purposes of this decision, we determine that only “jurisdictional identifier” requires express construction. Petitioner does not propose a construction for the term, but Patent Owner contends it means “a code for identifying a jurisdictional database.” Prelim. Resp. 11–12, 23. We disagree. The term “jurisdictional identifier” appears in independent claims 1, 9, and 12, and once in the written description, which states that:

FIG. 3 illustrates a USA County Boundary Map (USACM). This is a public domain boundary file of each and every of the 3140 counties within the United States. Each of these polygons is geocoded with its county name and FIPS number, a numerical jurisdictional identifier, as illustrated in the figure.

Ex. 1001, 8:48–53.⁶ For purposes of this decision, and based on the written description, which does not mention databases, we construe “jurisdictional identifier” to mean “a number or other name, code, or description that identifies a jurisdiction.”

B. Asserted Anticipation by Oosterom

Petitioner contends that claims 12–15 and 17–21 are unpatentable under 35 U.S.C. § 102(a) as anticipated by Oosterom. Pet. 43–50. Relying on the testimony of Dr. Michael F. Goodchild, Petitioner explains how

⁶ According to the ’352 patent, the Federal Information Processing Standards (“FIPS”) number “is used nationally to numerically identify specific county jurisdictions.” Ex. 1001, 7:27–30.

Oosterom allegedly discloses each limitation of the claims. *Id.* (citing Ex. 1006).

1. *Oosterom*

Oosterom discloses features of a spatial data management system used in the Netherlands. Ex. 1010, 509. The disclosed system covers the entire country, with a database that includes fifteen provincial databases.

Id. at 511. The disclosed system provides parcel boundary maps to about 4,000 external customers via a network, and the disclosed processes are applicable to online environments using web servers. *Id.* at 518–19.

Oosterom describes configuring its database using nationwide unique identifiers for all geographic objects, including parcel boundaries.

Id. at 511, 513. A boundary-based approach uses attributes from boundary and parcel tables to form boundary chains, based on relationships between a parcel and its boundary edges to locate and provide map data for parcels and surrounding parcels. *Id.* at 512–15 (Tables 1, 2). Oosterom also describes the use of indexes and relational techniques for efficient retrieval of data.

Id. at 512–14, 518–20.

2. *Analysis*

Petitioner contends that Oosterom discloses all the limitations of independent claim 12. Pet. 43–47. For example, Petitioner asserts that Oosterom discloses a multi-jurisdictional digital parcel map database, with fifteen provincial databases covering the entire country. *Id.* at 44 (citing Ex. 1010, 509–12; Ex. 1006 ¶ 88). Petitioner further asserts that Oosterom discloses receiving a request for a parcel boundary polygon map for a selected parcel, and transmitting map data for the selected parcel and

surrounding parcels. *Id.* at 43–44, 46–47 (citing Ex. 1010, 509–15, 518–20, 522–26; Ex. 1006 ¶¶ 87, 91).

Claim 12 also requires searching the multi-jurisdictional database for the selected parcel boundary polygon “using a jurisdictional identifier.” According to Petitioner, Oosterom searches parcel and boundary tables in the database using attributes that identify jurisdiction, such as a municipality code that is part of a parcel identifier. *Id.* at 45 (citing Ex. 1010, 512–14; Ex. 1006 ¶ 89). Patent Owner argues that the disclosed municipal identifier is not a “jurisdictional identifier,” as recited in claim 12, because it does not identify a jurisdictional database from a sponsoring jurisdiction. Prelim. Resp. 33. As construed for purposes of this decision, however, a “jurisdictional identifier” identifies a jurisdiction, not a jurisdictional database. *See supra* II.A. Thus, on the present record, we are not persuaded by Patent Owner’s argument.

Claim 12 further requires the information about land parcels in the database to be “normalized to a common spatial data protocol.” Petitioner contends that Oosterom “discloses normalization through the use of defined attributes, objects, and boundary classifications that the data sets follow in the database.” Pet. 46 (citing Ex. 1010, 512–14; Ex. 1006 ¶ 90). Petitioner explains further that Oosterom uses a nationwide unique identifier that is suitable for linking the graphic cadastral database⁷ to a non-graphic administrative database, similar to the process disclosed in the ’352 patent.

⁷ A cadastral database contains map information relating to property boundaries. *See* Ex. 1006 ¶ 23; *see also* <http://www.merriam-webster.com/dictionary/cadastral> (last visited May 15, 2015) (defining “cadastral” as “showing or recording property boundaries, subdivision lines, buildings, and related details”).

Id. (citing Ex. 1010, 513–14, 522–24; Ex. 1001, 7:33–36, 7:44–47). Rather than addressing the portions of Oosterom specifically cited by Petitioner, Patent Owner contends only that Oosterom “teaches away” from normalizing data. Prelim. Resp. 32. Patent Owner’s “teaching away” argument, however, is irrelevant to an anticipation analysis. *See Seachange Int’l, Inc. v. C-COR Inc.*, 413 F.3d 1361, 1380 (Fed Cir. 2005).

Claim 19 depends from claim 12 and further requires the server to search an index of the multi-jurisdictional database to identify a portion of the database in which the selected parcel and adjacent and surrounding parcels are located. For this limitation, Petitioner cites several portions of Oosterom, including the disclosure of spatial indexing techniques that use a Group ID attribute (“ogroup”) to locate a record in the database. Pet. 45, 48–49 (citing Ex. 1010, 512, 518–20; Ex. 1006 ¶ 97); *see* Ex. 1010, 519 (“The ogroup indicates to which group the record belongs.”). We are not persuaded by Patent Owner’s conclusory response, which also addresses limitations other than those present in the claims alleged to be anticipated by Oosterom, such as an index comprising a lookup table. *See* Prelim. Resp. 32. On the present record, and for purposes of this decision, we determine Petitioner has made a sufficient showing that Oosterom discloses the “index” limitation of claim 19.

We also have reviewed Petitioner’s arguments regarding the remaining dependent claims challenged on this ground. *See* Pet. 47–50. On the present record, we conclude Petitioner has shown sufficiently that Oosterom discloses all of the limitations of independent claim 12 and dependent claims 13–15 and 17–21. Accordingly, the information presented

shows a reasonable likelihood that Petitioner would prevail in showing that claims 12–15 and 17–21 are anticipated by Oosterom.

C. Asserted Obviousness Grounds

We decline to institute an *inter partes* review of claims 1–23 of the ’352 patent on the remaining grounds asserted in this Petition. *See* 35 U.S.C. § 314(a); 37 C.F.R. § 42.108(b). Specifically, we do not institute review on the obviousness grounds based on Harder in combination with other references, or on the obviousness grounds based on Oosterom in combination with other references, including Harder.

As indicated earlier, Petitioner simultaneously filed three petitions challenging the ’352 patent: IPR2015-00219, IPR2015-00222, and IPR2015-00225. In a decision entered today in IPR2015-00222, we institute an *inter partes* review of claims 1–23 of the ’352 patent on the following grounds of unpatentability: (A) claims 9, 10, and 12–22 as obvious over Harder and Du;⁸ (B) claims 1–8, 11, and 23 as obvious over Harder, Du, and MacDonald;⁹ and (C) claims 1–23 as obvious over Harder and Longley.¹⁰ Thus, in IPR2015-00222, each of claims 1–23 is the subject of two instituted grounds based, in part, on Harder. In addition, we institute review of claims 12–15 and 17–21 on a third ground—anticipation by Oosterom—in this proceeding.

In the Petition, Petitioner argues that the various grounds asserted in this case “address limitations of the challenged claims in different ways and

⁸ U.S. Patent No. 6,732,120 B1, issued May 4, 2004 (Ex. 1018, “Du”).

⁹ Andrew MacDonald, *Building a Geodatabase* (1999) (Ex. 1020, “MacDonald”).

¹⁰ Paul A. Longley et al., *Geographic Information Systems and Science* (2001) (Ex. 1015, “Longley”).

with different combinations of references.” Pet. 5. Although Petitioner contends the different grounds have respective strengths, Petitioner does not identify any such strengths, and provides only one example of a limitation that may be addressed differently in different grounds. *Id.* More importantly, Petitioner makes no attempt to distinguish the grounds asserted against the claims of the ’352 patent in this case from those asserted in IPR2015-00222 and IPR2015-00225. Indeed, Petitioner fails to identify IPR2015-00222 and IPR2015-00225 as related matters in its mandatory notices pursuant to 37 C.F.R. § 42.8, referring only to the petitions it filed for *inter partes* review of patents related to the ’352 patent, i.e., the ’957 patent and ’946 patent. *See* Pet. 59.

The standard for institution of an *inter partes* review, as set forth in 35 U.S.C. § 314(a), is written in permissive terms—identifying when the United States Patent and Trademark Office is *authorized* to institute an *inter partes* review. Thus, Congress has given the Office discretion whether to institute a review, or not institute a review. As explained above, *inter partes* review of claims 1–23 of the ’352 patent will proceed in IPR2015-00222 on two sets of obviousness grounds—one based on Harder in combination with Du (with the addition of MacDonald for some claims), and one based on Harder in combination with Longley. In addition, we institute *inter partes* review of a subset of those claims on the anticipation ground asserted by Petitioner in this proceeding. Petitioner has not shown, and we are not convinced, that any of the additional obviousness grounds asserted in this case, most of which are based, in part, on Harder, add substantively to the obviousness grounds based on Harder on which we institute *inter partes* review in IPR2015-00222. Exercise of our discretion in declining to

institute on the additional obviousness grounds is consistent with the authority granted under 35 U.S.C. § 315(d) to manage *inter partes* proceedings and with the objective of “secur[ing] the just, speedy, and inexpensive resolution of every proceeding.” 37 C.F.R. § 42.1.

III. CONCLUSION

For the foregoing reasons, we determine that the information presented establishes a reasonable likelihood that Petitioner would prevail in showing that claims 12–15 and 17–21 of the ’352 patent are unpatentable as anticipated by Oosterom. At this preliminary stage, the Board has not made a final determination with respect to the patentability of the challenged claims or any underlying factual and legal issues.

IV. ORDER

Accordingly, it is:

ORDERED that pursuant to 35 U.S.C. § 314(a), an *inter partes* review is instituted as to claims 12–15 and 17–21 of the ’352 patent on the ground of anticipation under 35 U.S.C. § 102(a) by Oosterom;

FURTHER ORDERED that no other grounds set forth in the Petition are authorized for *inter partes* review as to the claims of the ’352 patent; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial, which commences on the entry date of this decision.

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