



U.S. Patent Office Denies Inter Partes Review of Incentive Program Patent

Sep 15, 2014

Reading Time : **1 min**

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On September 11, 2014, the U.S. Patent and Trademark Office denied an *inter partes* review request regarding an incentive program patent after finding that the petitioners failed to show there was a reasonable likelihood that they would prevail on their invalidity claims. Grocery store chains Safeway and Kroger sought inter partes review under the America Invents Act, which allows parties to challenge patent claims based on certain types of prior art. Kroy IP sued Kroger and Safeway in the United States District Court for the Eastern District of Texas alleging the defendants infringed U.S. Patent No. 7,054,830 by providing an incentive program to their customers which allowed them to redeem accumulated points for automated awards at certain locations. In seeking inter partes review, Kroger and Safeway alleged the '830 Patent was invalid for obviousness and anticipation based on four prior art references, but the USPTO panel sided with Kroy, holding that Safeway and Kroger presented merely conclusory statements regarding their invalidity claims, thus failing to show a reasonable likelihood of prevailing on their patentability challenges.

Safeway, Inc. et al. v. Kroy IP Holdings, LLC, Case No. IPR201400685, at the U.S. Patent and Trademark Office's Patent Trial and Appeal Board.

Categories

Patent Trial & Appeal Board

Inter Partes Review

America Invents Act

Prior Art

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