

CHART OF POST-ALICE CASES
(as of March 1, 2019)

OVERVIEW	PAGE
I. CLAIMS INELIGIBLE UNDER ALICE	2
A. Software/Tech Patents (359 total)	
1. Federal Circuit Decisions (52 total).....	2
2. District Court Decisions (307 total).....	24
B. Biotechnology/Life Sciences Patents (37 total)	
1. Federal Circuit Decisions (6 total).....	86
2. District Court Decisions (31 total).....	90
II. CLAIMS ELIGIBLE UNDER ALICE	99
A. Software/Tech Patents (170 total)	
1. Federal Circuit Decisions (13 total).....	99
2. District Court Decisions (157).....	105
B. Biotechnology/Life Sciences Patents (27 total)	
1. Federal Circuit Decisions (3 total).....	147
2. District Court Decisions (24 total).....	150
III. ALICE DETERMINATION PREMATURE	157
A. Software/Tech Patents (97 total)	
1. Federal Circuit Decisions (2 total).....	157
2. District Court Decisions (95 total).....	159
B. Biotechnology/Life Sciences Patents (15 total)	178
IV. COVERED BUSINESS METHOD REVIEW FINAL DECISIONS AFTER ALICE (113 total)	182
V. FEDERAL CIRCUIT DECISIONS ON CBM REVIEW FINAL WRITTEN DECISIONS (13 total)	200

I. CLAIMS INELIGIBLE UNDER ALICE¹

A. Software/Tech Patents

1. Federal Circuit Decisions

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>Digitech Image Techs., LLC v. Elecs. For Imaging, Inc.</i> , 758 F.3d 1344 (Fed. Cir. 2014)	07/11/2014	No petition found	No petition found	Affirming the district court’s grant of summary judgment on the basis that the asserted device profile patent claims were ineligible. Held that a “device profile” within a digital image processing system “is not a tangible or physical thing and thus does not fall within any of the categories of eligible subject matter.
<i>I/P Engine, Inc. v. AOL Inc.</i> , 576 F. App’x 982 (Fed. Cir. 2014) (non-precedential)	08/15/2014	12/15/2014 (denied)	10/05/2015 (denied)	The majority opinion held that the asserted claims, which related to a method of filtering Internet search results, were invalid as obvious. The majority did not address the issue of eligibility. However, Judge Mayer wrote in his concurrence that he would have also held that the claims were ineligible.
<i>Planet Bingo, LLC v. VKGS, LLC</i> , 576 F. App’x 1005 (Fed. Cir. 2014) (non-precedential)	08/26/2014	No petition found	No petition found	Affirming the district court’s grant of summary judgment on the basis that the asserted claims reciting “computer-aided methods and systems for managing the game of bingo” were ineligible. Held that the claims were directed to the abstract idea of managing/playing a game of bingo, with no inventive concept.

¹ *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208 (June 19, 2014).

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>buySAFE, Inc. v. Google, Inc.</i> , 765 F.3d 1350 (Fed. Cir. 2014)	09/03/2014	No petition found	No petition found	Affirming the district court’s grant of judgment on the pleadings on the basis that the asserted claims, which recited “methods and machine-readable media encoded to perform steps for guaranteeing a party’s performance of its online transaction,” were ineligible. Held that the claims were directed to the abstract idea of a “transaction performance guaranty,” with no inventive concept.
<i>Ultramercial, Inc. v. Hulu, LLC</i> , 772 F.3d 709 (Fed. Cir. 2014)	11/14/2014	02/20/2015 (denied)	06/30/2015 (denied)	Affirming the district court’s grant of dismissal on the basis that the asserted claims, which recited a method of distributing copyrighted materials over the Internet, were ineligible. Held that the claims were directed to the abstract idea of showing an advertisement before delivering free content. Further held that the recitation of “conventional steps, specified at a high level of generality, which is insufficient to supply an ‘inventive concept’” necessary to confer eligibility.
<i>Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat. Ass’n</i> , 776 F.3d 1343 (Fed. Cir. 2014)	12/23/2014	03/12/2015 (denied)	10/05/2015 (denied)	Affirming the district court’s grant of dismissal on the basis that the asserted claims, which recited a method of extracting data from hard copy documents using a scanner, recognizing information, and storing the information, were ineligible. Held that the claims were directed to the abstract idea of “1) collecting data, 2) recognizing certain data within the collected data set, and 3) storing that recognized data in a memory. Held that the claims did not have an inventive concept because the “use of a scanner or other digitizing device to extract data from a document was well-known at the

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				time of filing, as was the ability of computers to translate the shapes of a physical page into typeface characters.”
<i>Allvoice Developments US, LLC v. Microsoft Corp.</i> , 612 F. App’x 1009 (Fed. Cir. 2015) (non-precedential)	05/22/2015	07/27/2015 (denied)	12/14/2015 (denied)	Affirming the district court’s grant of summary judgment on the basis that the asserted speech recognition product patent claims were ineligible. Held that the claims merely recited “software instructions without any hardware limitations.”
<i>OIP Technologies, Inc. v. Amazon.com, Inc.</i> , 788 F.3d 1359 (Fed. Cir. 2015)	06/11/2015	08/13/2015 (denied)	12/14/2015 (denied)	Affirming the district court’s grant of dismissal on the basis that the asserted claims, which related to a price-optimization method, were ineligible. Held that the claims were directed to the abstract concept of offer-based price optimization, with no inventive concept. Judge Mayer concurred, supporting the district court’s Section 101 determination on a motion to dismiss.
<i>Internet Patents Corp. v. Active Network, Inc.</i> , 790 F.3d 1343 (Fed. Cir. 2015)	06/23/2015	No petition found	No petition found	Affirming the grant of dismissal of claims as ineligible, finding that they were directed to the abstract idea of retaining information in the navigation of online forms, with no inventive concept. Also stated that “pragmatic analysis of § 101 is facilitated by considerations analogous to those of §§ 102 and 103 as applied to the particular case.”

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>Intellectual Ventures I LLC v. Capital One Bank (USA)</i> , 792 F.3d 1363 (Fed. Cir. 2015)	07/06/2015	No petition found	No petition found	Affirming the district court’s grant of summary judgment on the basis that the asserted claims were ineligible. Held that certain claims were directed to the abstract idea of tracking financial transactions to determine whether they exceed a pre-set spending limit, with no inventive concept. Held that certain other claims were directed to the abstract idea of tailoring information on a website based on the time of day of viewing, with no inventive concept. The opinion limited the holding of <i>DDR Holdings</i> , stating that <i>DDR Holdings</i> only stated that the claims at issue were eligible because they “(1) did not foreclose other ways of solving the problem, and (2) recited a specific series of steps that resulted in a departure from the routine and conventional sequence of events after the click of a hyperlink advertisement.”
<i>Vehicle Intelligence & Safety LLC v. Mercedes-Benz USA, LLC</i> , 635 F. App’x 914 (Fed. Cir. 2015) (non-precedential)	12/28/2015	No petition found	05/31/2016 (denied)	Affirming the district court’s grant of judgment on the pleadings on the basis that claims directed to testing vehicle operator for impairment (i.e., intoxication), and then taking control of the vehicle if impairment is detected, were ineligible. Held that the claims were directed to the abstract idea of testing operators of any kind of moving equipment for any kind of physical or mental impairment. Further held that the claims lacked inventive concept, as the claims “merely state the abstract idea ... using an unspecified ‘expert system’ running on equipment that already exists in various vehicles.” Also distinguished the case from <i>DDR Holdings</i> , stating that the “claims at issue are not

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				‘necessarily rooted in computer technology to overcome a problem specifically arising in the realm of computer networks’” and the claims “do not recite faster, more accurate and reliable impairment testing than what was known in the prior art.”
<i>Mortgage Grader, Inc. v. First Choice Loan Servs. Inc.</i> , 811 F.3d 1314 (Fed. Cir. 2016)	01/20/2016	No petition found	No petition found	Affirming the district court’s grant of summary judgment on the basis that the asserted claims, which directed to systems and methods for assisting borrowers to obtain loans, were ineligible. Held that the claims were directed to the abstract idea of “anonymous loan shopping.” Further held that the claims lacked an inventive concept, as the claims “add” only generic computer components such as an “interface,” “network,” and “database.”
<i>In re TLI Communications LLC Patent Litigation</i> , 823 F.3d 607 (Fed. Cir. 2016)	05/17/2016	No petition found	No petition found	Affirming the district court’s grant of motion to dismiss on the basis of ineligibility of asserted claims directed to taking, transmitting, and organizing digital images. Held that the claims were directed to the abstract idea of classifying an image and storing the image based on classification. Found that the claims did not recite an improvement to computer functioning. Also held that the claims lacked an inventive concept, as the computer components used to apply the abstract idea, such as the telephone unit and server, acted in their routine manner.
<i>Shortridge v. Foundation Constr. Payroll Serv., LLC</i> , 655 F. App’x 848	07/13/2016	No petition found	No petition found	Affirming the district court’s grant of judgment on the pleadings on the basis that the asserted payroll processing claims were ineligible. Held that, as the patentee conceded, the claims are directed to the

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
(Fed. Cir. 2016) (non-precedential)				abstract idea of “cataloging labor data.” Held that the claims lacked an inventive concept because they merely applied the abstract idea with generic computer components, such as “relational databases.”
<i>LendingTree, LLC v. Zillow, Inc.</i> , 656 F. App’x 991 (Fed. Cir. 2016) (non-precedential)	07/25/2016	No petition found	No petition found	Reversing the district court’s denial of summary judgment on the basis of ineligibility. Held that the claims directed to “a process for coordinating loans on a loan processing computer over the Internet” covered the abstract idea of “a loan-application clearinghouse.” Held that the claims lacked an inventive concept because they involved only generic computer functions.
<i>Elec. Power Grp., LLC v. Alstom S.A.</i> , 830 F.3d 1350 (Fed. Cir. 2016)	08/01/2016	09/01/2016 (denied)	No petition found	Affirmed the district court’s grant of summary judgment on the basis that the asserted claims covering systems and methods for “performing real-time performance monitoring of an electric power grid” were ineligible. Held that the claims were directed to the abstract idea of “collecting information, analyzing it, and displaying certain results of the collection and analysis.” Held that the claims lacked an inventive concept because they required only “conventional, generic technology.”
<i>TDE Petroleum Data Solutions, Inc. v. AKM Enterprise, Inc.</i> , 657 F. App’x 991 (Fed. Cir. 2016) (non-precedential)	08/15/2016	09/13/2016 (denied)	01/13/2017 (denied)	Affirmed the district court’s grant of judgment on the pleadings on the basis that the asserted sensor data processing patent claims were ineligible. Held that the claims were directed to the abstract idea of “storing, gathering, and analyzing data.” Held that the claims

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				lacked an inventive concept because they recited only generic computer functions.
<i>Affinity Labs of Texas, LLC v. Amazon.com, Inc.</i> , 838 F.3d 1266 (Fed. Cir. 2016)	09/23/2016	10/24/2016 (denied)	02/28/2017 (denied)	Affirming the district court’s entry of judgment on the pleadings on the basis that the asserted media content delivery patent claims were ineligible. Held that the claims were directed to the abstract idea of “delivering user-selected media content to portable devices.” Held that the claims lacked an inventive concept because the claims were not directed to the solution of a “technological problem,” and effected no “improvement in computer or network functionality.”
<i>Affinity Labs of Texas, LLC v. DirecTV, LLC</i> , 838 F.3d 1253 (Fed. Cir. 2016)	09/23/2016	10/24/2016 (denied)	02/27/2017 (denied)	Affirming the district court’s dismissal on the basis that the asserted broadcast signal streaming patent claims were ineligible. Held that the claims were directed to the abstract idea of “out-of-region delivery of regional broadcasting.” Held that the claims lacked an inventive concept because they merely required the use of generic features of cellular telephones and routine functions.
<i>Intellectual Ventures I v. Symantec Corp.</i> , 838 F.3d 1307 (Fed. Cir. 2016)	09/30/2016	11/16/2016 (denied)	No petition found	Affirming the district court’s dismissal on the basis that the asserted streaming content patent claims were ineligible. Held that the claims were directed to the abstract idea of “delivering user-selected media content to portable devices.” Held that the claims lacked an inventive concept because they required no more than generic technology.
<i>FairWarning IP, LLC v. Iatric Systems, Inc.</i> , 839	10/11/2016	No petition found	No petition found	Affirming the district court’s dismissal with prejudice on the basis that the asserted claims were ineligible. Held that the claims, which recited systems and

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
F.3d 1089 (Fed. Cir. 2016)				methods for fraud and misuse detection of a patient’s health information on a computer, were directed to the abstract idea of collecting and analyzing information to detect misuse. Held that the claims lacked an inventive concept, as they required only generic computer components. Found that the claims merely “implement an old practice in a new environment.”
<i>Synopsys, Inc. v. Mentor Graphics Corp.</i> , 839 F.3d 1138 (Fed. Cir. 2016)	10/17/2016	11/16/2016 (denied)	04/28/2017 (denied)	Affirming grant of summary judgment on the basis that the asserted logic circuit patent claims were ineligible. Held that the claims were directed to the abstract idea of “translating a functional description of a logic circuit into a hardware component description of the logic circuit.” Held that the claims lacked an inventive concept, as they provide no technical solution to a problem.
<i>Tranxition, Inc. v. Lenovo (United States) Inc.</i> , 664 F. App’x 968 (Fed. Cir. 2016) (non-precedential)	11/16/2016	01/03/2017 (denied)	No petition found	Affirming grant of summary judgment on the basis that the asserted manual migration claims were ineligible. Held that the claims, which recited methods of transferring or “migrating” configuration settings between computers, were directed to the abstract idea of “manual migration.” Held that the claims lacked an inventive concept because they required only generic computer components functioning in their conventional manner.
<i>Smartflash LLC v. Apple Inc.</i> , 680 F. App’x 977 (Fed. Cir. 2017) (non-precedential)	03/01/2017	04/14/2017 (denied)	11/09/2017 (denied)	Reversing the district court’s denial of judgment as a matter of law on the basis that the asserted data storage and access patent claims were ineligible. Held that the claims were directed to the abstract idea of

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				<p>“conditioning and controlling access to data based on payment.” Held that the claims lacked an inventive concept because they recited “routine computer activities” and were like the claims in <i>Ultramercial</i>, which also provided access to content with routine steps. Also held that an “advantage” is not the standard for eligibility.</p>
<p><i>Intellectual Ventures v. Capital One Financial Corp.</i>, 850 F.3d 1332 (Fed. Cir. 2017)</p>	<p>03/07/2017</p>	<p>No petition found</p>	<p>No petition found</p>	<p>Affirming the district court’s grant of summary judgment on the basis that the asserted XML management patent claims were ineligible. Held that the claims were directed to the abstract idea of “collecting, displaying, and manipulating data of particular documents.” Held that the claims lacked an inventive concept because they recited generic computer elements that “merely restate their individual functions,” and failed to “unconventionally improve a technological process.</p>
<p><i>Clarilogic, Inc. v. Formfree Holdings Corp.</i>, 681 F. App’x 950 (Fed. Cir. 2017) (non-precedential)</p>	<p>03/15/2017</p>	<p>No petition found</p>	<p>No petition found</p>	<p>Affirming the district court’s grant of summary judgment on the basis that the asserted electronic certification patent claims were ineligible. Held that the claims are directed to the abstract idea of “gathering financial information of potential borrowers.” Held that the claims lacked an inventive concept because they did not recite how data was transformed in any way, despite taking in financial data and outputting a report. Instead, the patent failed to claim “the technical manner in which financial data is gathered, analyzed, or output.”</p>

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>Coffelt v. NVidia Corp.</i> , 680 F. App'x 1010 (Fed. Cir. 2017) (non-precedential)	03/15/2017	No petition found	04/04/2017 (denied)	Affirming the district court's dismissal on the basis that the asserted claims—reciting a method for deriving a pixel color in a graphic image—were ineligible. Held that the claims were directed to the abstract idea of “calculating and comparing regions in space.” Held that the claims lacked an inventive concept because they merely recited a generic computer functioning in a conventional manner.
<i>Mentor Graphics Corp. v. Eve-USA, Inc.</i> , 851 F.3d 1275 (Fed. Cir. 2017)	03/16/2017	05/01/2017 (denied)	11/30/2017 (dismissed via stipulation)	Affirming the district court's grant of summary judgment on the basis that the asserted simulation/emulation technology patent claims were ineligible. Held that the claims cover carrier wave signals, which did not transform the signal itself.
<i>Intellectual Ventures I LLC v. Erie Indemnity Co.</i> , 850 F.3d 1315 (Fed. Cir. 2017)	03/17/2017	No petition found	No petition found	Affirming the district court's dismissal on the basis that the asserted claims reciting the use of an index to locate desired information in a computer database. Held that the claims were directed to the abstract idea of “creating an index and using that index to search for and retrieve data.” Held that the claims lacked an inventive concept because they recited only routine computer functions. Held that the claims were not like those in <i>Bascom</i> , because they did not sufficiently recite how the inclusion of “XML tags or metadata leads to an improvement in computer database technology.” Also held that claims directed to a “mobile interface” on a user's device were directed to the abstract idea of “remotely accessing user specific information,” and

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				lacked an inventive concept because they recited nothing more than “generic computer implementation.”
<i>West View Res., LLC v. Audi AG</i> , 685 F. App’x 923 (Fed. Cir. 2017) (non-precedential)	04/19/2017	No petition found	No petition found	Affirming the district court’s grant of judgment on the pleadings on the basis that the asserted claims reciting the collection, organization, and display of information were ineligible. Held that the claims were directed to the abstract idea of “receiving or collecting data queries, analyzing the data query, retrieving and processing the information constituting a response to the initial data query, and generating a visual or audio response to the initial data query.” Held that the claims lacked an inventive concept because, although the specification discloses “many different arrangements,” they were arrangements of generic components.
<i>RecogniCorp, LLC v. Nintendo Co., Ltd.</i> , 855 F.3d 1322 (Fed. Cir. 2017)	04/28/2017	05/30/2017 (denied)	11/01/2017 (denied)	Affirming the district court’s grant of judgment on the pleadings on the basis that the asserted patent claims, which recited a method and apparatus for building a composite facial image using constituent parts, were ineligible. Held that the claims were directed to the abstract idea of encoding and decoding image data. Held that the “addition of a mathematical equation that simply changes the data into other forms of data” did not confer inventive concept, and instead merely “take[s] an abstract idea and appl[ies] it with a computer.”
<i>EasyWeb Innovations, LLC v. Twitter, Inc.</i> , 689	05/12/2017	No petition found	No petition found	Affirming the district court’s grant of summary judgment on the basis that the asserted message publishing system patent claims were ineligible. Held

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
F. App'x 969 (Fed. Cir. 2017) (non-precedential)				that the claims were directed to the abstract idea of “receiving, authenticating, and publishing data.” Held that the claims lacked an inventive concept because the claimed abstract idea was merely “executed using computer technology.”
<i>Prism Technologies LLC v. T-Mobile USA, Inc.</i> , 696 F. App'x 1014 (Fed. Cir. 2017) (non-precedential)	06/23/2017	07/14/2017 (denied)	11/09/2017 (denied)	Reversing the district court’s denial of judgment as a matter of the law on the basis that the asserted security systems patent claims were patent-eligible. Held that the claims were directed to the abstract idea of providing restricted access to resources. Held that the claims lacked an inventive concept because the patents themselves “demonstrate the conventional nature of the[] hardware identifiers,” and there was “no indication that their inclusion produce[d] ‘a result that overrides the routine and conventional’ use of this known function.”
<i>Secured Mail Solutions LLC v. Universal Wilde, Inc.</i> , 873 F.3d 905 (Fed. Cir. 2017)	10/16/2017	No petition found	01/16/2018 (denied)	Affirming the district court’s dismissal on the basis that the asserted patent claims relating to affixing an identifier on the outer surface of a mail object before it is sent were ineligible. Held that the claims were directed to the abstract idea of “using a marking affixed to the outside of a mail object to communicate information about the mail object.” Held that the claims lacked an inventive concept, as they only required generic technology to carry out the abstract idea. Noted that the “claim language does not explain how the sender generates the information, only that the information itself is unique or new. The claim language

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				does not provide any specific showing of what is inventive about the identifier or about the technology used to generate and process it.”
<i>Smart Sys. Innovations, LLC v. Chicago Transit Authority</i> , 873 F.3d 1364 (Fed. Cir. 2017)	10/18/2017	12/01/2017 (denied)	No petition found	<p>Affirming the district court’s grant of judgment on the pleadings that the asserted claims were ineligible. The claims were generally related to the inventions “designed to implement open-payment fare systems in mass transit networks.” Held that the claims were directed to abstract ideas: the “collection, storage, and recognition of data,” with no inventive concept. Held that unlike the claims in <i>DDR Holdings</i> and <i>Enfish</i>, the claims are not “directed to an improvement in computer technology,” and unlike the claims in <i>McRO</i>, the claims are “not directed to a combined order of specific rules that improve any technological process, but rather invoke computers in the collection and arrangement of data.” Also held that “when a patent’s claims ‘disclose patent[i]neligible subject matter[,] . . . preemption concerns are fully addressed and made moot.’”</p> <p>Judge Linn dissented as to the claims of two patents. Judge Linn stated that the focus of the claims is a “combination” that “overcame the latency and connectivity issues that previously precluded the practical use of a bankcard to regulate mass transit.” Judge Linn stated that these claims were “not directed to one of the categories of invention that the Supreme Court and this court have deemed particularly suspect.”</p>

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>Two-Way Media Ltd. v. Comcast Cable Communications, LLC</i> , 874 F.3d 1329 (Fed. Cir. 2017)	11/01/2017	12/22/2017 (denied)	07/27/2018 (denied)	Affirmed the district court’s grant of judgment on the pleadings on the basis that the asserted claims, which covered streaming audio/visual data over the Internet, were ineligible. Held that the claims were directed to the abstract idea of sending information, directing the sent information, monitoring receipt of the sent information, and accumulating records about receipt of the sent information. Held that the claims lacked inventive concept even if they solved some technical problems, as the claim <i>language</i> only required generic technology functioning in its conventional manner to achieve such a goal.
<i>Intellectual Ventures I LLC v. Erie Indemnity Co.</i> , 711 F. App’x 1012 (Fed. Cir. 2017) (non-precedential)	11/03/2017	No petition found	No petition found	Affirming the district court’s dismissal on the basis that the asserted claims, which covered a system and method for recognizing errant files, were ineligible. Held that the claims were directed to the abstract idea of “identifying and categorizing illicit files, the possession of which might subject an individual or organization to liability.” Held that the claims lacked an inventive concept, as they merely carried out the abstract idea using generic computer components functioning in their routine and conventional manner.
<i>Move, Inc. v. Real Estate Alliance Ltd.</i> , 721 F. App’x 950 (Fed. Cir. 2018) (non-precedential)	02/01/2018	02/28/2018 (denied)	08/24/2018 (denied)	Affirming the district court’s grant of summary judgment on the basis that the asserted claims were ineligible. The claims recited a method for searching real estate properties geographically on a computer. Held that the claims were directed to the abstract idea of “a method for collecting and organizing information

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				about available real estate properties and displaying this information on a digital map that can be manipulated by the user.” Held that the claims lacked an inventive concept because they only recited generic computer components and features functioning in their routine manner.
<i>Berkheimer v. HP Inc.</i> , 881 F.3d 1360 (Fed. Cir. 2018)	02/08/2018	03/21/2018 (denied)	09/28/2018 (pending)	Affirmed in part the district court’s grant of summary judgment on the basis that claims reciting “digitally processing and archiving files in a digital asset management system” were ineligible. Held that the claims were directed to the abstract idea of “of parsing, comparing, and storing data.” Held that “[w]hile patent eligibility is ultimately a question of law, the district court erred in concluding there are no underlying factual questions to the § 101 inquiry.” Held that some claims lacked an inventive concept because they failed to provide an improvement to the existing technology. However, remanded to the district court as to other claims, finding that there was a question of fact as to whether they provided an inventive concept.
<i>Automated Tracking Sols., LLC v. The Coca-Cola Co.</i> , 723 F. App’x 989 (Fed. Cir. 2018) (non-precedential)	02/16/2018	No petition found	No petition found	Affirming the district court’s grant of judgment on the pleadings on the basis that the asserted inventory control patent claims were ineligible. Held that the claims were directed to the abstract idea of collecting data from sensors, analyzing that data, and determining results based on the analysis of the data. Held that the claims lacked an inventive concept, as they recited only

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				generic computer components to carry out the abstract idea.
<i>Intellectual Ventures I LLC v. Symantec Corp.</i> , 725 F. App'x 976 (Fed. Cir. 2018) (non-precedential)	03/15/2018	No petition found	No petition found	Affirming the district court's grant of summary judgment on the basis that the asserted data-backup claims were ineligible. Held that the claims were directed to the abstract idea of "backing up data," with no inventive concept. Specifically held that <i>Berkheimer</i> did "not compel a different conclusion," as the specification in this case confirmed that the individual components were conventional, generic, and operated as expected, and the patentee failed to offer evidence that the order of claim steps was unconventional.
<i>Maxon, LLC v. Funai Corp., Inc.</i> , No. 2017-2139 (Fed. Cir. Apr. 9, 2018) (non-precedential)	04/09/2018	No petition found	No petition found	Affirming the district court's grant of dismissal on the basis that the asserted claims, which recited "electronic means of increasing user control over subscription entertainment content," were ineligible. Held that the claims are directed to the abstract idea of "decentralized delivery controlled by the owner of a plurality of devices." Held that the claims lacked an inventive concept, as they recited only "generic computing processes using functional language."
<i>Voter Verified, Inc. v. Election Sys. & Software LLC</i> , 887 F.3d 1376 (Fed. Cir. 2018)	04/20/2018	05/17/2018 (denied)	09/13/2018 (denied)	Affirming the district court's grant of dismissal on the basis of ineligibility as to the asserted claims, which were directed to methods and systems that provide auto-verification of a voter's ballot. Held that the claims were directed to the abstract idea of "voting, verifying the vote, and submitting the vote for

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				tabulation.” Further held that the claims lacked an inventive concept because they required only generic computers to carry out the claimed method.
<p><i>SAP Am., Inc. v. Investpic, LLC</i>, 890 F.3d 1016 (Fed. Cir. 2018)</p> <p>*modified and reissued 08/02/2018</p>	05/15/2018	06/14/2018 (denied)	Time to file petition is still pending (until 03/08/2019)	<p>Affirming the district court’s grant of judgment on the pleadings on the basis of ineligibility of the claims, which were directed to calculating, analyzing, and displaying investment data. Stated that “[l]ike other legal questions based on underlying facts, this question may be, and frequently has been, resolved on a Rule 12(b)(6) or (c) motion where the undisputed facts, considered under the standards required by that Rule, require a holding of ineligibility under the substantive standards of law.” Held that the claims were directed to the abstract idea of “selecting certain information, analyzing it using mathematical techniques, and reporting or displaying the results of the analysis,” with no inventive concept. Explained that the “focus of the claims is not a physical-realm improvement but an improvement in wholly abstract ideas—the selection and mathematical analysis of information.”</p> <p>Further held that, although the patentee’s counsel “contended at oral argument that the inclusion of a ‘parallel processing’ computing architecture in claim 22 should render the claim patent eligible . . . neither the claims nor the specification calls for any parallel processing system different from those available in existing systems.”</p>

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>Burnett v. Panasonic Corp.</i> , No. 2018-1234 (Fed. Cir. July 16, 2018)	07/16/2018	No petition found	09/18/2018 (denied)	Affirming dismissal on the basis of ineligibility of claims directed to a geospatial media recorder and geospatial information processing method. Noted that, although the complaint contained factual allegations under step two, the patentee did “not contest that each element of the asserted claims is well-understood, but rather argue[d] that the elements from each claim form new combinations.” Noted also that the patentee submitted extrinsic evidence, “which the Supreme Court has held can give rise to a factual dispute.” Regardless, held that “[n]one of these factual allegations precludes resolution . . . at the pleading stage because [the defendant] does not dispute these allegations, and because we conclude that the asserted claims are patent-ineligible even when accepting the allegations as true. Held that the claims were directed to the abstract idea of “of converting geospatial coordinates into natural numbers,” with generic components.
<i>Interval Licensing LLC v. AOL, Inc.</i> , No. 2016-2502 et al. (Fed. Cir. July 20, 2018)	07/20/2018	No petition found	No petition found	Affirming the district court’s grant of judgment on the pleadings on the basis that that the asserted claims to an “attention manager” of a display device were ineligible. Held that the claims were directed to an abstract idea of “displaying a second set of data without interfering with a first set of data.” Held that the claims lacked any inventive concept and instead the “asserted improvement here is the presentation fo information in conjunction with other information,” which was not an improvement “rooted in computer technology.”

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				<p>Judge Plager concurred in the opinion, but dissented in part “from our court’s continued application of this incoherent body of doctrine.”</p>
<p><i>SAP Am., Inc. v. InvestPic, LLC</i>, No. 2017-2081 (Fed. Cir. Aug. 2, 2018)</p> <p>*modified and reissued opinion (after 5/15/2018 opinion)</p>	<p>08/02/2018</p>	<p>09/04/2018 (denied)</p>	<p>Time to file petition is still pending (until 03/08/2019)</p>	<p>Affirming the district court’s grant of judgment on the pleadings, holding ineligible claims relating to calculating, analyzing, and displaying investment data. Stated that it is not “enough for subject-matter eligibility that claimed techniques be novel and nonobvious in light of prior art, passing must under 35 U.S.C. §§ 102 and 103.” Held that “[n]o matter how much advance in the finance field the claims recite, the advance lies entirely in the realm of abstract ideas,” and thus “[a]n advance of that nature is ineligible for patenting.” Further stated that “[a]n innovator who makes such an advance lacks patent protection for the advance itself,” but that “[i]f any protection is to be found, the innovator must look outside patent law in search of it, such as in the law of trade secrets, whose core requirement is that the idea be kept secret from the public.”</p> <p>Noted that “[l]ike other legal questions based on underlying facts,” patent eligibility “may be, and frequently has been, resolved on a Rule 12(b)(6) or (c) motion where the undisputed facts . . . require a holding of ineligibility under the substantive standards of law.”</p> <p>Held that the claims were directed to “selecting certain information, analyzing it using mathematical techniques, and reporting or displaying the results of</p>

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				the analysis.” Held that the claims lacked any inventive concept because they “require[d] no improved computer resources InvestPic claims to have invented,” and instead “just already available computers, with their already available basic functions, to use as tools in executing the claimed process.”
<i>BSG Tech LLC v. BuySeasons, Inc.</i> , 899 F.3d 1281 (Fed. Cir. Aug. 15, 2018)	08/15/2018	No petition found	No petition found	Affirmed the district court’s dismissal on the basis that the asserted claims, which were recited a “self-evolving generic index” for organizing information stored in a database, were ineligible. Held that the claims were directed to the abstract idea of “considering historical usage information while inputting data,” with no inventive concept. Held that “It has been clear since <i>Alice</i> that a claimed invention’s use of the ineligible concept to which it is directed cannot supply the inventive concept that renders the invention ‘significantly more’ than that ineligible concept.” Thus, an “unconventional feature” does not provide an inventive concept if that feature is the abstract idea itself, or the use thereof.
<i>Data Engine Techs. LLC v. Google LLC</i> , No. 2017-1135 (Fed. Cir. Oct. 9, 2018)	10/09/2018	11/29/2018 (denied)	Time to file petition is still pending	Affirmed in part and reversed in part the district court’s grant of judgment on the pleadings on the basis that the asserted claims, which were directed to systems and methods of making and navigating spreadsheets (“tab claims”), as well as tracking changes made in spreadsheets, were ineligible. Held that the tab claims were not directed to an abstract idea, but rather “to a specific method for navigating

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				<p>through three-dimensional electronic spreadsheets.” This, the court, held, “improve[d] the efficient functioning of computers” by “allow[ing] the user to simply and conveniently ‘flip through’ several pages of [a] notebook to rapidly locate information of interest.” Reiterated that the eligibility “inquiry requires that the claims be read as a whole.”</p> <p>Held that the claims directed to tracking changes in a spreadsheet were ineligible. Held that the claims were directed to the abstract idea of “identifying and storing electronic spreadsheet pages.” Held that the claims lacked an inventive concept because they recited nothing other than “generic steps of creating a base version of a spreadsheet, creating a new version of the spreadsheet, and determining changes made to the original version.”</p>
<p><i>Glasswall Solutions Ltd. v. Clearswift Ltd.</i>, No. 2018-1407 (Fed. Cir. Dec. 20, 2018) (non-precedential)</p>	<p>12/20/2018</p>	<p>No petition found</p>	<p>Time to file petition is still pending (until 05/19/2019)</p>	<p>Affirming dismissal on the basis of ineligibility of claims directed to “‘the filtering of electronic files and data’ by regenerating an electronic file without non-conforming data.” Held that the recited filtering was an abstract idea. Held that the claims lack an inventive concept, as they “simply require ‘generic computer-implemented steps.’” Finally, held that the plaintiff could not “render its complaint immune from dismissal by merely asserting that its methods are ‘novel’ and ‘improve the technology used in electronic communications,’” nor could an expert declaration “of the alleged advantages in the claimed invention,” as</p>

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				these were just “conclusory legal assertions which the district court was ‘not bound to accept as true.’”
<i>VOIT Techs., LLC v. Del-Ton, Inc.</i> , No. 2018-1536 (Fed. Cir. Feb. 8, 2019) (non-precedential)	02/08/2019	No petition found	Time to file petition is still pending	Affirming dismissal on the basis that the asserted claims, which covered a method of “providing secure interactive communication of text and image information,” were ineligible. Held that the claims were directed to the abstract idea of “entering, transmitting, locating, compressing, storing, and displaying data (including text and image data) to facilitate the buying and selling of items,” with no inventive concept.
<i>Univ. of Florida Research Foundation, Inc. v. Gen. Elec. Co.</i> , No. 2018-1284 (Fed. Cir. Feb. 26, 2019)	02/26/2019	Time to file petition is still pending	Time to file petition is still pending	Affirming dismissal on the basis that the asserted claims, which recited a method and system for “integrat[ing] physiologic data from at least one bedside machine,” were ineligible. Held that the claims were directed to the abstract idea of “collecting, analyzing, manipulating, and displaying data,” with no inventive concept.

2. District Court Decisions

CASE	DATE	HOLDING
<i>DietGoal Innovation, LLC v. Bravo Media, LLC</i> , No. 13 Civ. 8391, 2014 WL 3582914, at *1, 14 (S.D.N.Y. July 8, 2014)	07/08/2014	Holding ineligible claims directed to “[a] system and method for computerized visual behavior analysis, training, and planning, for the purpose of modifying diet behavior” because it “do[es] no more than ‘simply instruct the practitioner to implement the abstract idea . . . on a generic computer.’”
<i>Comcast IP Holdings I, LLC v. Sprint Commc’ns Co.</i> , No. 12-205, 2014 WL 3542055, at *3, 5 (D. Del. July 16, 2014)	07/06/2014	Holding ineligible claim directed to a “telephony network optimization method” because it “merely covers the application of what has for a long time been conducted solely in the mind to modern, computerized, telephony networks.”
<i>CMG Fin. Servs., Inc. v. Pacific Trust Bank, F.S.B.</i> , No. 11-10344, 2014 WL 4922349, at *17 (C.D. Cal. Aug. 29, 2014)	08/29/2014	Holding ineligible claims because they “are directed at the abstract idea of a mortgagee paying down a mortgage early when funds are available and borrowing funds as needed to reduce the overall interest charged by the mortgage.”
<i>Loyalty Conversion Sys., Corp. v. Am. Airlines, Inc.</i> , No. 2:13-cv-655, 2014 WL 4364848, at *2-5 (E.D. Tex. Sept. 2, 2014)	09/02/2014	Holding ineligible claims reciting “a method enabling a customer to convert loyalty award credits” and “a method in which a computer provides one or more Web pages that can be used by clients to convert non-negotiable loyalty award points,” explaining that the patents-at-issue are “not fundamentally different from the kinds of commonplace financial transactions that were the subjects of the Supreme Court’s recent decisions” in <i>Bilski</i> and <i>Alice</i> .
<i>Walker Digital, LLC v. Google, Inc.</i> , No. 11-318, 2014 WL 4365245, at *6 (D. Del. Sept. 3, 2014)	09/03/2014	Holding ineligible claims that “relate generally to ‘controlling the release of confidential or sensitive information of at least one of the parties in establishing anonymous communications.’”
<i>Tuxis Techs., LLC v. Amazon.com, Inc.</i> , No. 13-1771, 2014 WL 4382446, at *1, 5 (D. Del. Sept. 3, 2014)	09/03/2014	Holding ineligible a claim reciting a “method for providing offers in real time . . . utilizing an electronic communications device . . .” because “[t]he computer performs nothing more than purely conventional steps that are well-understood, routine, and previously known to the industry.”

CASE	DATE	HOLDING
<i>Eclipse IP LLC v. McKinley Equip. Corp.</i> , No. 2:14-cv-154, 2014 WL 4407592, at *6-7 (C.D. Cal. Sept. 4, 2014)	09/04/2014	Holding ineligible claims reciting a “method for communications in connection with a computer-based notification system,” and explaining that the <i>Alice</i> “analysis fits the [patent’s] claims precisely.”
<i>Every Penny Counts, Inc. v. Wells Fargo Bank, N.A.</i> , No. 8:11-cv-2826, 2014 WL 4540319, at *5 (M.D. Fla. Sept. 11, 2014)	09/11/2014	Holding ineligible claims directed to a method and a system of automated saving or automated charitable giving.
<i>Open Text S.A. v. Alfresco Software Ltd.</i> , No. 13-cv-04843, 2014 WL 4684429, at *1 (N.D. Cal. Sep. 19, 2014)	09/19/2014	“[T]he Court finds that the challenged claims are directed to a very simple abstract marketing idea that uses generic computer and Internet technology, and contain no additional inventive concept.”
<i>McRO, Inc. v. Atlus U.S.A.</i> , No. SACV 13-1870, 2014 WL 4772196, at *8 (C.D. Cal. Sep. 22, 2014)	09/22/2014	Holding ineligible claims directed to “automatically animating lip synchronization and facial expression of three-dimensional characters.”
<i>Cogent Med., Inc. v. Elsevier Inc.</i> , Nos. C-13-4479, C-13-4483, C-13-4486, 2014 WL 4966326, at *42 (N.D. Cal. Sep. 30, 2014)	09/30/2014	Holding ineligible claims directed to “the abstract idea of maintaining and searching a library of information.”
<i>Amdocs (Israel) Ltd. v. Openet Telecom, Inc.</i> , No. 1:10-cv-910, 2014 WL 5430956, at *11 (E.D. Va. Oct. 24, 2014)	10/24/2014	Holding ineligible claims directed to correlating, generating, compiling, and reporting network accounting records, finding that “Amdocs’s asserted claims recite such conventional operation, in such a general way, that even if the inventor had developed an actual working system, the patent claims could foreclose fields of research beyond the actual invention.”
<i>Wolf v. Capstone Photography</i> , No. 2:13-cv-09573, Slip Op. at 17, 20 (C.D. Cal. Oct. 28, 2014)	10/28/2014	Holding ineligible claims that were directed to the abstract idea of “providing event photographs organized by participant, as applied using the internet,” and holding that “the independent claims do nothing more than recite a series of

CASE	DATE	HOLDING
		conventional steps carried out using basic camera and computer functions and mostly essential to placing searchable event photographs online for inspection and ordering.”
<i>Enfish, LLC v. Microsoft Corp.</i> , No. 2:12-cv-07360, 2014 WL 5661456 at *7-8 (C.D. Cal. Nov. 3, 2014)	11/03/2014	Holding ineligible claims directed towards a “method for storing and retrieving data in a computer memory” because the claims are directed to abstract ideas and the limitations only include “conventional elements” that, “when viewed individually or in a combination, do not sufficiently cabin the claims scope.”
<i>JOAO Bock Transaction Systems, LLC v. Jack Henry & Associates, Inc.</i> , No. 12-1138, 2014 WL 7149400, at *6 (D. Del. Dec. 15, 2014)	12/15/2014	Granting summary judgment of ineligibility of claims directed to the abstract idea of a conventional business practice utilized by bankers or financial institutions in their dealings with individual account holders without the use of computers).
<i>OpenTV, Inc. v. Netflix, Inc.</i> , No. 14-cv-01525, 2014 WL 7185921, at *4, 8 (N.D. Cal. Dec. 16, 2014)	12/16/2014	Granting summary judgment of ineligibility of claims as reciting the abstract idea of “ensuring that necessary resources are available before commencing a presentation that requires those resources” and claims reciting the abstract idea of “using information about users to customize a list of content for delivery.”
<i>IPLearn, LLC v. K12Inc.</i> , No. 11-1026, 2014 WL 7206380, at *5-6, 8 (D. Del. Dec. 17, 2014)	12/17/2014	Granting summary judgment of ineligibility of claims reciting a method of using a Computer to enhance learning, holding that the claims were directed to the abstract idea of educational instruction and enhancing that instruction
<i>Cloud Satchel, LLC v. Amazon.com, Inc.</i> , No. 13-941, 2014 WL 7227942, 2015 WL 394273, at *9 (D. Del. Dec. 18, 2014)	12/18/2014	Granting summary judgment of ineligibility of claims directed to the abstract idea of cataloguing documents to facilitate their retrieval from storage.
<i>Intellectual Ventures I LLC v. Manufacturers & Traders Trust Co.</i> , 13-1274, 2014 WL 7215193, at *8, 10-11 (D. Del. Dec. 18, 2014)	12/18/2014	Granting motion to dismiss based on the ineligibility of claims directed to the abstract ideas of budgeting, using aliases to maintain privacy in transactions, scanning groups of images and organizing them, and the creation of digital photo albums or storage.

CASE	DATE	HOLDING
<i>MyMedicalRecords, Inc. v. Walgreen Co.</i> , No. 2:13-cv-00631, 2014 WL 7339201, at *3 (C.D. Cal. Dec. 23, 2014)	12/23/2014	Holding ineligible claims directed to the abstract idea of secure record access and management of personal health records.
<i>KomBea Corp. v. Noguar LC</i> , No. 2:13-CV-957, 2014 WL 7359049, at *1, 7 (D. Utah Dec. 23, 2014)	12/23/2014	Granting partial summary judgment of ineligibility of claims generally relating to a system of automating telemarketing calls personalized to a potential customer as being directed to the fundamental economic practice or organization of human behavior and nothing more.
<i>Morales v. Square, Inc.</i> , No. 5:13-cv-1092, 2014 WL 7396568, at *5, 8 (W.D. Tex. Dec. 30, 2014)	12/30/2014	Granting motion to dismiss on the basis of ineligibility of claim reciting a method of data communication as being directed to the abstract idea of relaying a signal containing the sender’s identity.
<i>Bascom Research, LLC v. LinkedIn, Inc.</i> , No. 12-cv-06293, 2015 WL 149480, at *8 (N.D. Cal. Jan. 5, 2015)	01/05/2015	Holding ineligible claims reciting a method for providing a framework for document objects located on a network as being directed to the abstract idea of creating, storing, and using relationships between objects.
<i>Tenon & Groove LLC v. PlusGrade SEC</i> , No. 12-1118, 2015 WL 82531, at *7 (D. Del. Jan. 6, 2015), <i>adopted</i> on Mar. 11, 2015	01/06/2015	Report and recommendation to grant summary judgment of ineligibility of claims directed to the fundamental concept of using a computer to facilitate negotiations between an airline and its customer and to optimize revenue generation based on these interactions
<i>East Coast Sheet Metal Fabricating Corp. v. Autodesk, Inc.</i> , No. 12-cv-517, 2015 WL 226084, at *5, 10 (D.N.H. Jan. 15, 2015)	01/15/2015	Granting summary judgment of ineligibility of claims directed to the abstract concept of “mapping geometrical information components to standard fittings using the . . . criteria” recited in the claims at issue
<i>Synopsys, Inc. v. Mentor Graphics Corp.</i> , No. 12-6467,	01/20/2015	Granting summary judgment of ineligibility of claims involving algorithms for determining the hardware components and layout of an integrated circuit as being merely a mental process and therefore an abstract idea.

CASE	DATE	HOLDING
2015 WL 541673, at *3 (N.D. Cal. Jan. 20, 2015)		
<i>Open Text SA v. Box, Inc.</i> , No. 13-cv-04910, 2015 WL 269036, at *3 (N.D. Cal. Jan. 20, 2015)	01/20/2015	Holding ineligible claims relating to a system for groups of people to collaborate and share information as being directed to the abstract idea of organizing human information.
<i>CertusView Techs., LLC v. S & N Locating Servs., LLC</i> , No. 2:13-cv-346, 2015 WL 269427, at *16, 28 (E.D. Va. Jan. 21, 2015)	01/21/2015	Holding ineligible claims of several patents based on finding that, inter alia, the claims were directed to the abstract idea of creating computer readable files to store information and the abstract idea of electronically transmitting or storing information.
<i>The Money Suite Company v. 21st Century Ins. & Fin. Servs., Inc.</i> , Nos. 13-984, 13-985, 13-986, 13-1747, 13-1748, 2015 WL 436160, at *3 (D. Del. Jan. 27, 2015)	01/27/2015	Holding ineligible claims directed to the abstract idea of the process used to generate price quotes for various types of financial products.
<i>Minitab, Inc. v. Engineroom, LLC</i> , No. 4:12-cv-2170, Slip Op. at 14 (M.D. Pa. Feb. 3, 2015)	02/03/2015	Granting summary judgment of ineligibility of claims relating to automatically applying a hypothesis to a data set, which is “one of the quintessential ‘basic tools of scientific . . . work.’”
<i>In re TLI Communications LLC Patent Litigation</i> , No. 1:14-md-2534, 2015 WL 627858, at *8 (E.D. Va. Feb. 6., 2015)	02/06/2015	Granting motion to dismiss and holding claims ineligible as being directed to the abstract idea of taking, organizing, classifying, and storing photographs.
<i>Enpat, Inc. v. Tenrox Inc.</i> , No. 6:13-cv-948, 2015 WL 541673, at *5 (M.D. Fla. Feb. 10, 2015)	02/10/2015	Granting summary judgment of ineligibility of claims directed to the abstract idea of project management or of resource leveling.
<i>Essociate, Inc. v. Clickbooth.com, LLC</i> , No. 13-01886, Slip Op. at 8 (C.D. Cal. Feb. 11, 2015)	02/11/2015	Granting defendants’ motion for judgment on the pleadings that claims reciting steps for how a merchant can gain access to customers from a referring entity were directed to the abstract idea of receiving and tracking referrals from referral sources.

CASE	DATE	HOLDING
<i>Clear With Computers, LLC v. Altec Industries, Inc.</i> , No. 6:14-cv-79, Slip Op. at 6-7 (E.D. Tex. March 3, 2015)	03/03/2015	Granting motion to dismiss and holding as ineligible claims relating to computer-implemented systems and methods for creating a customized sales proposal for a customer as being directed to an abstract idea because they are “functional in nature and could easily be performed by a human.”
<i>Hewlett Packard Co. v. Servicenow, Inc.</i> , No. 14-cv-00570, Slip Op. at 6-16 (N.D. Cal. Mar. 10, 2015)	03/10/2015	Granting summary judgment of ineligibility of claims relating to, for example, the abstract ideas of monitoring deadlines and providing alerts and categorizing information, with no inventive concept.
<i>Priceplay.com, Inc. v. AOL Advertising, Inc.</i> , No. 14-92-RGA, Slip Op. at 10 (D. Del. Mar. 18, 2015)	03/18/2015	Granting motion to dismiss and holding as ineligible claims relating to a sales transaction as directed to an abstract idea that lacked any inventive concept.
<i>Tuxis Technologies LLC v. Amazon.com, Inc.</i> , No. 13-1771-RGA, Slip Op. at 4 (D. Del. Mar. 25, 2015)	03/25/2015	Granting motion to dismiss and holding as ineligible claims directed to the abstract idea of “upselling,” which the court held is a “longstanding commercial practice,” and finding no inventive concept.
<i>Advanced Auctions LLC v. eBay Inc.</i> , No. 3:13-cv-01612, Slip Op. at 6 (S.D. Cal. Mar. 27, 2015)	03/27/2015	Granting judgment on the pleadings that claims relating to a computer-based Internet auction were directed to an abstract idea—the “fundamental economic practice” of an auction. Held that the claims lacked any inventive concept.
<i>CarFax, Inc. v. Red Mountain Technologies</i> , No. 1:14-cv-01590, Slip Op. at 11-12 (E.D. Va. Mar. 30, 2015)	03/30/2015	Granting motion to dismiss and holding as ineligible claims directed to the abstract ideas of underwriting an insurance policy and determining the insurability of a vehicle, with no inventive step.
<i>OpenTV, Inc. v. Apple, Inc.</i> , No. 14-cv-01622, Slip Op. at 5 (N.D. Cal. Apr. 6, 2015)	04/06/2015	Granting motion to dismiss and holding as ineligible claims relating to a method and apparatus for routing confidential information. Held that the claims were drawn to the abstract idea of “compiling, organizing, and transmitting information, using identification codes as shorthand for that information,” with no inventive concept.

CASE	DATE	HOLDING
<i>Douglas Maurice Shortridge v. Foundation Constr. Payroll Serv., LLC</i> , No. 14-cv-04850, Slip Op. at 1, 17 (N.D. Cal. Apr. 14, 2015)	04/14/2015	Granted judgment on the pleadings that claims relating to computer processing of certified payroll records and other data relevant to public works construction contracts were directed to the abstract idea of cataloging labor data, with no inventive concept. Rejected the plaintiff’s argument that the claims set forth a “plurality” of abstract ideas that met the <i>Alice</i> standard, stating that “[E]ven viewing the claims in the light most favorable to [plaintiff], the [patent-in-suit] is directed to the unitary abstract idea of cataloging labor data. Even if that were not so, however, the Court is aware of no case holding that merely combining two or three abstract ideas brings a patent within the scope of § 101, and the available authority tends to suggest the contrary.”
<i>Messaging Gateway Solutions LLC v. Amdocs, Inc.</i> , No. 1:14-cv-00732, Slip Op. at 7 (D. Del. Apr. 15, 2015)	04/15/2015	Granted motion for judgment on the pleadings that relevant claim was directed to the abstract idea of translation, with no inventive concept where generic computer components or field-of-use limitations were insufficient to meet the second step of <i>Alice</i> .
<i>Wireless Media Innovations, LLC v. Maher Terminals, LLC</i> , No. 14-7004, -7006, Slip Op. at 17-18 (D.N.J. Apr. 20, 2015)	04/20/2015	Granted motion to dismiss and holding as ineligible claims directed to the abstract idea of monitoring the location and load status of containers in a yard, with no inventive concept because the claims only involved routine steps of recording, identifying, and communicating an ID code of a particular container, for example.
<i>Intellectual Ventures I LLC v. Symantec Corp.</i> , No. 1-10-cv-01067, Slip Op. at 18-19 (D. Del. Apr. 22, 2015)	04/22/2015	Granted summary judgment of ineligibility of claims directed to the abstract idea of receiving identity information, comparing it to other information, and communicating results based on the identifying information, with no inventive concept.
<i>Intellectual Ventures II LLC v. JP Morgan Chase & Co.</i> , No. 1-13-cv-03777, Slip Op. at 17 (S.D.N.Y. Apr. 28, 2015)	04/28/2015	Granted summary judgment of ineligibility of claims related to network security as broadly preempting “every concrete application of the idea of choosing access rules based upon multiple sources of packetized information,” with no inventive concept.
<i>Jericho Sys. Corp. v. Axiomatics, Inc.</i> , No. 3:14-CV-2281, Dkt. 76 at 8, 12 (N.D. Tex. May 7, 2015)	05/07/2015	Granted motion for judgment on the pleadings that claims were directed to the abstract idea of “a user entering a request for access, looking up the rule for access, determining what information is needed to apply the rule, obtaining that

CASE	DATE	HOLDING
		information, and then applying the information to the rule to make a decision,” with no inventive concept.
<i>BASCOM Global Internet Servs. v. AT&T Inc.</i> , No. 3:14-cv-3942 Dkt. 38 at 15, 19 (N.D. Tex. May 15, 2015)	05/15/2015	Granted motion to dismiss and holding as ineligible claims related to filtering Internet content. Held that the claims were directed to the abstract idea of “filtering content, a long-standing, well-known method of organizing human activity. . . . Although the claims clearly apply to Internet content, content provided on the Internet is not fundamentally different from content observed, read, and interacted with through other mediums like books, magazines, television, or movies, all of which have had to grapple with filtering complications similar to those addressed by the claims of the [patent].” Further held that the claims lacked an inventive concept.
<i>Electric Power Grp., LLC v. Alstom, S.A.</i> , No. 12-06365, Dkt. 243 at 5-6 (C.D. Cal. May 21, 2015)	05/21/2015	Granted motion for summary judgment of ineligibility of claims relating to real-time grid monitoring as directed to abstract ideas of monitoring and analyzing data from different sources. Held that plaintiff’s argument that the claimed invention constituted a “substantial technological advance” and that it was “novel” was, while potentially true, irrelevant to the inquiry.
<i>Kroy IP Holdings, LLC v. Safeway, Inc.</i> , No. 2-12-cv-00800, Op. at 25 (E.D. Tex. May 29, 2015)	05/29/2015	Granting motion for summary judgment of ineligibility of claims related to a computer-based incentive award program were directed to an abstract idea, with no inventive concept.
<i>Affinity Labs of Texas, LLC v. Amazon.com, Inc.</i> , No. 6:15-CV-0029, Dkt. 61 at 15, 22 (W.D. Tex. June 12, 2015) <i>Affinity Labs of Texas, LLC v. Amazon.com, Inc.</i> , No. 6:15-cv-0029 (W.D. Tex. Sept. 23, 2015)	06/12/2015 09/23/2015	Report and recommendation to grant motion for judgment on the pleadings that claims related to portable device media delivery patent was ineligible because “delivering selectable media content and subsequently playing the selected content on a portable device is a longstanding commercial practice and is therefore abstract.” The claims provided no inventive concept, as they merely presented “the graphic user interface as merely a generic computer component.” The district court overruled the plaintiff’s objection to the magistrate’s recommendation.

CASE	DATE	HOLDING
<i>Intellectual Ventures I LLC v. Capital One Fin. Corp.</i> , No. 8-14-cv-00111, at 29 (D. Md. June 11, 2015)	06/11/2015	Recommendation to grant motion for summary judgment that claims related to data access were directed to the abstract idea of “controlling the redistribution of decrypted or ‘unprotected’ data,” with no inventive concept.
<i>HealthTrio, LLC v. Aetna, Inc.</i> , No. 1-12-cv-03229, at 7 (D. Colo. June 17, 2015)	06/17/2015	Report and recommendation to grant motion for judgment on the pleadings that claims related to aggregating patient records was directed to the abstract idea of “combining and organizing records from various sources,” with no inventive concept.
<i>FairWarning IP, LLC v. Iatric Sys., Inc.</i> , No. 8-14-cv-02685, at 3 (M.D. Fla. June 24, 2015)	06/24/2015	Granting motion to dismiss, finding claims related to detection of access to a patient’s health records and information as directed to the abstract idea of “reviewing activity to detect suspicious behavior,” with no inventive concept.
<i>Kickstarter, Inc. v. Fan Funded, LLC</i> , No. 1-11-cv-06909, Dkt. 111 at 20-21 (S.D.N.Y. June 29, 2015)	06/29/2015	Granting summary judgment of ineligibility of claims directed to the concept of crowd-funding or fan-funding. The court held that the claims were directed to the abstract concept of patronage, which is “beyond question of ancient lineage.”
<i>Source Search Techs., LLC v. Kayak Software Corp.</i> , No. 11-3388, at 8-9 (D.N.J. July 1, 2015)	07/01/2015	Granting summary judgment of ineligibility of claims of a quotation processing patent, finding that the claims were directed to the abstract concept of obtaining quotes for goods and services from selected vendors, with no inventive concept.
<i>Affinity Labs of Texas, LLC v. DirecTV, LLC</i> , No. 6:15-CV-0030, at 12-19 (W.D. Tex. July 7, 2015)	07/07/2015	Adopting report and recommendation to grant motion to dismiss based on ineligibility of claims. Held that the magistrate judge did not err in finding that claims relating to broadcasting content, were directed to “an age-old concept of making broadcasting content from one region available in another region,” with no inventive concept as it is only “accompanied by a generic recitation of a conventional cellular phone.”
<i>Pragmatus Telecom LLC v. Genesys Telecommunications Labs., Inc.</i> , No. 1-14-cv-00026, at	07/09/2015	Granting in part motion to dismiss claims of a data communication patent, finding that the claims were directed to the abstract idea of communication between a customer and a business using a call center, automated and obfuscated along the

CASE	DATE	HOLDING
9-10, 12, 14-17 (D. Del. July 9, 2015)		way using certain computer, telephonic and network services,” with no inventive concept. However, the court denied in part the remaining portion of the motion based on ineligibility of representative claims, finding that it was “inappropriate to invalidate all four patents under” Section 101 “merely because . . . the eight claims” may be “representative.” The court held that the defendants had failed to demonstrate that the eight claims were in fact representative.
<i>Appistry, Inc. v. Amazon.com Inc.</i> , No. C15-311, at *4 (W.D. Wash. July 9, 2015)	07/09/2015	Granting motion for judgment on the pleadings that asserted claims were ineligible as directed to the abstract idea of distributed processing akin to the military’s command and control system, a longstanding and intuitive practice used by many large hierarchical organizations that value speed, efficiency, reliability, and accountability, with no inventive concept.
<i>Tranxition, Inc. v. Lenovo Inc.</i> , No. 3:12-cv-01065, at 20-21 (D. Or. July 10, 2015)	07/10/2015	Granting summary judgment of ineligibility, finding that claims relating to configuration settings migration were directed to the abstract idea of “transferring settings,” with no inventive concept. The court held that although the problem of transferring user settings from one computer to another “did not arise until computers were invented,” the “nature of the process” that the invention claims “is a human one.”
<i>IPLearn-Focus, LLC v. Microsoft Corp.</i> , No. 14-cv-00151, at 8, 10-11 (N.D. Cal. July 10, 2015)	07/10/2015	Granting summary judgment of ineligibility, finding that claims at issue were directed to the abstract idea of conventional teaching, with no inventive concept.
<i>Smart Sys. Innovations, LLC v. Chicago Transit Authority</i> , No. 14-C-08053, at 13, 16-17 (N.D. Ill. July 10, 2015)	07/10/2015	Granting motion for judgment on the pleadings that claims related to an “open-payment fare system” were directed to the abstract idea of a “fundamental commercial transaction, paying for a fare,” with no inventive concept.
<i>Landmark Tech., LLC v. Assurant, Inc.</i> , 6-15-cv-00076, at 12, 16 (E.D. Tex. July 14, 2015)	07/14/2015	Report and recommendation to grant motion to dismiss based on ineligibility of claims related to computer search and information retrieval, finding that the claims were directed to an abstract idea with no inventive concept.

CASE	DATE	HOLDING
<i>Netflix, Inc. v. Rovi Corp.</i> , No. 11-cv-6591, at (N.D. Cal. July 15, 2015)	07/15/2015	Granting summary judgment of ineligibility of claims related to the use of “combination categories,” i.e. “romantic comedies” or “sports dramas,” to organize various movies or TV programs, finding that the claims were directed to the abstract idea of “using combination categories” limited only by the use of a “processor” and a “receiver,” which are generic computer components. Similarly held that other claims were directed to the abstract idea of using a user’s viewing history to visually distinguish watched programs from unwatched programs and to make recommendations, with no inventive concept. Finally, held that other claims were directed to the abstract idea of bookmarking media files across devices, despite the presence of a server and a client.
<i>MicroStrategy Inc. v. Apttus Corp.</i> , No. 3:15-cv-21-JAG, at 11-13, 15 (E.D. Va. July 17, 2015)	07/17/2015	Granting motion to dismiss based on ineligibility of claims related to business intelligence and storage of information on premises and the cloud as directed to the abstract idea of report generation and data storage, with no inventive concept.
<i>Thales Visionix, Inc. v. United States</i> , No. 14-513C, at 7-10 (Ct. Fed. Cl. July 20, 2015)	07/20/2015	Granted motion for judgment on the pleadings that claims related to fighter jet motion-tracking patent were ineligible, as they were directed to a complex mathematical concept—such as Newtonian principles and “the mathematics that an inertial navigation uses to track an airplane relative to a rotating earth”—using only generic devices.
<i>Telebuyer, LLC v. Amazon.com, Inc.</i> , No. 2:13-cv-01677, Dkt. 220 at 7 (W.D. Wash. July 23, 2014)	07/23/2015	Granting summary judgment of ineligibility of claims related to electronic commerce, as directed to the abstract idea of connecting buyers and sellers through the use of generic computers, with no inventive concept.
<i>ADREA, LLC v. Barnes & Noble, Inc.</i> , No. 1-13-cv-04137, Dkt. 182 at 12 (S.D.N.Y. July 24, 2015)	07/24/2015	Granting post-trial motion for judgment on the pleadings that electronic book patent claims were ineligible as directed to the abstract idea of lending books for a limited time, with no inventive concept. The court rejected plaintiff’s argument that the claims were not directed to an abstract idea because they refer specifically to “electronic books,” holding that “an electronic book” is merely the “digital equivalent of a physical book.”

CASE	DATE	HOLDING
<i>Boar’s Head Corp. d/b/a Public Safety Network v. DirectApps, Inc. d/b/a Direct Technology</i> , No. 2:14-cv-01927, Op. at 14 (E.D. Cal. July 28, 2015)	07/28/2015	Granting motion to dismiss based on ineligibility of claims related to an emergency call system, holding that the claims were directed to the “well-understood, routine, or conventional” practice of tracking caller data, with no inventive concept.
<i>Becton, Dickinson & Co. v. Baxter Int’l Inc.</i> , No. 1-14-cv-00222 (W.D. Tex. Aug. 3, 2015)	08/03/2015	Granting summary judgment of ineligibility of claims related to pharmacy monitoring, holding that the claims were directed to the abstract concept of a pharmacist supervising and verifying the work of a nonpharmacist to ensure the work’s accuracy, with no inventive concept. The court rejected the plaintiff’s argument that the claims were eligible because they were only directed to remote supervision and verification.
<i>Joao Bock Transaction Sys., LLC v. Fidelity Nat’l Info. Servs., Inc.</i> , No. 3:13-cv-00223, Op. at 12 (M.D. Fla. Aug. 10, 2015)	08/10/2015	Granting summary judgment on ineligibility of transaction security apparatus and method claims as being directed to the abstract idea of using account holder notifications or account limits to provide security for financial transactions and accounts, with no inventive concept.
<i>Uniloc USA, Inc. v. E-MDs, Inc.</i> , No. 6:14-cv-00625, Op. at 7, 10 (E.D. Tex. Aug. 19, 2015)	08/19/2015	Granting partial summary judgment on ineligibility of medical data processing claim, finding that the claim was directed to the abstract idea of organizing medical data in a hierarchy. Denied partial summary judgment as to the remaining claims, rejecting the defendants’ argument that the one claim was representative of all the others and finding that the claims recited additional limitations (which the defendants did not address).
<i>Inventor Holdings, LLC v. Bed Bath & Beyond Inc.</i> , No. 14-448, Op. at 8 (D. Del. Aug. 21, 2015)	08/21/2015	Granting motion for judgment on the pleadings that asserted payment processing patent claims were ineligible. Found that the claims were directed to a fundamental economic or conventional business practice. Held that the claims “simply tell a practitioner that a remote merchant can direct a customer to pay for goods at a third-party, local merchant that has agreed to accept payments for the remotely-ordered goods and to tell the remote merchant when the customer has paid for the goods so that the remote merchant can then ship the goods-nothing more.”

CASE	DATE	HOLDING
<i>Everglades Game Techs., LLC v. Supercell, Inc.</i> , No. 14-643, Dkt. 51 at (D. Del. Aug. 21, 2015)	08/21/2015	Granting motion to dismiss of claims related to promotional gaming methods that apparently gave sponsors “total control over game piece distribution and price awards” primarily through the use of computer technology were directed to an abstract idea. Held that the use of a generic computer added no inventive concept—though computerization might give the sponsor “greater control over the game odds than previously possible ... this added control is not inventive, nor is it a meaningful limitation.”
<i>Novo Transforma Techs. v. Sprint Spectrum L.P. et al.</i> , No. 1:14-cv-00612, Dkt. 62 at 4-6 (D. Del. Sept. 2, 2015)	09/02/2015	Granting judgment on the pleadings that asserted claims were ineligible, finding that the claims related to payload delivery methods on computers were directed to the abstract concept of “translation”: sending messages according to delivery instructions, converting the message if necessary, and notifying the sender upon receipt. Held that there was no inventive concept because the claimed invention did not solve a problem solely arising in the realm of computer networks.
<i>Gammino v. American Telephone & Telegraph Co.</i> , No. 12-666, Dkt. 180 at 13-15 (D. Del. Sept. 8, 2015)	09/08/2015	Granting judgment on the pleadings of ineligibility of telecommunications claims, holding that the claims were directed to “an arbitrary set of steps defining how a conventional telephone may be used to select a method of payment and complete a call, not unlike a user’s manual for any number of long-extant devices,” with no inventive concept.
<i>Blue Spike, LLC v. Google Inc.</i> , No. 14-cv-01650, Dkt. 75 at 9, 10 (N.D. Cal. Sept. 8, 2015)	09/08/2015	Granting judgment on the pleadings of ineligibility of claims related to monitoring and analyzing signals, holding that the claims were directed to the abstract idea of “the highly effective ability of humans to identify and recognize a signal,” with no inventive concept because they “merely discuss using routine computer components and methods ... to accomplish the task” of comparing signals.
<i>TDE Petroleum Data Solutions, Inc. v. AKM Enterprise, Inc.</i> , 4:15-cv-01821, Op. at 5, 7-9 (S.D. Tex. Sept. 11, 2015)	09/11/2015	Granting motion to dismiss based on ineligibility of claims related to well state detection, holding that the claims were directed to nothing more than the abstract idea of: (1) making a list of possible values (drilling “states”); (2) receiving data about those values; (3) applying mathematical rules to the data (by comparing

CASE	DATE	HOLDING
		data to the “limit”; and (4) interpreting the results to choose a value from the list, with no inventive concept.
<i>FairWarning IP, LLC v. CynergisTek, Inc.</i> , No. 8:15-cv-00100, Op. at 3 (M.D. Fla. Sept. 14, 2015)	09/14/2015	Partially granting motion for judgment on the pleadings based on finding of ineligibility of claims related to health record access detection in another case. Stated that regardless of collateral estoppel, the plaintiff “fails to state a claim for infringement of the [patent], which is ‘directed to’ nothing more than a patent-ineligible abstract idea.”
<i>Telinit Techs., LLC v. Alteva, Inc.</i> , No. 2:14-cv-00369, Op. at 31-32 (E.D. Tex. Sept. 21, 2015)	09/21/2015	Granting judgment on the pleadings that voice network patent claims were ineligible, holding that the claims were directed to an abstract idea of a telephone operator, with no inventive concept.
<i>eDekka LLC v. 3balls.com, Inc.</i> , No. 2:15-cv-00541, Op. at (E.D. Tex. Sept. 21, 2015)	09/21/2015	Granting summary judgment on the grounds that the information retrieval patent claims were ineligible, holding that the claims were directed to the abstract idea of storing and labeling information, with no inventive concept.
<i>Concaten, Inc. v. AmeriTrak Fleet Solutions</i> , No. 1:14-cv-00790, Op. at 7, 13-14 (D. Colo. Sept. 23, 2015)	09/23/2015	Granting judgment on the pleadings that snowplow modem patent claims were ineligible, holding that the claims were directed to the abstract idea of collecting information from a vehicle and transmitting them over a network, with no inventive concept—the claims do not claim any improvement to the existing technology required for implementing its steps of data collection and transmission.
<i>Intellectual Ventures I LLC v. Erie Indemnity Co.</i> , 1:14-cv-00220, Op. at 60-61, 67 (W.D. Pa. Sept. 25, 2015)	09/25/2015	Granting motion to dismiss on the basis that information retrieval patent claims were ineligible, holding that the claims were directed to the abstract idea of gathering, storing, and acting on data based on predetermined rules. Held that there was no inventive concept, finding that “efficiently searching for information is not a solution that ‘is necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.’”
<i>HealthTrio, LLC v. Aetna, Inc.</i> , No. 1:12-cv-03229, Op. at 5-6 (D. Colo. Sept. 28, 2015)	09/28/2015	Adopting report and recommendation to grant motion for judgment on the pleadings that health record generation claims were ineligible as directed to the abstract idea of transforming collected data into an integrated format. Even if the “normalization” claims were beyond human ability, they are still not eligible

CASE	DATE	HOLDING
		because they are not drawn to a specific structure or machine. Their recited “rules engine” is merely a “generalized directive to the computer to implement the normalization formula.”
<i>Broadband iTV, Inc. v. Time Warner Cable, Inc.</i> , No. 1:15-cv-00131, Op. at 20, 32 (D. Haw. Sept. 29, 2015)	09/29/2015	Granting motion for summary judgment on the basis that the video-on-demand patent claims were ineligible, holding that the claims were directed to the abstract idea of “using the same hierarchical ordering based on metadata to facilitate the display and locating of video content.” Held that the claims lacked inventive concept because “no element of the claims ... call for computer or Internet technology to behave in an unconventional manner.”
<i>Inventor Holdings, LLC v. Gameloft, Inc.</i> , No. 1:14-cv-01067, Op. at 9, 19 (D. Del. Sept. 30, 2015)	09/30/2015	Granting motion for judgment on the pleadings that mobile device game promotion patent claims were ineligible, holding that the claims were directed to the economic strategy and abstract idea of “using a code to unlock a benefit in a game,” which “is not unlike the rules for any number of long-extant promotions, lotteries, or games, or other efforts to entice people to try a product or service.” Held that the claims had no inventive concept because the claims “are implemented using generic mobile device technology that existed well before the priority date of the patent.” Further held that the fact that the claims were limited to a “particular technological environment” (i.e., mobile devices) was insufficient to save them from ineligibility.
<i>Orostream LLC v. ABS-CBN Int’l</i> , No. 2:15-cv-00248, Op. at 5-7 (E.D. Tex. Oct. 1, 2015)	10/01/2015	Granting motion to dismiss on the basis that computer system patent claims were ineligible as directed to the abstract idea of “adjustment of the rate of information transfer based on feedback,” rejecting plaintiff’s argument that the abstract idea necessarily requires a computer network and finding that the “problem of adjusting information flow to minimize delay existed before computer networking.” Held that the claims had no inventive concept because, for instance, claim 37 “applies an old solution (feedback adjustment) to an old problem (efficient utilization of limited resources) in a computing environment.”
<i>Evolutionary Intelligence, LLC v. Yelp, Inc.</i> , No. 5:13-cv-03587,	10/06/2015	Granting motion to dismiss on the basis that containerized data patent claims were ineligible because they were directed to the abstract idea of searching and processing containerized data. Explained that “[u]pdating searchable containers

CASE	DATE	HOLDING
Op. at 10-11, 14-15 (N.D. Cal. Oct. 6, 2015)		of information based on past search results or based on external time or location resembles age-old forms of information processing such as have previously been employed in libraries, businesses, and other human enterprises with folders, books, time-cards, ledgers, and so on.” Rejected plaintiff’s argument that the claimed invention was designed to “overcome limitations associated with the static information model of computerized data processing.” Held that the claims lacked inventive concept because, regardless of whether they were “novel and nonobvious” at the time of filing, they “do nothing to ground this abstract idea in a specific way, other than to implement the idea on a computer.”
<i>Cyberfone Sys. LLC v. Lexmark Int’l Inc.</i> , No. 1:14-cv-01489, Op. at 16-17 (D. Del. October 8, 2015)	10/08/2015	Granting motion for judgment on the pleadings that data server patent claims were ineligible, holding that the claims were directed to the abstract concept of “entering and processing data obtained in response to forms or templates—a concept that predates computers. Held that the claims lacked inventive concept, explaining that although the problem addressed by the claims is rooted in computer technology, “the claimed solution is not disclosed with enough specificity to transform the abstract idea (entering and processing data in response to questions on forms or templates) into a patentable application of such, thus risking monopolization of the abstract idea itself.”
<i>Parus Holdings, Inc. v. Sallie Mae Bank</i> , No. 1:14-cv-01427, Op. at 17-18, 22 (D. Del. Oct. 8, 2015)	10/08/2015	Granting motion to dismiss on the basis of ineligibility of voice and data communications unification patent claims. Held that the claims call “for using a ‘computer and telecommunications network for receiving, sending and managing information from a subscriber to the network and from the network to a subscriber.’ . . . Although at the time of issuance the challenges addressed by the patents-in-suit undoubtedly were considered to be Internet-centric, under the current analytical paradigm (i.e., in hindsight), the fact that there are pre-Internet analogs to the patent claims suggests methods of organizing human (business) activity and, therefore, an abstract idea.” Held that the claims lacked inventive concept because, even if the problem addressed “were characterized as Internet-centric, the claimed solution is not described with enough specificity to place meaningful boundaries on the inventive concept.” They “do not reference any

CASE	DATE	HOLDING
		customization of the ‘compilation of hardware and software’ described by the specification.
<i>YYZ LLC v. Hewlett Packard Co.</i> , No. 1:13-cv-00136, Op. at 16, 19 (D. Del. Oct. 8, 2015)	10/08/2015	Granting motion for summary judgment on the basis of ineligibility of asynchronous message tracking patent claims. Held that the claims were directed to the abstract idea of “collecting a copy of information relating to a business process, consisting of two steps: (1) sending a copy of information relating to the status of a business activity to a central repository; and (2) storing the copied information in a record in the central repository.” Held that the claims lacked inventive concept, finding that the “claim language itself does not describe the ‘custom component’ or how the ‘monitoring message’ is created . . . A component that ‘can be configured’ to perform the claimed function is neither sufficiently described nor sufficiently innovative to transform the inventive concept at bar into patent-eligible subject matter.”
<i>Neochloris, Inc. v. Emerson Process Mgm’t Power & Water Solutions, Inc.</i> , No. 1:14-cv-09680, Op. at 9, 16 (N.D. Ill. Oct. 13, 2015)	10/13/2015	Granting motion for summary judgment on the basis of ineligibility of water treatment patent claims, holding that the claims were directed to the abstract idea of “observing, analyzing, monitoring, and altering,” which can be done by the human mind and by using pen and paper. Held that the claims lacked inventive concept because they merely involved generic computer implementation. Held that “nowhere does [plaintiff] assert that it invented an interface that optimizes water management or created a new form of searching, statistical analysis, pattern recognition, or data encryption.”
<i>Kinglite Holdings Inc. v. Micro-Star Int’l Co. Ltd.</i> , No. 2:14-cv-03009, Op. at 14, 18 (C.D. Cal. Oct. 16, 2015)	10/16/2015	Granting motion for judgment on the pleadings on the basis that the asserted BIOS authentication patent claims were ineligible. Held that the claims were directed to the abstract idea of “solv[ing] a problem of authentication for security purposes,” where the problem is not “necessarily rooted in computer technology.” Held that the claims lacked inventive concept because the claims “simply instruct the practitioner to implement the abstract idea of authentication with routine, conventional activity on a generic computer.”

CASE	DATE	HOLDING
<i>Protegrity USA, Inc. v. Netskope, Inc.</i> , No. 15-cv-02515, Op. at 8, 11 (N.D. Cal. Oct. 19, 2015)	10/19/2015	Granting motion for judgment on the pleadings on the basis that the asserted database intrusion detection patent claims were ineligible. Held that the claims were directed to the abstract idea of “limiting access to information based on specified criteria.” Held that the claims lacked inventive concept because, for instance, the “concept of limiting the amount of data a user can access is obvious and subsumed in the ‘inference detection’ category of prior art disclosed by the specification.”
<i>Securus Techs. Inc. v. Global Tel*Link Corp.</i> , No. 3:13-cv-03009, Op. at 8, 10-11 (N.D. Tex. Nov. 2, 2015)	11/02/2015	Granting motion for summary judgment on the basis that prison security patent claims were ineligible. Held that the claims were directed to the abstract idea of “comparing collections of information to see if there is a match between sets of information.” Held that the claims lacked inventive concept. Claim 1, for instance, claimed no more than the abstract idea itself. And the dependent claims did not add any inventive concept because, for instance, there were no limitations “regarding what type of information is collected, what type of communications are monitored, the details of the information collected, where the information is collected from, and what type of actions are performed if there is a match.”
<i>GT Nexus, Inc. v. Intra Inc.</i> , No. 4:11-cv-02145, Op. at 6-7, 11 (N.D. Cal. Nov. 5, 2015)	11/05/2015	Granting motion for judgment on the pleadings that carrier system patent claims were ineligible. Held that the claims, which “describe a third-party portal that facilitates the process of booking and tracking shipping containers across multiple carriers,” were directed to the abstract idea of “intermediated booking and tracing of shipping containers.” Held that the claims lacked inventive concept because they recited nothing more than generic computer systems to perform the various claimed features.
<i>DATATRAK Int’l, Inc. v. Medidata Solutions, Inc.</i> , No. 1:11-cv-00458, Op. at 9, 11-12 (N.D. Ohio Nov. 6, 2015)	11/06/2015	Granting motion for judgment on the pleadings that searching and unifying data patent claims were ineligible. Held that the claims were directed to the abstract idea of “data organization and retrieval from multiple data source types,” and that the idea of “efficient retrieval, storage, organization, and categorization of data are routinely found to involve abstract ideas. The use of tables and indexes to sort data for retrieval are longstanding principles that have been in use for ages and can be done by a human.” Held that the claims lacked inventive concept because

CASE	DATE	HOLDING
		the “proffered improvements, i.e., the solutions to ‘data overload,’ ‘costs for organizing data’” and other such solutions were not necessarily rooted in computer technology to overcome a problem specifically arising in the realm of computer networks. For instance “data overload,” or the “proliferation of different data sources” “has been around for ages and is a problem that undoubtedly affects noncomputerized data storage.”
<i>MacroPoint, LLC v. Fourkites, Inc.</i> , No.1:15-cv-01002, Op. at 6, 9-11 (N.D. Ohio Nov. 6, 2015)	11/06/2015	Granting motion to dismiss on the basis that the vehicle monitoring patent claims were ineligible. Held that the claims were directed to the abstract idea of “tracking freight,” including “monitoring, locating, and communicating regarding the location of freight.” Held that the claims lacked inventive concept, rejecting the plaintiff’s argument that “the concept of using a third-party intermediary to locate freight and obtain consent is an inventive concept because this method has not been used in the freight tracking industry.” Instead found that even if some steps of the claims “were not previously employed in this art is not enough – standing alone – to confer patent eligibility,” as the steps “do involve ‘well-understood routine, conventional activity.’”
<i>Listingbook, LLC v. Market Leader, Inc.</i> , No. 1:13-cv-00583, Op. at 16, 20 (M.D.N.C. Nov. 13, 2015)	11/13/2015	Granting motion for summary judgment on the basis of ineligibility of asserted claims, holding that the claims were directed to the abstract idea of sharing information among real estate agents and clients. Held that the patent specification even “confirms” that the claimed invention takes the “interaction” between “agents and clients,” who “have exchanged information and collaborated in the real estate search process,” and merely “places the interaction online.” Held that the claims lacked inventive concept because “each step recites a conventional task that can be performed by a generic computer.”
<i>Stanacard, LLC v. Rubard, LLC</i> , No. 1:12-cv-05176, Op. at 8, 10-11 (S.D.N.Y. Nov. 18, 2015)	11/18/2015	Granting motion for summary judgment on the basis of ineligibility of call routing patent claims. Held that the claims were directed to the abstract idea of “connecting two people via long distance telephony using caller ID and call forwarding.” Held that the claims lacked inventive concept because the claimed invention did not solve a problem “rooted in computer technology.” Further

CASE	DATE	HOLDING
		explained that even if the “genius of the patent” was “clever and creative,” patents are “not available for all inspirations of genius.”
<i>Collarity Inc. v. Google Inc.</i> , No. 1:11-cv-01103, Op. at 9, 19, 24-25 (D. Del. Nov. 25, 2015)	11/25/2015	Granting motion for summary judgment on the basis of ineligibility of asserted search refinement patent claims. Held that the claims were directed to the abstract idea of improving computerized searches. Further held that the claims lacked inventive concept because “the concept of refining a search query is a problem humans have long dealt with, including before the advent of the Internet,” and rejected the plaintiff’s argument that the claims were limited to use on a specific computer. Finally, the court rejected plaintiff’s argument that its claims were eligible because a nearly identical continuation patent had just been issued by the PTO post- <i>Alice</i> .
<i>Modern Telecom Sys. LLC v. Lenovo Grp. Ltd.</i> , No. 8:14-cv-01266, Op. at 14, 22 (C.D. Cal. Dec. 2, 2015)	12/02/2015	Granting-in-part motion for summary judgment on the basis of ineligibility of fast start-up patent claims. Held that the claims, which sought to “shorten start-up time between two devices configured to communicate with each other over a data communication channel by leveraging previously known connections,” were directed to the abstract idea of “communicating data and mathematical calculations through communication channels.” Held that the claims lacked sufficient inventive concept, rejecting the plaintiff’s argument that the claims were sufficiently inventive because they were “limited to a particular technology.”
<i>Epic Tech. LLC v. FitNow, Inc.</i> , No. 2:15-cv-00442, Op. at 8, 10-11 (D. Utah Dec. 7, 2015)	12/07/2015	Granting motion for judgment on the pleadings that asserted mobile health information patent claims were ineligible. Held that the claims were directed to the abstract idea of “keeping a nutritional log.” Further held that the claims lacked inventive concept, as even the “specification emphasizes the generic nature of the” relevant “computing device.”
<i>West View Research, LLC v. Hyundai Motor Co., Ltd.</i> , No. 3:14-cv-02675, Op. at 11, 13-14 (S.D. Cal. Dec. 11, 2015)	12/11/2015	Granting motion for judgment on the pleadings that the asserted transport information display patent claims were ineligible. Held that the claims were directed to the abstract idea of “using a computer to provide information to a user.” Held that the claims lacked inventive concept because they “do not claim solutions to a problem that arose uniquely in the realm of computer networks” and

CASE	DATE	HOLDING
<p><i>West View Research, LLC v. Audi AG</i>, No. 3:14-cv-02668, Op. at 2-3 (S.D. Cal. Mar. 31, 2016)</p>	<p>03/31/2016</p>	<p>the “patents do little more than describe the use of a computer to obtain information while in an elevator (or other related transport device).” Explained that the “general idea of using a generic computer to remedy this problem ‘is not generally the sort of ‘additional feature’ that provides any practical assurance that the process is more than a drafting effort designed to monopolize the abstract idea itself.”</p> <p>Interestingly, before dismissing the case, the court allowed the plaintiff to assert alternative claims “with a good faith showing how they are distinguishable from the claims discussed herein.”</p> <p>Held that alternative claims that plaintiff chose to assert after prior grant of motion for judgment on the pleadings were ineligible, finding none of the alternative claims distinguishable from the previously asserted claims.</p>
<p><i>RecogniCorp, LLC v. Nintendo Co., Ltd.</i>, No. 2:12-cv-01873, Op. at 7, 12 (W.D. Wash. Dec. 15, 2015)</p>	<p>12/15/2015</p>	<p>Granting motion for judgment on the pleadings on the basis that the asserted image data encoding patent claims were ineligible. Rejected plaintiff’s argument that the motion was premature because claim construction had not occurred, noting that numerous courts have considered eligibility without having conducted claim construction. Held that the claims were directed to the abstract idea “encoding and decoding data,” and explained that “encoding information has countless pre-computer applications.” Further held that the claims lacked an inventive concept because “the innovation claimed ... is merely a more efficient manner of encoding ... by using a generic computer.”</p>

CASE	DATE	HOLDING
<p><i>Network Apparel Grp., LP v. Airwave Networks Inc.</i>, No. 6:15-cv-00134, Op. at 10, 22, 30-34 (W.D. Tex. Dec. 30, 2015)</p>	<p>12/30/2015</p>	<p>Report and recommendation to grant motion to dismiss on the basis that network messaging patent claims were ineligible. Held that claim construction was not necessary despite the plaintiff’s proposed definitions that he considered “absolutely crucial” for the 101 inquiry, because the defendants had accepted those definitions for the purposes of the motion to dismiss. Held that the claims were directed to the abstract idea of “incentivizing an end user to acknowledge the receipt of a message.” Further held that the claims lacked an inventive concept because the claims merely recited generic devices to carry out the abstract idea.</p>
<p><i>Rothschild Location Techs. LLC v. Geotab USA, Inc.</i>, No. 6:15-cv-00682, Op. at 6-7, 10, 12-13 (E.D. Tex. Jan. 4, 2016)</p> <p><i>Rothschild Location Techs. LLC v. Geotab USA, Inc.</i>, No. 6:15-cv-00682 (E.D. Tex. May 16, 2016) (adopting report and recommendation)</p>	<p>01/04/2016</p> <p>05/16/16</p>	<p>Report and recommendation to grant motion to dismiss that asserted GPS patent claims were ineligible. Held that “[w]hile assessing patent-eligibility ... may involve underlying factual findings, courts may also draw on their judicial experience and common sense at the motion to dismiss stage to assess whether an invention or structural claim elements are conventional, routine, or well-known.”</p> <p>Also pointed out that the parties “fail to specifically identify a claim construction dispute or any claim term that, when construed properly, would impact the analysis.” Held that the claims were directed to the abstract concept of “address retrieval.” Further held that the claims lacked an inventive concept, as a “GPS device is a well-known generic computer element insufficient to make otherwise patent-ineligible subject matter patentable.”</p>
<p><i>Motivation Innovations, LLC v. PetSmart, Inc.</i>, No. 1:13-cv-00957, Op. at 17–18 (D. Del. Jan. 12, 2016)</p>	<p>01/12/2016</p>	<p>Granting motion for judgment on the pleadings on the basis that asserted discount redemption patent claims were ineligible. Held that the claims were directed to the abstract idea of the “use and redemption” of coupons, or using coupons to provide discounts. Further held that the claims lacked an inventive concept, as the use of a “‘machine readable identification code’ to take discount offers and track customer purchasing habits ... is not an internet (or computer) centric problem. Nor do the method steps lend sufficient specificity to negate pre-emption.”</p>

CASE	DATE	HOLDING
<i>American Needle, Inc. v. Zazzle Inc.</i> , No. 1:15-cv-03971, Op. at (N.D. Ill. Jan. 19, 2016)	01/19/2016	Granting motion to dismiss on the basis of ineligibility of asserted customizable merchandise preview patent claims. Held that the claims were directed to an abstract idea of “[p]resenting various iterations of products with different design elements in order to entice business,” and held that the idea was “not computer or network specific.” Held that the claims lacked an inventive concept because the claimed invention was “not tied to a particular machine” and that showing that “some of the ... steps were not previously employed in this art is not enough—standing alone—to confer patent eligibility.”
<i>Voxathon LLC v. Alpine Elecs. of America, Inc.</i> , No. 2:15-cv-00562, Op. at 8-9 (E.D. Tex. Jan. 21, 2016)	01/21/2016	Granting motion to dismiss on the basis of ineligibility of asserted call recovery patent claims. Held that the claims were directed to the abstract idea of responding to a sender of a message. Further held that the claims lacked an inventive concept, as the claims simply cover the automation of the abstract idea, which can be performed by a generic computer. Explained that, although “a computer may be more efficient or less error-prone than a human, mere automation through a generic computer” is insufficient for eligibility.
<i>OpenTV, Inc. v. Apple Inc.</i> , No. 5:15-cv-02008, Op. at 8, 11, 13, 15 (N.D. Cal. Jan. 28, 2016)	01/28/2016	Granting motion to dismiss on the basis that the asserted interactive television application patent claims were ineligible. Held that the claims were directed to the abstract idea of the “practice of controlling access to information by verifying credentials (via well-known encryption methods),” which the court held was “neither novel nor specific to interactive television systems.” Held that the claims lacked an inventive concept because they merely applied the known concept “to web-based software applications and use a general purpose computer to perform the verification.” Also granted the motion as to the pay per view access patent claims. Held that those claims were directed to the abstract idea of “[g]ranted access to a product (pay per view programming for example) after confirming that the user has paid for the product and provided certain product specific information.” Further held that the claims lacked an inventive concept because “each of the components recited are conventional.”

CASE	DATE	HOLDING
<p><i>Kaavo Inc. v. Cognizant Tech. Solutions Corp.</i>, No. 1:14-cv-01192, Op. at 12, 16-17 (D. Del. Feb. 5, 2016), <i>adopted</i> on Mar. 31, 2016</p>	<p>02/05/2016</p>	<p>Report and recommendation to grant in part motion to dismiss on the basis that the asserted cloud computing patent claims were ineligible. Held that the claims were directed to the abstract idea of “setting up and managing a cloud computing environment.” Further held that the claims lacked an inventive concept, finding that the plaintiff’s assertion that the claims “implied” a reference to “specific hardware” was insufficient.</p>
<p><i>Secured Mail Solutions, LLC v. Universal Wilde, Inc.</i>, No. 2:15-cv-07562, Op. at 10, 14-15 (C.D. Cal. Feb. 16, 2016)</p>	<p>02/16/2016</p>	<p>Granting motion to dismiss on the basis that the asserted mail security patent claims were ineligible. Held that the claims were directed to the abstract idea of “communicating information about a mailpiece by use of a marking.” Further held that the claims lacked an inventive concept because they merely employ generic hardware and software.</p>
<p><i>TNS Media Research, LLC v. TRA Global, Inc.</i>, No. 1:11-cv-04039, Op. at 34, 37 (S.D.N.Y. Feb. 22, 2016)</p>	<p>02/22/2016</p>	<p>Granting counterclaim defendant’s motion for summary judgment on the basis of ineligibility of asserted advertising analysis patent claims. Explained that the claims are directed to an abstract idea, as they merely cover a digital, double-blind matching of collected purchase data and program delivery data to individual households—and the abstract nature of the concept is “confirmed by the fact” that the claims, as a whole, can be performed by humans rather than computers. Held that the claims only involved generic processes and rejected the patentee’s argument that the claimed invention “allowed a massive scale up of tracking the efficacy of advertising without the burden and expense of installing supplemental data collection devices in people’s homes and without an invasion of consumer privacy,” as “these hypothetical benefits are not recited in [the] actual patent claims.”</p> <p>New district court judge held that the claims were not directed to an abstract idea, and were instead a solution to a known industry problem: “determining the value proposition of an advertising campaign.” Held that the claims did not lack an inventive concept, as they addressed specific problems and provided the necessary technological improvements.</p>

CASE	DATE	HOLDING
<i>O2 Media, LLC v. Narrative Science Inc.</i> , No. 1:15-cv-05129, Op. at 11, 18-19 (N.D. Ill. Feb. 25, 2016)	02/25/2016	Granting motion to dismiss on the basis that asserted computer-assisted financial news and report generation patent claims were ineligible. Held that the claims were directed to the abstract idea of “filtering selected financial data into” certain formats. Held that the claims lacked an inventive concept, noting that the patents “do not disclose any technical description of how the steps in the process take place or claim any improvement over the process by which such software” for creating narratives relating to financial information.
<i>A Pty. Ltd. v. Facebook, Inc.</i> , No. 1-15-CV-156, Op. at 9–10 (W.D. Tex. Feb. 29, 2016)	02/29/2016	Granting motion for judgment on the pleadings that the asserted patent claims reciting a method for conveying e-mails were ineligible. Held that the claims were directed to the abstract idea of an address directory. Further held that the claims lacked an inventive concept because, for instance, they did not solve a problem specifically arising in the realm of computer networks.
<i>RaceTech, LLC v. Kentucky Downs, LLC</i> , No. 1:15-cv-00059, Op. at 10, 16, 18-19 (W.D. Ky. March 1, 2016)	03/01/2016	Granting motion to dismiss on the basis that the asserted gaming patent claims were ineligible. Held that the claims were directed to the abstract idea of “wagering on unknown past events rather than a memory test.” Held that the claims lacked an inventive concept, stating that “[i]nstead of providing something more,” the claims “provide something less”: “None of the frequent complications occurring in real-time races would impair wagering on pre-recorded races because the winners have been determined before wagering on the recorded race even commences.” Also held that the seed pool gaming patent claims were ineligible. Held that the claims were directed to the “fundamental economic concept” of allowing “additional funds to be added to the total award amount if the amount is below the ‘threshold value.’” Held that the claims lacked an inventive concept, as they merely involved “purely generic computer equipment.”
<i>Clairlogic, Inc. v. FormFree Holdings Corp.</i> , No. 3:15-cv-00041, Op. at 4-5 (S.D. Cal. Mar. 4, 2016)	03/04/2016	Granting motion for summary judgment on the basis that the asserted credit reporting patent claims were ineligible. Held that the claims were directed toward that abstract idea of financial risk assessment. Held that the claims lacked an inventive concept, as the claims merely recited routine and conventional

CASE	DATE	HOLDING
		activities. Further held that the addition of computer implementation was insufficient, as increasing speed, “without some innovative method producing the increase, is not in itself an inventive step.” Noted that the “distinguishing feature between the present patent and prior art is its emphasis on risk assessment,” but that “any proprietary risk analysis is” unpatentable.
<i>Peschke Map Techs. LLC v. Rouse Properties, Inc.</i> , No. 1:15-cv-01365, Op. at 10, 13-14 (E.D. Va. Mar. 8, 2016)	03/08/2016	Granting motion to dismiss on the basis that the asserted computer navigation patent claims were ineligible. Held that the claims were directed to the abstract idea of using “multiple layers of maps that enable[] users to zoom into and out of a geographic area.” Held that the claims lacked an inventive concept, rejecting plaintiff’s argument that “it was not commonplace to use an object overlaid on a map as a hyperlink to an information page” when the computerized mapping system was invented, holding that it was “simply the computerization of the well-known practice ... of using a map that depicts the shapes of stores as seen from above to provide the map user with information about those different stores.”
<i>Joao Control & Monitoring Sys., LLC v. Telular Corp.</i> , No. 1:14-cv-09852, Op. at 11-12, 18 (N.D. Ill. Mar. 23, 2016)	03/23/2016	Granting motion for judgment on the pleadings on the basis of ineligibility of asserted vehicle security patent claims. Held that the claims were directed to the abstract idea of “monitoring and controlling property and communicating this information through generic computer functions.”
<i>SnowCast Solutions LLC v. Endurance Specialty Holdings Ltd.</i> , No. 1:15-cv-05305, Op. at 4-5, 10 (N.D. Ill. Mar. 23, 2016)	03/23/2016	Granting motion to dismiss on the basis of ineligibility of asserted weather risk management patent claims. Held that the claims cover an “innovative technological system that connects ... a weather database and a database of already-priced weather derivatives to computer-implemented modules.” Held that this was not distinguishable from the abstract idea of hedging risk, here as applied to the weather-related services market.” Held that the claims lacked an inventive concept, as they merely applied generic computer components.
<i>Mobile Telecommunications Techs., LLC v. United Parcel Service, Inc.</i> , No. 1:12-cv-03222, Op. at 11, 18 (N.D. Ga. Mar. 24, 2016)	03/24/2016	Granting motion for judgment on the pleadings on the basis of ineligibility of asserted mail delivery notification patent claims. Held that the claims were directed to the abstract idea of “notifying customers that their package is late, or that it has arrived.” Held that the claims lacked an inventive concept, as sending a message over the internet, for example, “is anything but generic.”

CASE	DATE	HOLDING
<i>NexusCard, Inc. v. The Kroger Co.</i> , No. 2:15-cv-00968, Op. at 8-10 (E.D. Tex. Mar. 24, 2016)	03/24/2016	Granting motion to dismiss on the basis of ineligibility of asserted discount redemption system patent claims. Held that the claims were directed to the abstract idea of “collecting customer information” and “membership discount programs.” Held that the claims lacked an inventive concept because the claims merely employed generic computers.
<i>Global Cash Access, Inc. v. NRT Tech. Corp.</i> , No. 2:15-cv-00822, Op. at 12, 14-15 (D. Nev. Mar. 25, 2016)	03/25/2016	Granting motion to dismiss on the basis of ineligibility of asserted cash access patent claims. Held that the claims were directed to the abstract idea of suggesting “ways around a bank’s ATM withdrawal limit.” Held that the claims lacked an inventive concept because, even by “instructing one terminal to perform two different transactions to obtain cash” “does not elevate them from” routine and conventional activities already used to obtain cash.
<i>SkillSurvey, Inc. v. Checkster LLC</i> , No. 2:15-cv-01766, Op. at 11, 17 (E.D. Pa. Mar. 31, 2016)	03/31/2016	Granting motion to dismiss on the basis of ineligibility of asserted candidate evaluation patent claims. Held that the claims were directed to the abstract idea of reference checking job applicants. Held that the claims lacked an inventive concept, as the claims merely applied generic computing technology.
<i>NexusCard, INC. v. Brookshire Grocery Co.</i> , No. 2:15-cv-00961, Op. at 8-10 (E.D. Tex. Apr. 6, 2016)	04/06/2016	Granting motion to dismiss on the basis of ineligibility of asserted discount redemption patent claims. Held that the claims were directed to the abstract idea of a “membership discount program” on a network. Held that the claims lacked an inventive concept, as they merely implemented the abstract idea to a network of connected computers.
<i>Gonzalez v. InfoStream Grp., Inc.</i> , No. 2:14-cv-00906, Op. at 6-7 (E.D. Tex. April 26, 2016)	04/26/2016	Granting motion for summary judgment on the basis of ineligibility of the asserted claims covering digital labeling of websites. Held that the claims were directed to the abstract idea of “gathering and labeling information to facilitate efficient retrieval of the labeled information.” Held that the claims lacked an inventive concept, as they offer nothing more than applying the abstract idea on the Internet.
<i>Groundswell Techs., Inc. v. Synapsense Corp.</i> , No. 2:15-cv-	04/28/2016	Granting motion to dismiss on the basis of ineligibility of the asserted imaging sensor patent claims. Held that the claims were directed to the abstract idea of collecting data or storing data. Held that the claims lacked an inventive concept

CASE	DATE	HOLDING
06024, Op. at 8, 12-13 (C.D. Cal. Apr. 28, 2016)		because they used well understood and routine steps in applying that abstract idea.
<i>eResearch Tech., Inc. v. CRF, Inc.</i> , No. 2:15-cv-00918, Op. at 12, 16 (W.D. Pa. May 10, 2016)	05/10/2016	Granting motion to dismiss, pre-claim construction, on the basis of ineligibility of the asserted clinical drug trial patent claims. Held that the claims were directed to the abstract idea of “using an electronic device to obtain clinical trial data ... and analyzing the data to decide whether to prompt action.” Held that the claims lacked an inventive concept, as they merely applied “traditional statistical tools to data.”
<i>Preservation Wellness Techs., LLC v. Allscripts Healthcare Solutions, Inc.</i> , No. 2:15-cv-01559, Op. at 12, 23 (E.D. Tex. May 10, 2016)	05/10/2016	Granting motion to dismiss on the basis that the asserted medical records system patent claims were ineligible. Held that the claims were directed to the abstract idea of maintaining patient records that permit tiered access. Held that the claims lacked an inventive concept, as they merely used a “conventional computer program – a two-way firewall.”
<i>Mobile Telecommunications Techs., LLC v. Research In Motion Corp.</i> , No. 3:12-cv-01652, Op. at 4, 8-9 (N.D. Tex. May 12, 2016)	05/12/2016	Granting motion for summary judgment on the basis that the asserted electronic messaging patent claims were ineligible. Held that the claims were directed to the abstract idea of sending and storing messages, “which is not rooted in computer technology.” Held that the claims lacked an inventive concept because they merely used “generic computer components.”
<i>Baxter Int’l, Inc. v. CareFusion Corp.</i> , No. 1:15-cv-09986, Op. at 22, 24-25, 28-29 (N.D. Ill. May 13, 2016)	05/13/2016	Denying motion to dismiss on the basis that the asserted infusion pump battery gauge and medication level controller patent claims were ineligible. Held that the battery gauge claims were not directed toward an abstract idea because they “are directed to a concrete, tangible instrument that utilizes a sampling detection technique” and “transform any abstract concept” into something “significantly more” than “mere calculation.” Held that the medication level controller claims were not directed toward an abstract idea because they “incorporate physical and tangible components directed toward ... an improved infusion pump system capable of automatic, dynamic adjustment of a patient’s medicine based on his or her condition.” Also held that the medication level controller claims did not lack an inventive concept because they “provide a dynamic means of adjusting pain

CASE	DATE	HOLDING
		medication dosage,” which was “an attribute that goes beyond mere ‘improved speed or efficiency.’”
<i>Kinglite Holdings Inc. v. Micro-Star Int’l Co. Ltd.</i> , No. 2:14-cv-03009, Op. at 8, 10-11 (C.D. Cal. May 26, 2016)	05/26/2016	Granting motion for judgment on the pleadings that the asserted BIOS multitasking patent claims were ineligible. Held that the claims were directed to the abstract idea of “the basic process of doing two things nearly simultaneously.” Held that the claims lacked an inventive concept because they “simply instruct the practitioner to implement the idea of multitasking within a feature of conventional computers.”
<i>Visual Memory LLC v. NVIDIA Corp.</i> , No. 1:15-cv-00789, Op. at 7, 14 (D. Del. May 27, 2016)	05/27/2016	Granting motion to dismiss on the basis that the asserted computer memory hierarchy patent claims were ineligible. Held that the claims were directed to the abstract idea of “categorical data storage.” Held that the claims lacked an inventive concept because the claimed computer functionalities, including “main memory” and a “cache,” could “only be described as generic or conventional.”
<i>White Knuckle Gaming, LLC v. Elec. Arts, Inc.</i> , No. 1:15-cv-00150, Op. at 6-7 (D. Utah June 2, 2016)	06/02/2016	Granting motion to dismiss on the basis that the asserted video game updating patent claims were ineligible. Held that the claims were directed to the abstract idea of “updating software parameters.” Held that the claims lacked an inventive concept because they merely required generic computer implementation “via a network,” and the “only improvement is that the software updates are able to happen more frequently and quickly because they are done via the internet.”
<i>GoDaddy.com LLC v. RPost Communications Ltd.</i> , No. 2:14-cv-00126, Op. at 15, 21, 25, 28–29 (D. Az. June 7, 2016)	06/07/2016	Granting motion for summary judgment on the basis that asserted authentication and electronic message verification patent claims were ineligible. Held that the authentication claims were directed to the abstract idea of “collecting and providing information about a dispatch using a third party intermediary.” Held that those claims lacked an inventive concept because, although a “mathematical association method” is used, the claims “do not specify what type of mathematical association is performed or explain how the content data is associated with the dispatch record data in a manner that generates authentication data. As to the verification claims, held that they were directed to the abstract idea of “collecting delivery information.” Held that the claims lacked an inventive concept because

CASE	DATE	HOLDING
		they described “conventional activities” that “nearly every computer” can perform.
<i>Apollo Finance LLC v. Cisco Sys., Inc.</i> , No. 2:15-cv-09696, Op. at 13, 17 (C.D. Cal. June 7, 2016)	06/07/2016	Granting motion to dismiss on the basis that the asserted online education patent claims were ineligible. Held that the claims were directed to the abstract idea of “teaching practical skills to learners at geographically separate locations over the internet.” Held that the claims lacked an inventive concept because there were no additional inventive features and no “specialized technology” invented to perform those functions.
<i>NextPoint, Inc. v. Hewlett-Packard Co.</i> , No. 1:15-cv-08550, Op. at 8, 16–17 (N.D. Ill. June 8, 2016)	06/08/2016	Granting motion to dismiss on the basis that the asserted information management patent claims were ineligible. Held that the claims were directed to the abstract idea of “receipt, storage, and processing.” Held that the claims lacked an inventive concept because “breaking down and identifying litigation materials by page or document” is a “well-understood, routine conventional activity.”
<i>Papst Licensing GmbH & Co. KG v. Xilinx Inc.</i> , No. 5:16-cv-00925, Op. at 20, 35 (N.D. Cal. June 9, 2016)	06/09/2016	Granting motion for judgment on the pleadings on the basis that the asserted computer memory testing patent claims were ineligible. Held that the claims were directed to the abstract idea of “the use of a simulator to determine whether a memory test violates a set of rules.” Held that the claims lacked an inventive concept because they “contain no suggestion of any novel or unconventional way in which an error message or proposed adjustment would be created or displayed by the simulator that might impose a meaningful limitation on the claims’ scope.”
<i>Am. Well Corp. v. Teladoc, Inc.</i> , No. 1:15-cv-12274, Op. at 10, 16–17 (D. Mass. June 13, 2016)	06/13/2016	Granting motion to dismiss on the basis that the asserted telehealth patent claims were ineligible. Held that the claims were directed to the abstract idea of “setting up consultations between patients and available healthcare providers.” Held that the claims lacked an inventive concept because, even though they “allow patients to obtain healthcare more expeditiously than with prior telehealth systems,” merely automating or making “more efficient” traditional methods or techniques did not render the claims eligible.

CASE	DATE	HOLDING
<i>Interval Licensing LLC v. AOL, Inc.</i> , No. 2:10-cv-01385, Op. at 5, 7–8 (W.D. Wash. June 17, 2016)	06/17/2016	Granting motion for judgment on the pleadings that the asserted attention management patent claims were ineligible. Held that the claims were directed to the abstract idea of “providing information to a person without interfering with the person’s primary activity.” Held that the claims lacked an inventive concept because they, for instance, did not “recite how the attention manager performs the function of determining where to display images in the ‘windowed’ environment so that they do not interfere with a user’s primary activity.”
<i>Smart Software, Inc. v. PlanningEdge, LLC</i> , No. 1:15-cv-13814, Op. at 7, 16–17 (D. Mass. June 17, 2016)	06/17/2016	Granting motion to dismiss on the basis that the asserted demand forecasting patent claims were ineligible. Held that the claims were directed to the abstract idea of “forecasting intermittent demand,” which was analogous to the risk hedging in <i>Bilski</i> and intermediated settlement in <i>Alice</i> . Held that the claims lacked an inventive concept because they merely involved generic computer components to perform the calculations.
<i>Coffelt, Jr. v. NVIDIA Corp.</i> , No. 5:16-cv-00457, Op. at 8, 10 (C.D. Cal. June 21, 2016)	06/21/2016	Granting motion to dismiss on the basis that the asserted digital color selection patent claims were ineligible. Held that the claims were directed to a mathematical algorithm—“selecting a color for a portion of a digital image by calculating and comparing various vectors within a specific region of space.” Held that the claims lacked an inventive concept because, although the inventors “might have discovered a new and useful mathematical formula,” the “discovery of such a phenomenon cannot support a patent unless there is some other inventive concept in its application.”
<i>Open Parking, LLC v. ParkMe Inc.</i> , No. 2:15-cv-00976, Op. at 14, 18 (W.D. Pa. June 30, 2016)	06/30/2016	Granting motion to dismiss on the basis that the asserted parking space finder patent claims were ineligible. Held that the claims were directed to the abstract idea of “moving data (open parking spots or not, and maybe where they are) from one place (the parking lot) to another (the driver’s location).” Held that the claims lacked an inventive concept because they merely applied that concept with “generic computer technology.”
<i>Asghari-Kamrani v. U.S. Automobile Ass’n</i> , No. 2:15-cv-	07/05/2016	Granting motion to dismiss on the basis that the asserted user authentication patent claims were ineligible. Held that the claims were directed to the abstract

CASE	DATE	HOLDING
00478, Op. at 7, 12 (E.D. Va. July 5, 2016)		idea of “using a third party and a random, time-sensitive code to confirm the identity of a participant to a transaction.” Held that the claims lacked an inventive concept because they merely applied the concept with generic computers.
<p><i>Tridia Corp. v. Sauce Labs, Inc.</i>, No. 1:15-cv-02284, Op. at 15, 18 (N.D. Ga. July 13, 2016)</p> <p><i>Tridia Corp. v. Sauce Labs, Inc.</i>, No. 1:15-cv-02284, Op. at 22 (N.D. Ga. Sep. 28, 2016)</p>	<p>07/13/2016</p> <p>09/28/2016</p>	<p>Report and recommendation to grant motion to dismiss on the basis that the asserted claims, which covered “remotely accessing and controlling an application over a network,” were ineligible. Held that the claims were directed to the abstract idea of “enabling remote control of a computer program over a network.” Held that the claims lacked an inventive concept because they merely involved the use of generic computers.</p> <p>Rejecting the report and recommendation, finding that the claims did not lack an inventive concept. Held that the claims overcome a “flaw in existing technology—the inability to remotely install software on-demand without pre-installation.”</p>
<p><i>Proto Labs, Inc. v. ICO Prods., LLC</i>, No. 0:15-cv-2562, Op. at 31, 36, 56–57 (D. Minn. July 13, 2016)</p> <p><i>Proto Labs, Inc. v. ICO Prods., LLC</i>, No. 0:15-cv-2562, Op. at 20 (D. Minn. Sep. 16, 2016)</p>	<p>07/13/2016</p> <p>09/16/2016</p>	<p>Report and recommendation to grant motion to dismiss on the basis that the asserted automatic molded part quotation patent claims were ineligible. Held that the claims were directed to the abstract ideas of “determining whether two or more parts can be molded together,” and “providing a price quotation for the manufacture of a mold or molded part.” Held that the claims lacked an inventive concept, as they merely involved conventional computer components.</p> <p>Sustaining plaintiff’s objection to the report and recommendation, finding that the issue of whether the claims lacked an inventive concept was premature.</p>

CASE	DATE	HOLDING
<i>Appistry, Inc. v. Amazon.com, Inc.</i> , No. 2:15-cv-01416, Op. at 4, 6 (W.D. Wash. July 19, 2016)	07/19/2016	Granting motion to dismiss on the basis that the asserted claims covering the processing of information via networked computers were ineligible. Held that the claims were directed to the abstract idea of “distributed processing akin to the military’s command and control system.” Held that the claims lacked an inventive concept, as they merely involved generic computers performing generic functions.
<i>Activision Publishing, Inc. v. xTV Networks, Ltd.</i> , No. 2:16-cv-00737, Op. at 8, 13 (C.D. Cal. July 25, 2016)	07/25/2016	Granting motion to dismiss on the basis that the asserted network information management patent claims were ineligible. Held that the claims were directed to the abstract idea of “using information stored in one place to determine the location of and retrieve information stored in a second place.” Held that the claims lacked an inventive concept because, for instance, “no meaningful limitations are placed on any of the hardware or software.”
<i>Whitepages, Inc. v. Isaacs</i> , No. 3:16-cv-00175, Op. at 7, 10–11 (N.D. Cal. July 25, 2016)	07/25/2016	Granting motion for judgment on the pleadings that the asserted caller ID patent claims were ineligible. Held that the claims were directed to the abstract idea of “looking up a name associated with a phone number.” Held that the claims lacked an inventive concept because, for example, it was conceded that the patentee “did not create or improve the preexisting caller name databases.”
<i>Multimedia Plus, Inc. v. Playerlync LLC</i> , No. 1:14-cv-08216, Op. at 8, 10 (S.D.N.Y. July 29, 2016)	07/29/2016	Granting motion for judgment on the pleadings on the basis that the asserted learning management system patent claims were ineligible. Held that the claims were directed to the abstract idea of “administering a test.” Held that the claims lacked an inventive concept because they did not require any “specialized programming or other specific technology for accomplishing these functions.”
<i>VideoShare, LLC v. Google Inc.</i> , No. 1:13-cv-00990, Op. at 15, 19 (D. Del. Aug. 2, 2016)	08/02/2016	Granting motion for judgment on the pleadings on the basis that the asserted video streaming patent claims were ineligible. Held that the claims were directed to the abstract idea of “preparing a video in streaming video format for sharing over a computer network.” Held that the claims lacked an inventive concept because they “merely automate[d] what a person could do manually with a general purpose computer.”

CASE	DATE	HOLDING
<i>Zimmers v. Eaton Corp.</i> , No. 2:15-cv-02398, Op. at 11, 16 (S.D. Ohio Aug. 2, 2016)	08/02/2016	Granting motion for judgment on the pleadings on the basis that the asserted alert notification patent claims were ineligible. Held that the claims were directed to the abstract idea of “providing alert notifications to multiple persons.” Held that the claims lacked an inventive concept because they involved only generic technology.
<i>Intellectual Ventures I LLC v. Erie Indemnity Co.</i> , No. 1:14-cv-00220, Op. at 15, 18 (W.D. Pa. Aug. 4, 2016)	08/04/2016	Granting motion to dismiss on the basis that the asserted unauthorized file location patent claims were ineligible. Held that the claims were directed to the abstract idea of “identifying and categorizing files based on a set of predetermined criteria.” Held that the claims lacked an inventive concept, noting that there was “nothing inventive” about the claimed invention.
<i>Two-Way Media Ltd. V. Comcast Cable Communications LLC</i> , No. 1:14-cv-01006, Op. at 10, 15–16 (D. Del. Aug. 15, 2016)	08/15/2016	Granting motion for judgment on the pleadings that the asserted multicasting patent claims were ineligible. Held that the claims were directed to the abstract idea of sending information, directing it, monitoring receipt of the sent information, and accumulating records thereof. Held that the claims lacked an inventive concept because did not recite any new or inventive technology. Also held that asserted real-time information monitoring patent claims were ineligible as directed to the abstract idea of monitoring the delivery of real-time information, with no inventive concept.
<i>Intellectual Ventures I LLC v. J Crew Grp., Inc.</i> , No. 6:16-cv-00196, Op. at 7–10 (E.D. Tex. Aug. 24, 2016)	08/24/2016	Granting-in-part motion to dismiss on the basis that the asserted data integration and delivery patent claims were ineligible. Held that the claims were directed to the abstract idea of “combining data from two sources for delivery to a user,” with no inventive concept. Also held that recommendation system patent claims were directed to the abstract idea of “recommending products to customers based on purchase history,” with no inventive concept.
<i>In re Bill of Lading Transmission and Processing Patent Litig.</i> , No. 1:09-md-02050, Op. at 4 (S.D. Ohio Aug. 29, 2016)	08/29/2016	Granting motion to dismiss on the basis that the asserted trucking manifest patent claims were ineligible. Held that the claims were directed to the abstract idea of “creating an advance loading manifest,” with no inventive concept because they merely applied generic technology.

CASE	DATE	HOLDING
<p><i>CG Tech. Dev., LLC v. Big Fish Games, Inc.</i>, No. 2:16-cv-00857, Op. at 7–8, 19–20 (D. Nev. Aug. 29, 2016)</p>	<p>08/29/2016</p>	<p>Granting motion to dismiss on the basis that the asserted mobile gaming patent claims were ineligible. Held that the claims were directed to the abstract idea of “displaying statistics based on a user’s gaming activities.” Held that the claims lacked an inventive concept because they merely involved a “processor, memory device, and computing device.”</p> <p>Also held that asserted statistics generation patent claims were ineligible as directed to the abstract idea of “generating statistics based on collected data.” Held that the claims lacked an inventive concept because they “do not suggest that they have made any improvement to technology.”</p> <p>Also held that asserted gaming services patent claims were ineligible as directed to the abstract concepts of “allowing users to offer and accept wagers and transferring funds to users.” Held that the claims lacked an inventive concept because they did not make “any improvement to the technology involved.”</p>
<p><i>Sound View Innovations, LLC v. Facebook, Inc.</i>, No. 1:16-cv-00116, Op. at 7, 11 (D. Del. Aug. 30, 2016)</p>	<p>08/30/2016</p>	<p>Granting motion to dismiss on the basis that the asserted electronic information management patent claims were ineligible. Held that the claims were directed to the abstract idea of “managing information and preferences among members of a community.” Held that the claims lacked an inventive concept because they merely used generic computer components.</p>
<p><i>Front Row Techs., LLC v. Major League Baseball Properties, Inc.</i>, No. 1:10-cv-00433, Op. at 80, 104, 134 (D.N.M. Aug. 30, 2016)</p>	<p>08/30/2016</p>	<p>Granting motion for judgment on the pleadings on the basis that the asserted video streaming patent claims were ineligible. Held that the claims were directed to the abstract ideas of “sending video of an event to handheld devices over wireless networks” and “authorizing handheld devices to receive streaming video based on a user’s location.” Held that the claims lacked an inventive concept because the claimed components were generic.</p>
<p><i>Global Check Servs., Inc. v. Elec. Payment Sys., LLC</i>, NO. 1:14-cv-01430, Op. at 3, 8 (D. Colo. Sep. 14, 2016)</p>	<p>09/14/2016</p>	<p>Granting motion for judgment on the pleadings on the basis that the asserted check presentation system patent claims were ineligible. Held that the claims were directed to the abstract idea of “financing purchases via a series of checks.”</p>

CASE	DATE	HOLDING
		Held that the claims lacked an inventive concept because the claims did not recite a “novel and ordered combination of existing elements.”
<i>CallWave Communication LLC v. AT&T Mobility LLC</i> , No. 1:12-cv-01701, Op. at 9, 14 (D. Del. Sep. 15, 2016)	09/15/2016	Granting renewed motion for judgment on the pleadings that the asserted location determination patent claims were ineligible. Held that the claims were directed to the abstract idea of “relaying location information via an intermediary.” Held that the claims lacked an inventive concept because the claims recited hardly more than the “basic steps of requesting location information and responding with the requested information.”
<i>NICE Sys. Ltd. v. ClickFox, Inc.</i> , No. 1:15-cv-00743, Op. at 7, 9 (D. Del. Sep. 15, 2016)	09/15/2016	Granting motion to dismiss on the basis that the asserted web tracking patent claims were ineligible. Held that the claims were directed to the abstract idea of “cross-channel customer service.” Held that the claims lacked an inventive concept, as they required only generic computer components.
<i>TriDim Innovations LLC v. Amazon.com, Inc.</i> , No. 3:15-cv-05477, Op. at 6, 8 (N.D. Cal. Sep. 19, 2016)	09/19/2016	Granting motion to dismiss on the basis that the asserted 3-D workspace patent claims were ineligible. Held that the claims were directed to the abstract idea of “retrieving and arranging documents based on frequency of use.” Held that the claims lacked an inventive concept because the purportedly solved problem was not one “necessarily rooted in computer technology” and because the claims did not recite any “specific ways, hardware or software,” to carry out the claims.
<i>Data Engine Techs. LLC v. Google Inc.</i> , No. 1:14-cv-01115, Op. at 11, 13 (D. Del. Sep. 29, 2016)	09/29/2016	Granting motion for judgment on the pleadings that the asserted electronic spreadsheet patent claims were ineligible. Held that the claims were directed to the abstract idea of “using notebook-type tabs to label and organize spreadsheets.” Held that the claims lacked an inventive concept because they required only generic computer technology.
<i>CG Tech. Dev., LLC v. Zynga, Inc.</i> , No. 2:16-cv-00859, Op. at 11, 13 (D. Nev. Oct. 13, 2016)	10/13/2016	Granting motion to dismiss on the basis that the asserted casino gaming patent claims were ineligible. Held that the claims were directed to the abstract idea of “observing game events to determine the most favorable strategies for a player’s next move.” Held that the claims lacked an inventive concept because they required only generic computer technology.

CASE	DATE	HOLDING
<i>Orbcomm Inc. v. Calamp Corp.</i> , No. 3:16-cv-208, Op. at 16 (E.D. Va. Oct. 19, 2016)	10/19/2016	Denying in part motion to reconsider an order denying a motion to dismiss on the basis that remote monitoring of fleet vehicle patent claims were ineligible. Held that the claims were eligible even if they were directed to an abstract idea, as they use “engine frequency to measure run time,” which is “innovative technology.”
<i>Youtoo Techs LLC v. Twitter Inc.</i> , No. 3:16-cv-00764, Op. at 3–4 (N.D. Tex. Nov. 10, 2016)	11/10/2016	Granting motion to dismiss on the basis that the asserted video content distribution patent claims were ineligible. Held that the claims were directed to the abstract idea of automatically transcoding user recorded video files to a predetermined format. Held that the claims lacked an inventive concept because they recited only generic hardware and provided no improvement over the existing art.
<i>Visual Interactive Phone Concepts, Inc. v. United States Cellular Corp.</i> , No. 1:11-cv-05289, Op. at 10, 17 (N.D. Ill. Nov. 15, 2016)	11/15/2016	Granting motion for judgment on the pleadings on the basis that asserted videophone mailbox patent claims were ineligible. Held that the claims were directed to the abstract idea of conducting transactions using conventional computer components. Held that the claims lacked an inventive concept because they did not recite, and the specification did not disclose, an improved videophone.
<i>Content Aggregation Solutions LLC v. BLU Products, Inc.</i> , No. 3-16-cv-00527, Op. at 11, 16 (S.D. Cal. Nov. 29, 2016)	11/29/2016	Granting motion to dismiss on the basis that the asserted web-based communication patent claims were ineligible. Held that the claims were directed to the abstract idea of retrieving and transmitting data. Held that the claims lacked an inventive concept because they did not override any routine sequence of events on the Internet.
<i>Move Inc. v. Real Estate Alliance Ltd.</i> , No. 2-07-cv-02185, Op. at 10–12 (C.D. Cal. Dec. 1, 2016)	12/01/2016	Granting motion for summary judgment on the basis that the asserted real estate search patent claims were ineligible. Held that the claims were directed to the abstract idea of “collecting and organizing information about available real estate properties and displaying this information on a digital map.” Held that the claims lacked an inventive concept because there was no evidence that the claims improved computer functionality.
<i>ZKey Investments, LLC v. Facebook, Inc.</i> , No. 2-16-cv-	02/04/2016	Granting motion to dismiss on the basis that the asserted selective information exchange patent claims were ineligible. Held that the claims were directed to the

CASE	DATE	HOLDING
00782, Op. at 18, 23 (C.D. Cal. Feb. 4, 2016)		abstract idea of “collecting, storing, and sharing information of registered users with other registered and non-registered users.” Held that the claims lacked an inventive concept because they did not recite a “solution specific to the functionality of computers.”
<i>Technology Dev. and Licensing, LLC v. General Instrument Corp.</i> , No. 1-07-cv-04512, Op. at 8, 10 (N.D. Ill. Dec. 6, 2016)	12/06/2016	Granting motion for summary judgment on the basis that the asserted television control system patent claims were ineligible. Held that the claims were directed to the abstract idea because they “implement[] on a microprocessor a routine, conventional activity, that of making multiple lists of selected television channels and storing them so a user can readily choose a desired channel without having to go through the cable provider’s full viewer guide.” Held that the claims lacked an inventive concept, as they were not “innovative in the wider context of electronic circuitry or micro-processing.”
<i>Berkheimer v. Hewlett-Packard Company</i> , No. 1-12-cv-09023, Op. at 14, 19 (N.D. Ill. Dec. 12, 2016)	12/12/2016	Granting motion for summary judgment on the basis that the asserted digital archiving patent claims were ineligible. Held that the claims were directed to the abstract idea of “using a generic computer to collect, organize, compare, and present data for reconciliation prior to archiving.” Held that the claims lacked an inventive concept because the claims failed to recite a “specific, concrete contribution to the technology of digital archiving.”
<i>Technology Development, LLC v. DraftKings, Inc.</i> , No. 2-16-cv-00781, Op. at 6–7 (D. Nev. Dec. 12, 2016)	12/12/2016	Granting motion to dismiss on the basis that the asserted online gaming patent claims were ineligible. Held that the claims were directed to the abstract idea of “keeping track of players’ accounts and making adjustments thereto,” without an inventive concept.
<i>Automated Tracking Solutions, LLC v. ValidFill, LLC</i> , No. 1-15-cv-04348, Op. at 26 (N.D. Ga. Dec. 21, 2016)	12/21/2016	Granting motion for judgment on the pleadings that the asserted RFID tracking patent claims were ineligible. Held that the claims were directed to an abstract idea and failed to “describe a new or improved RFID transponder, a new or improved RFID reader, or a new or improved RFID antenna.”
<i>Intellectual Ventures I LLC v. AT&T Mobility LLC</i> , No. 1-12-cv-	12/30/2016	Granting motion to dismiss on the basis that the asserted telecommunications service modification patent claims (among others) were ineligible. Held that the

CASE	DATE	HOLDING
<i>00193</i> , Op. at 12–15 (D. Del. Dec. 30, 2016)		claims were directed to the abstract idea of account management, without any inventive concept.
<i>West View Research, LLC v. Bayerische Motoren Werke AG</i> , No. 3-14-cv-02670, Op. at 8, 11–12 (S.D. Cal. Dec. 30, 2016)	12/30/2016	Granting motion for judgment on the pleadings that the asserted electromagnetic user identification patent claims were ineligible. Held that the claims were directed to the abstract idea of “authenticating a user of the system and providing information to that user that is downloaded to the user’s personal electronic device.” Held that the claims lacked an inventive concept because they failed to provide any improvement to the technology.
<i>Virginia Innovation Sciences, Inc. v. Amazon.com, Inc.</i> , No. 1-16-cv-00861 (E.D. Va. Jan. 5, 2017)	01/05/2017	Granting motion to dismiss on the basis that the asserted video signal transfer patent claims were ineligible. Held that the claims were directed to the abstract idea of “converting a video signal for a mobile terminal to an ‘alternative display terminal,’” without any inventive concept.
<i>EMG Tech., LLC v. Etsy, Inc.</i> , No. 6:16-cv-00484 (E.D. Tex. Jan. 25, 2017)	01/25/2017	Report and recommendation to grant motion to dismiss on the basis that the asserted graphical user interface patent claims were ineligible. Held that the claims were directed to the abstract idea of “displaying information in a hierarchical tree format of a computer screen.” Held that the claims lacked an inventive concept because they merely recited generic computer components functioning in a conventional manner.
<i>EMG Tech., LLC v. Etsy, Inc.</i> , No. 6:16-cv-00484 (E.D. Tex. Mar. 1, 2017)	03/01/2017	Adopted the report and recommendation.

CASE	DATE	HOLDING
<i>Integrated Tech. Sys., Inc. v. First Internet Bank of Indiana</i> , No. 2:16-cv-00417 (E.D. Tex. Jan. 30, 2017)	01/30/2017	Report and recommendation to grant motion to dismiss on the basis that the asserted money transfer system patent claims were ineligible. Held that the claims were directed to the abstract idea of “sending money transfers such as cash between a sender and a remotely located recipient.” Held that the claims lacked an inventive concept because they required only generic computer components functioning in a conventional manner.
<i>Icon Health & Fitness v. Polar Electro Oy</i> , NO. 1:11-cv-00167 (D. Utah Feb. 8, 2017)	02/08/2017	Provisionally granting judgment on the pleadings on the basis that the asserted fitness data collection patent claims were ineligible. Did not provide any substantive explanation.
<i>Calamp Wireless Networks Corp. v. ORBCOMM, Inc.</i> , No. 3:16-cv-00906 (E.D. Va. Feb. 9, 2017)	02/09/2017	Granting motion to dismiss on the basis that the asserted time-sensitive article tracking patent claims were ineligible. Held that the claims were directed to the abstract idea of “information collection and analysis.” Held that the claims lacked an inventive concept because they did not provide an unconventional solution, and used only generic computer components functioning in a conventional manner.
<i>Egenera, Inc. v. Cisco Sys., Inc.</i> , No. 1:16-cv-11613 (D. Mass. Feb. 14, 2017)		Granting-in-part motion to dismiss on the basis that the asserted disaster recovery system patent claims were ineligible. Held that the claims were directed to the abstract idea of “using a ‘disaster plan’ to set up a backup site.” Held that the claims lacked an inventive concept because the claim limitations did not “correspond to any physical or functional aspect of the described system.”
<i>Intellectual Ventures I LLC v. Symantec Corp.</i> , No. 1:13-cv-00440 (D. Del. Feb. 16, 2017)		Granting motion for summary judgment on the basis that the asserted digital data remote mirroring patent claims were ineligible. Held that the claims were directed to the abstract idea of “remote back-up of digital data.” Held that the claims lacked an inventive concept because they did not recite an improvement over the prior art.
<i>Mankes v. Fandango LLC</i> , No. 5:13-cv-00716 (E.D. N.C. Feb. 28, 2017)	02/28/2017	Granting motion to dismiss on the basis that the asserted reservation system patent claims were ineligible. Held that the claims were directed to the abstract idea of “allocating, tracking, and controlling inventory.” Held that the claims lacked an

CASE	DATE	HOLDING
		inventive concept because the claims recited only generic computer components functioning in a conventional manner.
<i>Fitbit Inc. v. AliphCom</i> , No. 5:16-cv-00118 (N.D. Cal. Mar. 2, 2017)	03/02/2017	Granting-in-part judgment on the pleadings that the asserted physical activity detection patent claims were ineligible. Held that the claims were directed to the abstract idea of “collecting and reporting data on cumulative physical activity,” with no inventive concept.
<i>Phoenix Licensing, LLC v. Consumer Cellular, Inc.</i> , No. 2:16-cv-00152 (E.D. Tex. Mar. 8, 2017)	03/08/2017	Report and recommendation to grant motion to dismiss on the basis that the asserted financial product patent claims were ineligible. Held that the claims were directed to the abstract idea of “tailoring marketing communications to recipients.” Held that the claims lacked an inventive concept because they recited generic computer components functioning in a conventional manner.
<i>Icon Health & Fitness v. Polar Electro Oy</i> , No. 1:11-cv-00167 (D. Utah Mar. 10, 2017)	03/10/2017	Granting motion for judgment on the pleadings on the basis that the asserted claims—providing and using feedback based on data gathered from subjects—were ineligible. Held that the claims were directed to the abstract idea of “providing and using feedback based on data gathered from subjects,” with no inventive concept.
<i>Limelight Networks, Inc. v. XO Communications, LLC</i> , No. 3:15-cv-00720 (E.D. Va. Mar. 13, 2017)	03/13/2017	Granting-in-part motion for summary judgment on the basis that the asserted content object processing patent claims were ineligible. Held that the claims were directed to the abstract idea of “using policies to generate an outcome,” with no inventive concept.
<i>Voter Verified, Inc. v. Election Sys. & Software, LLC</i> , No. 1:16-cv-00267 (N.D. Fla. Mar. 21, 2017)	03/21/2017	Granting motion to dismiss on the basis that the asserted voting system patent claims were ineligible. Held that the claims were directed to the abstract idea of a “vote collection and verification.” Held that the claims lacked an inventive concept, as they applied only “generic computer components performing generic computer functions.”
<i>Voter Verified, Inc. v. Election Sys. & Software, LLC</i> , No. 1:16-cv-00267 (N.D. Fla. Mar. 21, 2017)	03/21/2017	Granting motion to dismiss on the basis of ineligibility of asserted voting system patent claims. Held that the claims were directed to the abstract idea of vote collection and verification, with no inventive concept.

CASE	DATE	HOLDING
<i>Dialware Communications, LLC v. Hasbro, Inc.</i> , No. 2:16-cv-09012 (C.D. Cal. Mar. 22, 2017)	03/22/2017	Granting motion to dismiss on the basis that the asserted interactive toy patent claims were ineligible. Held that the claims were directed to the “abstract process of communication itself,” with no inventive concept.
<i>Four Winds Interactive LLC v. 22 Miles, Inc.</i> , NO. 1:16-cv-00704 (D. Colo. Mar. 28, 2017)	03/28/2017	Report and recommendation to grant motion to dismiss on the basis of ineligibility of asserted wayfinding patent claims. Held that the claims were directed to the abstract idea of providing customized directions, with no inventive concept.
<i>Uniloc USA, Inc. v. AVG Techs. USA, Inc.</i> , No. 2:16-cv-00393 (E.D. Tex. Mar. 28, 2017)	03/28/2017	Granting motion to dismiss on the basis of ineligibility of asserted application program management patent claims. Held that the claims were directed to providing a user-specific desktop interface, with no inventive concept or improvement to the functioning of a computer.
<i>BSG Tech LLC v. BuySeasons, Inc.</i> , No. 2:16-cv-00530 (E.D. Tex. Mar. 30, 2017)	03/30/2017	Granting motion for summary judgment on the basis of ineligibility of asserted wide access database patent claims. Held that the claims were directed to the abstract idea of considering historical usage information while inputting data, with no inventive concept.
<i>Uniloc USA, Inc. v. Med. Info. Tech., Inc.</i> , No. 6:16-cv-00463 (E.D. Tex. Mar. 30, 2017)	03/30/2017	Granting motion to dismiss on the basis of ineligibility of asserted electronic health record organization patent claims. Held that the claims were directed to the abstract ideas of organizing medical data in a hierarchy and creating and storing user-constructed formulas, with no inventive concept.
<i>P&RO Solutions Grp., Inc. v. CiM Maintenance, Inc.</i> , No. 6:16-cv-00095 (E.D. Tex. Mar. 30, 2017)	03/30/2017	Granting motion to dismiss on the basis of ineligibility of asserted scheduling tool patent claims. Held that the claims were directed to the abstract idea of scheduling business activities using a computer and computer network, with no inventive concept.
<i>Twilio, Inc. v. TeleSign Corp.</i> , No. 5:16-cv-06925 (N.D. Cal. Mar. 31, 2017)	03/31/2017	Granting motion to dismiss on the basis of ineligibility of asserted telephone fraud patent claims. Held that the claims were directed to the abstract idea of collecting and analyzing usage data across two or more accounts to detect fraud and taking action when fraud is detected. Held that the claims lacked an inventive concept because they failed to improve computers or any other kind of technology itself.

CASE	DATE	HOLDING
<i>Automation Middleware Solutions, Inc. v. Invensys Sys., Inc.</i> , No. 2:15-cv-00898 (E.D. Tex. Mar. 31, 2017)	03/31/2017	Granting-in-part and denying-in-part motion to dismiss on the basis of ineligibility of asserted odds accelerator patent claims. Held that the claims were directed to the abstract idea of moving objects in a desired manner. Held that some claims also lacked an inventive concept. Held that, with regard to other claims that recited a “streams” element, the defendant failed to make arguments with respect to the limitation and therefore could not conclude that the claims lacked an inventive concept.
<i>Falkon Treasures LLC v. Adidas Am. Inc.</i> , No. 2:16-cv-00653 (E.D. Tex. Apr. 1, 2017)	04/01/2017	Report and recommendation to grant motion to dismiss on the basis of ineligibility of asserted online shopping patent claims. Held that the claims were directed to the abstract idea of validating a customer’s identity and displaying a shopping list to a customer, with no inventive concept.
<i>Twilio, Inc. v. TeleSign Corp.</i> , NO. 5:16-cv-06925 (N.D. Cal. Apr. 17, 2017)	04/17/2017	Granting motion to dismiss on the basis of ineligibility of asserted message routing and multi-modal communication patent claims. Held that the former claims were directed to the abstract idea of message routing, with no inventive concept. Held that the latter claims were directed to the abstract idea of multi-modal communication by looking up and selecting one or more external communication providers associated with a communication destination, with no inventive concept.
<i>D&M Holdings, Inc. v. Sonos, Inc.</i> , No. 1:16-cv-00141 (D. Del. Apr. 18, 2017)	04/18/2017	Granting motion to dismiss on the basis of ineligibility of asserted compressed file downloading claims and receiver control claims, but denying the motion as to decompression/dearchiving patent claims. Held that the downloading were directed to the abstract idea of collecting and storing data, with no inventive concept. Held that the receiver control claims were directed to the abstract idea of selecting a receiver connection for a piece of media based on the media’s encoding format, with no inventive concept. Held that the latter claims were not directed to an abstract idea, but rather the tangible resumption of an interrupted file download that represented a specific improvement to a computer’s capabilities.
<i>Network Architecture Innovations LLC v. CC Network Inc.</i> , No.	04/18/2017	Granting motion to dismiss on the basis of ineligibility of asserted internet advertising patent claims. Held that the claims were directed to the abstract idea of

CASE	DATE	HOLDING
2:16-cv-00914 (E.D. Tex. Apr. 18, 2017)		providing advertisement inserts with newspapers, with no improvement to computer functionality and thus no inventive concept.
<i>Umbanet, Inc. v. Epsilon Data Mgm't, LLC</i> , No. 2:16-cv-00682 (E.D. Tex. Apr. 18, 2017)	04/18/2017	Granting motion to dismiss on the basis of ineligibility of asserted e-mail access patent claims. Held that the claims were directed to the abstract idea of providing selective or particularized access to an e-mail, with no inventive concept.
<i>SungKyunKwan Univ., Research & Business Foundation v. LMI Techs. USA Inc.</i> , No. 3:16-cv-06966 (N.D. Cal. May 3, 2017)	05/03/2017	Granting motion to dismiss on the basis of ineligibility of asserted 3D camera exposure patent claims. Held that the claims recited a solution to the problem of optimizing exposure, but failed to recite a means of achieving that result.
<i>EveryMD.com LLC v. Facebook Inc.</i> , No. 2:16-cv-06473 (C.D. Cal. May 10, 2017)	05/10/2017	Granting motion for judgment on the pleadings on the basis of ineligibility of asserted online communications patent claims and web page generation patent claims. Held that the former claims were directed to the abstract idea of the exchange of business communications, with no inventive concept. Held that the web page generation patent claims were directed to the abstract idea of transmitting routine business communications, with no inventive concept.
<i>Tele-Publishing Inc. v. Facebook Inc.</i> , No. 1:09-cv-11686 (D. Mass. May 11, 2017)	05/11/2017	Granting motion for summary judgment on the basis of ineligibility of asserted online personal page patent claims. Held that the claims were directed to the abstract idea of collecting, storing, and selectively sharing personal information, with no inventive concept.
<i>SAP America Inc. v. InvestPic LLC</i> , No. 3:16-cv-02689 (N.D. Tex. May 18, 2017)	05/18/2017	Granting motion to dismiss on the basis of ineligibility of asserted financial analysis patent claims. Held that the claims were directed to the abstract idea of manipulating data, with no inventive concept.
<i>SP Plus Corp. v. IPT, LLC</i> , No. 2:16-cv-02474 (E.D. La. May 19, 2017)	05/19/2017	Granting motion to dismiss on the basis of ineligibility of asserted parking enforcement patent claims. Held that the claims were directed to the abstract idea of expediting the vehicle immobilization process via self-service, with no inventive concept. Also held that claims are not entitled to a presumption of eligibility.

CASE	DATE	HOLDING
<i>Maxon, LLC v. Funai Corp., Inc.</i> , No. 1:16-cv-07685 (N.D. Ill. May 23, 2017)	05/23/2017	Granting motion to dismiss on the basis of ineligibility of asserted smart television patent claims. Held that the claims were directed to the abstract idea of reversing a trend of centralized service management, with no inventive concept.
<i>24/7 Customer, Inc. v. LivePerson, Inc.</i> , No. 3:15-cv-02897 (N.D. Cal. May 25, 2017)	05/25/2017	<p>Granting-in-part and denying-in-part motion for judgment on the pleadings on the basis of ineligibility of asserted call routing patent claims, automated scripting patent claims, call conversion patent claims, network collaboration patent claims, and customer experience management claims.</p> <p>Held that the call routing claims were directed to the abstract idea of routing a call, with no inventive concept.</p> <p>Held that the automated scripting claims were directed to the abstract idea of tailoring a script to a particular customer to make a customer service call more effective, with no inventive concept.</p> <p>Held that the call conversion claims were directed to the abstract idea of allowing a party to a phone call to select between voice call and electronic chat, with no inventive concept.</p> <p>Held that the network collaboration claims were directed to the abstract idea of providing an application to a user based on the type of her device, with no inventive concept.</p> <p>Held that the customer experience management claims were not directed to an abstract idea, but rather to a specific means of achieving the goal of enhancing customer service in an online customer-agent interaction.</p>
<i>Tech. Dev. & Licensing, LLC v. Comcast Corp.</i> , No. 1:08-cv-03584 (N.D. Ill. June 19, 2017)	06/19/2017	Granting motion for judgment on the pleadings on the basis of ineligibility of asserted television receiver patent claims. Held that the claims were directed to the abstract idea of a conversion chart, with no inventive concept.
<i>Blackbird Tech LLC v. Advanced Discovery Inc.</i> , No. 1:16-cv-00413 (D. Del. June 26, 2017)	06/26/2017	Granting motion to dismiss on the basis of ineligibility of asserted visual presentation patent claims. Held that the claims were directed to the abstract idea of conducting a search based on a search query, determining a concept associated

CASE	DATE	HOLDING
		with a search query, and then ranking the search results based on which documents are most relevant to that concept—with no inventive concept.
<i>Cellular Communications Equipment LLC v. AT&T Inc.</i> , No. 2:15-cv-00576 (E.D. Tex. June 27, 2017)	06/27/2017	Report and recommendation to grant motion for summary judgment on the basis of ineligibility of asserted power headroom reporting patent claims. Held that the claims were directed to the abstract idea of calculating and reporting the missing power of a network device, with no inventive concept.
<i>Digital Media Techs., Inc. v. Amazon.com, Inc.</i> , No. 4:16-cv-00244 (N.D. Fla. July 3, 2017)	07/03/2017	Granting motion to dismiss on the basis of ineligibility of asserted multimedia network system patent claims. Held that the claims were directed to the abstract idea of secured content delivery, with no inventive concept.
<i>Shipping & Transmit, LLC v. Hall Enters., Inc.</i> , No. 2:16-cv-06535 (C.D. Cal. July 5, 2017)	07/05/2017	Granting motion for attorneys’ fees under 35 U.S.C. § 285 in part on the basis of ineligibility of asserted vehicle monitoring patent claims. Held that the claims were directed to the abstract idea of monitoring and reporting the location of a vehicle, with no inventive concept.
<i>Power Analytics Corp. v. Operation Tech.</i> , No. 8:16-cv-01955 (C.D. Cal. July 13, 2017)	07/13/2017	Granting motion for summary judgment on the basis of ineligibility of asserted computer modeling and electrical system simulation patent claims. Held that the claims were directed to an abstract idea of gathering information, and analyzing and updating a model with that information—with no inventive concept.
<i>Jedi Techs., Inc. v. Spark Networks, Inc.</i> , No. 1:16-cv-01055 (D. Del. Aug. 3, 2017)	08/03/2017	Granting motion to dismiss on the basis of ineligibility of asserted chat room compatibility patent claims. Held that the claims were directed to the abstract idea of matching people based on criteria such as personality traits or location, with no inventive concept.
<i>Mantissa Corp. v. Ondot Sys., Inc.</i> , No. 4:15-cv-01133 (S.D. Tex. Aug. 10, 2017)	08/10/2017	Granting motion for summary judgment on the basis of ineligibility of asserted identity protection patent claims. Held that the claims were directed to the abstract idea of collecting information, analyzing it in conjunction with certain conditions, making a determination based on that information, and notifying the user of the determination—with no inventive concept.

CASE	DATE	HOLDING
<i>IQS US Inc. v. Calsoft Labs Inc.</i> , No. 1:16-cv-07774 (N.D. Ill. Aug. 18, 2017)	08/18/2017	Granting motion to dismiss on the basis of ineligibility of asserted biometric identification patent claims. Held that the claims were directed to the abstract idea of comparing images of faces to those previously seen, with no inventive concept.
<i>Intellectual Ventures I LLC v. T-Mobile USA, Inc.</i> , No. 1:13-cv-01632 (D. Del. Aug. 23, 2017)	08/23/2017	<p>Granting-in-part and denying-in-part motion to dismiss on the basis of ineligibility of asserted data transmission patent claims, multimedia messaging patent claims, and directory assistance patent claims.</p> <p>Held that the data transmission claims were not directed to an abstract idea, but rather to improving data transmission over wireless networks.</p> <p>Held that the multimedia messaging claims were directed to the abstract idea of conversion to and from a common format, with no inventive concept.</p> <p>Held that the directory assistance claims were directed to the abstract idea of using a third-part intermediary to connect another individual or desired service, with no inventive concept.</p>
<i>Purepredictive, Inc. v. H2O.AI, Inc.</i> , No. 3:17-cv-03049 (N.D. Cal. Aug. 29, 2017)	08/29/2017	Granting motion to dismiss on the basis of ineligibility of asserted predictive analytics patent claims. Held that the claims were directed to the abstract idea of using mathematical algorithms to perform predictive analytics, with no inventive concept.
<i>Card-Monroe Corp. v. Tuftco Corp.</i> , No. 1:14-cv-00292 (E.D. Tenn. Sep. 1, 2017)	09/01/2017	Granting motion for summary judgment on the basis of ineligibility of asserted carpet tufting patent claims. Held that the claims were not directed to the abstract idea of high-stitch-rate tufting, but rather to a specific way of achieving a high stitch rate.
<i>Mantis Communications, LLC v. Baskin-Robbins Franchising, LLC</i> , No. 2:17-cv-00328 (E.D. Tex. Sep. 15, 2017)	09/15/2017	Report and recommendation to grant motion to dismiss on the basis of ineligibility of asserted mobile device marketing patent claims. Held that the claims were directed to the abstract idea of sending, receiving, and redeeming or validating marketing offers, with no inventive concept.

CASE	DATE	HOLDING
<i>Uniloc USA, Inc. v. ADP, LLC</i> , No. 2:16-cv-00741 (E.D. Tex. Sep. 28, 2017)	09/28/2017	Granting motion to dismiss on the basis of ineligibility of application configuration patent claims. Held that the claims were directed to the centralized distribution of software to a plurality of on-demand servers from a central network management server, with no inventive concept.
<i>BroadSoft, Inc. v. CallWave Communications, LLC</i> , No. 1:13-cv-00711 (D. Del. Oct. 1, 2017)	10/01/2017	Granting motion for judgment on the pleadings on the basis that the asserted telephone system patent claims were ineligible. Held that the claims were directed to the abstract idea of accessing stored information when prompted by a user's incoming call, and executing an automated response according to stored instructions provided in advance by a subscriber, with no inventive concept.
<i>Product Association Techs. LLC v. Clique Media Grp.</i> , No. 2:17-cv-05463 (C.D. Cal. Oct. 13, 2017)	10/13/2017	Granting motion to dismiss on the basis that the asserted product information patent claims were ineligible. Held that the claims were directed to the abstract idea of establishing a cross-reference resource, identifying desired information, sending messages, and displaying data, with no inventive concept.
<i>Image Processing Techs., LLC v. Samsung Elecs. Co., Ltd.</i> , No. 2:16-cv-00505 (E.D. Tex. Oct. 24, 2017)	10/24/2017	Granting summary judgment on the basis that the asserted visual perception processing patent claims were ineligible. Held that the claims were directed to the abstract idea of generating a histogram, with no inventive concept.
<i>Burnett v. Panasonic Corp.</i> , No. 8:17-cv-00236 (D. Md. Nov. 1, 2017)	11/01/2017	Granting motion to dismiss on the basis that the asserted geospatial media processing patent claims were ineligible. Held that the claims were directed to a mathematical methodology used to convert geospatial coordinates into natural numbers, with no inventive concept.
<i>The Univ. of Florida Res. Foundation, Inc. v. Gen. Elec. Co.</i> , No. 1:17-cv-00171 (N.D. Fla. Nov. 16, 2017)	11/16/2017	Granting motion to dismiss on the basis that the asserted critical care data management patent claims were ineligible. Held that the claims were directed to the abstract idea of collecting, analyzing, manipulating, and displaying data, with no inventive concept.
<i>Glasswall Solutions Ltd. v. Clearswift Ltd.</i> , No. 2:16-cv-	11/29/2017	Granting motion to dismiss on the basis that the asserted data security patent claims were ineligible. Held that the claims were directed to the abstract idea of filtering electronic files and data, with no inventive concept.

CASE	DATE	HOLDING
01833 (W.D. Wash. Nov. 29, 2017)		
<i>Strikeforce Techs., Inc. v. Secureauth Corp.</i> , No. 2:17-cv-04314 (C.D. Cal. Dec. 1, 2017)	12/01/2017	Granting motion to dismiss on the basis that the asserted multichannel security system patent claims were ineligible. Held that the claims were directed to the abstract idea of transmitting, processing, and authenticating sensitive data, with no inventive concept.
<i>EveryMD.com LLC v. Amazon.com, Inc.</i> , No. 2:17-cv-05573 (C.D. Cal. Dec. 5, 2017)	12/05/2017	Granting motion to dismiss on the basis that the asserted email transmission patent claims were ineligible. Held that the claims were directed to the abstract idea of using an intermediary to exchange messages or information may be accomplished, with no inventive concept.
<i>Ancora Techs., Inc. v. HTC America, Inc.</i> , No. 2:16-cv-01919 (W.D. Wash. Dec. 14, 2017)	12/14/2017	Granting motion to dismiss on the basis that the asserted software license verification patent claims were ineligible. Held that the claims were directed to the abstract idea of selecting a program, verifying whether the program is licensed, and acting on the program according to the verification, with no inventive concept.
<i>Cave Consulting Grp., Inc. v. Truven Health Analytics Inc.</i> , No. 3:15-cv-02177 (N.D. Cal. Dec. 15, 2017)	12/15/2017	Granting summary judgment on the basis that the asserted physician efficiency software patent claims were ineligible. Held that the claims were directed to the abstract idea of collecting, organizing, and analyzing medical claims data to calculate physician efficiency scores, with no inventive concept.
<i>Location Based Services, LLC v. Niantic, Inc.</i> , No. 5:17-cv-04413 (N.D. Cal. Dec. 19, 2017)	12/19/2017	Granting motion to dismiss on the basis that the asserted Pokemon GO mapping patent claims were ineligible. Held that the claims were directed to the abstract idea of receipt, processing, and display of data, with no inventive concept.
<i>Procter & Gamble Co. v. QuantifiCare Inc.</i> , No. 5:17-cv-03061 (N.D. Cal. Dec. 19, 2017)	12/19/2017	Granting-in-part motion to dismiss on the basis that certain of the asserted skin imaging patent claims were ineligible. Held that these claims were directed to the abstract idea of acquiring and analyzing a digital image of a person to locate and quantify skin defects, with no inventive concept.
<i>Cave Consulting Grp., Inc. v. Health Care Service Corp.</i> , No.	12/22/2017	Report and recommendation to grant motion to dismiss on the basis that the asserted physician efficiency patent claims were ineligible. Held that the claims were

CASE	DATE	HOLDING
6:17-cv-00344 (E.D. Tex. Dec. 22, 2017)		directed to the abstract idea of obtaining, organizing, analyzing medical data to calculate a physician efficiency score, with no inventive concept.
<i>Virginia Innovation Sciences, Inc. v. Amazon.com, Inc.</i> , No. 1:16-cv-00861 (E.D. Va. Dec. 22, 2017)	12/22/2017	Granting summary judgment on the basis that the asserted transnational e-commerce patent claims were ineligible. Held that the claims were directed to the abstract idea of receiving and transmitting information, with no inventive concept.
<i>Gaelco SA v. Arachnid 360, LLC</i> , No. 1:16-cv-10629 (N.D. Ill. Dec. 21, 2017)	12/21/2017	Granting motion to dismiss on the basis that the asserted dart machine monitoring patent claims were ineligible. Held that the claims were directed to the abstract idea of collecting information, analyzing it, and displaying results, with no inventive concept.
<i>VOIT Techs., LLC v. Del-Ton, Inc.</i> , No. 5:17-cv-00259 (E.D.N.C. Jan. 11, 2018)	01/11/2018	Granting motion to dismiss on the basis that the asserted e-commerce patent claims were ineligible. Held that the claims were directed to the abstract idea of transmitting compressed images from one computer to another in order to facilitate the buying and selling of goods, with no inventive concept.
<i>e-Tool Dev., Inc. v. Maxim Integrated Products, Inc.</i> , No. 3:17-cv-00720 (D. Or. Jan. 11, 2018)	01/11/2018	Report and recommendation to grant motion for judgment on the pleadings on the basis that the asserted product configuration patent claims were ineligible. Held that the claims were directed to the abstract idea of a business transaction in which a customer assembles a custom product by choosing components with desired characteristics, with no inventive concept.
<i>Scibetta a/k/a Banker & Brokers v. Slingo, Inc.</i> , No. 2:16-cv-08175 (D.N.J. Jan. 17, 2018)	01/17/2018	Granting motion to dismiss on the basis that the asserted electronic card game patent claims were ineligible. Held that the claims were directed to the abstract idea of “identifying player/dealer positions, accepting a wager, dealing, displaying cards, initiating at least one round of play, and playing one round while determining the winning or loss status of a participant,” with no inventive concept.
<i>BrightEdge Techs., Inc. v. Searchmetrics, GmbH</i> , No. 4:14-cv-01009 (N.D. Cal. Jan. 19, 2018)	01/19/2018	Granting motion for judgment on the pleadings on the basis that the asserted search engine optimization patent claims were ineligible. Held that the claims were directed to the abstract idea of improving market performance via data aggregation and analysis, with no inventive concept.

CASE	DATE	HOLDING
<i>Blackbird Tech LLC d/b/a/ Blackbird Techs. v. Incapsula, Inc.</i> , No. 3:17-cv-06883 (N.D. Cal. Feb. 12, 2018)	02/12/2018	Granting motion for judgment on the pleadings on the basis that the asserted internet data channel patent claims were ineligible. Held that the claims were directed to the abstract idea of “monitoring a data stream and modifying that data when a specific condition is identified,” with no inventive concept.
<i>Blackbird Tech LLC v. Cloudflare, Inc.</i> , No. 3:17-cv-06112 (N.D. Cal. Feb. 12, 2018)	02/12/2018	Granting motion for judgment on the pleadings on the basis that the asserted internet data channel patent claims were ineligible. Held that the claims were directed to the abstract idea of “monitoring a data stream and modifying that data when a specific condition is identified,” with no inventive concept.
<i>D&M Holdings, Inc. v. Sonos, Inc.</i> , No. 1:16-cv-00141 (D. Del. Feb. 16, 2018)	02/16/2018	Granting summary judgment on the basis that the asserted audio/visual playback patent claims were ineligible. Held that the claims were directed to the abstract idea of “choosing to play back media with or without playback preferences,” with no inventive concept.
<i>Konami Gaming, Inc. v. PTT, LLC d/b/a High 5 Games</i> , No. 2:14-cv-01483 (D. Nev. Feb. 22, 2018)	02/22/2018	Granting summary judgment on the basis that the asserted gaming machine patent claims were ineligible. Held that the claims were directed to the abstract idea of rules of a game, such as slot machine game rules, with no inventive concept.
<i>Quantum Stream Inc. v. Charter Communications, Inc.</i> , No. 1:17-cv-01696 (S.D.N.Y. Mar. 1, 2018)	03/01/2018	Granting dismissal on the basis that the asserted digital advertising distribution patent claims were ineligible. Held that the claims were directed to the abstract idea of “custom advertising based upon consumer qualities or other data,” with no inventive concept.
<i>Immersion Corp. v. Fitbit, Inc.</i> , No. 5-17-cv-03886 (N.D. Cal. Mar. 5, 2018)	03/05/2018	Granting motion to dismiss on the basis that the asserted haptic message transmission patent claims were ineligible. Held that the claims were directed to the abstract idea of “receiving sensor and data signals, analyzing those signals, and outputting other signals in response,” with no inventive concept. Denied motion to dismiss on the basis that other patent claims were eligible.
<i>Talent Broker Techs. LLC v. Musical.ly, Inc. (China)</i> , No. 2-	03/08/2018	Granting motion to dismiss on the basis that the asserted talent monitoring patent claims were ineligible. Held that the claims were directed to the abstract idea of “organizing, differentiating and retrieving information,” with no inventive concept.

CASE	DATE	HOLDING
17-cv-08532 (C.D. Cal. Mar. 8, 2018)		
<i>Nagravision SA et al v. NFL Enterprises, LLC</i> , No. 2-17-cv-03919 (C.D. Cal. Mar. 9, 2018)	03/09/2018	Granting motion to dismiss on the basis that the asserted information distribution patent claims were ineligible. Held that the claims were directed to the abstract idea of “managing content based on the geographic location of something else,” with no inventive concept. Denied without prejudice motion to dismiss as to other claims.
<i>Bridge and Post, Inc. v. Verizon Communications, Inc.</i> , No. 3-17-cv-00094 (E.D. Va. Mar. 15, 2018)	03/15/2018	Granting motion to dismiss on the basis that the asserted targeted marketing patent claims were ineligible. Held that the claims were directed to the abstract idea of “using a persistent identifier to implement targeted marketing.” Explained that “[a]pplying these concepts to internet traffic does not take the patent outside of the realm of an abstract idea.” Further held that the claims lack an inventive concept, as the claims did not purport to have invented a new “persistent identifier,” and instead “merely hijack[e]d the idea of tracking customers based on unchangeable criteria and s[ought] to patent all methods of doing so on the internet.”
<i>MyMail, Ltd. v. ooVoo, LLC</i> , No. 5-17-cv-04487 (N.D. Cal. Mar. 16, 2018)	03/16/2018	Granting motion for judgment on the pleadings on the basis that the asserted toolbar modification patent claims were ineligible. Held that the claims were directed to the abstract idea of “gathering and processing information,” with no inventive concept.
<i>SmarTEN LLC v. Samsung Electronics America, Inc.</i> , No. 1-17-cv-01381 (E.D. Va. Mar. 16, 2018)	03/16/2018	Granting motion to dismiss on the basis that the asserted mobile fitness patent claims were ineligible. Held that the claims were directed to the abstract idea of collecting, analyzing, and displaying data, with no inventive concept.
<i>Maxell, Ltd. v. Fandango Media, LLC</i> , No. 2-17-cv-07534 (C.D. Cal. Mar. 21, 2018)	03/21/2018	Granting motion to dismiss on the basis that the asserted digital receiver patent claims were ineligible. Held that the claims were directed to the abstract idea of “downloading and storing encrypted data and having a system make a choice about

CASE	DATE	HOLDING
		<p>when to give a user the ‘key’ to decrypt the data, depending on when the user asks to play the data,” with no inventive concept.</p> <p>Denying motion to dismiss as to other claims.</p>
<p><i>3G Licensing, SA v. BlackBerry Limited</i>, No. 1-17-cv-00082 (D. Del. Mar. 22, 2018)</p>	<p>03/22/2018</p>	<p>Granting judgment on the pleadings on the basis that the asserted error detection patent claims were ineligible. Held that the claims were directed to the “abstract idea of reordering data and generating additional data,” with no inventive concept.</p>
<p><i>ChargePoint, Inc. v. SemaConnect, Inc.</i>, No. 8-17-cv-03717 (D. Md. Mar. 23, 2018)</p>	<p>03/23/2018</p>	<p>Granting dismissal on the basis that the asserted electric vehicle charging station patent claims were ineligible. Held that the claims were directed to the abstract idea of “sending a request, receiving a command, and executing the command over a network to operate an EV charging station in an expected way,” with no inventive concept.</p>
<p><i>Symantec Corporation v. Zscaler, Inc.</i>, No. 3-17-cv-04426 (N.D. Cal. Mar. 23, 2018)</p>	<p>03/23/2018</p>	<p>Granting in part dismissal on the basis that the asserted network security patent claims were ineligible. Held that the claims were directed to the abstract idea of “[b]reaking a large task into smaller chunks and adding previously unknown chunks to a database,” with no inventive concept.</p>
<p><i>Silver State Intellectual Technologies, Inc. v. Facebook, Inc.</i>, No. 4-17-cv-03349 (N.D. Cal. Mar. 23, 2018)</p>	<p>03/23/2018</p>	<p>Granting judgment on the pleadings on the basis that the asserted location sharing patent claims were ineligible. Held that the claims were directed to the abstract idea of “storing and selectively sharing location-based information,” with no inventive concept.</p>
<p><i>IPA Technologies Inc. v. Amazon.com, Inc.</i>, No. 1-16-cv-01266 (D. Del. Mar. 31, 2018)</p>	<p>03/31/2018</p>	<p>Granting dismissal on the basis that the asserted speech-based data navigation patent claims were ineligible. Held that the claims were directed to the abstract idea “of retrieving electronic data in response to a spoken request and transmitting the retrieved data to a user,” with no inventive concept.</p>
<p><i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, No. 4-17-cv-05928 (N.D. Cal. Apr. 3, 2018)</p>	<p>04/03/2018</p>	<p>Granting dismissal on the basis that the asserted automatic multimedia upload patent claims were ineligible. Held that the claims were directed to the abstract idea of “acquiring, transferring, and publishing data and multimedia content on one or more websites,” with no inventive concept.</p>

CASE	DATE	HOLDING
<p><i>Supercell Oy v. GREE, Inc.</i>, No. 4-17-cv-05556 (N.D. Cal. Apr. 3, 2018)</p>	<p>04/03/2018</p>	<p>Granting dismissal on the basis that the asserted logon transfer system patent claims were ineligible. Held that the claims were directed to the abstract idea of “sending, receiving, and authenticating logon information, and not to a ‘specific means or method for improving technology,’” with no inventive concept.</p> <p>However, denied motion to dismiss on the basis that the asserted computer application upgrade patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather solved “a problem rooted in computer technology, namely that when upgrading an application developers must generate a unique installation patch for each release channel which contains a Customized Information Portion specific to that release channel.”</p>
<p><i>Morris Reese v. Sprint Nextel Corporation</i>, No. 2-13-cv-03811 (C.D. Cal. Apr. 9, 2018)</p>	<p>04/09/2018</p>	<p>Granting dismissal on the basis that the asserted caller ID patent claims were ineligible. Held that the claims were directed to the abstract idea of indicating “to a subscriber to both call waiting and caller ID, who is already engaged in a call, using an audible tone signal, the existence of an incoming call from a third party whose directory telephone number has been flagged private,” with no inventive concept.</p>
<p><i>Domo, Inc. v. Grow, Inc.</i>, No. 2-17-cv-00812 (D. Utah May 10, 2018)</p>	<p>05/10/2018</p>	<p>Granting dismissal on the basis that the asserted data presentation patent claims were ineligible. Held that the claims were directed to the abstract idea that “repositioning segments of a stacked bar graph can enhance perception of their relative values,” with no inventive concept.</p>
<p><i>Uniloc USA, Inc. v. Apple Inc.</i>, No. 3-18-cv-00358 (N.D. Cal. May 18, 2018)</p>	<p>05/18/2018</p>	<p>Granting judgment on the pleadings on the basis that the asserted battery current control patent claims were ineligible. Held that the claims were directed to a fundamental practice: “adjusting electrical current flow to control the heat it generates -- long prevalent in physics and engineering,” with no inventive concept.</p>
<p><i>Talent Broker Technologies LLC v. Musical.ly, Inc. (China)</i>, No. 2-17-cv-08532 (C.D. Cal. May 22, 2018)</p>	<p>05/22/2018</p>	<p>Granting dismissal on the basis that the asserted talent monitoring patent claims were ineligible. Held that the claims were directed to the abstract idea “of organizing, differentiating and retrieving information,” with no inventive concept.</p>

CASE	DATE	HOLDING
<i>Puget BioVentures, LLC v. Biomet Orthopaedics, LLC</i> , No. 3-17-cv-00502 (N.D. Ind. June 11, 2018)	06/11/2018	Granting dismissal on the basis that the asserted knee surgery positioning patent claims were ineligible. Held that the claims were “directed to the abstract idea of ‘providing’ instrumentation and information on how to perform a medical procedure,” with no inventive concept.
<i>Uniloc USA, Inc. v. HTC America, Inc.</i> , No. 2-17-cv-01558 (W.D. Wash. June 15, 2018)	06/15/2018	Granting dismissal on the basis that the asserted wireless remote control patent claims were ineligible. Held that the claims were directed to the abstract idea of “wirelessly controlling remote devices,” with no inventive concept.
<i>Kaavo Inc. v. Amazon.com, Inc.</i> , No. 1-14-cv-00353 (June 18, 2018)	06/18/2018	Granting summary judgment on the basis that the asserted cloud computing management patent claims were ineligible. Held that the claims were directed to the abstract idea of setting up and managing a cloud computing environment., with no inventive concept.
<i>Uniloc USA, Inc. v. Big Fish Games, Inc.</i> , No. 2-17-cv-01183 (W.D. Wash. June 19, 2018)	06/19/2018	Granting dismissal on the basis that the asserted remote software maintenance patent claims were ineligible. Held that the claims were directed to the abstract idea “of copying and moving data,” with no inventive concept.
<i>A Zahner Company v. Hendrick Metal Products, LLC</i> , No. 1-17-cv-04139 (N.D. Ill. July 20, 2018)	07/20/2018	Granting in part judgment on the pleadings on the basis that the asserted machine control software patent claims were ineligible. Held that the claims were directed to the abstract idea of “using a computer, instead of human labor, to combine two types of data to form machine code,” with no inventive concept. However, denied in part the motion because there was insufficient evidence to determine the issue as to certain other machine control software patent claims.
<i>Monument Peak Ventures, LLC v. SZ DJI Technology Co., Ltd.</i> , No. 2-18-cv-02210 (C.D. Cal. July 31, 2018)	07/31/2018	Denying motion to dismiss on the basis that the asserted photographic subject determination patent claims were ineligible. Held that the claims were directed to the “abstract idea of collecting and analyzing information.” However, held that the claims contain “specific limiting rules, such as requiring the extraction of both structural and semantic saliency features, and ‘integrating’ those features to account for the relative importance of each feature, that are tied to digital image processing. . . . Additionally, the FAC alleges that this specific process was

CASE	DATE	HOLDING
		<p>unconventional in the field of digital imaging, and the specification does not directly contradict this allegation.”</p> <p>Granting dismissal on the basis that the asserted digital exposure correction patent claims were ineligible. Held that the claims were directed to the abstract idea of exposure adjustment, with no inventive concept.</p> <p>Denying motion to dismiss on the basis that the asserted location guidance patent claims were ineligible. Held that the claims were directed to the abstract idea of “acquiring, analyzing, and displaying information.” However, held that the “specific method of producing guidance information for capturing an image” was not necessarily “conventional or generic.”</p>
<p><i>BlackBerry Limited v. Facebook, Inc.</i>, No. 2-18-cv-01844 (C.D. Cal. Aug. 21, 2018)</p>	<p>08/21/2018</p>	<p>Denying without prejudice motion to dismiss on the basis that the asserted home content preview patent claims were ineligible. Held that “Defendants seek to downplay that the claims relate not only to compiling and displaying a particular piece of information, but doing so for a very particular type of data in a very particular way: through the use of visually modifying a graphical icon with a numeric character to identify the number of correspondents for unread messages. . . . At this stage in the litigation, these statements in the patent specification support the conclusion that the [patent] claims are drawn to a particular technological improvement in mobile devices rather than an abstract idea.”</p> <p>Granting dismissal on the basis that the asserted messaging time data patent claims were ineligible. Held that the claims were directed to the abstract idea of “time stamping,” with no inventive concept.</p> <p>Denying without prejudice motion to dismiss on the basis that certain other asserted action spot location patent claims and notification silencing patent claims were ineligible.</p>
<p><i>Acceleration Bay LLC v. Activision Blizzard, Inc.</i>, No. 1-16-cv-00453 (D. Del. Aug. 29, 2018)</p>	<p>08/29/2018</p>	<p>Granting summary judgment on the basis that the asserted on-line gaming patent claims were ineligible. Held that the claims covered nothing more than ineligible “carrier signals.”</p>

CASE	DATE	HOLDING
<i>Atticus Research Corporation v. MMSOFT Design Limited</i> , No. 4-17-cv-03387 (S.D. Tex. Sept. 6, 2018)	09/06/2018	Granting dismissal on the basis that the asserted software fault recovery patent claims were ineligible. Held that the claims were directed to the abstract idea of “observing an error message, notifying a remote user, and taking a prescribed action if the user does not respond,” with no inventive concept.
<i>Maxell, Ltd. v. Fandango Media, LLC</i> , No. 2-17-cv-07534 (C.D. Cal. Sept. 11, 2018)	09/11/2018	Granting judgment on the pleadings on the basis that the asserted digital rental expiration patent claims were ineligible. Held that the claims were directed to the “general problem of ‘balancing the rights of content owners and consumers,’” with no inventive concept.
<i>Intellectual Ventures II LLC v. Sprint Spectrum LP d/b/a Sprint PCS</i> , No. 2-17-cv-00662 (E.D. Tex. Sept. 24, 2018)	09/24/2018	Granting dismissal on the basis that the asserted wireless network paging patent claims were ineligible. Held that the claims were directed to the abstract idea of “monitoring data and receiving data,” with no inventive concept. However, denied motion to dismiss on the basis that the asserted wireless network channel scheduling patent claims were ineligible. Held that the claims were directed to an abstract idea, but held that “receiving a transmission of such parameters and allocating the data in response to those parameters is an inventive concept.”
<i>Ameranth, Inc. v. Pizza Hut, Inc., et. al.</i> , No. 3-11-cv-01810 (S.D. Cal. Sept. 25, 2018)	09/25/2018	Granting summary judgment on the basis that the asserted claims for generating menus were ineligible. Held that the claims to the “‘computerization’ of ‘paper-based ordering, waitlist and reservations management . . . in the hospitality industry,’” with no inventive concept.
<i>DiStefano Patent Trust III, LLC v. LinkedIn Corporation</i> , No. 1-17-cv-01798 (D. Del. Sept. 28, 2018)	09/28/2018	Granting dismissal on the basis that the asserted web page linking patent claims were ineligible. Held that the claims were directed to the abstract idea of “facilitating cross-marketing relationships,” with no inventive concept.
<i>Search and Social Media Partners, LLC v. Facebook, Inc.</i> , No. 1-17-cv-01120 (D. Del. Sept. 28, 2018)	09/28/2018	Granting dismissal on the basis that the asserted social networking patent claims were ineligible. Held that the claims were directed to the abstract idea of “providing news items to a subscriber who is part of a group,” with no inventive concept.

CASE	DATE	HOLDING
		<p>However, denied motion to dismiss on the basis that the asserted home social news gathering patent claims were ineligible. Held that the claims were directed to the abstract idea of “promoting information based on its popularity.” Held that the claims, though, “may contain an inventive concept” because “[t]he Complaint alleges that the [patent] provides a novel approach for generating a newsfeed and/or ticker, and that a claimed module allows network users to vote on certain information; stores the information in a set of databases that associates votes with the information and their associated content/URLs; and thereafter publishes the information via a real-time newsfeed. . . . Further factual development regarding just how unconventional or innovative this application was at the time might impact the Section 101 inquiry.”</p>
<p><i>TeleSign Corporation v. Twilio, Inc.</i>, No. 3-18-cv-03279 (N.D. Cal. Oct. 19, 2018)</p>	<p>10/19/2018</p>	<p>Granting judgment on the pleadings on the basis that the asserted online registration patent claims were ineligible. Held that the claims were directed to the abstract idea of “using information about a user to confirm his or her identity,” with no inventive concept.</p>
<p><i>Personal Beasties Group LLC v. Nike, Inc.</i>, No. 1-18-cv-00516 (S.D.N.Y. Oct. 26, 2018)</p>	<p>10/26/2018</p>	<p>Granting dismissal on the basis that the asserted behavioral modification system patent claims were ineligible. Held that the claims were directed to the abstract idea of selecting and then collecting information, analyzing that information, and then presenting the results of that analysis, with no inventive concept.</p>
<p><i>iSentium, LLC v. Bloomberg Finance LP</i>, No. 1-17-cv-07601 (S.D.N.Y. Oct. 19, 2018)</p>	<p>10/29/2018</p>	<p>Granting dismissal on the basis that the asserted claims for trading equities based on social media sentiment were ineligible. Held that the claims were directed to the abstract idea of “interpreting a written statement posted to social media,” with no inventive concept.</p>
<p><i>Thunder Power New Energy Vehicle Development Company Limited v. Byton North America Corporation</i>, No. 3-18-cv-03115 (N.D. Cal. Oct. 31, 2018)</p>	<p>10/31/2018</p>	<p>Granting dismissal on the basis that the asserted vehicle operating system patent claims were ineligible. Held that the claims were directed to the abstract idea of “the ability to receive signals from multiple users, assess whether they are consistent, and, where they are inconsistent, implement the signal of a preferred user,” with no inventive concept.</p>

CASE	DATE	HOLDING
<i>Consumer 2.0, Inc. v. Tenant Turner, Inc.</i> , No. 2-18-cv-00355 (E.D. Va. Nov. 1, 2018)	11/01/2018	Granting dismissal on the basis that the asserted automated property entry patent claims were ineligible. Held that the claims were directed to the abstract idea of “automated entry to a property without human interaction,” with no inventive concept.
<i>Secure Cam, LLC v. Tend Insights, Inc.</i> , No. 5-18-cv-02750 (N.D. Cal. Nov. 14, 2018)	11/14/2018	Granting dismissal on the basis that the asserted digital image categorization patent claims were ineligible. Held that the claims were directed to the abstract idea of “collecting digital images, analyzing them and categorizing them,” with no inventive concept.
<i>Valmont Industries Inc. v. Lindsay Corporation</i> , No. 1-15-cv-00042 (D. Del. Nov. 14, 2018)	11/14/2018	Granting dismissal on the basis that the asserted irrigation monitoring patent claims were ineligible. Held that the claims were directed to the abstract idea of data reformatting, with no inventive concept.
<i>Coqui Technologies, LLC v. Gyft, Inc.</i> , No. 1-17-cv-00777 (D. Del. Nov. 16, 2018)	11/16/2018	Report and recommendation to grant motion to dismiss on the basis that the asserted electronic gift card patent claims were ineligible. Held that the claims were directed to the “abstract idea of selling, gifting, and using an electronic gift certificate,” with no inventive concept.
<i>Epic IP LLC v. Backblaze, Inc.</i> , No. 1-18-cv-00141 (D. Del. Nov. 21, 2018)	11/21/2018	Granting dismissal on the basis that the asserted internet chat session patent claims were ineligible. Held that the claims were directed to the abstract idea of providing “an Internet user the ability to visit a website and then form a group from among those visiting the website to conduct a ‘chat’ independent of the website,” with no inventive concept.
<i>Bytemark, Inc. v. Masabi Ltd.</i> , No. 2-16-cv-00543 (E.D. Tex. Nov. 26, 2018)	11/26/2018	Granting dismissal on the basis that the asserted electronic ticket distribution patent claims were ineligible. Held that the claims were directed to the abstract idea of “sending, receiving, storing, and verifying data or information,” with no inventive concept.
<i>Finnavations LLC v. Payoneer, Inc.</i> , No. 1-18-cv-00444 (D. Del. Nov. 26, 2018)	11/26/2018	Granting dismissal on the basis that the asserted financial management system patent claims were ineligible. Held that the claims were directed to the abstract idea of “electronic financial recordkeeping,” with no inventive concept.

CASE	DATE	HOLDING
<i>Tangelo IP, LLC v. Tupperware Brands Corporation</i> , No. 1-18-cv-00692 (D. Del. Nov. 26, 2018)	11/26/2018	Granting dismissal on the basis that the asserted interactive advertising patent claims were ineligible. Held that the claims were directed to the abstract idea of “providing telephone sales representatives to support their printed product catalogs,” with no inventive concept.
<i>Realtime Adaptive Streaming LLC v. Haivision Network Video Inc.</i> , No. 1-17-cv-01520 (D. Del. Dec. 12, 2018)	12/12/2018	Report and recommendation to grant dismissal on the basis that the asserted data storage and distribution patent claims were ineligible. Held that the claims were directed to the abstract idea of “obtain[ing] functional results of determining a parameter, selecting a compression algorithm, applying that algorithm, and storing the resulting data, with no technical detail describing how to achieve those results,” with no inventive concept.
<i>Nuance Communications, Inc. v. MModal LLC f/k/a as MModal Inc.</i> , No. 1-17-cv-01484 (D. Del. Oct. 23, 2017)	12/14/2018	<p>Report and recommendation to grant dismissal on the basis that the asserted automated speech recognition patent claims were ineligible. Held that the claims were directed to the abstract idea of “receiving data, recognizing words using well-known ASR technology, and storing the data in the appropriate fields of a report template,” with no inventive concept.</p> <p>However, recommended denying motion to dismiss on the basis that the asserted transcription error recognition were ineligible. Held that the claims were not directed to an abstract idea, and instead “recite[d] specific methods for navigating and editing dictation transcripts more efficiently by eliminating the need to stop the acoustic playback each time a correction is made,” and thus “improve[d] the functionality of speech recognition devices by facilitating navigation of the text information.”</p>
<i>Hyper Search LLC v. Facebook, Inc.</i> , No. 1:17-cv-01387 (D. Del. Dec. 18, 2018)	12/18/2018	Report and recommendation to grant dismissal on the basis that the asserted home-page creation patent claims were ineligible. Held that the claims were directed to the “abstract idea of storing a template, creating a document based on that template, and storing the document for access by the public . . . with no technical detail describing how to achieve those results.” Recommended granting dismissal on the basis of ineligibility of a number of other related patent claims.

CASE	DATE	HOLDING
<i>In-Depth Test LLC v. Maxim Integrated Prods., Inc.</i> , No. 1:14-cv-00887 (D. Del. Dec. 18, 2018)	12/18/2018	Granting judgment on the pleadings on the basis that the asserted semiconductor-chip testing patent claims were ineligible. Held that the claims were directed to the abstract idea of “generating, receiving, analyzing by means of statistics, and reporting data,” without an inventive concept.
<i>Baggage Airline Guest Servs., Inc. v. Roadie, Inc.</i> , No. 1:18-cv-00707 (D. Del. Jan. 7, 2019)	01/07/2019	Granting judgment on the pleadings on the basis that the asserted baggage delivery system patent claims were ineligible. Held that the claims were directed to the abstract idea of “coordinating and monitoring baggage delivery,” with no inventive concept.
<i>Valentine Communications, LLC v. Six Continents Hotels, Inc.</i> , No. 1:18-cv-01815 (N.D. Ga. Jan. 9, 2019)	01/09/2019	Granting dismissal on the basis that the asserted e-commerce discount patent claims were ineligible. Held that the claims were directed to the abstract idea and fundamental economic practice of “conduct[ing] business electronically,” with no inventive concept.
<i>Electronic Communication Techs., LLC v. Minted, LLC</i> , No. 9-16-cv-81669 (S.D. Fla. Jan. 18, 2019)	01/18/2019	Granting judgment on the pleadings on the basis that the asserted shipping notification patent claims were ineligible. Held that the claims were directed to the abstract idea of providing advance notification of the pickup or delivery of a mobile thing, with no inventive concept.
<i>Electronic Communication Techs., LLC v. ShoppersChoice.com, LLC</i> , No. 9-16-cv-81677 (S.D. Fla. Jan. 18, 2019)	01/18/2019	Granting judgment on the pleadings on the basis that the asserted shipping notification patent claims were ineligible. Held that the claims were directed to the abstract idea of providing advance notification of the pickup or delivery of a mobile thing, with no inventive concept.
<i>IPA Techs. Inc. v. Amazon.co, Inc.</i> , No. 1-16-cv-1266 (D. Del. Jan. 18, 2019)	01/18/2019	Granting in part motion to dismiss on the basis that the asserted speech-based data navigation patent claims were ineligible. Held that the claims were directed to the abstract idea of navigating an electronic database, with no inventive concept. However, denied in part motion to dismiss on the basis that the asserted cooperative software architecture patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather to “a specific software architecture that employs facilitators for delegation and coordination, construction

CASE	DATE	HOLDING
		of arbitrarily complex goals, an expandable inter-agent communication language, service-providing agents and a distributed process where no single agent defines the set of possible inputs.”
<i>SkyHawke Techs., LLC v. DECA Int’l Corp.</i> , No. 2:18-cv-01234 (C.D. Cal. Feb. 4, 2019)	02/04/2019	Granting judgment on the pleadings on the basis that the asserted golf GPS patent claims were ineligible, but also granted the plaintiff leave to amend tis complaint.
<i>Specialized Monitoring Solutions, LLC v. ADT LLC</i> , No. 2:17-cv00768 (E.D. Tex. Feb. 7, 2019)	02/07/2019	Granting summary judgment on the basis that the asserted protected space monitoring patent claims were ineligible. Held that the claims were directed to the abstract idea of collecting and analyzing data, with no inventive concept.
<i>Citrix Sys., Inc. v. AVI Networks, Inc.</i> , No. 1:17-cv-01843 (D. Del. Feb. 13, 2019)	02/13/2019	Granting dismissal on the basis that the asserted available-network identification patent claims were ineligible. Held that the claims were directed to the abstract idea of “using a dynamic response time to determine availability,” with no inventive concept.
<i>Location Based Servs., LLC v. Fantastic Fox, Inc.</i> , No. 1:18-cv-01424 (D. Del. Feb. 13, 2019)	02/13/2019	Granting dismiss on the basis that various asserted claims were ineligible. For instance, held that music organizer claims were directed to the abstract idea of using “a flag to find music in a certain category,” with no inventive concept.
<i>Kajeet, Inc. v. Qustodio, LLC</i> , No. 8:18-cv-01519 (C.D. Cal. Feb. 28, 2019)	02/28/2019	Granting, without prejudice, motion to dismiss on the basis that the asserted communication feature management patent claims were ineligible. Held that the claims were directed to the abstract idea of “managing access to functions based on policies,” with no inventive concept.

B. Biotechnology/Life Sciences Patents

1. Federal Circuit Decisions

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>In re BRCA1- and BRCA2-Based Hereditary Cancer Test Patent Litigation</i> , 774 F.3d 755 (Fed. Cir. 2014)	12/17/2014	No petition found	No petition found	Affirming the district court’s denial of a preliminary injunction on the basis that Myriad was unlikely to succeed on the merits because its claims were drawn to ineligible subject matter. Held that the claims were ineligible because they merely covered a mental process of comparing BRCA sequences, using routine and conventional techniques.
<i>Ariosa Diagnostics, Inc. v. Sequenom, Inc.</i> , 788 F.3d 1371 (Fed. Cir. 2015)	06/12/2015	12/02/15 (denied)	06/27/2016 (denied)	Affirming the grant of summary judgment on the basis that the asserted claims, which related to making a diagnosis for certain fetal characteristics based on the detection of paternally inherited cffDNA, were ineligible. Held that the claims were directed to the natural phenomenon of the existence of cffDNA in maternal blood. Held that the claims lacked an inventive concept because the recited amplification and detection steps were “well-understood, routine and conventional.”
<i>Genetic Techs. Ltd. v. Merial L.L.C.</i> , 818 F.3d 1369 (Fed. Cir. 2016)	04/08/2016	No petition found	08/08/2016 (denied)	Affirming the district court’s grant of dismissal on the basis that the asserted claims, which recited methods of analyzing sequences of DNA, were ineligible. Held that the claims were directed to the natural law of “the principle that certain non-coding and coding sequences are in linkage disequilibrium with one another.” Held that the claims lacked an inventive concept. As to the

GIBSON DUNN

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				claims’ physical steps, held that amplifying and analyzing steps required no more than routine and conventional techniques. As to the claims’ detecting step, held that it was no more than a mental process step that can be performed entirely in the human mind.
<i>The Cleveland Clinic Foundation v. True Health Diagnostics LLC</i> , 859 F.3d 1352 (Fed. Cir. 2017)	06/16/2017	07/31/2017 (denied)	01/16/2018 (denied)	Affirming the district court’s dismissal on the basis that the asserted claims reciting methods for detecting an enzyme and correlating the results to cardiovascular risk were ineligible. Rejected the appellant’s argument that the district court should have decided the issue after claim construction, noting that the appellant had not provided any proposed construction of any terms or proposed expert testimony that would have changed the eligibility analysis. Held that the claims were directed to multistep methods for observing the law of nature that the enzyme correlates to cardiovascular disease. Held that the claims lacked an inventive concept because, although they discovered this correlation, they did not “extend their discovery . . . to a patentable method,” as they required only conventional detection and comparison methods.
<i>Roche Molecular Sys., Inc. v. Cepheid</i> , No. 2017-1690 (Fed. Cir. Oct. 9, 2018)	10/09/2018	No petition found	No petition found	Affirmed the district court’s grant of summary judgment on the basis that the asserted claims, which were directed to methods of detecting a bacterium, were ineligible. Held that the claims specifically directed to primers were ineligible based on <i>BRCA1/BRCA2</i> , holding that primers “are indistinguishable from their corresponding nucleotide sequences on . . . naturally

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				<p>occurring . . . gene[s].” However, made clear that the decision was not addressing the eligibility of primers “that have been altered—e.g., investigator-induced mutation(s) such that their nucleotide sequences are not found in nature, or primers which are chemically modified or labeled by investigators such that they cannot be isolated directly from naturally occurring DNA.”</p> <p>Also held that the claims specifically directed to a method of a diagnostic test determining the presence of the bacterium at issue, were directed to a natural relationship “between the eleven naturally occurring position-specific signature nucleotides and the presence of [the bacterium] in the sample.” Held that the claims lacked an inventive concept because they required routine and conventional technology, such as PCR, to carry out the method.</p> <p>Judge O’Malley concurred, but wrote separately to express that <i>BRCA1/BRCA2</i> should be revisited because the question in that case was narrower than the holding, and that “certain arguments and evidence” presented in this case were not before that panel. Procedural point: stated that <i>BRCA1/BRCA2</i> presented the question only of whether the district court had abused its discretion in denying a motion for preliminary injunction, and whether the patentee was likely to succeed on the merits of its infringement claim, and the district court made no findings as to whether the primer claims “were indeed patent</p>

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				ineligible.” Substantive point: stated that there can be cases where primers differ structurally and functionally from their natural counterparts, which can potentially be patent-eligible.
<i>Athena Diagnostics, Inc. v. Mayo Collaborative Servs., LLC</i> , No. 2017-2508 (Fed. Cir. Feb. 6, 2019)	02/06/2019	Time to file petition is still pending (until 04/08/2019)	Time to file petition is still pending	Affirming dismissal of claims directed to diagnosing a neurological disorder by detecting certain antibodies in the body. Held that the claims were directed to the natural “correlation between the presence of naturally-occurring MuSK autoantibodies in bodily fluid and MuSK-related neurological diseases like MG,” with no inventive concept. In dicta, reaffirmed that “claiming a new treatment for an ailment, albeit using a natural law, is not claiming the natural law.”

2. District Court Decisions

CASE	DATE	HOLDING
<i>Genetic Techs. Ltd. v. Lab. Corp. of Am. Holdings</i> , No. 12-1736, 2014 WL 4379587, at *10-11 (D. Del. Sept. 3, 2014)	09/03/2014	Holding ineligible a claim related to “the correlation between a particular genetic variation and sprinting, strength or power performance,” finding it claimed a natural process, and “because claim 1 does not confine its reach to a particular inventive application of the recited natural correlation, there is a danger that future innovation based on the correlation will be stifled”
<i>Genetic Techs. Ltd. v. Bristol-Myers Squibb</i> , Nos. 12-394, 12-396, Slip Op. at 13, 15 (D. Del. Oct. 30, 2014)	10/30/2014	Holding ineligible claim related to “amplifying genomic DNA” and “analyzing the amplified DNA” because “[t]he asserted claim recites a series of steps to manifest the natural law – that is, to detect the natural correlations between coding and noncoding sequence” (emphases in original)
<i>Celsis in Vitro, Inc. v. CellzDirect, Inc.</i> , 2015 WL 1523818, at *7 (N.D. Ill. Mar. 13, 2015)	03/15/2015	Holding ineligible claims related to protecting processes for freezing liver cells, finding that the claims identified a law of nature: that certain liver cells were capable of being frozen and thawed more than once. Aside from the discovery that double freezing was feasible, the steps used to freeze and unfreeze the cells were a practice already in wide usage.
<i>Genetic Veterinary Sciences, Inc. v. Canine EIC Genetics, LLC</i> , No. 14-1598, Slip Op. at 20 (D. Minn. Marc. 31, 2015)	03/31/2015	Granting summary judgment of ineligibility, finding that claims were directed to a patent-ineligible natural law. "Even if, as [defendant] argues, some of the [patent] claims involve non-natural processes or materials, those claims are still directed at identifying a genetic biomarker that exists in nature. . . . [T]he patent claims at issue here are not directed at creating entirely new, non-natural genetic material. Instead, the [patent] uses non-natural processes to serve its purpose of identifying a natural law."

CASE	DATE	HOLDING
<i>Exergen Corp. v. Brooklands Inc.</i> , No. 12-12243, Op. at 14-18 (D. Mass. Aug. 28, 2015)	08/28/2015	Granting summary judgment of ineligibility of claims related to the determination of body temperature. Held that the only additional step added to the laws of nature account heat transfer principles was taking a measurement of temperature or radiation at the forehead, which was not inventive.
<i>Exergen Corp. v. Thermomedics, Inc.</i> , No. 1:13-cv-11243, Op. at 11 (D. Mass. Sept. 15, 2015)	09/15/2015	Granting summary judgment in favor of defendant, holding that temporal artery thermometer patent claims were ineligible. Held that the thermometer did no more than discover a natural relationship between skin temperature and body temperature, and the fact that the practice was “thought to be impossible” at the time the patent was issued and that years were spent conducting clinical trials to overcome the industry’s skepticism of the invention did not change the ineligibility of the claims.
<i>Endo Pharms. Inc. v. Actavis, Inc.</i> , No. 1:14-cv-01381, Op. at 13, 16-17 (D. Del. Sept. 23, 2015) <i>Endo Pharms. Inc. v. Actavis, Inc.</i> , No. 1:14-cv-01381 (D. Del. Nov. 17, 2015) (overruling plaintiffs’ objections to the report and recommendation)	09/23/2015 11/17/2015	Report and recommendation to grant motion to dismiss based on ineligibility of pain treatment patent claims. Held that the claims cover the natural law that the bioavailability of oxymorphone is increased in people with impaired kidney function. Held that there was no inventive concept because the administering step merely instructs physicians to dispense oxymorphone for the treatment of pain in a well-known manner, while utilizing the natural law to manage the dosage.
<i>Esoterix Genetic Labs., LLC v. Qiagen NV</i> , No. 1:14-cv-13228, Op. at 15-16 (D. Mass. Sept. 25, 2015)	09/25/2015	Granting motion to dismiss on the basis that lung cancer treatment claims were ineligible as directed toward a law of nature. Held that the claims describe a “correlation between a naturally-occurring mutation in a cancer cell, and the likelihood that a particular type of known pharmaceutical compound will be effective in treating that type of cancer.” Held that the claims lacked inventive concept because, although it was not previously conventional to administer the drugs only to patients with these particular genetic mutations, the drugs “were,

CASE	DATE	HOLDING
		<p>instead, prescribed more indiscriminately. Thus, the method claimed ... does not fundamentally transform, or even alter, a known method of treating these cancers.”</p>
<p><i>MiMedz Grp. Inc. v. NuTech Med., Inc.</i>, No. 2:15-cv-00369, Op. at 17-18 (N.D. Ala. Nov. 24, 2015)</p>	<p>11/24/2015</p>	<p>Granting-in-part motion to dismiss on the basis of ineligibility of certain asserted tissue graft patent claims (claims 6-8), holding that the claims were directed to the natural phenomenon of placental tissue and lacked inventive concept because “separating the layers of placenta from each other, washing or otherwise cleaning them, layering them directly over each other and laminating and heat dehydrating them, are not steps that are ‘novel’” and do “not ‘transform’ the naturally occurring tissue into a patent-eligible invention.”</p>
<p><i>Brain Synergy Institute LLC v. UltraThera Techs., Inc.</i>, No. 1:13-cv-01471, Op. at 15-18 (D. Colo. Jan. 28, 2016)</p>	<p>01/28/2016</p>	<p>Report and recommendation to grant in part motion for judgment on the pleadings on the basis that the asserted vertigo management patent claims were ineligible. Held that that the claims were directed to the abstract idea of “using sensors to collect two different streams of data and transmitting them to a data processor, which is a generic computer, for processing.” Further held that the claims lacked an inventive concept because the claims did nothing more than “add a generic use of a computer to the abstract idea.”</p> <p>However, recommended denying in part motion for judgment on the pleadings that the claims were directed to a law of nature. Rejected the defendants’ argument that the claims were directed to the law of nature of “measuring spatial orientation and behavioral responses to that spatial orientation,” finding that the claims “do not purport to draw any specified correlation between spatial orientation and behavioral response.”</p> <p>Also denied in part one independent claim directed to a “machine” as not being directed to an abstract idea.</p>

CASE	DATE	HOLDING
<p><i>Cleveland Clinic Foundation v. True Health Diagnostics LLC</i>, No. 1:15-cv-02331, Op. at 5, 10, 13-14 (N.D. Ohio Feb. 23, 2016)</p>	<p>02/23/2016</p>	<p>Granting motion to dismiss on the basis that asserted claims covering the testing of enzymes to assess cardiovascular disease were ineligible. Rejected the patentee’s argument that the motion was premature because claim construction had not yet occurred, finding that the patentee had provided no proposed constructions for the terms that it alleged were necessary to the eligibility analysis, particularly after the patentee had initially argued that the claim terms were to be afforded their plain and ordinary meaning (which the defendant agreed with for purposes of the motion). Held that the claims were directed to a law of nature: the relationship between enzyme levels in the bloodstream and the risk of having or developing cardiovascular disease. Further held that the claims lacked an inventive concept, stating that “[E]ven though plaintiff may have been the first to ‘see’ [the enzyme] by looking at the amount of [the enzyme] molecules and/or the enzymatic activity level, these values are naturally occurring and their discovery does not render the patents eligible under § 101.” Finally, rejected the patentee’s argument that the fact that the patent had survived reexamination alone was not sufficient to satisfy Section 101.</p>
<p><i>Esoterix Genetic Labs., LLC v. Qiagen NV</i>, No. 1:14-cv-13228, Op. at 5, 19 (D. Mass. Aug. 31, 2016)</p>	<p>08/31/2016</p>	<p>Granting motion for judgment on the pleadings that the asserted cancer treatment kit patent claims were ineligible. Held that the claims were directed to the law of nature—namely, like claims previously found to be ineligible, a “correlation between a naturally-occurring mutation in a cancer cell, and the likelihood that a particular type of known pharmaceutical compound will be effective in treating that type of cancer.” Held that the claims lacked an inventive concept because they involved only routine and conventional techniques.</p>

CASE	DATE	HOLDING
<p><i>Oxford Immunotec Ltd. V. Qiagen NV</i>, No. 1:15-cv-13124, Op. at 7, 12 (D. Mass. Aug. 31, 2016)</p> <p><i>Oxford Immunotec Ltd. V. Qiagen NV</i>, No. 1:15-cv-13124, Op. at 3–4 (D. Mass. Sep. 30, 2016)</p>	<p>08/31/2016</p> <p>09/30/2016</p>	<p>Report and recommendation to grant in part motion to dismiss on the basis that the asserted tuberculosis test kit patent claims were ineligible. Held that the claims were directed to a law of nature, “a naturally occurring protein, and the human immune system’s naturally occurring response to [it],” with no inventive concept. However, recommended denying the motion as to the method claims “[a]t this early juncture” because the method claims required in vitro testing, and potentially “improves on existing methods for diagnosing TB by making diagnosis more convenient, less dependent on a physician’s subjective interpretation of results, and more accurate.”</p> <p>Sustaining the plaintiff’s objections to the report and recommendation, holding that dismissal would be premature. Relied in part on the fact that the claimed peptides “are alleged to be chemically different than the naturally occurring amino acids in the ESAT-6 protein.”</p>
<p><i>Boehringer Ingelheim Pharms., Inc. v. HEC Pharm Grp.</i>, No. 3-15-cv-05982, Op. at 5, 21 (D.N.J. Dec. 8, 2016)</p>	<p>12/08/2016</p>	<p>Granting motion for judgment on the pleadings on the basis that the asserted diabetes treatment patent claims were ineligible. Held that the claims were directed to the abstract idea of “administering the DPP-IV inhibitor to the targeted patient population.” Held that the claims lacked an inventive concept because the only improvement that they provided was that the claimed inhibitor “would not require dose adjustments in patients with any degree of renal impairment.”</p>
<p><i>Roche Molecular Systems, Inc. v. Cepheid</i>, No. 3-14-cv-03228, (N.D. Cal. Jan. 17, 2017)</p>	<p>01/17/2017</p>	<p>Granting motion to dismiss on the basis that the asserted tuberculosis genetic detection patent claims were ineligible. Held that the claims were directed to the natural phenomenon of DNA primers. Held that the claims lacked an inventive concept, as they did not provide any improvement to the existing technology.</p>

CASE	DATE	HOLDING
<i>My Health, Inc. v. ALR Techs., Inc.</i> , No. 2:16-cv-00535 (E.D. Tex. Feb. 14, 2017)	02/14/2017	Granting motion to dismiss on the basis that the asserted patient monitoring patent claims were ineligible. Held that the claims were directed to the abstract idea of “tracking compliance with treatment guidelines.” Held that the claims lacked an inventive concept because they recited only conventional computer activities.
<i>CardioNet, LLC v. InfoBionic, Inc.</i> , No. 1:15-cv-11803 (D. Mass. May 4, 2017)	05/04/2017	Granting-in-part and denying-in-part motion for judgment on the pleadings on the basis of ineligibility of asserted monitoring and transmitting patient data claims and cardiac monitoring claims. Held that monitoring claims were directed to an abstract idea, but that they had an inventive concept because they improved upon prior art in the mobile cardiac elemetry field and others. Held that other data processing claims were ineligible because they were directed to an abstract idea of organizing human behavior, with no inventive concept.
<i>Natural Alternatives Int’l, Inc. v. Allmax Nutrition, Inc.</i> , No. 3:16-cv-01764 (S.D. Cal. June 26, 2017)	06/26/2017	Granting motion to dismiss on the basis of ineligibility of asserted beta-alanine nutritional supplement patents. Held that the claims were directed to the natural phenomenon of beta-alanine, which was the only ingredient of the supplement and is present in the muscles of humans and other vertebrates. Held that mixing beta-alanine with a carbohydrate and create, which are also naturally occurring, and placing that mixture into a human dietary supplement, was insufficient to confer an inventive concept.
<i>Athena Diagnostics, Inc. v. Mayo Collaborative Servs.</i> , No. 1:15-cv-40075 (D. Mass. Aug. 4, 2017)	08/04/2017	Granting renewed motion to dismiss on the basis of ineligibility of asserted neurotransmission disorder diagnosis patent claims. Held that the claims were directed to the natural law of the interaction between a laboratory-created molecule and the bodily fluid (where the claims did not specifically cover a the molecule or other composition), with no inventive concept.

CASE	DATE	HOLDING
<i>The Cleveland Clinic Foundation v. True Health Diagnostics</i> , No. 1:17-cv-00198 (E.D. Va. Aug. 4, 2017)	08/04/2017	Granting motion to dismiss on the basis of ineligibility of asserted cardiovascular disease diagnosis patent claims based on the Federal Circuit’s decision invalidating the parent patent claims tied to the same subject matter.
<i>INO Therapeutics LLC v. Praxair Distribution, Inc.</i> , No. 1:15-cv-00170 (D. Del. Sep. 5, 2017)	09/05/2017	After a bench trial, held that the asserted pulmonary edema treatment patent claims were ineligible. Held that the claims were directed to a natural phenomenon—the increased risk of pulmonary-capillary wedge pressure that develops when administering inhaled nitric oxide to term or near-term patients with both hypoxic respiratory failure and left-ventricular dysfunction. Held that the claims lacked an inventive concept because they were not directed to a new way of using an existing drug.
<i>Natural Alternatives Int’l, Inc. v. Creative Compounds LLC</i> , No. 3:16-cv-02146 (S.D. Cal. Sep. 5, 2017)	09/05/2017	Granting motion for judgment on the pleadings on the basis of ineligibility of asserted beta-alanine supplement patent claims. Held that the claims were directed to the natural phenomenon of beta-alanine, which was the only ingredient of the supplement and is present in the muscles of humans and other vertebrates. Held that mixing beta-alanine with a carbohydrate and create, which are also naturally occurring, and placing that mixture into a human dietary supplement, was insufficient to confer an inventive concept.
<i>American Axle & Mfg, Inc. v. Neapco Holdings LLC</i> , No. 1:15-cv-01168 (D. Del. Feb. 27, 2018)	02/27/2018	Granting summary judgment on the basis that the asserted vibration attenuating patent claims were ineligible. Held that the claims were directed to the law of nature—an application of Hooke’s law with the result of friction damping, with no inventive concept.
<i>Genetic Veterinary Sciences, Inc. d/b/a Paw Prints Genetics v. LABOklin GmbH & Co. KG</i> , No. 2-17-cv-00108 (E.D. Va. May 14, 2018)	05/14/2018	After a jury trial, granting JMOL on the basis that the asserted labrador retriever genotyping patent claims were ineligible. Held that the patent “simply states that the search for the mutation involves the laboratory examination of Labrador Retriever DNA, which resulted in the discovery of the mutation, which in combination with similar mutations of Labrador Retrievers who mates with a carrier results in offspring

CASE	DATE	HOLDING
		having a higher probability of inheriting the mutation. The mutation itself and the fact that it is inherited through male and female dog carriers mating are both natural phenomena.” Also held that the claims contained no inventive concept.
<i>Puget Bio Ventures, LLC v Biomet Orthopedics LLC</i> , No. 3-10-cv-00465 (N.D. Ind. July 2, 2018)	07/02/2018	Granting judgment on the pleadings that the asserted femoral resection patent claims were ineligible. Held that the claims were “directed to the abstract idea of ‘providing’ instrumentation and information on how to perform a medical procedure,” with no inventive concept.
<i>XY, LLC v. Trans Ova Genetics, LC</i> , 1-17-cv-00944 (D. Colo. Aug. 9, 2018)	08/09/2018	Granting judgment on the pleadings on the basis that the asserted sexed semen sorting patent claims were ineligible. Held that the claims involved no more than the application of math, with no inventive concept.
<i>23andMe, Inc. v. Ancestry.com DNA, LLC</i> , No. 3-18-cv-02791 (N.D. Cal. Aug. 23, 2018)	08/23/2018	Granting dismissal on the basis that the asserted claims, which were directed to finding relatives using recombinable DNA, were ineligible. Held that the claims were directed to a law of nature: the correlation that “the more recombinable DNA information that is shared between two people, the closer the degree of relationship,” with no inventive concept.
<i>Align Technology, Inc. v. 3Shape A/S</i> , No. 1-17-cv-01646 (D. Del. Sept. 7, 2018)	09/07/2018	Denying motion to dismiss on the ground that the asserted intraoral image selection patent claims were ineligible. Held that the claims were directed to “an improved method for generating a model of an intraoral site.” However, granted dismissal on the basis that the asserted dental prosthesis finish line patent claims were ineligible. Held that the claims were directed to the abstract idea of “modifying a finish line of a dental prosthesis,” with no inventive concept. Also held that teeth viewing system patent claims were directed to the abstract idea of “describing an orthodontic treatment plan,” with no inventive concept.

CASE	DATE	HOLDING
		<p>Also denied motion to dismiss on the basis that the asserted dental fabrication template patent claims were ineligible. Held that the “relevant technology consisted of templates that, in some instances, could dislodge orthodontic brackets during their removal from the patient’s mouth. Claim 13 of the [patent] purports to fix this problem by disclosing a method for creating a template that could guide the placement of the brackets without the brackets necessarily being contained within the template does not rebut this point. [Defendant] has not, therefore, persuaded the Court that the claim is directed to an abstract idea.”</p>
<p><i>Cardionet, LLC v. InfoBionic, Inc.</i>, No. 1-17-cv-10445 (D. Mass. Oct. 16, 2018)</p>	<p>10/16/2018</p>	<p>Granting dismissal on the basis that the asserted cardiac monitoring patent claims were ineligible. Held that the claims were directed to the abstract idea that heart arrhythmias “can be distinguished by focusing on the variability of the irregular heartbeat,” with no inventive concept.</p>
<p><i>Illumina, Inc. v. Ariosa Diagnostics, Inc.</i>, No. 18-cv-02847 (N.D. Cal. Dec. 24, 2018)</p>	<p>12/24/2018</p>	<p>Granting summary judgment on the basis that the asserted DNA extraction and fractioning patent claims were ineligible. Held that the claims were directed natural phenomena: a “testable quantity of genetic information found in nature,” with no inventive concept.</p>
<p><i>Ni-Q, LLC v. Prolacta Bioscience, Inc.</i>, No. 3:17-cv-00934 (D. Or. Feb. 13, 2019)</p>	<p>02/13/2019</p>	<p>Granting summary judgment on the basis that the asserted breast milk testing patent claims were ineligible. Held that the claims were directed to a law of nature—the presence of identity markers such as DNA in a woman’s mammary fluid and other biological tissue—with no inventive concept.</p>

II. CLAIMS ELIGIBLE UNDER ALICE

A. Software/Tech Patents

1. Federal Circuit Decisions

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>DDR Holdings, LLC v. Hotels.com, L.P.</i> , 773 F.3d 1245, 1256 (Fed. Cir. 2014)	12/05/2014	No petition found	No petition found	Affirming the district court’s denial of judgment as a matter of law that the asserted claims were ineligible. Held that the claims, which recited a method of generating composite web pages combining visual elements of a host website and content of a third-party merchant, were “necessarily rooted in computer technology in order to overcome a problem specifically rising in the realm of computer networks,” and overrode the “routine and conventional sequence of events ordinarily triggered by the click of a hyperlink.”
<i>Enfish, LLC v. Microsoft Corp.</i> , 822 F.3d 1327 (Fed. Cir. 2016)	05/12/2016	No petition found	No petition found	Reversing the district court’s grant of summary judgment on the basis that the asserted “self-referential” database claims were ineligible. Held that the claims were not directed to an abstract idea, and instead were directed to a “specific improvement to the way computers operate, embodied in the self-referential table.” The claims were “not simply directed to <i>any</i> form of storing tabular data, but instead [were] specifically directed to a <i>self-referential</i> table for a computer database.” Noted that the specification “also teaches that the self-referential table functions differently than conventional database structures.”

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>BASCOM Global Internet Servs., Inc. v. AT&T Mobility LLC</i> , 827 F.3d 1341 (Fed. Cir. 2016)	06/27/2016	07/11/2016 (denied)	No petition found	Vacating the district court’s grant of motion to dismiss on the basis that patent claims directed to filtering content retrieved from an Internet computer network were ineligible. Held that the claims were directed to an abstract idea because “it is a long-standing, well-known method of organizing human behavior, similar to concepts previously found to be abstract.” However, held that when the claims are viewed in an ordered combination, there is sufficient inventive concept to confer eligibility. Identified the inventive concept as the “installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user.” Held that this constituted a “specific technical solution of the abstract idea.”
<i>McRO, Inc. v. Bandai Namco Games America Inc.</i> , 837 F.3d 1299 (Fed. Cir. 2016)	09/13/2016	10/13/2016 (denied)	No petition found	Reversing the district court’s grant of judgment on the pleadings that the asserted claims directed to “automatically animating lip synchronization and facial expression of three-dimensional characters” were ineligible. Held that the claimed rules were “limited to rules within certain common characteristics, i.e., a genus.” Further held that the “computer here is employed to perform a distinct process to automate a task previously performed by humans.” Finally, held that the claims were “directed to a patentable, technological improvement over the existing, manual 3-D animation techniques” and therefore were “not directed to an abstract idea.”
<i>Amdocs (Israel) Ltd. v. Openet Telecom</i> ,	11/01/2016	12/08/2016 (denied)	07/24/2017 (denied)	Reversing the district court’s grant of summary judgment on the basis that various claims were ineligible. Held that

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>Inc.</i> , 841 F.3d 1288 (Fed. Cir. 2016)				claims directed to correlating network accounting records and other usage information were eligible, even if they were directed to an abstract idea, because they provided unconventional solutions to technological problems and provided advantages over the prior art.
<i>Trading Techs. Int’l, Inc. v. CQG, Inc.</i> , 675 F. App’x 1001 (Fed. Cir. 2017) (non-precedential)	01/18/2017	02/17/2017 (denied)	No petition found	Affirming the district court’s denial of the defendant’s motion for judgment as a matter of law on the basis that the asserted claims covering electronic trading of stocks, bonds, futures, options and similar products were eligible. Held that the claims recited a “specific, structured graphical user interface paired with a prescribed functionality directly related to the graphical user interface’s structure that is addressed to and resolves a specifically identified problem in the prior state of the art.” Also stated in dicta that “the public interest in innovative advance is best served when close questions of eligibility are considered along with the understanding flowing from review of the patentability criteria of novelty, unobviousness, and enablement, for when these classical criteria are evaluated, the issue of subject matter eligibility is placed in the context of the patent-based incentive to technologic progress.”
<i>Thales Visionix Inc. v. United States</i> , 850 F.3d 1343 (Fed. Cir. 2017)	03/08/2017	04/24/2017 (denied)	No petition found	Reversing the lower tribunal’s grant of judgment on the pleadings on the basis that the asserted claims—which recited an inertial tracking system for tracking the motion of an object relative to a moving reference frame— were ineligible. Held that the claims were not directed to an abstract idea because they “specif[ied] a particular

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				configuration of inertial sensors and a particular method of using the raw data from the sensors in order to more accurately calculate the position and orientation of an object on a moving platform.”
<i>Visual Memory LLC v. NVIDIA Corp.</i> , 867 F.3d 1253 (Fed. Cir. 2017)	08/15/2017	09/14/2017 (denied)	No petition found	Reversing the district court’s grant of dismissal on the basis that the asserted computer memory claims were ineligible. Held that the claims were not directed to an abstract idea, but rather to a technological improvement: an enhanced computer memory system, by using programmable operational characteristics that are configurable based on the type of processor.
<i>Finjan, Inc. v. Blue Coat Sys., Inc.</i> , 879 F.3d 1299 (Fed. Cir. 2018)	01/10/2018	No petition found	No petition found	Affirming the district court’s finding, after a jury trial, that the asserted claims covering computer security and monitoring systems were patent-eligible. Held that the claims are directed to “non-abstract improvement in computer functionality, rather than the abstract idea of computer security [at] large.” Did not reach <i>Alice</i> step 2.
<i>Core Wireless Licensing S.A.R.L. v. LG Elecs., Inc.</i> , 880 F.3d 1356 (Fed. Cir. 2018)	01/25/2018	02/26/2018 (denied)	No petition found	Affirming the district court’s determination that the claims covering an improved display interface were patent-eligible. Held that the claims were not directed to an abstract idea, but rather an improvement in the functioning of computers, particularly those with small screens.
<i>Berkheimer v. HP Inc.</i> , 881 F.3d 1360 (Fed. Cir. 2018)	02/08/2018	03/12/2018 (denied)	09/28/2018 (pending)	Affirmed in part the district court’s grant of summary judgment on the basis that claims reciting “digitally processing and archiving files in a digital asset management system” were ineligible. Held that the claims were directed to the abstract idea of “of parsing, comparing, and storing data.” Held that “[w]hile patent

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				<p>eligibility is ultimately a question of law, the district court erred in concluding there are no underlying factual questions to the § 101 inquiry.” Held that some claims lacked an inventive concept because they failed to provide an improvement to the existing technology. However, remanded to the district court as to other claims, finding that there was a question of fact as to whether they provided an inventive concept.</p>
<p><i>Data Engine Techs. LLC v. Google LLC</i>, No. 2017-1135 (Fed. Cir. Oct. 9, 2018)</p>	<p>10/09/2018</p>	<p>11/29/2018 (denied)</p>	<p>Time to file petition is still pending</p>	<p>Affirmed in part and reversed in part the district court’s grant of judgment on the pleadings on the basis that the asserted claims, which were directed to systems and methods of making and navigating spreadsheets (“tab claims”), as well as tracking changes made in spreadsheets, were ineligible.</p> <p>Held that the tab claims were not directed to an abstract idea, but rather “to a specific method for navigating through three-dimensional electronic spreadsheets.” This, the court, held, “improve[d] the efficient functioning of computers” by “allow[ing] the user to simply and conveniently ‘flip through’ several pages of [a] notebook to rapidly locate information of interest.” Reiterated that the eligibility “inquiry requires that the claims be read as a whole.”</p> <p>Held that the claims directed to tracking changes in a spreadsheet were ineligible. Held that the claims were directed to the abstract idea of “identifying and storing electronic spreadsheet pages.” Held that the claims lacked an inventive concept because they recited nothing other</p>

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				than “generic steps of creating a base version of a spreadsheet, creating a new version of the spreadsheet, and determining changes made to the original version.”
<i>Ancora Techs., Inc. v. HTC America, Inc.</i> , No. 2018-1404 (Fed. Cir. Nov. 16, 2018)	11/16/2018	No petition found	No petition found	<p>Reversing the district court’s grant of dismissal on the basis that claims directed to “limiting a computer’s running of software not authorized for that computer to run” were ineligible. Held that at step one, “[w]e examine the patent’s ‘claimed advance’ to determine whether the claims are directed to an abstract idea.” Also explained that “[c]omputers are improved not only through changes in hardware; ‘[s]oftware can make non-abstract improvements to computer technology.’” Held that the claims were not directed to an abstract idea, and instead were directed to improved computer security. Specifically, held that the claims “specifically identifies how that functionality improvement is effectuated in an assertedly unexpected way: a structure containing a license record is stored in a particular, modifiable, non-volatile portion of the computer’s BIOS, and the structure in that memory location is used for verification by interacting with the distinct computer memory that contains the program to be verified. In this way, the claim addresses a technological problem with computers: vulnerability of license-authorization software to hacking.” Did not proceed to step two.</p> <p>Also noted that the court has recognized “overlaps between some step one and step two considerations.”</p>

2. District Court Decisions

CASE	DATE	HOLDING
<i>AutoForm Eng'g GMBH v. Eng'g Tech. Assocs., Inc.</i> , No. 10-14141, 2014 WL 4385855, *1, 3-4 (E.D. Mich. Sep. 5, 2014)	09/05/2014	Holding as patent eligible claims directed to “a method for creating addendum zones of tools for the manufacture of formed sheet metal parts” because “[w]hile the patent may include or rely on some basic concepts in the design of sheet metal forming tools, the patents also include numerous limitations that narrow the scope”
<i>Helios Software, LLC v. SpectorSoft Corp.</i> , No. 12-081, 2014 WL 4796111, at *16-17 (D. Del. Sep. 18, 2014)	09/18/2014	Holding as patent eligible claims that “relate to remotely monitoring data associated with an Internet session and . . . controlling computer network access” because “Even if the asserted claims were drawn to abstract ideas, the claims would remain patentable because they satisfy the machine-or-transformation test” where the computer played a significant role in the “real-time data capture and transmission and reception” of information
<i>Cal. Inst. of Tech. v. Hughes Commc'ns., Inc.</i> , No. 2:13-cv-07245, 2014 WL 5661290, at *14-16 (C.D. Cal. Nov. 3, 2014)	11/03/2014	Holding as patent eligible claims directed to a method of encoding and decoding data to help avoid errors because the claims “contain meaningful limitations that represent specifically inventive concepts[.] . . . Although many of these limitations are mathematically algorithms, these algorithms are narrowly defined, and they are tied to a specific error correction process.”
<i>Trading Technologies, Int'l v. CQG, Inc.</i> , No. 1:05-cv-04811, 2015 WL 774655, at *4-5 (N.D. Ill. Feb. 24, 2015)	02/24/2015	Holding as patent eligible patent claims relating to “[c]lick based trading with intuitive grid display of market depth” were not directed to an abstract idea, as they were limited to electronic trading, and recited a technological improvement of a particular form of electronic trading.
<i>Ameritox, Ltd. v. Millennium Health, LLC</i> , No. 3:13-cv-00832, Slip Op. at 5-6 (W.D. Wis. Apr. 24, 2015)	04/24/2015	Finding, as a matter of law, that medication monitoring patent claims were not ineligible, relying on the jury’s finding that the claims were not invalid as anticipated under § 102 or obvious under § 103. Further held that defendant had not established ineligibility by clear and convincing evidence.

CASE	DATE	HOLDING
<i>Intellectual Ventures I LLC v. Capital One Fin. Corp.</i> , No. 8-14-cv-00111, Op. at 17, 20 (D. Md. May 12, 2015)	05/12/2015	Report and recommendation to grant plaintiff’s motion for summary judgment that claims directed to an apparatus utilizing a specific method for dynamically retrieving, manipulating, updating, creating, and displaying data from different types of XML documents are not directed to an abstract idea and thus are not ineligible for lack of patentable subject matter.
<i>Freeny v. Murphy Oil Corp.</i> , No. 2:13-CV-791-RSP, Dkt. 143 at 5 (E.D. Tex. May 22, 2015)	05/22/2015	Denying motion for summary judgment of ineligibility of claims related to automated pricing, holding that the claimed system of “interconnected physical devices – implemented in a specialized manner to control the display and management of product prices” was not directed to an abstract idea. Contrasted the system with a generic computer performing generic computer functions in relation to an abstract concept.
<i>Summit 6 LLC v. HTC Corp.</i> , No. 7:14-cv-00014, Dkt. 284 at 14 (N.D. Tex. May 28, 2015)	05/28/2015	Denying motion for judgment on the pleadings that claims related to internet media submission have sufficient inventive concept. Specifically, it has “built in intelligence” which “enables the appropriate changes to be made to a media object automatically, without specific user input.” However, the court noted that “the question of whether a claim is directed to a long-prevalent human process is not itself a question of fact.”
<i>StoneEagle Servs., Inc. v. Pay-Plus Solutions, Inc.</i> , No. 8:13-cv-2240, at 20-21 (M.D. Fla. July 1, 2015)	07/01/2015	Denying summary judgment of ineligibility of claims of medical payment system patent, finding that the claims are “different enough in substance from the prior art” and “do not merely recite the performance of some prior art business practice.” “Instead, the claimed solution is necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of the health care industry.”

CASE	DATE	HOLDING
<i>Execware LLC v. BJ's Wholesale Club Inc.</i> , No. 1:14-cv-00233, at 25-26 (D. Del. July 15, 2015)	07/15/2015	Report and recommendation to deny motion to dismiss based on ineligibility. Held that claims related to database formatting recited a specific solution of using a query dialog box that has a particular feature to solve the identified problem of the time-consuming process of using then-available software for the design of a custom database, and therefore were eligible because the solution was rooted in computer technology to overcome a problem specifically arising in the realm of computers.
<i>ContentGuard Holdings, Inc. v. Amazon.com, Inc.</i> , No. 2-13-cv-01112, Op. at 6 (E.D. Tex. Aug. 6, 2015)	08/06/2015	Denying renewed JMOL that claims related to digital content management were ineligible, holding that they were not directed to an abstract idea. Instead held that the claims were directed toward “patent-eligible methods and systems of managing digital rights using specific and non-generic 'trusted' devices and systems.” Further stated that, at the very least, the claims recite “particular solutions for the problem of 'enforcing usage rights and restrictions on digital content' that '(1) [do] not foreclose other ways of solving the problem, and (2) recite[] a specific series of steps that result[] in a departure from the routine and conventional' way of managing digital rights.”
<i>Maxus Strategic Sys., Inc. v. Aquamin LLC</i> , No. 1:11-CV-073, Op. at 3-4 (W.D. Tex. Aug. 18, 2015)	08/18/2015	Denying motion for summary judgment of ineligibility of financial information virtual reality patent claims, finding that defendant failed to establish the lack of inventive concept. The court agreed with the plaintiff that the claims describe a system to manage, display, and analyze large volumes of complex data through the unique use of computers, Internet, and virtual reality software. This, the court found, constituted the creation of new compositions and products based on combining elements from different sources.
<i>Datatern, Inc. v. Microstrategy, Inc.</i> , No. 11-11970, -12220, Op. at 13, 15, 16 (D. Mass. Sept. 4, 2015)	09/04/2015	Denying motion for summary judgment of ineligibility of claims relating to a “method for interfacing an object oriented software application with a relationship database,” holding that to the extent the claims could be described as encompassing an abstract concept of

CASE	DATE	HOLDING
		<p>“mapping out relationships between two databases,” the claims have sufficient inventive concept because they solve a problem “that specifically arises in the realm of computing; indeed, object-oriented programs exist only in the realm of computers, and relational databases are utilized primarily, if not exclusively, on computers.” Held that the clear and convincing standard still applies, even though it has been called into doubt.</p>
<p><i>Canrig Drilling Tech. Ltd. v. Trinidad Drilling Ltd.</i>, 4:15-cv-00656, Op. at 9 (S.D. Tex. Sept. 17, 2015)</p>	<p>09/17/2015</p>	<p>Denying motion for judgment on the pleadings based on ineligibility of claims related to directional drilling. Held that the claims “are not an attempt to patent the abstract concept of rotation,” but instead “address specific challenges in directional drilling through a concrete process for controlling the rotation of the long drill strings to and between predetermined angles ... Such tangible, industrial processes have long been considered eligible to receive patent protection.”</p>
<p><i>Prism Techs. v. T-Mobile USA, Inc.</i>, No. 8:12-cv-00124, Op. at 5-7 (D. Neb. Sept. 22, 2015)</p>	<p>09/22/2015</p>	<p>Granting cross-motion for summary judgment on the grounds that network resource access patent claims were <i>not</i> ineligible. Held that the claims were directed to the abstract idea of restricting access to resources. However, held that the claims contained an inventive concept because, by using identity associated with the client computer to control access to resources over an untrusted network, the claims modified the way the Internet functions to provide secure access over a protected computer resource.</p>
<p><i>Mobile Telecommunications Techs., LLC v. Leap Wireless Int’l, Inc.</i>, No. 2:13-cv-00885, Op. at 6-8 (E.D. Tex. Sept. 23, 2015)</p>	<p>09/23/2015</p>	<p>Denying motion for judgment on the pleadings based on ineligibility of paging carrier transmission patent claims, rejecting defendants’ argument that the claims cover an abstract idea merely because the selection of the transmission frequencies for multi-carrier transmissions requires a mathematical formula. Held that the claims applied the mathematical formula in a novel way to define the spacing between a plurality of subcarriers in a bandlimited channel.</p>

CASE	DATE	HOLDING
<p><i>SimpleAir, Inc. v. Google Inc.</i>, No. 2:14-cv-00011, Op. at 8, 10 (E.D. Tex. Sept. 25, 2015)</p>	<p>09/25/2015</p>	<p>Denying motion for summary judgment on the basis that data transmission patent claims were ineligible, holding that the claims were not directed to an abstract idea and were instead directed toward eligible “methods and systems of ‘using a central broadcast server’ to package and transmit’ data from an online information source to remote computing devices.” Held that the claims had sufficient inventive concept because the function performed by the computer was not “purely conventional.”</p>
<p><i>ContentGuard Holdings, Inc. v. Amazon.com Inc.</i>, No. 2:13-cv-01112, Op. at 8, 10-11 (E.D. Tex. Oct. 5, 2015) *see also order denying renewed JMOL from 08/06/2015</p>	<p>10/05/2015</p>	<p>Denying renewed motion for judgment on the pleadings that digital content usage rights patent claims were ineligible. Held that the claims were not directed toward an abstract idea “at least because they are directed toward patent-eligible methods and systems of managing digital rights using specific and non-generic ‘trusted’ devices and systems.” Held that the claims did not lack inventive concept because they “require that the ‘repository’ be a ‘trusted system’ that ‘maintains ... behavioral integrity in the support of usage rights’ through the use of ‘digital certificates’” and further “require that ‘usage rights’ are ‘attached or treated as attached’ to the ‘content’ such that the invented methods and systems, through the use of the ‘trusted systems,’ enable the creation and effective enforcement of usage permissions.” Thus, the claims do “not foreclose other ways of solving the problem” and recite “a specific series of steps that result in a departure from the routine and conventional” way of managing digital rights.</p>
<p><i>Versata Software, Inc. v. Zoho Corp.</i>, No. 1:13-cv-00371, Op. at 5 (W.D. Tex. Oct. 26, 2015)</p>	<p>10/26/2015</p>	<p>Denying motion for summary judgment on the basis of ineligibility of mobile device data monitoring patent claims. Held that the defendant had not established that the claims were directed to an abstract idea, stating that that patent had the “specific technical objective of allowing status updates to be displayed more efficiently within the limited display screen of a mobile phone, pager, PDA, or mobile device.” Finding that the claims were not directed to an abstract idea, the court</p>

CASE	DATE	HOLDING
		did not reach the question of whether the claims had sufficient inventive concept.
<i>Intellectual Ventures I LLC v. Canon Inc.</i> , No. 1:13-cv-00473, Op. at 47-48 (D. Del. Nov. 9, 2015)	11/09/2015	Denying motion for summary judgment on the basis of ineligibility of image scanning patent claims. Held that the claims “describe steps including determining” parameters “which meet a certain mathematical formula” and “applying” those “parameters to operate a scanner,” but that the claims do not claim the mathematical formula nor do they seek to simply “implement” such a formula, and “therefore, the claims are not directed to an abstract idea.” Held that the claimed solution “is described with enough specificity to place meaningful boundaries on the inventive concept.”
<i>Finjan, Inc. v. Blue Coat Sys., Inc.</i> , No. 5:13-cv-03999, Op. at 16-17 (N.D. Cal. Nov. 20, 2015)	11/20/2015	After a bench trial on the issue of eligibility, the court held that the asserted network security patent claims were not ineligible. Held that the claims “do not describe an abstract concept as they are directed towards performing steps leading to identifying malicious code to create a new data file containing a security profile.” Further held that the claims were “rooted in computer technology as [they] cover the identification of suspicious code which do not have significance outside the realm of computer technology.”
<i>Modern Telecom Sys. LLC v. Lenovo Grp. Ltd.</i> , No. 8:14-cv-01266, Op. at 13, 16, 20-21 (C.D. Cal. Dec. 2, 2015)	12/02/2015	Denying-in-part motion for summary judgment on the basis of ineligibility of asserted power level calculation and learning sequence patent claims. As to the power level calculation claims, held that the claims were directed to the abstract concept of using specific formulas to calculate modem power levels in signals transmitted over a data communication channel. However, the court held that the claims had sufficient inventive concept, and that it was “unable to conclude that those steps” as claimed were “conventional or specified at a high level of generality.” Explained that the claims do not attempt to preempt every

CASE	DATE	HOLDING
		<p>application of the abstract idea, and instead the claims cover only one specific way to calculate an average power of signal points.</p> <p>As to the learning sequence claims, held that the claims were not directed to an abstract idea, as they involve a certain “degree of particularity”; that is, they “involve the flexible construction of a learning sequence by the transmitter in response to information provided by the receiver.”</p>
<p><i>01 Communique Lab., Inc. v. Citrix Sys., Inc.</i>, No. 1:06-cv-00253, Op. at 22-25 (N.D. Ohio Dec. 21, 2015)</p>	<p>12/21/2015</p>	<p>Granting patentee’s motion for summary judgment that asserted remote access communication portal patent claims were <i>not</i> ineligible. Held that the claims were not directed to an abstract idea, and instead “describes a ‘particular approach’ to solving problems with prior art remote access patents that could only exist in a post-Internet world.” Further held that the claims had an inventive concept because they recite a “specific solution” “rooted in computer technology, to remote access problems that can only arise in the realm of computer networks.”</p>
<p><i>Motio, Inc. v. BSP Software LLC</i>, No. 4:12-cv-00647, Op. at 4, 8 (E.D. Tex. Jan. 4, 2016)</p>	<p>01/04/2016</p>	<p>Denying motion for summary judgment on the basis that the asserted claims reciting the provision of an automatic version control to a business intelligence system were not ineligible. Held that the claims were directed to the abstract idea of maintaining versions of electronic documents. However, the court held that the claims contained an inventive concept because, instead of merely automating a purely conventional technique or abstract idea, the claims recite the provision of an “automatic agent,” which serves as an addition to a business intelligence system “rather than claiming a monopoly on all version control systems.”</p>
<p><i>Genband US LLC v. Metaswitch Networks Corp.</i>, No. 2:14-cv-00033, Op. at 13, 15 (E.D. Tex. Jan. 6, 2016)</p>	<p>01/06/2016</p>	<p>Report and recommendation to deny motion for summary judgment on the basis that asserted telephone internet communications patent claims were ineligible. Held that the claims were not directed toward an abstract idea, stating that the “fact that a claim involves the</p>

CASE	DATE	HOLDING
		manipulation of binary data does not inherently render it abstract.” Also held that the claims did not lack an inventive concept, explaining that, even if the claims were directed to an abstract idea, it is implemented in “the context of a non-generic computer system” and improves the functioning of the computer itself.
<i>Gonzalez v. InfoStream Grp., Inc.</i> , No. 2:14-cv-00906, Op. at 7-9 (E.D. Tex. Feb. 6, 2016), <i>rejected</i> on April 26, 2016	02/06/2016	Report and recommendation to deny motion for summary judgment that asserted digital labeling patent claims were ineligible. Held that the claims were not directed to an abstract idea, finding that the claimed steps covered a process that “is a specific and concrete implementation of data storage.” Further held that the claims did lack an inventive concept because, even though the claims “recite generic physical limitations such as a ‘computer system,’” in combination with other limitations “these components improve the computer system so that it can address the Internet-centric problem of ‘surfers’ being unable [to] find information through word-match searches.”
<i>Int’l Bus. Machines Corp. v. The Priceline Grp., Inc.</i> , No. 1:15-cv-00137 (D. Del. Feb. 16, 2016), <i>adopted</i> on Mar. 30, 2016	02/16/2016	Report and recommendation to deny motion to dismiss based on the ineligibility of asserted network communication patent claims, single-sign on process patent claims, and interactive service applications patent claims. Held that the defendants had failed to establish that the network communication and single-sign on process claims were directed to an abstract idea. Held that the interactive service applications claims were directed toward an abstract idea of “locally storing information and presenting displays of information,” but that there was an inventive concept, as the claims “improve the functioning of computer networks by ‘reducing the demand on the host for processing resources.’”
<i>Core Wireless Licensing SARLI v. LG Elecs., Inc.</i> , No. 2:14-cv-00911, Op. at 7-8 (E.D. Tex. Mar. 20, 2016)	03/20/2016	Denying motion for summary judgment on the basis of ineligibility of asserted user interface patent claims. Held that the claims were not directed to an abstract idea, finding that the defendant had not identified an analog to the claimed “concepts outside the context” of

CASE	DATE	HOLDING
		the relevant devices. Held that the claims did not lack an inventive concept, explaining that the “claimed invention is directed to a machine—a ‘computing device comprising a display screen—and ... the limitations of the claim make no sense outside of that specific machine.”
<i>Improved Search LLC v. AOL Inc.</i> , No. 1:15-cv-00262, Op. at 17-19 (D. Del. Mar. 22, 2016)	03/22/2016	Denying motion to dismiss on the basis of ineligibility of asserted translingual internet search and advertising patent claims. Held that the claims were not directed toward an abstract idea, as the “methods at bar do not perform a business method known from the pre-Internet world on the computer” and instead “contain an additional layer of complexity” by addressing the “problem of ensuring that Internet search engines retrieve not only Web pages and documents written in the query language” for in foreign languages as well. Held that the claims did not lack an inventive concept, as the solution claimed was not “routine and conventional.”
<i>Intellectual Ventures I LLC v. Ricoh Americas Corp.</i> , No. 1:13-cv-00474, Op. at 14-15 (D. Del. Mar. 22, 2016)	03/22/2016	Denying motion for judgment on the pleadings on the basis of ineligibility of asserted image scanning patent claims. Held that the claims were not directed toward an abstract idea, as the claims “include steps for determining the parameters ... and applying such parameters to operate a scanner.” Held that the claims did not lack an inventive concept because the limitations of the claims were sufficiently specific and describe “how” the particular method operates the scanner.
<i>Network Congestion Solutions LLC v. United States Cellular Corp.</i> , No. 1:14-cv-00903, Op. at 8, 16 (D. Del. Mar. 22, 2016)	03/22/2016	Denying motion to dismiss on the basis of ineligibility of asserted network congestion control patent claims. Held that the claims were not directed toward an abstract idea, as they were “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” Held that the claims did not lack an inventive concept because the claims address the problem of network congestion “in a defined environment, which includes end user devices and communication devices,” the claims included

CASE	DATE	HOLDING
		sufficient specificity, and the claims were directed “to a solution for a problem that arises in the computer context.”
<i>Signal IP, Inc. v. Am. Honda Motor Co., Inc.</i> , No. 2:14-cv-02454, Op. at 19-20 (C.D. Cal. Mar. 22, 2016)	03/22/2016	Denying motion for summary judgment on the basis of ineligibility of vehicle radar patent claims. Held that the claims were not directed toward the abstract idea of a mathematical algorithm, and did not lack an inventive concept because the claims address “at least three technical problems in blind-spot detection systems” with a technical solution to each of the problems.
<i>Treehouse Avatar LLC v. Valve Corp.</i> , No. 1:15-cv-00427, Op. at 23-25 (D. Del. Mar. 22, 2016)	03/22/2016	Denying motion to dismiss on the basis of ineligibility of asserted claims directed to collecting user data from a network encompassed. Held that the claims were not directed to an abstract idea and did not lack an inventive concept, as they “address the problem of ‘network site loyalty’ by providing the network user ‘audio data and visual image data that is indicative of the individuality of the network user.’” Held that these claims “do not represent the ‘routine and conventional’ use of a computer.”
<i>Ronald A. Katz Tech. Licensing, L.P. v. FedEx Corp.</i> , No. 2:15-cv-02329, Op. at 15, 21 (W.D. Tenn. Mar. 24, 2016)	03/24/2016	Denying motion for judgment on the pleadings on the basis of ineligibility of asserted telephone analysis patent claims. Held that the claims were not directed to an abstract idea, as the claims describe “a specific way of processing calls to restrict access.” Held that the claims did not lack an inventive concept, the claim elements as a whole solve a “technological problem in the computer-telephony industry.”
<i>SRI Int’l Inc. v. Cisco Sys. Inc.</i> , No.1:13-cv-01534, Op. at 12-13 (D. Del. Apr. 11, 2016)	04/11/2016	Denying motion for summary judgment on the basis of ineligibility of asserted network security patent claims. Held that the claims were not directed toward an abstract idea because, for instance, the “patents address the vulnerability of computer networks’ ‘interoperability and sophisticated integration of technology’ to attack.” Held that the claims did not lack an inventive concept, as they “sufficiently delineate ‘how’ the method is performed to ‘improve functioning of the computer itself.’”

CASE	DATE	HOLDING
<p><i>ART+COM Innovationpool GmbH v. Google Inc.</i>, No. 1:14-cv-00217, Op. at 8, 11-13 (D. Del. Apr. 28, 2016)</p> <p><i>ART+COM Innovationpool GmbH v. Google Inc.</i>, No. 1:14-cv-00217 (D. Del. Sep. 28, 2016) (denying renewed motion for judgment as a matter of law that the claims were ineligible)</p>	04/28/2016	Denying motion for summary judgment on the basis of ineligibility of asserted geographical data display patent claims. Held that the claims were directed to the abstract idea of requesting information from data sources, including maps, atlases, and photographs. Held that the claims did not lack an inventive concept because the “ordered combination” of steps “allows a user to access more electronic pictorial data in a more rapid fashion” and “recites a specific way of overcoming a problem which plagued prior art systems.”
<p><i>Baxter Int’l, Inc. v. CareFusion Corp.</i>, No. 1:15-cv-09986, Op. at 16, 24 (N.D. Ill. May 13, 2016)</p>	05/13/2016	Denying motion to dismiss on the basis of ineligibility of asserted infusion pump battery gauge and medication level controller patent claims. Held that the claims were not directed to an abstract idea, and did not lack an inventive concept.
<p><i>Sophos Inc. v. RPost Holdings, Inc.</i>, No. 1:13-cv-12856, Op. at 26-27 (D. Mass. June 3, 2016)</p>	06/03/2016	Denying motion for judgment on the pleadings on the basis of ineligibility of asserted electronic message delivery patent claims. Held that the claims were not directed to the abstract idea of “certified mail” because “their methods do more than provide proof of mailing, they also provide proof of delivery and content.” Held that the claims did not lack an inventive concept because they “solve a technical problem of electronic messages, which because of their form, present unique challenges for establishing proof of receipt and delivery.”
<p><i>JDS Techs., Inc. v. Exacq Techs., Inc.</i>, No. 2:15-cv-10387, Op. at 12–14 (E.D. Mich. June 7, 2016)</p>	06/07/2016	Denying motion to dismiss on the basis of ineligibility of asserted video surveillance patent claims. Held that the claims were not directed to an abstract idea, as “querying external camera devices to extract an embedded unique identifier” is a “technical solution . . . inexorably tied to computer technology and prevents abuse by controlling when and how external devices are allowed to operate within a video surveillance system that includes software, creating an effective and desired anti-piracy solution for the software.”

CASE	DATE	HOLDING
<i>Audio MPEG, Inc. v. HP Inc.</i> , No. 2:15-cv-00073, Op. at 11–12 (E.D. Va. July 1, 2016)	07/01/2016	Denying motion to dismiss on the basis of ineligibility of asserted audio compression patent claims. Held that the claims were not directed to an abstract idea, as they “make computers more efficient” and “solve a problem that the MPEG Audio standards-setting organization identified.” Found that the claims encode and decode “a wide-band signal in a manner that takes into account the hearing capabilities of the human ear at different frequencies: by coding the most important frequencies as accurately as possible, and coding less critical frequencies less precisely, a realistic replica of the original signal can be reproduced with the minimal amount of data.” Held that the claims therefore cover more than just a mathematical formula or “the general idea of receiving and outputting information.”
<i>Polaris Innovations Ltd. V. Kingston Tech. Co., Inc.</i> , No. 8:16-cv-00300, Op. at 10 (C.D. Cal. July 21, 2016)	07/21/2016	Denying motion for judgment on the pleadings on the basis that the asserted semiconductor memory circuit board patent claims were ineligible. Held that the claims were not directed to an abstract idea, and instead “concern physical layouts for particular memory cards that enable the card to either have a slimmer profile or have more memory chips on it than it otherwise would have.”
<i>Chrimar Sys., Inc. v. Alcatel Alsthom SA</i> , No. 6:15-cv-00163, Op. at 7, 9–10 (E.D. Tex. July 29, 2016)	07/29/2016	Denying motion for summary judgment on the basis that the asserted network device management patent claims were ineligible. Rejected the defendant’s argument that the claims simply require “distinguishing information associated to impedance within the path,” holding that fact “does not mean the claims is abstract or could be performed entirely by a mental act.” Held that the claims contained an inventive concept because they recited certain components “in a specific manner for a specifically configured path.”

CASE	DATE	HOLDING
<i>Iron Gate Security, Inc. v. Lowe’s Companies, Inc.</i> , No. 1:15-cv-08814, Op. at 25–26, 30 (S.D.N.Y. Aug. 3, 2016)	08/03/2016	Denying motion to dismiss on the basis that the asserted claims covering the “real-time indexing of multimedia data” were ineligible. Held that the claims presented a “real invention to solve a problem, not mere implementation of the abstract idea of indexing data.” Held that the claims contained an inventive concept, rejecting the defendant’s argument that the claims add “little to the prior art”—and held that the fact that it “adds little to prior art . . . does not mean that the claim lacks an inventive concept vis-à-vis an abstract idea.”
<i>Core Wireless Licensing SARLI v. LG Elecs., Inc.</i> , No. 2:14-cv-00911, Op. at 16 (E.D. Tex. Aug. 8, 2016)	08/08/2016	Report and recommendation to deny motion for summary judgment on the basis that the asserted data transmission patent claims were ineligible. Held that the claims were directed “to a purported improvement on an existing type of ‘traffic metering’ in the wireless network.”
<i>POWERbahn, LLC v. Foundation Fitness, LLC</i> , No. 3:15-cv-00327, Op. at 5, 8 (D. Nev. Aug. 11, 2016)	08/11/2016	Denying motion for judgment on the pleadings that the asserted exercise equipment patent claims were ineligible. Held that the claims covered “a piece of exercise equipment,” and rejected the defendant’s argument that they only covered a “formula.” Held that the claims “describe[d] a way of running a specific type of machine in order to achieve a particular type of training.”
<i>Intellectual Ventures I LLC v. J Crew Grp., Inc.</i> , No. 6:16-cv-00196, Op. at 12 (E.D. Tex. Aug. 24, 2016)	08/24/2016	Denying-in-part motion to dismiss on the basis that the asserted claims covering storing and retrieving transaction information were ineligible. Held that the claimed “novel combination resulted in an improvement over the mid-1990s accounting software, which relied on manual entry of transaction information.”
<i>Comcast Cable Communications, LLC et al. v. Sprint Communications Company L.P. et al.</i> , No. 2:12-cv-00859, Op. at 32, 39 (E.D. Pa. Aug. 25, 2016)	08/25/2016	Denying motion for summary judgment on the basis that the asserted cellular network messaging patent claims were ineligible. Held that the claims “implement[ed] a specific improvement in cellular networking,” and “solve[d] a problem that is created by the design of cellular networks, specifically the use of dynamic addresses for wireless

CASE	DATE	HOLDING
		terminals and the allocation of information inside and outside the cellular network.” Held that the abstract idea of “matching identifiers to retrieve information” was “only part of” the claimed method.
<i>Zak v. Facebook, Inc.</i> , No. 4:15-cv-13437, Op. at 15, 20 (E.D. Mich. Sep. 12, 2016)	09/12/2016	Denying motion for summary judgment on the basis that the asserted content management patent claims were ineligible. Held that the claims were not directed to an abstract idea, and instead “improves the functioning of [a] computer due to ‘the user-configured business rules and configurable/application links.’” Held that the claims did not lack an inventive concept because they specify “how a solution will be implemented that addresses a business challenge particular to the Internet.”
<i>Personalized Media Communications LLC v. Apple Inc.</i> , No. 2:15-cv-01366, Op. at 9 (E.D. Tex. Sep. 13, 2016)	09/13/2016	Report and recommendation to deny motion to dismiss on the basis that several signal processing patent claims were ineligible. Held that the claims were not directed to an abstract idea, and did not lack an inventive concept because, for instance, certain claims recited “very specific, concrete multimedia” elements.
<i>PerdiemCo, LLC v. IndusTrack LLC</i> , No. 2:15-cv-00727, Op. at 10–12 (E.D. Tex. Sep. 21, 2016)	09/21/2016	Report and recommendation to deny motion for judgment on the pleadings that asserted location information management patent claims were ineligible. Held that the claims were not directed to an abstract idea, as they recited a “specialized procedure for accomplishing” the claimed result “by using four different access codes” and other features.
<i>Personalized Media Communications LLC v. Samsung Elecs. Am., Inc.</i> , No. 2:15-cv-01754, Op. at 8 (E.D. Tex. Sep. 21, 2016)	09/21/2016	Report and recommendation to deny motion to dismiss on the basis that several signal processing patent claims were ineligible. Held that the claims were not directed to an abstract idea, and did not lack an inventive concept because, for instance, the defendant failed to show that the “operations and parts when used in combination fail to disclose an inventive concept.”

CASE	DATE	HOLDING
<i>MAZ Encryption Techs. LLC v. Blackberry Corp.</i> , No. 1:13-cv-00304, Op. at 12 (D. Del. Sep. 29, 2016)	09/29/2016	Denying motion for judgment on the pleadings that the asserted document encryption patent claims were ineligible. Held that the claims were not directed to an abstract idea, and were instead directed to a solution to the incompatibility of encryption systems with EDMS systems.
<i>Proxyconn, Inc. v. Microsoft Corp.</i> , No. 8:16-cv-01102, Op. at 8 (C.D. Cal. Sep. 29, 2016)	09/29/2016	Denying motion to dismiss on the basis that the asserted network data access patent claims were ineligible. Held that the claims were not directed to an abstract idea, as they were directed to “solving a specific issue with computer functionality and minimizing network burdens.”
<i>Vehicle IP LLC v. AT&T Mobility LLC</i> , No. 1:09-cv-01007, Op. at 8 (D. Del. Sep. 29, 2016)	09/29/2016	Denying motion for judgment on the pleadings that the asserted vehicle arrival tracing patent claims were ineligible. Held that the claims were not directed to an abstract idea because “the dispatch and mobile unit” recited in the claims “are specialized equipment.”
<i>Genand US LLC v. Metaswitch Network Corp.</i> , No. 2:14-cv-00033, Op. at 75 (E.D. Tex. Sep. 29, 2016)	09/29/2016	After a bench trial, holding that the asserted interworking protocol patent claims were ineligible. Held that the claims were not directed to an abstract idea because, for instance, “interworking does not arise in the brick and mortar context, but rather in the realm of computer networks.”
<i>Broadcom Corp. v. Sony Corp.</i> , No. 8:16-cv-01052, Op. at 8–9, 11 (C.D. Cal. Oct. 5, 2016)	10/05/2016	Denying motion to dismiss on the basis that the asserted MPEG decoder system patent claims were ineligible. Held that some claims were directed to no more than a mathematical formula, and others were not directed to an abstract idea. As to the claims directed to a mathematical formula, held that they did not lack an inventive concept, as the claims “attempt to improve a technological issue.”
<i>SZ DJI Tech. Co., Ltd. v. Yuneec Int’l Co. Ltd.</i> , No. 5:16-cv-00595, Op. at 5, 11 (C.D. Cal. Oct. 13, 2016)	10/13/2016	Denying motion to dismiss on the basis that the asserted drone target tracking patent claims were ineligible. Held that the claims were not directed to an abstract idea, as they include “physical limitations.” Held that the claims did not lack an inventive concept, as they “recite

CASE	DATE	HOLDING
		an improved system for controlling [Unmanned Aerial Vehicles] and tracking targets.”
<i>2-Way Computing, Inc. v. Grandstream Networks, Inc.</i> , No. 2:16-cv-01110, Op. at 6–7 (D. Nev. Oct. 18, 2016)	10/18/2016	Denying motion to dismiss on the basis that the asserted computer audio communication patent claims were ineligible. Held that the claims were not directed to an abstract idea, but instead was directed to a “concrete, physical task” of “converting sound to electronically stored information,” which is “not something that can be done without the claimed apparatus.”
<i>CG Tech. Dev., LLC v. Bwin.Party Digital Entertainment PLC</i> , No. 2:16-cv-00871, Op. at 8–9 (D. Nev. Oct. 18, 2016)	10/18/2016	Denying motion to dismiss on the basis that the asserted zone dependent payout gaming management patent claims were ineligible. Held that the claims were not directed to an abstract idea, and instead at least “one aspect of the process . . . requires activity outside of one’s mind.” Held that several other gaming system claims were eligible.
<i>Orbcomm Inc. v. Calamp Corp.</i> , No. 3:16-cv-208, Op. at 9–10 (E.D. Va. Oct. 19, 2016)	10/19/2016	Granting in part motion to reconsider an order denying a motion to dismiss on the basis that freight asset monitoring system patent claims were ineligible. Held that the claims were directed to the abstract idea of the “process of gathering information and translating it between two or more incompatible formats,” with no inventive concept.
<i>Evolved Wireless, LLC v. Apple Inc.</i> , No. 1:15-cv-00542, Op. at 9–10 (D. Del. Oct. 31, 2016)	10/31/2016	Denying motion for judgment on the pleadings that the asserted wireless communications patent claims were ineligible. Held that the claims were not directed toward abstract mathematical algorithms, and instead claim “improving an existing technological process.”
<i>F5 Networks, Inc. v. Radware, Inc.</i> , No. 2:16-cv-00480, Op. at 10–12 (W.D. Wash. Nov. 14, 2016)	11/14/2016	Denying motion to dismiss on the basis that the asserted communication filtering claims were ineligible. Held that the claims were directed to the abstract idea of filtering content. However, held that the claims did not lack an inventive concept because the claims describe how the particular arrangement of elements for filtering content was a technical improvement over prior art ways of filtering such content.

CASE	DATE	HOLDING
<i>Huawei Techs. Co., Ltd. v. Samsung Elecs. Co.</i> , No. 3:16-cv-02787, Op. at 10, 12–13 (N.D. Cal. Nov. 21, 2016)	11/21/2016	Denying motion to dismiss on the basis that the asserted mobile device signal interference patent claims were ineligible. Held that the claims were not directed to a mere mathematical equation, as they claimed an “advance over the prior art,” which was the “inclusion of a specific set of 16 cyclic shift intervals.” Held that other claims were directed to an abstract idea, but that they did not lack an inventive concept because they limited to cellular communications and the concrete structure of a mobile device.
<i>Verint Sys. Inc. v. Red Box Recorders Ltd.</i> , No. 1:14-cv-05403, Op. at 13–16 (S.D.N.Y. Dec. 7, 2016)	12/07/2016	Denying motion for summary judgment on the basis that the asserted call center telecommunications patent claims (and others) were ineligible. Held that the claims were not directed to an abstract idea, as the claims recited a “method to contemporaneously and automatically record, screen, and protect sensitive information exchanged over an electronic network.” Held that the claims did not lack an inventive concept because they provided an improvement over the art.
<i>Finjan, Inc. v. Blue Coat Systems, Inc.</i> , No. 5:15-cv-03295, Op. at 16, 20–21 (N.D. Cal. Dec. 13, 2016)	12/13/2016	Denying motion for judgment on the pleadings on the basis that the asserted malicious code monitoring patent claims were ineligible. Held that the claims were directed to the abstract idea of “gathering data, analyzing that data for certain characteristics, and storing the results of that analysis,” with no inventive concept.
<i>Consulting Group, Inc. v. Truven Health Analytics Inc.</i> , 3:15-cv-02177, Op. at 1 (N.D. Cal. Dec. 22, 2016)	12/22/2016	Denying motion for summary judgment on the basis that the asserted physician efficiency system patent claims were ineligible. Held that the claims did not lack an inventive concept, and that the defendants failed to submit any evidence that the claims recited “well-understood, routine or conventional activities.”
<i>Synchronoss Technologies v. Dropbox Inc.</i> , No. 4:16-cv-00119, Op. at 9 (N.D. Cal. Dec. 22, 2016)	12/22/2016	Denying motion to dismiss on the basis that the asserted digital media synchronization patent claims were ineligible. Held that the claims did not lack an inventive concept, as they were directed to “improving the manner in which computers synchronize data between devices

CASE	DATE	HOLDING
		connected to a network, by making that process faster, reducing the amount of bandwidth and storage space used, enabling synchronization across different data formats, and enabling synchronization without requiring devices to be physically connected.”
<i>IOENGINE LLC v. Interactive Media Corp.</i> , No. 1:14-cv-01571, Op. at 3 (D. Del. Jan. 4, 2017)	01/04/2017	Denying motion for summary judgment on the basis that the asserted tunneling client access patent claims were ineligible. Held that the claims were not directed to an abstract idea, as they recited a “specific arrangement of components and a very specific implementation and structure of the executable program code.”
<i>Speed Track, Inc. v. Amazon.com, Inc.</i> , No. 4:09-cv-04479 (N.D. Cal. Jan. 23, 2017)	01/23/2017	Denying motion to dismiss on the basis that the asserted computer file access patent claims were ineligible. Held that the claims were not directed to an abstract idea, but to “an improved method for accessing files in a data storage system of a computer system.” Held that the claims contained an inventive concept because they recited such an improvement over the prior art.
<i>Zircore, LLC v. Straumann Mfg., Inc.</i> , No. 2:15-cv-01557 (E.D. Tex. Jan. 20, 2017)	01/20/2017	Report and recommendation to deny motion to dismiss on the basis that the asserted custom dental crown manufacturing patent claims were ineligible. Held that the claims were not directed to an abstract idea because they “describe[d] a physical process for collecting information about a patient’s mouth, preparing a three-dimensional model of the mouth, scanning the model, and on the basis of data collected . . . manufacturing the custom crown copy.”
<i>TQ Delta, LLC v. Pace Americas, LLC</i> , No. 1:13-cv-01835 (D. Del. Feb. 6, 2017)	02/06/2017	Denying motion to dismiss on the basis that the asserted home DSL patent claims were ineligible. Held that the claims were not directed to an abstract idea because the “patents claim devices or systems that have a very specific capability.”
<i>Fitbit, Inc. v. AliphCom d/b/a Jawbone</i> , No. 5:15-cv-04073 (N.D. Cal. Feb. 9, 2017)	02/09/2017	Denying motion for judgment on the pleadings on the basis that the asserted wireless device pairing patent claims were ineligible. Did not

CASE	DATE	HOLDING
		determine whether the claims were directed to an abstract idea. However, held that the claims contained an inventive concept because the patents related “to a specific approach to pairing a wireless device,” which “overcame” the problem of “pairing small, portable devices” in an “inventive way because it took advantage of the inherent, technical capabilities of the portable monitoring device.”
<i>Egenera, Inc. v. Cisco Sys., Inc.</i> , No. 1:16-cv-11613 (D. Mass. Feb. 14, 2017)		Denying-in-part motion to dismiss on the basis that the asserted enterprise and application server patent claims were ineligible. Held that the claims were not directed to an abstract idea, and had an inventive concept, because they recited an improved enterprise computing system.
<i>Crypto Research, LLC v. Assa Abloy, Inc.</i> , No. 2:16-cv-01718 (E.D.N.Y. Feb. 17, 2017)	02/17/2017	Denying motion to dismiss on the basis that the asserted one-way function cryptographic application patent claims were ineligible. Held that the claims were not directed to an abstract idea, and contained an inventive concept, because they recited an improvement to the functioning of a computer and the existing technology.
<i>Personalized Media Communications, LLC v. Funai Electric Co., Ltd.</i> , No. 2:16-cv-00105 (E.D. Tex. Feb. 22, 2017)	02/22/2017	Report and recommendation to deny motion to dismiss on the basis that the asserted signal processing patent claims were ineligible. Held that the claims were not directed to an abstract idea because they were “directed to overcoming problems specific to the distribution of streaming digital television programming and other digital content over computer networks,” for instance.
<i>SCVNGR, Inc. v. DailyGobble, Inc.</i> , No. 1:16-cv-00134 (D. R.I. Mar. 2, 2017)	03/02/2017	Denying motion for judgment on the pleadings on the basis that the asserted POS terminal patent claims were ineligible. Held that the claims were not directed to an abstract idea, and contained an inventive concept, as they “improve[d the functioning of a POS terminal.”
<i>X One, Inc. v. Uber Techs., Inc.</i> , No. 5:16-cv-06050 (N.D. Cal. Mar. 6, 2017)	03/06/2017	Denying motion to dismiss on the basis that the asserted two-way location tracking patent claims were ineligible. Held that the claims were directed to the abstract idea of “gathering, transmitting, and displaying the location information of a certain subset of individuals.”

CASE	DATE	HOLDING
		Held that, however, the claims contained an inventive concept because they recited a “non-conventional and non-generic arrangement of known, conventional pieces”—“[i]nstead of requiring a manufacturer to permanently link the two wireless devices, as in the child-tracking prior art, the users . . . c[ould] add or remove persons being tracked through modifications of the buddy list or through the creation of a use specific group.”
<i>Prisua Engineering Corp. v. Samsung Elecs. Co., Ltd.</i> , No. 1:16-cv-21761 (S.D. Fla. Mar. 9, 2017)	03/09/2017	Denying motion to dismiss on the basis that the asserted patent claims were ineligible. The claims recited extracting and embedding digital images within a video. Held that the claims were not directed to an abstract idea, and contained an inventive concept, because, for instance, “the claim involve[d] an apparatus consisting of multiple interacting parts in which a digital processing unit perform[ed] ‘spatial matching.’”
<i>Sonos, Inc. v. D&M Holdings Inc.</i> , No. 1:14-cv-01330 (D. Del. Mar. 13, 2017)	03/13/2017	Denying motion for judgment on the pleadings on the basis that the asserted volume control patent claims were ineligible. Held that the claims were not directed to an abstract idea, as the claimed method “provide[d] for capabilities far beyond what a traditional hardwired system offers.” Held that other audio player patent claims also were not directed to an abstract idea because they “claim[ed] improvements to specific devices . . . and the methods involve[d] controlling the devices to effect tangible changes in their configurations.”
<i>Finjan, Inc. v. Sophos, Inc.</i> , No. 3:14-cv-01197 (N.D. Cal. Mar. 14, 2017)	03/14/2017	After a jury trial, denying motion for partial judgment on the basis that the asserted malware monitoring patent claims were ineligible. Held that the claims were directed to the abstract idea of “receiving data, extracting information from that received data, and then storing that information.” Held that the claims supplied an inventive concept because they recited a “new kind of virus protection.” Also held that other security profile attachment system patent claims were not ineligible. Held that the claims were directed to the abstract idea of “receiving, generating, and linking” information, but that they had an inventive concept because they

CASE	DATE	HOLDING
		“harness[ed] specific network architecture and use[d] it in non-conventional ways.”
<i>Opal Run LLC v. C&A Marketing, Inc.</i> , No. 2:16-cv-00024 (E.D. Tex. Mar. 14, 2017)	03/14/2017	Report and recommendation to deny motion to dismiss on the basis that the asserted printing template patent claims were ineligible. Held that the claims were not directed to an abstract idea, but were instead directed to a “new and improved data template.”
<i>InfoGation Corp. v. ZTE Corp.</i> , No. 3:16-cv-01901 (S.D. Cal. Mar. 27, 2017)	03/27/2017	Denied motion for judgment on the pleadings on the basis of ineligibility of asserted mobile navigation patent claims. Held that the claims were not directed to an abstract idea, but rather to the idea of providing directions in a natural language.
<i>Quest Integrity USA LLC v. Clean Harbors Indus. Servs. Inc.</i> , No. 1:14-cv-01482 (D. Del. Mar. 28, 2017)	03/28/2017	Denying motion for summary judgment on the basis of ineligibility of asserted furnace tube inspection patent claims. Held that the claims were not directed to an abstract idea.
<i>Automation Middleware Solutions, Inc. v. Invensys Sys., Inc.</i> , No. 2:15-cv-00898 (E.D. Tex. Mar. 31, 2017)	03/31/2017	Granting-in-part and denying-in-part motion to dismiss on the basis of ineligibility of asserted odds accelerator patent claims. Held that the claims were directed to the abstract idea of moving objects in a desired manner. Held that some claims also lacked an inventive concept. Held that, with regard to other claims that recited a “streams” element, the defendant failed to make arguments with respect to the limitation and therefore could not conclude that the claims lacked an inventive concept.
<i>Magna Elecs., Inc. v. Valeo, Inc.</i> , No. 2:13-cv-11376 (E.D. Mich. Mar. 31, 2017)	03/31/2017	Report and recommendation to deny motion for judgment on the pleadings on the basis of ineligibility of asserted vehicle camera patent claims. Held that the claims were not directed to an abstract idea, but rather specified a particular imaging array sensor configuration and particular approach of using data acquired from the sensor.
<i>D&M Holdings, Inc. v. Sonos, Inc.</i> , No. 1:16-cv-00141 (D. Del. Apr. 18, 2017)	04/18/2017	Granting motion to dismiss on the basis of ineligibility of asserted compressed file downloading claims and receiver control claims, but denying the motion as to decompression/dearchiving patent claims. Held that the downloading were directed to the abstract idea of collecting

CASE	DATE	HOLDING
		and storing data, with no inventive concept. Held that the receiver control claims were directed to the abstract idea of selecting a receiver connection for a piece of media based on the media’s encoding format, with no inventive concept. Held that the latter claims were not directed to an abstract idea, but rather the tangible resumption of an interrupted file download that represented a specific improvement to a computer’s capabilities.
<i>PalTalk Holdings, Inc. v. Riot Games, Inc.</i> , No. 1:16-cv-01240 (D. Del. May 15, 2017)	05/15/2017	Denying motion to dismiss on the basis of ineligibility of asserted server-group messaging system patent claims. Held that the claims were not directed to an abstract idea, and instead to a solution to a problem rooted in computer technology (i.e., online gaming).
<i>TecSec, Inc. v. Int’l Business Machines Corp.</i> , No. 1:10-cv-00115 (E.D. Va. May 23, 2017)	05/23/2017	Denying motion for summary judgment on the basis of ineligibility of asserted encryption patent claims. Held that the claims were not directed to an abstract idea, but rather to a specific solution to implementing the multiple levels of nested security through an “object oriented key manager.”
<i>24/7 Customer, Inc. v. LivePerson, Inc.</i> , No. 3:15-cv-02897 (N.D. Cal. May 25, 2017)	05/25/2017	<p>Granting-in-part and denying-in-part motion for judgment on the pleadings on the basis of ineligibility of asserted call routing patent claims, automated scripting patent claims, call conversion patent claims, network collaboration patent claims, and customer experience management claims.</p> <p>Held that the call routing claims were directed to the abstract idea of routing a call, with no inventive concept.</p> <p>Held that the automated scripting claims were directed to the abstract idea of tailoring a script to a particular customer to make a customer service call more effective, with no inventive concept.</p> <p>Held that the call conversion claims were directed to the abstract idea of allowing a party to a phone call to select between voice call and electronic chat, with no inventive concept.</p>

CASE	DATE	HOLDING
		<p>Held that the network collaboration claims were directed to the abstract idea of providing an application to a user based on the type of her device, with no inventive concept.</p> <p>Held that the customer experience management claims were not directed to an abstract idea, but rather to a specific means of achieving the goal of enhancing customer service in an online customer-agent interaction.</p>
<i>Evicam Int'l, Inc. v. Enforcement Video, LLC</i> , NO. 4:16-cv-00105 (E.D. Tex. June 5, 2017)	06/05/2017	Denying motion to dismiss on the basis of ineligibility of asserted vehicle surveillance patent claims. Held that the claims were directed to the abstract idea of collecting, organizing, and controlling access to vehicle incident information. Held that the claims did not lack an inventive concept because the surveillance system was inventive over known techniques in the prior art for secure mounted surveillance systems.
<i>InsideSales.com v. SalesLoft</i> , No. 2:16-cv-00859 (D. Utah June 13, 2017)	06/13/2017	Denying motion to dismiss on the basis of ineligibility of asserted e-mail monitoring and tracking patent claims. Held that the claims were not directed to an abstract idea, but rather to functionalities that were not even imaginable before the Internet.
<i>Minelab Electronics Pty Ltd. v. XP Metal Detectors</i> , No. 2:16-cv-01594 (W.D. Pa. June 28, 2017)	06/28/2017	Denying motion to dismiss on the basis of ineligibility of asserted metal detector patent claims. Held that the claims were not directed to an abstract idea, but rather to a specific type of metal detector that differed from the prior art and improved upon metal detecting technology.
<i>Smart Meter Techs., Inc. v. Duke Energy Corp.</i> , No. 1:16-cv-00208 (D. Del. July 11, 2017)	07/11/2017	Denying motion to dismiss on the basis of ineligibility of asserted electrical power metering patent claims. Held that the claims were not directed to an abstract idea, and instead a number of embodiments that provided a number of possible benefits, including the possibility of replacing human meter readers.

CASE	DATE	HOLDING
<i>Preferential Networks IP, LLC v. AT&T Mobility, LLC</i> , No. 2:16-cv-01374 (E.D. Tex. July 15, 2017)	07/15/2017	Report and recommendation to deny motion to dismiss on the basis of ineligibility of asserted bandwidth allocation patent claims. Held that the claims were not directed to an abstract idea but rather to transmitting related data at different effective rates, which was an advance over the prior art.
<i>Comcast Cable Communications, LLC v. Sprint Communications Co., L.P.</i> , NO. 2:12-cv-00859 (E.D. Pa. Aug. 16, 2017)	08/16/2017	Denying renewed motion for judgment as a matter of law on the basis of ineligibility of asserted messaging patent claims. Held that the claims were directed to a specific improvement in cellular networking.
<i>Acceleration Bay LLC v. Activision Blizzard, Inc.</i> , No. 1:16-cv-00453 (D. Del. Aug. 29, 2017)	08/29/2017	Denying motion to dismiss on the basis of ineligibility of asserted network gaming patent claims. Held that the claims were not directed to an abstract idea, but rather to an innovative network structure for the distribution of data as the number of participants in a computer network is scaled.
<i>Huawei Techs. Co. Ltd. v. T-Mobile US, Inc.</i> , 2:16-cv-00052 (E.D. Tex. Aug. 29, 2017)	08/29/2017	Report and recommendation to deny motion for summary judgment on the basis of ineligibility of asserted IP multimedia subsystems patent claims. Held that the claims were not directed to an abstract idea, but rather to solving a particular technical problem that only existed in wireless communication networks operating under an IMS architecture.
<i>Realtime Data LLC v. Carbonite, Inc.</i> , No. 6:17-cv-00121 (E.D. Tex. Sep. 20, 2017)	09/20/2017	<p>Report and recommendation to deny motion to dismiss on the basis of ineligibility of asserted data compression patent claims, data storage patent claims, and data encoding patent claims.</p> <p>Held that the data compression claims were directed to a specific improvement in data compression that compressed the data stream through content dependent and independent data recognition.</p> <p>Held that the data storage claims were directed to a system that improves computerized data compression through data storage and retrieval and bandwidth utilizing lossless data compression and decompression.</p>

CASE	DATE	HOLDING
		Held that the data encoding claims were directed to providing faster and more efficient transmission of data.
<i>Huawei Techs. Co. Ltd. V. T-Mobile US, Inc.</i> , No. 2:16-cv-00055 (E.D. Tex. Oct. 15, 2017)	10/15/2017	Recommendation to deny motion for summary judgment on the basis that the asserted cellular network claims were ineligible. Held that the claims were not directed to an abstract idea and did not lack inventive concept. Held that even if the claims were directed to the abstract idea of determining how to charge a customer for usage of a cellular network, they recited a particular way of achieving the result.
<i>Ericsson Inc. v. TCL Communication Tech. Holdings Ltd.</i> , No. 2:15-cv-00011 (E.D. Tex. Nov. 4, 2017)	11/04/2017	Denying motion for summary judgment on the basis that the asserted security access manager patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather recited “a system capable of permitting a mobile phone user to grant applications access to native phone functionalities while denying access to other native functionalities,” which represented a technological improvement to a problem arising in mobile platform technology, “namely the problem of limited memory and resources on mobile phones.”
<i>IBM v. Groupon, Inc.</i> , No. 1:16-cv-00122 (D. Del. Nov. 17, 2017)	11/17/2017	Denying renewed motion for judgment on the pleadings on the basis that the asserted screen display generation patent claims. Held that the claims were not directed to an abstract idea, but rather a specific computer functionality improvement—improving the capabilities of network hosts and computer networks.
<i>Solutran, Inc. v. US Bancorp.</i> , No. 0:13-cv-02637 (D. Minn. Nov. 27, 2017)	11/27/2017	Denying motion for summary judgment on the basis that the asserted check processing patent claims were ineligible. Held that the claims were not directed to an abstract idea, but instead were “rooted in an enhanced processing method and a palpable application of” the process of moving paper checks.
<i>Procter & Gamble Co. v. QuantifiCare Inc.</i> , No. 5:17-cv-03061 (N.D. Cal. Dec. 19, 2017)	12/19/2017	Denying-in-part motion to dismiss on the basis that certain of the asserted skin imaging patent claims were ineligible. Held that these

CASE	DATE	HOLDING
		claims were not directed to an abstract idea, but rather to a specific improvement in computer technologies.
<i>Free Stream Media Corp. v. Alphonso Inc.</i> , 3:17-cv-02107 (N.D. Cal. Jan. 12, 2018)	01/12/2018	Denying motion to dismiss on the basis that asserted claims, which covered delivering targeted advertisements to a mobile device, were ineligible. Held that the claims were not directed to an abstract idea, but rather to an improvement to the delivery of relevant information, i.e., targeted advertising or other content.
<i>Agri-Labs Holdings LLC v. TapLogic, LLC</i> , No. 1:15-cv-00026 (N.D. Ind. Jan. 16, 2018)		Denying summary judgment on the basis that the asserted soil sample tracking patent claims were ineligible. Held that the claims were not directed to an abstract idea, but to solving issues associated with existing techniques by coming to the end result more efficiently and accurately.
<i>Science Applications Int’l Corp. v. United States</i> , No. 1:17-cv-00825 (Ct. Fed. Cl. Jan. 19, 2018)	01/19/2018	Denying motion to dismiss on the basis that the asserted night vision patent claims were ineligible. Held that the claims were not directed to an abstract idea, but instead provided a “solution for achieving accuracy and consistency in image registration.”
<i>Confident Techs., Inc. v. AXS Grp. LLC</i> , NO. 3:17-cv-02181 (S.D. Cal. Jan. 23, 2018)	01/23/2018	Denying motion to dismiss on the basis that the asserted CAPTCHA testing patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather to “solving a problem that currently exists only within the technical world”—distinguishing humans from computers.
<i>Eyetaalk365, LLC v. Zmodo Tech. Corp. Ltd.</i> , No. 2:17-cv-02714 (D. Nev. Feb. 14, 2018)	02/14/2018	Denying motion to dismiss on the basis that the asserted audio-video doorbell patent claims were ineligible. Held that “[d]etecting the presence of a person at a door, sending a video of the person to be viewed, and speaking with the person at the door are all concrete steps requiring more than the abstract thinking capabilities of a person or a computer,” that thus that the claims were patent-eligible.
<i>Packet Intelligence LLC v. NetScout Sys., Inc.</i> , No. 2:16-cv-00230 (E.D. Tex. Feb. 14, 2018)	02/14/2018	Following a jury verdict of willful infringement, denying Rule 52 motion on the basis that the asserted network transmission patent claims were ineligible. Held that the claims were not directed to an abstract

CASE	DATE	HOLDING
		idea, but rather recited specific technological solutions, “such as identifying and refining a conversational flow so that different connection flows can be associated with each other and ultimately an underlying application or protocol.”
<i>Sycamore IP Holdings LLC v. Teleport Communications Am., LLC</i> , No. 2:16-cv-00588 (E.D. Tex. Feb. 16, 2018)	02/16/2018	Denying motion for summary judgment on the basis that the asserted data transmission patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather a “specific technical solution to a specific problem in telecommunications, i.e., creating a method for compressing data in a transparent manner.”
<i>Immerson Corp. v. Fibit, Inc.</i> , No. 5-17-cv-03886 (N.D Cal. Mar. 5, 2018)	03/05/2018	Denying motion to dismiss on the basis that the asserted haptic feedback and vibrotactile feedback patent claims were ineligible. Held that the haptic feedback claims were not directed to an abstract idea, but instead “focuse[d] on a tangible, nonabstract device as the invention which, through the allegedly unconventional combination of components, contain[ed] the new and useful feature of notifying the device’s user of independent events through vibration.” Held that the vibrotactile feedback claims were also not directed to an abstract idea because they covered a “tangible device comprising a new and useful arrangement of components that solve[d] the problem of how to notify a user that a predetermined number of motions have occurred in an environment where audio or visual alerts would not be effective,” which was an “improvement in motion detection devices.” Granted motion to dismiss on the basis that other patent claims were ineligible.
<i>Electronic Scripting Products, Inc. v. HTC America, Inc.</i> , 3-17-cv-05806 (N.D. Cal. Mar. 16, 2018)	03/16/2018	Denying motion to dismiss on the basis that the asserted pose detection interface patent claims were ineligible. Held that the claims were not directed to an abstract idea, but instead they “eliminate[d] the need for multiple synchronized imaging cameras located in the environment and also minimizes the bandwidth and processing needs of the system,” which was “an improvement on the existing technology.” Also held that

CASE	DATE	HOLDING
		the arrangement of the claim elements was unconventional, and thus the claims did not lack an inventive concept.
<i>Avocent Huntsville, LLC v. ZPE Systems, Inc.</i> , No. 3-17-cv-04319 (N.D. Cal. Mar. 21, 2018)	03/21/2018	Denying motion to dismiss on the basis that the asserted network access patent claims were ineligible. Held that the claims were not directed to an abstract idea, and did not lack an inventive concept, because they provided an improvement to the existing technology: “enhanc[ing] conventional systems by converting different types of management data into a common management data format, and communicating that common management data to a network management system that enables remote monitoring and accessing of devices.”
<i>Maxell, Ltd. v. Fandango Media, LLC</i> , No. 2-17-cv-07534 (C.D. Cal. Mar. 21, 2018)	03/21/2018	Denying motion to dismiss on the basis of ineligibility of the asserted video access. Held that the claims were not directed to an abstract idea, and did not lack an inventive concept, because they provided improvements to the existing technology by “allow[ing] individuals to search through video content ‘almost instantaneously.’” Granted motion to dismiss as to other claims, and denied motion to dismiss as premature regarding other claims.
<i>Vendavo, Inc. v. Price f(x) AG</i> , No. 3-17-cv-06930 (N.D. Cal. Mar. 23, 2018)	03/23/2018	Denying without prejudice motion to dismiss on the basis that the asserted price management patent claims were ineligible. Held that the defendant provided “inadequate analysis and explanation of the substance of the claimed inventions, the prosecution history, and potential construction issues to permit drawing informed conclusions as to which side of the abstract idea/inventive concept line any or all of these patent claims lie.”
<i>Supercell Oy v. GREE, Inc.</i> , No. 4-17-cv-05556 (N.D. Cal. Apr. 3, 2018)	04/03/2018	Granting dismissal on the basis that the asserted logon transfer system patent claims were ineligible. Held that the claims were directed to the abstract idea of “sending, receiving, and authenticating logon information, and not to a ‘specific means or method for improving technology,’” with no inventive concept.

CASE	DATE	HOLDING
		<p>However, denied motion to dismiss on the basis that the asserted computer application upgrade patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather solved “a problem rooted in computer technology, namely that when upgrading an application developers must generate a unique installation patch for each release channel which contains a Customized Information Portion specific to that release channel.”</p>
<p><i>Hybrid Audio, LLC v. Visual Land, Inc.</i>, No. 2-17-cv-08968 (C.D. Cal. Apr. 5, 2018)</p>	<p>04/05/2018</p>	<p>Denying motion to dismiss on the basis that the asserted signal processing patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather to “an improvement in the functioning of a computer,” namely by making “computers more efficient without sacrificing the quality of the sound.”</p>
<p><i>Local Intelligence, LLC v. HTC America, Inc.</i>, No. 5-17-cv-06437 (N.D. Cal. Apr. 6, 2018)</p>	<p>04/06/2018</p>	<p>Denying motion to dismiss on the basis that the asserted claims, which were directed to displaying location-relevant communications on a phone, were ineligible. Held that the “claims at issue do more than simply state a result (i.e., display communication services according to current location); they also recite the way in which it is accomplished (i.e., using location retrieved from the location server and functions stored in the datastore),” and thus a “specific improvement to the technology of user interfaces.”</p>
<p><i>XpertUniverse, Inc. v. Cisco Systems, Inc.</i>, No. 3-17-cv-03848 (N.D. Cal. May 8, 2018)</p>	<p>05/08/2018</p>	<p>Denying motion for judgment on the pleadings on the basis that the asserted computer-based expert location system patent claims were ineligible. Held that “while [plaintiff’s] claims involve the abstract idea of connecting a customer with an inquiry to a live expert, they are ultimately directed at a specific means or method of accomplishing that result. . . . [T]he specific attributes of the claimed invention -- a multi-layered data structure with ‘semantic to non-semantic’ routing techniques -- are directed towards a purported improvement to the flexibility and scalability of the system.”</p>

CASE	DATE	HOLDING
<p><i>Intellectual Ventures II LLC v. FedEx Corporation</i>, No. 2-16-cv-00980 (E.D. Tex. May 10, 2018)</p>	<p>05/10/2018</p>	<p>Denying motions for judgment on the pleadings on the basis that the asserted bar code data interchange patent claims were ineligible. Held that the claims were “directed to[] a technological solution to a technological problem, namely, the elimination of a previously necessary third party in ‘transferring bar code data between businesses and consumers using different hardware and software applications.’ . . . This solution improves upon the previously existing technological structure that required sophisticated software developed by third parties by allowing users to easily transfer bar code data between parties that may be using different operating systems or software applications.”</p> <p>Denying motion for judgment on the pleadings on the basis that the asserted goods tracking patent claims were ineligible. Held that “[a]t the very least, the [patent] alleges that the existing prior art has problems related to failures by personnel to properly scan, track, and monitor inventory, as well as the inability to identify the intentional theft of inventory by employees. The [patent], through its use of the claimed elements, alleges to help resolve such problems.”</p> <p>Denying motion for judgment on the pleadings on the basis that the asserted identification tag tracking patent claims were ineligible. Held that the “specification makes clear that the invention is directed toward overcoming the technological problem of machine scanners failing to accurately read an RFID tag. . . . [T]he specification disparages the prior art, noting that existing systems would recognize that a read had failed, but be unable to determine whether the problem was as benign as a faulty reader or as severe as intentional theft.”</p>
<p><i>Xoran Technologies, LLC v. Planmeca USA, Inc.</i>, No. 1-17-cv-07131 (N.D. Ill. May 22, 2018)</p>	<p>05/22/2018</p>	<p>Denying motion to dismiss on the basis that the asserted CT scanner patent claims were ineligible. Held that “the claims at issue claim more than simply the idea of taking and displaying x-ray and external images of a patient. . . . [T]o solve that problem with the prior art, claim 1 of the [patent] claims . . . a camera mounted to one of the first arm section</p>

CASE	DATE	HOLDING
		and the second arm section, and a motor that rotates the gantry about an axis of rotation, wherein . . . the camera takes a plurality of external images as the gantry rotates. Necessarily, then, the claims at issue are directed to more than just the idea of taking and displaying images, as claim 1 describes a scanner with specific improvements relating to the structure of the scanner.”
<i>Borehead, LLC v. Ellingson Drainage, Inc. d/b/a Ellingson Companies</i> , No. 0-17-cv-05269 (D. Minn. May 23, 2018)	05/23/2018	Denying motion to dismiss on the basis that the asserted pipe pulling patent claims were ineligible. Held that the claims were “not drawn to an abstraction, but to a concrete task -- specifically, the task of pulling a pipe underground beneath an obstacle. The claim requires specific physical tasks to be performed using specific tangible items in a specific order.”
<i>The Chamberlain Group, Inc. v. Techtronic Industries Co., Ltd.</i> , No. 1-16-cv-06097 (N.D. Ill. May 23, 2018)	05/23/2018	After a jury trial, denying JMOL on the basis that the asserted garage door opener patent claims were ineligible. Held that the claims are not directed to the transmission of data, but ‘to garage door openers that wirelessly transmit status information.’ . . . [T]he asserted [patent] claims are directed to a particular improvement over prior art which uses a particular manner of sending and experiencing data. . . . The moveable barrier operator taught by the [patent] does not merely receive transmissions, as did MBOs in the prior art. . . . This improvement eliminated the need for a ‘physical interface . . .’ thus cutting out ‘undesired additional cost when part of the [otherwise, necessarily installed] interface goes unused in a given installation.’”
<i>DDR Holdings, LLC v. Priceline.com LLC</i> , No. 1-17-cv-00498 (D. Del. June 5, 2018)	06/05/2018	Denying motion for judgment on the pleadings on the basis that the asserted internet marketing patent claims were ineligible. Held that the claims “address the issue of retaining control over the customer’s attention through the use of a composite page provided by the third party outsource provider. The patents allow the host to control the attrition of internet traffic away from its site. Whether the visitor would otherwise be directed to another site owned by the host or one owned

CASE	DATE	HOLDING
		by a third party, the patented methods allow the host to prevent visitors from being ‘instantly transported away’ to another website. . . . [E]ven without specifying how the composite pages are generated, the patents still describe the automated delivery of the page by an outsource provider that incorporates the look and feel of the host site with the details of the merchant’s product.”
<i>Ironworks Patents, LLC v. Apple Inc.</i> , No. 1-17-cv-01399 (D. Del. June 12, 2018)	06/12/2018	Denying motion to dismiss on the basis that the asserted portable device alert patent claims were ineligible. Held that the claims were “directed to tangible systems -- a ‘portable device’ and a ‘mobile station,’ respectively -- and include ‘specific components that are configured to perform specific functions in response to specific events.’ . . . The claims might incorporate the abstract idea of ‘using a vocabulary to convey information,’ but that does not mean that each claim in its entirety is directed to the abstract idea of ‘using a vocabulary to convey information,’ or to any other abstract idea. . . . [T]he claims are directed to an improved ‘portable device’ and ‘mobile station,’ respectively, and recite limitations for those improved tangible systems.”
<i>GroupChatter, LLC v. Agile Sports Technologies, Inc.</i> , No. 8-18-cv-00035 (D. Neb. June 20, 2018)	06/20/2018	Denying motion to dismiss on the basis that the asserted deterministic mass messaging patent claims were ineligible. Held that the claims were directed to the abstract idea of communicating with groups of people as quickly as possible. However, held that the claims contained an inventive concept because they “present[ed] a specific, inventive solution to the problem the inventors recognized with messaging networks at the time of their invention.”
<i>Pure Data Systems, LLC v. Ubisoft, Inc.</i> , No. 3-18-cv-00852 (N.D. Cal. July 13, 2018)	07/13/2018	Denying motion to dismiss on the basis that the asserted data storage system patent claims were ineligible. Held that the claims were directed to the abstract idea of “updating recipients with changed information in a format usable by the recipient.” Held, however, that the claims contained an inventive concept because it was a question of

CASE	DATE	HOLDING
		fact whether the ordered combination recited in the claims was “non-generic and non-conventional” in the industry.
<p><i>A Zahner Company v. Hendrick Metal Products, LLC</i>, No. 1-17-cv-04139 (N.D. Ill. July 20, 2018)</p>	07/20/2018	<p>Granting in part judgment on the pleadings on the basis that the asserted machine control software patent claims were ineligible. Held that the claims were directed to the abstract idea of “using a computer, instead of human labor, to combine two types of data to form machine code,” with no inventive concept.</p> <p>However, denied in part the motion because there was insufficient evidence to determine the issue as to certain other machine control software patent claims.</p>
<p><i>Monument Peak Ventures, LLC v. SZ DJI Technology Co., Ltd.</i>, No. 2-18-cv-02210 (C.D. Cal. July 31, 2018)</p>	07/31/2018	<p>Denying motion to dismiss on the basis that the asserted photographic subject determination patent claims were ineligible. Held that the claims were directed to the “abstract idea of collecting and analyzing information.” However, held that the claims contain “specific limiting rules, such as requiring the extraction of both structural and semantic saliency features, and ‘integrating’ those features to account for the relative importance of each feature, that are tied to digital image processing. . . . Additionally, the FAC alleges that this specific process was unconventional in the field of digital imaging, and the specification does not directly contradict this allegation.”</p> <p>Granting dismissal on the basis that the asserted digital exposure correction patent claims were ineligible. Held that the claims were directed to the abstract idea of exposure adjustment, with no inventive concept.</p> <p>Denying motion to dismiss on the basis that the asserted location guidance patent claims were ineligible. Held that the claims were directed to the abstract idea of “acquiring, analyzing, and displaying information.” However, held that the “specific method of producing</p>

CASE	DATE	HOLDING
		guidance information for capturing an image” was not necessarily “conventional or generic.”
<i>Hypermedia Navigation LLC v. Facebook, Inc.</i> , No. 4-17-cv-05383 (N.D. Cal. Aug. 16, 2018)	08/16/2018	Denying motion to dismiss on the basis that the asserted hypermedia resource navigation patent claims were ineligible. Held that the plaintiff adequately alleged that the “present invention improves a specific online search mechanism by creating web programs that are geared towards entertaining and presenting the user with desirable information in a new way: through ‘linearly linked websites.’” . . . [T]he functional improvements found in the representative claims -- which recite a novel linear navigation method directed to the entertainment of the user -- constitute a specific technological improvement that was not present in the prior art. Even if Defendant is correct that linear search and display systems could be performed in the absence of a computer, it is Plaintiff’s novel and improved application of that method to the search medium that renders the invention patent-eligible under Section 101.”
<i>Intellectual Ventures I LLC v. T-Mobile USA, Inc.</i> , No. 2-17-cv-00577 (E.D. Tex. Sept. 4, 2018)	09/04/2018	Denying motion to dismiss on the basis that the asserted wireless transmission prioritization patent claims were ineligible. Held that the claims were directed to a “technical solution to a technical problem. The background discusses the challenges that wireless networks face when delivering [quality of service] and reveals much of the technical nature of these solutions. . . . The [patent] is explicit in its solution to these problems. . . . Such solution is achieved by classifying, on a packet level, what the ideal quality of services characteristics are for each type of data in order to optimize data flow. “
<i>Uniloc USA, Inc. v. Samsung Electronics America, Inc.</i> , No. 2-17-cv-00651 (E.D. Tex. Sept. 18, 2018)	09/18/2018	Denying motion to dismiss on the basis that the asserted claims for determining incline for a step counter were ineligible. Held that the claims provided “an improved step counter system that takes a limited set of hardware, including the accelerometers required by Claim 1, and provide[d] underlying mathematical improvements to create an

CASE	DATE	HOLDING
		improved step counter device, one that accounts for not just the number of steps taken (which step counters in the prior art perform) but that dynamically use the motion detected by the accelerometer to determine the precise incline the user is stepping from and on, creating a system and device that provide for a much more accurate representation of the user’s workout and the calories expended.”
<i>Universal Secure Registry LLC v. Apple Inc.</i> , No. 1-17-cv-00585 (D. Del. Sept. 19, 2018)	09/19/2018	Report and recommendation to deny motion to dismiss on the ground that the asserted identity authentication patent claims were ineligible. Held that “[v]erifying account information to enable a transaction is a well-known practice, as ‘determination/verification of a person’s identity will typically dictate extension of credit, granting access to information, allowing entry to a restricted area, or the granting of numerous other privileges.’ However, the [patent] is directed to an improvement in computer functionality by enabling anonymous identification, which secures the transaction without giving the merchant identifying information such as a credit card number. . . . [T]he claims of the [patent] represent a technological improvement sufficient to distinguish the invention from an unpatentable abstract idea.”
<i>Intellectual Ventures II LLC v. Sprint Spectrum LP d/b/a Sprint PCS</i> , No. 2-17-cv-00662 (E.D. Tex. Sept. 24, 2018)	09/24/2018	Granting dismissal on the basis that the asserted wireless network paging patent claims were ineligible. Held that the claims were directed to the abstract idea of “monitoring data and receiving data,” with no inventive concept. However, denied motion to dismiss on the basis that the asserted wireless network channel scheduling patent claims were ineligible. Held that the claims were directed to an abstract idea, but held that “receiving a transmission of such parameters and allocating the data in response to those parameters is an inventive concept.”

CASE	DATE	HOLDING
<i>Visual Effect Innovations, LLC v. Sony Electronics Inc.</i> , No. 1-17-cv-01276 (D. Del. Sept. 30, 2018)	09/30/2018	Denying motion to dismiss on the basis that the asserted video stream image modification patent claims were ineligible. Held that “[t]he patents’ specifications characterize the claims as unconventional and innovative. . . . [Defendant’s] inventive concept argument relies on its own preferred construction of certain claim terms. . . . [T]he patent-eligibility inquiry could be impacted both by claim construction and by further factual development concerning the use of flicker described by the patents at the time of the inventions.”
<i>CliniComp International, Inc. v. athenahealth, Inc.</i> , No. 1-18-cv-00425 (W.D. Tex. Oct. 3, 2018)	10/03/2018	Denying motion to dismiss on the basis that the asserted healthcare management system patent claims were ineligible. Held that “[Plaintiff] responds that the ordered combination presented in the [patent] demonstrates that there is an inventive concept independent of the combination’s implementation on a computer. [Plaintiff] argues that the claims are directed to very specific concrete methods of operating a healthcare-management system, including limitations on how data is communicated . . . and how access to the database is restricted. . . . [T]he court accepts [plaintiff’s] well-pleaded facts as true. . . . The [patent] has 55 claims. By its motion, [defendant] challenges only Claim 1. . . . On this limited record, it cannot be said, as a matter of law, that the [patent] involves only an abstract or generic concept and lacks any inventive concept.”
<i>Quality Innovative Products, LLC v. Brand 44, LLC</i> , No. 1-18-cv-00369 (D. Colo. Oct. 4, 2018)	10/04/2018	Denying motion to dismiss on the basis that the asserted swing patent claims were ineligible. Held that the claims were not directed to natural phenomena, but rather “articles of manufacture used to improve upon the use of traditional swings.”
<i>Nike, Inc v. Puma North America, Inc.</i> , No. 1-18-cv-10876 (D. Mass. Oct. 10, 2018)	10/10/2018	Denying motion to dismiss on the basis that the asserted footwear patent claims were ineligible. Held that “the claims plainly appear directed to patent-eligible subject matter: shoes.” Also held that “[b]oth the complaint and the patents themselves identify ways in which the inventions improved upon the conventional methods of

CASE	DATE	HOLDING
		manufacturing shoes -- in particular, by permitting more efficient construction of uppers using a unitary knitted component, thus reducing the number of materials needed and the amount of waste created.”
<i>Realtime Adaptive Streaming LLC v. Google LLC</i> , No. 2-18-cv-03629 (C.D. Cal. Oct. 25, 2018)	10/25/2018	Denying in part motion to dismiss on the basis that the asserted data compression and decompression patent claims were ineligible. Held that the claims were “tied to specific computer systems that ‘improve[] computer functionality in some way’ rather than being drawn to purely abstract concepts.”
<i>EcoServices, LLC v. Certified Aviation Services, LLC</i> , No. 5-16-cv-01824 (C.D. Cal. Oct. 26, 2018)	10/26/2018	After a jury trial, denying JMOL on the basis that the asserted engine washing patent claims were ineligible. Held that the “claimed process does not use a computer to implement an abstract idea, but rather it uses technology to improve the narrow industry of turbine engine wash systems to ensure quality, performance, and safety. . . . With the elimination of human error and implementation of the information detector in combination with the control unit, the claimed invention therefore improves the existing process with a method distinct from the prior art.”
<i>Blackbird Tech LLC d/b/a Blackbird Technologies v. Niantic, Inc.</i> , No. 1-17-cv-01810 (D. Del. Oct. 31, 2018)	10/31/2018	Denying motion to dismiss on the basis that the asserted virtual video game patent claims were ineligible. Held that the mapping limitation of the claims “requires taking camera images of a real physical space, where the user is located, and integrating those images as a video into a virtual video game environment. This ensures that the claimed method does not merely take ‘steps routinely performed by humans’ and apply them on a computer-mapping as described in the claims could not be performed by humans. Further . . . the mapping step here is tethered to specific instructions on which images are to be mapped (camera images from the user’s physical location), where those images are to be mapped (the video game virtual environment), and how those images

CASE	DATE	HOLDING
		are to be displayed (as a video wherein the user experiences both real and virtual objects within the video game virtual environment).”
<i>IDB Ventures, LLC v. Charlotte Russe Holdings, Inc.</i> , No. 2-17-cv-00660 (E.D. Tex. Oct. 31, 2018)	10/31/2018	Denying motion to dismiss on the basis that the asserted computer information processing patent claims were ineligible. Held that the “defendants ignore the specific improvement over prior systems, consisting of the use of the query dialog box to facilitate the presentation, sorting, and selection of text data objects. Rather than merely reciting a general method for selecting and sorting data . . . [two asserted claims] of the [patent-in-suit] recite selecting and sorting data using a specific structure (i.e., a query dialog box), which is designed in a particular manner to permit the construction of filters and sort orders on the same screen.”
<i>CyWee Group Ltd. v. Samsung Electronics Co. Ltd.</i> , No. 2-17-cv-00140 (E.D. Tex. Nov. 7, 2018)	11/07/2018	Denying motion for summary judgment on the basis that the asserted 3D pointing device patent claims were ineligible. Held that the “claims in the [patents-in-suit] entail more than simply performing a calculation or organizing information through mathematical correlations. . . . The claims recite tangible, physical results from the receipt and assessment of information. . . . [T]hey are directed to a means of using the inputs from six-axis and nine-axis sensors to track the orientation status of the 3D pointing device and correct errors associated with conventional motion detectors.”
<i>Olympus Corporation v. Maxell, Ltd.</i> , No. 1-18-cv-00216 (D. Del. Nov. 14, 2018)	11/14/2018	Denying motion for judgment on the pleadings on the basis that the asserted portable recording/play-back apparatus patent claims were ineligible. Held that the claims were “directed to a ‘recording/play-back apparatus’ that uses a controller to monitor and control different modes of operation and power consumption of the apparatus. . . . [T]he patent describes battery-consumption problems with prior devices and how the claimed controller improves those devices. Contrary to Plaintiffs’ suggestion, the focus of claim 1 is an improved camera, not

CASE	DATE	HOLDING
		a generic improvement in battery (or resource) conservation untethered from any technology.”
<p><i>Nuance Communications, Inc. v. MModal LLC f/k/a as MModal Inc.</i>, No. 1-17-cv-01484 (D. Del. Oct. 23, 2017)</p>	12/14/2018	<p>Report and recommendation to grant dismissal on the basis that the asserted automated speech recognition patent claims were ineligible. Held that the claims were directed to the abstract idea of “receiving data, recognizing words using well-known ASR technology, and storing the data in the appropriate fields of a report template,” with no inventive concept.</p> <p>However, recommended denying motion to dismiss on the basis that the asserted transcription error recognition were ineligible. Held that the claims were not directed to an abstract idea, and instead “recite[d] specific methods for navigating and editing dictation transcripts more efficiently by eliminating the need to stop the acoustic playback each time a correction is made,” and thus “improve[d] the functionality of speech recognition devices by facilitating navigation of the text information.”</p>
<p><i>Nasdaq, Inc. v. IEX Grp., Inc.</i>, No. 3:18-cv-03014 (D.N.J. Jan. 4, 2019)</p>	01/04/2019	<p>Denying motion to dismiss on the basis that the asserted financial data optimization patent claims were ineligible. Held that the claims were not directed to an abstract idea, but were instead “directed at resolving an existing technological problem in ‘extracting and selecting operators in an efficient way . . . in order to reduce the load on a processor and to reduce data dissemination such as bandwidth in a computer system’ for electronic trading of securities, derivatives, commodities, and other financial instruments.”</p>
<p><i>Multimedia Content Mgm’t LLC v. DISH Network Corp.</i>, No. 6:18-cv-00207 (W.D. Tex. Jan. 10, 2019)</p>	01/10/2019	<p>Denying motion to dismiss on the basis that the asserted network access patent claims were ineligible. Held that the claims were directed to the abstract idea of regulating access to a service provider network. Held, however, that the claims contained an inventive concept because they provided “a centralized controller can generate different controller instructions for different gateway units, each of</p>

CASE	DATE	HOLDING
		which will selectively transmit requests in accordance with their received controller instructions.”
<i>IPA Techs. Inc. v. Amazon.co, Inc.</i> , No. 1-16-cv-1266 (D. Del. Jan. 18, 2019)	01/18/2019	<p>Granting in part motion to dismiss on the basis that the asserted speech-based data navigation patent claims were ineligible. Held that the claims were directed to the abstract idea of navigating an electronic database, with no inventive concept.</p> <p>However, denied in part motion to dismiss on the basis that the asserted cooperative software architecture patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather to “a specific software architecture that employs facilitators for delegation and coordination, construction of arbitrarily complex goals, an expandable inter-agent communication language, service-providing agents and a distributed process where no single agent defines the set of possible inputs.”</p>
<i>The Cal. Institute of Tech. v. Broadcom Ltd.</i> , No. 2:16-cv-03714 (C.D. Cal. Jan. 18, 2019)	01/18/2019	Denied motion for summary judgment on the basis that the asserted encoding system patent claims were ineligible. Held that the claims were directed to “a method for encoding data that, according to the patent specification and testimony of Plaintiff’s experts, leads to a framework that improves on previous data encoding methods.”
<i>Intellectual Ventures II LLC v. BITCO Gen. Ins. Corp.</i> , No. 6:18-cv-00298 (E.D. Tex. Jan. 24, 2019)	01/24/2019	Denying motion for summary judgment on the basis that the asserted content distribution patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather to “keyword-based search engines that require pre-indexing of Internet content and explains the need ‘to provide improvements in the way demand for information is identified, content is generated in response to a defined demand, and the way in which users access desired information.’”
<i>Cap Export v. Zinus, Inc.</i> , No. 2:16-cv-00371 (C.D. Cal. Jan. 24, 2019)	01/24/2019	Granting summary judgment on the basis that the asserted bedframe patent claims were patent-eligible. Held that the claims were directed

CASE	DATE	HOLDING
		to a “physical object [that] easily overcomes the Section 101 limit on patentability.”
<i>Express Mobile, Inc. v. Code & Theory LLC</i> , No. 3:18-cv-04679 (N.D. Cal. Jan. 29, 2019)	01/29/2019	Denying motion to dismiss on the basis that the asserted web-page creation patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather to “a purportedly revolutionary technological solution to a technological problem -- how to create webpages for the internet in a manner that permits “what you see is what you get” editing, and a number of other alleged improvements over the then-existing methodologies.”
<i>Eagle View Techs., Inc. v. Xactware Solutions, Inc.</i> , No. 1:15-cv-07025 (D.N.J. Jan. 29, 2019)	01/29/2019	Denying motion for summary judgment on the basis that the asserted roof-reporter generator patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather to “the creation of a roof model primarily through the correlation of data points shown on two different, non-stereoscopic aerial views of a roof structure.”
<i>British Telecommunications plc v. IAC/InteractiveCorp.</i> , No. 1:18-cv-00366 (D. Del. Feb. 4, 2019)	02/04/2019	Granting motion to dismiss on the basis that several different asserted patent claims were ineligible. For instance, held that the asserted feedback-based message distribution patent claims were directed to the abstract idea of “distributing information based on feedback from people receiving that information,” with no inventive concept.
<i>Escort Inc. v. Uniden Am. Corp.</i> , No. 3:18-cv-00161 (N.D. Tex. Feb. 4, 2019)	02/04/2019	Denying motion to dismiss on the basis that the asserted radar-alert patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather “to improving the function of radar detectors by reducing false alerts.”
<i>Teleconference Systems LLC v. Metaswitch Networks Corp.</i> , No. 6:18-cv-00234 (E.D. Tex. Feb. 5, 2019)	02/05/2019	Denying motion to dismiss on the basis that the asserted videoconferencing patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather to a “specific device” and “an allegedly improved videoconferencing services switch.”
<i>Freeny v. Fossil Grp., Inc.</i> , No. 2:18-cv-00049 (E.D. Tex. Feb. 12, 2019)	02/12/2019	Report and recommendation to deny motion to dismiss on the basis that the asserted wireless communication transceiver patent claims were

CASE	DATE	HOLDING
		ineligible. Held that the claims were not directed to an abstract idea, but rather “to a physical device that improves the prior art” by “transmit[ting] an authorization code remotely over different wireless protocols.”

B. Biotechnology/Life Sciences Patents

1. Federal Circuit Decisions

CASE	DATE	PETITION FOR REHEARING	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>Rapid Litigation Mgm't Ltd. v. CellzDirect, Inc.</i> , 827 F.3d 1042 (Fed. Cir. 2016)	07/05/2016	No petition found	No petition found	Reversing the district court's grant of summary judgment on the basis that patent claims directed to a cryopreservation technique for hepatocytes were ineligible. Held that the claims were not directed to an abstract idea because they were directed to a "new and improved" technique. Found that the "inventors discovered the cells' ability to survive multiple freeze-thaw cycles, but that is not where they stopped, nor is it what they patented." The inventors instead "employed their natural discovery to create a new and improved way of preserving hepatocyte cells for later use." As to step two, the court stated that even if the claims were directed to hepatocytes' natural ability to survive multiple freeze-thaw cycles, the claims recite an improved process for preserving hepatocytes for later use, which would transform the claims from covering a patent-ineligible concept to an eligible invention. This improved process, the court noted, provided significant benefits over the prior art methods, including that it is used to create hepatocyte preparations that "no longer exhibit unacceptable loss of viability."
<i>Exergen Corp. v. KAZ USA, Inc.</i> , 725 F. App'x 959 (Fed. Cir. Mar. 8, 2018) (non-precedential)	03/08/2018	No petition found	No petition found	Affirming the district court's denial of judgment as a matter of law that the asserted claims, which covered a body temperature detector by detecting the temperature of the forehead directly above the superficial temporal artery, were ineligible. Held that the claims were directed to the measurement of a natural phenomenon: core body

CASE	DATE	PETITION FOR REHEARING	PETITION FOR WRIT OF CERTIORARI	HOLDING
				<p>temperature. Held that the claimed measurement method was not conventional, routine, and well-understood because “[f]ollowing years and millions of dollars of testing and development, the inventor determined for the first time the coefficient representing the relationship between temporal-arterial temperature and core body temperature and incorporated that discovery into an unconventional method of temperature measurement.” Applied clear error standard of review to the district court’s fact finding on the issue.</p> <p>Judge Hughes dissented, stating that in his view the claim elements were well-known, routine, and conventional. He stated that the claims “begin and end with a law of nature,” as the claims “cover temperature detectors that calculate a person’s core body temperature.” He further stated that the “prior art recognized long ago” that a known mathematical heat balance equation enabled calculation of core body temperature from skin and air temperature measurements. He also stated that the prior art recognized that temperature-detecting products made use of the same claimed elements for decades. Finally, he stated that “a claimed invention’s unconventionality, by itself, is not sufficient to render the claim patent eligible.”</p>
<p><i>Vanda Pharm. Inc. v. West-Ward Pharm. Int’l Ltd.</i>, 2016-2707, 2016-2708 (Fed. Cir. Apr. 13, 2018)</p>	<p>04/13/2018</p>	<p>06/12/2018 (denied)</p>	<p>12/27/2018 (pending)</p>	<p>The claims in <i>Vanda</i> were directed to a method of using iloperidone to treat patients having a certain genotype for schizophrenia. Op. 30. The claims recite specific dosages, and the specification explains “how certain ranges of administered iloperidone correlate with the risk of” the “prolongation” of the time interval between the Q and T waves of the heart rhythm (or QTc). <i>Id.</i> at 3 n.2, 30. At step one, the</p>

CASE	DATE	PETITION FOR REHEARING	PETITION FOR WRIT OF CERTIORARI	HOLDING
				<p>majority held that the claims were directed to “‘a new way of using an existing drug’ that is safer for patients because it reduces the risk of QTc prolongation.” <i>Id.</i> at 28, 30. The majority further explained that the claims are “directed to a specific method of treatment for specific patients using a specific compound at specific doses to achieve a specific outcome,” and that they “recite more than the natural relationship between CYP2D6 metabolizer genotype and the risk of TQc prolongation.” <i>Id.</i> at 32. “Instead,” the majority concluded, the claims “recite a method of treating patients based on this relationship that makes iloperidone safer by lowering the risk of QTc prolongation.” The majority did not reach step two.</p> <p>Chief Judge Prost dissented, stating that, as an initial matter, the majority conflated step one with the inventive concept analysis of step two. Dissent 1. And “[o]nce the natural law claimed in the . . . patent is understood in a manner consistent with <i>Mayo</i>,” she explained, “what remains fails to supply the requisite inventive concept to transform the natural law into patent-eligible subject matter.” <i>Id.</i> at 2. Chief Judge Prost stated that the majority’s reference to the claimed method being “safer for patients” was merely an “optimization of an existing treatment of schizophrenia.” <i>Id.</i> at 5. She explained that “[t]he patent simply discloses the natural law that a known side effect of the existing treatment could be reduced by administering a lower dose to CYP2D6 poor-metabolizers. It claims no more than instructions directing that audience to apply the natural law in a routine and conventional manner.” <i>Id.</i> at 5-6.</p>

2. District Court Decisions

CASE	DATE	HOLDING
<i>MiMedz Grp. Inc. v. NuTech Med., Inc.</i> , No. 2:15-cv-00369, Op. at 16 (N.D. Ala. Nov. 24, 2015)	11/24/2015	Denying-in-part motion to dismiss on the basis of ineligibility of certain asserted tissue graft patent claim (claim 1). Held that, although the claims were directed to the natural phenomenon of “placental tissue,” the claims did not lack inventive concept in view of the additional limitation of the amnion layer and chorion layer being “directly laminated to each other,” which was “novel and useful.”
<i>ContourMed Inc. v. Am. Breast Care LP</i> , No. 4:15-cv-02769, Op. at 6-7 (S.D. Tex. Mar. 17, 2016)	03/17/2016	Denying motion to dismiss on the basis of ineligibility of asserted breast prosthesis patent claims. Held that the claims were not directed toward an abstract idea, explaining that “[w]hile the process claimed ... does employ software to process images and perform 3D modeling, the underlying concept involves substantial tangible components” and that the patent “claims imaging of the breast to the ultimate end of creating a breast prosthetic, using alignment markers placed on the breast and captured in the image to aid in the computer modeling.” Also stated that focusing “only on physical or tangible results of an invention” is not necessarily correct because it “inappropriately focuses on the result of the claimed invention rather than the invention itself.”
<i>Exergen Corp. v. Kaz USA, Inc.</i> , No. 1:13-cv-10628, Op. at 4-6, 9 (D. Mass. Mar. 25, 2016)	03/25/2016	After a jury trial, denied motion for judgment as a matter of law that the asserted arterial thermometer patent claims were ineligible. Held that the claims were not a “mere appropriation of the laws of nature” and that by “combining the two natural phenomena to achieve an accurate noninvasive measurement of human body temperature was not obvious to a person of ordinary skill in the art at the time of the invention.” Held that the asserted claims “transformed the underlying natural laws into inventive methods and useful devices that noninvasively and accurately detect human body temperature.”
<i>Femto Sec Tech, Inc. v. Lensar, Inc.</i> , No. 8:15-cv-01689, Op. at 9, 11-12 (C.D. Cal. June 8, 2016)	06/08/2016	Denying motion to dismiss on the basis of ineligibility of asserted dental laser patent claims. Held that the claims were not directed to a law of nature, i.e., “use of the electromagnetic spectrum,” but instead were “specifically directed to a method and system of using laser beams of ultrashort duration,” and the “discovery that the material-removing properties of ultrashort pulsed lasers have

CASE	DATE	HOLDING
		beneficial effects is ‘not nature’s handiwork’ but rather the work of the inventor of the subject matter here.” Held that the claims did not lack an inventive concept because of the many benefits the invention provided, in addition to the fact that the use of ultrashort pulsed beams “improves the functionality of a laser for a specific, particularized purpose: material removal.”
<i>IDEXX Labs. Inc. v. Charles River Labs. Inc.</i> , No. 1:15-cv-00668, Op. at 7, 11–12 (D. Del. July 7, 2016)	07/07/2016	Denying motion to dismiss on the basis of ineligibility of asserted blood sample analysis claims. Held that the claims were directed to the abstract idea of “collecting, analyzing, and reporting results.” However, held that the claims did not lack an inventive concept because “they describe a specific, novel implementation of the abstract idea” and “a specific solution to a problem which afflicted the field of the invention.” Specifically, the claims covered an “invention [that] permits one to monitor the health of rodent populations without euthanizing animals, waiting for blood to clot in a centrifuge, or shipping blood serum overnight in a refrigerated container.”
<i>Novartis Pharm. Corp. v. Roxane Labs., Inc.</i> , No. 1:13-cv-01973, Op. at 18–20 (D. Del. Aug. 25, 2016)	08/25/2016	Following a bench trial, held that the asserted antipsychotic drug patent claims were eligible. Held that the claims were directed to a law of nature, specifically the “relationship between iloperidone, CYP2D6 metabolism, and QTc prolongation.” Held, however, that the claims contained an inventive concept because “the dosage step . . . does not apply to all patients, but only a specific population based upon their genetic composition” and because “the process of using this genetic test to inform the dosage adjustment . . . was not routine or conventional and amounted to more than a mere instruction to apply a natural relationship.”
<i>Green Mountain Glass, LLC v. Saint-Gobain Containers, Inc.</i> , No. 1:14-cv-00392, Op. at 3 (D. Del. Oct. 11, 2016)	10/11/2016	Denying motion for judgment on the pleadings that the asserted glass recycling patent claims were ineligible. Held that the claims were not directed to the abstract idea, as they claim a “step-by-step industrial process for creating a one-color glass end-product from recycled, mixed-color glass.”
<i>Hitkansut LLC v. United States</i> , No. 1:12-cv-00303 (Ct. Fed. Cl. Feb. 6, 2017)	02/06/2017	After a bench trial, held that claims reciting a method of changing the physical properties of a structure by concurrently applying multiple energies were patent-eligible. Held that the claims were not directed to a natural law, as they draw upon

CASE	DATE	HOLDING
		a preexisting “Larson-Miller relationship” as a baseline or predicate for applying two energies “concurrently above an activation energy of the material to be processed.” Held that the claims contained an inventive concept because they provided a novel solution that “engender[ed] more efficient results.”
<i>FitBit Inc. v. AliphCom</i> , No. 5:16-cv-00118 (N.D. Cal. Mar. 2, 2017)	03/02/2017	Denying-in-part judgment on the pleadings on the basis that the asserted biometric monitoring device patent claims were ineligible. Held that the claims were not directed to an abstract idea, but rather to an “improvement to heart rate monitors as a technological tool.”
<i>Viveve, Inc. v. ThermiGen, LLC</i> , No. 2:16-cv-01189 (E.D. Tex. Apr. 20, 2017)	04/20/2017	Denying motion to dismiss on the basis of ineligibility of asserted human tissue remodeling patent claims. Held that the claims were not directed to a natural law, but rather the application and synthesization of a natural law into a concrete process (tightening tissue).
<i>CardioNet, LLC v. InfoBionic, Inc.</i> , No. 1:15-cv-11803 (D. Mass. May 4, 2017)	05/04/2017	Granting-in-part and denying-in-part motion for judgment on the pleadings on the basis of ineligibility of asserted monitoring and transmitting patient data claims and cardiac monitoring claims. Held that monitoring claims were directed to an abstract idea, but that they had an inventive concept because they improved upon prior art in the mobile cardiac elemetry field and others. Held that other data processing claims were ineligible because they were directed to an abstract idea of organizing human behavior, with no inventive concept.
<i>Momenta Pharm., Inc. v. Amphastar Pharm.</i> , No. 1:11-cv-11681 (D. Mass June 16, 2017)	06/16/2017	Denying motion for summary judgment on the basis of ineligibility of asserted anticoagulant drug patent claims. Held that the claims were not directed to a law of nature, but rather to a specific four-step separation process that allowed for the control of quality of each batch of enoxaparin.
<i>Momenta Pharm., Inc. v. Amphastar Pharm.</i> , No. 1:11-cv-11681 (D. Mass. July 21, 2017)	06/21/2017	Granting judgment as a matter of law on the same basis.

CASE	DATE	HOLDING
<p><i>Tech Pharmacy Servs., LLC v. Alixa Rx LLC</i>, No. 4:15-cv-00766 (E.D. Tex. July 24, 2017)</p>	<p>07/24/2017</p>	<p>Denying motion for summary judgment on the basis of ineligibility of asserted pharmaceutical distribution system patent claims. Held that the claims were directed to the abstract idea of ordering, storing, and distributing pharmaceuticals. Held that the claims did not lack an inventive concept because they recited an improvement for pharmaceutical operations in long-term care facilities.</p>
<p><i>Sterisil, Inc. v. ProEdge Dental Products, Inc.</i>, No. 1:13-cv-01210 (D. Colo. Sep. 28, 2017)</p>	<p>09/28/2017</p>	<p>Denying summary judgment on the basis of ineligibility of dental water treatment patent claims. Held that the claims did not lack an inventive concept, given their particular and inventive method of using silver to disinfect water.</p>
<p><i>Pacific Biosciences of California, Inc. v. Oxford Nanopore Technologies, Inc.</i>, No. 1-17-cv-01353 (D. Del. Mar. 22, 2018)</p>	<p>03/22/2018</p>	<p>Denying motion to dismiss on the basis that the asserted DNA sequencing patent claims were ineligible. Held that the claims were not directed to an ineligible concept, but rather “a novel method of manipulating polynucleotides to create sequencing templates that can be used to generate redundant sequencing information and improve nanopore sequencing.”</p>
<p><i>Hitachi Maxell, Ltd. v. Huawei Technologies Co., Ltd.</i>, No. 5-16-cv-00178 (E.D. Tex. Mar. 29, 2018)</p>	<p>03/29/2018</p>	<p>Denying motion to dismiss on the basis that the asserted GPS/cellular positioning patent claims were ineligible. Held that “based on the allegations in the pleadings, the [patent] contains an inventive concept. The patent explains that, in the prior art, GPS receivers integrated in mobile devices could not provide sufficient geo-location abilities. . . . [T]he pleadings suggest that the claimed invention is directed to an improvement in the mobile handset itself, not generic components performing conventional activities. Here, where the claims recite ‘a specific way of overcoming a problem which plagued prior art systems[,] [t]his specific solution . . . demonstrates a sufficient inventive concept.’ . . . Accordingly, [plaintiff] has adequately alleged an inventive concept sufficient to survive a motion to dismiss with respect to the [patent].”</p> <p>Furthermore, denied motion to dismiss on the basis that the asserted wireless base station selection patent claims were ineligible. Held that the claims were directed to the abstract idea of “selecting a base station by obtaining an index of communication quality, calculating characterizing quantities, and using these metrics to perform the selection.” Held, however, that the claims contained an</p>

CASE	DATE	HOLDING
		inventive concept because “the patent specification describes that the prior selection methods for base stations would result in interruption of voice calls and streaming content and that the patentees advanced a technological solution requiring obtaining an index of communication quality between the terminal and a plurality of base stations in a plurality of groups.”
<i>Pernix Ireland Pain Ltd. v. Alvogen Malta Operations Ltd.</i> , No. 1-16-cv-00139 (D. Del. May 15, 2018)	05/15/2018	Granting summary judgment on the basis that the asserted pain treatment patent claims were patent-eligible. Held that each claim “recites a ‘method of treating pain in a patient having mild or moderate hepatic impairment,’ and teaches using a specific extended release formulation of hydrocodone bitartrate that has a particular release profile. Although the inventions recited in those claims were based upon a natural law -- the physiological response to hydrocodone in individuals with or without mild or moderate hepatic impairment -- the claims do more than merely report those physiological responses. Rather . . . the claims asserted in this case describe a specific dosing regimen to treat a specific condition based on the patient’s medical status.”
<i>CyWee Group Ltd. v. LG Electronics, Inc.</i> , No. 3-17-cv-01102 (S.D. Cal. June 15, 2018)	06/15/2018	Denying as premature motion to dismiss on the basis that the asserted 3D pointing device patent claims were ineligible. Held that the plaintiff sufficiently plead its claims and it was not “obvious from the face of the complaint” that the “patent’s subject matter is not patentable.”
<i>HVLPO2, LLC v. Oxygen Frog, LLC</i> , No. 4-16-cv-00336 (N.D. Fla. July 19, 2018)	07/19/2018	Denying motion for summary judgment on the basis that the asserted oxygen generation patent claims were ineligible. Held that the claims recite “a specific way of managing an oxygen-generating system.”
<i>Nevro Corp. v. Boston Scientific Corporation</i> , No. 3-16-cv-06830 (N.D. Cal. July 24, 2018)	07/24/2018	Denying motion for summary judgment on the basis that the asserted chronic pain treatment patent claims were ineligible.
<i>Align Technology, Inc. v. 3Shape A/S</i> , No. 1-17-cv-01646 (D. Del. Sept. 7, 2018)	09/07/2018	Denying motion to dismiss on the ground that the asserted intraoral image selection patent claims were ineligible. Held that the claims were directed to “an improved method for generating a model of an intraoral site.”

CASE	DATE	HOLDING
		<p>However, granted dismissal on the basis that the asserted dental prosthesis finish line patent claims were ineligible. Held that the claims were directed to the abstract idea of “modifying a finish line of a dental prosthesis,” with no inventive concept.</p> <p>Also held that teeth viewing system patent claims were directed to the abstract idea of “describing an orthodontic treatment plan,” with no inventive concept.</p> <p>Also denied motion to dismiss on the basis that the asserted dental fabrication template patent claims were ineligible. Held that the “relevant technology consisted of templates that, in some instances, could dislodge orthodontic brackets during their removal from the patient’s mouth. Claim 13 of the [patent] purports to fix this problem by disclosing a method for creating a template that could guide the placement of the brackets without the brackets necessarily being contained within the template does not rebut this point. [Defendant] has not, therefore, persuaded the Court that the claim is directed to an abstract idea.”</p>
<p><i>Bayer Healthcare Pharmaceuticals Inc. v. Biogen Idec Inc.</i>, No. 2-10-cv-02734 (D.N.J. Sept. 28, 2018)</p>	<p>09/28/2018</p>	<p>After a jury trial, denying JMOL on the basis that the asserted immunomodulation patent claims were ineligible. Held that “the claims at issue are method of treatment claims, not claims to DNA or polypeptides. Moreover . . . based on the record evidence no reasonable jury could conclude that the recombinant protein administered in the claimed method is identical to the protein found in nature.” Held that “[t]he patent specification discloses the benefits of the claimed method over prior-art treatments using the native protein, and does not state or even suggest that expressing a biologically-active protein sufficient for therapeutic use by employing recombinant DNA technology was well-known, routine, or conventional.”</p>
<p><i>ThermoLife International, LLC v. Hi-Tech Pharmaceuticals, Inc.</i>, No. 1-15-cv-00892 (N.D. Ga. Oct. 2, 2018)</p>	<p>10/02/2018</p>	<p>Report and recommendation to deny motion to dismiss on the basis that the asserted amino acid composition patent claims were ineligible. Held that “Plaintiff has set forth sufficient facts, if taken as true, that the compositions of the [patents] are markedly different from any naturally occurring counterparts, and</p>

CASE	DATE	HOLDING
		thus are not directed to one of the judicially recognized exceptions to patent-eligible subject matter.”
<i>Groove Digital, Inc. v. Jam City, Inc.</i> , No. 1:18-cv-01331 (D. Del. Jan. 29, 2019)	01/29/2019	Denying without prejudice motion to dismiss on the basis that the asserted targeted advertising patent claims were ineligible. Held that the defendant had not established that the claims were directed to an abstract idea, as the “specification appears . . . to have much more to do with the delivery of information than the presentation of information,” and the proposed abstract ideas “incorporate[d] a display screen and an applet—two seemingly concrete concepts.”

III. ALICE DETERMINATION PREMATURE

A. Software/Tech Patents

1. Federal Circuit Decisions

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>Berkheimer v. HP Inc.</i> , 881 F.3d 1360 (Fed. Cir. 2018)	02/08/2018	03/21/2018 (denied)	09/28/2018 (pending)	Affirmed in part the district court’s grant of summary judgment on the basis that claims reciting “digitally processing and archiving files in a digital asset management system” were ineligible. Held that the claims were directed to the abstract idea of “of parsing, comparing, and storing data.” Held that “[w]hile patent eligibility is ultimately a question of law, the district court erred in concluding there are no underlying factual questions to the § 101 inquiry.” Held that some claims lacked an inventive concept because they failed to provide an improvement to the existing technology. However, remanded to the district court as to other claims, finding that there was a question of fact as to whether they provided an inventive concept.
<i>Aatrix Software, Inc. v. Green Shades Software, Inc.</i> , 882 F.3d 1121 (Fed. Cir. 2018)	02/14/2018	03/19/2018 (denied)	No petition found	Vacating the district court’s grant of motion to dismiss on the basis that the asserted claims, which recited systems and methods for designing, creating, and importing data into a viewable form on a computer for manipulation, were ineligible. Held that the district court erred “to the extent it determined that” the claims were ineligible “because it is not directed to a tangible embodiment,” holding that the claimed invention was “very much a tangible system.” Also held that there were issues of fact

GIBSON DUNN

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				<p>regarding whether the claims contained an inventive concept.</p> <p>Judge Reyna dissented, disagreeing with the “majority’s broad statements on the role of factual evidence in a § 101 inquiry.” Stated that it was contrary to the clear precedent that the § 101 inquiry “is a legal question.”</p>

2. District Court Decisions

CASE	DATE	HOLDING
<i>Data Distrib. Techs., LLC v. BRER Affiliates, Inc.</i> , No. 12-4878, 2014 WL 4162765, *11-12 (D.N.J. Aug. 19, 2014)	08/19/2014	Finding that “[i]t is clear, at step one, that the [patent-at-issue] is directed to an abstract idea, specifically the abstract idea of maintaining a database and updating users about new information,” but that step two of <i>Alice</i> is “[t]he difficult issue, and the one that the Court cannot fully address before claim construction.”
<i>Card Verification Solutions, LLC v. Citigroup Inc.</i> , No. 13-C-6339, 2014 WL 4922524, *3-5 (N.D. Ill. Sep. 29, 2014)	09/29/2014	Finding that “a method of passing along confidential information through a trusted, third-party intermediary to ensure both that a consumer can complete the transaction and that the necessary confidential information remains secure” was abstract, but waiting until after claim construction to determine if the claims pass step two of <i>Alice</i> , because “the claims may be sufficiently limited by the plausible transformation that occurs when the randomly-generated tag is added to the piece of confidential information.”
<i>Ameranth, Inc. v. Genesis Gaming Solutions, Inc.</i> , No. 11-00189, 13-00720, 2014 WL 7012391, at *8 (C.D. Cal. Nov. 12, 2014)	11/12/2014	Denying defendants’ motion for summary judgment, holding that defendants had not demonstrated that the asserted claims “simply cover generic computer implementation of the way poker rooms were managed before the invention.”
<i>Fairfield Industries, Inc. v. Wireless Seismic, Inc.</i> , No. 4:14-CV-2972, 2014 WL 7342525, at *7 (S.D. Tex. Dec. 23, 2014)	12/23/2014	Denying defendant’s motion to dismiss, holding that the claims at issue recite “acquisition units [that] . . . do far more than replace a mental process or abstract concept,” as they “receive signals reflected by subsurface seismic reflectors in response to a generated acoustic signal and transmit that seismic data to a central location,” and “acquire . . . seismic data from neighboring units and wirelessly communicate that data up the chain.”
<i>StoneEagle Servs., Inc. v. Pay-Plus Solutions, Inc.</i> , No. 8:13-cv-2240-T-33MAP, 2015 WL 518852, at *4 (M.D. Fla. Feb. 9, 2015)	02/09/2015	Denying defendant’s motion for judgment on the pleadings because, “[a]t the very least, proper construction of the term ‘stored-value card’ [was] necessary prior to an assessment of whether the claims implicate a fundamental economic practice.”

CASE	DATE	HOLDING
<i>Ameritox, Ltd. v. Millennium Health, LLC</i> , No. 3:13-cv-00832, 2015 WL 728501, at *26 (W.D. Wis. Feb. 19, 2015)	02/19/2015	Denying motion for summary judgment, relying on a “seminal” prior art reference stating that blood sampling was “by far preferable” to urine normalization, and therefore using a normalization step for urine in drug protocols could not have been routine or conventional.
<i>Modern Telecom Sys., LLC v. Juno Online Servs., Inc.</i> , No. CA 14-0348, Slip Op. at 13-14 (C.D. Cal. Mar. 17, 2015)	03/17/2015	Denying motion for judgment on the pleadings, finding that defendants failed to demonstrate that the relevant claims lacked an inventive concept because the claims “appear to describe a solution ‘necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.’”
<i>My Health Inc. v. LifeScan, Inc.</i> , No. 2:14-cv-683, Dkt. 34 at 2 (E.D. Tex. Mar. 19, 2015)	03/19/2015	Report and recommendation to deny motion to dismiss because the unpatentability arguments were premised on conclusions about the meaning of certain claim terms, and therefore was premature.
<i>Certified Measurement, LLC v. Centerprint Energy Houston Elec. LLC</i> , No. 2:14-CV-627, Dkt. 59 at 4 (E.D. Tex. Mar. 30, 2015)	03/30/2015	Denying motion to dismiss based on patent ineligible subject matter, holding that “[t]he need for claim construction is especially apparent here, where Defendants’ invalidity argument is implicitly premised on its conclusions about the meanings of certain claim terms.”
<i>Nomadix, Inc. v. Hospitality Core Servs. LLC</i> , No. 14-08256, Dkt. 47 at 4 (C.D. Cal. Apr. 3, 2015)	04/03/2015	Denying motion to dismiss based on patent ineligible subject matter, holding that “the exact functioning of the patented systems has not yet been fully briefed,” that “[p]atents are entitled to a presumption of validity,” and that it is “desirable” to resolve claim construction disputes prior to § 101 analysis.
<i>Mobile-Plan-It LLC v. Facebook Inc.</i> , No. 14-cv-01709, Slip Op. at 6-7 (N.D. Cal. Apr. 20, 2015)	04/20/2015	Denying defendant's motion for judgment on the pleadings that plaintiff's meeting organization patent was invalid for lack of patentable subject matter, but finding it was a close question regarding whether the patent contained an inventive concept. "[W]hile the question is close, [plaintiff] has offered at least an argument that its patent offers more than a list of steps human beings were routinely carrying out long before the patent existed. Although conceptually similar 'proxies' may have been employed for anonymous communication purposes in a variety of other historical contexts, the specific problem purportedly addressed by the [patent]

CASE	DATE	HOLDING
		relates to characteristics of email communications, and to particular issues arising among conference attendees."
<i>TriPlay Inc. v. WhatsApp Inc.</i> , No. 1:13-cv-01703, Slip Op. at 12 (D. Del. Apr. 28, 2015)	04/28/2015	Report and Recommendation denying motion to dismiss for lack of patentable subjected matter as to all but one of the claims of messaging system patent because the defendant “provided little analysis as to whether” two allegedly representative claims were in fact representative of the remaining claims and because there were “real differences among the claims.”
<i>Kenexa BrassRing, Inc. v. HireAbility.com</i> , No. 1:12-cv-10943, Slip Op. at 13-14 (D. Mass. Apr. 28, 2015)	04/28/2015	Denying motion for judgment on the pleadings that claims reciting a method of “transferring relatively unstructured electronic resume information of job applicants into a highly structured database” were ineligible, holding that “[a]lthough simply reciting the use of 'digital data,' without more, would not be sufficient to satisfy the 'inventive concept' requirement, the claims also recite a method of digital extraction — that is, isolating certain input information from a resume and transferring it to a particular field in a job-application form.”
<i>Good Technology Corp. v. MobileIron, Inc.</i> , Dkt. 194 at 2-3, No. 5:12-cv-05826 (May 4, 2015)	05/04/2015	Denying motion for judgment on the pleadings that claims were ineligible, finding that the defendant failed to raise that invalidity ground in its invalidity contentions and rejecting the defendant's argument that patentability was a threshold issue similar to jurisdiction, with discovery complete and trial just two months away.
<i>Prescriber, LLC v. Advanced Data Systems Corp.</i> , 6:14-cv-00859, at 9 (E.D. Tex. June 29, 2015) <i>Prescriber, LLC v. AO Capital Partners LLC</i> , No. 6:14-cv-00440, Op. at 1-2 (E.D. Tex. Aug. 18, 2015)	06/29/2015 08/18/2015	Denying without prejudice motion to dismiss based on ineligibility, finding that there was a dispute of material fact as to whether the patent at issue contained an inventive concept prior to claim construction. The court did find, however, that the claims were directed to a physician’s task of prescribing medication for a patient, which is “akin” to a “fundamental economic and conventional business practice.”

CASE	DATE	HOLDING
<i>Mirror World Techs., LLC v. Apple Inc.</i> , No. 6:13-cv-00419, at 16, 19-20 (E.D. Tex. July 7, 2015)	07/07/2015	Denying motion for judgment on the pleadings that claims were ineligible. Although finding that the representative claim was directed to the abstract idea of organizing data units on a computer, the court held that the defendants failed to provide any evidence that the claimed computer functions (using persistent mainstreams and substreams) were “well-understood, routine, conventional activities” previously known to the industry.
<i>Phoenix Licensing, L.L.C. v. CenturyLink, Inc.</i> , No. 2:14-cv-965, Op. at 4 (E.D. Tex. Aug. 17, 2015)	08/17/2015	Report and recommendation to deny motion to dismiss based on ineligibility of claims of financial product patents, finding that the “need for claim construction is especially apparent here, where Defendants dispute the meaning of various terms among various claims it purports to be representative of all Asserted Patents.” Also stated that “[I]t seems a definitive ruling on eligibility before claim construction is only warranted in narrow circumstances.”
<i>Samsung Elecs Co., Ltd. v. NVidia Corp.</i> , No. 3:14-cv-757 (E.D. Va. Sept. 2, 2015)	09/02/2015	Denying motion for judgment on the pleadings of ineligibility of syndronous DRAM patent claims, finding that “Defendants have failed to establish that any asserted claims ... ‘are directed to a patent-eligible concept’ or that the challenged claim elements, individually and as an ordered combination, lack an inventive concept.”
<i>Cronos Techs., LLC v. Expedia Inc.</i> , No. 13-1538, -1541, -1544, Op. at 5 (D. Del. Sept. 8, 2015)	09/08/2015	Denying without prejudice motion for judgment on the pleadings of ineligibility of claims generally disclosing methods and systems for remote ordering of products. Defendants’ motion focused almost exclusively on one independent claim, though the motion was directed to several dependent claims. Explained that there are several considerations in such circumstances of using a representative claim, including: (1) whether the non-representative claims are adequately represented by the representative claim; (2) whether there are issues of claim construction that must be decided before resolving the motion; and (3) are there any set of facts that could be proven that would result in a determination that one or more of the claims are eligible. Held that the defendants had not adequately articulated why each dependent claim relates to the same abstract idea or why they fail to supply inventive concept. Additionally held that there may be a set of facts that could result in eligibility of at least some claims.

CASE	DATE	HOLDING
<i>In re CTP Innovations, LLC</i> , No. 1:14-md-02581, Op. at 12 (D. Md. Oct. 2, 2015)	10/02/2015	Denying without prejudice three defendants’ motions to dismiss based on ineligibility of the asserted claims, finding them to be premature. Held that because not all of the defendants in all pending cases had asserted ineligibility at the time, and because a decision determining ineligibility would “affect all defendants in all pending cases,” the court would “not address the <u>Alice</u> issues without providing an opportunity for all defendants in all pending cases to participate.”
<i>A PTY Ltd. v. eBay, Inc.</i> , No. 1:15-cv-00155, Op. at 5-7 (W.D. Tex. Oct. 8, 2015)	10/08/2015	Denying motion to dismiss on the basis of ineligibility of claim related to a method of conveying e-mail messages, holding that assessment of the issue could not be done prior to claim construction. Specifically, the court stated that “the analysis is complicated by the fact that, at this initial stage, the Court is presented with nothing more than the Plaintiff’s complaint and the patent. . . . Prior to a claim construction hearing the Court is unable to assess whether the [patent] is directed at an abstract idea or, if it is, whether the [patent] claims a sufficiently inventive concept to render it a patent-eligible application.”
<i>TimePlay, Inc. v. Audience Entertainment, LLC</i> , No. 2:15-cv-05202, Op. at 8, 11 (C.D. Cal. Nov. 10, 2015)	11/10/2015	Denying motion to dismiss on the basis of ineligibility of multi-player gaming patent claims. Held that the claims were directed to the “idea of multi-player gaming using a hand-held controller that has a display screen where the players are also in front of a shared display,” and that the idea was not “abstract” because it was “by definition limited to the field of multi-player gaming and which requires the use of multiple hardware components.” Further explicitly stated that the claimed invention was “designed to solve a problem particular to the realm of multi-player gaming,” relying on the patent’s specification and prosecution history to note that the invention was “sufficiently novel” to satisfy the examiner.
<i>Advanced Marketing Sys., LLC v. CVS Pharmacy, Inc.</i> , No. 6:15-cv-00134, Op. at 8-10 (E.D. Tex. Nov. 19, 2015)	11/19/2015	Report and recommendation to deny without prejudice motion for judgment on the pleadings that the asserted in-store discount patent claims were ineligible. Explained that “Defendants have not sufficiently shown an absence of fact and claim construction issues such that the only plausible reading of the asserted claims is one of patent ineligibility.” Held that the asserted claims do not “clearly show” that they recite an abstract idea because, for instance, the “discount vehicle

CASE	DATE	HOLDING
		claims ... include physical structures such as a discount vehicle with information identifying products and their associated discounts, and a select code that can be selectively deactivated as to certain discounts, while remaining active for future use as to others.” Further held that the inventive concept issue depends on a “settled interpretation of the” relevant claim terms.
<i>Realtime Data LLC v. Actian Corp.</i> , No. 6:15-cv-00463, Op. at 11-12 (E.D. Tex. Nov. 30, 2015), <i>adopted</i> on Jan. 21, 2016.	11/30/2015 01/21/2016	Report and recommendation to deny without prejudice motion to dismiss based on ineligibility of the asserted data compression patent claims. Held that a “careful reading of the claims themselves ... does not clearly reveal that the patents are abstract,” and that the “parties’ disagreement regarding whether the claims include a transformative concept further solidifies the Court’s decision that claim construction should occur prior to a § 101 determination. In order for the Court to determine whether the patents contain an inventive concept, it is necessary for there to be a settled interpretation of the claim language.”
<i>Motio, Inc. v. BSP Software LLC</i> , No. 4:12-CV-647, Op. at 1, 3 (E.D. Tex. Jan. 8, 2016)	01/08/2016	Denying motion for judgment on the pleadings that the asserted business intelligence software patent claims were ineligible. The court provided no substantive analysis other than, “After reviewing the current complaint, the motion for judgment, the response, the reply, and the sur-reply, the Court finds that Plaintiff has stated plausible claims for purposes of defeating a Rule 12(c) motion.”
<i>CR Bard Inc. v. AngioDynamics Inc.</i> , No. 1:15-cv-00218, Op. at 24-25 (D. Del. Jan. 12, 2016)	01/12/2016	Denying motion to dismiss on the basis of patent ineligibility of asserted medical port patent claims. Held that the claims were directed to the abstract idea of determining whether an access port carries an identification feature and identifying that feature. However, held that the record was insufficient to determine whether the claims lacked an inventive concept. Found that the arguments conflate § 101 analysis with anticipation and obviousness arguments for which the court “routinely allows full discovery and makes its decision based on a full record.”
<i>zIT Consulting GmbH v. BMC Software, Inc.</i> , No. 6:15-cv-1012,	01/16/2016	Denying motion to dismiss on the basis of patent ineligibility of asserted mainframe computer management claims, finding the motion premature. The district court held that it was “not persuaded” that the “§ 101 arguments should be

CASE	DATE	HOLDING
Op. at 9-10 (M.D. Fla. Jan. 15, 2016)		resolved prior to claim construction,” and that, “at a minimum,” the defendant should have delayed raising the arguments until plaintiff “narrowed the claims at issue to ten or fewer and the parties exchanged their respective claim construction proposals” as required by the Court’s Scheduling Order.
<i>Intellectual Ventures I LLC v. Citigroup, Inc.</i> , No. 14-cv-4638, Op. at 1 (S.D.N.Y. Jan. 19, 2016)	01/19/2016	Denying motion for summary judgment of ineligibility of asserted claims. The defendant had argued that it was entitled to summary judgment because two other district courts had found the asserted patents ineligible. Explained that those other two decisions have been consolidated for appeal at the Federal Circuit, and that there would be no point in dismissing the claims now, “when the patents may yet be held to cover eligible material.” Also denied the request to stay the litigation related to the patents, and stated that the defendant, “by proper motion,” could “seek to persuade me along the same lines” as it had done in the other district courts.
<i>Cave Consulting Grp., Inc. v. Truven Health Analytics Inc.</i> , No. 3:15-cv-02177, Op. at 4 (N.D. Cal. Jan. 25, 2016)	01/25/2016	Denying without prejudice motion for judgment on the pleadings on the basis of ineligibility of asserted physician efficiency report patent claims. Held that “claim construction will aid the Court’s Section 101 analysis in a number of respects, including with regard to determining the scope of preemption and whether the claims contain an inventive concept.” Noted that the defendant had presented no evidence in support of its motion.
<i>Synchronoss Techs., Inc. v. Hyperlync Techs., Inc.</i> , No. 3:15-cv-02845, Op. at 7-8 (D.N.J. Mar. 7, 2016)	03/07/2016	Denying without prejudice motion to dismiss on the basis of ineligibility of the asserted synchronization and data backup patent claims. Held that the parties did not “appear to agree on how certain key terms” should be construed, and determined that waiting until after claim construction to decide eligibility would be more appropriate.
<i>Realtime Data LLC d/b/a IXO v. Actian Corp.</i> , No. 6:15-cv-00463, Op. at (E.D. Tex. Mar. 8, 2016)	03/08/2016	Denying motion for early claim construction and summary judgment proceedings regarding defense of ineligibility of asserted claims. Noted that the in asking the court to construe the term “data,” the defendants contended that the asserted patents broadly discussed all types of data, some of which were not “easily recognizable to humans.” And thus, even an early claim construction proceeding

CASE	DATE	HOLDING
		“would not necessarily result in a clear finding that the patents are directed towards patent-ineligible subject matter.”
<i>TeleSign Corp. v. Twilio, Inc.</i> , No. 2:15-cv-03240, Op. at 3 (C.D. Cal. Mar. 9, 2016)	03/09/2016	Denying motion for judgment on the pleadings on the basis of ineligibility of asserted internet security patent claims, finding the motion premature because claim construction had not yet occurred and because “almost every aspect of the patents is hotly disputed by the parties.”
<i>Secured Structures, LLC v. Alarm Security Grp., LLC</i> , No. 6:14-cv-00930, Op. at 9-10 (E.D. Tex. Mar. 10, 2016)	03/10/2016	Report and recommendation to deny without prejudice motion to dismiss on the basis of ineligibility of asserted home security patent claims, given that claim construction had not yet occurred and that there were relevant claim terms in dispute.
<i>Palomar Techs., Inc. v. MRSI Sys., LLC</i> , No. 3:15-cv-01484, Op. at 8-9 (S.D. Cal. Mar. 11, 2016)	03/11/2016	Denying without prejudice motion to dismiss on the basis of ineligibility of asserted electronic component placement system patent claims, given that claim construction had not yet occurred and that there were relevant claim terms in dispute.
<i>Wetro Lan LLC v. Phoenix Contact USA, Inc.</i> , No. 2:15-cv-00421, Op. at 6-8 (E.D. Tex. Mar. 29, 2016)	03/29/2016	Denying motion to dismiss on the basis of ineligibility of asserted computer security patent claims, given that claim construction had not yet occurred, relevant terms required construction, and because neither party had identified a representative claim.
<i>Wetro Lan LLC v. Telular Corp.</i> , No. 2:15-cv-00221, Op. at 6-8 (E.D. Tex. Mar. 29, 2016)	03/29/2016	Denying motion to dismiss on the basis of ineligibility of asserted computer security patent claims, given that claim construction had not yet occurred, relevant terms required construction, and because neither party had identified a representative claim.
<i>InVue Security Prods. Inc. v. Mobile Tech, Inc.</i> , No. 3:15-cv-00610, Op. at 5-7 (W.D.N.C. Apr. 14, 2016)	04/14/2016	Denying motion to dismiss on the basis of ineligibility of asserted security system patent claims, given that claim construction had not yet occurred.

CASE	DATE	HOLDING
<i>Affinity Labs of Texas, LLC v. Netflix, Inc.</i> , No. 1:15-cv-00849, Op. at 6 (W.D. Tex. May 6, 2016)	05/06/2016	Denying motion to dismiss on the basis of ineligibility of asserted HTTP ABR streaming patent claims, given that claim construction had not yet occurred.
<i>Yodlee Inc. v. Plaid Techs. Inc.</i> , No. 1:14-cv-01445, Op. at 21-22, 28-29, 43-44, 51-52, 62-63 (D. Del. May 23, 2016)	05/23/2016	Report and recommendation to deny without prejudice motion to dismiss on the basis that the asserted claims directed to internet navigation, data aggregation and delivery, and data restructuring were ineligible. Held that assessing the claims for an inventive concept required resolution of factual issues.
<i>Dynamic Digital Depth Res. Pty. Ltd. v. LG Elecs., Inc.</i> , No. 2:15-cv-05578, Op. at 1 (C.D. Cal. June 7, 2016)	06/07/2016	Deferring ruling on motion for judgment on the pleadings on the basis of ineligibility of asserted image conversion patent claims until after the <i>Markman</i> hearing, because there was a dispute over the meaning of certain claim terms.
<i>Transport Techs., LLC v. Los Angeles County Metro. Trans. Authority</i> , No. 2:15-cv-06423, Op. at 15–16 (C.D. Cal. July 22, 2016)	07/22/2016	Denying without prejudice motion to dismiss on the ground that the asserted vehicle occupancy system patent claims were ineligible. Held that the claims were directed to the abstract idea of “collecting and transmitting vehicle occupancy information.” Held that the defendant, however, failed to establish that the claims lacked an inventive concept because there was “no record of the technology described in the [paten-in-suit] being well-known at the time.”
<i>Eagle View Techs., Inc. v. Xactware Solutions, Inc.</i> , No. 1:15-cv-07025, Op. at 6 (D.N.J. Aug. 2, 2016)	08/02/2016	Denying without prejudice motion to dismiss on the ground that the asserted aerial roof measurement patent claims were ineligible, given disputes over the construction of certain claim terms and representative claims.
<i>Mantissa Corp. v. Ondot Sys., Inc.</i> , No. 4:15-cv-01133, Op. at 2–3 (S.D. Tex. Aug. 11, 2016)	08/11/2016	Denying motion to dismiss on the basis that the asserted identity protection patent claims were ineligible, holding that claim construction had not yet occurred and that there were disputed meaning over certain key terms.
<i>JSDQ Mesh Techs. LLC v. Fluidmesh Networks, LLC</i> , No. 1:16-cv-00212, Op. at (D. Del. Sept. 6, 2016)	09/06/2016	Denying without prejudice motion to dismiss on the basis that the asserted wireless routing patent claims were ineligible, because claim construction had not yet occurred.

CASE	DATE	HOLDING
<i>Ectolink, LLC v. Elavon, Inc.</i> , No. 6:15-cv-00760, Op. at 8–9 (E.D. Tex. Sep. 7, 2016)	09/07/2016	Report and recommendation to deny without prejudice motion to dismiss on the basis that the asserted home secure authorization patent claims were ineligible, because claim construction had not yet occurred and because there were disputed claim terms bearing on the eligibility determination.
<i>CryptoPeak Solutions, LLC v. Lowe’s Home Centers, Inc.</i> , No. 2:15-cv-01737, Op. at 13 (E.D. Tex. Sep. 9, 2016)	09/09/2016	Report and recommendation to deny motion to dismiss on the basis that the asserted public-key cryptography patent claims were ineligible, because claim construction had not occurred.
<i>Diamond Grading Techs. LLC v. American Gem Society</i> , No. 2:14-cv-01161, Op. at 6 (E.D. Tex. Sep. 12, 2016)	09/12/2016	Report and recommendation to deny motion to dismiss on the basis that the asserted gemstone evaluation patent claims were ineligible. Held that the inquiry required summary judgment and claim construction proceedings.
<i>Convergent Media Solutions LLC v. AT&T Inc.</i> , No. 3:15-cv-02156, Op. at 5 (N.D. Tex. Sep. 26, 2016)	09/26/2016	Denying without prejudice motion to dismiss on the basis that the asserted wireless integration patent claims were ineligible, because claim construction had not yet occurred.
<i>Phoenix Licensing, LLC v. Advance Am., Cash Advance Centers, Inc.</i> , No. 2:15-cv-01367, Op. at 3 (E.D. Tex. Sep. 30, 2016)	09/30/2016	Denying without prejudice motion to dismiss on the grounds that the asserted marketing system patent claims were ineligible, because claim construction had not yet occurred.
<i>Kaavo Inc. v. Amazon.com, Inc.</i> , No. 1:15-cv-00638, Op. at 29 (D. Del. Nov. 3, 2016)	11/03/2016	Report and recommendation to deny motion to dismiss on the basis that the asserted cloud computing management patent claims were ineligible. Held that the claims were directed to an abstract idea, but that there were genuine fact questions as to inventive concept—specifically, as to whether the “cloud environment configuration” is made available to software.
<i>Cioffi et al v. Google Inc.</i> , No. 2:13-cv-00103, Op. at 6 (E.D. Tex. Jan. 9, 2017)	01/09/2017	Report and recommendation to deny motion for summary judgment on the basis that the asserted web browser security patent claims. Held that the defendant failed

CASE	DATE	HOLDING
		to demonstrate that the claims were directed to an abstract idea, as the claims represented an improvement to the existing technology.
<i>Capstan AG Systems, Inc. v. Raven Industries, Inc.</i> , No. 5:16-cv-04132, Op. at 16 (D. Kan. Jan. 11, 2017)	01/11/2017	Denying motion to dismiss on the basis that the asserted agrochemical spraying system patent claims were ineligible, holding that at least one question remained as to whether a particular aspect of the claimed invention existed in the prior art.
<i>Yodlee Inc. v. Plaid Techs. Inc.</i> , No. 1:14-cv-01445 (D. Del. Jan. 27, 2017)	01/27/2017	Denying motion for summary judgment on the basis that the asserted data transmission patent claims were ineligible. Held that it was not possible to “conclude at this point” as to whether “the aggregation and synchronization limitations describe[d] something more than a ‘procedure or structure common to every means of accomplishing a given result.’”
<i>Eyetail365, LLC v. Bird Home Automation, LLC</i> , No. 3:16-cv-00680 (W.D. N.C. Jan. 30, 2017)	01/30/2017	Denying without prejudice motion to dismiss on the basis that the asserted communication and monitoring system patent claims, because claim construction had not yet occurred.
<i>Gemalto SA v. CPI Card Grp. Inc.</i> , NO. 1:16-cv-01006 (D. Colo. Mar. 2, 2017)	03/02/2017	Denying motion to dismiss on the basis that the asserted smart card customization system patent claims were ineligible, because claim construction had not yet occurred.
<i>Virginia Innovation Sciences, Inc. v. Amazon.com, Inc.</i> , No. 1:16-cv-00861 (E.D. Va. Mar. 8, 2017)	03/08/2017	Denying without prejudice motion to dismiss on the basis that the asserted e-commerce patent claims were ineligible, because claim construction had not yet occurred.
<i>Tatcha, LLC v. Landmark Tech. LLC</i> , No. 3:16-cv-04831 (N.D. Cal. Mar. 10, 2017)	03/10/2017	Denying without prejudice motion for judgment on the pleadings on the basis that the asserted financial transaction processing patent claims were ineligible, because claim construction had not yet occurred.
<i>In re Mobile Telecommunications Technologies, LLC</i> , No. 1:16-md-02722 (D. Del. Mar. 20, 2017)	03/20/2017	Denying without prejudice motion to dismiss on the basis that the asserted wireless signal transmission patent claims were ineligible, because claim construction had not yet occurred.

CASE	DATE	HOLDING
<i>BlackBerry Ltd. v. BLU Prods., Inc.</i> , No. 1:16-cv-23535 (S.D. Fla. Mar. 27, 2017)	03/27/2017	Report and recommendation to deny motion to dismiss on the basis of ineligibility of asserted telecommunications patent claims, pending summary judgment. Recommended to defer ruling until after claim construction.
<i>Autumn Cloud LLC v. Lonely Planet</i> , No. 2:16-cv-00847 (E.D. Tex. Apr. 3, 2017)	04/03/2017	Report and recommendation to deny without prejudice motion to dismiss on the basis of ineligibility of asserted device data monitoring patent claims, because claim construction had not yet occurred.
<i>Express Mobile, Inc. v. KTree Computer Solutions Inc.</i> , No. 2:17-cv-00128 (E.D. Tex. May 4, 2017)	05/04/2017	Report and recommendation to deny without prejudice motion to dismiss on the basis of ineligibility of asserted website generation patent claims, because claim construction had not yet occurred.
<i>T-Rex Property aB v. Cedar Fair, LP</i> , No. 0-16-cv-02018 (D. Minn. June 2, 2017)	06/02/2017	Denying as premature motion to dismiss on the basis of ineligibility of asserted digital information system patent claims. Held that the defendant failed to establish that the claims lacked an inventive concept and what was considered conventional at the time (no discovery or expert depositions had occurred).
<i>Vaporstream, Inc. v. Snap Inc.</i> , No. 2:17-cv-00220 (C.D. Cal. June 12, 2017)	06/12/2017	Denying without prejudice motion to dismiss on the basis of ineligibility of asserted e-mail security patent claims. Deferred ruling on whether the claims were directed to an abstract idea, and held that there were genuine disputes of material fact as to whether the claims lacked an inventive concept.
<i>Grid Innovations, LLC v. Electricity Reliability Council of Texas</i> , No. 1:17-cv-00234 (W.D. Tex. July 13, 2017)	07/13/2017	Denying without prejudice motion for summary judgment on the basis of asserted electric power routing patent claims, because claim construction had not yet occurred.
<i>T-Rex Property AB v. Regal Entertainment Grp.</i> , NO. 6:16-cv-00927 (E.D. Tex. Aug. 31, 2017)	08/31/2017	Report and recommendation to deny motion to dismiss on the basis of ineligibility of asserted digital display patent claims, particularly given that neither fact nor expert discovery had concluded.
<i>WordLogic Corp. v. Fleksy, Inc.</i> , NO. 1:16-cv-11714 (N.D. Ill. Nov. 7, 2017)	11/07/2017	Denying motion to dismiss on the basis that the asserted predictive keyboard application patent claims were ineligible. Held that, “at this early stage of the

CASE	DATE	HOLDING
		proceedings,” the defendant had no met its burden to show that the claims were directed to an abstract idea.
<i>Pure Imagination, LLC v. Adaptics Ltd.</i> , nO. 3:14-cv-05976 (W.D. Wash. Nov. 7, 2017)	11/07/2017	Denying motion to dismiss on the basis that the asserted recipe ration system patent claims were ineligible. Held that the defendant had not met the clear and convincing evidence standard.
<i>Centripetal Networks, Inc. v. Keysight Techs., Inc.</i> , No. 2:17-cv-00383 (E.D. Va. Nov. 15, 2017)	11/15/2017	Denying without prejudice motion to dismiss on the basis that the asserted network security patent claims were ineligible. Held that the issue should be addressed “through a motion under Rule 12(c) after the Markman hearing or at the summary judgment stage.” Further expressed that “[a]lthough the Court is not granting the Motion at this time, the Court is concerned that these two patents are written very broadly, and it is further concerned that [one] Patent appears to require human intervention in the claims at the point where it could arguably technologically insert an automated step.”
<i>TriPlay Inc. v. WhatsApp Inc.</i> , No. 1:13-cv-01703 (D. Del. Nov. 20, 2017)	11/20/2017	Report and recommendation to deny motion to dismiss on the basis that the asserted electronic messaging patent claims were ineligible. Held that fact issues existed as to whether the claims lacked an inventive concept, including whether the claims solved a problem of cross-platform messaging in a sufficiently particular, non-routine, unconventional way.
<i>M2M Solutions LLC v. Amazon.com, Inc.</i> , No. 1:17-cv-00202 (D. Del. Dec. 11, 2017)	12/11/2017	Report and recommendation to deny motion to dismiss on the basis that the asserted remote asset management patent claims were ineligible. Held that the defendant had failed to establish that the asserted claims were directed to an abstract idea, as the claims and specification appeared to articulate a solution to problems in consumer usage information processes.
<i>Cerner Innovations, Inc. v. Excel Med. Elecs., Inc.</i> , No. 9:17-cv-80317 (S.D. Fla. Jan. 25, 2018)	01/25/2018	Denying motion for judgment on the pleadings on the ground that the asserted medical data processing patent claims were ineligible, as claim construction had not yet occurred.
<i>Gemshares LLC v. Lipton</i> , No. 1:17-cv-06221 (N.D. Ill. Feb. 11, 2018)	02/11/2018	Denying motion to dismiss on the basis that the asserted synthetic gem investment product patent claims were ineligible. Held that the were genuine disputes of fact

CASE	DATE	HOLDING
		as to whether an individual defendant was estopped from challenging the patent’s validity.
<i>Nagravision SA et al v. NFL Enterprises, LLC</i> , No. 2-17-cv-03919 (C.D. Cal. Mar. 9, 2018)	03/09/2018	Denying without prejudice motion to dismiss on the basis that the asserted interactive television, omnimedia package, and media online access patent claims were ineligible. Held that there were genuine disputes of material fact as to whether certain claim elements were conventional, and also held that there were claim construction disputes over terms relevant to the eligibility inquiry. Granted motion to dismiss on the basis that other patent claims were ineligible.
<i>Maxell, Ltd. v. Fandango Media, LLC</i> , No. 2-17-cv-07534 (C.D. Cal. Mar. 21, 2018)	03/21/2018	Denying motion to dismiss on the basis of ineligibility of the asserted digital recording patent claims, as claim construction had not yet occurred. Denying motion to dismiss as to video editing patent claims in view of whether the claimed “combination of graphical interface requirements” was routine and conventional. Granted motion to dismiss as to other claims, and denied motion to dismiss as to other claims.
<i>T-Jat Systems 2006 Ltd. v. Expedia, Inc. (DE)</i> , No. 1-16-cv-00581 (D. Del. Mar. 28, 2018)	03/28/2018	Denying without prejudice motion to dismiss on the basis that the asserted telephone internet access patent claims were ineligible. Held that the claims were directed “to the idea of facilitating communication between a telephone device and a remote server via an intermediary server in order to overcome hardware limitations.” However, held that claim construction needed to occur before the issue of inventive concept could be determined.
<i>Sound View Innovations, LLC v. Hulu, LLC</i> , No. 2-17-cv-04146 (C.D. Cal. Apr. 11, 2018)	04/11/2018	Denying without prejudice motion to dismiss on the basis that the asserted data organization patent claims were ineligible. Held that the plaintiff sufficiently pleaded that the asserted claims were patent-eligible and did not lack an inventive concept. Stated that “[p]laintiff contends that the [patent] solves a computer-specific problem by asking ‘when a version should be deleted, not when it can be deleted.’ . . . The statements in the specification, the allegations in the FAC and the language of Claim 8 . . . show that the FAC sufficiently alleges that deleting data in response to the combination of a particular time stamp and a measureable characteristic, ‘thereby to increase a capacity of said memory’ shows an inventive

CASE	DATE	HOLDING
		<p>concept to the claims. Whether this recitation reflects a protectable, inventive concept is a question of fact.”</p> <p>Furthermore, denying without prejudice motion to dismiss on the basis that the asserted data analysis patent claims were ineligible, as claim construction had not yet occurred.</p> <p>In addition, denying without prejudice motion to dismiss on the basis that the asserted data caching patent claims were ineligible. Held that the plaintiff sufficiently pleaded that the claims were patent-eligible and contained an inventive concept.</p>
<p><i>Automotive Data Solutions, Inc. v. Directed Electronics Canada Inc.</i>, No. 2-18-cv-01560 (C.D. Cal. May 21, 2018)</p>	<p>05/21/2018</p>	<p>Denying motion to dismiss on the basis that the asserted automotive remote starter patent claims were ineligible, as claim construction had not yet occurred.</p>
<p><i>Symantec Corporation v. Zscaler, Inc.</i>, No. 3-17-cv-04426 (N.D. Cal. July 23, 2018)</p>	<p>07/23/2018</p>	<p>Denying motion for judgment on the pleadings on the basis that the asserted cloud-based security patent claims were ineligible. Held that the claims were directed to the abstract idea of “organizing security tests into an information sharing hierarchy.” However, held that the claims contained an inventive concept because the “specification makes clear that while the method of placing disparate security functions together on a single [unified threat management] was in the prior art, organizing that UTM’s functions or tests in any relational or hierarchical manner that shared information between the various tests was not. . . . Based on the patent’s discussion of the novelty of a hierarchical organization and information sharing system for UTMs, the ‘question of whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact.’”</p>
<p><i>BlackBerry Limited v. Facebook, Inc.</i>, No. 2-18-cv-01844 (C.D. Cal. Aug. 21, 2018)</p>	<p>08/21/2018</p>	<p>Denying without prejudice motion to dismiss on the basis that the asserted home content preview patent claims were ineligible. Held that “Defendants seek to downplay that the claims relate not only to compiling and displaying a particular piece of information, but doing so for a very particular type of data in a very</p>

CASE	DATE	HOLDING
		<p>particular way: through the use of visually modifying a graphical icon with a numeric character to identify the number of correspondents for unread messages. . . . At this stage in the litigation, these statements in the patent specification support the conclusion that the [patent] claims are drawn to a particular technological improvement in mobile devices rather than an abstract idea.”</p> <p>Granting dismissal on the basis that the asserted messaging time data patent claims were ineligible. Held that the claims were directed to the abstract idea of “time stamping,” with no inventive concept.</p> <p>Denying without prejudice motion to dismiss on the basis that certain other asserted action spot location patent claims and notification silencing patent claims were ineligible.</p>
<i>Genedics, LLC v. Meta Company</i> , No. 1-17-cv-01062 (D. Del. Aug. 21, 2018)	08/21/2018	Denying without prejudice motion to dismiss on the basis that the asserted 3-D user interface patent claims were ineligible. Held that the patent “provide[s] at least some reason to believe that it is the use of sensors employing [quadrilateral angle navigation] that overcomes the described obstacles to a more realistic 3-D user experience (i.e., that this amounts to the solution to a described technological problem). . . . there is enough in the patent to support an inference that the use of sensors employing QAN amounts to something other than the well-understood, routine, or conventional use of sensor technology.”
<i>Dynamic Applet Technologies, LLC v. Mattress Firm, Inc.</i> , No. 4-17-cv-00860 (E.D. Tex. Aug. 29, 2018)	08/29/2018	Report and recommendation to deny without prejudice motion to dismiss on the basis that the asserted client-server communication patent claims were ineligible, as claim construction had not yet occurred.
<i>Dynamic Applet Technologies, LLC v. Mattress Firm, Inc.</i> , No. 4-17-cv-00860 (E.D. Tex. Aug. 29, 2018)	08/29/2018	Report and recommendation to deny without prejudice motion to dismiss on the basis that the asserted client-server communication patent claims were ineligible, as claim construction had not yet occurred.
<i>Baxter Healthcare Corporation v. Becton, Dickinson and Company</i> ,	09/05/2018	Denying motion to dismiss on the basis that the asserted medication preparation patent claims were ineligible. Held that the claims were directed to the abstract

CASE	DATE	HOLDING
No. 3-17-cv-02186 (S.D. Cal. Sept. 5, 2018)		idea of “telepharmacy,” or “remote supervision and verification of pharmacy doses.” However, held that at least claim construction was necessary to determine whether the claims contained an inventive concept.
<i>Guada Technologies LLC v. Vice Media LLC</i> , No. 1-17-cv-01503 (D. Del. Sept. 17, 2018)	09/17/2018	Denying motion to dismiss on the basis that the asserted patent claims, which were directed to searching hierarchical data with key words, were ineligible. Held that the claims were directed to the abstract idea of “using keywords to search hierarchically-arranged data.” However, held that a factual dispute existed as to whether the claims contained an inventive concept.
<i>3rd Eye Surveillance, LLC v. United States of America</i> , No. 1-15-cv-00501 (Ct. Fed. Cl. Sept. 25, 2018)	09/25/2018	Denying as premature motion for judgment on the pleadings on the basis that the asserted security video patent claims were ineligible, as more facts were needed to make the determination.
<i>Centripetal Networks, Inc. v. Keysight Technologies, Inc.</i> , No. 2-17-cv-00383 (E.D. Va. Sept. 26, 2018)	09/26/2018	Denying motion for judgment on the pleadings on the basis that the asserted network security patent claims were ineligible. Held that disputed issues of fact existed.
<i>TMI Solutions LLC v. Bath & Body Works Direct, Inc.</i> , No. 1-17-cv-00965 (D. Del. Sept. 28, 2018)	09/28/2018	Denying motion to dismiss on the basis that the asserted remote computing patent claims were ineligible. Held that the claims were directed to the abstract idea of “exchanging information for the purpose of identification.” Held that further facts were needed to determine whether the claims contain an inventive concept.
<i>Kaniadakis v. Salesforce, Inc. d/b/a Salesforce.com, Inc.</i> , No. 8-17-cv-01346 (M.D. Fla. Oct. 9, 2018)	10/09/2018	Denying motion to dismiss on the basis that the asserted medical billing patent claims were ineligible, as claim construction had not yet occurred.
<i>Kroy IP Holdings, LLC v. Groupon Inc.</i> , No. 1-17-cv-01405 (D. Del. Oct. 9, 2018)	10/09/2018	Report and recommendation to deny motion to dismiss on the basis that the asserted incentive program builder patent claims were ineligible. Held that the claims were directed to the “abstract idea of using generic computer components to create and implement incentive award programs.” However, held that factual disputes remained as to inventive concept.

CASE	DATE	HOLDING
<i>Electro Scientific Industries, Inc. v. Fossil Group, Inc.</i> , No. 3-18-cv-01355 (N.D. Tex. Nov. 20, 2018)	11/20/2018	Denying without prejudice motion to dismiss on the basis that the asserted personal activity monitor patent claims were ineligible, as claim construction had not yet occurred.
<i>Secure Cam, LLC v. REvo America Corp.</i> , No. 3-18-cv-01157 (N.D. Tex. Nov. 29, 2018)	11/29/2018	Denying without prejudice motion to dismiss on the basis that the asserted image categorization patent claims were ineligible, as claim construction had not yet occurred.
<i>Allconnect, Inc. v. Consumer Brands, LLC</i> , No. 8:18-cv-01192 (C.D. Cal. Dec. 14, 2018)	12/14/2018	Denying motion to dismiss on the basis that the asserted product and service recommendation patent claims were ineligible. Held that the claims were directed to the fundamental economic practice of “recommending a product based on geographic location and preferences.” Held, however, that “given the express recitation of databases and the allegations that the claims entail an unconventional technological solution through a specialized database permitting powerful data analytics and comparing, via a computer processor, the received capabilities, the claims are not properly dismissed at this stage.”
<i>E-System Design, Inc. v. Mentor Graphics Corp.</i> , No. 4:17-cv-00682 (E.D. Tex. Dec. 17, 2018)	12/17/2018	Denying motion for judgment on the pleadings on the basis that the asserted electric modeling patent claims were ineligible. Held that “[a]fter reviewing the current complaint, the motion for judgment, the response, the reply, and the sur-reply, the Court finds that Plaintiff has stated plausible claims for purposes of defeating a Rule 12(c) motion.”
<i>Magnacross LLC v. ABP Int’l, Inc.</i> , No. 3:18-cv-02368 (N.D. Tex. Feb. 25, 2019)	02/25/2019	Denying without prejudice motion to dismiss on the basis that the asserted wireless data transmission patent claims were ineligible, as claim construction had not yet occurred.
<i>TRUTSID, Inc. v. Next Caller Inc.</i> , No. 1:18-cv-00172 (D. Del. Feb. 25, 2019)	02/25/2019	Report and recommendation to deny without prejudice motion to dismiss on the basis that the asserted anti-spoofing patent claims were ineligible. Held that the defendant had failed to establish that the claims lacked an inventive concept, as both “patent specifications include content suggesting that the ordered combination of elements in the claims may have amounted to the use of

GIBSON DUNN

CASE	DATE	HOLDING
		conventional technology in unconventional ways, in order to solve a problem that had persisted in the computer field.”

B. Biotechnology/Life Sciences Patents

CASE	DATE	HOLDING
<i>Xlear, Inc. v. STS Health, LLC</i> , No. 2:14-cv-00806, Op. at 10, 12 (D. Utah Dec. 15, 2015)	12/15/2015	Denying motion to dismiss on the basis that the asserted nasal spray patent claims were ineligible. Held that the claims were not directed to an abstract concept, and instead a method for delivery of xylitol. Further held that defendant had not established that the claims lacked an inventive concept. Rejected defendant’s argument that xylitol was a “known pre-existing nasal solution[,]” and that “[e]vidence is needed to know if the nasal solutions were in fact pre-existing or if there were any similar applications of xylitol prior to the” asserted claims that render them “non-novel.”
<i>Sabinsa Corp. v. Olive LifeSciences Pvt. Ltd.</i> , No. 1:14-cv-04739, Op. at 2-3 (D.N.J. Feb. 9, 2016)	02/09/2016	Denying without prejudice motion for summary judgment on the basis that the asserted bioprotectant patent claims were ineligible. Held that granting the motion would “be inappropriate and premature” “because factual discovery remains ongoing and in its early stages,” in addition to the fact that “Defendant interweaves its claim construction positions throughout much of its summary judgment briefing.” Held that the defendant could “refile following the Court’s claim construction and closer to the conclusion of pretrial factual discovery.”
<i>Rutgers, The State Univ. of New Jersey v. QIAGEN NV</i> , No. 3:15-cv-07187, Op. at 8, 11 (D.N.J. Feb. 29, 2016)	02/29/2016	Denying motion to dismiss on the basis that the asserted tuberculosis diagnostic patent claims were not ineligible. Held that, although “the case is close, it is at least plausible that the materials used in the inventions are not all naturally occurring ... [and] [i]t also became evident during oral argument that there are factual questions about whether the added antigenic peptides are ‘synthetic.’” Further held that the defendant failed to establish that the claims lacked an inventive concept, stating that it “is plausible that the invention does not simply isolate or identify a material found in nature.” Finally, noted that “[p]atentability is bolstered by the fact that the Patent Office applied the more stringent standards” of <i>Mayo</i> and <i>Myriad</i> , and found that the invention was patent eligible.
<i>Bristol-Myers Squibb Co. v. Merck & Co., Inc.</i> , No. 1:15-cv-	03/17/2016	Denying motion to dismiss on the basis of ineligibility of asserted lung cancer treatment patent claims. Held that the claims were directed to the natural phenomenon of using T cells to activate the immune system. Held, however, that

CASE	DATE	HOLDING
00560, Op. at 3 (D. Del. Mar. 17, 2016)		there was a material dispute of fact as to whether the claims lacked an inventive concept, particularly as to whether administering synthetic antibodies is a diagnostic step or the treatment itself.
<i>Bristol-Myers Squibb Co. v. Merck & Co., Inc.</i> , No. 1:15-cv-00572, Op. at 3 (D. Del. Mar. 29, 2016)	03/29/2016	Denying motion to dismiss on the basis of ineligibility of asserted cancer immunotherapy patent claims. Held that the claims were directed to the natural phenomenon of “using T cells to activate the immune system.” However, held that there was a genuine dispute of fact as to whether the asserted claims lacked an inventive concept—particularly, whether administering a synthetic substance to induce a natural reaction is a diagnostic step or the treatment itself.
<i>INO Therapeutics LLC v. Praxair Distribution, Inc.</i> , No. 1:15-cv-00170, Op. at 2 (D. Del. Aug. 3, 2016)	08/03/2016	Denying motion for judgment on the pleadings on the basis of ineligibility of the asserted pulmonary edema treatment patent claims. Held that issues of material fact remained and that the court would “benefit from further evidence and expert testimony regarding these complex issues.”
<i>Athena Diagnostics, Inc. v. Mayo Collaborative Servs.</i> , No. 1:15-cv-40075, Op. at 7, 10 (D. Mass. Aug. 25, 2016)	08/25/2016	Denying motion to dismiss on the basis that the asserted neurotransmission disorder testing patent claims were ineligible. Held that the claims were directed to a law of nature, specifically “the interaction of the [man-made neuromuscular receptor] and the bodily fluid, an interaction which is naturally occurring.” Held that it could not be determined at the motion to dismiss stage whether the patented method “uses standard techniques in the art, or whether it is sufficiently inventive to be patentable.”
<i>KHN Solutions Inc. v. Vertisense Inc.</i> , No. 4:16-cv-00962, Op. at 4 (N.D. Cal. Sep. 30, 2016)	09/30/2016	Denying without prejudice motion to dismiss on the basis that the asserted intoxication monitoring patent claims were ineligible, because claim construction had not yet occurred.
<i>Pacific Biosciences of Calif., Inc. v. Oxford Nanopore Techs. Inc.</i> , No. 1:17-cv-00275 (D. Del. Nov. 9, 2017)	11/09/2017	Denying without prejudice motion to dismiss on the basis that the asserted nanopore sequencing patent claims were ineligible. Held that although the parties agreed that claim construction was not necessary to resolve the motion, the plaintiff “briefed the motion as though it were a summary judgment motion and at argument both sides referred to an understanding of the technology and the state of the art at the time of the invention.” Thus, the court held that “[u]nder the

CASE	DATE	HOLDING
		circumstances of the case, and considering the technology of the patent being asserted, I do not think patent-ineligibility is something that I can fairly decide on a motion to dismiss.”
<i>Ni-Q, LLC v. Prolacta Bioscience, Inc.</i> , No. 3:17-cv-00934 (D. Or. Dec. 12, 2017)	12/12/2017	Denying without prejudice motion for judgment on the pleadings on the basis that the asserted human milk testing patent claims were ineligible, as claim construction had not yet occurred.
<i>Cedars-Sinai Med. Center v. Quest Diagnostic Inc.</i> , No. 2:17-cv-05169 (C.D. Cal. Feb. 27, 2018)	02/27/2018	Denying without prejudice motion to dismiss on the basis that the asserted IBS diagnosis patent claims were ineligible. Held that the claims were directed to a natural phenomenon—the correlation between IBS and a subject’s levels of antivinculin antibody. However, held that claim construction was necessary to determine whether the claims lacked an inventive concept, as the plaintiff argued that the claimed vinculin-based assay constituted a new and unique way of improving IBS diagnoses.
<i>Vaporstream, Inc. v. Snap Inc.</i> , No. 2:17-cv-00220 (C.D. Cal. Feb. 27, 2018)	02/27/2018	Denying motion for summary judgment on the basis that the asserted electronic messaging patent claims were ineligible. Relied on the Federal Circuit’s case law stating that whether claims recite well-understood, routine, and conventional elements is a question of fact, and that there was competing expert testimony as to that specific question of fact. This, the court held, made summary judgment on the issue inappropriate.
<i>Genetic Veterinary Sciences, Inc. d/b/a Paw Prints Genetics v. LABOklin GmbH & Co. KG</i> , No. 2-17-cv-00108 (E.D. Va. Mar. 27, 2018)	03/27/2018	Denying summary judgment on the basis that the asserted canine genotyping patent claims were ineligible. Held that there were genuine disputes of material fact and plaintiff relied on previously undisclosed expert opinions.
<i>Illumina, Inc. v. Natera, Inc.</i> , No. 3-18-cv-01662 (N.D. Cal. June 26, 2018)	06/26/2018	Denying without prejudice defendant’s motion to dismiss on the ground that the asserted fetal abnormality detection patent claims were ineligible. Held that the claims were directed to the natural phenomenon of “amplifying specific sequences of the cell-free DNA and detecting fetal aneuploidies.” Held that

CASE	DATE	HOLDING
		further facts were needed to determine whether the claims contain an inventive concept.
<i>Celgene Corporation v. Lotus Pharmaceutical Co., Ltd.</i> , No. 2-17-cv-06842 (D.N.J. Dec. 14, 2018)	12/14/2018	Denying without prejudice motion for judgment on the pleadings on the basis that the asserted risk evaluation and mitigation strategy patent claims were ineligible, as claim construction had not yet occurred.

IV. COVERED BUSINESS METHOD REVIEW FINAL DECISIONS AFTER ALICE

CASE NAME/CITATION	DATE	HOLDING
<i>U.S. Bancorp v. Retirement Capital Access Mgm't Co.</i> , CBM2013-00014 (PTAB Aug. 22, 2014)	08/22/2014	Claims related to Social Security payments were directed to the abstract idea of advancing funds based on future retirement payments (as the patent owner agreed), with no inventive concept or meaningful limitation to the abstract idea.
<i>Salesforce.com, Inc. v. Virtualagility, Inc.</i> , CBM2013-00024 (PTAB Sep. 16, 2014)	09/16/2014	Claims reciting a method and apparatus for managing collaborative activity were directed to an abstract idea with no inventive concept, and instead merely included recitation of a computer system and generic computer equipment.
<i>SAP America, Inc. v. Lakshmi Arunachalam</i> , CBM2013-00013 (PTAB Sep. 18, 2014)	09/18/2014	Claims reciting method and apparatus for providing real-time, two-way transaction capabilities on the Internet were directed to an abstract idea with no inventive concept.
<i>LinkedIn Corp. v. AVMarkets Inc.</i> , CBM2013-00025 (PTAB Nov. 10, 2014)	11/10/2014	Claims directed to creating a product catalog to generate sales leads covered an abstract idea, with no inventive concept.
<i>Fidelity Nat'l Info. Servs., Inc. v. Checkfree Corp.</i> , CBM2013-00031 (PTAB Dec. 22, 2014)	12/22/2014	Claims reciting a method for a payment system were directed to the abstract idea of comparing a received account number to a payee's format, applying a rule, and modifying the account number in accordance with that rule to the expected format before transmission to the payee, with no inventive concept.
<i>Metavante Corp v. Checkfree Corp.</i> , CBM2013-00032 (PTAB Dec. 22, 2014)	12/22/2014	Claims reciting the use of a central clearinghouse acting as an intermediary between a payer and payee by notifying the payer about payee bill presentment information were drawn to the abstract idea of executing instructions in which an intermediary receives a request, retrieves information from a database, and transmits the information to the requester. There was no inventive concept that transformed these claims into covering patent eligible subject matter.
<i>Fidelity Nat'l Info. Servs., Inc. v. Checkfree Corp.</i> , CBM2013-00030 (PTAB Dec. 22, 2014)	12/22/2014	Claims reciting a method or apparatus for a payment system were drawn to the fundamental economic concept of having a third party intermediate a settlement, with no inventive concept.

CASE NAME/CITATION	DATE	HOLDING
<i>Metavante Corp. v. CashEdge, Inc.</i> , CBM2013-00028 (PTAB Dec. 22, 2014)	12/22/2014	Claims related to the transfer of funds between commonly held accounts at different financial institutions were tied to an abstract idea, with no inventive concept.
<i>Dell Inc. v. Disposition Servs.</i> , CBM2013-00040 (PTAB Jan. 9, 2015)	01/09/2015	Claims related to handling a customer’s asset in a way that the customer can verify that its handling instructions were followed were drawn to an abstract idea, with no inventive concept.
<i>Int’l Securities Exchange, LLC v. Chicago Bd. of Options Exchange, Inc.</i> , CBM2013-00051 (PTAB Mar. 2, 2015)	03/02/2015	Claims were drawn to ineligible subject matter because they covered the abstract idea of managing trading risk, with no inventive concept.
<i>Int’l Securities Exchange, LLC v. Chicago Bd. of Options Exchange, Inc.</i> , CBM2013-00050 (PTAB Mar. 2, 2015)	03/02/2015	Claims were drawn to ineligible subject matter because they covered the abstract idea of managing trading risk, with no inventive concept.
<i>Int’l Securities Exchange, LLC v. Chicago Bd. of Options Exchange, Inc.</i> , CBM2013-00049 (PTAB Mar. 2, 2015)	03/02/2015	Claims were drawn to ineligible subject matter because they covered the abstract idea of managing trading risk, with no inventive concept.
<i>SAP America, Inc. v. Lakshmi Arunachalam</i> , CBM2014-00018 (PTAB Mar. 6, 2015)	03/06/2015	Claims reciting method and apparatus for providing real-time, two-way transaction capabilities on the Internet were directed to an abstract idea with no inventive concept.
<i>American Express Co. v. Metasearch Sys., LLC</i> , CBM2014-00001 (PTAB Mar. 13, 2015)	03/13/2015	Claims were drawn to ineligible subject matter because they covered the abstract idea of marketing an item on a website with keyword ads and some way to order the item, with no inventive concept.
<i>Agilsys, Inc. v. Ameranth, Inc.</i> , CBM2014-00015 (PTAB Mar. 20, 2015)	03/20/2015	Claims were drawn to ineligible subject matter because they covered the abstract idea of generating a second menu from a first menu and sending the second menu to another location, with no inventive concept.

CASE NAME/CITATION	DATE	HOLDING
<i>Regions Financial Corp. v. Retirement Capital Access Mgm't Co LLC</i> , CBM2014-00012 (PTAB Mar. 23, 2015)	03/23/2015	Claims reciting a method of advancing funds based on future retirement payments were drawn to an abstract idea, with no inventive concept.
<i>Westlake Servs., LLC v. Credit Acceptance Corp.</i> , CBM2014-00008 (PTAB Mar. 24, 2015)	03/24/2015	Claims reciting method for facilitating the purchase of products on credit and a system for implementing the method were not patent eligible because they covered the abstract idea of processing an application for financing a purchase, with no inventive concept.
<i>Google Inc. v. Unwired Planet, LLC</i> , CBM2014-00006, Op. at 24, 29 (PTAB Apr. 6, 2015)	04/06/2015	Claims related to the use of location-based services over a cellular network were ineligible as directed to the abstract idea of “controlling access to location information using a subscriber profile.” “The linkage of existing communication systems and devices to existing processes of accessing information” add insufficient inventive concept because they are well-understood, routine, and conventional activity known in the industry.
<i>Google Inc. v. Unwired Planet, LLC</i> , CBM2014-00004, Op. at 25-26 (PTAB Apr. 6, 2015)	04/06/2015	Claims related to mobile wireless networks using SRC devices were ineligible as directed to the abstract idea of receiving information and providing services or advertisements based on that information, with no inventive concept.
<i>Bank of America v. Intellectual Ventures I LLC</i> , CBM2014-00030, Op. at 9-11 (PTAB Apr. 24, 2015)	04/24/2015	Claims related to customized webpage usage were ineligible as directed to the abstract idea of tailoring an information provider’s web page based on data about a particular user, with no inventive concept.
<i>Fidelity National Information Services, Inc. v. DataTreasury Corp.</i> , CBM2014-0020, Op. at 15-17 (PTAB Apr. 29, 2015).	04/29/2015	Claims related to data acquisition were ineligible as directed to the abstract idea of data encryption and check imaging and scanning were not abstract ideas, with no inventive concept.
<i>Bank of America v. Intellectual Ventures II LLC</i> , CBM2014-00033, Paper 47 at 11-15 (May 18, 2015)	05/18/2015	Claims related to digital image organization were ineligible as directed to the abstract idea of organizing digital images of hard copy prints according to an instruction form, with no inventive concept.

CASE NAME/CITATION	DATE	HOLDING
<i>Bank of America v. Intellectual Ventures I LLC</i> , CBM2014-00028, Paper 52 at 12-15 (May 18, 2015)	05/18/2015	Claims related to financial accounting administration were ineligible as directed to the abstract idea of storing information about a user’s preferences for a limit and notifying the user of the limit when providing a transaction summary based on categories, with no inventive concept.
<i>American Express Co. v. Harvey Lunenfeld</i> , CBM2014-00050, Paper 51 at 32 (May 22, 2015)	05/22/2015	Claims of a client server metasearching patent were ineligible as directed to the abstract ideas of searching for travel information from multiple sources and ordering travel items from the search results and searching for travel information from multiple sources, providing an advertisement associated with the travel search results, and ordering travel items from the search results, with no inventive concept.
<i>AllScripts Healthcare Solutions, Inc. v. MyMedicalRecords, Inc.</i> , CBM2015-00022, Paper 20 at 8 (Aug. 26, 2015)	08/26/2015	Claims related to health record management were ineligible as directed to the abstract concept of allowing individuals to manage and access their health records and other medical or legal files privately, with no inventive concept.
<i>eBay, Inc. v. PAID, Inc.</i> , CBM2014-00126, Paper 37 at 17-18 (Sept. 16, 2015)	09/16/2015	Claims related to online auctions were ineligible as directed to the abstract idea of conventional auctions and shipping rate calculations that existed long before the Internet, with no inventive concept.
<i>eBay, Inc. v. PAID, Inc.</i> , CBM2014-00128, Paper 37 at 17-18 (Sept. 16, 2015)	09/16/2015	Claims related to online auctions were ineligible as directed to the abstract idea of conventional auctions and shipping rate calculations that existed long before the Internet, with no inventive concept.
<i>eBay, Inc. v. PAID, Inc.</i> , CBM2014-00125, Paper 37 at 17-18 (Sept. 16, 2015)	09/16/2015	Claims related to online auctions were ineligible as directed to the abstract idea of conventional auctions and shipping rate calculations that existed long before the Internet, with no inventive concept.
<i>eBay, Inc. v. PAID, Inc.</i> , CBM2014-00127, Paper 37 at 17 (Sept. 16, 2015)	09/16/2015	Claims related to online auctions were ineligible as directed to the abstract idea of conventional auctions and shipping rate calculations that existed long before the Internet, with no inventive concept.

CASE NAME/CITATION	DATE	HOLDING
<i>USPS v. Return Mail, Inc.</i> , CBM2014-00116, Paper 41 at 14, 20 (Oct. 15, 2015)	10/15/2015	Claims related to a system and method of processing returned mail were ineligible as directed to the abstract idea of “relaying mailing address data,” with no inventive concept because the claims, at most, recite conventional and generic hardware that existed before the patent was filed.
<i>The Jewelry Channel, Inc. USA v. America’s Collectibles Network, Inc.</i> , CBM2014-00119, Paper 40 at 6, 10 (Oct. 16, 2015)	10/16/2015	Claims related to a method of conducting a telephone- or Internet-based reverse auction were directed to the abstract idea of a reverse auction. Held that the claims lacked inventive concept because the “addition of steps to test prices and collect data based on customer reactions does not add any meaningful limitations to the abstract idea.”
<i>Carecloud Corp. v. AthenaHealth, Inc.</i> , No. 2014-00143 , CBM2014-00143, Paper 36 at 12, 20-23 (Nov. 18, 2015)	11/18/2015	Found that medical practice management and billing automation system claims were ineligible. Held that the claims were directed to the abstract concept of “scrubbing medical claims before submission,” with no inventive concept.
<i>Washington Inventory Servs. d/b/a WIS Int’l v. RGIS, LLC</i> , CBM2014-00158, Paper 40 at 6, 26-27 (Dec. 30, 2015)	12/30/2015	Held that claims reciting a method for verifying inventory were ineligible. Held that validating inventory by known methods against records is a “fundamental economic practice long prevalent in our system of commerce.” Further held that the claims lack an inventive concept, because none of the claims recited an “improved computer technology or advanced programming technique.”
<i>J.P. Morgan Chase & Co. v. Intellectual Ventures II LLC</i> , CBM2014-00157, Paper 40 at 21, 26 (Jan. 12, 2016)	01/12/2016	Held that data distribution patent claims were directed to the abstract idea of distributing data. Further held that the claims lacked an inventive concept, as they merely used a wholly generic computer to implement the abstract idea.
<i>Westlake Servs., LLC v. Credit Acceptance Corp.</i> , CBM2014-001767, Paper 46 at 8, 23 (Jan. 25, 2016)	01/25/2016	Held that the financing package generation patent claims were ineligible. Held that the claims were directed to the abstract idea of “processing an application for financing a purchase,” and that the generic computer components used to apply the idea provided no inventive concept.

CASE NAME/CITATION	DATE	HOLDING
<i>E-Loan, Inc. v. IMX, Inc.</i> , CBM2015-00012, Paper 19 at 16-17, 20-25 (Feb. 16, 2016)	02/16/2016	Held that claims directed to a method and system for making loans were ineligible. Held that the claims were directed to the abstract idea of processing loan applications, with no inventive concept as the claims merely employ the use of general purpose computers.
<i>Mitchell Int’l, Inc. v. Audatex North Am., Inc.</i> , CBM2014-00171, Paper 25 at 17, 19-20 (Feb. 19, 2016)	02/19/2016	Held that claims directed to a method and system for entering data relating to an insurance claim for a damaged vehicle were ineligible. Held that the claims were directed to the abstract idea of providing a vehicle valuation using information about the vehicle, with no inventive concept.
<i>Square, Inc. v. Protegrity Corp.</i> , CBM2014-00182, Paper 60, at 30, 34 (Mar. 2, 2016)	03/02/2016	Held that database security patent claims were ineligible. Held that the claims were directed to the abstract idea of “determining whether access to data should be granted based on whether one or more rules are satisfied.” Held that the claims lacked an inventive concept, finding that the claims “appear to combine elements according to their known functions to achieve routine and conventional results.”
<i>Viglink, Inc. v. Linkgine, Inc.</i> , CBM2014-00185, Paper 41, at 11, 16 (Mar. 16, 2016)	03/16/2016	Held that the automated affiliate manipulations system patent claims were ineligible. Held that the claims were directed to the abstract idea of “allocating commissions.” Held that the claims lacked an inventive concept because the claims merely employed a “standard computer operation.”
<i>Viglink, Inc. v. Linkgine, Inc.</i> , CBM2014-00184, Paper 44, at 11, 16 (Mar. 16, 2016)	03/16/2016	Held that the automated affiliate manipulations system patent claims were ineligible. Held that the claims were directed to the abstract idea of “allocating commissions.” Held that the claims lacked an inventive concept because the claims merely employed a “standard computer operation.”
<i>Motorola Mobility, LLC v. Intellectual Ventures I, LLC</i> , CBM2015-00004, Paper 33, at 33-34 (Mar. 21, 2016)	03/21/2016	Held that the electronic content distribution patent claims were ineligible. Held that the claims were directed to the abstract concept of distributing electronic information products, which “has long been known.” Held that the claims lacked an inventive concept, as the claimed steps were “conventional.”

CASE NAME/CITATION	DATE	HOLDING
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00016, Paper 56, at 8, 11 (Mar. 29, 2016)	03/29/2016 06/09/2016 Request for Rehearing denied	Held that data storage patent claims were ineligible. Held that the claims were directed to the abstract idea of paying for data and providing access to data. Held that the claims lacked an inventive concept, as the claims recite several generic data types.
<i>Apple Inc. v. Smartflash LLC</i> , CBM2014-00194, Paper 51, at 8, 12 (Mar. 29, 2016)	03/29/2016 06/10/2016 Request for rehearing denied	Held that data storage patent claims were ineligible. Held that the claims were directed to the abstract idea of conditioning and controlling access to content based on payment. Held that the claims lacked an inventive concept, as the claims merely recited generic computer functions.
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00017, Paper 46, at 7, 12 (Mar. 30, 2016)	03/30/2016 06/10/2016 Request for rehearing denied	Held that data storage patent claims were ineligible. Held that the claims were directed to the abstract idea of paying for and/or controlling access to the internet. Held that the claims lacked an inventive concept, as the claims merely recited generic computer memories and data types.
<i>Apple Inc. v. Smartflash LLC</i> , CBM2014-00192, Paper 45, at 8, 11 (Mar. 30, 2016)	03/30/2016 06/09/2016 Request for Rehearing denied	Held that portable data storage device patent claims were ineligible. Held that the claims were directed to the abstract idea of paying for data and providing access to data. Held that the claims lacked an inventive concept, as the claims merely recited generic data types.

CASE NAME/CITATION	DATE	HOLDING
<i>Travelers Lloyds of Texas Ins. Co. v. Integrated Claims Sys., LLC</i> , CBM2014-00186, Paper 31, at 24, 33 (Mar. 30, 2016)	03/30/2016	Held that insurance claims processing patent claims were ineligible. Held that the claims were directed to the abstract idea of examining information to extract relevant portions of that information. Held that the claims lacked an inventive concept, as they recited no more than a generic existing computer.
<i>Travelers Lloyds of Texas Ins. Co. v. Integrated Claims Sys., LLC</i> , CBM2014-00187, Paper 31, at 24, 31 (Mar. 30, 2016)	03/30/2016	Held that insurance claims processing patent claims were ineligible. Held that the claims were directed to the abstract idea of portioning data. Held that the claims lacked an inventive concept, as they recited no more than generic computer components.
<i>Samsung Elecs. Am., Inc. v. Smartflash LLC</i> , CBM2014-00193, Paper 45, at 8, 12 (Mar. 30, 2016)	03/30/2016 06/10/2016 Request for rehearing denied	Held that data storage patent claim was ineligible. Held that the claim was directed to the abstract idea of “conditioning and controlling access to content based on payment.” Held that the claim lacked an inventive concept, and only applied “generic computer implementations.”
<i>Epicor Software Corp. v. Protegrity Corp.</i> , Paper 54 at 31, 35, 36-38 (Apr. 18, 2016)	04/18/2016	Held that database security patent claims were ineligible. Held that the claims were directed to the abstract idea of determining whether access to data should be granted based on whether one or more rules are satisfied. Held that the claims lacked an inventive concept because they merely applied generic computer components.
<i>Square, Inc. v. Protegrity Corp.</i> , CBM2015-00014, Paper 41 at 28, 31 (Apr. 28, 2016)	04/28/2016	Held that database security patent claims were ineligible. Held that the claims were directed to the abstract idea of determining whether access to data should be granted based on whether one or more rules are satisfied. Held that the claims lacked an inventive concept because they merely applied generic computer components.

CASE NAME/CITATION	DATE	HOLDING
<i>Informatica Corp. v. Protegrity Corp.</i> , CBM2015-00010, Paper 48 at 27, 33-34 (May 9, 2016)	05/09/2016	Held that database security patent claims were ineligible. Held that the claims were directed to the abstract idea of determining whether access to data should be granted based on whether one or more rules are satisfied. Held that the claims lacked an inventive concept because they merely applied generic computer components.
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00029, Paper 43 at 9, 13-14 (May 26, 2016)	05/26/2016	Held that portable data storage claims were ineligible. Held that the claims were directed to the abstract idea of “paying for and/or controlling access to content.” Held that the claims lacked an inventive concept because they merely employed generic devices to carry out the abstract idea.
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00031, Paper 45 at 10-11, 22 (May 26, 2016)	05/26/2016	Held that portable data storage claims were ineligible. Held that the claims were directed to the abstract idea of “paying for and/or controlling access to content.” Held that the claims lacked an inventive concept because they merely employed well-known and conventional technology to carry out the abstract idea.
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00032, Paper 46 at 10-11, 22 (May 26, 2016)	05/26/2016	Held that portable data storage claims were ineligible. Held that the claims were directed to the abstract idea of “paying for and/or controlling access to content.” Held that the claims lacked an inventive concept because they merely employed well-known and conventional technology to carry out the abstract idea.
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00033, Paper 40 at 11, 22 (May 26, 2016)	05/26/2016	Held that portable data storage claims were ineligible. Held that the claims were directed to the abstract idea of “paying for and/or controlling access to content.” Held that the claims lacked an inventive concept because they merely employed well-known and conventional technology to carry out the abstract idea.
<i>Informatica Corp. v. Protegrity Corp.</i> , CBM2015-00021, Paper 38 at 29, 32 (May 31, 2016)	05/31/2016	Held that data security system claims were ineligible. Held that the claims were directed to the abstract idea of “determining whether access to data should be granted based on whether one or more rules are satisfied.” Held that the claims lacked an inventive concept because “[r]estricting access to columns or fields of databases is well-understood and conventional activity.”

CASE NAME/CITATION	DATE	HOLDING
<i>Epicor Software Corp. v. Protegrity Corp.</i> , CBM2015-00030, Paper 39 at 10, 13 (June 2, 2016)	06/02/2016	Held that data security system claims were ineligible. Held that the claims were directed to the abstract idea of “control of user processing of data based on attributes in a catalogue.” Held that the claims lacked an inventive concept because “[s]toring data and associated rules in separate databases is nothing more than routine data gathering and does not transform the abstract idea into a patent-eligible invention.”
<i>Am. Simmental Ass’n v. Leachman Cattle of Colo., LLC</i> , PGR2015-00003, Paper 56 at 25, 32 (June 13, 2016)	06/13/2016	Held that claims covering the genetic quality and relative market value of livestock were ineligible. Held that the claims were directed to the fundamental concept of “determining an animal’s relative economic value based on its genetic and physical traits.” Held that the claims lacked an inventive concept because the “recitation of software in the claim, if any at all, is at a highly abstract level, in that the claims recite no more than taking in and outputting data, with no detail as to how that data is manipulated between input and output.”
<i>Am. Simmental Ass’n v. Leachman Cattle of Colo., LLC</i> , PGR2015-00005, Paper 52 at 13, 20 (June 13, 2016)	06/13/2016	Held that claims covering the genetic quality and relative market value of livestock were ineligible. Held that the claims were directed to the fundamental concept of “determining an animal’s relative economic value based on its genetic and physical traits.” Held that the claims lacked an inventive concept because the “recitation of software in the claim, if any at all, is at a highly abstract level, in that the claims recite no more than taking in and outputting data, with no detail as to how that data is manipulated between input and output.”
<i>Care N’ Care Ins. Co., Inc. v. Integrated Claims Sys., LLC</i> , CBM2015-00064, Paper 24 at 16, 23–24 (June 21, 2016)	06/21/2016	Held that claims covering a claims processing system were ineligible. Held that the claims were directed to the abstract idea of “receiving information, storing it, and determining which of its parts to enter into a display.” Held that the claims lacked an inventive concept because they merely applied generic computer functions to carry out the abstract idea.

CASE NAME/CITATION	DATE	HOLDING
<i>Life Techs. Corp. v. Unison Strategic IP, Inc.</i> , CBM2015-00037, Paper 37 at 26, 35 (June 28, 2016)	06/28/2016	Held that electronic inventory tracking patent claims were ineligible. Held that the claims were directed to the abstract idea of “inventory management that takes advantage of certain data and information that is collected, stored, evaluated, and used, and provides access to information based on assigned permissions and roles.” Held that the claims lacked an inventive concept because, although they employ technical equipment, the claims “are not directed to the technical equipment itself.”
<i>Int’l Internet Techs. V. Sweepstakes Patent Co., LLC</i> , CBM2015-00106, Paper 36 at 25, 31 (July 19, 2016)	07/19/2016	Held that the claims covering a lottery-type game were ineligible. Held that the claims were directed to the abstract idea of “risk hedging.” Held that the claims lacked an inventive concept because they only required implementation of the abstract idea onto a generic computer.
<i>Int’l Internet Techs. V. Sweepstakes Patent Co., LLC</i> , CBM2015-00105, Paper 36 at 24, 30 (July 19, 2016)	07/19/2016	Held that the claims covering a lottery-type game were ineligible. Held that the claims were directed to the abstract idea of “risk hedging.” Held that the claims lacked an inventive concept because they only required implementation of the abstract idea onto a generic computer.
<i>Care N’ Care Ins. Co., Inc. v. Integrated Claims Sys., LLC</i> , CBM2015-00063, Paper 23 at 25–26, (July 28, 2016)	07/28/2016	Held that the digital insurance patent claims were ineligible. Held that the claims were directed to the abstract idea of “transmitting or copying information.” Held that the claims lacked an inventive concept because they merely required a generic computer.
<i>Care N’ Care Ins. Co., Inc. v. Integrated Claims Sys., LLC</i> , CBM2015-00063, Paper 23 at 25–27, (July 28, 2016)	07/28/2016	Held that the digital insurance patent claims were ineligible. Held that the claims were directed to the abstract idea of “transmitting or copying information.” Held that the claims lacked an inventive concept because they merely required a generic computer.
<i>Google Inc. v. Better Food Choices LLC</i> , CBM2015-00071, Paper 35 at 20, 23–24 (Aug. 28, 2016)	08/28/2016	Held that the claims covering a method and system to provide personalized nutritional information to consumers were ineligible. Held that the claims were directed to the “abstract idea of collecting and correlating information to provide personalized nutritional information of food products to shoppers.” Held that the claims lacked an inventive concept because they applied only generic technology.

CASE NAME/CITATION	DATE	HOLDING
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00121, Paper 32 at 10, 15–17 (Nov. 7, 2016)	11/06/2016	Held that portable data carrier patent claims were ineligible. Held that the claims were directed to the abstract idea of restricting access to data. Held that the claims lacked an inventive concept because they required only conventional computer technology functioning in a routine and conventional manner.
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00127, Paper 31 at 9, 15–17 (Nov. 7, 2016)	11/07/2016	Held that portable data carrier patent claims were ineligible. Held that the claims were directed to the abstract idea of restricting access to data. Held that the claims lacked an inventive concept because they required only conventional computer technology functioning in a routine and conventional manner.
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00124, Paper 31 at 9, 15–17 (Nov. 7, 2016)	11/07/2016	Held that portable data carrier patent claims were ineligible. Held that the claims were directed to the abstract idea of restricting access to data. Held that the claims lacked an inventive concept because they required only conventional computer technology functioning in a routine and conventional manner.
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00123, Paper 31 at 10, 14–17 (Nov. 7, 2016)	11/07/2016	Held that portable data carrier patent claims were ineligible. Held that the claims were directed to the abstract idea of restricting access to data. Held that the claims lacked an inventive concept because they required only conventional computer technology functioning in a routine and conventional manner.
<i>Google, Inc. v. Smartflash LLC</i> , CBM2015-00126, CBM2015-00130, Paper 33 at 11, 16–19 (Nov. 10, 2016)	11/10/2016	Held that portable data carrier patent claims were ineligible. Held that the claims were directed to the abstract idea of restricting access to data. Held that the claims lacked an inventive concept because they required only conventional computer technology functioning in a routine and conventional manner.
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00133, Paper 38 at 9, 14–17 (Nov. 10, 2016)	11/10/2016	Held that portable storage device patent claims were ineligible. Held that the claims were directed to the abstract idea of restricting access to data. Held that the claims lacked an inventive concept because they required only conventional computer technology functioning in a routine and conventional manner.
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00131, Paper 33 at 9, 14–16 (Nov. 10, 2016)	11/10/2016	Held that portable storage device patent claims were ineligible. Held that the claims were directed to the abstract idea of restricting access to data. Held that the claims lacked an inventive concept because they required only conventional computer technology functioning in a routine and conventional manner.

CASE NAME/CITATION	DATE	HOLDING
<i>IBG LLC v. Trading Techs. Int'l, Inc.</i> , CBM2015-00179, Paper 143 (Feb. 17, 2017)	02/17/2017	Held that the claims reciting a user interface for an electronic trading system were ineligible. Held that the claims were directed to an abstract idea “graphing (or displaying bids and offers to assist a trader to make an order,” with no inventive concept.
<i>TradeStation Grp., Inc. v. Trading Techs. Int'l, Inc.</i> , CBM2015-00161, Paper 129 (Feb. 17, 2017)	02/17/2017	Held that the claims reciting click-based trading were eligible, based on a Federal Circuit decision holding the same. One member of the panel dissented, however.
<i>IBG LLC v. Trading Techs. Int'l, Inc.</i> , CBM2015-00182, Paper 129 (Feb. 28, 2017)	02/28/2017	Held that the claims reciting click-based trading were eligible, based on a Federal Circuit decision holding the same. One member of the panel dissented, however.
<i>IBG LLC v. Trading Techs. Int'l, Inc.</i> , CBM2015-00181, Paper 129 (Mar. 3, 2017)	03/03/2017	Held that click-based trading system patent claims were ineligible. Held that the claims were directed to the abstract idea of “placing trade orders based on market information,” with no inventive concept.
<i>TradeStation Group, Inc. v. Trading Techs., Inc.</i> , CBM2015-00172, Paper 86 (Mar. 31, 2017)	03/31/2017	Held that trading screen display patent claims were ineligible. Held that the claims were directed to the abstract idea of providing a trader with financial information to facilitate market trades, with no inventive concept.
<i>Google Inc. v. Zuili</i> , CBM2016-00008, Paper 56 (Apr. 24, 2017)	04/24/2017	Held that online advertising claims were ineligible. Held that the claims were directed to the abstract idea of determining the validity of clicks based on the time elapsed between clicks, with no inventive concept.
<i>IBG LLC v. Trading Techs. Int'l, Inc.</i> , CBM2016-00009 (Apr. 26, 2017)	04/26/2017	Held that trading screen display patent claims were ineligible. Held that the claims were directed to the abstract idea of providing a trader with financial information to facilitate market trades, with no inventive concept.
<i>Google Inc. v. Zuili</i> , CBM2016-00022, Paper 48 (May 5, 2017)	05/05/2017	Held that claims reciting methods for protecting providers of pay-per-click services were ineligible. Held that the claims were directed to the abstract idea of detecting fraud based on the time between two requests by the same client, with no inventive concept.

CASE NAME/CITATION	DATE	HOLDING
<i>Google Inc. v. Zuili</i> , CBM2016-00021, Paper 48 (May 5, 2017)	05/05/2017	Held that claims reciting methods for protecting providers of pay-per-click services were ineligible. Held that the claims were directed to the abstract idea of detecting fraud based on the time between two requests by the same client, with no inventive concept.
<i>Life Technologies Corp. Unisone Strategic IP, Inc.</i> , CBM2016-00025, Paper 24 (June 23, 2017)	06/23/2017	Held that electronic inventory patent claims were ineligible. Because the patent owner presented no arguments responding to the patent-eligibility challenge, held that the patent owner waived its arguments on the issue and that the claims were ineligible for the same reasons as stated in the Institution Decision.
<i>IBC LLC v. Trading Techs. Int'l, Inc.</i> , CBM2016-00031, Paper 47 (Aug. 7, 2017)	08/07/2017	Held that claims directed to click-based trading were ineligible. Held that the claims were directed to the abstract idea of reorganizing market information, with no inventive concept.
<i>IBC LLC v. Trading Techs. Int'l, Inc.</i> , CBM2016-00032, Paper 51 (Aug. 14, 2017)	08/14/2017	Held that claims directed to click-based trading were ineligible. Held that the claims were directed to the abstract idea of reorganizing market information, with no inventive concept.
<i>Nautilus Hyosung Inc. v. Diebold Nixdorf, Inc.</i> , CBM2016-00034, Paper 33 (Aug. 14, 2017)	08/14/2017	Held that claims reciting an automated bank machine were ineligible. Held that the claims were directed to the abstract idea of collection and manipulation of available information on a check, with no inventive concept.
<i>Interactive Brokers LLC v. Chart Trading Development</i> , CBM2016-00038, Paper 46 (Aug. 17, 2017)	08/17/2017	Held that graphical trading claims were ineligible. Held that the claims were directed to the abstract idea of using a graphical representation of a market when making trades, with no inventive concept.
<i>Interactive Brokers LLC v. Chart Trading Development</i> , CBM2016-00039, Paper 51 (Aug. 18, 2017)	08/18/2017	Held that graphical trading claims were ineligible. Held that the claims were directed to the abstract idea of using a graphical representation of a market when making trades, with no inventive concept.
<i>CQG, Inc. v. Chart Trading Dev.</i> , CBM2016-00046, Paper 44 (Sep. 1, 2017)	09/01/2017	Held that trading interface patent claims were ineligible. Held that the claims were directed to the abstract idea of displaying and submitting electronic versions of what used to be in paper form, with no inventive concept.

CASE NAME/CITATION	DATE	HOLDING
<i>CQG, Inc. v. Chart Trading Dev.</i> , CBM2016-00047, Paper 43 (Sep. 1, 2017)	09/01/2017	Held that trading interface patent claims were ineligible. Held that the claims were directed to the abstract idea of displaying and submitting electronic versions of what used to be in paper form, with no inventive concept.
<i>CQG, Inc. v. Chart Trading Dev.</i> , CBM2016-00048, Paper 43 (Sep. 1, 2017)	09/01/2017	Held that trading interface patent claims were ineligible. Held that the claims were directed to the abstract idea of displaying and submitting electronic versions of what used to be in paper form, with no inventive concept.
<i>Autodesk Inc. v. Uniloc USA, Inc.</i> , CBM2016-00042, Paper 14 (Sep. 11, 2017)	09/11/2017	Held that claims reciting an automated creation of a pricing schedule were ineligible. Held that the claims were directed to the abstract idea of price-determination processes, with no inventive concept.
<i>Autodesk Inc. v. Uniloc USA, Inc.</i> , CBM2016-00042, Paper 15 (Sep. 11, 2017)	09/11/2017	Held that claims reciting an automated creation of a pricing schedule were ineligible. Held that the claims were directed to the abstract idea of price-determination processes, with no inventive concept.
<i>Google Inc. v. Performance Pricing Holdings, LLC</i> , CBM2016-00050, Paper 33 (Sep. 13, 2017)	09/13/2017	Held that advertising sales claims were ineligible. Held that the claims were directed to the abstract idea of decreasing the cost of an advertisement based on the performance of the ad, with no inventive concept.
<i>Google Inc. v. Performance Pricing Holdings, LLC</i> , CBM2016-00049, Paper 37 (Sep. 13, 2017)	09/13/2017	Held that advertising sales claims were ineligible. Held that the claims were directed to the abstract idea of decreasing the cost of an advertisement based on the performance of the ad, with no inventive concept.
<i>IBG LLC v. Trading Techs. Int’l, Inc.</i> , CBM2016-00054, Paper 61 (Oct. 17, 2017)	10/17/2017	Held that the electronic trading claims were ineligible. Held that the claims were directed to the abstract idea of organizing existing market information so that it is displayed or plotted along a price axis, with no inventive concept.
<i>iVenture Card Travel Ltd. v. Smart Destinations, Inc.</i> , CBM2016-00092, Paper 14 (Nov. 3, 2017)	11/03/2017	Held that the programmable ticketing system patent claims were ineligible. Held that the claims were directed to the abstract idea of “calculating compensation for attractions based on actual usage,” with no inventive concept.

CASE NAME/CITATION	DATE	HOLDING
<i>iVenture Card Travel Ltd. v. Smart Destinations, Inc.</i> , CBM2016-00093, Paper 14 (Nov. 3, 2017)	11/03/2017	Held that the programmable ticketing system patent claims were ineligible. Held that the claims were directed to the abstract idea of “calculating compensation for attractions based on actual usage,” with no inventive concept.
<i>IBG LLC v. Trading Techs. Int’l, Inc.</i> , CBM2016-00087, Paper 37 (Nov. 17, 2017)	11/17/2017	Held that the graphical user interface patent claims were ineligible. Held that the claims were directed to the abstract idea of graphing trading data to assist a trader to place an order, with no inventive concept.
<i>Tradestation Techs., Inc. v. Trading Techs. Int’l, Inc.</i> , CBM2016-00086, Paper 27 (Nov. 17, 2017)	11/17/2017	Held that the claims directed to trading tools for trading and monitoring a commodity on an electronic exchange were ineligible. Held that the claims were directed to the abstract idea of displaying financial information in a manner that makes it easier to understanding and facilitate trades on an exchange, with no inventive concept.
<i>IBG LLC v. Trading Techs. Int’l, Inc.</i> , CBM2016-00090, Paper 56 (Dec. 7, 2017)	12/17/2017	Held that the claims directed to a display and a method using the display to trade a commodity were ineligible. Held that the claims were directed to the abstract idea of “placing an order based on displayed market information, such as the inside market and a few other orders, as well as updating the market information,” with no inventive concept.
<i>SAP America, Inc. v. Arunachalam</i> , CBM2016-00081, Paper 28 (Dec. 21, 2017)	12/21/2017	Held that the claims directed to a configurable value-added network switching and object routing method and apparatus were ineligible. Held that the claims were directed to the abstract idea of providing commercial services over the Internet, with no inventive concept.
<i>Emerson Elec. Co. v. SIPCO, LLC</i> , CBM2016-00095, Paper 39 (P.T.A.B. Jan. 16, 2018)	01/16/2018	Held that the claims directed to a general purpose transceiver and a method for communicating information from remote sites to a central location were ineligible. Held that the claims were directed to the abstract idea of establishing a communication route between two points to relay information, with no inventive concept.

CASE NAME/CITATION	DATE	HOLDING
<i>DISH Network Corporation v. Customedia Technologies, LLC</i> , CBM2017-00023 (P.T.A.B. June 11, 2018)	06/11/2018	Held that data management patent claims were ineligible. Held that the claims were directed to the abstract idea of “delivering targeted advertising to a user,” with no inventive concept
<i>Apple Inc. v. Smartflash LLC</i> , CBM2015-00118 (P.T.A.B. July 23, 2018)	07/23/2018	Held that portable data carrier patent claims were ineligible. Held that the claims were directed to the “fundamental economic practice of conditioning and controlling access to content based on payment,” with no inventive concept.
<i>eBay Inc. v. XPRT Ventures, LLC</i> , CBM2017-00029 (P.T.A.B. July 23, 2018)	07/23/2018	Held that computerized electronic auction payment system and method claims were ineligible. Held that the claims were directed to the abstract idea of “using a payment account to automatically effect a pre-authorized financial transaction in an electronic auction,” with no inventive concept.
<i>eBay, Inc. v. XPRT Ventures, LLC</i> , CBM2017-00026 (P.T.A.B. July 23, 2018)	07/23/2018	Held as ineligible claims to a system and method to automate payment for a commerce transaction. Held that the claims were directed to the abstract idea of “pre-authorizing debits from a previously-funded electronic payment account to make payments in electronic auctions or electronic commerce,” with no inventive concept.
<i>eBay, Inc. v. XPRT Ventures, LLC</i> , CBM2017-00028 (P.T.A.B. July 23, 2018)	07/23/2018	Held as ineligible claims directed to a system and method for offering an incentive to a user of an electronic commerce web site. Held that the claims were directed to the abstract idea of using incentives to encourage use of a previously-funded electronic payment account to make payments in electronic commerce,” with no inventive concept.
<i>eBay, Inc. v. XPRT Ventures, LLC</i> , CBM2017-00025 (P.T.A.B. July 23, 2018)	07/23/2018	Held as ineligible claims directed to a computerized electronic auction payment system and method. Held that the claims were directed to the abstract idea of “using a loan to effectuate a financial transaction in an electronic auction,” with no inventive concept.

CASE NAME/CITATION	DATE	HOLDING
<i>eBay, Inc. v. XPRT Ventures, LLC</i> , CBM2017-00024 (P.T.A.B. July 23, 2018)	07/23/2018	Held as ineligible claims directed to a computerized electronic auction payment system and method. Held that the claims were directed to the abstract idea of “using a previously-funded account or loan to effectuate a financial transaction in an electronic auction,” with no inventive concept.
<i>eBay, Inc. v. XPRT Ventures, LLC</i> , CBM2017-00027 (P.T.A.B. July 23, 2018)	07/23/2018	Held as ineligible claims directed to a computerized electronic auction payment system and method unpatentable. Held that the claims were directed to the abstract idea of “using a previously-funded account to effectuate a financial transaction in an electronic auction,” with no inventive concept.
<i>DISH Network Corporation v. Customedia Technologies, LLC</i> , CBM2017-00032 (P.T.A.B. July 25, 2018)	07/25/2018	Held as ineligible claims directed to a digital data management system. Held that the claims were directed to the abstract idea of targeted advertising, with no inventive concept
<i>DISH Network Corporation v. Customedia Technologies, LLC</i> , CBM2017-00019 (P.T.A.B. July 25, 2018)	07/25/2018	Held as ineligible claims directed to renting or purchasing data products for immediate, on-demand delivery. Held that the claims were directed to the abstract idea of “delivering rented audio/video electronic content to a user,” with no inventive concept.

V. **FEDERAL CIRCUIT DECISIONS ON CBM REVIEW FINAL WRITTEN DECISIONS**

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
<i>Versata Development Grp., Inc. v. SAP America, Inc.</i> , 793 F.3d 1306 (Fed. Cir. 2015)	07/09/2015	No petition found	No petition found	Affirming the PTAB’s decision that the challenged claims were ineligible. However, the court also held that it has the power to review the PTAB decision as to whether a challenged patent is a “covered business method patent,” and affirmed the PTAB’s determination that the challenged patent here was such a CBM patent. Additionally, held that CBM review proceedings can include Section 101 challenges. Judge Hughes dissented in part, stating that the majority’s determination that the court has the power to review whether a challenged patent is a “covered business method patent” had no support and was outside the statute, as the court has no jurisdiction over the PTAB’s decision to institute CBM review (and thus, the PTAB’s decision as to whether a challenged patent is a CBM patent).
<i>In re: Douglas T. Chorna</i> , 656 F. App’x 1016 (Fed. Cir. 2016) (non-precedential) *appeal from a PTO examiner’s rejection	08/10/2016	No petition found	No petition found	Affirming the PTAB’s affirmance of the PTO examiner’s rejection of financial tracking instrument claims on the basis of patent eligibility. Held that the claims were directed to the abstract idea of “a financial instrument, which, at its source, is an agreement—a meeting of the minds, between the parties each having an interest in monetary value being traded.” Held that the claims lacked an inventive concept because they employed only generic computing technology.
<i>Apple, Inc. v. Ameranth, Inc.</i> , 842	11/29/2016	No petition found	No petition found	Affirming-in-part and reversing-in-part a PTAB final written decision regarding claims for generating a second menu from a first menu by selecting certain categories and

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
F.3d 1229 (Fed. Cir. 2016)				information from the first menu. Held that the claims were directed to the abstract idea of “systems including menus with particular features.” Held that the claims did not “claim a particular way of programming or designing the software to create menus that have these features,” and instead “merely [claim[ed] the resulting systems” and the “functionality” of “generat[ing] menus with certain features” and were “not directed to a specific improvement in the way computers operate.” Held that the claims lacked an inventive concept, as they “merely claim[ed] the addition of conventional computer components to well-known business practices.” Noted that the patentee had even “conceded that it had not invented” certain elements of dependent claims.
<i>In re: Angadbir Singh Salwan</i> , 681 F. App’x 938 (Fed. Cir. 2017) (non-precedential) *appeal from a PTO examiner’s rejection	03/13/2017	04/11/2017 (denied)	08/01/2017 (denied)	Affirming the Board’s decision holding as ineligible claims reciting methods of transferring a patient’s health information. Held that the claims were directed to the abstract idea of “billing insurance companies and organizing patient health information.” Held that the claims lacked an inventive concept because they only required generic computers functioning in a conventional manner to implement the abstract idea.
<i>Credit Acceptance Corp. v. Westlake Servs.</i> , 859 F.3d 1044 (Fed. Cir. 2017)	06/09/2017	No petition found	No petition found	Affirming the PTAB’s decision that claims relating to “provid[ing] financing for allowing a customer to purchase a product selected from an inventory of products maintained by a dealer” were ineligible. Held that the claims were directed to the abstract idea of “processing an application for financing a purchase.” Held that the claims

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				lacked an inventive concept, as they merely required generic computers and did not provide details as to any non-conventional software for enhancing the financial process.
<i>Audatex N. Am., Inc. v. Mitchell Int'l, Inc.</i> , 703 F. App'x 986 (Fed. Cir. 2017) (non-precedential)	07/27/2017	No petition found	No petition found	Affirmed the PTAB's decision that claims relating to a "system and method for processing work products for vehicles via the world wide web" were ineligible. Held that the claims were directed to the abstract idea of "providing a vehicle valuation through the collection and use of vehicle information." Held that the claims lacked an inventive concept because they "neither improve[d] the technological infrastructure nor provide[d] solutions to challenges particular to the Internet."
<i>Return Mail, Inc. v. U.S. Postal Service</i> , 868 F.3d 1350 (Fed. Cir. 2017)	08/28/2017	10/12/2017 (denied)	05/14/2018 (granted 10/26/2018; argued 02/19/2019)	Reversed the PTAB's decision that claims relating to encoding information "indicating whether the sender wants a corrected address to be provided for the addressee" were patent-eligible. Held that the claims are directed to the abstract idea of "relaying mailing address data." Held that the claims lacked an inventive concept, as they "only recite[d] routine, conventional activities such as identifying undeliverable mail items, decoding data on those mail items, and creating output data."
<i>Zuili v. Google LLC</i> , 722 F. App'x 1027 (Fed. Cir. 2018) (non-precedential)	02/09/2018	02/23/2018 (denied)	No petition found	Affirming the PTAB's decision that claims relating to identifying invalid clicks for online pay-per-click advertisers were ineligible. Held that the claims were directed to the abstract idea of "collecting, transmitting, analyzing, and storing data to detect fraudulent and/or invalid clicks based on the time between two requests by

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
				the same device or client,” and lacked an inventive concept because they merely required generic computer implementation to carry out the abstract idea.
<i>In re: Eberra</i> , No. 2017-2394 (Fed. Cir. May 4, 2018) (non-precedential) *appeal from a PTO examiner’s rejection	05/04/2018	No petition found	No petition found	Affirming the Board’s rejection of the claims, which were directed to a “business method for providing a television network ‘that requires the masses of the general public to purchase products in exchange for being allowed to perform in television programs shown on the network,’” as ineligible. Held that the claims were directed to the abstract idea of “promoting the purchase of a product with the incentive being a spot in a television program, i.e. product promotion,” with no inventive concept.
<i>In re George Mizhen Wang</i> , No. 2017-1827 (Fed. Cir. June 20, 2018) *appeal from a PTO examiner’s rejection	06/20/2018	No petition found	09/18/2018 (denied)	Upheld the PTAB’s affirmance of an examiner’s rejection on the basis that claims to a phonetic symbol system were ineligible. Held that the claims to a phonetic symbol system did not cover anything concrete, a method, or a process, and instead were directed to an abstract idea with no inventive concept.
<i>In re: Mario Villena</i> , No. 2017-2069 (Fed. Cir. Aug. 29, 2018) *appeal from a PTO examiner’s rejection	08/29/2018	09/07/2018 (denied)	No petition found	Upheld the PTAB’s affirmance of an examiner’s rejection on the basis that claims to creating and maintaining a database of real estate information were ineligible. Held that the claims were directed to the abstract idea of property valuation. Held that the claims lacked an inventive concept, as they required only generic computer components.
<i>In re: Robert E. Downing</i> , No. 2018-	12/07/2018	No petition found	No petition found	Affirming an examiner’s rejection of patent claims directed to personal management information systems, on the basis

CASE	DATE	PETITION FOR REHEARING EN BANC	PETITION FOR WRIT OF CERTIORARI	HOLDING
1795 (Fed. Cir. Dec. 7, 2018)				that the claims were ineligible. Held that the claims were directed to the “concept of personal management, resource planning, or forecasting,” with no inventive concept.
<p data-bbox="201 467 470 643"><i>In re: Marco Guldenaar Holding B.V.</i>, No. 2017-2465 (Fed. Cir. Dec. 28, 2018)</p> <p data-bbox="201 665 470 734">*appeal from a PTO examiner’s rejection</p>	12/28/2018	02/11/2019 (pending)	Time to file petition is still pending	<p data-bbox="1146 467 1896 643">Affirming an examiners’ rejection of patent claims directed to a method of playing a dice game with a particular set of dice. Held that the claims were directed to the abstract idea of “rules for playing a dice game,” with no inventive concept.</p> <p data-bbox="1146 665 1896 1252">Judge Mayer concurred, stating that he “cannot agree with the court when it states that the patent eligibility inquiry ‘may contain underlying issues of fact.’” Stated that, “[t]ellingly, the Supreme Court has taken up our subject matter eligibility challenges in recent years, but has never once suggested that the section 101 calculus includes any factual determinations.” Also stated that “[s]ignificantly, moreover, the Court has never suggested that the “clear and convincing” standard applies in eligibility determinations, a standard which would almost certainly be implicated if eligibility were a fact-intensive inquiry.” Stated that <i>Berkheimer</i> therefore “deviated from precedent when it concluded that statements made by a patentee in the specification were sufficient to raise a genuine issue of material fact regarding whether claimed elements were conventional.”</p>