



Defendant DriverReach respectfully submits the attached supplemental authority (Exhibit A) in support of its Motion to Dismiss. (Dkt. 14.) Defendant believes that the precedential ruling by the Federal Circuit in the attached case is highly relevant and analogous to the pending Motion to Dismiss.

In *University of Florida Research Foundation, Inc. v. General Electric Company*, No. 2018-1284, slip op. (Fed. Cir. Feb. 26, 2019) (Ex. A), the Federal Circuit affirmed the district court's order granting General Electric's Rule 12(b)(6) motion to dismiss, finding that the asserted claims of U.S. Patent No. 7,062,251 ("the '251 Patent") were not directed to patent-eligible subject matter under 35 U.S.C. § 101. *Id.* at 2.<sup>1</sup> Under step one of the *Alice* analysis, the Federal Circuit confirmed that automation of "pen and paper methodologies" to conserve human resources and minimize errors" is not patent-eligible subject matter. *Id.* at 8. The Federal Circuit found that the representative claim, which recited functional, results-oriented language such as "receiving" data, "converting" the data into a specific format, "performing at least one programmatic action" on the data, and "presenting results," was directed to an abstract idea because the patent was a "quintessential 'do it on a computer' patent: it acknowledges that data . . . was previously collected, analyzed, manipulated, and displayed manually, and it simply proposes doing so with a computer." *Id.* at 8 (citing *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1340 (Fed. Cir. 2017) and *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353–54 (Fed. Cir. 2016)).

In addition, the Federal Circuit rejected the patent owner's argument that the "converting" limitation claimed a specific improvement to existing technology because neither "the patent, nor its claims, explains *how* the drivers do the conversion." *Id.* at 9. In other

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<sup>1</sup> A copy of the '251 Patent is also attached hereto. See Exhibit B.

words, the Court explained that the “patent ‘fails to provide any technical details for the tangible components, . . . instead predominately describ[ing] the system and methods in purely functional terms.’” *Id.* at 10 (quoting *In re TLI Commc’ns LLC Patent Litig.*, 823 F.3d 607, 612 (Fed. Cir. 2016)).

Turning to *Alice* step two, the patent holder argued that the claims recite more than well-understood, routine, and conventional activities because the claimed “converting” step takes place at a remote location. *Id.* The Federal Circuit rejected this argument, noting claims that “‘merely recite the abstract idea . . . along with the requirement to perform it on . . . a set of generic computer components’ do not contain an inventive concept.” *Id.* at 11 (quoting to *BASCOM Global Internet Services, Inc. v. AT&T Mobility*, 827 F.3d 1341, 1350 (Fed. Cir. 2016)).

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Respectfully submitted,

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