

Find authenticated court documents without watermarks at docketalarm.com.



TABLE OF CONTENTS

	<u>PAGE</u>
I. THE APPLICABLE LEGAL STANDARD.....	1
II. THE ASSERTED CLAIMS FAIL ALICE STEP 1	2
III. THE COURT SHOULD FIND THE ASSERTED CLAIMS INVALID.....	4



TABLE OF AUTHORITIES

	<u>PAGE</u>
Cases	
<i>Blonder-Tongue Lab ’ys, Inc. v. Univ. of Illinois Found.</i> , 402 U.S. 313 (1971).....	4
<i>CG Tech. Dev., LLC v. FanDuel, Inc.</i> , 442 F. Supp. 3d 840 (D. Del. 2020).....	4
<i>Freeny v. Fossil Grp., Inc.</i> , 2019 WL 1089145 (E.D. Tex. Feb. 12, 2019)	3
<i>SP Plus Corp. v. IPT, LLC</i> , 2017 WL 2226240 (E.D. La. May 19, 2017).....	2
<i>Symbology Innovations, LLC v. Dexcom, Inc.</i> , 2024 WL 3543409 (E.D. Tex. July 25, 2024)	1, 2



TABLE OF EXHIBITS

EXHIBIT	DESCRIPTION
Ex. G	Excerpt of U.S. Patent No. 11,086,934 entitled, “Play Control of Content on a Display Device,” to Strober (Aug. 10, 2021)

[REDACTED]

The Asserted Claims are invalid under 35 U.S.C. § 101 for all the reasons outlined in Defendants’ briefing on this issue.¹ As Defendants have explained, the claims are directed to the abstract idea of controlling content on a display device using a mobile device and do not include sufficient steps to transform that abstract idea into patent-eligible subject matter. Touchstream has no principled response. It continues to parrot technical-sounding claim language like “controlling presentation of video content on a display device that loads any one of a plurality of different media players,” Reply at 1, while ignoring its own assertion that this merely means controlling the playback of a prior art video on a prior art television using prior art software such as YouTube (the “media player”). Additional claim language adds only that the video be controlled from a generic mobile phone by sending generic messages through a generic intermediary server. No alleged improvement to the operation of any of those generic devices or to the network as a whole is claimed or disclosed. Accordingly, the claims are merely the application of an abstract idea using conventional and well-understood components, and the Court should deny Touchstream’s Motion and grant Defendants’.

I. THE APPLICABLE LEGAL STANDARD

“[T]he ultimate determination of eligibility under § 101 is a question of law.” *Symbology Innovations, LLC v. Dexcom, Inc.*, 2024 WL 3543409, at *2 (E.D. Tex. July 25, 2024) (Gilstrap,

¹ This Motion refers to Plaintiff Touchstream Technologies, Inc.’s Reply in Support of its Motion for Summary Judgment of Validity Under 35 U.S.C. § 101 (Dkt. 134) as “Reply”; Plaintiff Touchstream Technologies, Inc.’s Motion for Summary Judgment of Validity Under 35 U.S.C. § 101 (Dkt. 88) as “Mot.”; Defendants’ Opposition to Plaintiff Touchstream Technologies, Inc.’s Motion for Summary Judgment of Validity Under 35 U.S.C. § 101 (Dkt. 121) as “Defendants’ Validity Opposition” or “Validity Opp.”; and Defendants’ Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 101 (Dkt. 86) as “Defendants’ Invalidity Motion” or “Invalidity Mot.”; and exhibits to the Declaration of Micayla Hardisty in support of Defendants’ Invalidity Motion as “Ex.” All other capitalized terms have the meaning given to them in Defendants’ Invalidity Motion.



Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.