

**United States Court of Appeals  
for the Federal Circuit**

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**FREE STREAM MEDIA CORP., DBA SAMBA TV,**  
*Plaintiff-Appellant*

v.

**ALPHONSO INC., ASHISH CHORDIA, LAMPROS  
KALAMPOUKAS, RAGHU KODIGE,**  
*Defendants-Cross-Appellants*

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2019-1506, 2019-2133

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Appeals from the United States District Court for the  
Northern District of California in No. 3:17-cv-02107-RS,  
Judge Richard Seeborg.

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Decided: May 11, 2021

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MATTHEW D. POWERS, Tensegrity Law Group LLP,  
Redwood Shores, CA, argued for plaintiff-appellant. Also  
represented by WILLIAM P. NELSON, DANIEL RADKE,  
JENNIFER ROBINSON, NATASHA SAPUTO.

INDRA NEEL CHATTERJEE, Goodwin Procter LLP, Red-  
wood City, CA, argued for defendants-cross-appellants.  
Also represented by ELIZABETH J. LOW, ANDREW S. ONG;  
DAVID ZIMMER, Boston, MA.

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Before DYK, REYNA, and HUGHES, *Circuit Judges*.

REYNA, *Circuit Judge*.

Free Stream Media Corp. d/b/a Samba TV appeals a summary judgment of noninfringement from the Northern District of California and a claim construction order from the Eastern District of Texas. Alphonso Inc. cross-appeals a denial of its motion to dismiss under 35 U.S.C. § 101 from the Northern District of California. We reverse the Northern District of California's judgment denying Alphonso's motion to dismiss and do not reach the grant of summary judgment of noninfringement in favor of Alphonso. In addition, we affirm the Eastern District of Texas's claim construction order.

## BACKGROUND

### Procedural History

In November 2015, Free Stream Media Corp. d/b/a Samba TV ("Samba") asserted infringement of U.S. Patent No. 9,026,668 ("the '668 patent") in the Northern District of California. Later, in a separate case, Samba asserted U.S. Patent No. 9,386,356 ("the '356 patent") against Alphonso Inc. ("Alphonso") in the Eastern District of Texas. Both cases were consolidated by stipulation of the parties and later transferred to the Northern District of California. In March 2017, just before transfer, the Texas district court construed a disputed term of the asserted claims for both patents.

Upon transfer to the California district court, and based on the Texas district court's claim construction, Samba stipulated to noninfringement as to the '668 patent. Thereafter, Alphonso filed a motion to dismiss on grounds that the asserted claims of the '356 patent are patent ineligible subject matter under § 101. The district court denied the motion to dismiss. J.A. 1418–23; ECF No. 277. In its decision, the district court treated claim 1 of the '356 patent as representative, J.A. 1418, and concluded that the claim

was not directed to an abstract idea of tailored advertising as argued by Alphonso, J.A. 1421, 1423. The district court found that the '356 patent “describes systems and methods for addressing barriers to certain types of information exchange between various technological devices, *e.g.*, a television and a smartphone or tablet being used in the same place at the same time.” J.A. 1421.

In April 2018, Alphonso moved for reconsideration of its motion to dismiss or, alternatively, to certify interlocutory appeal and stay, and that too was denied. In December 2018, the California district court granted Alphonso summary judgment of noninfringement as to the asserted claims of the '356 patent.

Samba appeals the grant of summary judgment of noninfringement and the Texas district court's claim construction order. Alphonso cross-appeals the California district court's denial of its motion to dismiss. We have jurisdiction under 28 U.S.C. § 1295(a)(1).

#### The '356 Patent

The '356 patent is entitled “Targeting with Television Audience Data Across Multiple Screens.” The patent generally relates to a system providing a mobile phone user with targeted information (*i.e.*, advertisements) that is deemed relevant to the user based on data gathered from the user's television. *See generally* '356 patent. The asserted claims utilize three main components: (1) a networked device (*e.g.*, a smart TV); (2) a client device (*e.g.*, a mobile device); and (3) a relevancy matching server. *See* '356 patent Fig. 2; J.A. 303; Appellant's Br. at 4. The district court treated claim 1 as representative for purposes of Alphonso's motion to dismiss. J.A. 1418.<sup>1</sup> The district court acknowledged that Samba was continuing to allege

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<sup>1</sup> Samba asserts claims 1, 10, 13, 18, and 20 of the '356 patent; claims 13, 18 and 20 depend from claim 10.

infringement of claim 10 but stated that Samba conceded claims 1 and 10 are similar. Because claim 10 was treated as representative in the summary judgment decision, we discuss both claims 1 and 10 for purposes of this court's eligibility analysis.<sup>2</sup>

1. A system comprising:

a television to generate a fingerprint data;

a relevancy-matching server to:

match primary data generated from the fingerprint data with targeted data, based on a relevancy factor, and

search a storage for the targeted data;

wherein the primary data is any one of a content identification data and a content identification history;

a mobile device capable of being associated with the television to:

process an embedded object,

constrain an executable environment in a security sandbox, and execute a sandboxed application in the executable environment; and

a content identification server to:

process the fingerprint data from the television, and

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<sup>2</sup> Claim 10 was treated as the representative claim in the California district court's summary judgment decision. Because we conclude that both claims are directed to an abstract idea, we need not reach the merits of Samba's appeal of the summary judgment decision.

communicate the primary data from the fingerprint data to any of a number of devices with an access to an identification data of at least one of the television and an automatic content identification service of the television.

'356 patent at col. 51 l. 62–col. 52 l. 16.

10. A relevancy-matching server communicatively coupled with a television and a mobile device through a network, comprising:

a processor;

a memory communicatively coupled with the processor; and

instructions stored in the memory and executed using the processor configured to:

match primary data generated using a fingerprint data with targeted data, based on a relevancy factor comprising at least one of a category of the primary data, a behavioral history of a user, a category of a sandboxed application, and another information associated with the user,

search a storage for the targeted data,

wherein the primary data is any one of a content identification data and a content identification history, and

wherein the relevancy-matching server is to cause a rendering of the targeted data to the user through the sandboxed application of the mobile device.

*Id.* at col. 53 ll. 8–27.

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