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August 23, 2019

The Honorable Leonard P. Stark
J. Caleb Boggs Federal Building
844 N. King Street
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> Re: *Arendi S.A.R.L. v. LG Elecs., Inc., et al.*, C.A. No. 12-1595-LPS
> *Arendi S.A.R.L. v. Apple Inc.*, C.A. No. 12-1596-LPS
> *Arendi S.A.R.L. v. Microsoft Mobile, Inc.*, C.A. No. 12-1599-LPS
> *Arendi S.A.R.L. v. Motorola Mobility LLC, et al.*, C.A. No. 12-1601-LPS
> *Arendi S.A.R.L. v. Sony Mobile Commc'ns (USA) Inc., et. al.*, C.A. No. 12-1602-LPS
> *Arendi S.A.R.L. v. Google LLC*, C.A. No. 13-919-LPS
> *Arendi S.A.R.L. v. Oath Holdings Inc., et al.*, C.A. No. 13-920-LPS

Dear Chief Judge Stark:

Pursuant to the Court's August 19, 2019 Order (*e.g.*, D.I. 132 in C.A. No. 12-1595), Defendants[1] in the above entitled actions submit this letter brief to "address[] the impact, if any of the Court's claim construction decisions on the pending 101 motions" and "which claim(s) is/are representative[] and (2) [the] claims for which the Court must determine eligibility."

The Impact, If Any, Of the Court's Claim Construction Decisions on the Pending 101 Motions

As established in Defendants' Opening Brief (*e.g.*, D.I. 115 in C.A. No. 12-1595), the then pending proposed claim constructions have no impact on whether the patents should be found patent-ineligible. (*See* Opening Brief at 15-16). Arendi did not dispute this, or even mention any of the parties' proposed constructions, in its Opposition Brief (*e.g.*, D.I. 128 in C.A. No. 12-1595). Defendants maintain that the Court's constructions do not alter the conclusion that all asserted claims of each asserted patent are drawn to patent-ineligible subject matter. In fact, several of the Court's constructions and the Court's analysis of the asserted patents further bolster the conclusion that the asserted claims should be found patent-ineligible.

First, the Court's findings that all of the disputed means-plus-function limitations lack any disclosure of an algorithm in the specification[2] further confirms that the asserted claims are

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[1]   The Blackberry defendants (C.A. No. 12-1597) did not join the Motion and therefore do not join this letter brief.

[2]   As noted by the Court, each of the asserted patents are either related or share a similar specification. (Claim Construction Opinion at 6 n.4). The '843, '854 and '356 patents are

The Honorable Leonard P. Stark
August 23, 2019
Page 2

not patent eligible.   (Claim Construction Opinion at 23-34.)   As established in Defendants'
Opening Brief, the asserted claims are directed to abstract ideas and fail to claim an inventive
concept because they recite only result-based, functional aspirations and completed actions, that
are devoid of details about "how to engineer or program" the underlying, generic computer
components to accomplish the desired tasks.   (Opening Brief at 12).   As one example,
Defendants noted that the claims did not disclose and the specification did not describe "how the
document text is analyzed to identify particular information (or information types)."   (*Id.*)   In the
Claim Construction Opinion, the Court agreed that the "specification fails to disclose any actual
algorithm . . . that could be followed to determine which text, of all of the text in a document, is
a name or address.   (Claim Construction Opinion at 24-25) (emphasis in original).   The Court
similarly found that the specification did not disclose any algorithm describing how any
information is "marked" or "identified" in the document (*id.*), how any information is "inserted"
into the document (*id.* at 26-30) or how any operations (or actions) are performed following
identification of the "second information." (*id.* at 31-32).

Second, the Court's findings that several of the disputed claim limitations cover broad,
generic, conventional computing functionality, further support the conclusion that the asserted
patents are patent ineligible.   For example, the Court found that the claimed "document" is "a
word processing, spreadsheet or similar file into which text can be entered."   (Claim
Construction Opinion at 5).   In its analysis, the Court repeatedly noted that the patents describe,
but are not limited to, *conventional* word processing and spreadsheet files and *conventional* word
processor and spreadsheet programs.   (Claim Construction Opinion at 5-6).   Similarly, the
Court's constructions of the "user command" and "single execute command" limitations suggest
that the asserted claims may be implemented by virtually any type of input device with a series
of user inputs (Claim Construction Opinion at 18-19), belying Arendi's argument in the
opposition brief that the asserted claims are similar to the "improved user interface" "directed to
a particular manner of summarizing and presenting information in electronic devices" that was
found to be patent-eligible in *Core Wireless*.   (Opposition Brief at 6-7, 10-11) (*citing Core
Wireless Licensing SARL v. LG Electronics, Inc.*, 880 F.3d 1356 (Fed. Cir. 2018)).

**Which Claims Are Representative and Which Claims The Court Must Determine
Eligibility**

Defendants' Opening Brief proposed that the following claims were representative: claim
1 of the '843 patent (Opening Brief at 6), claim 13 of the '854 patent (*id.* at 7), claim 2 of the
'356 patent (*id.* at 8-9) and claim 1 of the '993 patent (*id.* at 11).   Defendants' Opening Brief also
addressed why the claims are representative and why the other asserted claims are "substantially
similar and linked to the same abstract idea."   (Opening Brief at 6, 7, 9 and 11) (quoting *Content
Extraction & Transmission, LLC v. Wells Fargo Bank*, 776 F.3d 1343, 1348 (Fed. Cir. 2014)).
Arendi did not dispute that the identified claims were representative.

As noted, however, the Court's Claim Construction Opinion found all challenged means-
plus-function elements of the '854 patent to be indefinite, rendering all '854 claims incorporating

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continuations of the same patent application and share the same patent specification.   The '993
patent has a similar specification.

The Honorable Leonard P. Stark
August 23, 2019
Page 3

such elements invalid. Thus, the only remaining claim of the '854 patent asserted by Arendi (against Google) is Claim 93, which therefore may also be considered the "representative" '854 claim. This claim is directed to the abstract idea of entering information (such as a name or address) into a document, using that name to find related information (like an address) in another source (like an address book), and then inserting the found information into the document. A letter written by Jane Jones is instructive:

Claim 93 of the '854 Patent	Example of Abstract Idea
93. A method for assisting a computer operator to retrieve information from a database that is related to text in a document, the method comprising the steps of:	Jane Jones begins to write a letter to her friend Wanda Williams. Jane wants to include current address information for Wanda in the header of the letter.
Using the first computer program to analyze the document, without direction from the operator, to identify text in the document that can be used to search for related information;	Jane hands the draft letter to her assistant, Sam Smith. Sam reads the draft letter, sees that the letter is directed to "Ms. Wanda Williams," and determines that there is a blank space for Wanda's address. Sam recognizes that he can use the text "Wanda Williams" to search for Wanda's address information in Jane's address book.
Using a second computer program and the text identified in step (1) to search the database and to locate related information, and	Sam uses the text from the draft letter, "Wanda Williams," to search in Jane's address book and finds Wanda's current address.
Inserting the information located in step (2) into the document.	Sam inserts Wanda's located address information into the blank space in the draft letter.

The Court's claim construction rulings make clear that this claim recites only the basic idea of using generic and conventional computer elements (*e.g.*, generic and unspecified "computer programs"), rather than a human armed with paper, pen and an address book, to identify information (like a name) written into a document to find related information (like an address) in a separate source that can then be inserted into the document. As the Court found in holding all other asserted claims of the '854 patent indefinite, the patent specification provides no specific instruction or algorithm as to how the abstract method should be implemented on a conventional computer. Like the other claims at issue, '854 claim 93, as construed, simply does not reference or require a concrete and unconventional approach to implementing the basic idea of identifying information in a document, searching for related information in a separate source, and using the found information in some way. *See Content Extraction*, 776 F.3d at 1348.

Respectfully,

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

JBB/bac

The Honorable Leonard P. Stark
August 23, 2019
Page 4

cc: Clerk of the Court (via hand delivery)
        All Counsel of Record (via electronic mail)