



August 23, 2019

VIA E-FILING

The Honorable Leonard P. Stark
United States District Court
844 North King Street
Wilmington, DE 19801

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:

In accordance with the Court's August 19, 2019 Oral Order, D.I. 145,¹ Plaintiff Arendi S.A.R.L. ("Arendi") submits this letter "addressing the impact, if any, of the Court's claim construction decisions on the pending 101 motions" and providing its positions as to which claims are representative and which claims require an eligibility ruling.

A. The Court's Claim Construction Rulings Further Support Eligibility

As discussed in Arendi's Answering Brief in Opposition to Defendants' §101 Motion, D.I. 139 ("Opposition"), the asserted claims of the patents-in-suit are directed to a specific way of improving information searching and retrieval between two different computer programs without disrupting the user's work or requiring the user to be familiar with and have access to an external information source. D.I. 139 at 4. The Court's claim construction rulings do not change this. In fact, the Court's claim construction rulings confirm that the asserted claims are directed to a specific method for solving a computer-based problem.

Defendants moved under Rule 12(c) and §101 in view of Arendi's proposed constructions. The Court adopted Arendi's proposed constructions for several disputed terms. The Court's remaining constructions narrow the preemptive footprint of the asserted claims, further concretizing the invention. For example, in their §101 Motion, Defendants argued that Arendi's proposed constructions of "computer program" and "document" did "nothing to make the claims less abstract, or tied to the use of unconventional elements or approaches." D.I. 122 at 15. The Court did not, however, adopt Arendi's constructions for either of these terms. The Court adopted Defendants' proposed construction of "computer program" and crafted its own construction of "document." D.I. 143 at 5, 11. In both cases, the Court's constructions add further specificity to the already-specific approach set forth in the claims. Those constructions also highlight that the

¹ Docket cites are to Case No. 13-919, unless otherwise noted.

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subject matter defined by the claims concerns what the Federal Circuit calls an improvement in computer functionality. *See Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335–36 (Fed. Cir. 2016). For example, limiting “document” to a “word processing, spreadsheet, or similar file into which text can be entered” grounds the claims in the identified travails of users of a “word processors, spreadsheets, etc.” *E.g.*, ’843 patent, at 1:28-29. This additional context further pulls the claims away from the realm of the abstract and cements their eligibility.

Additionally, the Court rejected Defendants’ indefiniteness arguments as to the ’843 patent claim term “to determine if the first information is a least one of a plurality of types of information that can be searched for” and the ’993 patent claim term “wherein the computer implemented method is configured to perform each one of action (i), action (ii), and action (iii) using the first contact information previously identified as a result of the analyzing.” D.I. 143 at 13, 15. As discussed in Arendi’s Opposition, D.I. 139 at 12, Defendants’ §101 Motion advances the same type of indefiniteness complaints that Defendants lodged against these terms. To the extent such complaints are even valid as §101 arguments in light of the claims in *Ancora Technologies, Inc. v. HTC America, Inc.*, 908 F.3d 1343 (Fed. Cir. 2018), *Data Engine Technologies LLC v. Google LLC*, 906 F.3d 999 (Fed. Cir. 2018), *Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.*, 880 F.3d 1356 (Fed. Cir. 2018), and *Finjan, Inc. v. Blue Coat Systems, Inc.*, 879 F.3d 1299 (Fed. Cir. 2018), this Court should again reject them.

B. Representative Claims and Eligibility Rulings

For the Court’s convenience, Arendi provides separate responses to this request.

1. The ’843 Patent

Arendi alleges infringement by Defendants of independent claims 1 and 23 and dependent claims 8 and 30 of the ’843 patent.² Arendi also alleges infringement by Google LLC of dependent claims 13, 15, 17, 18, and 19. Arendi submits that claim 1 is representative of the independent claims and confirms that the ’843 patent is directed to eligible subject matter. To the extent the Court finds that such independent claims are not patent-eligible, Arendi respectfully requests that the Court separately consider each dependent claim as well.

2. The ’993 Patent

Arendi alleges infringement by all Defendants of independent claims 1, 9, and 17 and dependent claims 5, 8, 13, 16, 21, and 24 of the ’993 patent. Arendi also alleges infringement by Google of dependent claim 2 and of claim 18 by all Defendants except for Microsoft Mobile Inc., Google, Oath Holdings Inc., and Oath Inc. Arendi submits that claim 1 is representative of the independent claims and confirms that the ’993 patent is directed to eligible subject matter. To the extent the Court finds that such independent claims are not patent-eligible, Arendi respectfully requests that the Court separately consider each dependent claim as well.

² Arendi has not accused Oath Holdings Inc. and Oath Inc. of infringing claims 8 and 30.

3. The '356 Patent

Arendi alleges infringement by Defendant Google of dependent claims 2, 11, and 19 of the '356 patent. Claims 2 and 11 depend from claim 1. Arendi submits that claim 2 is representative and confirms that the '356 patent is directed to eligible subject matter. To the extent the Court finds that claim 2 (and by necessity claim 1) is not patent-eligible, Arendi respectfully requests that the Court separately consider claim 11 as well.

4. The '854 Patent

Arendi alleges infringement by Defendant Google of independent claims 13, 31, 50, 79, 93, 98, and 101 and dependent claims 15, 53, and 56 of the '854 patent. Arendi alleges infringement by Defendants Oath Holdings Inc. and Oath Inc. of independent claims 31 and 79 of the '854 patent. In its *Markman* Order, the Court found at least one element of independent claims 13, 31, 50, 79, 98, and 101 of the '854 patent invalid for indefiniteness. D.I. 143 at 23-34.

Arendi respectfully disagrees with the Court's ruling but concedes that the ruling moots the eligibility issue as to those independent claims of the '854 patent as well as claims 15, 53, and 56, which depend from independent claims found indefinite. Accordingly, the Court need not reach the question as to those claims. The only claim of the '854 patent remaining before the Court is independent claim 93.

Respectfully submitted,

/s/ Eve H. Ormerod

Eve H. Ormerod (No. 5369)

cc: Clerk of Court (via CM/ECF)
All Counsel of Record (via CM/ECF)