

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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ARENDI S.A.R.L.,

Plaintiff,

v.

LG ELECTRONICS., INC.,  
LG ELECTRONICS USA, INC., and  
LG ELECONTRONICS MOBILECOMM U.S.A.,  
INC.

Defendants.

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C.A. No. 12-1595-LPS

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ARENDI S.A.R.L.,

Plaintiff,

v.

APPLE INC.

Defendant.

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C.A. No. 12-1596-LPS

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ARENDI S.A.R.L.,

Plaintiff,

v.

MICROSOFT MOBILE INC.

Defendant.

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C.A. No. 12-1599-LPS

ARENDI S.A.R.L.,

Plaintiff,

v.

MOTOROLA MOBILITY LLC  
f/k/a MOTOROLA MOBILITY, INC.

Defendant.

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C.A. No. 12-1601-LPS

ARENDI S.A.R.L.,

Plaintiff,

v.

SONY MOBILE COMMUNICATIONS (USA)  
INC. f/k/a SONY ERICSSON MOBILE  
COMMUNICATIONS (USA) INC.,  
SONY CORPORATION, and  
SONY CORPORATION OF AMERICA

Defendants.

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C.A. No. 12-1602-LPS

ARENDI S.A.R.L.,

Plaintiff,

v.

GOOGLE, LLC

Defendant.

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C.A. No. 13-919-LPS

ARENDI S.A.R.L.,

Plaintiff,

v.

OATH HOLDINGS INC. and  
OATH INC.

Defendants.

C.A. No. 13-920-LPS

SMART LOCKING TECHNOLOGIES, LLC

Plaintiff,

v.

IGLOOHOME INC.

Defendant.

C.A. No. 19-992-LPS

SMART LOCKING TECHNOLOGIES, LLC,

Plaintiff,

v.

LOCKSTATE, INC.

Defendant.

C.A. No. 19-993-LPS

**MEMORANDUM ORDER**

At Wilmington this **2nd** day of **January 2020**:

WHEREAS, defendants in the above-listed cases have filed Rule 12 motions to dispose of patent infringement claims on the bases that certain patent claims are invalid under 35 U.S.C. § 101, because they are allegedly directed to unpatentable subject matter;

WHEREAS, the above-listed cases brought by Arendi S.A.R.L. (“Arendi”) are unrelated to the above-listed cases brought by Smart Locking Technologies, LLC (“Smart Locking”);

WHEREAS, the Court heard oral argument in all the above-listed cases on December 20, 2019 and has considered the parties’ respective briefs and related filings;

WHEREAS, the Court continues to find that its experimental procedure of addressing multiple Section 101 motions from separate and unrelated cases in one hearing is an efficient use of judicial resources and a beneficial tool for resolving the merits of Section 101 motions;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that, with respect to the above-listed Smart Locking cases, Defendants’ Rule 12(b)(6) motions to dismiss (C.A. No. 19-992 D.I. 9, 16; C.A. No. 19-993 D.I. 8, 15) are **DENIED**.

**NOW, THEREFORE, IT IS HEREBY FURTHER ORDERED** that, with respect to the above-listed Arendi cases, Defendants’ Rule 12(c) motions for judgment on the pleadings (C.A. No. 12-1595 D.I. 115; C.A. No. 12-1596 D.I. 122; C.A. No. 12-1599 D.I. 123; C.A. No. 12-1601 D.I. 123; C.A. No. 12-1602 D.I. 115; C.A. No. 13-919 D.I. 122; C.A. No. 13-920 D.I. 126) are **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. The motions are **DENIED** with respect to representative claim 1 of U.S. Patent No. 7,917,843.
2. The motions are **GRANTED** with respect to representative claim 93 of U.S. Patent No. 7,496,854, representative claim 2 of U.S. Patent No. 7,921,356, and representative claim 1 of U.S. Patent No. 8,306,993.
3. The motions are **TAKEN UNDER ADVISEMENT** with respect to asserted, arguably non-representative, dependent claims of the ’854, ’356, and ’993 patents; the parties shall continue to comply with the process for supplemental briefing previously set out

(*see, e.g.*, C.A. No. 12-1595 D.I.177).

The Court's Order is consistent with the following bench ruling announced at that the conclusion of the December 20 hearing (*see* Tr. at 106-18):

I'm going to talk about the motions in the order that they were argued earlier today. First, [are] the Smart Locking cases. The issue in front of me is Defendants' renewed [Rule] 12(b)(6) motion to dismiss for failure to state a claim. Defendants' motion is denied. Let me try to explain why.

The motion contends that two asserted patents, [U.S. Patent Nos.] 6,300,873 and 6,696,918, are invalid under Section 101 due to lack of patentable subject matter. The legal standards that I'm applying . . . are set out [in the following cases.] . . . [As to] the Rule 12(b)(6) standard I hereby incorporate and adopt by reference the articulation of that standard in the *DiStefano Patent Trust [III] v. LinkedIn* decision, . . . which was a decision of mine in 2018, affirmed by the Federal Circuit . . . .<sup>[1]</sup> I also adopt the Section 101 standards articulated by the Federal Circuit in *Berkheimer v. HP, Inc.* . . . .<sup>[2]</sup>

The parties agree in the Smart Locking cases that one claim, claim 36 of the '873 patent, is representative and that the Court need assess the patentability of only this one claim. The parties agree that no claim construction disputes need to be resolved before addressing the motion.

The Court concludes that Defendants have failed to make the necessary showing at both Steps 1 and 2 of the *Alice* test.<sup>[3]</sup>

Starting with Step 1. The claims are directed to a device, a mechanism[,] which in the Court's view is not abstract. Although Defendants have identified an abstract idea, specifically "providing temporary access to a location," I'm not persuaded that the claim is directed to this abstract idea. . . . The character as a whole of claim

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<sup>1</sup> *DiStefano Patent Trust III, LLC v. LinkedIn Corp.*, 346 F. Supp. 3d 616 (D. Del. 2018), *aff'd*, 784 F. App'x 785 (Fed. Cir. 2019) (Rule 36).

<sup>2</sup> *Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018), *en banc reh'g denied*, 890 F.3d 1369 (Fed. Cir. 2018), *petition for cert. filed*.

<sup>3</sup> *Alice Corp. Pty. Ltd v. CLS Bank Int'l*, 573 U.S. 208 (2014); *see also Mayo Collaborative Serv. v. Prometheus Labs., Inc.*, 566 U.S. 66 (2012).

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