

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNIVERSAL SECURE REGISTRY, LLC,

Plaintiff,

v.

APPLE INC., VISA INC., and VISA U.S.A., INC.,

Defendants.

C. A. No. 17-585-JRB-SRF

JURY TRIAL DEMANDED

**DEFENDANTS' REPLY BRIEF IN SUPPORT OF
THEIR MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Fredrick L. Cottrell, III (#2555)
Jason J. Rawnsley (#5379)
RICHARDS LAYTON, & FINGER, P.A.
920 North King Street
Wilmington, DE 19801
(302) 651-7700
cottrell@rlf.com
rawnsley@rlf.com

Attorneys for Defendant Apple Inc.

David E. Moore (#3983)
Bindu Palapura (#5370)
POTTER ANDERSON CORROON LLP
1313 North Market Street 6th Floor
Wilmington, DE 19801
(302) 984-6147
dmoore@potteranderson.com
bpalapura@potteranderson.com

*Attorneys for Defendants Visa Inc. and
Visa U.S.A., Inc.*

Dated: October 20, 2017

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

I. INTRODUCTION..... 1

II. ARGUMENT 1

 A. The '539 Patent Does Not Claim Patentable Subject Matter..... 1

 B. The '826 Patent Does Not Claim Patentable Subject Matter..... 3

 C. The '137 Patent Does Not Claim Patentable Subject Matter..... 5

 D. The '813 Patent Does Not Claim Patentable Subject Matter..... 8

 E. USR's Patents Attempt to Preempt User Authentication. 9

 F. The "Exemplary" Claims Are Representative Of The Patents As A Whole. 9

III. CONCLUSION 10

TABLE OF AUTHORITIES

CASES	<u>Page(s)</u>
<i>Alice Corp. v. CLS Bank Int’l</i> , 134 S. Ct. 2347 (2014).....	<i>passim</i>
<i>Bascom Glob. Internet Servs., Inc. v. AT&T Mobility, LLC</i> , 827 F.3d 1341 (Fed. Cir. 2016).....	5
<i>Bilski v. Kappos</i> , 561 U.S. 593 (2010).....	3, 4, 9
<i>buySAFE, Inc. v. Google, Inc.</i> , 765 F.3d 1350 (Fed. Cir. 2014).....	7
<i>Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat’l Ass’n</i> , 776 F.3d 1343 (Fed. Cir. 2014).....	10
<i>Diamond v. Diehr</i> , 450 U.S. 175 (1981).....	3
<i>In re Brown</i> , 645 F. App’x 1014 (Fed. Cir. 2016)	2
<i>Intellectual Ventures I LLC v. Erie Indem. Co.</i> , 850 F.3d 1315 (Fed. Cir. 2017).....	9
<i>IQS US Inc. v. Calsoft Labs Inc.</i> , No. 16-cv-7774, 2017 WL 3581162 (N.D. Ill. Aug. 18, 2017)	5
<i>MAZ Encryption Technologies LLC v. Blackberry Corp.</i> , 2016 WL 5661981 (D. Del. Sept. 29, 2016).....	 6, 7
<i>McRO, Inc. v. Bandai Namco Games America, Inc.</i> , 837 F.3d 1299 (Fed. Cir. 2016).....	 6
<i>Parker v. Flook</i> , 437 U.S. 584 (1978).....	4
<i>Secured Mail Sols. LLC v. Universal Wilde, Inc.</i> , No. 2016-1728, 2017 WL 4582737 (Fed. Cir. Oct. 16, 2017).....	7
<i>Smart Sys. Innovations, LLC v. Chi. Transit Auth.</i> , No. 16-1233, 2017 WL 4654964 (Fed. Cir. Oct. 18, 2017)	5, 10

Synopsys, Inc. v. Mentor Graphics Corp.,
839 F.3d 1138 (Fed. Cir. 2016).....2

Twilio, Inc. v. Telesign Corp.,
No. 16-cv-06925, 2017 WL 1374759 (N.D. Cal. Apr. 17, 2017).....4

STATUTES, RULES, AND REGULATIONS

35 U.S.C. § 101..... *passim*

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.