

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

UNIVERSAL SECURE REGISTRY, LLC,

Plaintiff,

vs.

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

Defendants.

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

**DEFENDANTS' NOTICE OF SUBSEQUENT AUTHORITY**

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Pursuant to D. Del. LR 7.1.2(b), Defendants Apple Inc., Visa Inc., and Visa U.S.A., Inc. submit the attached recent opinion in *Voter Verified, Inc. v. Election Systems & Software LLC*, No. 2017-1930, slip op. at 1 (Fed. Cir. Apr. 20, 2018), as supplemental authority in support of their Motion to Dismiss Plaintiff's Complaint (D.I. 16). The opinion affirms the decision of the District Court for the Northern District of Florida dismissing a complaint under Rule 12(b)(6) because the remaining asserted claims<sup>1</sup> were invalid under 35 U.S.C. § 101. *Id.* at 16. The *Voter Verified* decision is relevant to Defendants' arguments in their pending Motion to Dismiss because the opinion holds that claims directed to an abstract idea carried out using general purpose computer equipment cannot pass muster at *Alice* step 2. *Id.* at 10-16. Specifically, the Court found that claims drawn to the abstract concept of "voting, verifying the vote, and submitting the vote for tabulation" did not contain any inventive concept because the claims recited only the use of general purpose computers to carry out the claimed operation. *Id.* at 14. The Court, citing many of the same authorities cited by Apple in its motion to dismiss, found that "the case law has consistently held that these standard components are not sufficient to transform abstract claims into patent-eligible subject matter." *Id.* at 15 (citing *Alice Corp. v. CLS Bank Int'l*, 134 S. Ct. 2347, 2359-60 (2014); *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1341-42 (Fed. Cir. 2017); *In re TLI Commc'ns LLC Patent Litig.*, 823 F.3d 607, 613-14 (Fed. Cir. 2016); *Mortg. Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314, 1324-25 (Fed. Cir. 2016); *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat'l Ass'n*, 776 F.3d 1343, 1347-48 (Fed. Cir. 2014)).

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<sup>1</sup> Claims 49 and 94 of the asserted '449 patent had already been invalidated in a prior case under 35 U.S.C. §§ 112 and 103 respectively.

/s/ Jason J. Rawnsley

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