

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

T-REX PROPERTY AB,

Plaintiff,

v.

AUTONETTV MEDIA, INC.,

Defendant.

Civil Action No.: 16-cv-6649

JURY TRIAL DEMANDED

**MEMORANDUM OF LAW IN SUPPORT OF AUTONETTV MEDIA, INC.'S
RULE 12(b)(6) MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM**

TABLE OF CONTENTS

| | Page(s) |
|---|----------------|
| I. BACKGROUND | 1 |
| A. The Patents-in-Suit disclose nothing more than using generic computer components to perform a task that was previously done manually. | 1 |
| 1. The '470 Patent. | 2 |
| 2. The '334 Patent has only minor differences with the '470 Patent. | 4 |
| 3. The '603 Patent is directed to advertisements on a billboard..... | 6 |
| II. LEGAL STANDARD..... | 7 |
| A. This case should be dismissed on the pleadings under Rule 12(b)(6). | 7 |
| B. The law of 35 U.S.C. § 101. | 8 |
| III. ARGUMENT..... | 9 |
| A. The Patents-in-Suit are invalid under 35 U.S.C. § 101..... | 10 |
| 1. The asserted patent claims are directed to an abstract idea. | 10 |
| 2. The asserted claims contain no inventive concept to transform the abstract idea into patent-eligible subject matter..... | 13 |
| IV. CONCLUSION..... | 15 |

TABLE OF AUTHORITIES

| | Page(s) |
|---|----------------|
| Cases | |
| <i>Alice Corp. v. CLS Bank International</i> , 134 S. Ct. 2347 (2014)..... | 12, 13, 17, 20 |
| <i>Ashcroft v. Iqbal</i> , 556 U.S. 662 (2009)..... | 11, 23 |
| <i>Bancorp Servs., L.L.C. v. Sun Life Assur. Co. of Canada (U.S.)</i> , 687 F.3d 1266 (Fed. Cir. 2012)..... | 12, 18, 21 |
| <i>Bender v. LG Elecs. U.S.A., Inc.</i> , No. C 09-02114 JF (PVT), 2010 WL 889541 (N.D. Cal. Mar. 11, 2010)..... | 23 |
| <i>Bilski v. Kappos</i> , 561 U.S. 593 (2010)..... | 12, 13 |
| <i>Content Extraction and Transmission LLC v. Wells Fargo Bank, NA</i> , 776 F.3d 1343 (Fed. Cir. 2014)..... | 18 |
| <i>Cuvillier v. Sullivan</i> , 503 F.3d 397 (5th Cir. 2007) | 11, 12 |
| <i>CyberSource Corp. v. Retail Decisions, Inc.</i> , 654 F.3d 1366 (Fed. Cir. 2011)..... | 13, 22 |
| <i>Diamond v. Chakrabarty</i> , 447 U.S. 303 (1980)..... | 12 |
| <i>Diamond v. Diehr</i> , 450 U.S. 175 (1981)..... | 13 |
| <i>Fort Props., Inc. v. Am. Master Lease LLC</i> , 671 F.3d 1317 (Fed. Cir. 2012)..... | 14 |
| <i>Halo Elecs., Inc. v. Bel Fuse Inc.</i> , No. 2:07-CV-07-00331-PMP-PAL, 2007 WL 2156332 (D. Nev. July 26, 2007) | 23 |
| <i>Intellectual Ventures I LLC v. Capital One Bank (USA)</i> , 792 F.3d 1363 (Fed. Cir. 2015)..... | 18 |

| | |
|--|----------------|
| <i>Internet Patents Corp. v. Active Network, Inc.</i> , 790 F.3d 1343 (Fed. Cir. 2015)..... | 21 |
| <i>Landmark Tech., LLC v. Assurant, Inc.</i> , No. 6:15-CV-76-RWS-JDL, 2015 WL 4388311 (E.D. Tex. July 14, 2015)..... | 16, 17 |
| <i>Lovelace v. Software Spectrum</i> , 78 F.3d 1015 (5th Cir. 1996) | 11 |
| <i>Mayo Collaborative Servs. v. Prometheus Labs., Inc.</i> , 132 S. Ct. 1289 (2012)..... | 13, 14 |
| <i>Morales v. Square, Inc.</i> , 75 F.Supp.3d 716, 724 (W.D. Tex. 2014)..... | 15 |
| <i>OIP Techs., Inc. v. Amazon.com, Inc.</i> , 788 F.3d 1359 (Fed. Cir. 2015)..... | 17 |
| <i>Parker v. Flook</i> , 437 U.S. 584 (1978)..... | 13 |
| <i>Potter Voice Techs., LLC v. Apple Inc.</i> , No. C 13-1710 CW, 2015 WL 5672598 (N.D. Cal. June 11, 2015)..... | 18 |
| <i>Tuxis Techs., LLC v. Amazon.com, Inc.</i> , No. CV 13-1771-RGA, 2014 WL 4382446 (D. Del. Sept. 3, 2014) | 21 |
| <i>Ultramercial, Inc. v. Hulu</i> , LLC, 772 F.3d 709 (Fed. Cir. 2014) (Mayer, J., concurring)..... | 12, 16, 17, 19 |
| Statutes | |
| 35 U.S.C. § 101..... | 2, 12, 14, 22 |
| Other Authorities | |
| Fed. R. Civ. P. 12(b)(6)..... | 1, 11, 14 |

Defendant AutoNetTV Media, Inc., (“AutoNetTV”) moves to dismiss this case because the Complaint does not state a claim upon which relief can be granted. Specifically, the patent claims asserted in the Complaint are invalid because they are directed to the abstract idea of displaying information in public places based on third party instructions. The patentees acknowledged that they did not invent the concept of scheduling the display of information in public spaces. Instead, they sought to allow third parties to choose in real-time what information is displayed. But the asserted claims merely cobble together generic computer components (i.e., computers, a database, a modem, a projector, televisions, and cameras), and then claim the end result of dynamic updates and third-party control that is not limited to a specific mechanism for achieving that result. Therefore, the asserted claims are patent-eligible subject matter. Since resolving this issue does not require discovery or formal claim construction, AutoNetTV respectfully requests that the Court dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6).

I. BACKGROUND

On June 24, 2016, Plaintiff T-Rex filed this lawsuit accusing AutoNetTV of infringing claims 25 and 26 of U.S. Patent No. RE39,470 (the “’470 Patent”), claims 22 and 32 of U.S. Patent No. 7,382,334 (the “’334 Patent”), and claims 42 and 43 of U.S. Patent No. 6,430,603 (the “’603 Patent”). T-Rex has filed 59 lawsuits since June 2012 in this and other districts involving one or more of the Patents-in-Suit and the alleged infringement by digital display boards and billboards.

A. The Patents-in-Suit disclose nothing more than using generic computer components to perform a task that was previously done manually.

The ’470 and ’334 Patents are both entitled “Digital Information System.” The ’603 Patent is entitled, “System for Direct Placement of Commercial Advertising, Public Service Announcements and Other Content on Electronic Billboard Displays.”

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.