

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

**CRS ADVANCED TECHNOLOGIES, INC.**

**Petitioner**

**v.**

**Patent of FRONTLINE TECHNOLOGIES, INC.**

**Patent Owner**

---

**Case CBM2012-00005**

**Patent 6,675,151**

---

**PATENT OWNER FRONTLINE PLACEMENT TECHNOLOGY, INC.'S**

**DEMONSTRATIVE EXHIBITS 1-94**

**FOR AUGUST 13, 2013 ORAL HEARING**

---

# General Principles of Law Regarding Subject Matter Eligibility

---

# *Ultramercial, Inc. v. Hulu, LLC*

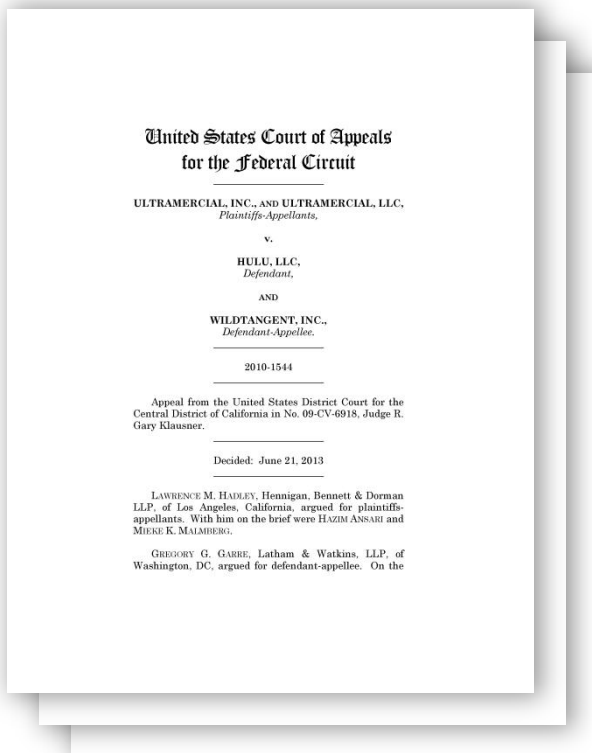
## The Most Recent Law on §101 Eligibility

---

- Issued June 21, 2013 – after parties’ briefing in this matter.
- Judges Rader, Moore, and Lourie all found the claims to be directed to patentable subject matter.
  - Rader authored *CLS* dissent.
  - Lourie authored *CLS* plurality opinion.
- Claimed computer implemented invention with many similarities to claims of the ’151 patent.

# *Ultramercial, Inc. v. Hulu, LLC*

## The Most Recent Law on §101 Eligibility



35 U.S.C. §101 sets forth the categories of subject matter that are eligible for patent protection: “[w]hoever invents or discovers new and useful *process, machine, manufacture or composition of matter*, or any new and improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.”

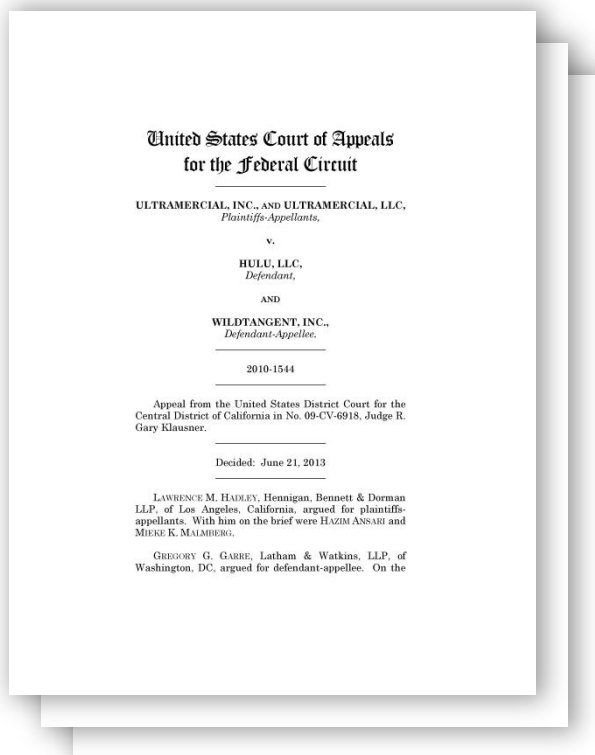
35

[T]he Supreme Court emphasized that “[c]hoosing such expansive terms modified by comprehensive ‘any,’ Congress plainly contemplated that the patent laws would be given wide scope.”

*Ultramercial, Inc. v. Hulu, LLC* 2013 U.S. App. LEXIS 11811 (Fed. Cir. June 21, 2013) (internal citation omitted)

# *Ultramercial, Inc. v. Hulu, LLC*

## The Most Recent Law on §101 Eligibility



In line with the broadly permissive nature of §101's subject matter eligibility principle and the structure of the Patent Act, case law has recognized only three narrow categories of subject matter outside the eligibility boundaries of §101—**laws of nature, physical phenomena, and abstract ideas**. The Court's motivation for recognizing exceptions to this broad statutory grant was its desire to prevent "monopolization" of the "basic tools of science and technological work," which "might tend to impede innovation more than it would tend to promote it."

*Ultramercial*, 2013 U.S. App. LEXIS 1273 (internal citation)

# 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.