No. 2014-1506, -1515

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

INTELLECTUAL VENTURES I LLC AND INTELLECTUAL VENTURES II LLC,

Plaintiffs-Appellants,

v.

CAPITAL ONE, NATIONAL ASSOCIATION, CAPITAL ONE BANK (USA), NATIONAL ASSOCIATION, AND CAPITAL ONE FINANCIAL CORPORATION,

Defendants-Appellees.

Appeals from the United States District Court for the Eastern District of Virginia in civil action No. 1:13-cv-00740, Judge Anthony J. Trenga

BRIEF FOR ASKELADDEN L.L.C. AS AMICUS CURIAE IN SUPPORT OF DEFENDANTS-APPELLEES

JAMES L. QUARLES III GREGORY H. LANTIER RICHARD A. CRUDO WILMER CUTLER PICKERING HALE AND DORR LLP 1875 Pennsylvania Avenue, NW Washington, DC 20006 (202) 663-6000

October 21, 2014



CERTIFICATE OF INTEREST

Counsel for Amicus Askeladden L.L.C. certifies the following:

1. The full name of every party or amicus represented by me in this appeal is:

Askeladden L.L.C.

2. The names of the real parties in interest represented by me in this appeal are:

Askeladden L.L.C.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

Askeladden L.L.C. is a wholly owned subsidiary of The Clearing House Payments Company L.L.C. No corporation or publicly held company owns 10 percent or more of The Clearing House Payments Company L.L.C.

4. The names of all law firms and the partners and associates that appeared in the lower tribunal or are expected to appear in this appeal on behalf of Amicus Askeladden L.L.C. are:

WILMER CUTLER PICKERING HALE AND DORR LLP: James L. Quarles III, Gregory H. Lantier, Richard A. Crudo.

/s/ Gregory H. Lantier Gregory H. Lantier

October 21, 2014

TABLE OF CONTENTS

CERTIFICATE OF INTEREST				
TABLE OF AUTHORITIESiv				
STATEMENT OF INTEREST1				
ARGUMENT				
I.	THE F	PATENTS-IN-SUIT HAVE BEEN INDISCRIMINATELY ASSERTED		
	A.	IV Has Asserted the Patents-in-Suit and Similar Patents Against Other Defendants		
	B.	The Patents-In-Suit Claim Concepts that Are Fundamental to Basic Internet Use and Personal Finance		
II.	I. PATENTS DIRECTED TOWARD COMPUTER-IMPLEMENTED, FUNDAMENTAL ECONOMIC PRACTICES, LIKE THE PATENTS-IN-SUIT, FALL OUTSIDE THE SCOPE OF § 101.			
	A.	Section 101 Has Long Applied to Prevent the Monopolization of Fundamental Ideas and Practices		
	B.	The Supreme Court's <i>Alice Corp</i> . Decision Confirms that Patents Directed Toward Fundamental Financial Practices Are Invalid Under § 101		
		DISTRICT COURT PROPERLY GRANTED SUMMARY JUDGMENT OF LIDITY UNDER § 10112		
	A.	The Patents Are Directed Toward Patent-Ineligible Ideas12		
		1. The patent claims embody abstract ideas on their face		
		2. The abstract nature of the patent claims is further evidenced by the manner in which the patents are asserted		
	B.	The Other Limitations Do Not Transform the Nature of the Claims into Patent-Eligible Applications		

	THE TIMING OF DISTRICT COURTS' ADJUDICATION OF INVALIDITY UNDER § 101 IS CRITICALLY IMPORTANT.	20
CON	CLUSION	23
CERT	TIFICATE OF SERVICE	

CERTIFICATE OF COMPLIANCE

TABLE OF AUTHORITIES

Page(s)

CASES

DOCKET A L A R M



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.