

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNILOC USA, INC. and §
UNILOC LUXEMBOURG, S.A., § Civil Action No. 2:16-cv-741 (JRG)
§
Plaintiffs, §
§ CONSOLIDATED LEAD CASE
v. §
§
ADP, LLC, §
§ JURY TRIAL DEMANDED
Defendant. §
§

UNILOC USA, INC. and §
UNILOC LUXEMBOURG, S.A., § Civil Action No. 2:16-cv-744 (JRG)
§
Plaintiffs, §
§ MEMBER CASE
v. §
§
SALESFORCE.COM, INC., §
§ JURY TRIAL DEMANDED
Defendant. §
§

**PLAINTIFFS' OPPOSITION TO SALESFORCE.COM, INC.'S MOTION TO DISMISS
THE COMPLAINT FOR FAILURE TO STATE A CLAIM**

TABLE OF CONTENTS

I.	RESPONSE TO STATEMENT OF ISSUES TO BE DECIDED	1
II.	FACTUAL BACKGROUND.....	1
III.	LEGAL STANDARDS	6
IV.	ARGUMENT	8
A.	Step 1: The Asserted Patents Claim Patentable Subject Matter	8
B.	The Asserted Patents are Directed Toward an Improvement in the Way Computers Operate	19
C.	Step 2: The Claims of the Asserted Patents Add an Inventive Concept.....	23
a.	The Specific Components Recited in the Claims Perform Specific Functions Within a Network.....	27
b.	Salesforce Has Failed to Sustain its Burden that the Generic Components, as Arranged in the Asserted Claims, Does Not Amount to an Inventive Concept	29
V.	CONCLUSION.....	30

TABLE OF AUTHORITIES

Cases

2-Way Computing, Inc., v. Grandstream Networks, Inc.,
2:16-cv-01111-RCJ-PAL (D. Nev. Oct. 18, 2016) 19

Alice Corp. v. CLS Bank Int’l,
134 S. Ct. 2347 (2014) passim

Audio MPEG, Inc. v. HP, Inc.,
2:15-cv-00073-HCM-RJK (E.D. Va. Jun. 29, 2016) 21

Bancorp Servs., LLC v. Sun Life Assur. Co. of Canada (U.S.),
687 F.3d 1266 (Fed. Cir. 2012)..... 7

Bascom Global Internet Servs. v. AT&T Mobility LLC,
2016 U.S. App. Lexis 11687 (Fed. Cir. Jun. 27, 2016) 7, 23, 27, 30

Core Wireless Lic. S.à.r.l. v. LG Elecs., Inc.,
2016 U.S. Dist. LEXIS 123232 (E.D. Tex. Aug. 8, 2016) 10, 12, 14, 19

DDR Holdings, LLC v. Hotels.com, L.P.,
773 F.3d 1245 (Fed. Cir. 2014)..... passim

Diamond v. Diehr,
450 U.S. 175 (1981)..... 6

Enfish LLC v. Microsoft Corp.,
2016 U.S. App. LEXIS 8699 (Fed. Cir. May 12, 2016) 1, 8, 9, 19

Genband US LLC v. Metaswitch Networks Ltd.,
2016 U.S. Dist. LEXIS 134659 (E.D. Tex. Sept. 29, 2016) passim

In re BRCA1- & BRCA2-Based Hereditary Cancer Test Pat. Lit.,
774 F.3d 755 (Fed. Cir. 2014)..... 8

Mayo Collaborative Servs. v. Prometheus Labs., Inc.,
132 S. Ct. 1289 (2012) 7

McRo, Inc. v. Bandai Namco Games AM. Inc.,
2016 WL 4896481 (Fed. Cir. Sept. 13, 2016)..... 9

Perdiemco, LLC v. Industrack LLC,
2016 U.S. Dist. LEXIS 135667 (E.D. Tex., July 7, 2016)..... passim

Personalized Media Communs., LLC v. Samsung Elec. Am., Inc.,
2016 U.S. Dist. LEXIS 135669 (E.D. Tex. Sept. 21, 2016) 23, 29, 30

Rules

35 U.S.C. §101 1, 21

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc” or “Plaintiffs”), respectfully submit this opposition to the motion of Defendant, salesforce.com, inc. (“Defendant” or “Salesforce”), to dismiss for failure to state a claim (“Motion” or “Mot.”). For the reasons set forth herein, the Motion should be denied.

I. RESPONSE TO STATEMENT OF ISSUES TO BE DECIDED

The claims of the 6, 510, 466 Patent (“466 Patent”), 6,728,766 Patent (“766 Patent”), 6,324,578 Patent (“578 Patent”), 7,069,293 Patent (“293 Patent”) (collectively “Asserted Patents”) are not directed to abstract ideas and, therefore, are patent eligible under 35 U.S.C. §101.

The claims of the Asserted Patents include inventive concepts and, therefore, are patent eligible under 35 U.S.C. §101.

II. FACTUAL BACKGROUND

As explained in detail below, the Asserted Patents solve particular problems in the computer field, thus rendering them patent eligible. *See Enfish LLC v. Microsoft Corp.*, 2016 U.S. App. LEXIS 8699, at *21 (Fed. Cir. May 12, 2016) (“claims [that] are directed to a specific implementation of a solution to a problem in the software arts” are not invalid under Section 101). Even assuming, however that the Asserted Patent are directed to an abstract idea, the facts of this case are like those in *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014). In *DDR Holdings*, the Federal Circuit upheld a claim as a patent-eligible inventive concept where the claimed solution was “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks” because “it amount[ed] to an inventive concept for resolving this particular Internet-centric problem.” *Id.* at 1259.

The Original Complaint for Patent Infringement (“Complaint”) was filed on July 8, 2016 and alleges infringement of the Asserted Patents. *See* Dkt. No. 1.¹ In the Complaint, Uniloc asserts claims 1, 2, 7, 15-17, 22, 30 and 35 of the ’466 Patent, claims 1, 3, 5, 7, 9, 11, 13, 15 and 17 of the ’766 Patent, claims 1-8, 10-24, 26-39, and 41-46 of the ’578 Patent, and claims 1, 12, and 17 of the ’293 Patent. *Id.* at ¶¶60, 71, 38, and 49. The Asserted Patents relate to network management and application management on a computer network. *See* ’466 Patent at 1:21-23; ’766 Patent at 1:21-23.² Further, the Asserted Patents are all part of a family of patents drawn toward addressing the inefficiencies in application management in a client-server environment. Accordingly, they share similar specifications.

Prior to the inventions claimed in the Asserted Patents, many information technology organizations struggled with application deployment management particularly with the advent of large, distributed networks. *See, e.g.,* ’578 Patent 1:45-48. Among the problems facing the industry were: configuring geographically diverse machines running different operating systems; installing new and updated software in a timely and efficient manner; monitoring software and data to ensure that they were synchronized with administrative policy; and automating the software life cycle from development through production. Another major challenge facing the industry at that time was maintaining proper licensing procedures for existing software installations. *Id.* at 1:52-56.

A known approach to reducing software distribution was to use an application server to store and maintain application programs which may then be transmitted over a network to a

¹ Copies of the Asserted Patents were filed with the Complaint. *See* Dkt. Nos. 1-1, 1-2, 1-3, and 1-4.

² The inventions claimed in the Asserted Patents were developed and made by engineers working at IBM, the original assignee and owner named on the patents.

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