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

UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A., Plaintiffs, v. ADP, LLC, Defendant.	§	Civil Action No. 2:16-cv-741-JRG LEAD CASE JURY TRIAL DEMANDED
UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A., Plaintiffs, v. ZENDESK, INC., Defendant.	§	Civil Action No. 2:16-cv-863-JRG CONSOLIDATED CASE JURY TRIAL DEMANDED

PLAINTIFFS' OPPOSITION TO DEFENDANT ZENDESK, INC.'S MOTION TO DISMISS THE COMPLAINT FOR FAILURE TO STATE A CLAIM

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

I. STATEMENT OF ISSUES TO BE DECIDED[1]

> Has Zendesk proved by clear and convincing evidence that the claims of the Asserted Patents are directed to abstract ideas under 35 U.S.C. § 101/*Alice*.[2]
>
> If so, has Zendesk proved by clear and convincing evidence that any such claim(s) of the Asserted Patents include no inventive concepts under 35 U.S.C. § 101/*Alice*.

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.*, 822 F.3d 1327, 1338 (Fed. Cir. 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.

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[1] Zendesk did not provide a Statement of the Issues. Therefore, Uniloc includes this Statement pursuant to L.R. 7(c).

[2] The Asserted Patents are U.S. Patent Nos. 6,510,466 ("the '466 Patent"), 6,324,578 ("the '578 Patents") and 7,069,293 ("the '293 Patent"). The Asserted Patents are all related and share a common specification. Copies of the Asserted Patents were filed with the Complaint. *See* Dkt. No. 1.

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