**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-00741-JRG LEAD CASE
Plaintiffs,	§ § §	
v.	§ §	
ADP, LLC,	§ §	
Defendant.	§ § §	JURY TRIAL DEMANDED
	§ §	
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.,	§ § §	Civil Action No. 2:16-cv-00858-JRG CONSOLIDATED CASE
Plaintiffs,	§ § §	
v.	§ §	
BIG FISH GAMES, INC.,	§ §	
Defendant.	§ § §	JURY TRIAL DEMANDED

**PLAINTIFFS' OPPOSITION TO DEFENDANT BIG FISH GAMES, INC.'S
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

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Rules

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together "Uniloc" or "Plaintiffs"), respectfully submit this opposition to the motion of defendant, Big Fish Games, Inc., ("Defendant" or "Big Fish"), 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]

A. Has Big Fish proved by clear and convincing evidence that the claims of the Asserted Patents are directed to abstract ideas under 35 U.S.C. §101.[2]

B. If so, has Big Fish 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.

II. COMPUTER PROBLEMS ADDRESSED BY THE ASSERTED PATENTS

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).   Moreover, the claims of the Asserted Patents are "necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks" because they "amount to an inventive concept for resolving this particular Internet-centric problem." *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1257 (Fed. Cir. 2014) Thus, contrary to Big Fish's argument, the claims are patent eligible. *Id.* at 1259.

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[1] Big Fish 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 '78 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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