

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

MAXELL, LTD.,

Plaintiff,

vs.

APPLE INC.,

Defendant.

Civil Action No. 5:19-cv-00036-RWS



JURY TRIAL DEMANDED

**APPLE INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF SUBJECT
MATTER INELIGIBILITY UNDER 35 U.S.C. § 101 FOR U.S. PATENT NOS. 6,748,317,
6,430,498, AND 6,580,999**

TABLE OF CONTENTS

	Page
I. STATEMENT OF ISSUE.....	1
II. STATEMENT OF UNDISPUTED MATERIAL FACTS	1
A. Summary Of The '317, '498, And '999 Patents (“Navigation Patents”).....	1
B. State Of The Known Art.....	4
C. Maxell’s Prior Litigation Against ZTE.....	5
III. LEGAL STANDARDS	5
IV. ARGUMENT	6
A. <i>Alice</i> Step One: The Asserted Claims Are Directed To An Abstract Idea	6
1. The Asserted Claims Are Directed To The Idea Of Presenting Navigation And Location Information To A Walking User.....	6
2. The Asserted Claims’ Idea Of Presenting Navigation And Location Information To A Walking User Is A Basic, Ancient Human Activity	7
3. The Asserted Claims Do Not Recite A Specific Technical Improvement In Computer Capabilities, But Only Desired Results.....	8
4. The Asserted Claims’ Idea Has Been Found Abstract In Past Cases	10
B. <i>Alice</i> Step Two: The Asserted Claims Do Not Disclose An Inventive Concept	11
1. The Claimed Subject Matter Is Not Inventive Or Technological	12
2. Prior Art Confirms The Lack Of An Inventive Concept	14
V. CONCLUSION.....	15

TABLE OF AUTHORITIES

Pages

Cases

Alice Corp. v. CLS Bank Int’l,
573 U.S. 208 (2014)..... 5, 6, 11, 12

Amdocs (Isr.) Ltd. v. Openet Telecom, Inc.,
841 F.3d 1288 (Fed. Cir. 2016) 14

Apple, Inc. v. Ameranth, Inc.,
842 F.3d 1229 (Fed. Cir. 2016) 9

BSG Tech LLC v. Buyseasons, Inc.,
899 F.3d 1281 (Fed. Cir. 2018) 13

Enfish LLC v. Microsoft Corp.,
822 F.3d 1327 (Fed. Cir. 2016) 9

Internet Patents Corp. v. Active Network, Inc.,
790 F.3d 1343 (Fed. Cir. 2015) 6

Location Based Servs., LLC v. Niantic, Inc.,
295 F. Supp. 3d 1031 (N.D. Cal. 2017)..... 11

Maxell, Ltd. v. ZTE Corp., et al.,
No. 5:16-cv-00179-RWS (E.D. Tex.)..... 5

Move, Inc. v. Real Estate All., Ltd.,
221 F. Supp. 3d 1149 (C.D. Cal. 2016), *aff’d*, 721 F. App’x 950 (Fed. Cir. 2018) 11

Peschke v. Rouse Properties,
168 F. Supp. 3d 881 (E.D. Va. 2016) 11

Rothschild v. Geotab USA
No. 6:15-CV-682-RWS-JDL, 2016 WL 3584195 (E.D. Tex. Jan. 4, 2016) 11

SAP Am., Inc. v. InvestPic, LLC,
898 F.3d 1161 (Fed. Cir. 2018) 13

Thales Visionix Inc. v. U.S.,
850 F.3d 1343 (Fed. Cir. 2017) 7

Rules

Fed. R. Civ. P. 56(a) 5

Defendant Apple Inc. (“Apple”) moves for partial summary judgment that the asserted claims of three related patents—U.S. Patent Nos. 6,748,317, 6,580,999, and 6,430,498 (the “Navigation Patents”)—are directed to ineligible subject matter under 35 U.S.C. § 101 and *Alice*.

At *Alice* step one, the Navigation Patents’ claims are directed to the abstract idea of presenting navigation and location information to a walking user. Humans have used maps with arrows and symbols to aid in walking navigation since the prehistoric age. The Navigation Patents simply carry out these activities in a conventional computer environment with generic components like a “portable terminal,” “input device,” and “display.” By their own terms, the Navigation Patents do not claim any improved portable navigation device. Rather, the patents adopt primitive techniques for displaying routes (e.g., arrows or lines), precisely because they were simpler than prior art techniques and compatible with existing prior art devices.

At *Alice* step two, the claims do not disclose an inventive concept as they recite only conventional “devices” performing routine functions. The “devices” are combined to form a “portable terminal,” which the specification itself characterizes as a “conventional,” “low in performance” and “just like” an “ordinary portable telephone.” On this same record, in a prior lawsuit before this Court concerning the ’317 Patent, a jury found the claims “well-understood, routine, and conventional.” Accordingly, the Navigation Patents are invalid under § 101.

I. STATEMENT OF ISSUE

Whether Claims 1 and 17 of the ’317 Patent, Claims 3 and 13 of the ’498 Patent, and Claim 3 of the ’999 Patent (“Asserted Claims”) are invalid under 35 U.S.C. § 101.

II. STATEMENT OF UNDISPUTED MATERIAL FACTS

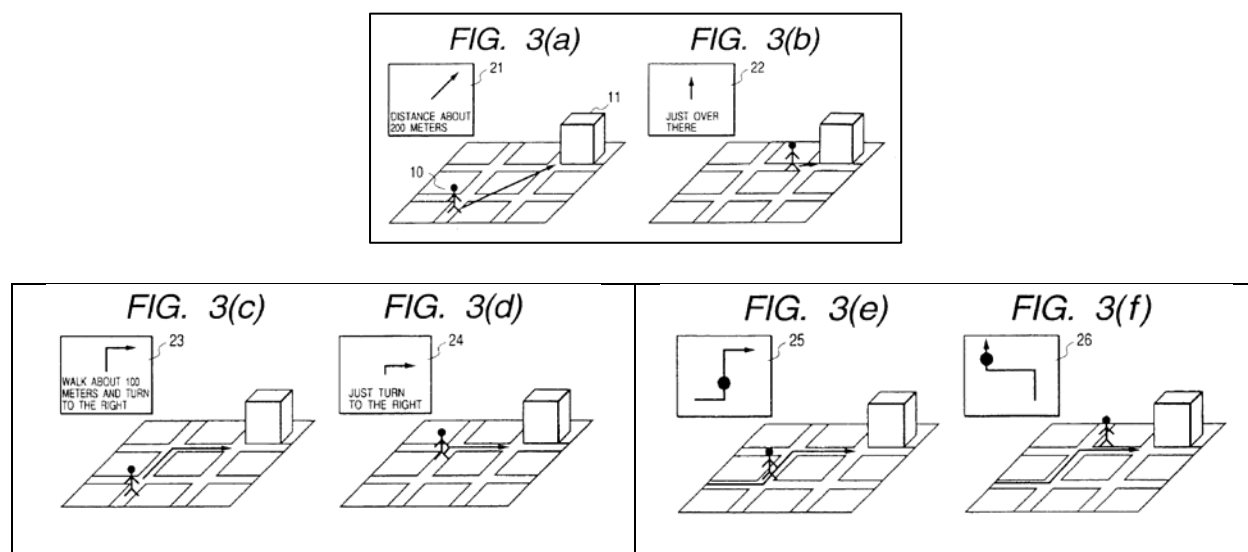
A. Summary Of The ’317, ’498, And ’999 Patents (“Navigation Patents”)

1. Plaintiff Maxell asserts ten patents against Apple, including the three Navigation Patents. D.I. 111. The Navigation Patents, each titled “Portable Terminal With The Function Of

Walking Navigation,” are in the same family, share a common specification, and all claim priority to July 12, 1999. ’317 (Ex. A) at Cover; ’498 (Ex. B) at Cover; ’999 (Ex. C) at Cover.

2. The alleged invention is “a portable terminal provided with the function of walking navigation, which can supply location-related information to the walking user.” ’317 at 1:16-18. The specification admits that displaying location-related information to a walking user through “maps and other map-related contents” was known in “conventional” prior art devices, such as a “conventional PDA terminal with GPS.” *Id.* at 1:19-49, 2:3-39. The only problem the specification identifies in the prior art is that “portable telephones . . . [were] low in processing capacity” and had “small-size display screen[s],” and were thus unable to clearly display maps. *Id.* at 1:31-38, 1:46-52, 3:20-26, 3:64-66.

3. Rather than display maps, the specification proposes displaying navigation information in three simpler ways that would be compatible with the small screens of existing portable devices, as depicted in Figures 3(a)-(f) below: (1) showing an arrow to the destination along with distance indicators (Figs. 3(a)-(b)); (2) showing a turn arrow to indicate the next turn to reach the destination (Figs. 3(c)-(d)); and (3) showing a segment of the overall route as a “bent” line and the user’s current position along the line (Figs. 3(e)-(f)). *Id.* at 6:51-7:10.



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.