

Facebook Wins Bid To Toss Del. Patent Claims Under Alice

By **Martin O'Sullivan**

Law360, New York (August 30, 2016, 3:17 PM ET) -- A Delaware federal judge on Tuesday granted Facebook Inc.'s bid to pare down a patent holding company's infringement suit against the social media giant, saying that a patent for managing user preferences in an electronic community fails under the Supreme Court's Alice ruling.

In a written decision, U.S. District Judge Richard G. Andrews said that U.S. Patent Number 8,095,593, owned by Sound View Innovations LLC, is unenforceable since the electronic community information management system is abstract and doesn't contain an inventive concept.

"The asserted claims of the '593 patent are directed to patent-ineligible subject matter," Judge Andrews said in a written opinion.

The suit, filed in February, alleges that Facebook infringed seven of by Sound View's patents, including the '593 patent. The alleged infringing components of Facebook's website range from its targeted advertising feature to its account verification system, according to the suit.

The '593 patent protects an electronic information management system that delivers the information based on user preferences, according to the suit.

Facebook in April urged Judge Andrews to toss any claims relating to the '593 patent, saying that the patent's repeated use of the term "method for managing information" illustrates its abstract and unenforceable nature.

Judge Andrews agreed, saying that Sound View had not invented a new way to apply the abstract concept specifically to computers.

"The inventive concepts that Sound View proffers are analogous to inventive concepts that courts have held insufficient to confer patent eligibility on claims directed to an abstract idea," Judge Andrew said.

Both companies did not immediately respond to comment requests on Tuesday.

The patent-in-suit are U.S. Patent Numbers 5,991,845; 6,125,371; 6,732,181; 7,366,786; 7,412,486; 8,135,860; and 8,095,593

Sound View Innovations is represented by John C. Phillips Jr. and Megan C. Haney of Phillips Goldman

McLaughlin & Hall PA and Tom BenGera, Edward B. Geist, Alan S. Kellman and Tamir Packin of Desmarais LLP.

Facebook is represented by Jack B. Blumenfeld and Karen Jacobs of Morris Nichols Arsht & Tunnell LLP and Heidi Keefe, Sarah Whitney, Elizabeth Stameshkin and Phillip E. Morton of Cooley LLP.

The case is Sound View Innovations LLC v. Facebook Inc., case number 1:16-cv-00116, in the U.S. District Court for the District of Delaware.

--Editing by Patricia K. Cole.

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