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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Pixar, Others Get Digital Image Patent Axed Under Alice

By **Ryan Davis**

Law360, New York (June 23, 2016, 4:17 PM EDT) -- A California judge has ruled that a patent on selecting colors for digital images asserted against Pixar, Nvidia Corp. and Autodesk Inc. is invalid under the U.S. Supreme Court's Alice decision, disposing of an inventor's suit against the companies just three months after the complaint was filed.

In a decision on Tuesday, Judge S. James Otero of the Central District of California granted the defendants' motion to dismiss the suit by Louis A. Coffelt Jr., the named inventor on the patent, who is representing himself. The judge ruled that the patent covers nothing more than an abstract idea that cannot be patented under Section 101 of the Patent Act.

Coffelt's patent describes a method of selecting a color for a portion of a digital image by calculating and comparing vectors within a specific region of space, known as a "steradian." The judge found that the patent is directed to an "abstract, mathematical algorithm."

Citing the Supreme Court's decisions in Alice, which held that abstract ideas implemented using a computer are not patent-eligible, and Mayo, which established the test for evaluating patent eligibility, the judge found the patent invalid.

"On its face, the methods claimed in the ... patent are unpatentable under [Section] 101 because they recite merely a series of mathematical calculations that can be used to create a steradian region," he wrote. "The claims of the ... patent are expressly prohibited under Alice, Mayo and their progeny."

The judge's decision marked an unusually rapid resolution for a patent lawsuit. Coffelt, a resident of Riverside, California, filed the suit on March 14, alleging that the animation studio Pixar and software companies Nvidia and Autodesk make software for visual computing that infringes his patent, which was issued in 2013.

The defendants moved to dismiss the case for lack of patentable subject matter on May 13.

The judge's decision notes that when Coffelt's patent application was pending, it was rejected by the examiner because it did not disclose a machine for performing the calculations. Coffelt then amended the claims to state that the calculations would be performed by a computer, and the patent was issued several months before the Supreme Court decided Alice, which held that adding a computer to patent claims involving an abstract idea does not make them patent eligible.

Judge Otero said that after Alice, "lower courts have not been left without any guidance" about what constitutes an abstract idea, but he cited cases in which patents to mathematical formulas and algorithms have been found not to be patent eligible.

Coffelt's patent, he ruled, simply covers an abstract algorithm and does not have any additional features, as required by Alice, to make it into a patent-eligible invention, because it simply requires the use of a "computer," with no limitations on hardware or software.

Coffelt said that the defendants flooded the court with repetitive and conclusory allegations and that the decision did not address the evidence he presented to refute them. He said he has moved for reconsideration of the decision and expects to appeal.

An attorney for Nvidia declined to comment on Thursday. Attorneys for the other parties could not immediately be reached for comment.

The patent-in-suit is U.S. Patent Number 8,614,710.

Coffelt is representing himself.

Nvidia is represented by Michael Rhodes and Lowell Mead of Cooley LLP. Autodesk is represented by Jeannine Yoo Sano, Jason Xu and Carmen Lo of White & Case LLP. Pixar is represented by Evan Finkel and Michael Horikawa ofPillsbury Winthrop Shaw Pittman LLP.

The case is Coffelt v. Nvidia Corp. et al., case number 5:16-cv-00457, in the U.S. District Court for the Central District of California.

--Editing by Stephen Berg.
