

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

REDMON JEANG LLC,

Case No. 22-CV-2749 (NEB/LIB)

Plaintiff,

ORDER ON MOTION FOR JUDGMENT
ON THE PLEADINGS

v.

TURN SIGNAL, INC. and TURN SIGNAL
FOUNDATION,

Defendants.

Redmon Jeang has patents for a system that allows users to summon an attorney with their mobile device during an encounter such as a traffic stop. TurnSignal moves for judgment on the pleadings, arguing that Redmon Jeang's patents are invalid. The Court agrees and grants the motion. (ECF No. 57.)

BACKGROUND

Redmon Jeang owns U.S. Patent Nos. 11,443,395, 11,494,861, and 11,494,862 (the "'395, '861, and '862 patents," respectively). These patents are a part of the same patent family and share substantially the same specifications. Redmon Jeang asserts claim 1 of the '395 patent, claims 1, 6, 7, 10, 11, 15, 16, and 20 of the '861 patent, and claims 1, 6, 7, 10, 11, 15, and 20 of the '862 patent in this lawsuit. The claims generally recite systems and methods that summon an attorney "quickly and virtually whenever a need arises to

help defuse the situation, run interference, and provide legal advice.” (ECF No. 32-1 at 6.)

The lawyer may serve as a live observer, witness, or intermediary to diffuse and de-escalate situations. (*Id.*)

Claim 1 of the '395 patent reads:

mobile lawyer system for use during a traffic stop comprising:

- a mobile device having at least one video camera configured for mounting inside the passenger compartment of a vehicle and capture video images of a driver of the vehicle;
- the mobile device further incorporating a display screen so viewable by the driver of the vehicle;
- a remote server and a database configured to store information about a plurality of lawyers licensed in at least one jurisdiction;
- the mobile device executing a mobile application configured, upon command from the driver of the vehicle, to communicate with the remote server, wherein the remote server is configured to automatically determine a location of the vehicle, automatically identify a jurisdiction associated with the vehicle location, automatically identify at least one lawyer licensed in the identified jurisdiction, and immediately automatically directly notify the at least one identified lawyer for assistance; and
- the display screen of the mobile device configured to live-stream a video image of the at least one identified lawyer for presentation to the driver of the vehicle, and the at least one video camera is configured to automatically live-stream video captured by the at least one video camera for viewing by the at least one identified lawyer and for storage in the remote database, where the at least one mobile device being configured to automatically enable bi-directional audio and video communication between the at least one identified lawyer and the at least one passenger.

(*Id.* at 8.)

Claim 1 of the '861 and '862 patents are similar, the difference being that the mobile device communicates the location of the mobile device to the remote server, and the

remote server receives an acceptance of a legal representation engagement from the computing device associated with the identified lawyer. (ECF No. 32-2 at 9–10; ECF No. 32-3 at 9–10.)

The other asserted claims of the '861 and '862 patent recite substantially the same concept with minor differences, such as automatically live-streaming the encounter, encrypting the video, and using different video cameras. (ECF No. 32-2 at 10; ECF No. 32-3 at 10–11.)

Redmon Jeang sued TurnSignl for infringing on the asserted patents. (ECF No. 32.) TurnSignl moves for judgment on the pleadings, arguing that the claims are not patent-eligible under Section 101 of the Patent Act. (ECF Nos. 57, 58 at 5.)

ANALYSIS

I. Legal Standard

On a Rule 12(c) motion in a patent case, the Court applies the law of the regional circuit with respect to the standard of review, and the law of the Federal Circuit with respect to substantive patent law. *Nat. Alts. Int'l, Inc. v. Creative Compounds, LLC*, 918 F.3d 1338, 1342–43 (Fed. Cir. 2019); *In re Spalding Sports Worldwide, Inc.*, 203 F.3d 800, 803 (Fed. Cir. 2000).

To be entitled to judgment on the pleadings, TurnSignl must establish that “no material issue of fact remains to be resolved” and that it is “entitled to judgment as a matter of law.” *Poehl v. Countrywide Home Loans, Inc.*, 528 F.3d 1093, 1096 (8th Cir. 2008)

(citation omitted). The Court must accept factual allegations in the complaint as true and draw all reasonable inferences in favor of Redmon Jeang, as the non-moving party. *Nat'l Car Rental Sys., Inc. v. Comput. Assocs. Int'l, Inc.*, 991 F.2d 426, 428 (8th Cir. 1993). Although the Court generally must ignore materials outside the pleadings, it may consider exhibits attached to the pleadings, matters of public record, and any documents “necessarily embraced by the pleadings” when ruling on a motion for judgment on the pleadings. *Porous Media Corp. v. Pall Corp.*, 186 F.3d 1077, 1079 (8th Cir. 1999) (citation omitted).

Patent eligibility under Section 101 of the Patent Act is a question of law that may involve underlying questions of fact. *MyMail, Ltd. v. ooVoo, LLC*, 934 F.3d 1373, 1379 (Fed. Cir. 2019). Some Section 101 determinations do not contain genuine disputes over the underlying material facts. *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (Fed. Cir. 2018). A court may decide the issue of Section 101 validity on a Rule 12(c) motion even if there are factual disputes, so long as it construes all allegations in favor of the non-moving party. *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1166 (Fed. Cir. 2018). As the moving party, TurnSignl bears the burden of demonstrating patent-ineligibility by clear and convincing evidence. *Cellspin Soft, Inc. v. Fitbit, Inc.*, 927 F.3d 1306, 1319 (Fed. Cir. 2019).

II. Claim Construction

Before the Court considers the validity of the asserted patents, it must first determine whether claim construction is warranted. “Determining patent eligibility requires a full understanding of the basic character of the claimed subject matter.”

MyMail, Ltd., 934 F.3d at 1379. “As a result, if the parties raise a claim construction dispute at the Rule 12(c) stage, the district court must either adopt the non-moving party’s constructions or resolve the dispute to whatever extent is needed to conduct the § 101 analysis.” *Id.* However, “claim construction is not an inviolable prerequisite to a validity determination under § 101.” *Content Extraction & Transmission LLC v. Wells Fargo Bank, N.A.*, 776 F.3d 1343, 1349 (Fed. Cir. 2014).

Redmon Jeang argues that claim construction is necessary because material facts remain and must be resolved before deciding this motion. In making the argument, however, Redmon Jeang identifies no material fact dispute.¹ To avoid dismissal, a “patentee must do more than invoke a generic need for claim construction . . . the patentee must propose a specific claim construction or identify specific facts that need development and explain why those circumstances must be resolved before the scope of the claims can be understood for § 101 purposes.” *Trinity Info. Media, LLC v. Covalent, Inc.*, 72 F.4th 1355, 1360–61 (Fed. Cir. 2023). Claim construction is not required here because Redmon Jeang “has not explained how it might benefit from any particular term’s construction under an *Alice*^[2] § 101 analysis.” *Simio, LLC v. FlexSim Software Prods., Inc.*,

¹ During oral argument, Redmon Jeang said that the term “immediately” is an example of a disputed term that must be resolved before deciding this motion. The term “immediately” does not prevent deciding this motion because the parties’ joint claim construction shows that the parties agree on the meaning of the term. (ECF No. 71 at 2.)

² *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208 (2014).

983 F.3d 1353, 1365 (Fed. Cir. 2020). Accordingly, the Court will analyze patent eligibility under Section 101.

III. Patent Eligibility under 35 U.S.C. Section 101³

Section 101 of the Patent Act provides that a patent may be obtained for “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” 35 U.S.C. § 101. The Supreme Court has recognized that these broad categories contain an implicit exception: “[l]aws of nature, natural phenomena, and abstract ideas are not patentable.” *Ass’n for Molecular Pathology v. Myriad*

³ The Court has reviewed all of the asserted claims, and the Section 101 analysis applies equally to each of them, so the Court need not separately analyze each claim. *See generally Alice*, 573 U.S. 208, 224–27 (2014) (finding many claims to be patent-ineligible after analyzing one representative claim). Although parties do not state which claim they treat as representative, they appear to treat claim 1 of the ’395 patent as representative. (*See generally* ECF No. 58 at 11 (explaining that many claims “add little to the abstract idea, and also are described purely in terms of generic components”); ECF No. 64 at 17, 19 (discussing specifications of claim 1 of the ’395 patent in explaining why the patents are patent eligible).) The Court will likewise treat claim 1 of the ’395 patent as representative. *E-Numerate Sols., Inc. v. United States*, 149 Fed. Cl. 563, 581 (2020) (“[T]he Court may view a single claim as representative of multiple patents where there are no appreciable effects on the patent eligibility analysis.”). Analyzing the claims together is appropriate here because there is no “distinctive significance of any claim limitations,” *Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1256 n.1 (Fed. Cir. 2016) (citation omitted), and because it is clear the claims do not “differ in any manner that is material to the patent-eligibility inquiry.” *Mortg. Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314, 1324 n.6 (Fed. Cir. 2016). Instead, when “the claims are substantially similar and linked to the same law of nature, analyzing representative claims is proper.” *Cleveland Clinic Found. v. True Health Diagnostics LLC*, 859 F.3d 1352, 1360 (Fed. Cir. 2017) (quotation marks and citation omitted). Doing so is especially prudent here, where “there is also no contention that the claims differ in any manner that is material to the patent-eligibility inquiry” and both parties argue the claims collectively. *Mortg. Grader, Inc. v. First Choice Loan Servs.*, 811 F.3d 1314, 1324 n.6 (Fed. Cir. 2016).

Genetics, Inc., 569 U.S. 576, 589 (2013) (citation omitted). In applying this exception, courts “must distinguish between patents that claim the building blocks of human ingenuity and those that integrate the building blocks into something more.” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 217 (2014) (citation omitted, cleaned up).

In *Alice*, the Supreme Court established a two-step framework to determine whether a claim falls within the “abstract idea” exception. 573 U.S. at 218. First, the Court must “determine whether the claims at issue are directed to a patent-ineligible concept.” *Id.* This inquiry is a “meaningful one” and “cannot simply ask whether the claims involve a patent-ineligible concept, because essentially every routinely patent-eligible claim involving physical products and actions involves a law of nature and/or natural phenomenon.” *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016). “Rather, the . . . inquiry applies a stage-one filter to claims, considered in light of the specification, based on whether ‘their character as a whole is directed to excluded subject matter.’” *Id.* (citation omitted).

Second, if the claims are directed to patent-ineligible subject matter, the Court must “consider the elements of each claim both individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Id.* (citation omitted). The Supreme Court has described this as a search for an “inventive concept” —*i.e.*, an element or combination of elements that is “sufficient to ensure that the patent in practice amounts to significantly

more than a patent upon the [ineligible concept] itself.” *Mayo Collaborative Servs. v. Prometheus Lab’ys, Inc.*, 566 U.S. 66, 72–73 (2012). When assessing patent protection under Section 101, the claims of the patent “must be considered as a whole.” *Diamond v. Diehr*, 450 U.S. 175, 188 (1981). “This is particularly true in a process claim because a new combination of steps in a process may be patentable even though all the constituents of the combination were well known and in common use before the combination was made.” *Id.*

A. Alice Step One

Step one of the *Alice* inquiry considers the claims “in light of the specification” to determine whether “their character as a whole is directed to excluded subject matter.” *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016) (citation omitted). The Court is careful not to express the claim’s focus at an unduly “high level of abstraction . . . untethered from the language of the claims,” but rather in parallel with the level of generality or abstraction expressed in the claims themselves. *Id.* at 1337.

“Three themes” in Supreme Court and Federal Circuit jurisprudence demonstrate that a claim is directed to an abstract idea: (1) “the claimed method discloses only generalized steps drafted in purely functional terms”; (2) “it is analogous to well-known, longstanding practices”; and (3) “it does not recite an improvement in computer functionality.” *Voip-Pal.Com, Inc. v. Apple Inc.*, 411 F. Supp. 3d 926, 951 (N.D. Cal. 2019), *aff’d*, 828 F. App’x 717 (Fed. Cir. 2020). The claims at issue fall into all three categories.

First, the claimed method discloses generalized steps drafted in purely functional terms without explaining how the result is achieved. Claim 1 of the '395 patent explains that the mobile lawyer system comprises a mobile device with video capabilities mounted inside the passenger compartment and a server and database configured to store information about lawyers licensed in at least one jurisdiction. It recites the following method: a mobile device “execut[es]” an application “configured . . . to communicate” with the remote server; the remote server is “configured to automatically determine” the location of the vehicle, “automatically identify” a jurisdiction associated with the vehicle location and a lawyer licensed in that jurisdiction, “immediately automatically directly notify” the lawyer for assistance, and “automatically enable” bi-directional audio and video communication between the lawyer and passenger. (ECF No. 32-1 at 8.) The claim describes the purported invention in broad, generic, functional terms without explaining how those ends are achieved. This alone is sufficient to find that these are abstract ideas that are not patentable.⁴

⁴ See *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1326 (Fed. Cir. 2017) (“[G]eneralized steps to be performed on a computer using conventional computer activity are abstract” (quotation marks and citation omitted)); *In re TLI Commc’ns LLC Pat. Litig.*, 823 F.3d 607, 612 (Fed. Cir. 2016) (explaining that specifications which “are not directed to a specific improvement to computer functionality” and fail “to provide any technical details for the tangible components, [and] instead predominantly describe[] the system and methods in purely functional terms” concern unpatentable subject matter); *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 373 (1996) (“A claim covers and secures a process, a machine, a manufacture, a composition of matter, or a design, but never the function or result of either, nor the scientific explanation of their operation.” (citation omitted)).

Second, the process is analogous to the well-known, longstanding practice of searching for nearby lawyers and calling them. Redmon Jeang emphasizes that the asserted claims make the process quicker by automating it, but automation does “bring the claims out of the realm of abstractness.” *Weisner v. Google LLC*, 51 F.4th 1073, 1083 (Fed. Cir. 2022); *Credit Acceptance Corp. v. Westlake Servs.*, 859 F.3d 1044, 1055 (Fed. Cir. 2017) (“Our prior cases have made clear that mere automation of manual processes using generic computers does not constitute a patentable improvement . . .”).

Finally, the claims do not recite an improvement in technology. The asserted patents frame the inventors’ problem in terms of the concept of “using technology to introduce a third party, a licensed attorney, into a police encounter,” not in the context of improved computer technology. The claims include well-known components—mobile devices with video cameras capable of executing a mobile application—performing conventional steps—communicating with a remote server and database to make a video call. And the claims are directed to a result, rather than a way to achieve a result. *See Free Stream Media Corp. v. Alphonso Inc.*, 996 F.3d 1355, 1363 (Fed. Cir. 2021) (finding claims directed to relevancy matching not patent eligible because the claims were drafted in such a “result-oriented way” that they “encompass[ed] ‘the principle in the abstract’ no matter how implemented.” (citation omitted)).

Redmon Jeang asserts that (1) TurnSignl overly and impermissibly generalizes the claims and (2) the Federal Circuit has held similar claims patentable.⁵ As to the first argument, Redmon Jeang fails to explain how TurnSignl overly generalizes the claims. The Court refers to the patents to determine the claims, resolving all inferences in Redmon Jeang's favor, and the Court's interpretation aligns with what Redmon Jeang describes in their brief. (ECF No. 64 at 12–13.)

As to the second argument, the cases that Redmon Jeang cites as “similar” patentable claims are in fact not similar. For example, *SiRF Tech., Inc. v. International Trade Comm’n* involved a patent for a novel method of signal correlation to improve GPS technology. 601 F.3d 1319 (Fed. Cir. 2010). *DDR Holdings, LLC v. Hotels.com, L.P.*, also cited by Redmon Jeang, involved a patent for creating a hybrid website that ensured that people would remain on the host website when they clicked an advertisement. 773 F.3d 1245, 1248 (Fed. Cir. 2014). In both cases, the claims were for specific technological improvements. Here, there is no technological improvement. The claims do not recite an improvement in computer, server, GPS, database, video conferencing, or storage technologies. Instead, the claims are directed to a result. They do not explain *how* the result is achieved; instead, the claims identify the function itself rather than a particular way to perform the function. *See Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253,

⁵ Redmon Jeang devotes a substantial portion of its brief to laying out the United States Patent and Trademark Office guidelines, but concedes that those guidelines are not binding to the Court. (ECF No. 64 at 7–12); *In re Rudy*, 956 F.3d 1379, 1383 (Fed. Cir. 2020).

1258 (Fed. Cir. 2016). Because the Court finds that the patents are directed to an abstract idea, the Court moves to step two.

B. Alice Step Two

The analysis for *Alice* step two is a search for an inventive concept. “To save a patent at step two, an inventive concept must be evident in the claims.” *RecogniCorp*, 855 F.3d at 1327. To supply an inventive concept, a claim element “must be more than well-understood, routine, conventional activity.” *Affinity Labs of Tex.*, 838 F.3d at 1262 (quotation marks and citation omitted). It “cannot simply be an instruction to implement or apply the abstract idea on a computer.” *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016). For example, it may be found in an “inventive set of components or methods,” “inventive programming,” or an inventive approach in “how the desired result is achieved.” *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1355 (Fed. Cir. 2016). On the other hand, “conventional steps, specified at a high level of generality, [are] not enough to supply an inventive concept.” *Alice*, 573 U.S. at 222 (quotation marks and citation omitted). Nor are “generic computer, network and Internet components” inventive. *BASCOM*, 827 F.3d at 1349.

Conventional steps and generic computer components are all that the claims describe. Claim 1 of the ’395 patent executes a mobile application that, on command from the user, communicates to a remote server to determine the location of the user, identifies

a lawyer in that jurisdiction, notifies the lawyer for assistance, establishes bi-directional video and audio communication, and stores the communication in a remote database.

Nor do the claims refer to the use of anything besides well-known and conventional technology. The required technology includes a mobile device, video camera, remote server, GPS, databases, and display technology. None of the patent claims require any special technical requirements or describe unique features or improvements.

Precedent and persuasive authority supports the Court's decision. *See Intell. Ventures I LLC v. Cap. One Fin. Corp.*, 850 F.3d 1332, 1342 (Fed. Cir. 2017) (holding that receiving transmitted data over a network and displaying it to a user merely implicates purely conventional activities); *Free Stream Media*, 996 F.3d at 1358–59 (using a “relevancy-matching server” to deliver targeted data based on “content identification data” and a “relevancy factor” does not save the claim); *Beteiro, LLC v. BetMGM, LLC*, 626 F. Supp. 3d 789, 802 n.7 (D.N.J. 2022) (finding that a generic location-determination step performed by a computer is not an inventive concept).⁶ Accordingly, the Court concludes that the claims are directed toward unpatentable subject matter and grants the motion.

⁶ Redmon Jeang relies on *CosmoKey Solutions GMBH & Co. KG v. Duo Sec. LLC*, 15 F.4th 1091 (Fed. Cir. 2021), which involved an improvement to authentication that increased security, including several novel improvements developed by the inventors. *CosmoKey* is inapplicable here, where all the steps are conventional and generic.

CONCLUSION

Based on the foregoing and on all the files, records, and proceedings herein, IT IS
HEREBY ORDERED THAT:

1. Defendants' motion for judgment on the pleadings (ECF No. 57) is
GRANTED; and
2. The joint motion to modify the scheduling order (ECF No. 74) is DENIED
AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 11, 2024

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge