

1 Inverter" -- and that's directly from Claim 37 -- thereby
2 proactively and automatically, as I understand it, preventing
3 the power overloads before they occur.

4 Based on the language of the patent, and that's what I
5 looked at was the language of the patent. I did not go outside
6 to specifications or anything of that nature. I looked at the
7 actual language of the claims. This represents a technological
8 improvement over the prior art similar to the advances that were
9 described in the *CardioNet* case and in the *McRO* case.

10 Now, I understand that the defense argues that prior
11 art systems also included load managers. Prior art systems also
12 automatically disconnected loads when there's an overload
13 scenario. Prior art systems also may have allowed an individual
14 to manually control the system that would present or avoid
15 overloads or maybe even a human being could manually proactively
16 prevent an overload. But the process that's described in Claim
17 37 represents an improvement over those pre-existing methods
18 because it describes an automated system that would proactively
19 rather than reactively prevent an overload and again is
20 automated rather than manual.

21 That's not an abstract idea. That is a system of both
22 conventional components. But the arrangement of those
23 conventional components, the placement of those conventional
24 components and the use of automation to for lack of a better
25 word I suppose anticipate simple overloads and address them

1 proactively.

2 So because I don't think -- because I find that that's
3 not an abstract idea, I think that the Motion to Dismiss should
4 be denied at Step One of the *Alice* process. I don't think I
5 need to get to Step Two. I do believe that the patent 727 is
6 directed, and I find that it's directed to patent-eligible
7 subject matter at the Motion to Dismiss stage.

8 The same is true for the 618 patent. Again, the
9 parties don't dispute that Claim 17, one, seven is
10 representative there. I'm not going to read in the entirety of
11 Claim 17 as plaintiff's counsel stated it's extensive. It's a
12 long claim. It is at Docket Number 1 at paragraph 40, but I am
13 going to emphasize just one paragraph, which is (e) of that
14 claim.

15 The claim itself goes through and talks about again
16 the system, the various components, a contractor, a power
17 supply, the processor unit, the user input unit, and then it
18 talks about how all of those components together would work with
19 a "processor circuit being programmed to cause a
20 load shed in response to at least one of
21 an actual or potential overload of the
22 second power source and further operating
23 to close the contactor -- I said contractor
24 earlier -- contactor to resupply power to
25 the first load after at least a known