IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

SOUNDCLEAR TECHNOLOGIES, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:24-cv-01283 (AJT/WBP)
	)	
AMAZON.COM, INC., *et al.*,	)	
	)	
Defendants.	)	

ORDER

In this patent infringement case, Defendants Amazon.com, Inc.; Amazon.com Services, LLC; and Amazon Web Services, Inc. (collectively "Amazon") filed a Motion to Transfer Venue Under 28 U.S.C. § 1404, [Doc. No. 40] (the "Motion to Transfer"), and a Motion to Dismiss, [Doc. No. 31] (the "Motion to Dismiss"). The Court held a hearing on the Motions on November 1, 2024, following which it took the Motions under advisement. Upon consideration of the Motions, the memoranda and exhibits submitted in support thereof and in opposition thereto, the argument of counsel at the hearing, and for the reasons stated below, the Motion to Transfer is **DENIED**, and the Motion to Dismiss is **GRANTED.**

I. STATEMENT OF FACTS[1]

Plaintiff SoundClear Technologies, LLC ("SoundClear") is a Virginia limited liability company. [Doc. No. 1] ¶ 2. Amazon is incorporated in Delaware, has a principal place of business in Seattle, Washington, and a second headquarters in Arlington, Virginia. *Id.* ¶¶ 3–4. SoundClear owns three patents: 11,069,337 ("337 patent"), 11,244,675 ("675 patent"), and 9,223,487 ("487 patent") (collectively "the patents"). SoundClear alleges that it did not grant Amazon prior

[1] The following facts are undisputed unless indicated otherwise.

approval, authorization, or license to use any part of the patents, *id.* ¶¶ 33, 40, 47, and that Amazon infringed the patents in making and selling four product lines: Amazon Echo,[2] Amazon Kindle and Fire,[3] Amazon Fire TV and Fire TV Cube (second generation), and Alexa Built-in products. *Id.* ¶ 15.

The United States Patent and Trademark Office ("USPTO") issued the 337 patent on July 20, 2021. *Id.* ¶ 30. The patent covers a "voice-content control device" that detects a user's voice through its microphone, measures the user's distance from the device, and remits an output response while adjusting the sound volume depending on the user's distance from the speaker. [Doc. No. 1-2] at 4–5. SoundClear alleges that Amazon infringed the 337 patent in various models of Amazon's Alexa and Echo. [Doc. No. 1] ¶¶ 60–61.

The USPTO issued the 675 patent on February 8, 2022. *Id.* ¶ 37. This device operates like the 337 patent with only a few relevant differences: (i) the device does not adjust sound volume based on the speaker's distance from the device; (ii) the device changes the output response based on whether a voice is predetermined or not; and (iii) the device can send its output response to

---

[2] SoundClear alleges multiple versions of the Amazon Echo violate the patents:

> Amazon Echo 1st Generation, Amazon Echo 2nd Generation, Amazon Echo 3rd Generation, Amazon Echo Dot 1st Generation, Amazon Echo Dot 2nd Generation, Amazon Echo Dot 3rd Generation, Amazon Echo Dot Kids Edition 1st Generation, Amazon Echo Dot Kids Edition 2nd Generation, Amazon Echo Look, Amazon Echo Show 2nd Generation, Amazon Echo Spot, Amazon Echo Plus 1st Generation, Amazon Echo Plus 2nd Generation, Amazon Echo Studio, Amazon Echo (4th Generation), Amazon Echo Dot (4th Generation), Amazon Echo Dot With Clock (3rd Generation), Amazon Echo Dot With Clock (4th Generation), Amazon Echo Dot Kids (3rd Generation), Amazon Echo Dot Kids (4th Generation), Amazon Echo Hub (all generations), Amazon Echo Show 5 (all generations), Amazon Echo Show 8 (all generations), Amazon Echo Show 10 (all generations), Amazon Echo Show 15 (all generations), Amazon Echo Show 15 10 (3rd generation).

[Doc. No. 1] ¶ 15.

[3] SoundClear also alleges that multiple versions of the Amazon Kindle and Fire violate the patents:

> Amazon Kindle Fire (2nd Generation), Kindle Fire (2.5th Generation), Kindle Fire (3rd Generation), Fire HD (4th Generation), Fire/Fire HD (5th Generation), Fire HD (6th Generation), Fire/Fire HD (7th Generation), Fire HD (8th Generation), Fire/Fire HD (9th Generation), Fire HD (10th Generation), Fire HD 10 (11th Generation), Fire 7 (12th Generation), Fire HD 8 (12th Generation), Fire HD 10 (13th Generation), Fire Max 11 (13th Generation).

Id.

another device (such as a phone or television) as text rather than projecting an audio response. *See* [Doc. No. 1-3] at 2, 8. SoundClear alleges that Amazon infringed the 675 patent through various models of Amazon's Alexa and Echo. [Doc. No. 1] ¶ 73.

The USPTO issued the 487 patent on December 29, 2015. *Id.* ¶ 44. The 487 patent describes a process for controlling touchscreen devices. If a user places two fingers on the touchscreen and moves the fingers together at the proper angle, the device will create an invisible rectangle around the user's "pinched" selection; once completed, the user may then command all items in that area (such as deleting, rotating, or copying) at once. [Doc. No. 1-1] at 6, 9, 11. SoundClear alleges that Amazon infringed the 487 patent with various models of Amazon's Fire and Kindle. [Doc. No. 1] ¶¶ 15, 84.

II. STANDARD OF REVIEW

A. Motion to Transfer

Transfer of venue is governed by 28 U.S.C. § 1404 which provides: "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." Accordingly, there is a two-part inquiry when considering whether to transfer venue, "(1) whether the claims might have been brought in the transferee forum, and (2) whether the interest of justice and convenience of the parties and witnesses justify transfer to that forum." *Trend Micro Inc. v. Open Text, Inc.*, No. 1:22-CV-1063, 2023 WL 6446333, at *5 (E.D. Va. Sept. 29, 2023) (internal citations omitted).

With respect to the first prong of the transfer analysis, patent infringement cases can be brought "in the judicial district where the defendant resides, or where the defendant has committed acts of infringement and has a regular and established place of business." 28 U.S.C. § 1400(b). Pursuant to Section 1400(b), a defendant resides only in its state of incorporation. *Trend Micro Inc.*, 2023 WL 6446333, at *4. As for the second prong of the transfer inquiry, courts consider "(1)

the weight accorded to plaintiff's choice of venue; (2) witness convenience and access; (3) convenience of the parties; and (4) the interest of justice." *Trs. of the Plumbers & Pipefitters Nat. Pension Fund v. Plumbing Servs., Inc.*, 791 F.3d 436, 444 (4th Cir. 2015). At bottom, "the decision whether to transfer is left to the discretion of the trial court." *Fed. Trade Comm'n v. Pukke*, 53 F.4th 80, 110 (4th Cir. 2022).

B. Eligibility for Patent Protection under 35 U.S.C. § 101.

The Patent Act provides that "any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" may be patented. 35 U.S.C. § 101. The act defines "process" as "process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material." *Id.* § 100(b). Abstract ideas are ineligible for patent protection, *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 71 (2012), but courts must not construe this exception too broadly because "all inventions at some level embody, use, reflect, rest upon, or apply . . . abstract ideas." *Id.* at 72. The abstract idea exception prevents patenting a result where "it matters not by what process or machinery the result is accomplished." *O'Reilly v. Morse*, 56 U.S. 62, 113 (1854).

When assessing whether a patent is valid under 35 U.S.C. § 101,[4] the *Alice* framework applies. At *Alice's* first step, the court must determine whether the patent covers an ineligible concept, such an abstract idea, *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208, 217 (2014),

[4] A patent is presumed valid, and a patent challenger must show ineligibility for patent protection by clear and convincing evidence. *Microsoft Corp. v. l4l Ltd. P'ship*, 564 U.S. 91, 95 (2011). Patent validity is question of law that may contain underlying facts. *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (Fed. Cir. 2018). At the pleading stage, a court may determine patent eligibility where there are no factual allegations that prevent resolving the question. *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1125 (Fed. Cir. 2018). Although claim construction and discovery can be helpful in determining patent validity, it is not necessary where a patentee does not "propose a specific claim construction or identify specific facts that need development and explain why those circumstances must be resolved" prior to ruling on the patent's validity under § 101. *Trinity Info Media, LLC v. Covalent, Inc.*, 72 F.4th 1355, 1361 (Fed. Cir. 2023). Here, SoundClear has not proffered specific facts that must be determined before ruling on the patents' validity, and the Court has not independently found any reason that warrants delaying its ruling pending claim construction or the determination of specific facts.

and for that purpose, the Court must consider the patent's claims "in their entirety to determine . . . their character as a whole." *McRO, Inc. v. Bandai Namco Games Am., Inc.*, 837 F.3d 1299, 1312 (Fed. Cir. 2016). If the asserted patent is for "a specific means or method that improves the relevant technology" rather than merely "a result or effect that itself is the abstract idea," then it passes *Alice*'s step one. *Id.* at 1314. If there is an abstract idea, *Alice*'s step two requires the court to examine the patent claim and determine if there is something "significantly more" that "'transform[s] the nature of the claim' into a patent-eligible claim or 'inventive concept.'" *Id.* at 217–18 (quoting *Mayo*, 566 U.S. at 73) (alteration omitted).

III. DISCUSSION

A. Motion to Transfer

In support of its Motion to Transfer, Amazon contends that (1) the Northern District of California is the center of the infringing conduct because Lab126 is in Northern California, [Doc. No. 41] at 15; (2) the key party and non-party witnesses are located in Northern California, *id.* at 15–17; (3) the non-testimonial sources of evidence are typically accessed from Northern California, *id.* at 14; and (4) Northern California courts have a local interest in adjudicating the case, *id.* at 17.

1. <u>This action could have been brought in the Northern District of California</u>

Venue is proper in the Northern District of California if it is a district where the defendant "has committed acts of infringement" and maintains a "regular and established place of business." *See* 28 U.S.C. § 1400(b). As SoundClear concedes, some acts of infringement occurred at Amazon's Northern California facilities, which employ thousands of employees; and this action could have been brought in the Northern District of California.

2. The convenience of the parties and interests of justice factors disfavor transfer

In assessing whether the interests of justice and convenience of the parties justify transfer to the Northern District of California, the Court must analyze "(1) the weight accorded to plaintiff's choice of venue; (2) witness convenience and access; (3) convenience of the parties; and (4) the interest of justice." *Pipefitters*, 791 F.3d at 444.

As for the first factor, a plaintiff's "choice of venue is entitled to substantial weight in determining whether transfer is appropriate." *Id.*; *Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 255 (1981). But "the level of deference of such choice varies with the significance of the contacts between the venue chosen by the plaintiff and the underlying cause of action." *ThroughPuter, Inc. v. Microsoft Corp.*, No. 3:21cv216, 2022 WL 874319, at *7 (E.D. Va. Mar. 23, 2022). In patent cases, a plaintiff's choice of forum is afforded "minimal weight," where, as here, SoundClear has few business activities in the district and is appropriately classified as a "non-practicing entity" that "does not research and develop new technology," but instead merely "acquires patents, licenses the technology, and sues alleged infringers." *Glob. Touch Sols., LLC v. Toshiba Corp.*, 109 F. Supp. 3d 882, 896 (E.D. Va. 2015) (internal citations omitted) (collecting cases). Courts will also consider where "the center of the accused activity" is located, that is, in what forum were the accused products designed and developed, *see id.* at 896–907, and whether the forum has special ties to the alleged infringement activities or, conversely, whether it has the same ties as every other state. *Id.* at 897.

Since SoundClear is a non-practicing entity that has not developed products or licensed its technology for use in products, with no employees in Virginia, SoundClear lacks the contacts that usually result in substantial weight being afforded to plaintiff's choice of home forum. Nevertheless, given that Amazon HQ2 is located in Arlington, Virginia and is involved in bringing the accused products to market, Virginia has unique ties to the underlying claims; and

SoundClear's choice of forum is entitled to some deference. *See LTD. v. Amazon.com, Inc.*, No. 1:19-CV-1570, 2020 WL 9536937, at *14 (E.D. Va. Apr. 9, 2020) (declining motion to transfer because Amazon's "forthcoming HQ2" was evidence of strong business ties that warrant deference for the plaintiff's choice of forum in a patent infringement action).

With respect to witness convenience, a factor "of considerable importance in determining whether a transfer of venue is appropriate under Section 1404(a)[,]" *Glob. Touch Sols.*, 109 F. Supp. 3d at 899, courts consider: (i) what testimony is central to the claims, (ii) whether the material witnesses are party or non-party witnesses, (iii) the availability of the compulsory process, and (iv) the costs of obtaining witnesses. *Id.* "[P]arty witnesses are presumed to be more willing to testify in a different forum . . . there is no such presumption as to non-party witnesses." *Bluestone Innovations, LLC v. LG Elecs., Inc.*, 940 F. Supp. 2d 310, 317 (E.D. Va. 2013) (internal citations omitted). "Curing an inability to secure a key witness weighs heavily in favor of transfer. Making attendance more convenient or affordable for a willing witness still weighs in favor of transfer, just not as heavily." *Id.*

SoundClear and Amazon point to party witnesses located in California, Washington, Massachusetts, and Virginia who are allegedly the "most knowledgeable" about the alleged infringement activities. [Doc. No. 41] at 5–9; [Doc. No. 56] at 22–26. Amazon also asserts there are non-party witnesses located in California who will provide key testimony regarding whether the pinch-to-zoom patent has been infringed. [Doc. No. 41] at 9–10. The party witnesses are presumed to be willing to testify, albeit at a higher cost to Amazon, but those costs are not dispositive. As for the non-party witnesses, Amazon has not presented any evidence or information regarding whether those witnesses are willing to travel or would otherwise be available given the pendency of other litigation involving the same patents in this District. *See SoundClear Techs.*

LLC v. Google LLC, No. 3:24-cv-00540-MHL (E.D. Va.). Given these considerations, the witness convenience factor slightly favors transfer.

As for the third factor, the convenience of the parties, courts assess where the parties reside, where the parties are headquartered, and where the non-witness evidence is located. *See Bluestone Innovations*, 940 F. Supp. 2d at 316; *Glob. Touch Sols.*, 109 F. Supp. 3d at 903; *DietGoal Innovations LLC v. Wegmans Food Mkts., Inc.*, 993 F. Supp. 2d 594, 605 (E.D. Va. 2013). Here, SoundClear resides in Virginia, and the parties are all headquartered in Virginia.[5] With respect to where the non-testimonial evidence is located, Amazon has not demonstrated that it will incur high costs to access non-testimonial evidence located in California. In sum, the convenience of the parties weighs against transfer.

With respect to the fourth factor, the interests of justice, the Court looks to "the public interest factors aimed at systemic integrity and fairness." *Bluestone Innovations*, 940 F. Supp. 2d at 319. "The most prominent elements of systemic integrity are judicial economy and the avoidance of inconsistent judgments." *Id.* Similarly, "[f]airness is assessed by considering factors such as docket congestion, interest in having local controversies decided at home, knowledge of applicable law, unfairness with burdening forum citizens with jury duty, and interest in avoiding unnecessary conflicts of law." *Id.* Here, there exists a local interest in resolving these claims, which involve the same three patents-in-suit against Google in a parallel proceeding in this District as well as Amazon HQ2 employees.

[5] For purposes of § 1400(b), "a domestic corporation 'resides' only in its State of incorporation." *TC Heartland LLC v. Kraft Foods Grp. Brands LLC*, 581 U.S. 258, 258 (2017). Therefore, SoundClear's residence is Virginia and Amazon's is Delaware. *See* [Doc. No. 1] ¶¶ 2–13. Further, Amazon has one headquarters (i.e., HQ1) in Seattle, Washington and a second headquarters (i.e., HQ2) in Arlington, Virginia. *Id.* at ¶ 22. SoundClear, a non-practicing entity, has its headquarters at 1900 Reston Metro Plaza, Suite 600, Reston, Virginia 20190. *Id.* ¶ 2; [Doc. No. 56] at 17.

For the above reasons, Amazon has not established that this case should be transferred to the Northern District of California,[6] and the Motion to Transfer is **DENIED**.

B. Motion to Dismiss

Amazon moves to dismiss SoundClear's Complaint by arguing that (1) the patents are invalid under 35 U.S.C. § 101, [Doc. No. 32] at 3; (2) SoundClear has not alleged a plausible claim of patent infringement, *id.* at 25; and (3) if the Court does not dismiss the Complaint, it should dismiss SoundClear's request for enhanced damages as there is no evidence of willful infringement, *id.* at 30. However, this matter is resolved in deciding only Amazon's first argument because the patents are ineligible for patent protection.

1. The 337 Patent

Amazon argues that the 337 patent is directed at an abstract idea because (i) it merely collects information, analyzes information, and presents the results, [Doc. No. 32] at 8; (ii) it fails to clarify how the device's process operates, *id.* at 9, and (iii) there is a clear nontechnical analogue because it merely tailors sound volume like humans do in a conversation, *id.* at 10. SoundClear contends that the 337 patent is an improved voice-content control device, which is eligible for protection under *Alice*'s first step, [Doc. No. 35] at 8, and recites unconventional features that pass *Alice*'s second step, *id.* at 13–14.

Claim 4 of the 337 patent, which the Court finds is representative, [7] describes its voice-content control method that functions as follows:

[6] Amazon's request to transfer to the Richmond Division is also denied because it has not explained why this case and *SoundClear Technologies LLC v. Google LLC*, No. 3:24-cv-00540-MHL (E.D. Va.), should proceed in the Richmond Division as opposed to this Division.

[7] A claim is representative "if the patentee does not present any meaningful argument for the distinctive significance of any claim limitations not found in the representative claim or if the parties agree to treat a claim as representative." *Berkheimer*, 881 F.3d at 1365. The challenger "bears the initial burden to make a prima facie showing that the group of claims are 'substantially similar and linked to the same' ineligible concept." *Mobile Acuity Ltd. v. Blippar Ltd.*, 110 F.4th 1280, 1290 (Fed. Cir. 2024). The four other claims in the 337 patent all discuss the voice-content control device and the storage medium for the voice-content control program, [Doc. No. 1-2] at 18–19, and do not contain any claim limitations that are "distinctive[ly] significant." *See Berkheimer*, 881 F.3d at 1365

[a] calculating a distance between a user and a voice-content control device;
[b] acquiring a voice spoken by a user;
[c] analyzing the acquired voice to classify the acquired voice as either one of a first voice and a second voice based on the distance between the user and the voice-content control device;
[d] analyzing the acquired voice to execute processing intended by the user;
[e] generating, based on content of the executed processing, output sentence that is text data for a voice to be output to the user; and
[f] adjusting a sound volume of voice data obtained by converting the output sentence thereinto, wherein
[g] at the generating,
[g1] a first output sentence is generated as the output sentence when the acquired voice has been classified as the first voice, and
[g2] a second output sentence is generated as the output sentence in which a part of information included in the first output sentence is omitted when the acquired voice has been classified as the second voice, wherein
[h] at adjusting the sound volume of voice data, further adjusting the sound volume of voice data such that the sound volume of voice data obtained by converting the first output sentence thereinto differs from the sound volume of voice data obtained by converting the second output sentence thereinto.

[Doc. No. 1-2] at 19:22–20:9. In short, this patent describes a device that calculates the user's distance from the device, categorizes the voice based on the distance, and adjusts the output sound volume based on its calculation. [Doc. No. 1-2] at 19:22–20:9.

This claim contains two aspects that are "well-settled indicators of abstractness." *See Beteiro, LLC v. DraftKings Inc.*, 104 F. 4th 1350, 1355 (Fed. Cir. 2024) (discussing well-settled features of abstractness include "recit[ing] generic steps . . . [and] results-focused functional language containing no specificity about how the purported invention achieves those results"). First, the patent only broadly discusses the generic steps at a high level of generality rather than describing *how* these results are achieved. In *Beteiro*, claim language such as "detecting information, generating and transmitting a notification based on the information, receiving a message. . . and processing information" were only generic steps that did not confer patent eligibility. *Id.* Similarly, the 337 patent describes "calculating . . . analyzing . . . generating . . . [and] adjusting" without providing significant detail to explain *how* the process in the device is

executed. *See Dialware Commc'ns, LLC v. Hasbro, Inc.*, No. cv-16-9012, 2017 WL 3453298, at *2 (C.D. Cal. Mar. 22, 2017)("At core, the patents attempt to state methods for toys to communicate by sending, receiving, and responding to signals. The claims do not state a means by which to communicate, but rather are directed at the abstract process of communication itself.").

Second, claims with "result-focused functional language . . . . are almost always found to be ineligible for patenting under Section 101." *Beteiro*, 104 F. 4th at 1356; *see Elec. Power Grp. LLC v. Alstom S.A.*, 830 F.3d 1350, 1356 (Fed. Cir. 2016) ("[T]he essentially result-focused, functional character of claim language has been a frequent feature of claims held ineligible under § 101."); *Two-Way Media Ltd. v. Comcast Cable Commc'ns, LLC*, 874 F.3d 1329, 1337 (Fed. Cir. 2017) ("The claim requires the functional results of 'converting,' 'routing,' 'controlling,' 'monitoring,' and 'accumulating records,' but does not sufficiently describe how to achieve these results in a non-abstract way."). The 337 patent explains that the device calculates the user's distance from the device, but it does not explain *how* the device completes this calculation. It also explains that the device generates a response and adjusts the sound volume based on this calculation; but it does not explain the process by which this is completed. Simply stated, the 337 patent seeks to patent an abstract idea because "it matters not by what process or machinery the result is accomplished." *See O'Reilly*, 56 U.S. at 62.

Nor is the patent not abstract, as SoundClear contends, because it involves an improved "output content control device." [Doc. No. 35] at 15. For an improvement to be eligible for patent protection, those improvements must demonstrate a specific process for achieving the improvement. Because the 337 patent merely expresses an idea for improvement, without expressing the process by which the improvement is executed, it is an abstract idea.

Turning to *Alice*'s second step, there is nothing "significantly more" that transforms the 337 patent to an inventive concept. The 337 patent is directed to the abstract idea of tailoring information to a user based on their distance from the device. SoundClear alleges that the unconventional features of the device transform it into something significantly more than an abstract idea, [Doc. No. 35] at 13; however, it provides no unique steps of improving speech detection devices and is nothing more than the abstract idea of moderating a sound response based on the distance of the speaker.

For these reasons, the 337 patent is ineligible for patent protection under 35 U.S.C. § 101.

2. The 675 Patent

The 675 patent is ineligible for patent protection for essentially the same reasons that the 337 patent is ineligible.[8] Claim 5 of the 675 patent, which the Court finds is representative,[9] describes an output content control method with the following process:

> [a] acquiring a voice spoken by a user;
> [b] calculating a distance between the user and an output-content control device by a proximity sensor to classify the voice into either a first voice or a second voice based on the calculated distance;
> [c] analyzing the acquired voice to detect intention information indicating what kind of information is wished to be acquired by the user;
> [d] acquiring notification information which includes content information as a content of information to be notified to the user based on the intention information; and
> [e] generating, when the voice is determined to be the first voice, a first output sentence in which at least one word selected among words included in the content information of the notification information is replaced with another word; and
> [f] generating, when the voice is [] determined to be the second voice, a second output sentence which includes all of the intention information and the content information.

[8] The parties advance essentially the positions with respect to the 675 patent as the 337 patent. *See* [Doc. No. 32] at 14–16; [Doc. No. 35] at 15–16.
[9] The other claims of the 675 patent all cover the output-content control device or the storage medium for the device. [Doc. No. 1-3] at 19–20.

[Doc. No. 1-3] at 22:3-28. Put simply, the 675 patent tailors the output response based on its classification of the speaker's voice and can omit information from the response if the speaker is not a "predetermined" voice.

Like the 337 patent, the 675 patent contains both results-focused language and generic language that does not explain how the process is executed within the device. Reflecting its abstract nature, the 675 patent can filter the output response in any number of ways to change the output response based on the detected user voice and is devoid of any indication as to how the device processes this step, or any other steps, in the process.

This patent also seeks to cover a process of minimal tailoring based on a user's information, which is an abstract idea. In *Intellectual Ventures I LLC v. Capitol One Bank*, the Federal Circuit considered a patent that "claims methods and systems for providing customized web page content to the user as a function of user-specific information and the user's navigation history." 792 F.3d 1363, 1365 (Fed. Cir. 2015). It held that this minimal tailoring based on information known about the viewer is an abstract idea. *Id.* at 1369. Similarly, the 675 patent engages in this same tailoring process based on whether it recognizes a user's voice or not. This kind of tailoring is an abstract idea. *See generally Alstom*, 830 F.3d at 1353-54 (collecting cases). SoundClear alleges that the 675 patent is not abstract because it is an improved output content control device. [Doc. No. 35] at 15. But the 675 patent merely expresses an abstract idea for improvement without expressing the process by which the improvement is executed.

Moving to *Alice*'s step two, there are no additional features of this claim that transform it into an inventive concept. *See Alice*, 573 U.S. at 215. There are no unconventional features or unique steps that transform this abstract idea into something innovative or inventive.

For the above reasons, the 675 patent is invalid under 35 U.S.C. § 101.

C. The 487 Patent

Claim 11 of the 487 patent, which the Court finds representative,[10] covers a method of selecting items on a touchscreen:

> [a] indicating objects on a display;
> [b] detecting user's touches to a touch panel superposed on the display and acquiring positions of the user's touches to the touch panel as touch positions;
> [c] deciding whether or not first and second touch positions are acquired by the detecting and acquiring step;
> [d] calculating a distance between the first and second touch positions;
> [e] deciding whether or not the calculated distance between the first and second touch positions decreases in accordance with the lapse of time; and
> [f] setting a rectangular area with respect to the display and selecting an object or objects contained in the rectangular area in cases where it is decided that the first and second touch positions are acquired and the distance between the first and second touch positions decreases in accordance with the lapse of time;
> [g] wherein two opposite corners of the rectangular area are respectively coincident with the first and second touch positions occurring at an initial stage of the user's touches to the touch panel;
> [h] wherein the setting and selecting step comprises deriving a first vector extending from the first touch position occurring at a first moment to the first touch position occurring at a second moment after the first moment, deriving a straight line connecting the first and second touch positions occurring at the first moment, deriving a second vector extending from the second touch position occurring at the first moment to the second touch position occurring at the second moment, calculating a first angle between the first vector and the straight line, calculating a second angle between the second vector and the straight line, deciding whether or not the first angle is smaller than a prescribed angle, and deciding whether or not the second angle is smaller than the prescribed angle; and
> [i] wherein the setting and selecting step further comprises setting the rectangular area and selecting the object or objects contained in the rectangular area in cases where it is decided that the distance between the first and second touch positions decreases in accordance with the lapse of time, the first angle is smaller than the prescribed angle, and the second angle is smaller than the prescribed angle.

[10]. The other claims all concern either the method of controlling the touchscreen or the storage medium for the program. [Doc. No. 1-1] at 31–34.

[Doc. No. 1-1] at 23:49-24:27. In short, it discusses a process of controlling a touchscreen device in a way that allows a user to select an entire area of the screen by placing their fingers at two touchpoints and moving them together at the correct angle. Amazon contends that this process in the 487 patent is an abstract idea because it is merely collecting and analyzing information, [Doc. No. 32] at 20–21, and is analogous to human activity, *id.* at 22–23. SoundClear alleges that the patent is valid because it improves a user's interface on a touchscreen device. [Doc. No. 35] at 20.

The Federal Circuit has repeatedly stated that "improving a user's experience while using a computer application is not, without more, sufficient to render the claims" patent-eligible at step one. *Int'l Bus. Machs. Corp. v. Zillow Grp.*, 50 F.4th 1371, 1378 (Fed. Cir. 2022) (citing *Customedia Techs., LLC v. Dish Network Corp.*, 951 F.3d 1359, 1365 (Fed. Cir. 2020)); *Trading Techs. Int'l, Inc. v. IBG LLC*, 921 F.3d 1084, 1092–93 (Fed. Cir. 2019). In *International Business Machines*, the Federal Circuit determined that an improved computer interface that allowed a user to display, filter, and interact with geospatial data was not inventive because it merely presented an abstract idea (collecting, analyzing, displaying data) and invoked computers merely as a tool for presenting the abstract idea. 50 F.4th at 1378. Similarly, the 487 patent is directed at the abstract idea of collecting, analyzing, and presenting information and merely invokes computer technology to improve a user's experience with a touchscreen device. The 487 patent does not claim inventive technology for improving the tablets' functionality, but rather presents an abstract idea where the touchscreen device is invoked only as a tool. *See id.* at 1377.[11]

[11] In support of its position that the 487 patent is eligible for patent protection, SoundClear relies on *Core Wireless Licensing.* There, the Federal Circuit determined that two patents covered "improved interfaces [to] allow a user to more quickly access desired data stored in, and functions of applications included in, the electronic devices" by having "[a]n application summary window displays a limited list of common functions and commonly accessed stored data which itself can be reached directly from the main menu listing some or all applications." *Core Wireless Licensing S.A.R.L. v. LG Elecs., Inc.*, 880 F.3d 1356, 1359 (Fed. Cir. 2018) (internal citations omitted). But this case was decided before *International Business Machines*, *Customedia Technologies*, and *Trading Technologies*, all of which unambiguously note the Federal Circuit's clear rule that "improving a user's experience while using a computer

Moving to *Alice*'s second step, there is nothing significantly more that transforms this abstract idea into an inventive concept. As noted in *International Business Machines*, "an abstract idea implemented on generic computer components, without providing a specific technical solution beyond simply using generic computer concepts in a conventional way" do not suffice at step two. *Int'l Bus. Machs.*, 50 F.4th at 1378 (citing *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1352 (Fed. Cir. 2016)).

For the above reasons, the 487 patent is not valid under § 101.

IV. CONCLUSION

For the reasons stated above, transfer to the Northern District of California is not warranted, and the 337, 675, and 487 patents are invalid for patent protection under 35 U.S.C. § 101; and it is hereby

ORDERED that the Motion to Transfer, [Doc. No. 40], be, and the same hereby is, **DENIED;** and it is further

ORDERED that the Motion to Dismiss, [Doc. No. 31], be, and the same hereby is, **GRANTED**, and this action is **DISMISSED.**

The Clerk is directed to forward copies of this Order to all counsel of record and enter judgment in accordance with this Order pursuant to Federal Rule Civil 58.

Alexandria, Virginia
November 8, 2024

/s/
Anthony J. Trenga
Senior United States District Judge

application is not, without more, sufficient to render the claims directed to an improvement in computer functionality." *Customedia Techs., LLC v. Dish Network Corp.*, 951 F.3d 1359, 1365 (Fed. Cir. 2020).