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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

SECURE AUTHENTICATION
TECHNOLOGIES LLC,

Plaintiff,

v.

PLAID INC.,

Defendant.

**REPLY IN SUPPORT OF DEFENDANT
PLAID INC.'S MOTION TO DISMISS
UNDER FEDERAL RULE OF CIVIL
PROCEDURE 12(b)(6)**

Case No. 2:25-cv-00514-DAK-JCB

District Judge: Hon. Dale A. Kimball

Magistrate Judge: Hon. Jared C. Bennett

JURY TRIAL DEMANDED

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In an ill-guised attempt to distract from the insufficiency of its Complaint, Plaintiff peppers its Opposition with conclusory labels like “technological solution” and “specialized computer hardware”—hoping its repetition of these labels will somehow save the ’090 patent from ineligibility under 35 U.S.C. § 101. It does not, as Plaintiff fails to identify anything in the *claim language* that substantiates these labels. It is well settled that the Section 101 “inquiry” “must focus on the *language of the Asserted Claims*,” and thus “features that are not claimed are *irrelevant*.” *ChargePoint, Inc. v. SemaConnect, Inc.*, 920 F.3d 759, 769 (Fed. Cir. 2019) (emphasis added); *Am. Axle & Mfg., Inc. v. Neapco Holdings LLC*, 967 F.3d 1285, 1293 (Fed. Cir. 2020) (emphasis added). Here, the claims’ language makes clear that they fail the two-step Section 101 test because they are directed to an abstract idea and lack any inventive concept.

It is thus unsurprising that Plaintiff cannot distinguish the merits of controlling precedent—*Alice*, *Universal Secure Registry*, and *cxLoyalty*—all of which held ineligible claims directed to the same abstract idea at the heart of the ’090 patent claims: using a third-party intermediary to facilitate a transaction. To avoid this precedent, Plaintiff attempts to leverage non-substantive distinctions in procedural posture and other inaccurate characterizations, but none of its arguments hold weight. Allowing “[m]onopolization” of this idea would stifle innovation using that idea and defeat patents’ intended purpose of promoting innovation. *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014). Plaintiff’s remaining arguments—including an empty request for leave to amend even though it offers not a *single* additional allegation that could materially impact the inquiry here—fail because they likewise find no basis in the claims or patent. Plaintiff’s Opposition reads as an echo chamber of its assertion that the claims are patent eligible; the actual claim language and controlling precedent dictate otherwise. Dismissal with prejudice must be granted.

I. THE CLAIMS OF THE '090 PATENT ARE NOT PATENT ELIGIBLE

A. Alice Step One: The Claims Are Directed to an Abstract Idea

1. There Is No Legal or Factual Basis for Plaintiff's Step One Argument

The Step One inquiry “ask[s] what the patent asserts to be the *focus* of the claimed advance over the prior art,” and whether that focus is on a patent-ineligible abstract idea. *Yu v. Apple Inc.*, 1 F.4th 1040, 1043 (Fed. Cir. 2021); D.I. 29 (“Br.”) at 9. Here, the focus of the claimed advance is using a third-party intermediary (*i.e.*, the claimed “third-party entity”) to facilitate a transaction (*i.e.*, multi-factor authentication). Br. 9–13. This is an abstract idea that “[h]umans have long” implemented, including for user authentication. *cxLoyalty, Inc. v. Maritz Holdings Inc.*, 986 F.3d 1367, 1377 (Fed. Cir. 2021); *Alice*, 573 U.S. at 219–20; *Universal Secure Registry LLC v. Apple Inc.*, 10 F.4th 1342, 1350 (Fed. Cir. 2021) (“*USR*”). As detailed below, Plaintiff’s contrary arguments are legally wrong and lack any support in the claim language and specification.

Plaintiff’s Argument Rests on an Incorrect Legal Premise. Plaintiff suggests a claim is directed to an abstract idea *only* if its “solution existed before computers were invented.” D.I. 30 (“Opp.”) at 9. This, of course, is a convenient argument for Plaintiff to make because, if true, the supposed “solution” in the '090 patent could not be deemed abstract since it post-dates the existence of computers. Plaintiff’s cited case law does not support its assertion,¹ and Federal Circuit precedent contradicts its argument. The Federal Circuit has held ineligible numerous claimed solutions that did *not* exist “before computers were invented,” *e.g.*, those relating to

¹ Plaintiff cites *PowerBlock Holdings, Inc. v. iFit, Inc.*, 146 F.4th 1366, 1373 (Fed. Cir. 2025), which found claims directed to a specific mechanical improvement to automated weight stacking to be eligible. Opp. 9. *PowerBlock*, and Plaintiff’s other cited case law, never held that a claimed solution must have “existed before computers were invented” to be an ineligible abstract idea.

artificial intelligence (*Recentive Analytics, Inc. v. Fox Corp.*, 134 F.4th 1205, 1212–14 (Fed. Cir. 2025)) and electric vehicle charging stations (*ChargePoint*, 920 F.3d at 766–70).

The Claims Do Not Provide a “Technological Solution” to a “Technological Problem.” Plaintiff argues that its patent “solves” the “technological” problem that an “individual would need to provide an authentication code every time” a third party accesses their account. Opp. 3, 9. Plaintiff tries to make the claimed “solution” sound technological by arguing the claims “enabl[e] a third-party to gain secure access to online accounts” or “future access” by the third party without the account holder present. *Id.* at 13. The problem Plaintiff identifies, however, is not “technological.” Providing one or more forms of authentication (*e.g.*, a person’s birthdate and social security number) every time a third party needs to securely access information (*e.g.*, healthcare records at a hospital or a bank account) is a practice that has long existed, even outside the context of computers. Br. 6 n.2, 9–13. Indeed, this practice itself repeatedly has been deemed an ineligible abstract idea. *See, e.g., USR*, 10 F.4th at 1350.

The solution of the claims is also not “technological.” For patent eligibility, claims “must make ‘*non-abstract improvements* to existing technological processes and computer technology,’” such as a “specific technique that departs from earlier approaches.” *Dropbox, Inc. v. Synchronoss Techs., Inc.*, 815 F. App’x 529, 533, 535 (Fed. Cir. 2020).² Claims do not provide a “technological solution to a technological problem” where they “do not recite an improved structure or function[ing]” of the existing technology, and instead only “require that [the recited] processes be executed on a generic computer.” *See Broadband iTV, Inc. v. Amazon.com, Inc.*, 113 F.4th 1359,

² All further emphasis in this brief is supplied unless otherwise noted.

1368–69 (Fed. Cir. 2024); *FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1097 (Fed. Cir. 2016). Here, Plaintiff contends the claims “enable” third-party access to an account, but it identifies nothing *in the claims* requiring any “*non-abstract improvement*” to the existing technological processes and computer technology” to do so. Instead, the claims merely use generic components to carry out an abstract idea. While the claims employ their method in a “computer field,” that “does not alone transform them into a patent-eligible application.” *FairWarning*, 839 F.3d at 1097. The Federal Circuit has “repeatedly held that mere computer-based implementation, without more, is not sufficient to render claims directed to patent-eligible subject matter at step one.” *USAA v. PNC Bank N.A.*, 139 F.4th 1332, 1336–40 (Fed. Cir. 2025).

The Claims Require No “Specialized Computer Hardware.” Plaintiff also contends the claims require “specialized computer hardware.” Opp. 10. But Plaintiff identifies no support *in the claims* or elsewhere in the patent for this assertion, including what the hardware is or how it is specialized. The Federal Circuit has made clear “that features that are not claimed are *irrelevant*” to this analysis. *Am. Axle*, 967 F.3d at 1293. Further, “conclusory allegations” “*unsupported by the patent* itself” “have repeatedly [been] found *insufficient* to survive the pleading stage.” *IBM v. Zillow Grp., Inc.*, No. 2022-1861, 2024 WL 89642, at *5 (Fed. Cir. Jan. 9, 2024). In fact, the court in *Rady v. Boston Consulting Group, Inc.* rejected the patentee’s assertion that its claims were eligible “because [they] relied upon *specialized* sensors,” as the patent did not support the assertion. No. 2022-2218, 2024 WL 1298742, at *5 (Fed. Cir. Mar. 27, 2024). Thus, Plaintiff’s assertions should be ignored, as they lack any support in the claims themselves.

2. Plaintiff Avoids Controlling Precedent and Misapplies Inapt Cases

Plaintiff fails to distinguish the controlling case law fatal to the eligibility of the ’090 patent

claims: *Alice*, *cxLoyalty*, and *USR* all hold that claims focused on using a third-party intermediary to facilitate a transaction are abstract and patent ineligible.

Plaintiff tries to dismiss *Alice* and *cxLoyalty* as “categorically inapplicable.” Opp. 21–22. It argues that because *Alice* involved summary judgment motions and *cxLoyalty* involved a PTAB proceeding, their holdings do not apply to this case, which does not have a “similarly complete record,” including “expert testimony.” *Id.* But those decisions did not rely on *any* expert testimony or other evidence from discovery. And Plaintiff notably does not suggest any specific testimony or discovery that could materially change the outcome here. Plaintiff’s hollow argument fails.

Further, Plaintiff never addresses the identical procedural posture of *USR* (*i.e.*, grant of a motion to dismiss), let alone its holding that the *USR* claims were ineligible because they focused on the abstract idea of “verifying the identity of a user to facilitate” a “transaction” by “using a *third-party intermediary*” (like the ineligible *Alice* claims) and implemented it by “merely” employing “computers” “in a conventional way.” 10 F.4th at 1350. Plaintiff argues that, unlike the *USR* claims, the ’090 patent’s solution “did not exist *before* computers.” Opp. 22 (emphasis in original). This is wrong. The *USR* decision was not based on whether the claimed solution existed before computers—rather, the claims were held ineligible *even though their solution* (*i.e.*, securely accessing a system “through a user’s electronic ID device,” for example, a “cell phone”) *did not exist before computers*. 10 F.4th at 1348. In any event, Plaintiff’s argument—which it repeats in attempting to distinguish *Plaid*’s other cited case law—is legally wrong; pre-dating computers is not a prerequisite to an idea being held abstract. *Supra* § I.A.1.

Unable to square this fatal legal precedent, Plaintiff argues, without anything more than perfunctory analysis, that “[t]his case is closer to *CosmoKey*.” Opp. 24–25. But the *CosmoKey*

claims had nothing to do with using a third-party intermediary to facilitate a transaction. Br. 13 n.5. Instead, they recited a “specific . . . improved method for overcoming hacking by ensuring that the authentication function is normally inactive, activating only for a transaction, communicating the activation within a certain time window, and thereafter ensuring that the authentication function is automatically deactivated” that “improv[ed] . . . computer and network security” and “can be carried out even with mobile devices of low complexity.” *CosmoKey Sols. GmbH & Co. KG v. Duo Sec., LLC*, 15 F.4th 1091, 1099 (Fed. Cir. 2021). In contrast, the ’090 patent claims employ conventional computers to “collect,” “encrypt,” “store,” “verify,” “receive,” and “transmit,” without solving a specific computer problem; they do not “provide[] a technical improvement over conventional authentication methods.” *Id.*

Plaintiff also cites this Court’s decision in *InsideSales.com, Inc. v. SalesLoft, Inc.*, No. 2:16-cv-859-DAK, 2017 WL 2559932 (D. Utah June 13, 2017). Opp. 1. But the claims there had nothing to do with facilitating user authentication. They provided a specific, unconventional technological solution for determining “whether a user opened an email or clicked on a link within the email” and “whether the recipient clicks on an embedded hyperlink and monitor where and for how long the recipient visits specific portions of the website.” 2017 WL 2559932, at *2–3. The solution required specific “arrangements of multiple pieces of software, or control logic,” and “did not exist until plaintiff’s invention solved the technical problems associated with how email normally worked.” *Id.* Here, in contrast, the ’090 patent claims merely use generic components to automate an abstract idea: using a third-party intermediary to facilitate a transaction.

3. Plaintiff’s Remaining Arguments Fail

Plaintiff’s Empty Claim Construction Request Fails to Save the Claims. Plaintiff contends

claim construction is necessary here, arguing that the claimed “processors” should be construed as “specialized processors that can implement the ‘encrypting’ limitation, which requires 256-bit bank-level encryption and headless browsing.” Opp. 12. The Federal Circuit, however, has held that where a party “fail[s] to explain why any proposed constructions [a]re not frivolous or how its constructions would make any difference to the *Alice* analysis,” it is appropriate to “resolv[e] the motion to dismiss without first undertaking claim construction.” *Sanderling Mgmt. Ltd. v. Snap Inc.*, 65 F.4th 698, 704 (Fed. Cir. 2023). Here, Plaintiff never explains *how* its vague constructions “would make any difference to” the analysis. Further, claim construction ordinarily looks first to the language of the claims in view of the specification. *Trs. of Columbia Univ. v. Symantec Corp.*, 811 F.3d 1359, 1362 (Fed. Cir. 2016). But Plaintiff identifies no support for its constructions in the claims or specification. Nor could it. Nothing in the patent requires “specialized processors” or “256-bit bank-level encryption.” Thus, Plaintiff does no “more than invoke a generic need for claim construction,” which is inadequate “to avoid” dismissal “under § 101.” *Trinity Info Media, LLC v. Covalent, Inc.*, 72 F.4th 1355, 1360 (Fed. Cir. 2023).

Plaintiff Incorrectly Argues That Plaid Ignored Claim Elements. Plaintiff accuses Plaid of “ignor[ing] the” claims’ steps of “encrypting” and “storing” “endpoints” for an account. Opp. 13. Plaintiff also contends Plaid “omit[ted] ‘encrypting’” as a step that can be performed by a human in their mind or with pen and paper. Opp. 13–14. Plaintiff is wrong across the board. Plaid explained that the function of “encrypting” data in the claims cannot save them from abstractness because, under controlling precedent, encrypting data itself is abstract. Br. 17–18. It also stated the claims “recite only basic functions, such as . . . ‘encrypting[]’ . . . information—all of which humans have long performed mentally or with a pen and paper.” *Id.* at 3. Plaid further addressed

how “storing” “endpoints” in the relevant claims simply involves storing, *e.g.*, an email address that the “third-party entity” can use to receive and respond to an authentication request, and thus is focused on the same abstract idea discussed above. *Id.* at 19–20.

B. *Alice* Step Two: The Claims Lack an Inventive Concept

Plaintiff’s Step Two arguments, which essentially repeat its Step One arguments, fail for at least the same reasons discussed above and for the additional reasons explained below.

Plaintiff Identifies No “Specific Improvement to Authentication” in the Claims. Plaintiff argues the claims provide a “specific improvement to authentication,” but never identifies what *in the claims* requires any specific, concrete technological improvement. Opp. 16. It cites the patent’s description of a “financial management network” “act[ing] as a *proxy for the user*.” *Id.* But this is just another way of describing the use of a third-party intermediary (*i.e.*, a proxy) to facilitate a transaction (*i.e.*, authentication). *Id.* at 17. “[R]eformulating an abstract idea does not add ‘significantly more’ to it.” *BSG Tech LLC v. Buyseasons, Inc.*, 899 F.3d 1281, 1291 (Fed. Cir. 2018). Plaintiff also contends the claims “leverage[] specialized computer components.” Opp. 16. That vague assertion finds no support in the claims and thus fails. *Supra* § I.A.3.

Plaintiff Incorrectly Accuses Plaid of Not Establishing That the Claims Employ Only Generic Elements. Plaintiff accuses *Plaid* of “not show[ing]” that the claims involve only generic components. Opp. 20. That is wrong. *Plaid* detailed how the patent itself establishes that the claims recite only generic components, *e.g.*: a “processor”; a “data store” that can simply be a “database”; and a “third-party entity” that is merely a “program” or “network.” Br. 17–20, 6–9. Indeed, the Federal Circuit has repeatedly held that these same components are “generic” and “insufficient to add an inventive concept.” *E.g., In re TLI Commc’ns LLC Pat. Litig.*, 823 F.3d

607, 614 (Fed. Cir. 2016) (citing case law holding that a “‘network,’ and ‘database,’” and “‘storing information’ into memory” are “generic computer components”); *Intell. Ventures I LLC v. Cap. One Fin. Corp.*, 850 F.3d 1332, 1341 (Fed. Cir. 2017) (holding that “a processor” is a “generic computer element”); *USR*, 10 F.4th at 1352 (same), *cxLoyalty*, 986 F.3d at 1377 (same).

Plaintiff also incorrectly accuses Plaid of not addressing the claim elements in combination, citing *BASCOM Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016) and arguing that “an inventive concept can be found in” an unconventional “arrangement of known, conventional pieces.” Opp. 20. In *BASCOM*, however, the patentee specified an unconventional combination of claim elements: altering a network filtering tool such that it could be “installed remotely in a single location” but still be “adapted to many different users’ preferences.” *Id.* at 1350–52. Here, in contrast, Plaintiff does not even hint at any unconventional combination of elements. Instead, the claims just perform basic functions (*e.g.*, collecting, storing, encrypting, and sending data) that, in combination, implement an abstract idea. Br. 17–20.

The Prosecution History Has No Impact Here. Plaintiff does not dispute that the examiner’s withdrawal of its Section 101 rejection in prosecution is not binding on this Court, or that the Federal Circuit has endorsed dismissal on the basis of ineligibility despite such a fact. Plaintiff nevertheless argues that “Defendant cannot waive away th[is] persuasive fact.” Opp. 20.

To the contrary, Plaid directly addressed why the mere withdrawal, without more, has no impact here. Plaid explained that “there is no indication in the prosecution history as to *why* the Section 101 rejection was withdrawn, much less whether the examiner found any of the applicant’s arguments persuasive.” Br. 22–23. Further, the applicant’s argument that the claims “‘leverag[e]

specialized computer” elements and an “encrypted process” are “‘wholly divorced’ from the claim language.” *Id.* The argument is thus legally irrelevant here.

Plaintiff also contends the claims are eligible because the examiner found the claims not invalid under 35 U.S.C. §§ 102 and 103. Opp. 17. The Federal Circuit and a court in this District have rejected precisely this argument: “The inventive concept inquiry at the heart of *Alice* step two is not satisfied merely because the claims ‘were not shown to have been anticipated by (35 U.S.C. § 102) or obvious over (35 U.S.C. § 103) the prior art,’” as they are *separate* questions. *Total Quality Sys., Inc. v. Univ. Synaptics Corp.*, 1:22-cv-00167-RJS-DAO, 2024 WL 2396979, at *10 (D. Utah May 23, 2024) (quoting *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016) (“[A] claim for a *new* abstract idea is still an abstract idea. The search for a § 101 inventive concept is thus distinct from demonstrating § 102 novelty.”)); *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1163 (Fed. Cir. 2018) (holding that it is not “enough for subject-matter eligibility [under § 101] that claimed techniques be novel and nonobvious in light of prior art [under §§] . . . 102 and 103”). Plaintiff’s argument should be rejected for the same reason.

II. DISMISSAL WITH PREJUDICE SHOULD BE GRANTED

Plaintiff contends it should be allowed to amend, arguing that “dismissal with prejudice is appropriate *only if* the intrinsic record” establishes ineligibility. Opp. 25. That is not the standard. Leave to amend is futile where there is no “new factual allegation” that could “save the asserted claims from ineligibility at the pleadings stage.” *Simio, LLC v. Flexsim Software Prods., Inc.*, 983 F.3d 1353, 1364 (Fed. Cir. 2020). Here, Plaintiff does not propose a *single* allegation that would change the outcome. The claims are ineligible on their face and under controlling precedent. Dismissal with prejudice must be granted. Br. 23–24.

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