

Secure Authentication Technologies LLC v. Plaid Inc.

Motion to Dismiss Under 35 U.S.C. § 101

February 26, 2026

Technology Background

The '090 Patent Discloses Permitting a Third Party to Securely Gain Access to an Online Account Protected by Multi-Factor Authentication

The Problem Addressed by the '090 Patent: MFA Prevents Third Parties from Accessing Online Accounts

Stephen Q. Wood (Utah Bar No. 12403)
stephenwood@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
2755 East Cottonwood Parkway, Suite 520
Salt Lake City, Utah 84121
Tel: (801) 515-7300
Fax: (801) 515-7400

Jonathan E. Pickhardt (*pro hac vice*
forthcoming)
jonpickhardt@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
295 5th Avenue, 9th Floor
New York, New York 10016
Tel: (212) 849-7000
Fax: (212) 849-7100

Attorneys for Plaintiff
Secure Authentication Technologies LLC

Todd M. Briggs (*pro hac vice* forthcoming)
toddbriggs@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, California 94065
Tel: (650) 801-5000
Fax: (650) 801-5100

Christopher R. Sabbagh (*pro hac vice*
forthcoming)
chrissabbagh@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
700 Louisiana Street, Suite 3900
Houston, Texas 77002
Tel: (713) 221-7000
Fax: (713) 221-7200

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

SECURE AUTHENTICATION
TECHNOLOGIES LLC,

Plaintiff,

v.

PLAID INC.,

Defendant.

COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL DEMANDED

Case No. 2:25-cv-00514

MFA “prevented the applicant’s financial management system from freely accessing its users’ account In order for the system to work on an ongoing basis, **the user would need to provide an authentication code every time** the financial management system accessed any of the user’s accounts.”

Complaint ¶ 12 (citing '090 Patent at 1:33-3:6);
Opposition at 3-5.

The '090 Patent Enables Secure Third-Party Access Despite MFA

US 11,315,090



US011315090B1

Patent No.: US 11,315,090 B1
Date of Patent: Apr. 26, 2022

(54) **SYSTEM AND METHOD FOR AUTOMATED OPTIMIZATION OF FINANCIAL ASSETS**

(71) Applicant: Six Trees Capital LLC, New York, NY (US)

(72) Inventors: Gary E. Zimmerman, New York, NY (US); Richard D. Wu, Chicago, IL (US); Gabriel Jorge Gronda, Austin, TX (US)

(73) Assignee: Six Trees Capital LLC, New York, NY (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.
This patent is subject to a terminal disclaimer.

(21) Appl. No.: 16/850,150

(22) Filed: Apr. 16, 2020

Related U.S. Application Data

(60) Continuation of application No. 15/678,453, filed on Aug. 16, 2017, now Pat. No. 10,657,504, which is a division of application No. 14/606,931, filed on Jan. 27, 2015, now Pat. No. 10,268,995.

(60) Provisional application No. 61/932,495, filed on Jan. 28, 2014.

(51) Int. Cl. G06Q 20/10 (2012.01)
G06Q 20/22 (2012.01)
G06Q 40/08 (2012.01)

(52) U.S. Cl. G06Q 20/10 (2013.01); G06Q 20/227 (2013.01); G06Q 40/08 (2013.01)

(58) Field of Classification Search CPC G06Q 20/10; G06Q 20/22
See application file for complete search history.

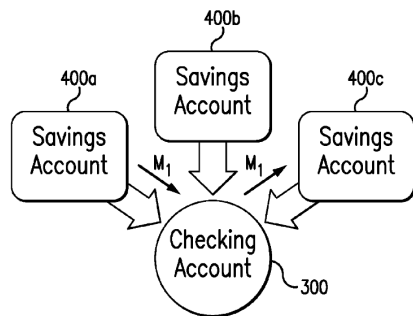
(56) **References Cited**
U.S. PATENT DOCUMENTS
8,495,720 B2* 7/2013 Counterman G06F 21/40 455/433
10,268,995 B1* 4/2019 Zimmerman G06Q 20/227
2008/0249947 A1* 10/2008 Potter G06Q 20/3674 705/67
2008/0319887 A1* 12/2008 Pizzi G06F 40/02 705/35
2014/0337636 A1* 11/2014 Adams G06F 21/32 713/186
2014/0351146 A1* 11/2014 Johnson G06Q 20/12 705/71
2015/0066719 A1* 3/2015 Agrawal G06Q 40/02 705/35

* cited by examiner

Primary Examiner — Robert R Niquette
(74) *Attorney, Agent, or Firm* — Wiggins and Dana LLP; Rikesh P. Patel

(57) **ABSTRACT**
A financial management network is disclosed for optimizing interest return and/or deposit insurance coverage among a plurality of online accounts that may include one or more savings accounts and a checking account, by automatically allocating and transferring funds among the accounts without intervention of the account holder, in accordance with constraints that may be set by the financial management network, account holder, the account holder's financial advisor, and/or imposed by the associate financial institutions holding the accounts.

10 Claims, 14 Drawing Sheets

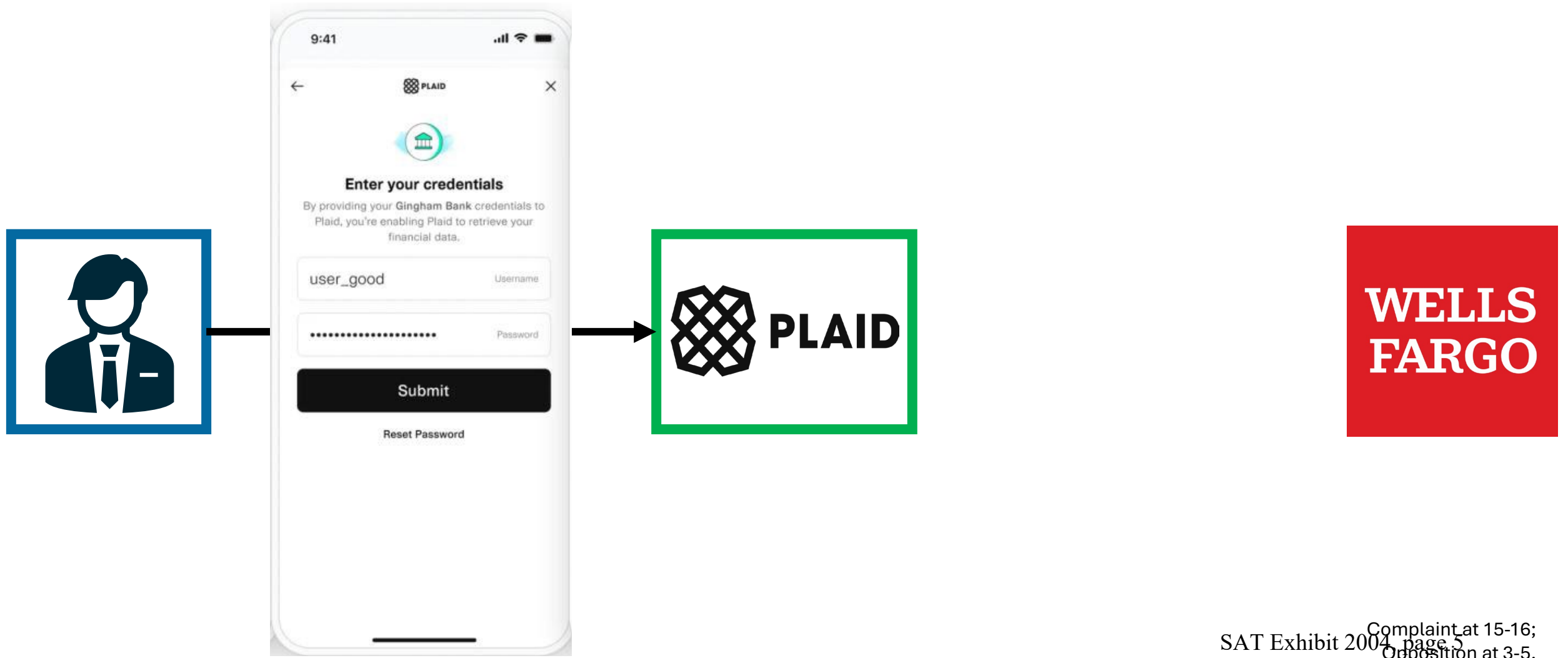


1. A method for permitting a third-party entity to gain access, in a secure manner, to an online account held by an account holder that is secured by a multi-factor authentication protocol, comprising the following steps performed by the third-party entity:

- [a] collecting the account holder's credentials;
- [b] encrypting the account holder's credentials using one or more processors;
- [c] storing the account holder's encrypted credentials using one or more processors, wherein the encrypted credentials are stored in a data store;
- [d] verifying the account holder's credentials by accessing, via one or more processors, the online account using the account holder's credentials;
- [e] receiving a multi-factor authentication request from the online account, the multi-factor authentication request indicating that a response is required from the account holder before further access to the online account is granted;
- [f] prompting the account holder for a response and receiving the response thereto from the account holder; and
- [g] transmitting the account holder's response to the online account to satisfy the multi-factor authentication request.

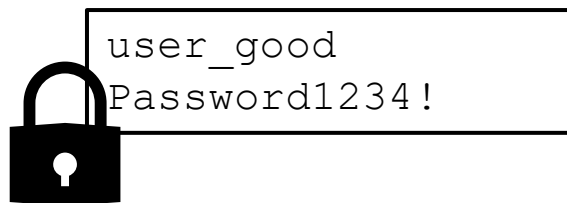
Overview of '090 Patent Claim [1a]

[a] collecting the account holder's credentials;



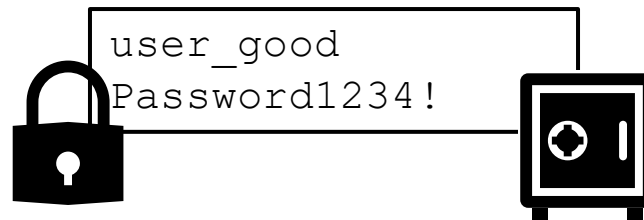
Overview of '090 Patent Claim [1b]

[b] encrypting the account holder's credentials using one or more processors;



Overview of '090 Patent Claim [1c]

[c] storing the account holder's encrypted credentials using one or more processors, wherein the encrypted credentials are stored in a data store;



Overview of '090 Patent Claim [1d]

[d] verifying the account holder's credentials by accessing, via one or more processors, the online account using the account holder's credentials;



user_good
Password1234!

**WELLS
FARGO**

Overview of '090 Patent Claim [1e]

[e] receiving a multi-factor authentication request from the online account, the multi-factor authentication request indicating that a response is required from the account holder before further access to the online account is granted;

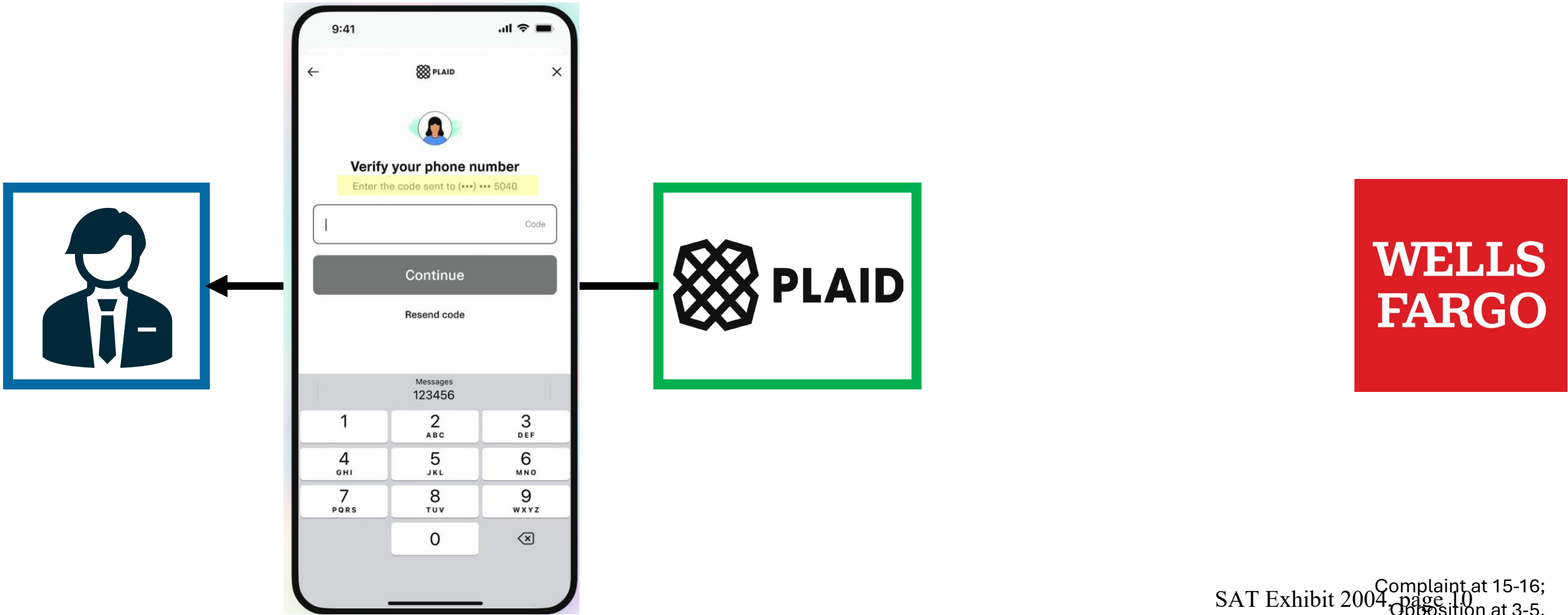


MFA Code: _____

**WELLS
FARGO**

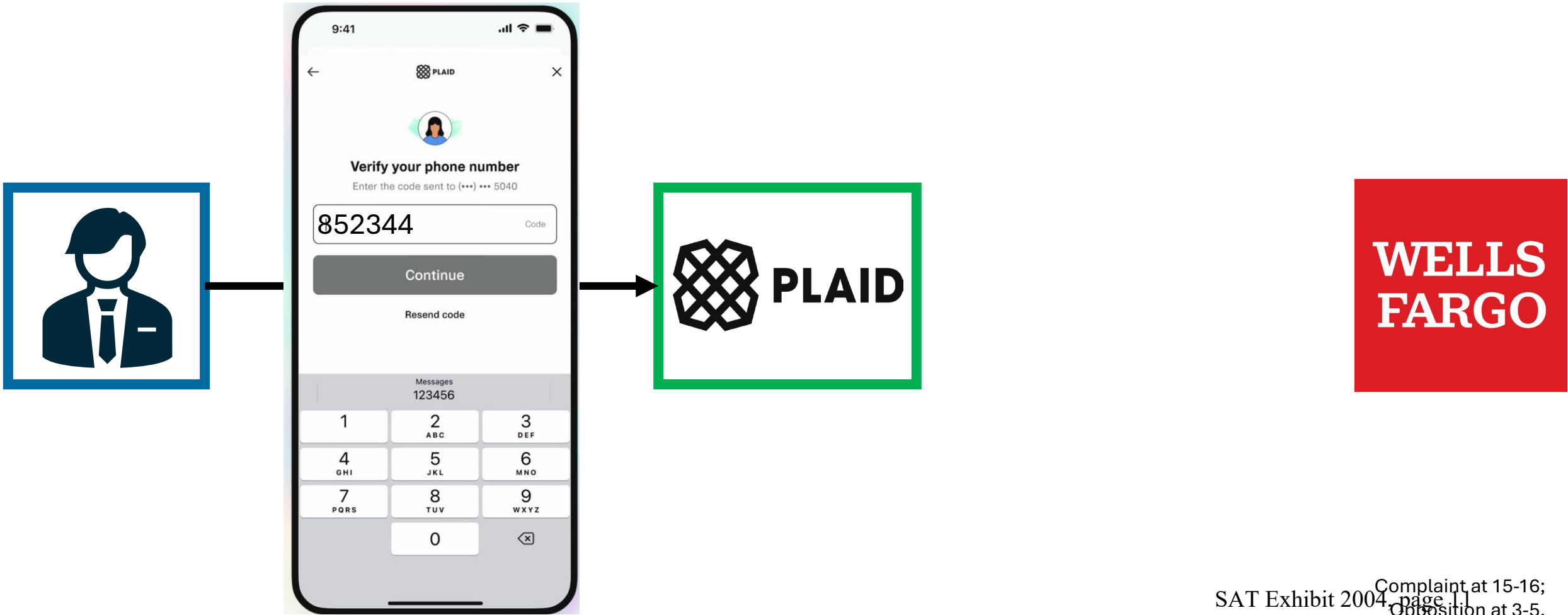
Overview of '090 Patent Claim [1f]

[f] **prompting the account holder for a response** and receiving the response thereto from the account holder;



Overview of '090 Patent Claim [1f]

[f] prompting the account holder for a response and **receiving the response thereto from the account holder;**



Overview of '090 Patent Claim [1g]

[g] transmitting the account holder's response to the online account to satisfy the multi-factor authentication request.



MFA Code: 852344

**WELLS
FARGO**

The '090 Patent Enables Secure Third-Party Access Despite MFA

US 11,315,090



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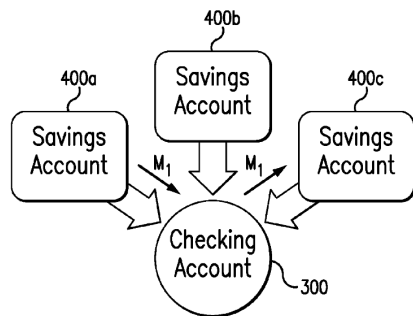
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A financial management network is disclosed for optimizing interest return and/or deposit insurance coverage among a plurality of online accounts that may include one or more savings accounts and a checking account, by automatically allocating and transferring funds among the accounts without intervention of the account holder, in accordance with constraints that may be set by the financial management network, account holder, the account holder's financial advisor, and/or imposed by the associate financial institutions holding the accounts.

10 Claims, 14 Drawing Sheets



1. A method for permitting a third-party entity to gain access, in a secure manner, to an online account held by an account holder that is secured by a multi-factor authentication protocol, comprising the following steps performed by the third-party entity:

- [a] collecting the account holder's credentials;
- [b] encrypting the account holder's credentials using one or more processors;
- [c] storing the account holder's encrypted credentials using one or more processors, wherein the encrypted credentials are stored in a data store;
- [d] verifying the account holder's credentials by accessing, via one or more processors, the online account using the account holder's credentials;
- [e] receiving a multi-factor authentication request from the online account, the multi-factor authentication request indicating that a response is required from the account holder before further access to the online account is granted;
- [f] prompting the account holder for a response and receiving the response thereto from the account holder; and
- [g] transmitting the account holder's response to the online account to satisfy the multi-factor authentication request.

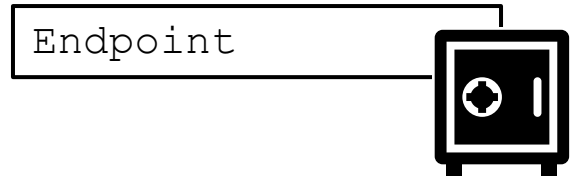
2. The method of claim 1, further comprising the steps of:

- [a] storing one or more of the account holder's endpoints for the online account in a data store associated with the online account; and
- [b] utilizing said one or more endpoints to permit the third-party to gain access to the online account, or information pertaining to the online account, without requiring a response by the account holder to any subsequent multi-factor authentication requests.

SAT Exhibit 2004, page 13

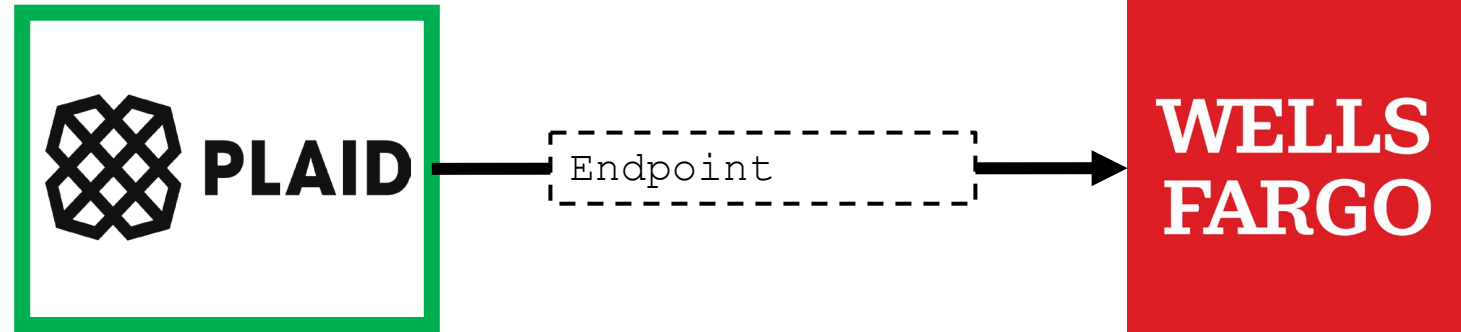
Overview of '090 Patent Claim [2a]

[a] storing one or more of the account holder's endpoints for the online account in a data store associated with the online account;



Overview of '090 Patent Claim [2b]

[b] **utilizing said one or more endpoints** to permit the third-party to gain access to the online account, or information pertaining to the online account, without requiring a response by the account holder to any subsequent multi-factor authentication requests.



Overview of '090 Patent Claim [2b]

[b] utilizing said one or more endpoints to permit the third-party **to gain access to the online account, or information pertaining to the online account**, without requiring a response by the account holder to any subsequent multi-factor authentication requests.



Account access or
online account
information

**WELLS
FARGO**

Plaid Improperly Generalizes the Claims

- Plaid characterizes the claims as merely “using a third-party intermediary to facilitate a transaction”
- This is incorrect: The claims are directed to a technological solution to a technological problem
- Plaid’s broad characterization also ignores technical details that make the claims non-abstract

Motion at 9; Opposition at 13-14.

SAT Exhibit 2004, page 17

The Patent Office Addressed § 101 in Its Two-Year Long Review of the Patent

Notice of Allowability	Application No. 16/850,150 Examiner ROBERT R NIQUETTE	Applicant(s) Zimmerman et al. Art Unit 3691	Alia (FITF) Status Yes
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-- All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.			
1. ☒ This communication is responsive to communication received 1-30-2022. ☐ A declaration(s)/affidavit(s) under 37 CFR 1.130(b) was/were filed on _____. 2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action. 3. ☒ The allowed claim(s) is/are 1,3-6 and 8-10 . As a result of the allowed claim(s), you may be eligible to benefit from the Patent Prosecution Highway program at a participating Intellectual Property office for the corresponding application. For more information , please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov. 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).			
Certified copies:			
a) ☐ All b) ☐ Some c) ☐ None of these: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No. _____. 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received: _____.			
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.			
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.			
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.			
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Deposit sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).			
6. ☐ REPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.			
Attachment(s)			
1. ☒ Notice of References Cited (PTO-892) 2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____, 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____. 5. ☒ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.			
/ROBERT R NIQUETTE/ Primary Examiner, Art Unit 3691			

“A rejection under 35 USC 101 rejection was pending in the previous rejection, and the examiner finds that the instant claims qualify as patent eligible subject matter per the 2019 Revised Patent Subject Matter Eligibility Guidance. . . .
Accordingly, the rejection under 35 USC 101 is withdrawn via this action.”

Dkt. 1-2 (Prosecution History) at 10-11;
Opposition at 5-6.

Legal Background

The Supreme Court's *Alice* Decision Requires a Two-Step Analysis, and at This Stage, the Court Is Required to Accept SAT's Factual Allegations as True



Courts “must accept all the well-pleaded allegations of the complaint as true and must construe them in the light most favorable to the plaintiff.”

AlexSam, Inc. v. HealthEquity, Inc., 477 F. Supp. 3d 1227, 1230 (D. Utah 2020);
Opposition at 6-7, 11-13.

1

Are the Claims Directed to an Abstract Idea?

- Do the claims merely take a long-standing idea and “apply it” to a computer?

2

If So, Do Additional Elements Transform the Claims Into a Patent-Eligible Invention?

- Is there anything beyond the abstract idea that was inventive and not conventional?

Alice Corp. v. CLS Bank Int’l, 573 U.S. 208 (2014);
Opposition at 7-8.

“The accused infringer bears the burden of proof on both steps.”

InsideSales.com, Inc. v. SalesLoft, No. 2:16-cv-00859-DAK, 2017 WL 2559932, at *2 (D. Utah June 13, 2017).
SAT Exhibit 2004, page 21



“The exclusion for abstract ideas is **applied narrowly**. [T]oo broad an interpretation of this exclusionary principle would undermine patent law, because all inventions at some level, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas. **Courts, therefore, have been directed to ‘tread carefully’ in construing this exclusionary principle lest it swallow all of patent law.**’ *Alice*, 134 S. Ct. at 2354.”

InsideSales.com, Inc. v. SalesLoft, No. 2:16-cv-00859-DAK, 2017 WL 2559932, at *2 (D. Utah June 13, 2017) (citation omitted); Opposition at 1, 7-8.

Alice Step One

The '090 Claims Are Directed to a Technological Solution
to a Technological Problem

Typical *Alice* Cases Involve Long-Standing Practices Performed on a Computer



The Federal Circuit has explained that a hallmark indicator of whether claims are directed to an abstract idea is if the claims merely automate a process that has been historically performed by humans in the real world.

Such a patent is “a quintessential ‘do it on a computer’ patent.”

PowerBlock Holdings, Inc. v. iFit, Inc., 146 F.4th 1366, 1372 (Fed. Cir. 2025);
see also Opposition at 1-2, 8-9, 21-25 (distinguishing Defendant’s cases on this basis).



“Federal Circuit law is clear in rejecting § 101 challenges where a patent’s ‘claimed solution is necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.’ *DDR Holdings, LLC v. Hotels.com, LP*, 773 F.3d 1245, 1247 (Fed. Cir. 2014).”

InsideSales.com, Inc. v. SalesLoft, No. 2:16-cv-00859-DAK, 2017 WL 2559932, at *2 (D. Utah June 13, 2017);
Opposition at 9.

The '090 Patent Solves a Technological Problem in a Technological Manner

1

Plaid does not identify a comparable “long-standing” practice

2

Nor can it; the problem addressed by the '090 patent arose because of the Internet

Opposition at 9-10.

Plaid's Argument About "Generic" Components Is Wrong as a Matter of Law



“GoPro contends that the claims simply employ known or conventional components that existed in the prior art at the time of the invention. Even so, that alone does not necessarily mean that the claim is directed to an abstract idea at step one.”

Contour IP Holding LLC v. GoPro, Inc., 113 F.4th 1373, 1380 (Fed. Cir. 2024) (citation omitted);
Opposition at 15.

Plaid’s Argument About “Generic” Components Contradicts Well-Pleaded Facts

Stephen Q. Wood (Utah Bar No. 12403)
stephenwood@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
5 East Cottonwood Parkway, Suite 520
Salt Lake City, Utah 84121
Tel: (801) 515-7300
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jonpickhardt@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
295 5th Avenue, 9th Floor
New York, New York 10016
Tel: (212) 849-7000
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toddbriggs@quinnemanuel.com
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555 Twin Dolphin Drive, 5th Floor
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COMPLAINT FOR PATENT
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JURY TRIAL DEMANDED

Case No. 2:25-cv-00514

“‘[S]pecialized computer systems are required to implement 256-bit bank-level encryption to protect these login credentials, which is the only known safe and trusted way to transmit and store such credentials’; and ‘specialized computer hardware is necessary to power the headless browsers that are able to use logic to interpret bank websites and interact with their various messages, prompts, data input boxes, and action buttons.’”

Complaint ¶ 15 (quoting Dkt. 1-2 (Prosecution History) at 29);
Opposition at 14-16.

Plaid’s Argument That These Requirements Are Not in the Claims Is Incorrect

Juliette P. White, USB #9616
Patrick J. Neville, USB #17497
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: 801.532.1234
Facsimile: 801.536.6111
JWhite@parsonsbehle.com
PNeville@parsonsbehle.com
ecf@parsonsbehle.com

Attorneys for Defendant PLAID INC. – Additional Counsel Listed in Signature

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

“Plaintiff fails to identify anything in the *claim language* that substantiates these labels.”

Reply at 1; see also Reply at 4.

Patent Claims Are Informed by the Specification and Prosecution History



“We generally give words of a claim their ordinary meaning in the context of the claim and the whole patent document; **the specification particularly, but also the prosecution history, informs the determination of claim meaning** in context, including by resolving ambiguities.”

World Class Tech. Corp. v. Ormco Corp., 769 F.3d 1120, 1123 (Fed. Cir. 2014);
Opposition at 11.

The Claims Contain These Technological Requirements

Claims:

“encrypting the account holder’s credentials using one or more processors;”

’090 Patent at Claim 1.

Specification:

The “processors” are required to “implement[] the desired transactions,” which include “multiple processes that permit the financial management network to interface with banks holding the one or more user accounts, and in particular to permit the financial management network to login as the user by using the user’s credentials stored in credential data store.”

’090 Patent at 3:64-4:3, 18:65-19:6.

Prosecution History:

To perform these transactions, “specialized computer hardware” is required that can “implement 256-bit bank-level encryption to predict these login credentials” and that can “power the headless browsers that are able to use logic to interpret bank websites and interact with” the websites.

US 11,315,090


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(58) **Field of Classification Search**
CPC G06Q 20/10; G06Q 20/22
See application file for complete search history.

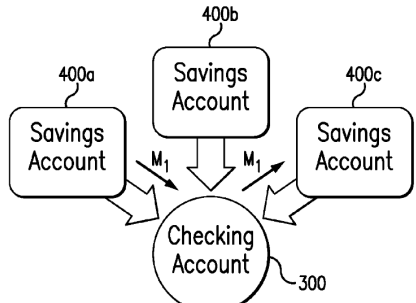
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2015/0066719 A1* 3/2015 Agrawal G06Q 40/02 705/35

* cited by examiner

Primary Examiner — Robert R Niquette
(74) **Attorney, Agent, or Firm** — Wiggins and Dana LLP; Rikesh P. Patel

(57) **ABSTRACT**
A financial management network is disclosed for optimizing interest return and/or deposit insurance coverage among a plurality of online accounts that may include one or more savings accounts and a checking account, by automatically allocating and transferring funds among the accounts without intervention of the account holder, in accordance with constraints that may be set by the financial management network, account holder, the account holder's financial advisor, and/or imposed by the associate financial institutions holding the accounts.

10 Claims, 14 Drawing Sheets



As a Legal Matter, Plaid Cannot Rebut These Well-Pleaded Facts



Courts “must accept all the well-pleaded allegations of the complaint as true and must construe them in the light most favorable to the plaintiff.”

AlexSam, Inc. v. HealthEquity, Inc., 477 F. Supp. 3d 1227, 1230 (D. Utah 2020);
Opposition at 6-7, 11-13.

Plaid Does Not Rebut These Facts and Wrongly Labels Them “Conclusory”

Juliette P. White, USB #9616
Patrick J. Neville, USB #17497
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: 801.532.1234
Facsimile: 801.536.6111
JWhite@parsonsbehle.com
PNeville@parsonsbehle.com
ecf@parsonsbehle.com

Attorneys for Defendant PLAID INC. – Additional Counsel Listed in Signature

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

SECURE AUTHENTICATION
TECHNOLOGIES LLC,

Plaintiff,

vs.

PLAID INC.,

Defendants.

**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

“Plaintiff’s conclusory allegations that the ’090 patent provides a ‘technological solution to [a] technological problem’ and reliance on the prosecution history are insufficient to avoid dismissal.”

Motion at 20-21; see *also* Motion at 4;
Opposition at 12.

Alice Step Two

The '090 Claims Recite a Specific Technological Improvement to Authentication

The Court Need Not Reach *Alice* Step Two



“Because the court concludes that the patents are not based on abstract ideas, there is no need to consider the second step in the *Alice* analysis.”

InsideSales.com, Inc. v. SalesLoft, No. 2:16-cv-00859-DAK, 2017 WL 2559932, at *3 (D. Utah June 13, 2017);
Opposition at 16.

Alice Step Two Involves Questions of Fact That Can Preclude Dismissal



“The question of whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field **is a question of fact**. Any fact, such as this one, that is pertinent to the invalidity conclusion must be proven by clear and convincing evidence.”

“The specification describes an inventive feature that stores parsed data in a purportedly unconventional manner. . . . The improvements in the specification, to the extent they are captured in the claims, **create a factual dispute** regarding whether the invention describes well-understood, routine, and conventional activities.”

SAT's Complaint Pled Such Facts, Quoting the Patent Itself As Support

Stephen Q. Wood (Utah Bar No. 12403)
stephenwood@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
5 East Cottonwood Parkway, Suite 520
Salt Lake City, Utah 84121
Tel: (801) 515-7300
Fax: (801) 515-7400

Jonathan E. Pickhardt (*pro hac vice*
forthcoming)
jonpickhardt@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
295 5th Avenue, 9th Floor
New York, New York 10016
Tel: (212) 849-7000
Fax: (212) 849-7100

Attorneys for Plaintiff
Secure Authentication Technologies LLC

Todd M. Briggs (*pro hac vice* forthcoming)
toddbriggs@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, California 94065
Tel: (650) 801-5000
Fax: (650) 801-5100

Christopher R. Sabbagh (*pro hac vice*
forthcoming)
chrissabbagh@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
700 Louisiana Street, Suite 3900
Houston, Texas 77002
Tel: (713) 221-7000
Fax: (713) 221-7200

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COMPLAINT FOR PATENT
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JURY TRIAL DEMANDED

Case No. 2:25-cv-00514

“‘[W]ith respect to multi-factor authentication, the financial management network implements **unique and inventive concepts** that permit it to act as proxy for the user’ and optionally ‘respond to any multi-factor authentication that may be required for account access in a way that does not require user intervention, while simultaneously maintaining rigid security measures to avoid unauthorized access to the user’s accounts by other parties.’”

Complaint ¶ 13 (quoting ’090 Patent at 18:53-60);
Opposition at 16-18.

SAT's Complaint Further Pled How the Patent Implements These Inventive Features

Stephen Q. Wood (Utah Bar No. 12403)
stephenwood@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
2775 East Cottonwood Parkway, Suite 520
Salt Lake City, Utah 84121
Tel: (801) 515-7300
Fax: (801) 515-7400

Jonathan E. Pickhardt (*pro hac vice*
forthcoming)
jonpickhardt@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
295 5th Avenue, 9th Floor
New York, New York 10016
Tel: (212) 849-7000
Fax: (212) 849-7100

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Secure Authentication Technologies LLC

Todd M. Briggs (*pro hac vice* forthcoming)
toddbriggs@quinnemanuel.com
Quinn Emanuel Urquhart & Sullivan, LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, California 94065
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chrissabbagh@quinnemanuel.com
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“In short, the claims disclosed patentable subject matter because they ‘leverag[e] specialized computer hardware and software, computer logic, and encryption, to overcome a method of security that was intended to be impenetrable.’”

Complaint ¶ 15 (quoting Dkt. 1-2 (Prosecution History) at 30);
Opposition at 16-18.

Plaid's Arguments About "Generic" and "Conclusory" Allegations Are Wrong

- SAT supports its arguments with comprehensive analysis and specific citations to the intrinsic record
- SAT identifies specific specialized hardware that is not "generic"
- To the contrary, ***Plaid's*** arguments are conclusory
 - Plaid does not explain how SAT's allegations lack detail
 - Plaid does not analyze the limitations "in combination" despite its conclusory statement that the combination is "basic"

Opposition at 18-20.

SAT Exhibit 2004, page 39

Plaid’s Lone Statement About “Ordered Combination” Is Conclusory

Juliette P. White, USB #9616
Patrick J. Neville, USB #17497
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: 801.532.1234
Facsimile: 801.536.6111
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“Accordingly, whether the claims’ elements are considered individually **or in combination**, what remains of all the ’090 patent claims **are basic functions** (*e.g.*, ‘storing,’ ‘receiving,’ and ‘transmitting’) for implementing the abstract idea of using a third-party intermediary to facilitate a transaction, i.e., multi-factor authentication.”

Motion at 20;
Opposition at 16-17, 20-21.

Plaid Must Show That the “Ordered Combination” of Elements Is Not Inventive



“[T]he court must then 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.”

Bascom Global Internet Servs., Inc. v. AT&T Mobility LLC, 827 F.3d 1341, 1347 (Fed. Cir. 2016) (internal quotations omitted);
Opposition at 20-21.

Fact Disputes About Inventiveness Preclude Dismissal



“The improvements in the specification, to the extent they are captured in the claims, create a factual dispute regarding whether the invention describes well-understood, routine, and conventional activities.”

Berkheimer v. HP Inc., 881 F.3d 1360, 1368-69 (Fed. Cir. 2018).

Vacating “the district court’s order granting AT&T’s motion to dismiss” because “nothing on this record” refuted “that an inventive concept can be found in the ordered combination of claim elements.”

Bascom Global Internet Servs., Inc. v. AT&T Mobility LLC, 827 F.3d 1341, 1352 (Fed. Cir. 2016);
Opposition at 16-17, 20-21.

Case Law

Plaid's Cases Are Inapplicable, and Relevant Case Law
Confirms the '090 Claims Are Eligible for Patenting

The Cases Plaid Relies on Support SAT's Position, Not Plaid's

Case	Procedural Posture	Long-Standing Practice
<i>Alice</i>	Summary Judgment	Yes: “Like the risk hedging in <i>Bilski</i> , the concept of intermediated settlement is a fundamental economic practice long prevalent in our system of commerce.”
<i>cxLoyalty</i>	Covered Business Method Review	Yes: “ Humans have long intermediated these very transactions by collecting and relaying the very same information.”
<i>USR</i>	Motion to Dismiss	Yes: “[T]he patent itself acknowledges that the claimed step of generating time-varying codes for authentication of a user is conventional and long-standing. ”
This case	Motion to Dismiss	No: The problem and solution arose because of computers

Two of Three Cases Plaid Primarily Relies on Are Procedurally Distinguishable

“Following this Court's decision in *Bilski v. Kappos*, 561 U.S. 593, 130 S.Ct. 3218, 177 L.Ed.2d 792 (2010), the parties filed **cross-motions for summary judgment** on whether the asserted claims are eligible for patent protection under 35 U.S.C. § 101.”

Alice Corp. v. CLS Bank Int'l, 573 U.S. 208, 214 (2014).

“cxLoyalty, Inc. (‘cxLoyalty’) petitioned for a **covered business method (‘CBM’) review** of claims 1–15 of U.S. Patent No. 7,134,087 (‘the ’087 patent’), which is owned by Maritz Holdings Inc. (‘Maritz’). **The Patent Trial and Appeal Board** (‘Board’) instituted CBM review and concluded that original claims 1–15 are ineligible for patenting under 35 U.S.C. § 101 but that proposed substitute claims 16–23 are patent eligible.”

cxLoyalty, Inc. v. Maritz Holdings Inc., 986 F.3d 1367, 1370 (Fed. Cir. 2021);
SAT Exhibit 2004, page 45
Opposition at 21–22.

“Regarding USR’s first argument, the patent itself acknowledges that the claimed step of generating time-varying codes for authentication of a user is conventional and long-standing.”

Universal Sec. Registry LLC v. Apple Inc., 10 F.4th 1342, 1350 (Fed. Cir. 2021);
Opposition at 22-23 (distinguishing all of Plaid’s cases on this basis).

Plaid Misrepresents SAT's Argument About “Typical” *Alice* Cases

- Plaid incorrectly states that SAT “suggests a claim is directed to an abstract idea *only* if its ‘solution existed before computers were invented,’” Reply at 2
- SAT merely said that such claims belong to a line of “typical case[s] under *Alice*,” Opposition at 8
- Solutions are still abstract if they arise after computers but can be done solely by humans (without the need for computers)—and therefore are not technological solutions to technological problems

In Any Event, the New Cases Plaid Cites in Reply Are Typical *Alice* Cases

“Recentive acknowledged that ‘the concept of preparing network maps[] [had] **existed for a long time,**’ and that **prior to computers,** ‘networks were preparing these network maps **with human beings.**’”

Recentive Analytics, Inc. v. Fox Corp., 134 F.4th 1205, 1210 (Fed. Cir. 2025).

“Communication over a network for that purpose **has been** and continues to be a ‘**building block of the modern economy.**’”

ChargePoint, Inc. v. SemaConnect, Inc., 920 F.3d 759, 773 (Fed. Cir. 2019).

This Case Is Like *CosmoKey*, Which Similarly Involved Authentication



“The ’903 patent claims and specification **recite a specific improvement to authentication** that increases security, prevents unauthorized access by a third party, is easily implemented, and can advantageously be carried out with mobile devices of low complexity.”

“Here, as the specification itself makes clear, **the claims recite an inventive concept** by requiring a specific set of ordered steps that go beyond the abstract idea identified by the district court and improve upon the prior art by providing a simple method that yields higher security.”

CosmoKey Soln’s GmbH & Co. v. Duo Sec. LLC, 15 F.4th 1091, 1097, 1099 (Fed. Cir. 2021);
Opposition at 24-25.

Dismissal

Any Dismissal Should Be Without Prejudice

Dismissal With Prejudice Is Appropriate in Only Limited Circumstances

Juliette P. White, USB #9616
Patrick J. Neville, USB #17497
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201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
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“Dismissal based on patent ineligibility may be granted where the determination can be made **based on the ‘intrinsic record alone.’** *WhitServe LLC v. Dropbox, Inc.*, 854 F. App’x 367, 373 (Fed. Cir. 2021) (affirming grant of dismissal with prejudice); *see also Riggs Tech. Holdings, LLC v. Cengage Learning, Inc.*, No. 22-1468, 2023 WL 193162, at *4 (Fed. Cir. Jan. 17, 2023) (affirming grant of dismissal with prejudice where **the specification showed** that the claim elements were well understood, routine, and conventional).”

Motion at 23-24;
Opposition at 25.

- Plaid has not pointed to anything **in the patent** that shows the claimed processes were well-understood, routine, or conventional
- Plaid does not offer any evidence that the ordered combination is routine
- Plaid does not argue that any amendment would be futile

Opposition at 25.