

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCUSEARCH TECHNOLOGIES LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 25-514 (GBW)
	)	
GOOGLE LLC,	)	
	)	
Defendant.	)	

**OPENING BRIEF IN SUPPORT OF GOOGLE LLC'S MOTION TO DISMISS UNDER
FED. R. CIV. P. 12(B)(6) AND 35 U.S.C. § 101**

OF COUNSEL:

David J. Silbert
Edward Bayley
JD Schneider
Ryan J. Hayward
Catherine C. Porto
KEKER, VAN NEST & PETERS LLP
633 Battery Street
San Francisco, CA 94111-1809
(415) 391-5400

MORRIS, NICHOLS, ARSHT & TUNNELL LLP
Brian P. Egan (#6227)
Cameron P. Clark (#6647)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
began@morrisnichols.com
cclark@morrisnichols.com

Attorneys for Defendant

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NATURE AND STAGE OF THE PROCEEDINGS

Plaintiff AccuSearch Technologies LLC (“AccuSearch”) filed its initial complaint against Google LLC (“Google”) on April 29, 2025, asserting infringement of four patents: U.S. Patent No. 10,585,959 (the “’959 patent”); U.S. Patent No. 10,867,001 (the “’001 patent”); U.S. Patent No. 11,100,184 (the “’184 patent”); and U.S. Patent No. 11,971,937 (the “’937 patent”) (the “Asserted Patents”). *See* D.I. 1, Compl., ¶¶ 41-50. Google moved to dismiss on the ground that the Asserted Patents are ineligible for protection under Section 101. *See* D.I. 13. AccuSearch elected to amend its complaint rather than oppose Google’s motion to dismiss. *See* D.I. 17 (First Amended Complaint) (“FAC”). The FAC asserts the same four ineligible patents, but adds new allegations of inventiveness and an inventor’s declaration. These amendments do nothing to cure the ineligibility of the Asserted Patents—nor could they, since Section 101 ineligibility is evident on the face of the patents themselves.

The Asserted Patents, which share a common specification and are part of the same family, are all directed to the same core, abstract idea: noting search results that omit one or more terms (or “keywords”) from the user’s search query. For example, if the user searches for “water parks in Delaware,” the results page might note that a particular page discusses water parks but does not mention Delaware. Google now moves to dismiss the FAC with prejudice because the Asserted Patents are ineligible under 35 U.S.C. § 101.

SUMMARY OF ARGUMENT

AccuSearch’s patents are directed to the idea of noting where search results omit terms from the query—a concept that long predates computers and is routinely carried out by people every day without reliance on technology. Every time a librarian recommends a book and notes that it covers some—but not all—of the subjects the reader asked about, that interaction embodies

the idea claimed by the Asserted Patents. That idea is abstract and ineligible for patent protection as a matter of law.

AccuSearch cannot save its patents through artful pleading, as it tried to do in its original complaint and then tried to do again in the FAC. Much of AccuSearch's FAC reads like a brief in opposition to a Section 101 motion, with lengthy arguments about the patents' purported novelty and technical nature couched as factual claims, as well as a declaration from the named inventor, Robert Osann Jr., that repackages these same boilerplate legal conclusions as testimony. *See* D.I. 17-7 ("Osann Decl."). But even if these conclusory allegations carried any weight (which they do not), they would not save the Asserted Patents from ineligibility. Those patents implement an abstract idea (noting where search results omit portions of a query) in a generic technological environment (a computer). Longstanding precedent compels the conclusion that they are ineligible for protection under the patent laws. Because no further amendments could cure this fundamental defect, the Court should dismiss the FAC with prejudice.

STATEMENT OF FACTS

AccuSearch asserts six independent claims and twenty-two dependent claims. *See* FAC ¶¶ 153-55 (asserting independent claim 11 and dependent claims 12 and 16 of the '959 patent); *id.* ¶ 169 (asserting independent claim 1 of the '959 patent); *id.* ¶¶ 174-75 (asserting dependent claims 2, 3, 12, and 16 of the '959 patent); *id.* ¶¶ 191-93 (asserting independent claim 1 and dependent claims 5 and 9 of the '001 patent); *id.* ¶¶ 229-31 (asserting independent claim 1 and dependent claims 3 and 6 of the '184 patent); *id.* ¶ 98 (asserting independent claim 12 and dependent claims 4, 9, 14, and 22 of the '184 patent); *id.* ¶¶ 267-68 (asserting independent claim 15 and dependent claim 19 of the '937 patent); *id.* ¶ 98 (asserting dependent claims 6, 8, 10, 20, 22, 24, 34, and 36 of the '937 patent); *id.* ¶ 289 (asserting dependent claim 9 of the '937 patent). Collectively, these

claims are referred to as the “Asserted Claims.”

Claim 11 of the ’959 patent is representative of the Asserted Claims—all of which are directed to the same core concept of noting where search results omit terms from the user’s query.

It recites:

A method for providing annotated Internet search results suitable for display to a user on a computing device comprising, wherein the method comprises:

- [a] *receiving a search request* provided by the user from the computing device, the search request *comprising one or more search term elements*;
- [b] causing *an Internet search to be performed* based at least in part on the search request in response to the user’s provision of the search request;
- [c] transmitting to the computing device, via an Internet, information comprising at least *one automatically annotated Internet search result*;
- [d] wherein the transmitted information is suitable for display on a search results webpage on the computing device;
- [e] wherein the automatically annotated Internet search result is provided for display on the search results webpage as a search result grouping referencing a webpage associated with the automatically annotated Internet search result;
 - [e1] wherein the search result grouping comprises an annotation and at least one of: a title, an Internet link, an excerpt, or a URL;
 - [e2] wherein the annotation is provided in response to a presence or absence of the one or more search term elements in the referenced webpage;
 - [e3] wherein the annotation is automatically placed in the search result grouping so that it is associated with the automatically annotated Internet search result; and
 - [e4] *wherein the annotation comprises one or more search term elements missing in the referenced webpage* and provides an indication that the automatically annotated Internet search result is less relevant with regard to what the user seeks.

’959 patent, claim 11 (emphases added).

Stripped of its excess verbiage, claim 11 recites the following steps: (1) “receiving a search request,” (2) “causing an Internet search to be performed,” and (3) “transmitting” an

“automatically annotated Internet search result” indicating that “one or more search term elements” is omitted in the result. *See id.* The remaining independent claims asserted by AccuSearch recite this same process with minor variations.¹

Claim 11 is also representative of the asserted dependent claims, which add only minor conventional details to the core concept of annotating search results that omit keywords. The dependent Asserted Claims fall into two categories, which are described more fully below: (1) claims reciting routine filtering functionality; and (2) claims specifying that annotations may refer to descendant webpages.²

1. Filtering claims

The first category of dependent claims include limitations that provide for a “filtering function,” which, “when selected by the user, causes one or more Internet search results” that are “missing one or more search term elements to be removed from being displayed on the search results webpage[.]” ’959 patent, claim 16; *see also* ’959 patent, claim 3 (similar); ’184 patent, claim 3 (similar); ’001 patent, claim 9 (similar). Certain claims further specify that the filtering function may occur on generic technological devices, such as a “smart phone,” that has a “smaller display screen than a laptop[.]” *See* ’184 patent, claims 4, 9, 14, and 22; ’937 patent, claims 6, 8, 10, 20, 22, 24, 34, and 36. These claims are couched in purely result-based, functional terms. They do not specify any method for how the filtering is performed (such as by reciting any filtering logic

¹ For example, claim 11 of the ’959 patent and claim 1 of the ’001 patent refer to an “annotation,” whereas claim 15 of the ’937 patent and claim 12 of the ’184 patent describe the annotation as a “warning” to the user. The claims also vary as to whether the annotations will indicate only the omitted terms, or whether they may also indicate the presence of terms. *Compare* ’959 patent, claim 11 (annotation responds to “presence or absence” of keywords) *with* ’937 patent, claim 15 (annotation responds to the “missing” keyword) *and* ’001 patent, claim 1 (same) *and* ’001 patent, claim 12 (same).

² The patents describe a “descendant webpage” as “a webpage linked directly one level from the referenced webpage.” ’959 patent, claim 12.

or algorithm), and instead recite only that the results will be filtered (*i.e.*, “be removed from being displayed”) when the function is “selected by the user.” ’959 patent, claim 16.

2. Descendant Webpages

The second category of dependent claims specify that the search result annotations can *also* indicate whether the keywords are omitted from descendant webpages. Specifically, they note that “the annotation is provided also in response to a presence or absence of the one or more search term elements in one or more descendant webpages[.]” ’959 patent, claim 12; *see also* ’959 patent, claim 2; ’184 patent, claim 6 (similar); ’001 patent, claim 5 (similar); ’937 patent, claim 9, 19 (similar). As with the first category, however, the claims do not specify *how* this annotation is generated. Rather, they merely recite the result: annotated results reflecting the presence or omission of keywords in a descendant webpage. *See id.*

ARGUMENT

To determine patent eligibility under 35 U.S.C. § 101, courts apply the two-step framework set forth in *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 217-18 (2014). At step one of the *Alice* analysis, courts determine “whether the claims are directed to a patent-ineligible concept, such as an abstract idea.” *Chewy, Inc. v. Int’l Bus. Machs. Corp.*, 94 F.4th 1354, 1365 (Fed. Cir. 2024) (cleaned up). “[T]he essentially result-focused, functional character of claim language has been a frequent feature of claims held ineligible under § 101[.]” *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1356 (Fed. Cir. 2016). At step two of the *Alice* analysis, courts “determine whether the claims do significantly more than simply describe the abstract method and thus transform the abstract idea into patentable subject matter.” *Id.* (cleaned up).

The Federal Circuit has recognized that “it is possible and proper to determine patent eligibility under 35 U.S.C. § 101 on a Rule 12(b)(6) motion.” *Mobile Acuity Ltd. v. Blippar Ltd.*, 110 F.4th 1280, 1289-90 (Fed. Cir. 2024). When evaluating patent eligibility under Rule 12(b)(6),

courts accept well-pleaded factual allegations as true, but “need not accept as true allegations that contradict matters properly subject to judicial notice or by exhibit, such as the claims and patent specification.” *Secured Mail Sols. LLC v. Universal Wilde, Inc.*, 873 F.3d 905, 913 (Fed. Cir. 2017) (cleaned up).

I. THE ASSERTED PATENTS ARE INVALID UNDER 35 U.S.C. § 101.

The Asserted Patents are directed to the abstract idea of noting where search results omit terms from the user’s query—a concept performed by humans without technology on a daily basis. In fact, the Federal Circuit has already found that a similar patent—“directed to improving how search results are displayed to users,” including “annotating” those results—is abstract under *Alice*. See *Int’l Bus. Machines Corp. v. Zillow Grp., Inc.*, No. 2022-1861, 2024 WL 89642, at *2 (Fed. Cir. Jan. 9, 2024) (“*IBM*”), at *1. So too here. The Asserted Claims implement this idea using wholly generic, off-the-shelf technology—a computer and the internet. The claims do not transform that technology, but rather, use it to carry out the core abstract concept of noting omitted information. And the limitations of the Asserted Claims—considered individually or in ordered combination—merely add post-functional details regarding the display and content of the annotated results. Crucially, neither the claims nor the specification provide any explanation as to *how* the search is conducted, the annotations generated, or the results transmitted to the user. They simply recite the outcome.

The Court should therefore dismiss this action because the Asserted Patents are ineligible under 35 U.S.C. § 101. Further, because the abstract nature of the claims is apparent from the claims and patents themselves and no additional amendments could render them patent-eligible, Google requests that the Court dismiss the FAC with prejudice.

A. The Asserted Patents are directed to an abstract idea under *Alice* step one.

The Asserted Claims are directed to the abstract idea of noting where search results omit elements of the user’s query. This concept is routinely practiced by humans using mental processes—a tell-tale sign of an abstract idea. *See, e.g., Intell. Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016). Consider a librarian who is asked by a graduate student for books on the impact of climate change on agriculture, public health, and international migration. The librarian might recommend *The Uninhabitable Earth*, by David Wallace-Wells, and explain that it discusses climate change and its consequences for public health and migration, but note that it does not discuss its impact on agriculture. Or consider a tourist who requests a guide to the city’s top attractions and street-food stalls. A tour guide might recommend Rick Steves and note that, while the guide covers the major landmarks, it overlooks the best local food. There are countless potential illustrations, because the act of noting omitted information is a routine occurrence. Indeed, the Asserted Claims “differ little from a check-out system at a public library.” *Broadband iTV, Inc. v. Amazon.com, Inc.*, 113 F.4th 1359, 1371 (Fed. Cir. 2024). Accordingly, the Asserted Patents are abstract under *Alice* step one.

This conclusion is supported by the Federal Circuit’s decision in *IBM*, 2024 WL 89642. There, the Federal Circuit considered a patent that, similar to the patents asserted here, described “[a] method for annotating resource results” by “showing users the correlations between their search parameters and the search results[.]” *Id.* at *2, *5. Reasoning that “the claims are directed to improving a user’s experience when viewing search results but do not contain any specific mechanism for doing so,” the court found that patent ineligible for protection under *Alice* step one. *Id.* at *5.

The same reasoning applies here. As in *IBM*, the Asserted Patents are drawn to annotating search results to improve the user’s experience when viewing those results—in this case, by

annotating any results that omit terms from the user’s query. And as in *IBM*, the asserted claims “use[] results-oriented language” to describe this concept, “without any explanation for how these steps are carried out.” *Id.* at *5. In *IBM*, for example, the claims recited such steps as “**receiving** a resource response set of results,” “**receiving** a user context vector,” and “**generat[ing]** an annotated response.” *Id.* (emphases added). Similarly, here, the Asserted Claims recite each step in purely functional, result-oriented terms—such as “**receiving**” a search request, “**causing**” a search to be performed, and then “**transmitting** . . . an automatically annotated” result in response. ’959 patent at 15:37-48 (emphases added). Thus, like the claims asserted in *IBM*, the Asserted Claims use purely functional language to describe annotating search results without providing “any specific mechanism” for accomplishing that objective. *IBM*, 2024 WL 89642 at *5.

In an effort to avoid dismissal under Section 101, AccuSearch asserts numerous boilerplate allegations of inventiveness. For example, AccuSearch claims that “[e]ach of the Asserted Patents is directed to technological improvements to Internet search webpages and GUIs[.]” *See, e.g.*, FAC ¶¶ 48-50. Similarly, Mr. Osann attests that the Asserted Patents “solv[e] technical problems uniquely associated with Internet search webpages[.]” Osann Decl. ¶ 8; *see also id.* at ¶¶ 23-30 (similar). Even if that were true (it is not³), the Federal Circuit has “repeatedly held” that “claims directed to collection of information, comprehending the meaning of that collected information, and indication of the results” are “abstract.” *IBM v. Zillow Grp., Inc.*, 50 F.4th 1371, 1378 (Fed. Cir. 2022) (“*Zillow*”) (cleaned up). That is true even where the claims recite steps that occur on the internet. *See, e.g., Eagle View Techs., Inc. v. Roofr, Inc.*, 651 F. Supp. 3d 729, 737 (D. Del.

³ AccuSearch alleges that its inventions are “practical solutions to problems unique to the Internet,” because they are “unique to the technological problem of returning and presenting results of an Internet search on an Internet search webpage GUI.” FAC ¶ 110. But “returning and presenting results” is not a “problem,” let alone a problem that is “unique to the Internet.” Providing information in response to a query is a longstanding practice that is routinely practiced by human beings without reliance on technology.

2023) (observing that claims must do more than “recite the performance of some . . . practice known from the pre-Internet world along with the requirement to perform it on the Internet” to pass *Alice* step one) (cleaned up). That is precisely what the Asserted Claims do here—**collect** search results in response to a user’s search, **analyze** whether keywords are present in results, and then **indicate** those results to the user. AccuSearch cannot avoid dismissal under Section 101 by simply declaring that this routine concept constitutes a “technological improvement” to the internet.

Similarly, AccuSearch asserts that its patents are inventive because they save “time, energy, and resources” and “benefit[] the user by greatly speeding up the search process.” FAC ¶ 70; *see also* Osann Decl. ¶ 8 (similar). This assertion, too, fails as a matter of law. It is well-settled that “improving a user’s experience while using a computer application” does not “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); *see also, e.g., IBM*, 2024 WL 89642, at *5 (same). In the same vein, claims that are “focused on providing information to [users] in a way that helps them process information more quickly” are not thereby aimed at “improving computers or technology.” *Trading Techs. Int’l, Inc. v. IBG LLC*, 921 F.3d 1381, 1384 (Fed. Cir. 2019). For example, in *Trading Techs.*, the Federal Circuit held that patents directed to improving “usability, visualization, and efficiency” of a GUI were aimed at “improving the [user], not the functioning of the computer.” *Id.* Accordingly, AccuSearch’s allegations of improving the user experience cannot save its patents from ineligibility under *Alice*.

In any event, courts need not accept allegations of inventiveness that “contradict . . . the claims and the patent specification.” *Secured Mail Sols.*, 873 F.3d at 913. Here, the Asserted Claims are wholly devoid of the “technological improvements” asserted in the FAC. AccuSearch

asserts, for example, that its patents improve Internet search technology by “warning a user against visiting irrelevant websites,” FAC ¶ 52, “separat[ing] out irrelevant [search results],” *id.* ¶ 55,⁴ and “improving the precision, accuracy, and efficiency of search results,” *id.* ¶ 65. Similarly, Mr. Osann attests that the patents “improve[] the function of the Internet search webpage interfaces by placing specific data in specific places on the display.” Osann Decl. ¶ 23.⁵ But even if the Asserted Claims did improve the user experience, they are not technological improvements. Rather, they are merely aspirational results, without any explanation in the Asserted Claims as to how those results are achieved.

Thus, as in *IBM*, the claimed elements “do not contain *any specific mechanism*” for accomplishing the purported improvements. 2024 WL 89642, at *5 (emphasis added). They instead describe, in purely functional terms, steps such as “*receiving*” a search request, “*causing*” a search to be performed, and then “*transmitting* . . . [an] automatically annotated” result in response. ’959 patent at 15:37-48 (emphasis added). The Asserted Claims do not even describe how the annotations are created, aside from noting that their generation is “automatic.” Of course, merely specifying an “automatically” generated result (such as an annotation) does not warrant patent protection. *Topia Tech., Inc. v. Egnyte, Inc.*, 2023 WL 2734607, at *4 (D. Del. Mar. 31, 2023) (claims “cannot simply rely on generic computer elements to carry out an abstract idea ‘*automatically*’”) (emphasis added).

⁴ In a superficial repackaging of this same idea, AccuSearch also frames the purported improvement as addressing “over-inclusivity” of search results, *id.* ¶¶ 60-63, and “mak[ing] better use of the smaller display areas” of smartphone devices, *id.* ¶¶ 93-98. This is the same alleged innovation as “separat[ing] out irrelevant [search results],” *id.* ¶ 55, and it fails to render the Asserted Claims patentable for the same reasons.

⁵ This assertion is also belied by the Asserted Claims themselves, which do not disclose any layout or mapping of search results. The only detail regarding the location of information on the GUI is that, in certain limitations, the “annotation” is placed “at the bottom” of a search result grouping.

The Asserted Patents’ failure to specify *how* the annotations are generated is particularly striking given that annotations are central to the purported invention. The ’959 patent purports to recite “[a] method for providing *annotated internet search results* suitable for display to a user[.]” ’959 patent at 15:37-40 (emphasis added). Yet the patents are silent as to any mechanism or algorithm for producing those annotations. The Patents do not, for example, specify how the keywords are processed, how the keywords should be considered for omission, or how the search results themselves are generated on the results page. They merely note the “automatic” result. Such “result-focused” and “functional” language is “a frequent feature of claims held ineligible under § 101[.]” *Elec. Power Grp.*, 830 F.3d at 1356.

B. The elements of the Asserted Patents do not contain an inventive concept, whether considered individually or in combination.

The Asserted Patents also fail under *Alice* step two. The elements of the Asserted Claims, considered individually or in ordered combination, contain no inventive concept sufficient to transform the claimed abstract idea into a patent-eligible invention. Instead, they merely specify the use of well-known, conventional technology—“a computing device” and “an Internet”—in exactly the way that this technology is meant to be used. As a result, the Asserted Patents also fail *Alice* step two.

1. The Asserted Patents use conventional technology as a tool

The Asserted Claims recite two non-specific technological devices: “a computing device” and “an Internet,” both described in wholly generic terms. The claims and specification make clear that they are conventional, off-the-shelf technology. *See, e.g.*, ’959 patent at 5:12-15 (describing the “computing device” as “including for example a desktop, laptop, notebook computer, smart phone, tablet computer, etc.”); *id.* at Fig. 1 (depicting a “[t]ypical [s]earch [e]ngine”).

The Asserted Claims do nothing transformative with this technology: after “receiving a

search request,” *id.* at 15:40, an “Internet search” is “performed,” *id.* at 15:43, and “automatically annotated” search results are then “transmitt[ed]” to the device, *id.* at 15:46-48. Merely reciting “automatic[.]” annotation of search results does not *improve* search technology—it simply uses extant search technology and adds “insignificant post-solution activity.” *Bilski v. Kappos*, 561 U.S. 593, 610-11 (2010); *see also, e.g., Topia Tech., Inc.*, 2023 WL 2734607, at *4 (“in order to survive at step 2, a plaintiff cannot simply rely on generic computer elements to carry out an abstract idea ‘*automatically*’”) (internal alterations omitted) (emphasis added); *Univ. of Fla. Rsch. Found., Inc. v. Gen. Elec. Co.*, 916 F.3d 1363, 1367 (Fed. Cir. 2019) (characterizing patent that seeks to “automate ‘pen and paper methodologies’” as a “quintessential ‘do it on a computer’ patent”).

Here, too, the Federal Circuit’s decision in *IBM* is instructive. As noted above, *see* Section I.A *supra*, in *IBM*, the Federal Circuit considered a patent that, like the Asserted Patents here, recited a “process for annotating and presenting search results” in order to “improv[e] a user’s experience when viewing search results[.]” *IBM*, 2024 WL 89642, at *1, *5. The recited method called for: (1) “receiving” search results, (2) “receiving” a vector of data about the user, (3) “generat[ing]” an “annotated set of results” by “mapping” the vector against the search results, and (4) “presenting the annotated set of results to the user.” *Id.* at *2. Under *Alice* step two, the court concluded that these claims failed to qualify as inventive because they lacked “specific, discrete” details as to how the “annotated response set” is “generat[ed].” *Id.* at *5. AccuSearch’s claims are even more conclusory than those in *IBM*. Whereas the patent considered in *IBM* provided at least *some* explanation as to how the annotated response set was generated—*i.e.*, by mapping a user-specific data vector to the search results—AccuSearch’s patents merely claim the desired outcome: an “automatically annotated” search result.

AccuSearch’s “conclusory allegations” to the contrary are “unsupported by the patent

itself’ and thus carry no weight under well-settled authority. *Id.*; *see also RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017) (“To save a patent at step two, an inventive concept must be evident in the claims.”). In the FAC, AccuSearch repeatedly sets forth boilerplate legal conclusions masquerading as factual allegations. *See, e.g.*, FAC ¶ 165 (alleging that “[n]one of the limitations listed above . . . related to ‘annotation’ was well-understood, routine, or conventional”); *id.* ¶¶ 148-84 (similar); *id.* at ¶¶ 185-293 (reproducing the same boilerplate allegations as to each Asserted Patent). The Osann Declaration recites the same legal conclusions in similar terms. *See, e.g.*, Osann Decl. ¶ 42. As the Federal Circuit has “repeatedly held,” the court “need not accept a patent owner’s conclusory allegations of inventiveness.” *IBM*, 2024 WL 89642, at *4; *see also, e.g., Zillow*, 50 F.4th at 1379 (“the district court need not accept a patent owner’s conclusory allegations of inventiveness”). So too here.

In the same vein, AccuSearch makes several allegations that its Asserted Patents contain “improvements” without citation or support in the claims themselves. *See, e.g.*, FAC ¶ 70. In the limited instances that AccuSearch *does* attempt to find support in its patents, the cited language does not support AccuSearch’s assertions. For example, AccuSearch asserts that the Asserted Patents disclose an “algorithm” *id.* ¶ 75, but the cited language merely discloses “automatically visit[ing]” webpages and “analy[zing]” those webpages for the presence of search terms. There is no reference to an algorithm—let alone an explanation as to how any such algorithm would improve internet search technology. *See id.* (citing ’959 patent at Figure 9, 9:35-39). In any event, there can be no dispute that the Asserted Claims do not include any algorithm.

The specification confirms that the purported invention lacks “the specificity required to transform [the] claim from one claiming only a result to one claiming a way of achieving it.” *SAP America, Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1167 (Fed. Cir. 2018). Indeed, the specification

fails to provide any technological—let alone inventive—explanation for how to conduct the search, generate the results, analyze the corresponding webpages, create the annotations, or filter the annotated results. Meanwhile, it reiterates in several places that the purported improvement is directed to the user’s *experience*—claiming, for example, to “save users valuable time and avoid frustration” and to “mak[e] the user experience more positive[.]” ’959 patent at 2:65-3:03; *id.* at Abstract (similar); *see also id.* at 1:51-52 (similar); 2:03-05 (similar); Osann Decl. ¶ 8 (similar). But, like the Asserted Claims themselves, the specification fails to describe *how* those purported enhancements are actually implemented at the technological level. Instead, the specification simply recites the desirable end-result of a “more positive” user experience—precisely the type of patent held ineligible for protection under longstanding precedent.

2. The dependent claims do not supply an inventive concept.

As noted above, *see* Statement of Facts, *supra*, claim 11 of the ’959 patent is representative of all the Asserted Claims—all of which claim the same core concept of annotating search results that omit one or more search terms. The remaining Asserted Claims merely tack conventional details onto that core concept—such as filtering the annotated results, and referencing descendant webpages. These limitations are nothing more than narrower examples of that same concept. None of the remaining claims add any technical means for performing the core idea. Thus, considered as a whole, the dependent claims contribute no inventive concept sufficient to render the patents eligible for protection under *Alice*.

Similarly, even if the Court analyzes each claim independently, the asserted dependent claims fail to transform the abstract nature of the core concept into an inventive one. Those claims fall into two categories: (1) claims reciting that the annotated results can be filtered, and (2) claims reciting that the annotated results refer to descendant webpages. Neither is inventive.

a. Filtering search results

The first category of dependent claims—filtering results—falls far short of supplying an inventive concept. AccuSearch cannot seriously dispute that filtering search results is a step that can be “performed in the human mind, or by a human using a pen and paper.” *In re Killian*, 45 F.4th 1373, 1379 (Fed. Cir. 2022). In fact, the specification itself confirms that the “filtering” function mimics the mental process of “avoid[ing] clicking on an Internet search result” that omits relevant information. *See, e.g.*, ’959 patent Abstract. For example, consider the example above of a librarian who is asked for books on climate change. Rather than noting that *The Uninhabitable Earth* omits a discussion of agriculture, the librarian might simply remove *The Uninhabitable Earth* from her list of recommendations. The first category of dependent claims are directed to nothing more than this routine, non-technological step.

Accordingly, courts routinely find that the addition of a “filtering” function to search results does not transform otherwise generic claims. For example, in *IBM Corp. v. Zynga Inc.*, the court concluded that “a filtering step . . . based upon the user’s search query” failed to render the claims patent-eligible. 642 F. Supp. 3d 481, 492, 495 (D. Del. 2022). Similarly, when considering a similar patent in *IBM v. Zillow Grp.*, the court observed that a mere “filtering” step could not transform an otherwise abstract concept under *Alice* step two. 2022 WL 704137, at *13 (W.D. Wash. Mar. 9, 2022), *aff’d*, 2024 WL 89642 (Fed. Cir. Jan. 9, 2024). Such an argument, the court explained, “seeks to preempt every method of sequencing, annotating, and displaying search results based on user-related parameters” and is thus barred by “Section 101 jurisprudence dating back to the nineteenth century[.]”⁶ *Id.*

⁶ The Asserted Claims here also provide **no** technological detail as to how the “filtering function” is accomplished. *See* ’959 patent at 16:30-35. They do not, for example, disclose any method of indexing content, scoring search results, or applying relevance thresholds. Instead, they merely recite the result: annotated and filtered search results. *See id.*

b. Referring to descendant pages

The second category of dependent claims—referring to descendant pages—recites in purely result-oriented language that “the annotation is provided also in response to a presence or absence” of keywords from “one or more descendant webpages.” ’959 patent, claim 12. This limitation, too, falls far short of supplying an inventive concept. Again, the Asserted Claims fail to explain how the descendant webpages are analyzed, or how that analysis is then translated into an annotation. Instead, they merely provide a superficial, post-solution detail regarding the source of keywords that can be reflected in the “automatically annotated” results—namely, that the relevant keywords can be omitted in both the primary webpage *and* a descendant page (*i.e.*, a webpage that is directly linked from the primary webpage). This adds nothing beyond the abstract idea itself. And it is well-settled that claims “directed to collection of information, comprehending the meaning of that collected information, and indication of the results” are “abstract.” *Zillow*, 50 F.4th at 1378. These claims are yet another variation of that age-old concept.

3. The ordered combination of elements is not inventive.

The asserted claims merely “use[] a conventional ordering of steps . . . with conventional technology to achieve its desired result.” *Two-Way Media Ltd. v. Comcast Cable Commc’ns, LLC*, 874 F.3d 1329, 1339 (Fed. Cir. 2017). Accordingly, the ordered combination of the elements of the claims does not supply an inventive concept. Here, too, AccuSearch has repackaged unsupported legal conclusions as factual allegations. *See, e.g.*, FAC ¶¶ 101 (asserting without explanation that the “ordered combination” of the claim elements was not “well-understood, routine, or conventional”); *see also id.* ¶¶ 102, 167, 205, 243, 280 (similar). These assertions are belied by the plain language of the Asserted Patents and fail as a matter of law.

As noted above, the claims assert the following steps: (1) receiving a search request from the user, (2) generating results in response to that request, and (3) displaying “automatically

annotated” search results to the user’s computing device. That logical, routine order of operations does not supply an inventive concept. As the Federal Circuit has explained, there is nothing transformative in the ordered combination of “processing . . . data, then routing it, [then] controlling it.” *Id.* Similarly, the Federal Circuit concluded that there is nothing inventive in the ordered combination of “1) collecting data, 2) recognizing certain data within the collected data set, and 3) storing that recognized data in a memory.” *Content Extraction & Transmission, LLC v. Wells Fargo Bnk., Nat’l Ass’n*, 776 F.3d 1343, 1347 (Fed. Cir. 2014). The ordered combination of the Asserted Patents is even more rudimentary than that in *Content Extraction*, and falls far short of transforming the Asserted Patents into an invention warranting patent protection.

C. AccuSearch’s Extraneous Assertions Cannot Save Its Facially Ineligible Claims.

Finally, in a last-ditch effort to avoid dismissal under Section 101, AccuSearch resorts to two tactics: (1) attaching a declaration by Mr. Osann; and (2) including irrelevant allegations concerning patents purportedly owned by Google. Both maneuvers fail, because it is well-settled that it is “*the elements of the claim*” that are dispositive of patent eligibility under *Alice*, 573 U.S. at 221 (emphasis added). Indeed, the Federal Circuit has expressly instructed that “[t]he § 101 inquiry *must focus on the language of the Asserted Claims themselves*.” *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1149 (Fed. Cir. 2016) (emphasis added). AccuSearch’s attempts to rely on the Osann Declaration and unrelated Google patents run afoul of this clear guidance.

First, the Osann Declaration is irrelevant to the Section 101 inquiry, which turns on the claims themselves, not post-hoc statements from the inventor. *See, e.g., Aftechmobile Inc. v. Salesforce.com, Inc.*, 2020 WL 6129139, at *9 (N.D. Cal. Sept. 2, 2020), *aff’d*, 853 F. App’x 669 (Fed. Cir. 2021) (finding inventor declaration irrelevant because “because the patent-eligibility inquiry under § 101 focuses on the claim language in light of the specification”); *Vilox Techs.*,

LLC v. Salesforce, Inc., 2024 WL 2807924, at *2 n.1 (N.D. Cal. May 31, 2024) (rejecting as “improper” plaintiff’s attempt to rely on inventor’s declaration for purposes of a Section 101 argument). Because Mr. Osann’s declaration does not—and cannot—alter the Asserted Claims, it has no bearing on the Court’s eligibility determination. Regardless, Mr. Osann’s declaration merely repackages the FAC’s boilerplate legal conclusions as testimony. *Compare* FAC ¶ 88 (alleging that “dynamic filtering, integrated into the GUI itself, fundamentally altered how users navigated search results. It eliminated—or at least reduced—needless clicks, load times, bandwidth, and computer processing resources”) *with* Osann Decl. ¶ 47 (reproducing this same language verbatim). As explained above, those conclusions are unsupported by the Asserted Claims and fail as a matter of law. Accordingly, even if the Court were to consider the declaration, it would not affect the analysis.

Second, AccuSearch’s scattershot allegations regarding patents purportedly owned by Google—and statements allegedly made by Google’s patent counsel in connection with the prosecution of those patents—fail for the same reason. *See* FAC ¶¶ 298-318. According to AccuSearch, these assertions demonstrate “Google’s acknowledgement of patent-eligible subject matter.” *See id.* at p. 54 (capitalization altered). In addition to being improper, these allegations are irrelevant to the Court’s analysis of the Asserted Patents under Section 101. Google’s so-called “acknowledgement of patent-eligible subject matter” for *other, unrelated patents* fall far afield from the Asserted Patents.⁷ At best, such allegations serve only to distract the Court from the

⁷ To take but one example, AccuSearch asserts that Google’s ownership of U.S. Patent No. 9,940,646, entitled “Dynamic insertion of content items into resources,” supports “[t]he patent eligibility of the Asserted Patents,” because “Google believes that the ’646 Patent is directed to patent eligible subject matter.” FAC ¶¶ 313-17. But whatever “Google believes” about an unrelated patent—which is not directed at presenting or annotating search results, and which has different limitations, and is not part of this proceeding—is irrelevant to whether the claims at issue in this case are eligible.

language of the Asserted Claims. But it is the claim language—not alleged attorney statements in unconnected proceedings—that establish patent eligibility. And, here, the claim language makes clear that the Asserted Patents are ineligible for patent protection.

II. THE COURT SHOULD DISMISS THE FAC WITH PREJUDICE.

Finally, the Court should dismiss the FAC with prejudice. The ineligibility of AccuSearch’s claims is apparent from the face of the patents, and AccuSearch should not be granted yet another attempt to plead around that outcome. AccuSearch’s initial complaint contained numerous Section 101 legal arguments, repackaged as factual allegations. *See, e.g.*, Compl. ¶ 111 (asserting without explanation or support that “None of the claims of any Asserted Patent use computers merely as a tool”). Then, after receiving Google’s Motion to Dismiss based on Section 101, AccuSearch amended its complaint to add *even more* conclusory allegations of inventiveness and an inventor’s declaration. AccuSearch should not be granted yet another bite at the apple, because no further revisions could transform the Asserted Claims into patent-eligible subject matter under *Alice*. “The claims of the patents say what they say,” and any further amendments “would not change the Court’s § 101 analysis.” *Wireless Discovery LLC v. eHarmony, Inc.*, 654 F. Supp. 3d 360, 376 (D. Del. 2023), *aff’d*, *Wireless Discovery LLC v. Meet Grp., Inc.*, 2024 WL 3336763 (Fed. Cir. July 9, 2024). Dismissal with prejudice is therefore appropriate.

CONCLUSION

For the foregoing reasons, Google respectfully requests that the Court dismiss AccuSearch’s First Amended Complaint with prejudice.

Respectfully submitted,

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

OF COUNSEL:

/s/ Brian P. Egan

David J. Silbert
Edward Bayley
JD Schneider
Ryan J. Hayward
Catherine C. Porto
KEKER, VAN NEST & PETERS LLP
633 Battery Street
San Francisco, CA 94111-1809
(415) 391-5400

Brian P. Egan (#6227)
Cameron P. Clark (#6647)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
began@morrisnichols.com
cclark@morrisnichols.com

Attorneys for Defendant

August 8, 2025

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on August 8, 2025, upon the following in the manner indicated:

Andrew C. Mayo, Esquire
Brian A. Biggs, Esquire
ASHBY & GEDDES
500 Delaware Avenue, 8th Floor
Wilmington, DE 19801
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

Ronald M. Daignault, Esquire
Chandran B. Iyer, Esquire
Oded Burger, Esquire
Steve Reynolds, Esquire
Lisa Phillips, Esquire
DAIGNAULT IYER LLP
8229 Boone Boulevard, Suite 450
Vienna, VA 22182
Attorneys for Plaintiff

VIA ELECTRONIC MAIL

/s/ Brian P. Egan

Brian P. Egan (#6227)