

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.	)	

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

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SUMMARY OF ARGUMENT

AccuSearch's Opposition confirms that its patents are ineligible under Section 101. At step one of *Alice*, AccuSearch does not dispute that the Asserted Claims are directed to annotating search results to indicate missing terms—an idea that predates computers and can be performed with pen and paper. Instead, AccuSearch simply re-labels this abstraction as an “improvement[]” to GUIs. Opp. at 1. But the Federal Circuit has made clear that user-experience enhancements do not constitute technological improvements to computers absent a ***specific, technological solution*** to a technological problem. The Federal Circuit's decision in *IBM v. Zillow*—which invalidated closely analogous annotated-search-result claims—is squarely on point. AccuSearch has no answer except to suggest that *IBM* turned on pleadings rather than claim language. That is wrong. Eligibility depends on the claims, and the Asserted Claims here recite only functional results couched in generic computer language.

At *Alice* step two, AccuSearch again falls back on results, not technological solutions. It asserts that the claimed annotations are inventive, but under controlling law, the abstract idea *cannot* supply the required inventive concept. And in any event, the claims simply declare that annotations are generated “automatically,” without specifying any inventive algorithm, architecture, or unconventional arrangement. Indeed, AccuSearch admits that the annotations arise from a “single logic command” producing a binary presence/absence check, Opp. at 19—hardly an inventive concept. And the dependent claims are no better. The dependent claims merely append the conventional details (that the results may be filtered, the annotations may refer to descendent web pages, and that the patent may be practiced on small screens) using generic computer components.

In the end, AccuSearch relies on conclusory allegations in its FAC and in a self-serving

inventor declaration. But courts need not credit allegations that contradict the face of the patents. The Asserted Claims are abstract at step one and lack any inventive concept at step two. Because AccuSearch has already amended its complaint once to address Section 101, and no further amendment could cure these defects, the Court should dismiss the FAC with prejudice.

ARGUMENT

I. The Asserted Claims are abstract under *Alice* step one.

A. Claim 11 is representative.

In an argument relegated to a few sentences, AccuSearch disputes that claim 11 of the '959 patent is representative of the Asserted Claims. *See Opp.* at 14. But AccuSearch's own brief proves otherwise. Claim 11 is the only claim for which AccuSearch provides any detailed summary or analysis. *See id.* at 5, 7, 10; *Weisner v. Google LLC*, 51 F.4th 1073, 1081-82 & n.2 (Fed. Cir. 2022) (treating as representative the sole claim that the plaintiff "describes and analyzes . . . in any significant detail," despite the plaintiff's argument that various other claims were "exemplary"). And AccuSearch provides no substantive argument for why any limitation in other claims would change the Section 101 analysis. *See Mobile Acuity Ltd. v. Blippar Ltd.*, 110 F.4th 1280, 1290 (Fed. Cir. 2024) ("[A] district court may treat a claim as representative . . . if the patentee does not present any meaningful argument for the distinctive significance of any claim limitations not found in the representative claim[.]" (cleaned up)).

Regardless, as Google explained in its motion, claim 11 is representative because it embodies the same core concept (noting missing search terms in search results) that is the focus of all of the Asserted Claims. *See Mot.* at 3. The asserted independent claims recite the same process described in claim 11, with only minor variations. *See id.* at 4 n.1 (detailing the superficial variations contained in the independent claims). AccuSearch asserts that "[t]he other independent

claims” include “unconventional tangible elements.” Opp. at 5. That assertion is flatly wrong. As support for this proposition, AccuSearch points out that claim 14 of the ’001 patent recites a “receiving module, determining module, and [an] annotation module.” *Id.* But the claims provide *no* detail or explanation as to what these “modules” contain or how they operate. They simply assign “module” labels to components carrying out the same functionality present in claim 11 of the ’959 patent. AccuSearch also points out that claim 15 of the ’937 patent contains “servers,” a “user interface,” and a “display screen.”¹ Opp. at 5-6. None of those elements are unconventional. *See, e.g., Impact Engine, Inc. v. Google LLC*, 2024 WL 3287126, at *7 (Fed. Cir. July 3, 2024). Finally, the remaining dependent claims merely tack on conventional details. *See* Mot. at 4-5, 15. Specifically, that the results may be filtered and that the annotations may appear in a particular style of text or “format.” *See e.g.,* Opp. at 6 (citing ’959 patent, claim 13 (filtering) and ’959 patent, claim 18 (formatting)).²

Thus, the Court should treat claim 11 of the ’959 patent as representative.

B. The Asserted Claims are directed to an abstract concept.

As Google explained in its opening brief, claim 11 recites three 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* Mot. at 3-4. AccuSearch protests that this description is an

¹ AccuSearch vaguely asserts that the “display screen” has “particular elements and orientation,” but provides no explanation as to why this would render the screen “unconventional.” Opp. at 5. Regardless, the assertion is incorrect. Claim 15 merely recites a “personal computing device having a display screen.” ’937 patent at 16:67.

² Tellingly, AccuSearch omitted claim 18 from its original Complaint and First Amended Complaint. Regardless, this claim merely describes optional formatting of the annotation, and thus falls far short of supplying an inventive concept.

oversimplification, Opp. at 10,³ but it is the Asserted Claims that are overly simple. They describe the claimed invention in purely functional terms. Even the annotation of the search results, which AccuSearch touts as the key purported innovation in its patents, *id.*, is generated “automatically,” without any recitation of *how* it is generated. See ’959 patent, claim 11.

In the closely analogous *IBM v. Zillow* case, the district court held that claims directed to “the annotation and presentation of search results” are abstract, see *Int’l Bus. Machines Corp. v. Zillow Grp., Inc.*, 2022 WL 704137, at *12 (W.D. Wash. Mar. 9, 2022) (“*IBM I*”), and the Federal Circuit agreed, finding that those claims “do nothing more than improve a user’s experience while using a computer application,” 2024 WL 89642 at *4 (Fed. Cir. Jan. 9, 2024) (“*IBM II*”). AccuSearch’s only response is that *IBM* “is inapplicable for the sole reason that the plaintiff pled itself out of court.” Opp. at 13. This response is nonsensical—patent eligibility depends on the claims, not on how a party frames those claims in its pleadings. See, e.g., *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. Jul. 9, 2024). AccuSearch cannot simply wish away *IBM*’s careful analysis of why claims like AccuSearch’s are ineligible, including that those claims “describ[e] processes that can be performed with a pen and paper”; “focus[] on an intangible, namely information”; and “merely mimic[] what humans do to search for information.” *IBM II*, 2024 WL 89642 at *4.

Notably, the claims at issue in *IBM* recited more purported “specific structures” (see Opp. at 10) than AccuSearch’s claims do, including, for example, a “user context vector” that

³ AccuSearch asserts that Google “oversimplified” the Asserted Claims by describing them as directed to only “receiving a search request, performing an Internet search; and automatically annotating results.” Opp. at 10. In fact, Google expressly acknowledged that the claims include the detail that the “annotated Internet search result” indicates “one or more” missing “search term elements” from the query. See Mot. at 3-4.

comprises “data associating an interaction state with [the] user,” and “an ordering and annotation function for mapping the user context vector with [a] resource response” that is “executed interactively at the time of each user query.” *IBM II*, 2024 WL 89642 at *2. But the Federal Circuit nonetheless concluded that those claims were “precisely the types of claims that we have held are abstract at step one[.]” *Id.* at *4 (citing *Customedia Techs., LLC v. Dish Networks Corp.*, 951 F.3d 1359 (Fed. Cir. 2020)).

While *IBM* pierces the heart of AccuSearch’s patents, the two main cases that AccuSearch relies on—*Core Wireless* and *Data Engine*—miss the mark entirely.⁴ Indeed, the Federal Circuit has already rejected attempts to stretch those decisions to bestow patent eligibility on any “improvements to Internet-search user interfaces,” *see* Opp. at 4, explaining that “the fact that the claims involve a user interface does not automatically put the claims in the same category as *Core Wireless* and *Data Engine*.” *Broadband iTV, Inc. v. Amazon.com, Inc.*, 113 F.4th 1359, 1368 (Fed. Cir. 2024). Rather, “*Core Wireless* and *Data Engine* require a ***specific, technological solution to a technological problem***.” *Id.* (emphasis added). Consistent with this clear guidance, courts routinely reject attempts to apply *Core Wireless* and *Data Engine* to purported improvements to a GUI that lack the required technological breakthrough. *See, e.g., Int’l Bus. Machines Corp. v. Zillow Grp., Inc.*, 50 F.4th 1371, 1381 (Fed. Cir. 2022) (refusing to extend *Core Wireless* to claims directed to user interface layout).

⁴ *See Core Wireless Licensing S.A.R.L. v. LG Elecs., Inc.*, 880 F.3d 1356 (Fed. Cir. 2018) and *Data Engine Techs. LLC v. Google LLC*, 906 F.3d 999 (Fed. Cir. 2018). AccuSearch also cites *Trading Techs. Int’l, Inc. v. CQG*, 675 Fed. App’x 1001 (Fed. Cir. 2017), which is even further afield. That case relates to covered business methods, *see* 37 CFR § 42.301, and notably, in a precedential opinion the Federal Circuit later found similar claims in the same patent family to be abstract and patent ineligible. *See Trading Techs. Int’l, Inc. v. IBG*, 921 F.3d 1084 (Fed. Cir. 2019); *see also Trading Techs. Int’l, Inc. v. IBG*, 921 F.3d 1378 (Fed. Cir. 2019).

In fact, *Core Wireless* and *Data Engine* underscore the abstract nature of AccuSearch's Asserted Claims. In *Core Wireless*, the patent disclosed a method that enabled users to interact with applications that were in an “un-launched state” by “bringing together ‘a limited list of common functions and commonly accessed stored data.’” *Core Wireless*, 880 F.3d at 1363 (quoting patents at issue). To accomplish this task, the claims disclosed “an application summary window” that contained “a limited set of data” wherein “each of the data in the list [is] selectable to launch the respective application.” *Id.* at 1362-63. These “concepts . . . are specific to devices like computers and cell phones.” *Id.* at 1360. Similarly, in *Data Engine*, the patent claimed a “specific method for navigating through three-dimensional electronic spreadsheets.” 906 F.3d at 1007-09. This method required, among other things, “a formula,” which used an “identifying character” associated with each sheet, “to operate on information spread between different spreadsheet pages that are identified by their tabs.” *Id.* at 1008.

In contrast, AccuSearch effectively concedes that its patents claim only non-technological modifications to the contents of a user interface, admitting “[t]he claims do not purport to improve how the Internet search engine logic works—or how results are ‘transmitted.’ They recite improvements to the user interface: how the claimed annotations are generated and what they represent.” Opp. at 10.⁵ But as to “how the claimed annotations are generated,” *id.*, the Asserted Claims are silent—they merely declare that annotations are generated “automatically[.]” ’959 patent at claim 11. And as to “what [the annotations] represent,” Opp. at 10, that is a semantic

⁵ AccuSearch claims that its patents introduce five purported “improvements.” See Mot. at 1-2. Three of these “improvements”—the annotations, filtering mechanism, and placement on a mobile phone—are not inventive and are described in purely functional, results-oriented terms in the Asserted Claims, as explained in Google’s opening motion and above. The remaining two are a mere repackaging of these same concepts that simply describe the supposed benefits of the annotations and filtering. See Mot. at 2 (claiming that the claimed “interface created increased flexibility”); *id.* (claiming that the “filter . . . gives the user control”).

question, not a technological one. It is dictated by the information the annotations contain (*i.e.*, a notation that certain search terms are omitted from certain results). AccuSearch’s Asserted Claims thus “do nothing more than improve a user’s experience while using a computer application.” *See IBM II*, 2024 WL 89642 at *4. Accordingly, they are abstract and ineligible for patent protection. *See id.*

Further, unlike the patents in *Core Wireless* and *Data Engine*, AccuSearch’s Asserted Claims recite nothing that is unique to a specific technological environment. *See, e.g., IBM I*, 2022 WL 704137, at *6 (rejecting patentee’s attempt to rely on *Core Wireless* when the patent claims “contain no elements (other than graphical user interface) that are specific to computers and have no equivalent outside the realm of electronic devices”). And the Federal Circuit has squarely rejected AccuSearch’s assertion, *see* Opp. at 2, 13, that a dependent claim limitation implementing the concept on a “smaller screen” renders the patents “specific” to a computing environment. *See, e.g., Zillow*, 50 F.4th at 1382 (patent “does not improve any computer function or recite claim limitations specific to a computing environment” but rather “***addresses the space limitations of any finite two-dimensional display***”) (emphasis added).

AccuSearch’s remaining arguments under *Alice* step one also fail. It quibbles with Google’s analogies, *see* Opp. at 10-11, but the Federal Circuit has long looked to real-world analogies to determine whether an idea is abstract.⁶ And AccuSearch asserts that “librarians do not provide listings of potential results based on a list of search terms, where each result may contain less than all the search terms,” Opp. at 11, but that is precisely what librarians do, as

⁶ *See, e.g., Context Extraction & Transmission LLC v. Wells Fargo Bank, Nat. Ass’n*, 776 F.3d 1343, 1347 (Fed. Cir. 2014).

Google’s analogy (*e.g.*, a librarian who is asked for books on the impact of climate change on agriculture, public health, and international migration) illustrates. *See* Mot. at 7, 15.

Finally, AccuSearch complains that Google does not accept its boilerplate allegations in the FAC, such as its allegation that the patents provide “technological improvements to Internet search webpages and GUIs.” *See* Opp. at 11-12. But it is well-settled that “conclusory allegations, unsupported by the patent itself” are “insufficient to survive the pleading stage.” *IBM II*, 2024 WL 89642 at *5. AccuSearch cannot plead its patents out of abstractness, because “[s]tep one of the *Alice* inquiry presents a legal question that ‘does not require an evaluation of the prior art or facts outside of the intrinsic record.’” *Lyft, Inc. v. Quartz Auto Techs. LLC*, 2023 WL 12098840, at *4 (N.D. Cal. Sept. 25, 2023) (cleaned up).

Thus, the Asserted Claims fail *Alice* step one.

II. The Asserted Claims contain no inventive concept under *Alice* step two.

As explained in Google’s Motion, the Asserted Claims also fail *Alice* step two. Rather than transform the concept into an inventive one, the Asserted Claims make conventional use of well-known technology—“a computing device” and “an Internet.” *See* Mot. at 11-18. The dependent claims merely tack on a routine “filtering” steps and note that, on some occasions, the annotation will refer to a descendant webpage. *See id.* at 15-16. And, finally, according to decades of Federal Circuit precedent, there is nothing inventive in the ordered combination of displaying search results in response to a user’s query. *See id.* at 16.

IBM is equally instructive on *Alice* step two as on step one. The patent at issue in *IBM* recited a “four-step process for annotating and presenting search results,” *IBM I*, 2024 WL 89642, at *2, and the Federal Circuit concluded that the patent lacked any inventive concept and “relate[d] merely to the user’s experience and satisfaction with the search process and results.”

IBM II, 2024 WL 89642 at *5 (quoting and agreeing with the district court’s findings) (cleaned up). The same is true here. AccuSearch protests that its Asserted Claims “are different” than those in *IBM* because “they recite precisely what the annotations contain.” Opp. at 19. But the Federal Circuit in *IBM* in no way suggested that supplying more details on the *content* of the annotations could cure the claims’ deficiencies. In any event, AccuSearch’s arguments about the content of the annotations merely restate the abstract idea itself (*i.e.*, noting when search results omit query terms), which cannot supply the inventive concept under *Alice* step two. See *Simio, LLC v. FlexSim Software Prods., Inc.*, 983 F.3d 1353, 1363 (Fed. Cir. 2020).

Finally, in a last-ditch effort to avoid dismissal, AccuSearch makes a strained attempt to analogize its patents to the ones at issue in *Bascom* and *Weisner*. See Opp. 16-17.⁷ Neither case supports AccuSearch’s claims.

In *Bascom*, the Federal Circuit found a patent directed to “filtering content on the Internet” to be abstract under *Alice* step one, but inventive under step two because it “harnesse[d] [a] technical feature of network technology”—the ability of “at least some ISPs to identify individual accounts that communicate with the ISP server”—to supply an inventive concept that improved the “filtering system” itself. 827 F.3d at 1351. AccuSearch does not even try to argue that its Asserted Claims somehow improves filtering technology. Instead, it asserts that “[i]t was not conventional to tie annotated search results to filtering technology.” Opp. at 17. AccuSearch cites no support for this proposition. But, in any event, in *Bascom*, the Federal Circuit emphasized that “the abstract idea of filtering content along with the requirement to perform it on the Internet . . . **would not contain an inventive concept.**” 827 F.3d at 1350 (emphasis added). Consistent with

⁷ See *BASCOM Glob. Internet Servs. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016) and *Weisner v. Google*, 51 F.4th 1073 (Fed. Cir. 2022).

that guidance, courts have repeatedly found patents that invoke a filtering step to be ineligible under *Alice*. See Mot. at 15.

Next, AccuSearch argues that *Weisner* is “instructive” and asserts, without support, that “the claims here are even more specific” than those in *Weisner*. Opp. at 17. Not so. In *Weisner*, the court emphasized that the claims disclosed “***more than just the concept of improving a web search,***” including a specific method of “creating and using travel histories to improve computerized search results.” 51 F.4th at 1086 (emphasis added). Here, the patents supply no 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. See Mot. at 8, 10, 12-14. They merely declare the results, based on conventional use of generic computer components. AccuSearch’s reliance on *Weisner* is therefore misplaced.

The Asserted Claims thus also fail at *Alice* step two.

CONCLUSION

For the foregoing reasons, the Court should dismiss AccuSearch’s First Amended Complaint. Because no further amendments could cure the deficiencies in AccuSearch’s patents—and, indeed, AccuSearch has not even requested leave to amend or suggested there is anything further it could add to its complaint—Google requests that the Court dismiss the FAC with prejudice.

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 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 September 19, 2025, upon the following in the manner indicated:

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