

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**

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NATURE AND STAGE OF THE PROCEEDINGS

Plaintiff AccuSearch Technologies LLC (“AccuSearch”) filed its complaint (“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* Compl. ¶¶ 41-50. The Asserted Patents are part of the same patent family and share a common specification. *See id.* ¶ 41.¹ Each patent is directed to the same core 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 Complaint with prejudice because the Asserted Patents are ineligible for protection 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.

Indeed, AccuSearch knows that its claimed invention is a mere abstract idea. For this reason, much of AccuSearch’s Complaint reads like a brief in opposition to a Section 101 motion,

¹ The ’184 patent is a continuation of the ’001 patent, which is a continuation of the ’959 patent. The ’937 patent is a continuation of the ’184 patent. Each of the Asserted Patents claim priority to U.S. Patent No. 9,104,765.

with lengthy arguments about the patents’ purported novelty and technical nature couched as factual claims. But these allegations cannot save the Asserted Patents. It is well-settled that, when evaluating a motion to dismiss under Section 101, the court need not accept conclusory assertions or allegations of inventiveness that are belied by the claims or specification. That is precisely the case here: the claims and specification of the Asserted Patents make clear that the claims are devoid of any inventive concept. They merely implement an abstract idea (noting where search results omit portions of a query) in a generic technological environment (a computer). As a result, longstanding precedent compels the conclusion that the Asserted Patents are ineligible for protection under the patent laws. Because no amendments to the Complaint could cure this fundamental defect, the Court should dismiss the Complaint with prejudice.

STATEMENT OF FACTS

AccuSearch asserts one independent claim from each of the Asserted Patents, as well as seven dependent claims. *See* Compl. ¶¶ 144-46 (asserting independent claim 11 and dependent claims 12 and 16 of the ’959 patent); *id.* ¶¶ 182-84 (asserting independent claim 1 and dependent claims 5 and 9 of the ’001 patent); *id.* ¶¶ 220-22 (asserting independent claim 1 and dependent claims 3 and 6 of the ’184 patent); *id.* ¶¶ 258-59 (asserting independent claim 15 and dependent claim 19 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.²

Claim 11 recites:

² The Federal Circuit has explained that “[c]ourts 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[.]” *See Berkheimer v. HP Inc.*, 881 F.3d 1360, 1365 (Fed. Cir. 2018).

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

- [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—claim 11 of the '937 patent; claim 1 of the '001 patent; and claim 1 of the '184 patent—recite this same process in nearly identical terms.

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 terms from the user's query. The dependent Asserted Claims add minor additional limitations that fall into two categories: (1) filtering functionality; or (2) annotations for descendant webpages.

The “filtering” 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 at 16:30-35 (claim 16); *see also* '184 patent at 15:08-14 (claim 3) (similar); '001 patent at 15:10-15 (claim 9) (similar). These claims are couched in purely result-based, functional terms and, as a result, do not specify any method for carrying out the filtering. In other words, the claims do not recite any filtering logic or algorithm—they simply note that the results will be filtered (*i.e.*, “be removed from being displayed”) when the function is “selected by the user.” '959 patent at 16:30-35.

As to the second category of dependent claims, these claims add limitations that the search result annotations can *also* indicate whether the keywords are omitted from descendant webpages.³ 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.” *See* '959 patent at 16:03-09 (claim 12); *see also* '184 patent at 15:26-42 (claim 6) (similar); '001 patent at 14:56-63 (claim 5) (similar); '937 patent at 17:62-67 (claim 19) (similar). As with the first category, however, the claims do not specify *how* this result is generated. They merely recite the result:

³ The patents describe a “descendant webpage” as “a webpage linked directly one level from the referenced webpage.” '959 patent claim 12.

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) (internal quotations omitted). “[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). Consequently, “one helpful way of double-checking . . . whether the claims meet the requirement of an inventive concept” involves asking whether the “claims [are] so result-focused, so functional, as to effectively cover any solution to an identified problem.” *Id.* As relevant here, collecting and analyzing information are “essentially mental processes within the abstract-idea category.” *Id.* at 1353-54. Moreover, improvements related to speed and efficiency are “inherent in applying the use of a computer to any task” and do not confer patent eligibility. *Customedia Techs., LLC v. Dish Network Corp.*, 951 F.3d 1359, 1365 (Fed. Cir. 2020). Nor does “improving a user’s experience while using a computer application[.]” *Int’l Bus. Machs. Corp. v. Zillow Grp., Inc.*, No. 22-1861, 2024 WL 89642, at *3 (Fed. Cir. Jan. 9, 2024) (“*IBM*”).

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.* (internal quotation and alteration omitted). “[T]he invocation of already-available computers” does not transform an otherwise abstract concept into patentable subject

matter. *Customedia Techs.*, 951 F.3d at 1366 (internal quotation omitted). Rather, to pass step two, the claims “must include additional features” that “must be more than well-understood, routine, conventional activity.” *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715 (Fed. Cir. 2014) (internal quotation omitted).

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) (internal quotation omitted); *see, e.g., Fraud Free Transactions LLC v. Ping Identity Corp.*, C.A. No. 24-1218-GBW, 2025 WL 1235194, at *4 (D. Del. Apr. 29, 2025). 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) (internal quotation omitted); *see also, e.g., IBM*, 2024 WL 89642, at *4 (“we have repeatedly held that the district court need not accept a patent owner’s conclusory allegations of inventiveness”) (internal quotation omitted).

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—describing “[a] method for annotating resource results obtained in a customer self service system that performs resource search and selection”—is abstract under *Alice*. *See IBM*, 2024 WL 89642, at *2. 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. Nor do the limitations of the Asserted Claims—considered individually or in ordered combination—transform this abstract concept into an inventive one. Instead, they merely add post-functional details regarding the display and content of the annotated results. Crucially, neither the specification nor the claims 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 plausible new allegations could render them patent-eligible, Google requests that the Court dismiss AccuSearch’s Complaint 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 relevant information. This concept is routinely practiced by humans using mental processes—a tell-tale sign of an abstract idea. *Intell. Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016) (concept ineligible for patent protection where, “with the exception of generic computer-implemented steps, there is nothing in the claims themselves that foreclose them from being performed by a human, mentally or with pen and paper”).

For example, 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 note that it discusses climate change and its consequences for public health and migration, but 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 relevant 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.* (quoting claim language) (emphases added). Similarly, here, AccuSearch’s 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, as in *IBM*, the 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. Accordingly, as in *IBM*, the Asserted Claims are ineligible for patent protection under *Alice*.

In an effort to avoid this inevitable result, AccuSearch has asserted numerous, unsupported allegations of inventiveness in its complaint. For example, AccuSearch asserts that “[e]ach of the Asserted Patents is directed to technological improvements to Internet search webpages and GUIs[.]” *See, e.g.*, Compl. ¶¶ 47-50. Even if that were true (it is not), 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.” *Int’l Bus. Machs.*, 50 F.4th at 1378 (internal quotation omitted); *Elec. Power Grp.*, 830 F.3d at 1354 (the “process of gathering and analyzing information of a specified content, then displaying the results” is abstract). That is precisely what the Asserted Claims do here—**collect** information in response to a user’s search, **analyze** whether keywords are present in results, and then **indicate** those results to the user. AccuSearch cannot simply declare that this concept—which has long been held abstract under Section 101—is inventive.

Similarly, AccuSearch asserts that its patents are inventive because annotated search results “avoid considerable wasted time, energy, and resources” and “benefits the user by greatly speeding up the search process.” Compl. ¶ 70. This assertion, too, fails as a matter of law, because 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.*, 951 F.3d at 1365; *see also, e.g., IBM*, 2024 WL 89642, at *5 (same); *Trading Techs. Int’l, Inc. v. IBG LLC*, 921 F.3d 1381, 1384 (Fed. Cir. 2019) (finding patents ineligible under *Alice* because they “focused on providing information to [users] in a way that helps them process information more quickly,” and thus “**not on improving computers or technology**”) (emphasis added). That

remains true where, as is the case here, the claims at issue recite “a graphical user interface” for displaying a list of results. *See, e.g., Trading Techs.*, 921 F.3d at 1381.

In any event, courts need not accept allegations of inventiveness that “contradict . . . the claims and patent specification.” *Secured Mail Sols., LLC v. Universal Wilde, Inc.*, 873 F.3d 905, 913 (Fed. Cir. 2017). Here, the Asserted Claims are wholly devoid of the “technological improvements to the Internet and GUIs” asserted in the complaint. AccuSearch asserts, for example, that its patents improve Internet search technology by “warning a user against visiting irrelevant websites,” Compl. ¶ 52, “separat[ing] out irrelevant [search results],” *id.* ¶ 55,⁴ and “improving the precision, accuracy, and efficiency of search results,” *id.* ¶ 65. But these are not “technological improvements”—instead, they are merely restatements of the abstract idea.

As in *IBM*, the claimed elements “do not contain *any specific mechanism*” for accomplishing these purported improvements. *IBM*, 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). Indeed, the claims do not even describe how the annotations are created, aside from noting that their generation is “automatic.” Merely noting that the annotations are generated “automatically” does not warrant patent protection. *See, e.g., Topia Tech., Inc. v. Egnyte, Inc.*, C.A. No. 21-1821-CJB, 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. 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.

The Asserted Patents’ failure to specify *how* the annotations are generated is particularly striking given that annotations are central to the purported invention. *See, e.g.*, ’959 patent at 15:37-40 (reciting “[a] method for providing *annotated internet search results* suitable for display to a user”) (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 selected or processed, how the keywords should be considered for omission, or how the search results themselves are generated. 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. Nothing in the claims “requires anything other than conventional computer and network components operating according to their ordinary functions.” *Two-Way Media, Ltd. v. Comcast Cable Commc’ns LLC*, 874 F.3d 1329, 1339 (Fed. Cir. 2017); *Alice*, 573 U.S. at 223-24 (“wholly generic computer implementation” of abstract ideas fails to provide any inventive concept).

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 themselves offer no further detail as to these elements, and the specification makes 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 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). Indeed, the Federal Circuit has already observed that patents directed to “receiving transmitted data . . . and displaying it to a user” are “purely conventional activities that *are the most basic functions of a computer.*” *Intell. Ventures I LLC v. Erie Indem. Co.*, 850 F.3d 1315, 1331 (Fed. Cir. 2017) (emphasis added) (internal quotations omitted); *see also 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’ to conserve human resources and minimize errors” as a “quintessential ‘do it on a computer’ patent”).

IBM is instructive. There, 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 to produce an annotated set tailored to the user—AccuSearch’s patents contain no such explanation. Instead, they merely claim the desired result: an “automatically annotated” search result. The Asserted Patents are thus even more abstract than the patent the Federal Circuit found ineligible in *IBM*.

AccuSearch’s “conclusory allegations” to the contrary are “unsupported by the patent itself” and thus barred by well-settled authority. *Id.*; *see also id.* (observing that the Federal Circuit has “repeatedly found” such allegations to be “insufficient to survive the pleading stage”); *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 its Complaint, AccuSearch repeatedly sets forth boilerplate legal conclusions masquerading as factual allegations. *See, e.g.*, Compl. ¶ 156 (alleging without citation that “[n]one of the limitations listed above . . . related to ‘annotation’ was well-understood, routine, or conventional”); *see also id.* ¶¶ 147-175 (similar); *id.* at ¶¶ 185-213, 223-251, 260-288 (reproducing the same boilerplate allegations as to each Asserted Patent). 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 (internal quotation omitted).

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.*, Compl. ¶ 70

(alleging without support that “the Asserted Patents deliver an interactive, technology-driven solution that optimizes the efficiency, relevancy, and immediacy of search results”). 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 Patents disclose an “algorithm” *id.* ¶ 73, but the cited language merely discloses “automatically visit[ing]” webpages and “analy[zing]” those webpages for the presence of search terms, *id.* 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 does nothing transformative to the underlying technology, and 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, 1166 (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, or create the annotations. Meanwhile, it reiterates in several places that the purported improvement is directed to the user’s *experience* when using a search engine—claiming, for example, to “save users valuable time and avoid frustration—making the user experience more positive from both an emotional and productivity standpoint.” ’959 patent at 2:65-3:05; *id.* at Abstract (claiming that the purported invention is designed to prevent users from having “waste time” when conducting searches); *see also id.* at 1:51-52 (similar); 2:03-05 (similar). But, like the 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. *See, e.g., Customedia Techs.*, 951 F.3d at 1365 (“improving a user’s experience while using a computer application is not, without more, sufficient to render the claims”); *IBM*, 2024 WL 89642 at *3, *5 (same).

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 on to that core concept—such as filtering the annotated results and referencing descendant webpages. These limitations are nothing more than narrower instantiations of that same concept. None of the remaining claims add any technical means for performing the core idea—instead, they merely add generic refinements to the same concept. Thus, even considered claim-by-claim, the dependent claims contribute no inventive concept sufficient to render the patents eligible.

But 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 or sorted, 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 out less relevant 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 discussed 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 offer the reader a list of only those books that cover all the requested topics, and then 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, 494-95(D. Del. 2022). Similarly, the court in *Blackbird Tech LLC v. Advanced Discovery Inc.* concluded that claims reciting “ranking” and “displaying” search results supplied “no inventive contribution to the art.” C.A. No. 16-413-GMS, 2017 WL 2734725, at *5 (D. Del. June 26, 2017). And, when considering a similar patent, the court rejected the plaintiff’s arguments that a “filtering” step transformed an otherwise abstract concept under *Alice* step two. *Int’l Bus. Machs. Corp. v. Zillow Grp., Inc.*, No. C20-1130-TSZ, 2022 WL 704137, at *13 (W.D. Wash. Mar. 9, 2022), *aff’d*, No. 2022-1861, 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[.]”⁵ *Id.*

⁵ And, as explained above, the claims provide *no* detail as to how the “filtering function” is accomplished. See ’959 patent at 16:30-35 (describing a “selectable filtering function”). They merely state that “a selectable filtering function” “causes one or more Internet search results referencing webpages that are missing one or more search term elements to be removed” from the display. *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 at 16:03-08. 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. Simply indicating that terms are omitted on a descendant page does not render the Asserted Claims patent-eligible. After all, 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.” *IBM*, 50 F.4th at 1378 (Fed. Cir. 2022). 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.*, 874 F.3d at 1339. Accordingly, the ordered combination of the elements of the claims does not supply an inventive concept.⁶

⁶ Here, too, AccuSearch has repackaged unsupported legal conclusions as factual allegations. *See, e.g.*, Compl. ¶ 95 (asserting without explanation that the “ordered combination” of the claim elements was not “well-understood, routine, or conventional”); *see also id.* ¶¶ 96, 158, 234, 271 (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—receiving a request, generating results, and displaying those results—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 & Transm’n, LLC v. Wells Fargo Bnk., Nat’l Ass’n*, 776 F.3d 1343, 1347-48 (Fed. Cir. 2014). The ordered combination of the Asserted Patents is even more rudimentary than that in *Content Extraction*, and falls far short transforming the Asserted Patents into an invention warranting patent protection.

4. AccuSearch’s assertions regarding Google patents are irrelevant.

As demonstrated above, AccuSearch’s complaint is rife with legal arguments recast as factual allegations, in an attempt to shield the Asserted Claims from dismissal based on Section 101. In the same vein, AccuSearch included 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. *See* Compl. ¶¶ 289-309. According to AccuSearch, these assertions demonstrate “Google’s acknowledgement of patent-eligible subject matter.” *See id.* at p. 48 (capitalization altered). In addition to being improper, these allegations are irrelevant to the Court’s analysis of the Asserted Patents under Section 101.

It is well-settled that eligibility under *Alice* turns on the language of the claims. The Supreme Court explained in *Alice* that it is “*the elements of the claim*” that “determine whether [a patent] contains an inventive concept.” 134 S. Ct. at 2357 (emphasis added). And the Federal

Circuit has 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 allegations regarding Google’s so-called “acknowledgement of patent-eligible subject matter,” Compl. at p. 48, for *other, unrelated patents* fall far afield from the Asserted Patents and serve only to distract the Court from the language of the Asserted Claims.

⁷ 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.

C. The Court should dismiss AccuSearch’s Complaint with prejudice.

Finally, because the ineligibility of the AccuSearch’s claims is evident from the face of the patents—and because no amendments to the Complaint could render the Asserted Claims inventive under *Alice*—the Court should dismiss AccuSearch’s Complaint with prejudice. *See Wireless Discovery LLC v. eHarmony, Inc.*, 654 F. Supp. 3d 360, 376 (D. Del. 2023) (“The claims of the patents say what they say, [and] [a]mending the complaint would not change the Court’s § 101 analysis.”); *see also, e.g., Arunachalam v. Kronos Inc.*, C.A. No. 14-91-RGA, 2021 WL 1174530, at *4 (D. Del. Mar. 29, 2021) (granting motion to dismiss with prejudice based on Section 101 ineligibility under *Alice*); *Finnavations LLC v. Payoneer, Inc.*, C.A. No. 18-444-RGA, 2018 WL 6168618, at *5 (D. Del. Nov. 26, 2018) (same). As in *Wireless Discovery*, the deficiencies in the Asserted Patents cannot be cured by amendment to the Complaint. Google thus requests that the Court dismiss the Complaint with prejudice.

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.” Compl. ¶¶ 304-09. Of course, whether “Google believes” that an unrelated patent that is not directed at presenting or annotating search results with different limitations that is not part of this proceeding “is directed to patent eligible subject matter” is irrelevant to whether the claims at issue in this case are eligible.

CONCLUSION

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

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 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 June 20, 2025, upon the following in the manner indicated:

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