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Claims of Uniloc Patents Covering a Software Distribution System Found Patent Eligible by Federal Circuit

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Today the Federal Circuit issued an opinion addressing patent eligibility of the claimed subject matter of four Uniloc patents.^[1] The Federal Circuit found two of the four representative claims to be patent eligible under the *Alice* two-step patent eligibility test. The Court distinguished the claims patent eligibility based in-part on whether the claims merely described functional subject matter or whether the claims recited particular improvements over then-existing computer and network functionality.

The first claims addressed by the Court were found to be directed to centralized software distribution. The district court found the claims to be ineligible because the specification described use of the claimed subject matter in the context of an existing software distribution system and considered the claims to be directed to conventional computer functionality.

The Federal Circuit found this to be an incorrect analysis of the claims because, while the claims could be used as part of a conventional system, the claims recited an improved software distribution system using file packets in a specific way to accomplish centralized software distribution in an unconventional matter. Thus, the Court found the claimed subject matter reciting a particular improvement to computer functionality not to be directed to an abstract idea under *Alice* step one. The Court cited to *Finjan* and *McRO* to support the conclusion that claims reciting a particular improvement to prior art renders the claims patent eligible.

The second claims addressed by the Court were found to be directed to acquiring a set of user preferences and a set of administrator preferences when launching an on-demand application installation. The Federal Circuit again found that the claims went beyond claiming functionality using conventional computing components and rather recited a using the conventional components in unconventional ways to achieve a particular improvement to computer functionality. The Court cited to *Enfish* to support the conclusion that such an improvement renders the claims patent eligible. The Court went on to state that even if the claims would have been found to be abstract under *Alice* step one, the claims still would have been eligible under *Alice* step two, citing *Bascom*, as a particular way of using conventional components to achieve an unconventional result.

The third and fourth claims were found to be directed, respectively, to using a desktop interface to access and application server and a license management server that manages client access to an application. Both of these claims were found to be directed to an abstract idea. In the former, the Court found the claims to recite functional use of conventional components. Uniloc argued that the display regions of the interface were unconventional. However, the Court found, citing *Intellectual Ventures I LLC v. Capital One Bank*, the display regions to be icons that provided conventional functionality and rendered the claims abstract. In the latter, the Court found, citing *Elec. Pwr. Grp.*, that the claims did not go beyond data collection, analysis, and display. There was nothing in the claims that went beyond conventional license management because the Court found the policy, authorization, and notification to operate in a conventional way.

[1] [Uniloc USA, Inc. v. ADP, LLC](#), App. No. 18-1132 (Fed. Cir. May, 24, 2019) (Non-Precedential).



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