



## Texas Court Defers Alice Determination until After Claim Construction

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Based on the parties' disagreement as to the scope of the asserted claims, the court determined that more analysis regarding the interpretation of the claims is needed to resolve this issue. The court also concluded that the asserted claims do not clearly show that they recite an abstract idea because the claims include physical structures. Thus, the court denied Defendants' motion without prejudice to re-file a similar motion after claim construction.

Advanced Marketing Sys, LLC v. CVS Pharmacy, C.A. No. 6:15-cv-134 (E.D. Tex. Jan. 25, 2016) (Gilstrap, J.).

### Categories

District Court

§ 101 Analysis under Alice

Claim Construction

Eastern District of Texas

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