



## Federal Circuit Finds Another Software Patent Ineligible

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The court found that Claim 14 is representative and is directed to a network-based media system with a customized user interface, in which the system delivers streaming content from a network-based resource upon demand to a handheld wireless electronic device having a graphical user interface. Affinity asserted this patent against Amazon's music system, which allows customers to stream music from a customized library.

First, the court affirmed that the patent is directed to the abstract idea of delivering user-selected media content to portable devices. Moreover, the claims are directed to the use of conventional or generic technology in a nascent but well-known environment, without any claim that the invention reflects an inventive solution to any problem presented by combining the two.

The court rejected Affinity's argument that wireless streaming of media was not routine, conventional or well-known because the patent did not describe any particular mechanism for wirelessly streaming content to a handheld device. Instead, the patent used functional claiming without providing any limiting detail that confined the claim to a particular solution to an identified problem. The purely functional nature of the claim confirms that it is directed to an abstract idea, not to a concrete embodiment of that idea.

The court also rejected Affinity's argument that the claims' limitation of a customized user interface proves they are not directed to an abstract idea. The court held that customizing content to a particular user is still abstract and analogized it to delivering different newspaper inserts for different neighborhoods.

Turning to the second step in *Alice*, the court affirmed that the claims do not provide an inventive concept. The claims are written in largely functional terms, such as claiming “a collection of instructions” that perform the functions of displaying a selection of available content on a graphical user interface and allowing the user to request streaming of that content. The court found this did not provide any technical means for performing the functions that are arguably an advance over conventional computer and network technology. The broad claims were not directed to any specific configuration or any concrete way of employing a customized user interface.

*Affinity Labs of Texas, LLC v. Amazon.com, Inc.*, Case No. 2015-2080 (Fed. Cir. Sept. 23, 2016).

## Categories

Federal Circuit

§ 101 Analysis under *Alice*

Technology

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