

# Judge Albright Grants Summary Judgment on 101 Grounds and Cancels Trial

DECEMBER 13, 2021

On December 6, 2021, in *USC IP Partnerships, LP v. Facebook, Inc.*, Judge Albright granted Facebook's motion for summary judgment on Section 101 grounds in what appears to be a first for the court.

According to the Minute Entry, the court granted Facebook's motion for summary judgment and its 101 motion, and also canceled the jury trial scheduled for December 13. While we wait for the court's written order, we have the following observations:

1. USC IP asserted one patent in its lawsuit against Facebook, U.S. Patent No. 8,645,300 (the "300 Patent"). The patent teaches systems and methods for processing information from visitors to one or more websites. Specifically, the patent allegedly determines a visitor's intent and uses said intent to predict and suggest webpages for the visitor.
2. Facebook filed a motion for summary judgment on Section 101 grounds. For *Alice* Step 1, Facebook relied on the Federal Circuit's 2016 decision in *Electric Power Group, LLC v. Alstom*, and argued that the claims of the '300 Patent were directed to an abstract idea because they recite "high-level desired functional results using conventional hardware and undisclosed software programming." For *Alice* Step 2, Facebook argued the claims recite "generic functional language to achieve the purported solutions" and reviewed the extent of the generic and well-known components recited in the claims. Facebook also argued considering the claims as an ordered combination did not satisfy Step 2 because "the claim merely reflects a sequence performed in a logical order dictated by the abstract idea."
3. Facebook also filed a motion for partial summary judgment on the grounds that the plaintiff did not contest that certain claims were invalid under 35 U.S.C. 102(b) based on Facebook's 2010 System, and that plaintiff did not provide any evidence of indirect or willful infringement.

Once the court issues its written order, we will update WacoWatch.

1 Min Read

---

Author

Danielle Williams

---

## Related Locations

Charlotte

New York

## Related Topics

101 Motions

Facebook

Patent Litigation

## Related Capabilities

Patent Litigation

Technology, Media & Telecommunications

## Related Regions

North America

## Related Professionals

---



Danielle Williams

*This entry has been created for information and planning purposes. It is not intended to be, nor should it be substituted for, legal advice, which turns on specific facts.*