

DIGITECH IMAGE TECHNOLOGIES, LLC., v. ELECTRONICS FOR IMAGING, INC.,
Appeal No. 2013-1600-1618 (Fed. Cir. July 11, 2014). Before Moore, Reyna, and Hughes.
Appealed from C.D. Cal. (Judge Wright).

Background:

Digitech filed suits against 32 defendants for infringing U.S. Patent No. 6,128,415 ("the '415 patent") directed to an "improved device profile" within an image processing system and generating the device profile. The patent's device profile captures color and spatial information useful in communications between image source equipment (*e.g.*, a digital camera) and image output equipment (*e.g.*, a color printer). Several defendants responded by filing summary judgment motions to invalidate the claims under 35 U.S.C. §101. In granting the defendants' motion, the district court held that the device profile claims and the method of generating the device profile were subject matter ineligible under 35 U.S.C. §101 because: (i) the device profile claims are directed to a collection of information (*i.e.*, numerical data that lacks a physical component/ manifestation), and thus do not fall within one of the categories enumerated by §101; and (ii) the method claims of generating the device profile "encompass the abstract idea of organizing data through mathematical correlations." Digitech appealed.

Issues/Holdings:

Did the district court err by finding the claims directed to the improved "device profile" subject matter ineligible? No, affirmed. Did the district court err by finding the method claims directed to the generation of the device profile to be subject matter ineligible? No, affirmed.

Discussion:

On appeal, Digitech argued that the district court erred in finding that: (i) the device profile claims are directed to a collection of data that lacks tangible or physical properties; and (ii) the method claims encompass an abstract idea and are not tied to a specific machine or apparatus.

Regarding the device profile claims, Digitech argued that the device profile claims are eligible under 35 U.S.C. §101 because the device profile is a tangible object that is an integral part of the design and calibration of a processor within a digital image processing system. The Federal Circuit found these arguments unpersuasive, reasoning that the device profiles are a collection of intangible spatial and color information that does not fall within one of the patent eligible categories of §101.

Regarding the method claims, Digitech argued that the method claims are eligible under 35 U.S.C. §101 because they describe a process for generating a device profile specifically tied to a digital image processing system that is integral to the transformation of a digital image. Relying on *Alice v. CLS Bank*, the Federal Circuit held that: (i) the method claims are directed to essentially a method of "calculating" (the abstract idea of employing mathematical algorithms to manipulate existing information to organize a new device profile); and (ii) Digitech's arguments that the method being tied to an image processor is enough for patentability is moot because the method claims do not tie the method to an image processor because the preamble merely states the purpose or intended use, which covers all uses.

U.S. Patent No. 6,128,415

Listing of Claims:

1. A *device profile for describing* properties of a device in a digital image reproduction system to capture, transform or render an image, said device profile comprising:
first data for describing a device dependent transformation of color information content of the image to a device independent color space; and
second data for describing a device dependent transformation of spatial information content of the image in said device independent color space.

2-25. (Not Shown)

26. A *device profile for describing properties* of a device in a digital image reproduction system to capture, transform or render an image, said device profile *comprising data for describing* a device dependent transformation of spatial information content of the image to a device independent color space, wherein
through use of spatial stimuli and device response for said device, said data is represented by spatial characteristic functions.

27-33. (Not Shown)