

AFFINITY LABS OF TEXAS, LLC v. DIRECTV, LLC, Appeal Nos. 2015-1845, 2015-1846, 2015-1847, 2015-1848. (Fed. Cir. September 23, 2016). Before Prost, Bryson and Wallach. Appealed from W.D. Tex. (Judge Smith).

Background:

Affinity sued Directv for infringement of a patent directed to streaming regional broadcast signals to cellular telephones located outside the region served by the regional broadcaster. The district court found the purpose of the patent is a well-known, longstanding business practice, to disseminate regionally broadcast content to users outside the region, and thus directed to an abstract idea. The claims were further found not to contain an inventive concept such that they do more than claim the ineligible idea itself. The district court therefore granted a motion to dismiss for failure to state a claim, finding the claims not to be directed to eligible subject matter.

Issue/Holding:

Whether the district court erred in finding the claims ineligible. No, affirmed.

Discussion:

The Federal Circuit agreed that the concept of providing out-of-region access to regional broadcast content is an abstract idea as used in the section 101 context. It is a broad and familiar concept concerning information distribution that is untethered to any specific or concrete way of implementing it.

The Federal Circuit indicated that while the claim is directed to delivering the content only to cellphones, merely limiting the field of use of the abstract idea to a particular existing technological environment does not render the claim any less abstract. The claim is not directed to the solution of a "technological problem," nor is it directed to an improvement in computer or network functionality. Instead, it claims the general concept of out-of-region delivery of broadcast content through the use of conventional devices, without offering any technological means of effecting that concept. The claim is drafted in such a way to cover any wireless delivery of out-of-region broadcasting content to a cellular telephone via a network.