

19-1210

**United States Court of Appeals
for the Federal Circuit**

DISTEFANO PATENT TRUST III, LLC

Plaintiff-Appellant,

v.

LINKEDIN CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court for the District of Delaware in
No. 1:17-cv-01798-LPS-CJB, Judge Leonard P. Stark

**APPELLEE'S RESPONSE TO APPELLANT'S COMBINED
PETITION FOR REHEARING AND REHEARING EN BANC**

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February 13, 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DiStefano Patent Trust III v. LinkedIn Corporation,
19-1210

CERTIFICATE OF INTEREST

Counsel for the Appellee, LinkedIn Corporation, certifies the following:

1. The full name of every party or amicus represented by me is:

LinkedIn Corporation
2. The Name of Real Party in interest (Please only include any real party in interest NOT identified in Question 3) represented by me is:

LinkedIn Corporation
3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

Microsoft Corporation
4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court (and who have not or will not enter an appearance in this case) are:

Klarquist Sparkman, LLP: Robert T. Cruzen, Todd M. Siegel, Andrew M. Mason, and Sarah E. Jesema; and
Morris, Nichols, Arsht & Tunnell LLP: Jack B. Blumenfeld

5. The title and number of any case known to counsel to be pending in this or any other court or agency that will directly affect or be directly affect or be affected by this court's decision in the pending appeal. *See* Fed. Cir. R. 47.4(a)(5) and 47.5(b).

None.

February 13, 2020

/s/ Robert T. Cruzen
Robert T. Cruzen

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**I. LINKEDIN RESPONDED TO THE
PANEL REHEARING ARGUMENT
REGARDING THE DISTRICT COURT’S JUDGMENT.**

LinkedIn responded, at the Court’s request, to Question 1 in the Petition, regarding supposed inconsistencies between the district court’s Judgment and order granting LinkedIn’s motion. ECF No. 56. The Judgment DiStefano attacks as erroneous was submitted to the district court *by DiStefano* jointly with LinkedIn. *Id.* 2-5. DiStefano also waived the argument when it mentioned it only in its Reply brief on appeal, in a footnote, without requesting any relief. *Id.* 5-7.

**II. THE ARGUMENTS IN BOTH
PETITIONS THAT ALLEGATIONS PRECLUDED
GRANTING LINKEDIN’S MOTION SHOULD BE REJECTED.**

A. The Patent’s Ineligibility Under §101.

DiStefano’s Petition contends that the Court incorrectly affirmed the district court’s conclusion that the claims of U.S. Patent No. 8,768,760 (the “’760 patent”) are ineligible for patenting. But the Petition never quotes one word of those claims, or cites any passage from the patent’s specification.

Representative claim 1 requires three steps for establishing a cross-marketing relationship between two web pages:

1. Two users indicate they want to opt into a web page cross-linking arrangement.
2. The linking arrangement is stored within a database.

3. A link to each user's web page is included on the other user's web page.

While claim 1 recites generic Internet functionality, the claimed method otherwise resembles reciprocal marketing relationships formed between brick-and-mortar stores selling complementary products. A similar cross-marketing relationship could be implemented by posting paper flyers on the wall of one business directing customers to another complementary business, and vice versa. A third-party marketer could facilitate that relationship by obtaining each business's agreement to opt into it, maintaining a record of the relationship, and hanging a flyer on each business's wall advertising the other party's business.

Claim 1 purports to apply this marketing concept as performed by a generic "computer hardware system" configured to serve two web pages, each of which is associated with a different user:

receiving, from [each of the two users' computers]
indication[s] to opt into a reciprocal linking arrangement;
establishing, within a database associated with the computer
hardware system, the reciprocal linking arrangement...;
[and]
including, within [each] web page and based upon the
reciprocal linking arrangement, a ... functional
identification element associated with the [other] user,
wherein [each] functional identification element includes
a link to the [other user's] web page.

Appx67 (28:4-29).

The district court correctly found claim 1 ineligible. *Alice Corp. v. CLS*

Bank Int'l, 573 U.S. 208 (2014). It first held the claim is directed to the abstract idea of facilitating cross-marketing relationships, which the Petition does not challenge. Appx10-12. The patent focuses on marketing, not technical solutions to technical problems. Appx54 (2:49-54); *see* Appx54 (2:40-47) (a “common way of marketing a website” is creating links between web pages); Appx55 (3:63-65) (a link is an “element for marketing”). The problem purportedly overcome is the *hassle of establishing* marketing relationships between two websites by employing a web designer, not any technical problem, as adding cross-marketing links is described as “very common.” Appx54 (2:47-54).

Second, the district court correctly held that claim 1 implements that idea in the context of the Internet using conventional steps (described only functionally) that add nothing inventive at Step Two of *Alice*. Appx12-14. The patent uses “standard computer programming techniques well-known in the art.” Appx56 (5:55-58); *see also, id.* (5:49-52) (describing “a generalized computer/internet system” in which the method is practiced); *id.* (5:52-54) (conventional server); *id.* (6:7-13) (generic computers “using standard web-browsers[.]”). The specification discloses no details regarding the “database” where the linking arrangement is “established” or how links are added to web pages. The district court also observed that the claims and specification never explain how the three claim steps are performed. Appx13-14; *see* Appx252 (Tr. 52:23-25).

DiStefano argues the Court should have reversed, because the district court was required to accept as true DiStefano's arguments, such as that "the claimed invention improved a technical process." Petition 7, 10-12. These arguments, which never cite the '760 patent, and which cite only a single allegation of the complaint, should be rejected, particularly in light of DiStefano's concessions, as discussed below.

B. DiStefano Never Disputed That All Claim Steps Are Conventional Or That The Combination Functionally Recites Generic Components To Perform Conventional Tasks.

DiStefano argues that it never conceded that "any of the individual steps [or] the ordered combination were . . . conventional." Petition 13. As to the former, DiStefano is incorrect: DiStefano's counsel conceded that all individual components were conventional, expressly informing the district court that "[t]he issue is whether the ordered combination as a whole is conventional." Appx240. At the hearing before this Court, DiStefano's counsel also stated unequivocally that DiStefano's attempt to rebut ineligibility was based on the ordered combination. Oral Argument at 3:35-4:00, No. 19-1210, <http://oralarguments.cafc.uscourts.gov/default.aspx?fl=2019-1210.mp3>. DiStefano never argued in the district court that any claim step was unconventional. Appx180-181.

DiStefano also failed to explain how the ordered combination amounts to more than the idea of using conventional computers to perform tasks a human performed before the patent's filing date. DiStefano admitted that web pages, links, reciprocal linking, and cross-marketing on the Internet were all well-known and conventional (Appx227, Appx232), and that "prior art processes accomplish[ed] the same result" as claim 1. Appx248; Appx232 ("creating reciprocal links on web pages was known in the prior art."). DiStefano described the invention's benefit as eliminating the need to employ humans to perform the cross-linking method manually: "the claimed methods enable web page design and cross-linking 'without requiring that individual to learn HTML or to interact extensively with a web page designer....'" Appx181 (quoting 3:3-4); Appx228 (Tr. 28:5-10).

But the patent recites no technical details regarding receiving user opt-ins to a linking arrangement, storing that arrangement in a database, or adding links to web pages. Because the claims and specification do not explain *how* the claim steps are performed, the argument that claim 1 spares users from having to learn HTML or hiring designers rings hollow, as the district court observed. *See* Appx252 (Tr. 52:23-25).

This Court repeatedly pressed DiStefano's counsel to explain what was inventive in the ordered combination, and pointedly asked how the district court

erred in finding the patent claimed the idea of performing conventional business practices using generic computers. Oral Argument at 1:30-5:07, No. 19-1210, <http://oralarguments.cafc.uscourts.gov/default.aspx?fl=2019-1210.mp3>.

DiStefano's counsel offered no response tied to the patent, the allegations of the complaint, or anything else in the district court record, instead only discussing prior art raised for the first time on appeal. *Id.*

Contrary to DiStefano's argument (at 16-17), providing DiStefano these opportunities to explain how the ordered combination solved a technical problem with a technical solution did not improperly shift the burden to DiStefano.

LinkedIn showed that the ordered combination did not render claim 1 eligible at *Alice* Step Two under this Court's precedent by noting that the patent described all components as conventional, and observing that the claims recite the mere idea of using an unspecified "computer hardware system" to perform conventional steps without any technical details regarding how that is accomplished. Even if the patent had described how to implement the method, automating conventional tasks using generic computers does not render a claim eligible. *See OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1363 (Fed. Cir. 2015) ("relying on a computer to perform routine tasks more quickly or more accurately is insufficient to render a claim patent eligible"); *LendingTree, LLC v. Zillow, Inc.*, 656 F. App'x 991, 996

(Fed. Cir. 2016) (“automating conventional activities using generic technology does not amount to an inventive concept”).

Offering DiStefano a chance to rebut that analysis imposed no improper burden. This Court has taken the same approach in recent cases. “Because CGI does not point to any inventive concept present in the ordered combination of elements beyond the act of wireless communication, we find that no inventive concept exists....” *Chamberlain Grp., Inc. v. Techtronic Indus. Co.*, 935 F.3d 1341, 1348-49 (Fed. Cir. 2019); *Secured Mail Sols. LLC v. Universal Wilde, Inc.*, 873 F.3d 905, 913 (Fed. Cir. 2017).

C. Conclusory Allegations And Allegations That Contradict An Exhibit To The Complaint Need Not Be Accepted As True.

While factual allegations in a complaint must normally be accepted, “allegations [that] are conclusory [are] not entitled to be assumed true.” *Ashcroft v. Iqbal*, 556 U.S. 662, 681 (2009) (disregarding allegations “that Ashcroft was the ‘principal architect’ of this invidious policy and that Mueller was ‘instrumental’ in adopting and executing it[.]”). The district court was not obligated to “accept ‘bald assertions’ or ‘legal conclusions,’” *Morse v. Lower Merion Sch. Dist.*, 132 F.3d 902, 908 (3d Cir. 1997), or accept as true “unsupported conclusions and unwarranted inferences,” *Schuylkill Energy Res., Inc. v. Pa. Power & Light Co.*, 113 F.3d 405, 417 (3d Cir. 1997).

Similarly, allegations that contradict the language of the patent’s claims or specification need not be accepted as true. Under Third Circuit law, the court could properly refer to the patent—an exhibit to the complaint—in assessing the allegations, and resolve any conflict in favor of the exhibit. *Vorchheimer v. Philadelphian Owners Ass’n*, 903 F.3d 100, 111–12 (3d Cir. 2018) (holding “if [the plaintiff’s] own exhibits contradict her allegations in the complaint, the exhibits control.”). *See Gupta v. Wipro Ltd.*, 749 F. App’x 94, 97 (3d Cir. 2018).

This Court endorses the same approach to exhibits attached to a complaint when evaluating eligibility. “In ruling on a 12(b)(6) motion, a court need not ‘accept as true allegations that contradict matters properly subject to judicial notice or by exhibit,’ such as the claims and the patent specification.” *Secured Mail*, 873 F.3d at 913 (citations omitted). DiStefano conceded this point. Appx238-39.

D. No Allegations Precluded Dismissal.

1. Allegations In The Petition For Panel Rehearing.

The Petition for Panel Rehearing argues (at 3) that “the panel failed to give credit to factual allegations made in the pleadings” but never identifies any such allegation. To the extent the Petition states that “[t]he district court admitted that ‘DiStefano contends a factual dispute exists regarding whether the ordered combination of steps is routine and conventional’” (at 7), it might be referring to the allegation that “each claim of the ’760 patent recites a combination of elements

sufficient to ensure that the claim in practice amounts to significantly more than a patent on an ineligible concept.” Appx73 ¶14.

First, DiStefano cites no authority for the proposition that reciting boilerplate that a claim’s “combination of elements” renders it eligible precludes dismissal. That result would be contrary to *Iqbal* and the Third Circuit authority cited above, because the allegation is conclusory. Whether a combination of elements constitutes “significantly more” than the abstract idea is a question of law resolved at Step Two of *Alice*. DiStefano’s allegation merely parrots the test. *Alice*, 573 U.S. at 217-18 (describing search for a “combination of elements that is ‘sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.’”). While factual disputes can arise at Step Two, reciting the bare test for eligibility and alleging the “combination of elements” meets that test does not create one.

Second, the district court provided a well-reasoned analysis, noting DiStefano’s concessions that the method involved using generic computer components to perform conventional tasks. Appx14. DiStefano’s allegation regarding an inventive combination solving technical problems was also inconsistent with the patents’ lack of “any detail” regarding how to perform any recited step. *Id.*

Stating that an “ordered combination is not routine or conventional” without specifying—in the complaint, briefing, or hearing—what that combination entails or how it improves over conventional steps does not create an issue of fact. Here, the ordered combination is receiving indications to opt into a linking arrangement, recording that arrangement in a database, and adding links to web pages.

DiStefano never argued that the order of steps is unconventional. Receiving indications to opt into a linking arrangement necessarily occurs before that arrangement can be recorded or links are added “based upon” the arrangement.

Appx67 (claim 1). And conventional cross-marketing practices—on the Internet or otherwise—would follow the same order: receiving both parties’ assent to enter into the arrangement before storing a record of it and implementing the cross-marketing. As a whole, claim 1 recites the *idea* of using generic computer components to perform these conventional steps in their logical sequence.

DiStefano’s argument based on an ordered combination—which argument never cites the specification, any claim, or even the complaint—thus fails.

DiStefano also cites pages of the district court’s opinion (Appx11 and Appx14) without identifying any allegation of the complaint that the district court should have accepted, but failed to accept, as true. Petition 7-8. The opinion at Appx11 does not discuss *any* allegations. At Appx14, the district court discusses this allegation: “The inventions of the ’760 patent resolve technical problems

related to a streamlined process for developing web pages and posting those web pages on the internet.” Appx72, ¶10. But the district court was correct to find that the patent identifies no such technical problems and lacks all detail for the performance of any step. Appx14.

The allegation also contradicts claim 1. Claim 1 does *not* recite a process for “developing web pages.” It *assumes the preexistence* of two web pages in the preamble and recites only adding one link to each. Appx67 (28:4-29) (reciting computer system “configured to serve a first web page associated with a first user and a second web page associated with a second user”). The patent describes no technical problems regarding developing web pages, and DiStefano identified none in the district court. And nothing in claim 1 or the specification resolves technical problems or solutions related to “posting web pages on the internet”: claim 1 does not recite posting web pages at all. *Id.*

Thus, DiStefano’s argument that a court must accept *all* allegations made in a complaint (Petition 7-8), apparently even when they are conclusory, boilerplate, contradicted by the patent, or unable to be explained at a hearing, is not the law. Certainly that is not what the Court stated in cases such as *Berkheimer*, *Aatrix*, and *CellSpin*, which DiStefano cites in support. *See, also, Aatrix Software, Inc. v. Green Shades Software, Inc.*, 890 F.3d 1354, 1356 (Fed. Cir. 2018) (J. Moore, concurring in denial of petition for rehearing en banc) (“In a situation where the

specification admits the additional claim elements are well-understood, routine, and conventional, it will be difficult, if not impossible, for a patentee to show a genuine dispute.”). This Court’s approach is wholly consistent with the Supreme Court and Third Circuit authorities cited above.

2. Allegations In The Petition For Rehearing En Banc.

DiStefano cites in its Petition for Rehearing En Banc one allegation it argues precluded dismissal: the invention “allow[s] parties to establish reciprocal linking arrangements between multiple web pages using only a single web page implementation system, as opposed to prior art processes that required multiple systems to accomplish the same result.” Petition 16 (citing ¶10). This allegation contradicts the patent and DiStefano’s admissions. It is also irrelevant.

First, the patent makes clear that establishing reciprocal links did not require “multiple systems” in the prior art. The specification states that establishing links between two websites required only paying a designer to do so. Appx54 (2:47-54). The complaint does not allege, and the patent does not state, that using a single system results in any identified technical benefit over supposed multiple systems that the patent never describes. Having to pay a human to add links manually—the problem DiStefano contends the invention overcomes—is not a technical problem involving “multiple systems.” *Id.*; see Appx228 (Tr. 28:5-10). The district court

was not required to accept this conclusory allegation as true in light of the patent and DiStefano's admissions.

Second, even if it were accepted as true, no actual "single web page implementation system" for establishing links is claimed or described in the '760 patent in anything but the most functional terms. Claim 1 recites an undefined "computer hardware system" that performs three steps that DiStefano never argued were unconventional. No particular way of receiving opt-ins to a linking arrangement is disclosed; storing the arrangement in a database is never described; and adding cross-links to web pages is admitted as conventional and described as "very common." Appx54, 2:47-49. LinkedIn argued, and DiStefano never disputed, that every claim step is recited functionally. ECF 27 19-23, 45-46 (citing this Court's precedent holding such claims ineligible). Thus, claim 1 is directed to the *idea* of using a generic computer system to accomplish what a human conventionally accomplished, without describing how to do so. The allegation of using a "single system" therefore does not establish that claim 1 contains an inventive concept constituting significantly more than the abstract idea to which it is directed.

This case bears no resemblance to the detailed allegations reviewed in *Aatrix* or *Cellspin*, which explained how the claims there solved identified technical problems with disclosed solutions, and which found support in the patents

considered. *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1126-28 (Fed. Cir. 2018); *see id.* at 1129 (noting specification passages supporting patentee’s allegations that inventive concept “uses less memory, results in faster processing speed, and reduces the risk of thrashing which makes the computer process forms more efficiently”); *Cellspin Soft, Inc. v. Fitbit, Inc.*, 927 F.3d 1306, 1316-17 (Fed. Cir. 2019) (reviewing specific improvements identified in twelve citations to complaint allegations, and supporting passages in specification).

III. DISTEFANO’S REMAINING ARGUMENTS FOR REHEARING EN BANC SHOULD BE REJECTED.

A. Distefano’s Attack On The Court’s Supposed Plausibility Standard Is Waived, Wrong And Irrelevant.

DiStefano argues that the Court’s standard for assessing allegations in a complaint is inconsistent with Third Circuit and Supreme Court precedent. Petition 8-10. This argument is new, irrelevant, and incorrect. DiStefano never so argued in the district court. Appx165-184. To the contrary, DiStefano urged the district court to apply *Aatrix*. Appx169-183.

DiStefano also fails to show that the Court’s supposedly flawed plausibility standard affected this case. No evidence exists that the Court’s Rule 36 Judgment failed to apply Third Circuit law to pleading issues. The district court explicitly did so. *See* Appx4-5. The district court’s opinion never cites *FairWarning IP*, one

of two cases DiStefano contends was wrongly decided. And it cited *Aatrix* only for the proposition that issues of fact can arise in §101 determinations. Appx7.

DiStefano argues that “the Supreme Court’s plausibility standard goes to the plausibility of the claim for relief—not the factual allegations[.]” Petition 9.

DiStefano failed to present this argument in the district court. DiStefano’s “plausibility” argument also does not identify any allegation the district court improperly rejected. *Id.* 8-15. Regardless, the district court properly evaluated whether particular allegations DiStefano relied upon in opposing the motion were mere conclusions, whether they contradicted the patent (an exhibit to the complaint), and whether they contradicted DiStefano’s own admissions. That approach was correct under Third Circuit law, as discussed above. Consequently, DiStefano’s attack on the Court’s “plausibility standard” is irrelevant to resolution of this case.

Further, DiStefano’s legal argument is incorrect: the Supreme Court has explicitly rejected as implausible specific allegations, not just entire claims. *See, e.g., Wood v. Moss*, 572 U.S. 744, 763–64 (2014) (rejecting specific allegation in light of exhibits to the complaint and holding “the protesters cannot plausibly urge that the agents ‘had no valid security reason to request or order the[ir] eviction.’”); *Fifth Third Bancorp v. Dudenhoeffer*, 573 U.S. 409, 428 (2014) (holding a plaintiff “must plausibly allege” certain specific facts to state claim based on use of insider

information); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 557 (2007) (conclusory allegations were insufficient because plaintiff must provide “allegations plausibly suggesting” the elements of claim).

**B. Courts Properly Grant 12(b)(6) Motions
On The Basis Of Exhibits Attached To The Complaint.**

DiStefano argues that evaluating §101 at the pleading stage is impermissible because a plaintiff need not address defenses at the pleading stage. *See, e.g.*, Petition 18-22. DiStefano did not raise this argument at the district court. Appx165-184.

The argument is incorrect. While a plaintiff need not plead around defenses, dismissal at the pleading stage is appropriate where the allegations of the complaint or exhibits attached to it provide the basis for dismissal. *See, e.g., Jones v. Bock*, 549 U.S. 199, 215 (2007); *M & M Stone Co. v. Pennsylvania*, 388 F. App’x 156, 162 (3d Cir. 2010) (noting defense is properly raised on 12(b)(6) based on “the complaint, exhibits attached to the complaint, [and] matters of public record”).

“A copy of any written instrument which is an exhibit to a pleading is a part of the pleading for all purposes.” Fed. R. Civ. P. 10(c). Allegations in and exhibits to complaints may provide the basis for a dismissal, even where the basis is a defense, as the very case DiStefano cites (at 18) makes perfectly clear.

Schmidt v. Skolas, 770 F.3d 241, 251-52 (3d Cir. 2014) (statute of limitations

dismissal appropriate if defense is “evident on the face of the complaint and documents properly considered at the [12(b)(6)] stage”); *see Guidotti v. Legal Helpers Debt Resolution, L.L.C.*, 716 F.3d 764, 776 (3d Cir. 2013) (finding arbitrability of claims an affirmative defense and basis for dismissal where exhibits establish it); §1357 Motions to Dismiss—Practice Under Rule 12(b)(6), 5B Fed. Prac. & Proc. Civ. §1357 (3d ed.) (collecting 12(b)(6) dismissals as to numerous defenses based on facts alleged or exhibits attached to complaints). This Court takes the same approach in deciding §101 dismissals. *Secured Mail Sols.*, 873 F.3d at 913. DiStefano’s argument that this Court has created specialized rules of pleading applicable only to patent cases therefore fails.

The presumption of validity also does not prevent evaluation of eligibility on a 12(b)(6) motion. DiStefano cites two concurring opinions from Judge Mayer suggesting that no presumption should apply as evidence that the Court has misapplied *Twombly*. Petition 20-21. But the district court cited neither and correctly applied the controlling precedent, noting that fact disputes may arise but do not occur in every §101 determination, which is otherwise a question of law. *See Appx7*, citing *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (Fed. Cir. 2018). Here, no issues of fact precluded dismissal. *See Part II*. The court’s approach is consistent with Supreme Court precedent.

**C. Pleading *Prima Facie* Infringement
Does Not Bar A Complaint's Dismissal.**

Finally, DiStefano argues that adequately pleading infringement creates a bar to dismissal. Petition 22-23. DiStefano waived this argument. DiStefano argued previously that a 12(b)(6) dismissal “premised on a lack of patent eligibility is appropriate” where no issues of facts exist. Appx173.

DiStefano’s new argument is based on *Disc Disease Sols. Inc. v. VGH Sols., Inc.*, 888 F.3d 1256 (Fed. Cir. 2018). Petition 22. But *Disc Disease* considered the specificity required in pleading *prima facie* infringement, not whether courts may resolve questions of law regarding a patent attached to the complaint. The Court has since continued to affirm §101 pleading stage dismissals. *See SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1166 (Fed. Cir. 2018); *see also* Part III(B) (citing Third Circuit and Supreme Court cases granting dismissals without assessing whether *prima facie* claim elements had been pleaded). Adopting a contrary approach, where ineligibility could never be resolved at the pleading stage, would deviate from federal court practice and create patent-specific pleading rules, which DiStefano admits this Court should not fashion. Petition 6.

The Petition should be denied.

Respectfully submitted,

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February 13, 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DiStefano Patent Trust III v. LinkedIn Corporation,
19-1210

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of February, 2020, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit through the Court's CM/ECF system.

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