No. 24-1721

United States Court of Appeals For the Federal Circuit

CEIVA OPCO, LLC,

Plaintiff-Appellant,

v.

AMAZON.COM, INC.

Defendant-Appellee.

Appeal from the United States District Court for the Central District of California, Case No. 2:22-cv-02709-AB-MAA, Hon. Andre Birotte, Jr.

COMBINED PETITION OF APPELLEE AMAZON.COM, INC. FOR REHEARING AND REHEARING EN BANC

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CERTIFICATE OF INTEREST

For Defendant-Appellee Amazon.com, Inc.:

Counsel for Defendant-Appellee Amazon.com, Inc. certifies the following under Federal Circuit Rule 47.4:

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

   Amazon.com, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

   None.

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:

   None.

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

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Fenwick & West LLP	Christopher S. Lavin, Dargaye H. Churnet, Donna Tang Long, Jeffrey A. Ware, and Olivia L. Wheeling
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5. Other than the originating number(s), 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 affected by this court's decision in the pending appeal:

None.

6. All information required by Federal Rule of Appellate Procedure 26.1(b) and (c) that identifies organizational victims in criminal cases and debtors and trustees in bankruptcy cases:

None.

August 24, 2026

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TABLE OF CONTENTS

Page

STATEMENT OF COUNSEL 1

POINTS OF LAW AND FACT OVERLOOKED OR MISAPPREHENDED BY THE PANEL 2

REASONS FOR GRANTING THE PETITION 3

BACKGROUND 4

A. The common specification describes a conventional digital picture frame connected to a network. 4

B. The ’573 patent claims the same idea of a digital picture frame connected to a network. 7

C. The district court ruled that the patents reflect no technological improvement for separating a generic user interface from the digital picture frame. 8

D. The panel opinion treats a conventional user interface as a technological improvement. 10

ARGUMENT 12

A. The panel’s ruling on the ’573 patent is erroneous and inconsistent with its treatment of the other asserted claims. 12

B. Rehearing en banc is warranted to maintain uniformity in the Court’s § 101 precedent. 17

CONCLUSION 19

TABLE OF AUTHORITIES

Page(s)

Affinity Labs of Texas, LLC v. Amazon.com Inc.,
838 F.3d 1266 (Fed. Cir. 2016) 1, 2, 9, 13, 14

Apple, Inc. v. Ameranth, Inc.,
842 F.3d 1229 (Fed. Cir. 2016) 1, 14

Berkheimer v. HP Inc.,
881 F.3d 1360 (Fed. Cir. 2018) 18

ChargePoint, Inc. v. SemaConnect, Inc.,
920 F.3d 759 (Fed. Cir. 2019) 1, 15

Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.,
880 F.3d 1356 (Fed. Cir. 2018) 16

Data Engine Technologies LLC v. Google LLC,
906 F.3d 999 (Fed. Cir. 2018) 16

Electric Power Grp., LLC v. Alstom S.A.,
830 F.3d 1350 (Fed. Cir. 2016) 15, 16, 17

International Business Machines Corp. v. Zillow Group, Inc.,
50 F.4th 1371 (Fed. Cir. 2022) 17

Lighting Ballast Control LLC v. Philips Elecs. N. Am. Corp.,
500 F. App'x 951 (Fed. Cir. 2013) 18

LKQ Corp. v. GM Glob. Tech. Operations LLC,
71 F.4th 1383 (Fed. Cir. 2023) 18

Simio, LLC v. FlexSim Software Products, Inc.,
983 F.3d 1353 (Fed. Cir. 2020) 16

SAP Am., Inc. v. InvestPic, LLC,
898 F.3d 1161 (Fed. Cir. 2018) 13

Trading Technologies International, Inc. v. CQG, Inc.,
675 F. App'x 1001 (Fed. Cir. 2017) 16

STATEMENT OF COUNSEL

Based on my professional judgment, I believe the panel decision is contrary to the following precedents of this Court: *ChargePoint, Inc. v. SemaConnect, Inc.*, 920 F.3d 759 (Fed. Cir. 2019); *Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229 (Fed. Cir. 2016); and *Affinity Labs of Texas, LLC v. Amazon.com Inc.*, 838 F.3d 1266 (Fed. Cir. 2016).

/s/ J. David Hadden
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POINTS OF LAW AND FACT OVERLOOKED OR MISAPPREHENDED BY THE PANEL

1. Claim 19 of the '573 patent's "physically separable" user interface limitation does not describe an improvement to technology. The specification calls for any data file viewable through a web browser or other software. (Appx71 (22:30-47).) And the record confirmed the patentee did not invent new technology for a user interface "physically separable" from a digital picture frame. (Appx71 (22:30-47); Appx236-37; Appx7344 (¶308); Appx7352 (¶318); Appx7375-80 (¶¶377-384).)

2. The holding that claim 19 of the '573 patent is directed to a digital picture frame with a physically separable interface reads out claim limitations concerning automatic updates and thus incorrectly characterizes the focus of that claim.

3. A generic user interface does not provide the technological improvement necessary to render an otherwise abstract claim patent eligible. *See, e.g.*, Affinity *Labs of Tex., LLC v. Amazon.com Inc.*, 838 F.3d 1266 (Fed. Cir. 2016).

REASONS FOR GRANTING THE PETITION

The patents here concern digital picture frames. The common specification describes Sony's prior-art "CyberFrame," then suggests adding internet connectivity so the frame can receive images and software updates "automatically" and "without user input" from a remote database. The district court held this idea abstract and ruled all asserted claims ineligible at summary judgment.

The panel affirmed as to three patents, holding them ineligible because they disclose no new technology for connecting a digital picture frame to the internet. That the patents claimed this idea as a "display device" did not impart a technological solution, because the "device" consisted only of conventional computer components with software that "comprises" or is "configured to" perform a list of desired results, including displaying an image, authenticating a server, obtaining software updates, and allowing remote control through a website.

The panel reversed as to claim 19 of the '573 patent and held it non-abstract at *Alice* step one. It ruled that the same display device became a technological solution when claimed as a picture frame with a "physically separable" user interface. In explaining its holding, the panel did not discuss the patent's disclosures about the user interface, which describe it as a conventional webpage or "any type of software program." Instead, the panel relied on the observation that lack of remote control over a network was a "technological problem" with prior art digital

picture frames, and that a "physically separable" user interface was therefore a "technological solution" "captured" by reciting that element in the claim.

This error warrants rehearing. The "physically separable" user interface of the '573 patent is no different from the other conventional elements described throughout the asserted patents. Nothing in the patent discloses anything other than a generic user interface accessible over a conventional network from a separate computer. There is no new technology for separating a user interface from a digital picture frame, only the idea to do so using any software that will work.

The panel's opinion also cannot be reconciled with the Court's long line of § 101 precedents holding that, even when addressed to technological context, a claim must do more than recite an idea or a useful result. This includes cases holding specifically that a generic user interface does not make a claim directed to an interface improvement at *Alice* step one. As such, allowing even this nonprecedential decision to stand will blur several important boundaries in §101 law.

BACKGROUND

A. The common specification describes a conventional digital picture frame connected to a network.

The four asserted patents[1] are directed to a digital picture frame that can connect to the internet. The shared specification identifies the Sony CyberFrame as

[1] U.S. Patent Nos. 6,442,573, 9,203,930, 9,654,562, and 9,124,656.

prior art: a conventional digital picture frame with an LCD screen, memory, and other hardware and software "configured to playback MPEG or JPEG data files" in accordance with settings provided by the user. (Appx61 (1:40-47, 1:60-67, 2:5-14).)

Because the CyberFrame lacked internet connectivity, (Appx61 (1:53-2:14, 2:28-31)), it could obtain new images only from physically connected storage, required users to adjust settings on the device, and could not receive software updates remotely over the internet. (Appx61 (1:50-53, 2:15-22, 2:23-38); Appx49 (Fig. 1A).)

The specification proposes connecting the picture frame to remote servers through a network. (Appx64 (8:32-38); Appx63 (6:39-41).) The result is a "*self-configuring* digital picture frame that obtains images for display and/or software from a data repository via an interconnection fabric (*e.g.*, a computer network)." (Appx64 (8:32-38) (emphasis added).) In other words, a digital picture frame that can "*automatically*" and "*without user input*" update its content by accessing a remote database over a network like the internet. (Appx64 (8:42-60); Appx65 (9:32-35).)

In contrast to the components that supply network connectivity to the device and perform these functions, (*see* RB6-7; Appx65-66 (10:36-11:63); Appx67

(13:40-51)),[2] the specification says little about the user interface other than confirming that it is generic. A user who wishes to provide images or preferences to the frame may do so through a "picture box" (Figure 5):

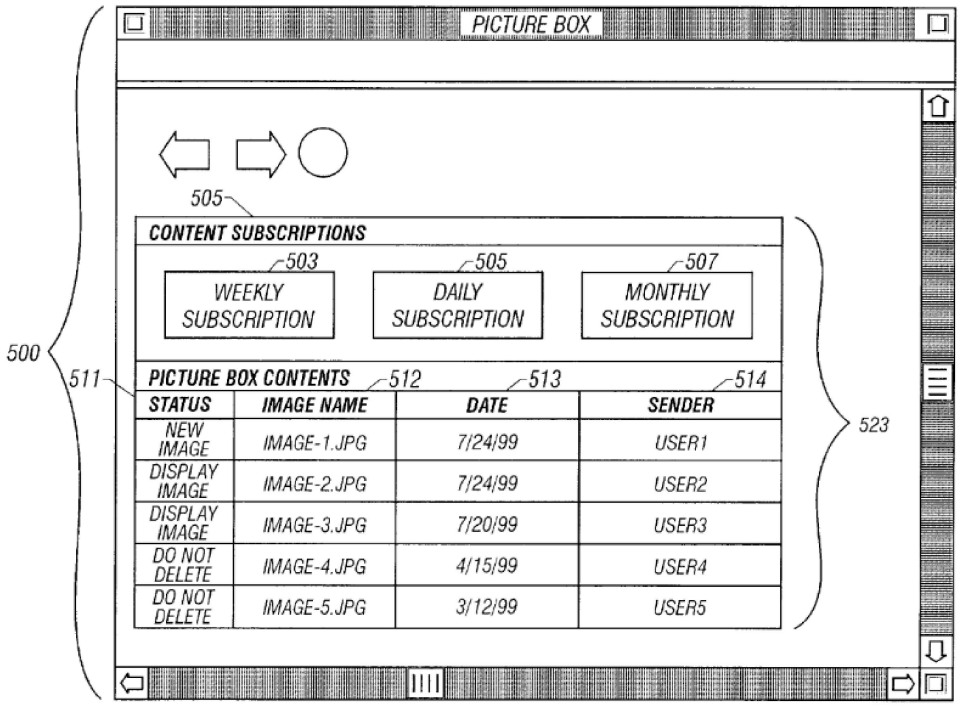


FIGURE 5

These "picture boxes" are "accessible" via a network "such as the Internet" and "may be viewed using a standard web browser." (Appx71 (22:3-5).) There is no required format or structure for a picture box. It may be viewed through a conventional web browser or "any type of software program" capable of displaying it. (*Id.* (22:30-37).) And the picture box itself is simply "any type of data file capable of being transmitted" to these web browsers or other software viewers for display.

[2] Ceiva conceded that it did not invent these components. (OB51; Appx2314 (57:3-5, 57:16-18); Appx2314-15 (57:25-58:2); Appx2315 (58:14-15).)

(*Id.* (22:34-35).) These include files "written using" any of the conventional programming languages of the time. (*Id.* (22:37-44).) The specification sums up by describing "Picture box 523" as "any example of the type of interface that may be used to create and/or modify records in the data repository"—*i.e.*, any user interface that can achieve the desired results. (*Id.* (22:45-47).)

B. The '573 patent claims the same idea of a digital picture frame connected to a network.

Three representative claims—claim 1 of the '930 patent, claim 16 of the '562 patent, and claim 1 of the '656 patent—recite "digital display" devices that include components capable of network connectivity and software configured to perform networking functions, such as initiating communication with a server, receiving image data, authenticating the server, and updating onboard software. (RB14; Appx9.) The '656 patent recites that "said display device" can also instruct a server "to create an interface accessible by a web browser for managing behavior characteristics of said display device." (Appx112 (31:27-30).)

Claim 19 of the '573 patent recites a "system" that comprises a "digital picture frame" and an interface that is "physically separable" from the frame and "configured to" obtain image data and user preferences and provide that information to a server "configured to" relay those to the device. (Appx81.) The claim specifies only that the user interface must be "separable" from the frame and able to communicate the specified data types to it through the server. And it shares features

common to the other patents that are independent of the interface, such as reciting that the digital picture frame is "configured to" receive operating system updates from the server. (*Id.*)

C. The district court ruled that the patents reflect no technological improvement for separating a generic user interface from the digital picture frame.

The district court granted summary judgment of invalidity as to all representative claims under 35 U.S.C. § 101. At *Alice* step one, it held the claims are directed to the abstract idea of "'automatically accessing a remote data repository to obtain updated content without the use of a computer and without any further user input,' within the context of a digital picture frame." (Appx11.)

It explained that the claims are "aspirational" because they recite a "desired result" but "do not claim any specific way to achieve that result." (Appx13-14.) The district court explained this specifically as to the '573 patent, including that the user interface is merely "'configured to obtain image data and said preferences from said user and provide said image data and said preferences to' a server." (Appx11-12.) The district court thus ruled correctly that the claim recites only generic components carrying out the abstract idea. And its characterization of the claim's focus accounted for limitations reciting capabilities like updating operating system

software automatically.[3] Ceiva argued only that the user interface limitation was one of several that could supply an "inventive concept" at *Alice* step two. (*See* Appx18.)

The district court relied on *Affinity Labs of Texas, LLC v. Amazon.com Inc.*, 838 F.3d 1266, 1269-71 (Fed. Cir. 2016), in which the Court held that reciting a "customized" user interface performing a generic function was not a technological improvement. The district court concluded that "[a] 'user interface,' without more, is a conventional computer component" and that "[t]he idea of having it separate from the frame itself does not render the entire claim inventive." (Appx17.) The court further explained that "[a] generic user interface performing a generic function is not an improvement" and that neither was "communication between the user interface and server or other components." (Appx13.)

The district court's step-two ruling was also correct considering the full summary judgment record. That record uniformly described the interface as web-browser access, not a technological solution for "physical separability." Ceiva itself described the separable user interface as an ordinary website. A 1999 study described that users controlled the display content "through [] standard methods for accessing Internet Web sites." (Appx7352 (¶318).) Ceiva's practicing-product

[3] Ceiva never argued that the "physically separable" user interface was the focus of the '573 patent. It argued that all asserted claims improved digital-display functionality through dynamic, network-based updates. (Appx13.)

contentions identified the interface as a website that met the "physically separable" limitation only because it was "accessible from a computer that is physically separate from the Ceiva Display apparatus." (Appx236-37.) Ceiva's expert said the same, describing the interface as "a customized webpage" and confirming that "the picture box is accessible via a web browser." (Appx7344 (¶308).) And Amazon offered expert testimony that these web technologies were all conventional before the priority date. (Appx7375-80 (¶¶377–384).)

D. The panel opinion treats a conventional user interface as a technological improvement.

The panel affirmed as to three of the asserted patents. It held that their claims are all abstract as "'purely functional' claims that are directed to a result" and "do not sufficiently explain how to achieve the claimed desired results." (Op. 13-15.) The claims recite software "'configured to' execute certain actions" but "do not claim any specific way to achieve those results." (*Id.* at 14.)

The panel reversed as to the '573 patent. It held that claim 19 "is not directed to an abstract idea" because reciting a "physically separable" user interface "captures a sufficiently specific technological advancement (remote user access to a digital picture frame) in digital picture frame technology." (*Id.* at 11.) The technological solution for this remote access was specifying "when and how" the frame receives its image data and settings updates. (*Id.*) And sufficient specificity was achieved

by "limiting the claim scope to' sufficiently concrete structures, including a 'digital picture frame' with a 'physically separable' user interface." (*Id*.)

But claim 19 recites only that the user interface is physically separable from the device and "configured to obtain" image data and user preferences from a user and "provide" that information to a server—just like the other "configured to" software limitations the panel found insufficient. Nothing in the claim explains how the user interface performs its functions or how it achieves physical "separability" from the frame.

The panel did not discuss any of the patent's disclosures about the user interface. The patent describes only a conventional web page viewed through a conventional browser, and it directs the reader to use any interface that works. (Appx71 (22:45-47).) The panel thus identified no technology associated with "physical separability" that distinguishes claim 19 from ordinary web-browser functionality.

The panel's silence on this point is understandable. Ceiva never argued that the claim was non-abstract because of the user interface. It argued all representative claims together, treating remote control as one of *ten* purported benefits of adding network connectivity. (*See* OB22-24, 46-48, 60; RB8-12.) Ceiva's only discussion of a "user interface" was its argument that the claims recite unconventional ordered combinations, (OB59), and it addressed claim 19 specifically only to argue that a

jury could find that "the separable user interface feature" from the specification supplied an inventive concept. (Reply24-25.)[4]

ARGUMENT

Rehearing is warranted because the panel treated the recitation of a generic user interface that is "physically separable" from the device as a technological solution. Nothing in the patent identifies any new technology for such an interface. The opinion creates an unexplained inconsistency in its differing treatment of the representative claims, and it conflicts with the Court's precedent that requires claims to recite a specific technological solution for achieving their claimed result to be patent eligible.

A. The panel's ruling on the '573 patent is erroneous and inconsistent with its treatment of the other asserted claims.

Panel rehearing is warranted because the '573 patent is directed to the same abstract idea as the related patents. The claims are, as the district court held and the panel affirmed for the related patents, directed to a digital picture frame system that automatically accesses a remote data repository to obtain updated content without a separate computer or further user input. (Appx11.) The panel's contrary holding,

[4] At oral argument, Ceiva similarly focused on other claim elements such as self-configuration, automatic updates, and authentication—to the point that the panel stated its "surprise" that the user interface was not mentioned. (Oral Arg. (5:05-7:01); *see also* 10:10-11:07.) When pressed to discuss claim 19, Ceiva's counsel instead discussed the user interface in dependent claim 5 of the '656 patent. (Oral Arg. (31:53-33:23).)

that representative claim 19 alone diverges from this focus by reciting, in a single limitation, a generic user interface that is "physically separable" from the device, is erroneous for three reasons.

1. The panel failed to assess fully whether "physical separability" of the user interface recites a specific technological solution, despite recognizing that this is the central question at step one. (Op. 10.) A patent must include the "specificity required to transform a claim from one claiming only a result to one claiming a way of achieving it." *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1167-68 (Fed. Cir. 2018). The Court has repeatedly held that a claim that merely directs the reader to perform an abstract idea using conventional components lacks such specificity. *See, e.g.*, *Affinity Labs*, 838 F.3d at 1270-71.

The panel correctly applied these principles to the "display device" claims of the related patents. It held those claims abstract because they recite functional results without explaining how to achieve them. (Op. 13-14.) The panel did not rely only on the prior art problem the patents sought to solve or the "structure" the claims imparted to the device. Instead, it analyzed the claim limitations and determined that the desired functions are achieved by generic software "configured to" do so. (*Id.*)

The panel's analysis of the '573 patent diverges from these principles. It ruled that reciting a "physically separable" user interface solved the "proximity problem"

where users of prior art digital picture frames had to be present at the device to upload images or change settings. (Op. 11.) But the idea to solve this problem by having a user control the device from a separate location is not itself patentable technology. And neither the claim, the specification, nor the summary judgment record identifies any solution for that "separability." The record described the interface as a conventional webpage, "physically separable" only because users accessed it from a different computer. (Appx7352 (¶318); Appx7344 (¶308); Appx236-37.) And there is no technology for making that interface interoperate with the frame beyond the instruction to communicate with a server over a network.

The panel's remaining explanation was that a "physically separable" user interface specifies "*when* and *how*" the digital picture frame (1) receives and displays image data to the user and (2) receives updates to its settings." (Op. 11.) That explanation misreads the claim, which recites the same bare result as the related patents: the frame receives such data "automatically" *when* "periodically" a server updates it. Reciting that a user can upload images and change settings through a generic user interface likewise identifies only the desired result, not a technological solution. *See Affinity Labs.*, 838 F.3d at 1271-72; *Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1241 (Fed. Cir. 2016) (user interface claims abstract because "[t]hey do not claim a particular way of programming or designing the software … but instead merely claim the resulting systems").

Thus, the '573 patent is like the related claims and others the Court has ruled abstract. It does not matter that it addresses a problem arising in a technological context, because it solves the problem with an idea and not new technology. The purported solution is simply adding network connectivity to allow for remote control, which is abstract. *ChargePoint, Inc. v. SemaConnect, Inc.*, 920 F.3d 759, 774-75 (Fed. Cir. 2019).

2. The panel's step-one analysis also fails the requirement to "look[] at the 'focus' of the claims [to determine] their 'character as a whole.'" *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016). The '573 patent is not directed merely to a digital picture frame with a physically separable interface. The claim describes a system for carrying out the same abstract idea as the related patents—including the ability of the device to "automatically" request image data and user preferences from a server, the ability of the server to "periodically relay" those to the device, and that the device is "configured to" obtain operating system updates from the server. (Appx81.) Indeed, the operating system update, as claimed, is entirely independent of anything done through the user interface.

Thus, the panel's characterization is too narrow. While it captures one aspect of the claim, using conventional networking to provide remote control, it reads out other aspects that are expressly recited and described in the specification as the focus of the purported invention. That indicates that the panel's step-one holding is

incorrect, and that the user interface limitation "is better considered as a potentially inventive application of the abstract idea at step two, rather than as sufficient to shift the claim's focus away from the abstract idea at step one." *Simio, LLC v. FlexSim Software Prods., Inc.*, 983 F.3d 1353, 1362-63 (Fed. Cir. 2020).

3. The "physically separable" limitation does not reflect the invention of an improved interface in any event. User interface claims are eligible under §101 when they disclose a "specific, structured graphical user interface [that is] paired with a prescribed functionality directly related to the … structure that … resolves a specifically identified problem in the prior state of the art." *Trading Techs. Int'l, Inc. v. CQG, Inc.*, 675 F. App'x 1001, 1004 (Fed. Cir. 2017). That is because such patents do not merely claim the use of the computer interface "as a tool to conduct a known or obvious process." *Id.* at 1005; *see also Core Wireless Licensing S.A.R.L. v. LG Elecs., Inc.*, 880 F.3d 1356, 1359, 1362-63 (Fed. Cir. 2018); *Data Engine Techs. LLC v. Google LLC*, 906 F.3d 999, 1002 (Fed. Cir. 2018).

Here, the claimed user interface has no structure whatsoever beyond reciting that it is "separable" from the device. The user interface itself merely presents "the results of abstract processes of collecting … information," and is abstract—as it is ancillary to the collection of image data and user preferences and is not a technological improvement at step one. *Elec. Power Grp.*, 830 F.3d at 1354*;*

see also Int'l Bus. Machs. Corp. v. Zillow Grp., Inc., 50 F.4th 1371, 1378 (Fed. Cir. 2022).

B. Rehearing en banc is warranted to maintain uniformity in the Court's §101 precedent.

Absent panel rehearing, the Court should rehear the case en banc to address the conflicts the opinion creates with the precedent discussed above. Doing so would provide clarity on an important and recurring legal issue for future cases, particularly those that address purportedly novel uses of conventional networking technology or alleged improvements to a user interface.

The decision blurs the line between technological solution and result. The panel identified "remote user access" achieved through "physical separability" as the technological advancement, but those are just two ways to describe the same result that the claim seeks to achieve. The claim supplies no corresponding technical means to achieve that result. Physical separation describes where the interface is relative to the device, not how any technology works to control a device remotely. Whether physical separation of components, achieved through conventional means, can supply the technological implementation required for eligibility at *Alice* step one is important beyond the facts of this case.

Allowing the decision to stand also threatens to disorder the *Alice* test in general. The *Alice* steps are "plainly related" and "involve overlapping scrutiny of the content of the claims." *Elec. Power Grp.*, 830 F.3d at 1353. At step two, courts

consider whether "a claim element or combination of elements [would have been] well-understood, routine, and conventional to a skilled artisan," which is "a question of fact." *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1367-68 (Fed. Cir. 2018). Here the parties created a detailed summary judgment record on that question. The district court, interpreting the record in the light most favorable to Ceiva, ruled that the '573 patent's user interface was generic and did not supply an inventive concept either alone or in combination with the other elements of the claimed digital picture frame. Those rulings contradict the panel's analysis. And yet, the panel sidestepped them by resolving the issue at step one and concluding—in derogation of the record and based only on the claim language and the patent's description of the prior art—that "physical separability" must capture some new technology. A reversal of this type disincentivizes district courts from addressing such "overlapping" eligibility questions on a full record at step two, in favor of a more cursory assessment of the claim language at step one. The Court should act to prevent this undesirable effect.[5]

[5] Rehearing of nonprecedential opinions is warranted where, as here, the case presents an appropriate vehicle for considering an important legal issue. *See, e.g.*, *Lighting Ballast Control LLC v. Philips Elecs. N. Am. Corp.*, 500 F. App'x 951, 951-52 (Fed. Cir. 2013) (per curiam); *LKQ Corp. v. GM Glob. Tech. Operations LLC*, 71 F.4th 1383, 1383-85 (Fed. Cir. 2023) (per curiam).

CONCLUSION

Amazon requests that the Court grant rehearing and affirm the invalidity of claim 19 of the '573 patent under 35 U.S.C. § 101.

August 24, 2026

FENWICK & WEST LLP

By: */s/ J. David Hadden*
J. David Hadden

Counsel for Defendant-Appellee Amazon.com, Inc.

CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 40(d). This brief contains 3,869 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f) and Federal Circuit Rule 32(b).

2. This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6). This brief has been prepared in a proportionally spaced typeface using Microsoft Office Word in 14-point Times New Roman.

August 24, 2026

FENWICK & WEST LLP

By: */s/ J. David Hadden*
J. David Hadden

Counsel for Defendant-Appellee Amazon.com, Inc.

CERTIFICATE OF SERVICE AND FILING

I certify that I electronically filed the foregoing document using the Court's CM/ECF filing system on August 24, 2026. Counsel was served via CM/ECF on August 24, 2026.

/s/ J. David Hadden
J. David Hadden
FENWICK & WEST LLP
Counsel for Defendant-Appellee Amazon.com, Inc.

Addendum

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

CEIVA OPCO, LLC,
Plaintiff-Appellant

v.

AMAZON.COM, INC.,
Defendant-Appellee

2024-1721

Appeal from the United States District Court for the Central District of California in No. 2:22-cv-02709-AB-MAA, Judge Andre Birotte, Jr.

Decided: July 23, 2026

LAWRENCE MILTON HADLEY, Glaser Weil Fink Howard Jordan & Shapiro LLP, Los Angeles, CA, argued for plaintiff-appellant. Also represented by RYAN BANKS, JASON LINGER, STEPHEN UNDERWOOD.

J. DAVID HADDEN, Fenwick & West LLP, Mountain View, CA, argued for defendant-appellee. Also represented by RAVI RAGAVENDRA RANGANATH, SAINA S. SHAMILOV; TODD RICHARD GREGORIAN, San Francisco, CA; JONATHAN G. TAMIMI, Seattle, WA.

Before MOORE, *Chief Judge*, LOURIE and REYNA, *Circuit Judges*.

REYNA, *Circuit Judge*.

Ceiva Opco, LLC appeals the United States District Court for the Central District of California's grant of Amazon.com, Inc.'s motion for summary judgment of ineligibility under 35 U.S.C. § 101. We affirm in part, reverse in part, and remand for further proceedings.

BACKGROUND

I.

At issue in this appeal are four representative claims from four patents: claim 19 of U.S. Patent No. 6,442,573 ("'573 patent"), claim 1 of U.S. Patent No. 9,203,930 ("'930 patent"), claim 16 of U.S. Patent No. 9,654,562 ("'562 patent"), and claim 1 of U.S. Patent No. 9,124,656 ("'656 patent"). The patents are related and share a common specification that claims priority to an application filed December 10, 1999.[1] J.A. 61, 1:31–32. The patents disclose methods and apparatuses for "distributing picture mail to a frame device community." J.A. 61, 1:8–10.

According to the specification, there were prior art digital picture frames, such as the Sony "CyberFrame." J.A. 61, 1:47–50. Figure 1A depicts the CyberFrame:

[1] We cite to the common specification as it appears in the '573 patent unless otherwise specified.

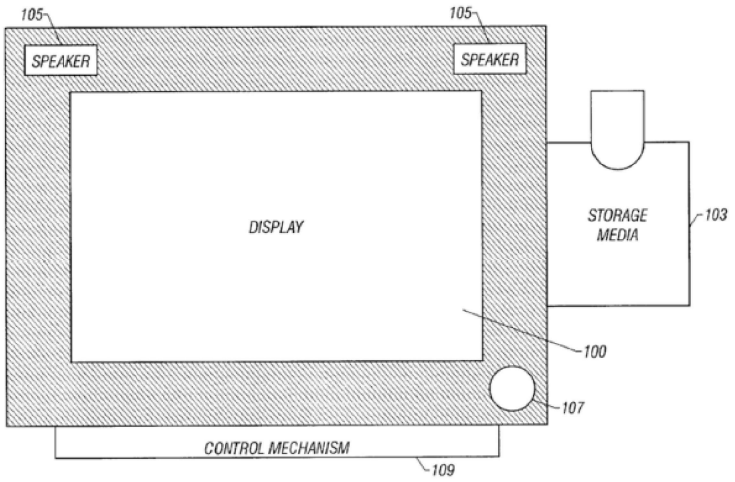


FIGURE 1A
(Prior Art)

J.A. 49.

Prior art digital picture frames were "isolated" devices, meaning that they did not have the ability to communicate with other devices "over a telecommunication medium." J.A. 61, 2:28–32. This isolation resulted in three shortcomings, all relating to a requirement that a user be physically within reach of the digital picture frame. J.A. 61, 2:29–32. First, the data displayed on prior art devices was only obtainable from a storage media, such as a memory stick, requiring the user to "physically provide [the] storage media to the device." J.A. 61, 2:15–17. Thus, "a person who [did] not have physical access to the device [could not] introduce new images into the device." J.A. 61, 2:17–19. But even physical presence is not enough absent having in hand the storage media. Second, only a user who could physically push buttons on the prior art devices could adjust the settings of the devices. J.A. 61, 2:17–22; J.A. 49, Figure 1A. Finally, prior art devices could not be updated remotely to add new features, such as "automatically receiv[ing] different types of image data." J.A. 61, 2:33–35.

The patents purport to overcome these shortcomings with an improved digital picture frame that is "self-configuring" and that "obtains images for display and/or software from a data repository [e.g., database] via an interconnection fabric (e.g. a computer network)." J.A. 64, 8:32–35; J.A. 64, 8:61–62. As a result, a user need not be within physical proximity of the frame to adjust its settings or to upload images. *See* J.A. 63, 6:39–41. "If a person . . . wants to display an image on the frame device the person may do so by transmitting the image data to the repository." J.A. 63, 6:39–41. The user can access the data repository remotely "via a graphic user interface called a picture box," which "is accessible via a web browser." J.A. 63, 6:62–66. As a result, the owner of the digital picture frame need not upload images but can instead provide permission to a "parent" user, who can upload images to the device on the owner's behalf. J.A. 68, 15:58–16:11.

The specification also notes that the invention "minimizes the amount of complexity presented to the user." J.A. 64, 8:42–45. For example, the specification explains that the device is "self-configuring and self-maintained" and "does not require input from the user to obtain new images and/or update the onboard software." J.A. 65, 9:32–35, 10:2–3. In one embodiment, the device "begins to acquire configuration information by obtaining the toll free phone number stored in the devices' memory and using that number to connect to a server computer." J.A. 65, 9:35–39.

Although the patents share a common specification, the four representative claims do not all share the same focus. Representative claim 19 of the '573 patent, (i.e., the "digital picture frame" claim), recites a system of image data sharing via a "digital picture frame." The remaining representative claims, (collectively, the "digital display device" claims), each recite a system of image data sharing via a variation of a "digital display device."

Claim 19 of the '573 patent, the only claim which claims a "digital picture frame," recites:

> 19. A system for distributing image data comprising:
>
> at least one digital picture frame comprising memory and operating system software located inside said digital picture frame configured to operate according to preferences defined by a user, said at least one digital picture frame comprising a border region modeled to resemble a picture frame designed to circumscribe printed photographs;
>
> a user interface coupled to at least one server system via a network wherein said user interface is physically separable from said at least one digital picture frame and configured to obtain image data and said preferences from said user and provide said image data and said preferences to said at least one server system;
>
> said at least one server system coupled to said at least one digital picture frame via said network, wherein said at least one server system is configured to periodically relay said image data and said preferences to said at least one digital picture frame when said at least one digital picture frame automatically issues a request for said image data and
>
> wherein said at least one digital picture frame is configured to obtain an update for said operating system software from said at least one server system.

J.A. 81, 4:16–39.

Claim 1 of the '930 patent is representative of the digital display device claims, and recites:[2]

> 1. A digital display apparatus having an integrated housing, said integrated housing comprising:
>
> an image display region on an outside surface of said integrated housing;
>
> a memory in an inside of said integrated housing, said memory comprising a plurality of image data files, security information comprising authentication information for a first remote server system and a unique identifier for said digital display apparatus, and a current version of onboard software;
>
> a processor configured to control the display of image data from said plurality of image data files in said image display region in accordance with said onboard software in said inside of said integrated housing;
>
> communication circuitry configured to engage a network medium in said inside of said integrated housing under the control of said processor;
>
> wherein said onboard software comprises:
>
> an image display function configured to obtain image data from said plurality of image data files in said memory for rendering in said image display region
>
> a remote connection function configured to automatically initiate communications with said first

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[2] While we have considered all claims at issue on appeal, because claim 1 of the '930 patent is substantially similar to asserted claims in the '656 and '562 patents, our opinion identifies claim 1 of the '930 patent as representative of the digital display device claims.

> remote server system across said network medium, said remote connection function further configured to send a request for image data to said first remote server system after initiating said communications and to receive in response to said request for image data a set of data from said first remote server system comprising one or more image data files;
>
> an authentication function configured to authenticate said first remote server system prior to accepting said set of data from said first remote server system;
>
> a software update function configured to obtain an updated version of said onboard software from said server and to replace said current version of said onboard software in said memory with said updated version.

J.A. 142–143, 30:56–31:25.

II.

The asserted patents issued to Ceiva Logic, Inc. ("Ceiva Logic"), a non-party to this appeal and the parent company of appellant Ceiva Opco LLC ("Ceiva"). Ceiva, through Ceiva Logic, sued appellee Amazon.com Inc. ("Amazon") in the U.S. District Court for the Central District of California for infringement of the '573, '930, and '562 patents by a range of Amazon products, such as the Kindle, Echo Show, and Fire Tablet. The district court dismissed this suit for lack of subject matter jurisdiction when plaintiff Ceiva Logic admitted it did not own the patents and that Ceiva was the owner of the patents.

Ceiva refiled suit, adding the '656 patent and accusing additional Amazon products, like the Fire TV. Amazon moved for summary judgment of invalidity of all asserted claims under 35 U.S.C. § 101.

In deciding the summary judgment motion, the district court determined that claim 19 of the '573 patent, claim 16 of the '562 patent, and claim 1 of the '930 and '656 patents were representative. J.A. 9. At *Alice* step one, the district court held that all four representative claims were directed to the abstract idea of "'automatically accessing a remote data repository to obtain updated content without the use of a computer and without any further user input,' within the context of a digital picture frame." J.A. 11. The district court reasoned that the representative claims were "aspirational" because they recite a "desired result" but "do not claim any specific way to achieve that result." J.A. 13–14. At *Alice* step two, the district court determined that all representative claims did not recite an inventive concept. J.A. 17–20.

Ceiva appeals. We have jurisdiction under 28 U.S.C. § 1295(a)(1).

DISCUSSION

We apply regional circuit law when reviewing a district court's grant of summary judgment. *Constellation Designs, LLC v. LG Elecs. Inc.*, 174 F.4th 888, 900–01 (Fed. Cir. 2026). Applying Ninth Circuit law, we review a district court's grant of summary judgment de novo. *Kraus v. Presidio Tr. Facilities Div./Residential Mgmt. Branch*, 572 F.3d 1039, 1043–44 (9th Cir. 2009). Summary judgment is appropriate when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a); *see Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247–48 (1986).

Section 101 of the Patent Act states, "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." 35 U.S.C. § 101. The Supreme Court has determined that certain exceptions to the requirements of § 101 exist such that

"[l]aws of nature, natural phenomena, and abstract ideas are not patentable." *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014) (citation omitted). The patentability exception for abstract ideas, at issue in this case, embodies "the longstanding rule that [a]n idea of itself is not patentable." *Id.* at 218 (citation modified).

To determine whether patent claims are directed to patent ineligible subject matter, the Supreme Court has developed a two-step test commonly known as the "*Alice*" test. Under *Alice* step one, we consider whether the claims at issue are directed to, in this case, an abstract idea. *Id.* at 217. If the claims are not directed to an abstract idea, the *Alice* inquiry ends. *Id.* If we conclude that the claims are directed to patent ineligible subject matter, the inquiry continues to *Alice* step two, where we ask whether the claims recite something "significantly more" than the abstract idea itself. *Id.* at 217–18. Specifically, the court must determine "whether the claim elements, individually and as an ordered combination, contain an inventive concept, which is more than merely implementing an abstract idea using well-understood, routine, and conventional activities previously known to the industry." *Chewy, Inc. v. Int'l Bus. Machs. Corp.*, 94 F.4th 1354, 1365 (Fed. Cir. 2024) (citation modified).

Because we see meaningful differences between the digital picture frame claim and the digital display device claims, we address them separately in turn.

I. Digital picture frame claim

We begin with claim 19 of the '573 patent. We determine that this claim is not directed to an abstract idea and therefore end our inquiry there. We reverse the district court's grant of summary judgment of ineligibility as to this claim and remand for further proceedings.

"In our eligibility analysis, we consider the claim as a whole . . . and read it in light of the specification." *Packet*

Intel. LLC v. NetScout Sys., Inc., 965 F.3d 1299, 1309 (Fed. Cir. 2020) (citation modified). "At step one, we look to what the specification describes as the invention only to help understand the focus of the claims." *ChargePoint, Inc. v. SemaConnect, Inc.*, 920 F.3d 759, 768 n.2 (Fed. Cir. 2019); *see also Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1337 (Fed. Cir. 2016) (noting that the specification's teachings that the claimed invention achieves other benefits over conventional databases "bolstered" the conclusion that the claim was non-abstract). At step one, we are not concerned with "whether the claimed invention is actually novel." *ChargePoint*, 920 F.3d at 768 n.2. "[A]ny novelty in implementation of the idea is a factor to be considered only in the second step of the *Alice* analysis." *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715 (Fed. Cir. 2014).

At *Alice* step one, "[w]e have held inventions to be patent-eligible where they recite a technological solution to a technological problem." *Ollnova Techs. Ltd. v. ecobee Techs. ULC*, 177 F.4th 1343, 1360–62 (Fed. Cir. 2026) (internal quotations and citation omitted). In *Ollnova,* the claims recited a technological improvement in the operation of a wireless network because the claims recited a "particular technique governing *when* and *how* information is transmitted within a network using a wireless automation device," such as through timing constraints. *Id.* at 1361. There, the specification confirmed that the claimed limitations addressed technical problems in wireless networks. *Id.* Similarly, in *Contour IP Holding LLC v. GoPro, Inc.*, the claims recited a technologically improved point of view ("POV") camera because the claims required parallel recording of low- and high-quality data streams, which, based on the specification, was an improvement to POV camera technology. 113 F.4th 1373, 1379–81 (Fed. Cir. 2024). Also, in *Packet Intelligence*, the claims recited an improved "packet monitor" for network monitoring when the claims detailed the steps in the monitoring process,

which, based on the specification, was an improvement in network monitors. 965 F.3d at 1304, 1309–10.

Like the claims in *Ollnova*, *Contour IP*, and *Packet Intelligence*, claim 19 is directed to a technical solution to a technological problem, specifically an improved system for sharing digital images via a "digital picture frame" with a "physical separable" user interface. Claim 19 captures this technological improvement through its combination of claim limitations and requirement of a "digital picture frame" that is "physically separable" from the frame's "user interface," i.e., a "picture box" on a webpage, such that a user can upload "image data" and change the settings of the digital picture frame remotely via the user interface. In other words, because the claimed "digital picture frame" with a "physically separable" user interface governs *when* and *how* the digital picture frame (1) receives and displays image data to the user and (2) receives updates to its settings, the claim captures a sufficiently specific technological advancement (remote user access to a digital picture frame) in digital picture frame technology. *Ollnova*, at 1361. Put another way, the functional result of remote user access to the digital picture frame "is achieved by limiting the claim scope to" sufficiently concrete structures, including a "digital picture frame" with a "physically separable" user interface. *See Am. Axle & Mfg., Inc. v. Neapco Holdings LLC*, 967 F.3d 1285, 1302 (Fed. Cir. 2020) (explaining that the claim "must identify 'how' that functional result is achieved by limiting the claim scope to structures specified at some level of concreteness, in the case of a product claim, or to concrete action, in the case of a method claim").

The specification confirms that the claimed invention addresses technological problems in digital picture frame technology. The specification explains that prior art digital picture frames had a proximity issue, i.e., that a user had to be physically present to upload pictures via a memory stick and had to physically manipulate the frame to update

settings. J.A. 61, 2:15–22, 2:29–32; J.A. 49, Figure 1A; J.A. 63, 6:39–41.

The claimed digital picture frame overcomes the proximity issue by providing users with remote access to the device. J.A. 63, 6:39–41. For example, the owner of the digital picture frame could grant permission to a "parent" user, who could remotely upload images to the device on the owner's behalf. J.A. 68, 15:58–16:11. In this way, claim 19 recites a specific type of improved digital picture frame that provides remote user access, and importantly does not simply recite, without more, the result of automatic, remote image sharing.

The district court's decision below characterizes the claim at an impermissibly high level of generality. *See Enfish*, 822 F.3d at 1337 ("[D]escribing the claims at such a high level of abstraction and untethered from the language of the claims all but ensures that the exceptions to § 101 swallow the rule."). Here, the district court disregarded the claimed advance over the prior art of an improved digital picture frame with a physically separable user interface. Specifically, the district court rejected Ceiva's argument that claim 19 is directed to such a technological improvement, explaining that it:

> discloses "[a] user interface . . . configured to obtain image data and said preferences from said user and provide said image data and said preferences to" a server. A generic user interface performing a generic function is not an improvement. Neither is communication between the user interface and server or other components. Moreover, the claim discloses *only that* the user interface is 'configured' to achieve a result. This type of results-based claiming does not constitute an improvement.

J.A. 13 (internal citations omitted and emphasis added). The district court's quote of the claim language leaves out

the critical claim limitation that the user interface "*is physically separable from said at least one digital picture frame*." J.A. 81, 4:25–26. As a result, the district court's erroneous characterization of the claim all but ensured the incorrect conclusion that the claim was not directed to a technological improvement but instead impermissibly claimed only a result.

In sum, we conclude that claim 19 of the '573 patent is not directed to an abstract idea under *Alice* step one and is therefore patent eligible under § 101.[3] We do not reach *Alice* step two.

II. Digital display device claims

We now turn to the remaining representative claims, claim 1 of the '930 patent, claim 16 of the '562 patent, and claim 1 of the '656 patent. Unlike claim 19 of the '537 patent, we agree with the district court that these representative claims are not patent-eligible under § 101. We affirm the district court's grant of summary judgment as to these claims.

A.

Turning to *Alice* step one, the digital display device claims are notably unlike claim 19 of the '537 patent in that they are "purely functional" claims that are directed to a result. *Alice*, 573 U.S. at 221–26. As "reflected repeatedly in our cases," claims can be "abstract" under step one when they lack the "specificity required to transform a claim from one claiming only a result to one claiming a way of achieving it." *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1167–68 (Fed. Cir. 2018). Importantly, the *Alice* step one requirement that claims are sufficiently specific as to

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[3] Patent-eligible does not mean patentable under, e.g., 35 U.S.C. §§ 102, 103, and 112. The patentability of the '537 patent under those provisions is not before us.

"how" a functional result is achieved is part of the § 101 threshold test, which is distinct from, and not be confused with, the related, patentability requirement of enablement under 35 U.S.C. § 112. *See Bilski v. Kappos*, 561 U.S. 593, 602 (2010) ("The § 101 patent-eligibility inquiry is only a threshold test."); *Visual Memory LLC v. NVIDIA Corp.*, 867 F.3d 1253, 1261 (Fed. Cir. 2017) ("[W]hether a patent specification teaches an ordinarily skilled artisan how to implement the claimed invention presents an enablement issue under 35 U.S.C. § 112, not an eligibility issue under § 101. . . . [A] patent need not teach, and preferably omits, what is well known in the art." (citation modified)).

Here, the representative claims are not limited to a "digital picture frame" that is "physically separable" from a "user interface," such that the claims capture a concrete technological improved digital picture frame, as claim 19 of the '573 patent does. Rather, these claims are broader, reciting variations of a "display device," with most claims not even referring to a "user interface."[4] Additionally, some of the claims focus on "software" configured to achieve various functions, including remote access, but do not claim any specific way to achieve those results.

For example, claim 1 of the '930 patent claims a "digital display apparatus" comprising an "image display region," "memory," a "processor," and "onboard software," with the software comprising various functions, such as "an image display function," a "*remote connection function*," an "authentication function," and a "software update function," "configured to" execute certain actions. J.A. 142–43, 30:56–31:25 (emphasis added). Notably, however, unlike claim 19 of the '573 patent, in which the remote functionality is concretely captured by the claimed digital picture

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[4] Apart from representative claim 19 of the '573 patent, only representative claim 1 of the '656 patent recites an "interface." *See* J.A. 112, 31:27–30.

frame with a physically separable user interface, there is nothing in claim 1 of the '930 patent directed to how to implement the software for the "remote connection function."[5] Thus, the representative claims of the '930, '656, and '562 patents are written to claim "only a result" as opposed to a "way of achieving it." *See SAP Am.*, 898 F.3d at 1167–68. Accordingly, the representative claims are drawn to the underlying idea itself, i.e., "automatically accessing a remote data repository to obtain updated content without the use

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[5] To be clear, that a claim recites components "configured to" execute an action does not automatically render the claim abstract at step one of *Alice*. *See Core Wireless Licensing S.A.R.L. v. LG Elecs., Inc.*, 880 F.3d 1356, 1359, 1362–63 (Fed. Cir. 2018) (holding claim non-abstract even though it recited "[a] computing device comprising a display screen, the computing device being *configured to* display on the screen a menu listing one or more applications, and additionally being *configured to* display on the screen an application summary . . . ." (emphasis added)); *see also Contour IP*, 113 F.4th at 1376, 1379–80 (holding claim non-abstract even though it recited "an image sensor *configured to* capture light . . . a wireless connection protocol device *configured to* send real time image content . . . a camera processor *configured to* . . . receive the video image data . . ." (emphasis added)). To hold that a claim is abstract simply because it contains certain phrases, such as "configured to," would result in the slicing and dicing of claims, violating our well-established law that a claim for eligibility purposes should be viewed as a whole, and in light of the specification. *See, e.g.*, *Packet Intel.*, 965 F.3d at 1309. However, this is not the case here. As we conclude above, when read as a whole and in light of the specification, these claims do not sufficiently explain how to achieve the claimed desired results.

of a computer and without any further user input," and are thus abstract at *Alice* step one. J.A. 14–15.

B.

Because the representative claims of the '930, '656, and '562 patents are directed to an abstract idea, we proceed to step two of *Alice*. At step two, "a claimed invention's use of the ineligible concept to which it is directed cannot supply the inventive concept that renders the invention 'significantly more' than that ineligible concept." *BSG Tech LLC v. BuySeasons, Inc.*, 899 F.3d 1281, 1290 (Fed. Cir. 2018). Here, neither the claims' components nor its functions do anything more than implement the abstract idea of "automatically accessing a remote data repository to obtain updated content without the use of a computer and without any further user input." We conclude that there is nothing in the claims sufficient to transform them into eligible subject matter.

Ceiva argues that the claims survive step two, or that a question of fact remains as to step two, by relying on secondary considerations to show an inventive concept, specifically industry praise for Ceiva's commercial product, the "Ceiva Frame." Appellant Br. 32 (citing J.A. 7443–82); *see id.* at 55. However, "[q]uestions of nonobviousness such as secondary considerations . . . are irrelevant when considering eligibility." *Ficep Corp. v. Peddinghaus Corp.*, No. 2022-1590, 2023 WL 5346043, at *7 (Fed. Cir. Aug. 21, 2023) (first citing *SAP*, 898 F.3d at 1163; and then citing *Intell. Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1315 (Fed. Cir. 2016)). Even assuming such evidence can be relevant under a step two analysis, Ceiva does not explain how such evidence relates to any particular claim element or ordered combination of the elements. Appellant Br. 55–61. Instead, Ceiva broadly argues that praise of the Ceiva Frame being "pioneering," "brilliant," "surpris[ing]," "ridiculously easy" to install and use, and "unbelievable," confirms that technological advantages, such as automatic

configuration, automatic retrieval of pictures, and remote configuration, "are captured by the Asserted Claims." Appellant Br. 55. This broad and conclusory statement does not sufficiently tie any evidence of secondary considerations, such as industry praise, to any claim limitation which could potentially indicate the inventiveness of that limitation.

In sum, we agree with the district court that the representative claims for the '930, '656, and '562 patents do not recite an inventive concept under step two of *Alice* and are thus patent ineligible. We affirm the grant of summary judgment of patent ineligibility as to these claims.

CONCLUSION

We have considered the parties' remaining arguments and find them unpersuasive. For the reasons provided, we reverse the district court's grant of summary judgment of ineligibility as to the '573 patent and remand for further proceedings as to this patent. We affirm the district court's grant of summary judgment of ineligibility as to the representative claims of the '930, '656, and '562 patents.

AFFIRMED-IN-PART, REVERSED-IN-PART, AND REMANDED

COSTS

No costs.