Insights: Alerts

The PTAB Applies Enfish

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The PTAB recently relied on the Federal Circuit's decision in *Enfish, LLC v. Microsoft Corp.* in refusing to institute a Covered Business Method review of a patent for a system for managing personal electronic information. *Apple, et al. v. Mirror World*, CBM 2015-00019. The patent claimed using a time-ordered stream (sequence of documents) as a storage model and stream filters to organize, locate, summarize, and monitor incoming information. Paper 12 at 2.

The PTAB found that the claimed method was directed to a financial product based on embodiments of the patent that describe using the claimed method to manage a stock portfolio or to track checking and savings accounts. *Id.* at 6. The PTAB also found that the technological invention exclusion does not apply. *Id.* at 7.

However, relying on the recent *Enfish* decision, the PTAB found that the claimed method did not recite an abstract idea. *Id.* at 15. In so finding the PTAB faulted Petitioner's argument for failing to analyze the claims as a whole. *Id.* at 15. The PTAB went on to analyze the claimed method under the second step of the *Alice* test and found that it too was not met. *Id.* at 16. The PTAB found that, like the claims in *DDR Holdings*, the challenged claims are necessarily rooted in computer technology. *Id.* at 17.

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