

# Seyfarth PTAB Blog



## A legal look at Patent Trial and Appeal Board decisions and trends

### Document Encryption Patent Found Patent-Eligible

By Patrick T. Muffo

Encryption patents often face *Alice* challenges with varied results. Inventions that simply apply encryption to an age-old product or process are often held invalid under §101. Specific encryption algorithms, however, tend to stand a slightly greater chance of being held patentable under the theory that the invention improves a computer-centric technology. The more “technical” implementations of encryption have had the greatest success, with the District of Delaware giving the nod to yet another encryption patent.

The case of *MAZ Encryption Technologies, LLC v. Blackberry Corp.*, (C.A. No. 13-304-LPS, D. Del. Sept. 29, 2016) involved an invention directed to transparently integrating encryption and decryption functionality into a document management system. The parties agreed on a representative claim, which the court found was directed to “frictionless, ‘behind-the-scenes’ encryption—when a user closes or saves a file, the invention automatically obtains an appropriate encryption key, encrypts the file, and saves the encrypted file in an [electronic document management system].”

The defendant proposed five different articulations of the alleged “abstract idea” that the plaintiff seized on: “Defendant’s inability to identify a single abstract idea to which the ‘681 Patent is directed demonstrates the impropriety of its allegations.” The court found each of these articulations to be an oversimplification of the invention and focused on key claim limitations that are not captured within the defendant’s broad articulations. For example, the agreed-to representative claim included a tabular association of documents with “key names” and “key names” with “key values.” The defendant’s characterization of the invention omitted both of these features.

The defendant also argued the claim could be performed within the human mind. The court disagreed, finding the key to the invention was the ability to perform encryption **without requiring user input**. The defendant’s “human mind” examples failed to perform this key step.

The court therefore denied the Motion for Judgment on the Pleadings and found the asserted claims to be patent-eligible.

#### Takeaway:

Like most *Alice* challenges, this case turned on the defendant’s characterization of the invention. The defendant’s malleable and overbroad characterization doomed them in the end, but the court made an interesting note about the ability for the

human mind to perform a step that is intended to be performed **without user input**. This case can therefore be helpful authority for those inventions that perform behind-the-scenes operations or operations that avoid any need for user input.

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**Seyfarth Shaw LLP PTAB Blog | December 6, 2016**

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