

Judge Tosses Media Storage IP Case On Alice Grounds

By Adam Lidgett

Law360 (February 24, 2022, 5:58 PM EST) -- A Delaware federal judge has agreed to toss for now a suit claiming that podcast-recording startup Riverside.fm infringed a rival's media storage patent, citing the U.S. Supreme Court's 2014 landmark Alice decision.

On Tuesday, Judge Richard Andrews of the U.S. District Court for the District of Delaware granted Riverside's bid to dismiss a lawsuit by video creation company OpenReel alleging infringement of U.S. Patent No. 10,560,500.

The judge concluded, "Remotely controlling the recording, storing, delivering and deleting of media content on a mobile device is an abstract idea," and said nothing in the patent contains an inventive concept that saves it from being found invalid under Alice.

In *Alice Corp. v. CLS Bank*, the U.S. Supreme Court created a two-part test to determine patent eligibility. In that ruling, the justices held that abstract ideas implemented using a computer aren't patent-eligible under Section 101 of the Patent Act without an added inventive concept.

The judge did, however, give OpenReel a chance to amend its suit. The judge said OpenReel had three weeks to file an amended version of the suit, or it would be dismissed for good.

The suit was filed in October by OpenReel, which has a patent on a way for mobile devices to record media content, according to court records. The patent also has a way to "remotely trigger a mobile device to start and stop recording," according to the judge's decision.

But the judge said that the idea of remote control was abstract if a "patent does not claim some new way of establishing the connection or improving the process."

Counsel for Riverside said it was happy with the court's opinion.

"We are pleased with the court's decision and maintain that OpenReel lacks any objectively reasonable basis to continue to prosecute its claim against Riverside," Kyle Mooney, an attorney for Riverside.fm, said in a statement to Law360 on Thursday.

Representatives for OpenReel did not immediately respond to requests for comment.

The patent-in-suit is U.S. Patent No. 10,560,500.

OpenReel is represented by Daniel M. Silver and Alexandra M. Joyce of McCarter & English LLP, and by Luke McCammon and Kelly Lu of Finnegan Henderson Farabow Garrett & Dunner LLP.

Riverside.fm is represented by Michael Jacobs, Kyle Mooney, Eric Lin, Shaun Patrick deLacy and Andrea Scripa of Morrison & Foerster LLP, and by Samantha G. Wilson and Anne Shea Gaza of Young Conaway Stargatt & Taylor LLP.

The case is ClearDoc Inc. v. Riverside.fm Inc., case number 1:21-cv-01422, in the U.S. District Court for the District of Delaware.

--Editing by Karin Roberts.

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