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**United States District Court  
Central District of California**

MORRIS REESE,

Plaintiff,

v.

SPRINT NEXTEL CORP.,

Defendant.

Case No. CV13-03811-ODW (PLAx)

**ORDER GRANTING  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT [131]**

**ALL CASES**

Judge: Hon. Otis D. Wright II

MORRIS REESE,

Plaintiff and Counter-defendant,

v.

TRACFONE WIRELESS, INC.,

Defendant and Counterclaimant.

Case No. CV13-05196-ODW (PLAx)

**ALL CASES**

Judge: Hon. Otis D. Wright II

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MORRIS REESE,  
  
Plaintiff and Counter-defendant,  
  
v.  
  
VERIZON WIRELESS SERVS LLC,  
  
Defendant and Counterclaimant.

Case No. CV13-05197-ODW (PLAx)

**ALL CASES**

Judge: Hon. Otis D. Wright II

MORRIS REESE,  
  
Plaintiff and Counter-defendant,  
  
v.  
  
AT&T MOBILITY II LLC,  
  
Defendant and Counterclaimant.

Case No. CV13-05198-ODW (PLAx)

**ALL CASES**

Judge: Hon. Otis D. Wright II

MORRIS REESE,  
  
Plaintiff,  
  
v.  
  
T-MOBILE USA,  
  
Defendant.

Case No. CV13-05199-ODW (PLAx)

**ALL CASES**

Judge: Hon. Otis D. Wright II

1 **I. INTRODUCTION**

2 Before the Court is Defendants Sprint Nextel Corporation, TracFone Wireless,  
3 Inc., Verizon Wireless Services, LLC, AT&T Mobility II LLC, and T-Mobile USA,  
4 Inc.’s Motion for Summary Judgment, filed December 18, 2017. (Mot., ECF No.  
5 131.) Plaintiff Morris Reese timely opposed the Motion on January 8, 2018 (Opp’n  
6 ECF No. 134), and Defendants replied on January 22, 2018. (Reply, ECF No. 136.)  
7 For the following reasons, the Court **GRANTS** Defendants’ Motion.<sup>1</sup>

8 **II. BACKGROUND**

9 **A. Patent Claims at Issue**

10 Plaintiff filed this action on May 29, 2013, alleging that various cellular  
11 wireless companies infringed on his patent, U.S. Patent No. 6,868,150 (“the ’150  
12 Patent”), by providing call-waiting and caller-ID services. (Compl., ECF No. 1.) On  
13 December 18, 2017, Defendants moved for summary judgment, arguing that Claims  
14 23 and 32 of the ’150 Patent are invalid under 35 U.S.C. § 101. The parties agree that  
15 there are no disputed issues of material fact at issue in the pending Motion. (Pl.’s  
16 Statement of Genuine Disputes of Material Facts and Conclusions of Law, ECF No.  
17 135-1 (“Plaintiff . . . confirms there are no disputed issues of material fact relevant to  
18 Defendants’ Motion for Summary Judgment under 35 U.S.C. § 101.”) Rather, the  
19 Motion turns on whether Claims 23 and 32 are patent eligible as a matter of law.

20 The ’150 Patent is titled, “Method for Use with Caller ID System.” (Defs.’  
21 Statement of Uncontroverted Facts, Ex. A (“the Patent”), ECF No. 132-1.) According  
22 to Plaintiff, the ’150 Patent

23 teaches improved methods for using conventional telephone  
24 and cellular equipment both for controlling the disclosure of  
25 a calling party directory telephone number (or name and  
26 number) and for transmitting that information from the  
switching office serving a party who is making a call to the  
switching office of a party receiving a call before

27  
28 <sup>1</sup> After considering the papers filed in connection with the Motion, the Court deemed the matter appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. Cal. L.R. 7-15.

1 transmitting or withholding that caller ID information to or  
2 from the called party.

3 (Opp'n 1.) Plaintiff claims that Defendants infringe Claims 23 and 32 of the '150  
4 Patent.

5 Claim 23 provides:

6 A method for indicating to a first party who subscribes to a  
7 Custom Local Area Signaling System (CLASS) service  
8 including Caller Identification (Caller ID) and who is  
9 engaged in a telephone conversation with a second party an  
10 incoming call from a third party calling a telephone number  
11 of the first party comprising the steps of:

12 (a) receiving at a terminating central office (TCO) of the  
13 first party who subscribes to said CLASS service including  
14 said Caller ID and who is engaged in the telephone  
15 conversation with the second party the third party directory  
16 telephone number (DN) flagged as private from an  
17 originating central office of the third party, indicating that  
18 said DN of the third party is not to be disclosed at the first  
19 party called station; and

20 (b) said TCO then sending a call waiting (CW) tone  
21 signal to the first party, said CW tone signal indicates to the  
22 first party the incoming call from the third party.

23 (The Patent col. 10:15–31.)

24 Claim 32 provides:

25 A method for sending a call waiting (CW) tone signal only  
26 to a first party who subscribes to a Custom Local Area  
27 Signaling System (CLASS) service including Caller  
28 Identification (Caller ID) and who is engaged in a telephone  
conversation with a second party, comprising the steps of:

(a) receiving at a terminating central office (TCO) of the  
first party who subscribes to said CLASS service including  
said Caller ID and who is engaged in the telephone  
conversation with the second party a calling third party  
directly telephone number (DN) flagged as private from an  
originating central office of the calling third party indicating  
that said received DN of the calling third party is not to be  
disclosed at the first party called station; and

1 (b) said TCO then sending said CW tone to the first party.  
2 (*Id.* col. 11:11–26.)

3 Defendants argue that the two Claims are not materially different for the § 101  
4 analysis. (*See* Mot. 2.) Each claim is directed to a method comprising two steps: (a)  
5 receiving a private-flagged directory telephone number of a calling party at a  
6 “terminating central office”<sup>2</sup>; and (b) the terminating central office then sending a call  
7 waiting tone to the called party to notify them of the incoming call from the calling  
8 party. The “notification” takes the form of the well-known call waiting tone signal.

9 **B. Parties’ Arguments**

10 Defendants argue that Claims 23 and 32 are not patent-eligible under § 101  
11 because they concern the abstract idea of notifying a person engaged in a conversation  
12 that a third party would like to speak with them. (Mot. 1.) Defendants contend that  
13 the Claims fail both steps of the test outlined in *Alice Corp. Pty Ltd. v. CLS Bank*  
14 *International*, 134 S. Ct. 2347 (2014) (“*Alice*”), i.e., the Claims are directed to an  
15 unpatentable abstract idea and contain no additional inventive elements in computer or  
16 communications technology to make them patent eligible.

17 Plaintiff argues that his inventions do not simply automate the “basic human  
18 activity” of interrupting a conversation to notify one of its participants that a third  
19 party would like to speak to one of the call participants; rather, the purpose of Claims  
20 23 and 32 “is to indicate to a subscriber to both call waiting and caller ID, who is  
21 already engaged in a call, using an audible tone signal, the existence of an incoming  
22 call from a third party whose directory telephone number has been flagged private.”  
23 (Opp’n 6.) Plaintiff also argues that Defendants improperly interpret the Claims and  
24 asserts that the Court should construe the disputed claims before adjudicating the  
25 pending Motion. (*Id.* at 11.)  
26

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27 <sup>2</sup> The patent defines a “terminating central office” as generic “telephone switching office” equipment  
28 used by Regional Bell operating Companies to deliver telephone services. (The Patent, col. 1:48–  
2:12.)

### III. LEGAL STANDARD

#### A. Motion for Summary Judgment

Federal Rule of Civil Procedure 56 states that a “court shall grant summary judgment” when the movant “shows that 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). A fact is “material” for purposes of summary judgment if it might affect the outcome of the suit, and a “genuine issue” exists if the evidence is such that a reasonable factfinder could return a verdict for the non-moving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). The evidence, and any inferences based on underlying facts, must be viewed in the light most favorable to the opposing party. *Twentieth Century–Fox Film Corp. v. MCA, Inc.*, 715 F.2d 1327, 1329 (9th Cir. 1983). In ruling on a motion for summary judgment, the court’s function is not to weigh the evidence, but only to determine if a genuine issue of material fact exists. *Anderson*, 477 U.S. at 255.

Under Rule 56, the party moving for summary judgment has the initial burden to show “no genuine dispute as to any material fact.” Fed. R. Civ. P. 56(a); *see Nissan Fire & Marine Ins. Co. v. Fritz Cos.*, 210 F.3d 1099, 1102–03 (9th Cir. 2000). The burden then shifts to the non-moving party to produce admissible evidence showing a triable issue of fact. *Nissan Fire & Marine Ins.*, 210 F.3d at 1102–03; *see* Fed. R. Civ. P. 56(a). Summary judgment “is appropriate when the plaintiff fails to make a showing sufficient to establish the existence of an element essential to [their] case, and on which [they] will bear the burden of proof at trial.” *Cleveland v. Policy Mgmt. Sys. Corp.*, 526 U.S. 795, 805–06 (1999); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). The standard “provides that the mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no genuine issues of material fact.” *Anderson*, 477 U.S. at 247–48.

1 **B. Test for Patent Eligibility**

2 Section 101 “specifies four independent categories of inventions or discoveries  
3 that are eligible for patent protection: processes, machines, manufactures, and  
4 compositions of matter.” *Bilski v. Kappos*, 561 U.S. 593, 601 (2010). “In choosing  
5 such expansive terms . . . Congress plainly contemplated that the patent laws would be  
6 given wide scope.” *Id.* (quoting *Diamond v. Chakrabarty*, 447 U.S. 303, 308–09  
7 (1980)). Even so, the Supreme Court has carved out three exceptions to Section 101’s  
8 “broad patent-eligibility principles: ‘laws of nature, physical phenomena, and abstract  
9 ideas.’” *Id.* (quoting *Chakrabarty*, 447 U.S. at 309). These exceptions seek to protect  
10 concepts that “are part of the storehouse of knowledge of all men” and are “free to all  
11 men and reserved exclusively to none.” *Id.* (quoting *Funk Bros. Seed Co. v. Kalo*  
12 *Inoculant Co.*, 333 U.S. 127, 130 (1948)).

13 The Supreme Court has also recognized that “[a]t some level, ‘all inventions . . .  
14 embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or  
15 abstract ideas.’” *Alice*, 134 S. Ct. at 2354 (quoting *Mayo Collaborative Servs. v.*  
16 *Prometheus Laboratories, Inc.*, 132 S. Ct. 1289, 1293 (2012) (“*Mayo*”)) (ellipses in  
17 original). “Thus, an invention is not rendered ineligible for patent simply because it  
18 involves an abstract concept. Applications of such concepts to a new and useful end .  
19 . . remain eligible for patent protection.” *Id.* (citations and quotations omitted).

20 Expanding on its decision in *Mayo*, the Supreme Court in *Alice* established a  
21 two-step process for resolving patent eligibility under Section 101. “First, a court  
22 must ‘determine whether the claims at issue are directed to one of those patent-  
23 ineligible concepts.’” *Timeplay, Inc v. Audience Entm’t*, No. CV–15–05202–SJO–  
24 JCx, 2015 WL 9695321, at \*3 (C.D. Cal. Nov. 10, 2015) (quoting *Alice*, 134 S. Ct. at  
25 2355). “If so, then the court must ask ‘[w]hat else is there in the claims,’ which  
26 requires consideration of ‘the elements of each claim both individually and as an  
27 ordered combination to determine whether the additional elements transform the  
28 nature of the claim into a patent-eligible application.’” *Id.* (quotations omitted). “In

1 this second step, the court must ‘search for an inventive concept—i.e., an element or  
2 combination of elements that is sufficient to ensure that the patent in practice amounts  
3 to significantly more than a patent upon the ineligible concept itself.’” *Id.* (brackets  
4 and quotations omitted).

#### 5 IV. DISCUSSION

##### 6 A. Timing of Patent Eligibility Inquiry

7 As a threshold matter, the Court must first determine whether it may consider  
8 the question of patent eligibility without a claim construction hearing. “Patent  
9 eligibility under [Section] 101 is a question of law that may, in appropriate cases, be  
10 decided on the pleadings without the benefit of a claim construction hearing.”  
11 *Modern Telecom Sys. LLC v. Earthlink, Inc.*, No. SA–CV–14–0347–DOC, 2015 WL  
12 1239992, at \*6 (C.D. Cal. Mar. 17, 2015) (citing *Content Extraction & Transmission*  
13 *LLC v. Wells Fargo Bank, Nat. Ass’n*, 776 F.3d 1343, 1349 (Fed. Cir. 2014)  
14 (affirming district court’s decision to grant motion to dismiss based on patent-  
15 ineligible subject matter under Section 101 without having a claim construction  
16 hearing)). Even so, it may be “desirable—and often necessary—to resolve claim  
17 construction disputes prior to a [Section] 101 analysis, for the determination of patent  
18 eligibility requires a full understanding of the basic character of the claimed subject  
19 matter.” *Bancorp Servs., L.L.C. v. Sun Life Assurance Co. Can. (U.S.)*, 687 F.3d  
20 1266, 1273–74 (Fed. Cir. 2012); *but see Content Extraction*, 776 F.3d at 1349  
21 (“Although the determination of patent eligibility requires a full understanding of the  
22 basic character of the claimed subject matter, claim construction is not an inviolable  
23 prerequisite to a validity determination under [Section] 101.”).

24 Plaintiff argues that the Court should first reject Defendants’ proposed  
25 interpretation of the claims at issue and construe the disputed claim terms consistently  
26 with Reese’s proposed constructions. (Opp’n 11.) Plaintiff also acknowledges,  
27 however, that a claim construction is not an “inviolable prerequisite to a validity  
28 determination.” (*Id.* (citing *Content Extraction*, 776 F.3d at 1349).) As described

1 above, Claims 23 and 32 concern relatively nontechnical concepts of telephone  
2 services. These concepts are not so “opaque such that claim construction would be  
3 necessary to flush out [their] contours” before determining whether the claims are  
4 patent eligible. *EveryMD.com LLC v. Facebook Inc.*, No. CV 16-06473-AB-JEM,  
5 2017 WL 3453294, at \*4 (C.D. Cal. May 10, 2017) (quoting *Lumen View Tech. v.*  
6 *Findthebest.com, Inc.*, 984 F. Supp. 2d 189, 205 (S.D.N.Y. 2013)). Therefore, the  
7 Court finds that a full claim construction is unnecessary to adjudicate the pending  
8 Motion.

9 **B. Claims 23 and 32 of the ’150 Patent Are Abstract and Fail Under Step One**  
10 **of the *Alice/Mayo* Inquiry**

11 The first step in the *Alice/Mayo* test is to determine whether the patent claims  
12 are “directed to an abstract idea.” In evaluating this prong, courts in this district have  
13 adopted the approach in *Diamond v. Diehr*, 450 U.S. 175, 185 (1981), and held that  
14 the Court should first “identify the purpose of the claim—in other words, what the  
15 claimed invention is trying to achieve—and ask whether that purpose is abstract.”  
16 *Cal. Inst. of Tech. v. Hughes Commc’ns Inc.*, 59 F. Supp. 3d 974, 991 (C.D. Cal.  
17 2014). “The *Diehr* majority took the correct approach of asking what the claim was  
18 trying to achieve, instead of examining the point of novelty.” *Id.* at 991–92. Thus,  
19 “courts should recite a claim’s purpose at a reasonably high level of generality,” using  
20 step one of the *Alice/Mayo* test as a “sort of ‘quick look’ test, the object of which is to  
21 identify a risk of preemption and ineligibility.” *Id.* Then, “[i]f a claim’s purpose is  
22 abstract, the court looks with more care at specific claim elements at step two.” *Id.*

23 At step one, “it is often useful to determine the breadth of the claims in order to  
24 determine whether the claims extend to cover a ‘fundamental . . . practice long  
25 prevalent in our system . . . .’” *Intellectual Ventures I LLC v. Capital One Bank*  
26 *(USA)*, 792 F.3d 1363, 1369 (Fed. Cir. 2015) (quoting *Alice*, 134 S. Ct. at 2356). In  
27 determining whether the claims are directed to an abstract idea, courts “must be  
28 careful to avoid simplifying the claims because ‘at some level, all inventions . . .

1 embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or  
2 abstract ideas.” *In re TLI Commc’ns LLC Patent Litig.*, 823 F.3d 607, 611 (Fed. Cir.  
3 2016) (quoting *Alice*, 134 S. Ct. at 2354). “However, not every claim that recites  
4 concrete, tangible components escapes the reach of the abstract-idea inquiry.” *Id.*

5 Defendants argue that Claims 23 and 32 are directed to the unpatentable,  
6 abstract idea of notifying a person engaged in a call that someone who wants to keep  
7 their telephone number private would like to speak with them. (Mot. 9.) They  
8 contend that the claims do nothing more than describe an automated version of the  
9 following human functions: Bruce calls an operator and asks to speak to Alex. Alex  
10 is already engaged in a call with Nate. Bruce instructs the operator to interrupt the  
11 call between Alex and Nate to tell Alex that he has a call, but not to disclose Bruce’s  
12 identity. The operator interrupts the call and informs Alex than an unidentified caller  
13 is attempting to call him on his telephone number. (*Id.* at 10–11.) Defendants also  
14 argue that the recitation in the Claims to general telecommunications equipment does  
15 not convert the abstract idea into something tangible. (*Id.* at 11 (citing *TLI*, 823 F.3d  
16 at 612).)

17 Plaintiff disputes that the purpose of the Claims is abstract. According to  
18 Plaintiff, the purpose is “to indicate to a subscriber to both call waiting and caller ID,  
19 who is already engaged in a call, using an audible tone signal, the existence of an  
20 incoming call from a third party whose directory telephone number has been flagged  
21 private.”

22 Even accepting this purpose as stated by Plaintiff, the Court finds it to be  
23 directed to an abstract idea. That the claims involve functionality of known  
24 telecommunications equipment does not detract from this finding. As the Federal  
25 Circuit has clarified, “a relevant inquiry at step one is ‘to ask whether the claims are  
26 directed to an improvement to computer functionality versus being directed to an  
27 abstract idea.’” *TLI Comm’ns*, 823 F.3d at 611. Claims involving the latter include  
28 those that “simply add conventional computer components to well-known business

1 practices or consist only of generalized steps to be performed on a computer using  
2 conventional computer activity.” *Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838  
3 F.3d 1253, 1260 (Fed. Cir. 2016) (citing *TLI*, 823 F.3d at 612). For example, in *TLI*  
4 the Federal Circuit held patents claiming a method of uploading, classifying, and  
5 storing digital images were patent-ineligible even though the claims involved tangible  
6 components like “a telephone unit” and a “server” because these physical components  
7 “merely provided a generic environment in which to carry out the abstract idea of  
8 classifying and storing digital images in an organized manner.” 823 F.3d at 611. The  
9 specification described these components as “having ‘the standard features of a  
10 telephone unit,’ with the addition of a ‘digital image pick up unit for recording  
11 images,’ that ‘operates as a digital photo camera of the type which is known.’” *Id.* at  
12 612 (citations to the patent specification omitted). “Likewise, the server [was]  
13 described simply in terms of performing generic computer functions such as storing,  
14 receiving, and extracting data.” *Id.* Thus, the components’ functions were “described  
15 in vague terms without any meaningful limitations,” indicating “the focus of the  
16 patentee and of the claims was not on an improved telephone unit or improved  
17 server.” *Id.* at 613. The Federal Circuit therefore concluded the claims were “not  
18 directed to a solution to a ‘technological problem’” or to solving “a challenge  
19 particular to the Internet,” but were instead directed to an abstract idea. *Id.* The Court  
20 finds that Claims 23 and 32 simply add conventional telecommunications components  
21 to the well-known telephone practice of interrupting a call to let one of the parties  
22 know that another person is trying to call them, and are directed to an abstract idea.  
23 *See Affinity Labs*, 838 F.3d at 1260.

24 Plaintiff responds that Defendants’ position ignores the limitations of the claims  
25 related to “flagging a directory telephone number as private, transmitting that flagged  
26 number from an originating office to a terminating office, and sending only an audible  
27 call waiting tone signal to the called party in response to receiving the flagged  
28 directory telephone number at the terminating central office.” (Opp’n 3.) The only

1 part of this “limitation,” however, that actually appears on the face of the Claims is the  
2 action of sending an audible call waiting tone. Nowhere do the Claims describe the  
3 actual methods for flagging a number as private or transmitting the flagged number  
4 from one office to another. (See The Patent col. 10:15–34, col. 11:11–26.) Instead,  
5 the Claims refer to a third-party call that has already been flagged as private and a  
6 terminating central office that “receiv[es]” the notice of the third-party call. (*Id.*)  
7 These passive descriptions do not describe the methods for “flagging” or the  
8 “receiving.”

9 Based on the language of the Claims themselves and Plaintiff’s description of  
10 the purpose of the Claims, the Court finds that they are directed to an abstract idea and  
11 fail step one of the *Alice/Mayo* inquiry.

12 **C. Claims 23 and 32 of the ’150 Patent Fail to Add an Inventive Concept and**  
13 **Fail Step Two of the *Alice/Mayo* Inquiry**

14 When a claim is directed to an abstract idea, the Court “consider[s] the elements  
15 of each claim both individually and ‘as an ordered combination’ to determine whether  
16 the additional elements ‘transform the nature of the claim’ into a patent eligible  
17 application.” *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1334–35 (Fed. Cir.  
18 2016) (quoting *Mayo*, 132 S. Ct. at 1297–98). This inquiry requires a determination  
19 whether the patent includes “additional features to ensure that the claim[s] [are] more  
20 than a drafting effort designed to monopolize the abstract idea.” *Alice*, 134 S. Ct. at  
21 2357. “Those ‘additional features’ must be more than ‘well-understood, routine,  
22 conventional activity.’” *Ultramercial, Inc. and Ultramercial, LLC v. Hulu, LLC*, 772  
23 F.3d 709, 715 (Fed. Cir. 2014) (quoting *Mayo*, 132 S. Ct. at 1298).

24 Plaintiff argues that Claims 23 and 32 contain an inventive concept because  
25 they “describe a specific method for providing flagged caller identification  
26 information from an originating central office to a terminating central office and,  
27 when appropriate, withholding that information from a party already engaged in a call  
28 but only if that called party subscribes to specific telephone features.” (Opp’n 10–11.)

1           Considering the language of the Claims themselves, the Court finds that neither  
2 claim includes an inventive concept that transforms the nature of the Claims into  
3 patentable inventions. As Defendants point out, the Claims do not describe the use of  
4 any particular equipment or describe how the tone is transmitted. (Reply 15.)  
5 Additionally, the use of telephone units in the Claims is not sufficient to establish an  
6 inventive concept. *TLI*, 823 F.3d at 614 (explaining that “the telephone unit is not an  
7 inventive concept sufficient to confer patent eligibility”). And as discussed above, the  
8 Claims do not describe the actual processes or necessary equipment for (1)  
9 subscribing to call waiting or caller ID, (2) flagging the number as private, (3)  
10 transmitting the flagged caller’s information to the terminating central office, or (4)  
11 transmitting the call waiting tone to the party engaged in the call. Therefore, the  
12 Court finds that the Claims simply “monopolize the abstract idea” and are not patent  
13 eligible. *See Alice*, 134 S. Ct. at 2357.

14           Thus, Claims 23 and 32 fail step two of the *Alice/Mayo* inquiry to be patent-  
15 eligible subject matter under § 101. Therefore, the Court **GRANTS** Defendants’  
16 Motion for Summary Judgment.

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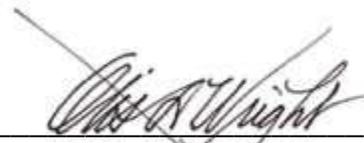
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**V. CONCLUSION**

For the foregoing reasons, the Court **GRANTS** Defendants' Motion for Summary Judgment. (ECF No. 131.) The Court **ORDERS** the parties to file a joint status report no later than **April 23, 2018**, detailing what claims, if any, remain for the Court to resolve, including whether adjudication of Defendants AT&T and T-Mobile's pending motions to amend is necessary given the outcome of the Motion for Summary Judgment. If there are no further claims remaining, the parties shall submit a proposed final judgment for the Court's review.

**IT IS SO ORDERED.**

April 9, 2018



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**OTIS D. WRIGHT, II**  
**UNITED STATES DISTRICT JUDGE**