Weisner v. Google LLC Doc. 69

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHOLEM WEISNER and SHMUEL NEMANOV,

Plaintiff and Involuntary Plaintiff,

-against-

GOOGLE LLC.

Defendant.

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ORDER GRANTING MOTION TO DISMISS WITHOUT PREJUDICE

20 Civ. 2862 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Further to my order, ECF No. 68, Defendant's motion to dismiss is granted on the grounds that what is alleged in each of the four patent claims is an abstract idea, *Alice Corp. v. CLS Bank Int'l,* 573 U.S. 208, 217-18. (2014); *In re TLI Commc'ns LLC Patent Litig.,* 823 F.3d 607, 611 (Fed. Cir. 2016), and also may be insufficient to satisfy the requirements of Section 112 of the patent laws, 35 U.S.C. § 112, as expressed during oral argument. Plaintiff is granted leave to file an amended complaint by January 26, 2021, that will show claims that are patentable.

SO ORDERED.

Dated: January 5, 2021
New York, New York

/s/
ALVIN K. HELLERSTEIN
United States District Judge

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