IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SMARTFLASH LLC, *et al.*,	§	
	§	
Plaintiffs,	§	CASE NO. 6:13cv447-JRG-KNM
	§	
v.	§	
	§	**JURY TRIAL DEMANDED**
APPLE INC., *et al.*,	§	
	§	
Defendants.	§	
	§	
SMARTFLASH LLC, *et al.*,	§	
	§	
Plaintiffs,	§	CASE NO. 6:13cv448-JRG-KNM
v.	§	
	§	**JURY TRIAL DEMANDED**
SAMSUNG ELECTRONICS CO., LTD. *et al.*,	§	
	§	
Defendants.	§	
	§	

ORDER

Before the Court are Defendants' Motions for Summary Judgment Regarding Invalidity Pursuant to 35 U.S.C. § 101 (6:13CV447, Doc. Nos. 266; 6:13CV448, Doc. No. 320) and the Magistrate Judge's Report and Recommendation (6:13CV447, Doc. No. 423; 6:13CV448; Doc. No. 454) recommending that the Motions be denied. Having considered Defendants' Objections to the Report and Recommendation Regarding Apple's and Defendants' Motions for Summary Judgment Regarding Invalidity Pursuant to 35 U.S.C. § 101 (6:13CV447, Doc. No. 457; 6:13CV448, Doc. No. 477), and having conducted a *de novo* determination of those portions of the Report and Recommendation as to which objection was made, the Court finds no error therein.

Defendants assert that the Court's claim construction that not all asserted claims require "logically separate" memories for certain types of data directly contradicts the Court's reliance on

the patents' recitations of distinct memory types. However, in ruling on the instant motion, the Court recognized that the patents recite several different memory types throughout the claims—as opposed to simply generic computer memory. This is one element among the combination of limitations that provides an inventive concept. Recognizing that the claims do more than recite generic computer memory does not contradict a finding that some claims require "logically separate" storage of certain data types.

The Court hereby adopts the findings and recommendations of the Magistrate Judge. Accordingly,

IT IS ORDERED that Defendants' Motions for Summary Judgment Regarding Invalidity Pursuant to § 101 (6:13CV447, Doc. Nos. 266; 6:13CV448, Doc. No. 320) are DENIED.

So ORDERED and SIGNED this 13th day of February, 2015.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE