

# High Court Rejects Plea To Clarify Alice In Apple Case

By [Adam Lidgett](#) · [Listen to article](#)

Law360 (May 16, 2022, 2:46 PM EDT) -- The [U.S. Supreme Court](#) has shot down a petition from Universal Secure Registry that challenged a Federal Circuit ruling that its payment patents were invalid under the high court's landmark Alice ruling.

Without giving any reasoning, the justices denied Universal Secure Registry's petition for certiorari in the case, which involved both Visa and [Apple](#).

Universal Secure Registry said in its Jan. 27 certiorari [petition](#) that its appeal of a Federal Circuit decision finding that its patents were abstract "is the perfect case" for the high court to fill a gap in its 2014 landmark Alice decision, which held that abstract ideas, minus an inventive concept, aren't eligible to be patented.

The Alice decision laid out a two-part test, the first part of which determines if a patent is directed to ineligible subject matter. The second part looks at whether there's an inventive concept that is patent-eligible.

But the petition said the justices didn't put forth a methodology to determine if a patent is directed to an abstract idea in the first part of the Alice test, urging them to do so to address "a concerning pattern" of Federal Circuit decisions that are "inconsistent and unpredictable."

Under [Alice Corp. v. CLS Bank](#) , the Supreme Court held in 2014 that abstract ideas are not patentable absent an added inventive concept transforming them into something patent-eligible.

The Federal Circuit panel [ruled in August](#) that Universal Secure Registry's patents, which cover various methods of securing electronic payment transactions, described well-known and conventional ways to perform authentication and did not include any technological improvements that transformed those abstract ideas into patent-eligible inventions.

Last month, in a brief to the high court, Universal Secure Registry hit back at Apple and Visa's contention that the court should pass on the January petition because the high court has time and time again denied petitions asking it to clarify or undo principles outlined in Alice.

And while Apple and Visa argued that Universal Secure Registry's patents were for abstract ideas that the Federal Circuit and the Supreme Court had determined were not patent-protected, Universal Secure Registry hit back at that assertion as well.

"We are disappointed that the court did not take up our cert petition to bring clarity to this important area of patent law," Tigran Guledjian, an attorney for Universal Secure Registry, said in a statement to Law360 on Monday.

He added that he and his team "are hopeful that other cases presently in the court involving Section 101 [of the Patent Act] will shed clarity, and provide further guidance, on the proper limits and application of Section 101 and the case law that has developed under the court's Alice jurisprudence."

Counsel for the parties did not immediately respond to requests for comment on Monday.

The patents-in-suit are U.S. Patent Nos. [8,856,539](#); [8,577,813](#); [9,100,826](#); and [9,530,137](#).

Universal Secure Registry is represented by Kathleen M. Sullivan, Kevin A. Smith, Tigran Guledjian and Christopher Mathews of [Quinn Emanuel Urquhart & Sullivan LLP](#).

Apple is represented by Mark Selwyn, Thomas Sprankling and Liv Herriot of [WilmerHale](#).

Visa is represented by Steffen Johnson and James C. Yoon of [Wilson Sonsini Goodrich & Rosati PC](#).

The case is Universal Secure Registry LLC v. Apple Inc. et al., case number [21-1056](#), at the U.S. Supreme Court.

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