Common computer technology has fallen victim to *Alice* in many recent cases. It is therefore noteworthy that the District of Massachusetts declined to invalidate e-mail management patents under §101 in *Sophos v. RPost*.

The patents-in-suit are directed to inventions that verify the delivery and integrity of electronic messages. RPost alleged Sophos infringed the patents-in-suit and Sophos defended such claims by alleging, among other things, that the patents-in-suit are invalid as being directed to patent ineligible abstract ideas.

The Court found that the patents-in-suit do not claim an abstract idea, and if even so, they also claim an inventive concept sufficient to satisfy step two under the Alice framework. Sophos argued that “the '628 patent claims the electronic equivalent of certified mail, the '389 patent recited the concept of notifying the sender that a message was successfully delivered, the ‘199 patent claims the concept of notification when the certified message was not successfully delivered and the ‘913 patent claims the concept of using a communication system or language when delivering certified mail.” (*Sophos v. RPost*, p. 25.) Further, Sophos argued that the patents-in-suit “do not teach an algorithm or other novel technique for certifying the delivery of e-mail…but simply computerize concepts that the post office has been using for years.” (*Sophos v. RPost*, pp. 25-26.)

The Court disagreed with Sophos’ assertions and held that “the patents-in-suit do not claim the abstract idea of certified mail because their methods do more than provide proof of mailing, they also provide proof of delivery and content.” (*Sophos v. RPost*, p. 26.) For support of its position, the Court pointed to RPost’s assertions, which “identified several different claims from the patents-in-suit that relate to verifying the content of messages, a task that the United States Postal Service cannot do.” (*Sophos v. RPost*, p. 26.)

Further, the Court held that, “even if the patents-in-suit claim an abstract idea, they also claim an inventive concept sufficient to pass muster under *Alice*.” (*See Sophos v. RPost*, at p. 26.) Although Sophos argued that “the patents-in-suit duplicate a pre-internet business practice on the internet because the patents-in-suit allegedly acknowledge that their solution is directed at the same problem that exists with regular mail, namely proof of delivery,” the Court maintained that the patents-in-suit address more than that. (*See id*) In its conclusion, the Court found that “the patents-in-suit aim to solve a technical problem of electronic messages, which because of their form, present unique challenges for establishing proof of receipt and delivery.” (*See id*)
**Takeaway**

Generally, over-generalizing patent claims under a §101 analysis may prove to be futile when the claims recite an inventive concept that is more than the proffered abstract idea. Patents directed towards solving a technical problem also appear to stand a greater chance of satisfying step two under the *Alice* framework.

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