Supreme Court dismisses appeal in real estate search patent case

The U.S. Supreme Court ruled Monday it would not review the ruling of a Federal Circuit Court which decided that Real Estate Alliance Ltd.'s (REAL) real estate search patents aren't eligible for patent.

The decision, first reported by Law360, affirms a February 1 decision from the Federal Circuit Court regarding the patents, which specifically relate to searching geographically on a computer.

"We have considered REAL's remaining arguments and find them unpersuasive," the Federal Circuit Court decision reads. "The district court did not err in holding the claims of the [real estate search] patent ineligible."

Litigation over the two patents started in 2007, when Move Inc., the operator of realtor.com, filed a lawsuit against REAL in U.S. District Court, seeking a declaratory judgment that the patents were invalid and not infringed upon by Move's websites. REAL subsequently sued the National Association of Realtors, National Association of Home Builders, RE/MAX, Keller Williams, other real estate brokers, agents, multiple listing services, home builders, and rental property owners and managers, according to the February decision.

"[The patents] cover user-friendly mapping methods for locating available real estate properties for sale, lease or rental using a database of available properties at a central location and remote stations which use a graphic interface," REAL said in a release, initially announcing the lawsuit. "The patents also cover certain online usage involving a 'drilldown' feature, under which specific areas can be displayed in greater detail."

Citing the supreme court's "Alice test" for patents – which determines if patents are an "inventive concept" – the initial decision from the U.S. District Court reads, "The district court determined under Alice step two that the claims lacked an inventive concept because nothing in the claim limitations or their ordered combination transformed the abstract idea into a patent-eligible application."

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REAL argued the zoom feature on its patent supplied the inventive concept, but ultimately the court found that was not persuasive.

In its final appeal to the Supreme Court, REAL cited another case, Berkheimer v. HP, which they said went counter to their own ruling. Real argued that, if the same standards were applied, its own raising of factual questions about whether its inventions were ineligible for patenting would have precluded summary judgment.

Ultimately the U.S. Supreme Court denied that final petition.

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