IN THE

Supreme Court of the United States

UNITED SERVICES AUTOMOBILE ASSOCIATION,

Applicant,

v.

PNC BANK N.A.,

Respondent.

On Application for Extension of Time

APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

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RULE 29.6 STATEMENT

Applicant United Services Automobile Association has no parent company and no publicly held company owns 10% or more of its stock.

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice for the Federal Circuit:

Pursuant to this Court's Rule 13.5, applicant United Services Automobile Association (USAA) respectfully requests a 30-day extension of time, to and including January 14, 2026, within which to file a petition for a writ of certiorari. The United States Court of Appeals for the Federal Circuit issued two opinions and entered two judgments in the two groups of consolidated cases below on June 12, 2025. A copy of the Federal Circuit's decision in consolidated Nos. 23-1639, 23-1866, 25-1276, and 25-1341 is attached as Exhibit A. A copy of the Federal Circuit's decision in consolidated Nos. 23-1778 and 25-1277 is attached as Exhibit B. The court of appeals denied USAA's timely petitions for rehearing in each of those cases on September 16, 2025. Copies of those orders are attached as Exhibits C and D, respectively. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

Pursuant to this Court's Rule 12.4, USAA intends to file a single petition for certiorari covering the above judgments because they were issued by the same court and involve identical or closely related questions.

Absent an extension, a petition for a writ of certiorari would be due on December 15, 2025. This application is being filed at least 10 days in advance of that date.

1. USAA seeks review of two companion decisions of the Federal Circuit that raise important questions concerning the "abstract idea" exception to patent eligibility under 35 U.S.C. § 101 and this Court's decision in *Alice Corp. v. CLS Bank International*, 573 U.S. 208 (2014).

2. This "Court's precedents provide three specific exceptions to § 101's broad patent-eligibility principles: 'laws of nature, physical phenomena, and abstract ideas.'" *Bilski v. Kappos*, 561 U.S. 593, 601 (2010) (citation omitted). These specific exceptions represent the "building blocks of human ingenuity," and thus "in applying the § 101 exception, [courts] must distinguish between patents that claim the 'building blocks' of human ingenuity and those that integrate the building blocks into something more." *Alice*, 573 U.S. at 217 (brackets, quotation marks, and citation omitted).

3. This Court has articulated a two-step "framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts." *Id.* "First, [courts] determine whether the claims at issue are directed to one of those patent-ineligible concepts." *Id.* If the answer is no, then the claims are eligible for patent protection under § 101. But if the answer is yes, courts move to "step two of this analysis," which is "a search for an inventive concept—*i.e.*, an element or combination of elements that is sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the ineligible concept itself." *Id.* at 217-218 (brackets, quotation marks, and citation omitted).

4. These companion cases concern USAA patents claiming technology for depositing checks remotely using a customer's handheld mobile device. In separate cases filed in 2020 and 2021, respectively, USAA sued respondent PNC Bank for infringement of these patents. After discovery, the parties filed cross-motions for summary judgment as to invalidity of the asserted claims under § 101. The district court

granted summary judgment in USAA's favor at *Alice* step one, holding that the asserted claims were not directed to an abstract idea. It therefore did not reach *Alice* step two. After separate jury trials, the juries found that PNC infringed several of USAA's patents and awarded over $220 million in damages.

5. In the two decisions below, the Federal Circuit reversed those judgments and ordered that judgment be entered in PNC's favor on several of the patents, holding that those patents are ineligible under § 101 at both *Alice* step one *and* step two (which the district court did not reach). At step one, the Federal Circuit concluded that USAA's patents are "directed to the abstract idea of depositing a check using a handheld mobile device." Ex. A at 7; Ex. B at 6. At step two, the Federal Circuit concluded as a matter of law that USAA's patents "recite[] nothing more than routine image capture, [optical character recognition], and data processing steps—all of which were well-known and routine," and that "implementing these steps on a customer's mobile device, instead of a specialized check scanner . . . is not inventive." Ex. A at 11; *see* Ex. B at 7-8.*

6. The Federal Circuit's decisions at both *Alice* steps warrant this Court's review.

a. This Court has not yet "delimit[ed] the precise contours of the 'abstract ideas' category," though it has held that it encompasses both basic truths (*e.g.*, mathematical algorithms) and fundamental "method[s] of organizing human activity."

* The court relied on issue preclusion to invalidate the remaining patents that it did not invalidate under § 101. *See* Ex. A at 2 n.1; Ex. B at 2 n.1.

Alice, 573 U.S. at 219-221. Since *Alice*, however, the Federal Circuit has expanded the "abstract ideas" category beyond the realm of what can be fairly characterized as "ideas" or "concepts," let alone the "building blocks of human ingenuity." *Id.* at 217. For instance, the Federal Circuit has consistently held that specific technological processes are really patent-ineligible abstract ideas. *See, e.g.*, *Yu v. Apple Inc.*, 1 F.4th 1040, 1043 (Fed. Cir. 2021) (claim was "directed to the abstract idea of taking two pictures (which may be at different exposures) and using one picture to enhance the other in some way"); *Chamberlain Group, Inc. v. Techtronic Indus. Co.*, 935 F.3d 1341, 1349 (Fed. Cir. 2019) (claims were "drawn to the abstract idea of wirelessly communicating status information about a system"); *Affinity Labs of Texas, LLC v. Amazon.com Inc.*, 838 F.3d 1266, 1269 (Fed. Cir. 2016) ("[W]e hold that the concept of delivering user-selected media content to portable devices is an abstract idea, as that term is used in the section 101 context."). That problematic expansion of the "abstract idea" category warrants this Court's review. The decisions below exemplify the problem: the supposedly "abstract idea" the court identified is "depositing a check using a handheld mobile device," Ex. A at 7; Ex. B at 6, which is not an abstract idea at all.

b. The Federal Circuit's *Alice* step two analysis also conflicts with this Court's precedents. This Court has held that "an inventive application" of an abstract idea is patent eligible when, *e.g.*, the claims "improve[] an existing technological process." *Alice*, 573 U.S. at 223 (citation omitted). In this case, on summary judgment, the undisputed evidence showed that it was unconventional to deposit checks on generally available handheld mobile devices, such as smartphones; at the time, remote

check deposit required specialized scanners. Yet the Federal Circuit categorically held that "implementing [the recited check-depositing steps] on a customer's mobile device, instead of a specialized check scanner . . . is not inventive" as a matter of law because courts "may not limit the claim to a particular technological environment." Ex. A at 11. It did not matter to the Federal Circuit that the claimed invention undisputedly improved the remote check-deposit process by obviating the need for specialized scanners. That approach runs afoul of this Court's precedents.

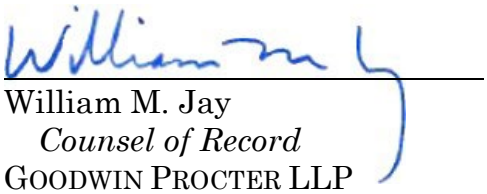
7. Applicant respectfully requests a 30-day extension of time, to and including January 14, 2026, to file its single petition for a writ of certiorari from the Federal Circuit's decisions. USAA's appellate counsel have been heavily engaged with other matters and have other commitments that make the preparation of a petition for a writ of certiorari by the existing deadline impracticable. These commitments include a reply brief filed in the First Circuit on November 7, 2025; an amicus brief filed in the Ninth Circuit on November 13, 2025; a motion to dismiss filed in the District of Massachusetts on November 17, 2025; an amicus brief filed in the Fifth Circuit on November 20, 2025; a reply brief filed in the Seventh Circuit on November 21, 2025; a reply brief filed in the District of Connecticut on November 25, 2025; oral argument in the District of Connecticut calendared for December 9, 2025; a trial before an arbitrator calendared for December 8-12, 2025, with pre-trial briefing filed on November 21, 2025; an amicus brief due in the Fourth Circuit on December 10; and oral argument in the Federal Circuit on January 5, 2026.

In addition to having a number of family commitments around the

Thanksgiving and Christmas holidays, counsel of record for USAA will be on a family vacation outside the United States, for which travel and accommodations are prepaid, from December 27 through December 31.

For the foregoing reasons, USAA respectfully requests that the time to file a petition for a writ of certiorari be extended to and including January 14, 2026.

Respectfully submitted.



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