

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

Competitive Access Systems, Inc.,

Plaintiff,

- vs. -

**Oracle Corporation and
Oracle America, Inc.,**

Defendants.

Civil Action No. 2:22-CV-287-JRG-RSP

Jury Trial Demanded

CAS'S OPPOSITION TO ORACLE'S MOTION TO DISMISS

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INTRODUCTION

At this early stage, Oracle seeks to dismiss Asserted Claims 1 and 7 of the '649 patent as ineligible and Asserted Claims 1 and 13 of the '908 patent as inadequately pleaded under Rule 8. Both arguments fail.

The claims of the '649 patent are directed to a novel “multipath connection” that provides a specific improvement to computer networks and overcomes problems unique to computer networks. Conventional single-path network connections are limited by the speed and availability of that connection. If that connection is 56 Kbps, the maximum speed is . . . 56 Kbps. And if that connection is unavailable, then the connection is unavailable. The claimed methods of the '649 patent enable a “multipath connection,” i.e. a simultaneous connection across multiple network connections, coordinated by a data-source device, where data can be routed across the multiple connections. This improvement greatly increases network bandwidth, availability, and efficiency. Oracle hardly addresses the “multipath connection”—the very focus of the claims—or any of the other elements. Instead, Oracle draws a caricature and argues the claims are directed merely to the abstract idea of “sending data to devices over a network using information or resources.” Oracle’s arguments overgeneralize the claims beyond recognition, something this Court and the Federal Circuit repeatedly have cautioned against. The asserted claims are a technological solution to a technological problem and are consequently patent eligible.

At step two of the *Alice* analysis, the claims also include an inventive concept that amounts to significantly more than the abstract idea itself, specifically, the claimed multipath connection and the data-source device that enables the new network architecture. The specification, claims, and Complaint all are clear that the claimed elements were not

well-understood, routine, or conventional, and provide a specific technological benefit to computer networks in increased bandwidth, availability, and efficiency. At this stage, before claim construction and before any discovery, the Court should deny the motion.

As to the '908 patent, CAS has more than satisfied its pleading obligations in providing detailed claim charts. Oracle's arguments instead read like a motion to compel more detailed infringement contentions and this Court repeatedly has rejected attempts by defendants to import requirements for contentions into Rule 8's pleading obligations. Oracle is sufficiently on notice of CAS's claims and nothing more is required.

STATEMENT OF FACTS

Competitive Access Systems, Inc. ("CAS") is an innovative technology and products development company founded by inventor Eric Delangis. Living in rural Colorado in the early 2000's, Mr. Delangis was without high-speed internet. As a work-around, he came up with the idea of pooling multiple lower-speed internet connections, sending different information over each connection, to collectively achieve higher speeds. *See* Complaint ¶ 24. But Mr. Delangis could not find a commercial solution to implement this idea. *Id.* To respond to this need, Mr. Delangis invented technology that routes data over several connections using multiple devices and combines the received data for the intended receiving device through a singular multipath connection. *Id.* The development of systems and protocols for transmitting and receiving data over multiple communication channels and aggregating the transmitted data resulted in a variety of improvements, including improving of the effective bandwidth between the sender and recipient of the data. *Id.* By utilizing multiple communication channels, Mr. Delangis's invention leverages aggregation to increase speeds and reliability as data is no longer reliant upon a single communication channel. *Id.* For example, data can be transmitted even when

some of the communication channels are suffering reduced performance or are unavailable. *Id.* This multipath connection improves the functionality of the computer networks themselves as data can be received faster and in a more efficient manner, particularly as compared to the solutions available at the time of Mr. Delangis's invention. *Id.*

LEGAL STANDARDS

“In the Fifth Circuit, motions to dismiss under Rule 12(b)(6) are viewed with disfavor and are rarely granted.” *BillJCo, LLC v. Cisco Sys., Inc.*, No. 2:21-CV-00183-JRG, 2021 WL 6618529, at *1 (E.D. Tex. Nov. 30, 2021). This Court “will grant a motion to dismiss for lack of patent eligibility under 35 U.S.C. § 101 only where ‘there are no factual allegations that, taken as true, prevent resolving the eligibility question as a matter of law.’” *GreatGigz Sols. v. E. Tex. Border Health Clinic*, No. 2:21-CV-00370-JRG, 2022 WL 2328787, at *1 (E.D. Tex. June 28, 2022) (quoting *ChargePoint, Inc. v. SemaConnect, Inc.*, 920 F.3d 759, 765 (Fed. Cir. 2019)). “While the ultimate determination of eligibility under [Section] 101 is a question of law, like many legal questions, there can be subsidiary fact questions which must be resolved en route to the ultimate legal determination.” *United Servs. Auto. Ass'n v. PNC Bank N.A.*, Nos. 2:20-CV-00319-JRG & 2:21-CV-00110-JRG, 2021 WL 5395883, at *3 (E.D. Tex. Nov. 18, 2021) (quoting *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128 (Fed. Cir. 2018)). And, “[a]s with any other invalidity defense, the defendant must prove that a patent is invalid for claiming patent-ineligible subject matter by clear and convincing evidence.” *PPS Data, LLC v. Jack Henry & Assocs., Inc.*, 404 F. Supp. 3d 1021, 1040 (E.D. Tex. Sept. 6, 2019) (citing *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (Fed. Cir. 2018)).

Where “claim construction could be beneficial to the Court and could also address the eligibility issues of the Asserted Patents,” this Court has denied motions to dismiss

in favor of developing the record, noting that, while “determining eligibility under section 101 ‘at the pleading stage is permissible,’” “those issues are often inextricably tied to claim construction.” *GreatGigz Sols., LLC*, 2022 WL 2328787, at *2 (quoting *Phoenix Licensing, L.L.C. v. CenturyLink, Inc.*, No. 2:14-cv-965-JRG-RSP, 2015 WL 5786582, at *2 (E.D. Tex. Sept. 30, 2015)). Indeed, Judge Payne has cautioned that a “definitive ruling on eligibility before claim construction is only warranted in narrow circumstances, making such a ruling the exception rather than the rule.” *Diamond Grading Techs. v. Am. Gem Soc.*, Nos. 2:14-cv-1161-RWS-RSP & 2:14-cv-1162-RWS-RWP, 2016 WL 5719700, at *3 (quoting *Certified Measurement, LLC v. CenterPoint Energy Hous. Elec. LLC*, No. 2:14-CV-627-RSP, 2015 WL 1432324, at *2 (E.D. Tex. Mar. 30, 2015)); *see also MyMail, Ltd. v. ooVoo, LLC*, 934 F.3d 1373, 1380 (Fed. Cir. 2019) (“[T]he district court’s failure to address the parties’ claim construction dispute is error under *Aatrix*.”).

To determine patent eligibility, the Court applies the Supreme Court’s two-step *Alice* framework. *United Servs. Auto. Ass’n*, 2021 WL 5395883, at *3 (citing *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 217 (2014)). “At the first step, the Court evaluates whether the claims are directed to ineligible subject matter, such as an abstract idea.” *Id.* “To do so, the Court looks to the claims’ ‘character as a whole.’” *Id.* (quoting *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016)). “Although all claims embody abstract ideas and other ineligible subject matter at some level, the Court’s task is to examine ‘whether the claims [] focus on a specific means or method that improves the relevant technology or are instead directed to a result or effect that itself is the abstract idea and merely invoke generic processes and machinery.’” *Id.* (quoting *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1314 (Fed. Cir. 2016)).

“At *Alice* step two, if the claims are directed to ineligible subject matter, the Court then determines whether the claims contain 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 [abstract idea] itself.” *Id.* (quoting *Alice*, 572 U.S. 217–18). “[A]n inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces,’ but must be more than mere ‘well-understood, routine, conventional activit[ies].” *Id.* (quoting *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349–50 (Fed. Cir. 2016); *Alice*, 573 U.S. at 255).

ARGUMENT

A. The Asserted Claims of the ’649 patent are patent eligible.

The Asserted Claims are directed to a specific technological solution to a technological problem and are not directed to an abstract idea under *Alice* step one. Further, even if the Court proceeds to step two, the claimed methods recite inventive concepts. Moreover, factual and claim construction disputes prevent resolution at this stage.

1. The Asserted Claims are not directed to an abstract idea.

The claimed methods in Asserted Claims 1 and 7 are “a technological solution to a technological problem specific to computer networks,” which this Court, and the Federal Circuit, repeatedly have held patent eligible. *First-Class Monitoring, LLC v. United Parcel Serv. of Am., Inc.*, 389 F. Supp. 3d 456, 463 (E.D. Tex. 2019); *see, e.g., SRI Int’l, Inc. v. Cisco Sys., Inc.*, 930 F.3d 1295, 1303 (Fed. Cir. 2019) (“Contrary to [Defendant’s] assertion, the claims are not directed to just analyzing data from multiple sources to detect suspicious activity. Instead, the claims are directed to an improvement in computer network technology.”); *Trading Techs. Int’l Inc. v. CQG, Inc.*, 675 F. App’x 1001, 1004–05

(Fed. Cir. 2017) (“[S]pecific technologic modifications to solve a problem or improve the functioning of a known system generally produce patent-eligible subject matter.”). Indeed, these claims are “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1257 (Fed. Cir. 2014).

That problem is the limited bandwidth and availability of a single network connection. As the specification explains, the ability to transfer data, especially large files, over a single connection “is limited by the maximum” of that connection (in the embodiment discussed in the specification, the 56 Kbps of a POTS connection). ’649 patent at 10:37–52; *see also* Complaint ¶ 24. The claimed method is a specific improvement to network functionality and a different network architecture entirely—rather than transferring data over a single network connection, data is transferred over multiple connections, i.e. a “multipath connection,” coordinated by a data-source device, unlocking higher network speeds, increased availability, and greater efficiency. In addition to increasing speeds, the multipath connection also enables data transfers over different connections when certain connections are unavailable, and utilizes bandwidth that otherwise is unused—all of which are problems unique to computer networks that cannot be solved with a pen and paper. For example, the specification describes that, in a variety of embodiments, a broadband (i.e. higher speed) connection can be enabled with multiple “Plain Old Telephone Service (POTS) line” connections. ’649 patent at 11:4–20. The specification explains that the claimed method, with thirty-two 56 Kbps connections, thus enables “a transfer rate of 1.79 Mbps in the inbound direction (towards the RCG) and approximately 1.075 Mbps in the outbound direction (towards the PSTN).” *Id.* at 11:26–35. The claimed methods thus enabled, for the first time, a device to receive data

at a transfer rate far exceeding the limits of a single network connection, improving speed, bandwidth, efficiency, and the ability to transfer large files. These claims therefore are indistinguishable from those held eligible in *Luminati Networks Ltd. v. Code200, UAB*. No. 2:19-CV-00396-JRG, 2021 WL 467591, at *4 (E.D. Tex. Feb. 9, 2021) (denying motion to dismiss where Asserted Patents embodied “technology-based solutions that improve the performance of networks,” specifically, “*improving data communication speed and bandwidth efficiency on the internet*”) (emphasis in original).

TecSec, Inc. v. Adobe Inc., 978 F.3d 1278, 1295–96 (Fed. Cir. 2020), is instructive. There, the claims were “directed at solving a problem specific to computer data networks,” specifically “allowing for the simultaneous transmission of secure information to a large group of recipients connected to a decentralized network—an important feature of data networks—but without uniform access to all data by all recipients.” *Id.* at 1295. The claimed improvement involved “labelling together with encryption,” i.e. “employing a secure labelling technique in addition to encryption” enabling distribution of messages where the sender can select the intended receivers. *Id.* at 1295–96. The defendant argued that these claims were “directed to the impermissibly abstract idea of managing access to objects using multiple levels of encryption.” *Id.* at 1294. The Federal Circuit, however, rejected this argument and instead concluded “that the claims are directed to improving a basic function of a computer data-distribution network, namely, network security.” *Id.* at 1296. So too here. These claims are directed to improving a basic function of computer networks—data transfer speeds, availability, and efficiency—and thus are directed at solving a problem specific to computer data networks.

Two-Way Media, Ltd. v. Comcast Cable Communications, LLC, 874 F.3d 1329 (Fed. Cir. 2017), and *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016), are readily distinguishable. In both, the claims recited “conventional computer and network components operating according to their ordinary functions.” *Two-Way Media*, 874 F.3d at 1339; *see also Elec. Power Grp.*, 830 F.3d at 1355. Not so here. The data-source device, which enables and coordinates the multipath connection, is not a conventional computer component operating according to its ordinary function, and the inventive multipath connection is not a conventional network connection operating according to its ordinary function. Even if the claimed elements were determined to be known, conventional pieces, the claimed methods are a non-conventional and non-generic arrangement teaching an entirely new network architecture. This arrangement overcomes a problem specific to computer networks (e.g. the limits of a single connection). The claims thus are not directed to an abstract idea, but instead a specific technological solution to a technological problem and are patent eligible.

2. Oracle’s arguments are deeply flawed.

At step one, “the court must be wary not to overgeneralize the invention, as ‘all inventions . . . embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas.’” *Miller Mendel, Inc. v. City of Anna, Texas*, No. 2:21-CV-00445-JRG, 2022 WL 1437686, at *4 (E.D. Tex. Apr. 14, 2022) (quoting *Alice*, 573 U.S. at 217); *eBuddy Techs. B.V. v. LinkedIn Corp.*, No. 20-1501-RGA-CJB, 2021 WL 7209517, at *11 (D. Del. Nov. 29, 2021) (“The Supreme Court and the Federal Circuit have clearly warned that district courts must be careful not to oversimplify the claims or the claimed invention at this step, since at some level, all inventions are based on or touch on ab-

stract ideas.”); *see also TecSec, Inc.*, 978 F.3d at 1294 (“But [defendant’s] characterization of the two representative claims is materially inaccurate. To arrive at it, [defendant] had to disregard elements of the claims at issue that the specification makes clear are important parts of the claimed advance in the combination of elements.”). And yet that is precisely what Oracle urges here.

Oracle’s arguments are a particularly egregious example of oversimplification—seeking to read out the entire focus of the claims and entire claim elements in an effort to distill the claims down to mere “sending data to devices over a network using information or parameters.” Mot. at 6. These claims are not directed to “receiving information and sending data,” Mot. at 7, writ large; they are directed to a sending and receiving information *over an inventive and improved network connection*. As the preamble—and the very title of the patent— makes clear, these claims are directed to “[a] method for establishing and sending data during a *multipath connection*.” The multipath connection, as explained above, enables connection speeds that far exceeded the traditional single-path connections at the time of the invention, solving a problem particular to computers and networks. But Oracle makes no effort at all to explain why the novel multipath connection, and corresponding multipath information and data-source device that enables that connection (or the connection ID of claim 7) are abstract ideas, instead reducing the entire focus of the claims to one absurd analogy—that “[r]egardless of its format, sending data along different paths is no more than an abstract concept—just as a traffic cop sends traffic down different streets or paths depending upon traffic

conditions.” Mot. at 7.¹ This analogy is woefully simplistic, failing to address that the very concept of having multiple ‘streets’—or more aptly a system that divides a car into different parts, and sends the pieces down different streets, and rejoins them again as a functioning vehicle at the destination—is the actual focus of the claims. Oracle’s failure to even address the claimed and inventive multipath connection at step one is fatal, as it is Oracle’s burden to demonstrate that the claims lack patent eligibility.

Oracle’s attempted abstraction reads out, and fails to address, at least the following bolded claim elements:

1. A method for establishing and sending data **during a multipath connection** comprising:
 - a data-source device receiving **multipath information about each of a plurality of network-edge devices that is capable of joining a multipath connection with a data-requesting device**, each of the network-edge devices being connected to one or more networks, and **each of the network-edge devices being connected to the data-requesting device over a different connection**; and
 - the data-source device performing at least one of:
 - (i) **sending different groups of data packets to different network-edge devices that are participating in the multipath connection**,
 - (ii) **sending different streams of data to one or more of the network-edge devices that are participating in the multipath connection**, and
 - (iii) **sending combinations of different streams and different groups of data packets to one or more of the network-edge devices that are participating in the multipath connection**.
7. A method for establishing and sending data **during a multipath connection**, comprising:
 - the data-source device receiving **multipath connection requests from a plurality of data-requesting devices, each of the multipath connection requests involving a particular multipath connection to a data-requesting device**;

¹ See also Mot. at 8 (“While the claims purport to limit the type of information sent or received to a particular context, it is still just data.”). The same could be said about virtually all data-related, network-related, or even computer-related patents, which Oracle apparently believes are ineligible.

the data-source device **associating a connection ID to each multipath connection request;**

the data-source device using multipath information about each of a plurality of network-edge devices that is capable of joining in a particular multipath connection to a particular data-requesting device, the particular multipath connection having a particular connection ID;

the data-source device **notifying each of the network-edge devices that is participating in the particular multipath connection associated with the particular connection ID;** and

the data-source device **sending data associated with the particular connection ID to the network-edge devices participating in the particular multipath connection associated with the particular connection ID.**

Oracle urges this Court to take the same path that the Federal Circuit reversed in *Enfish*, 822 F.3d at 1337–38 (“In finding that the claims were directed simply to ‘the concept of organizing information using tabular formats,’ the district court oversimplified the self-referential component of the claims and downplayed the invention’s benefits.” (internal citation omitted)), among others, and that this Court repeatedly has rejected. *See, e.g., Luminati Networks*, 2021 WL 467591, at *5. Here, as in *AlexSam, Inc. v. Cigna Corp.*, No. 2:20-cv-00081-JRG-RSP, 2020 WL 7233403, at *4 (E.D. Tex. Oct. 26, 2020), for example, Oracle “overgeneralizes the claims and describes them at too high of a level of abstraction,” to such a degree that Oracle “improperly reads out important elements of the claims.” As in *AlexSam* and *Luminati Networks*, “[a]llowing such a generalization would be improper.” 2020 WL 7233403, at *4.

3. The Asserted Claims include inventive concepts.

Even if the Court determines that Claims 1 and 7 are directed to an abstract idea, they nonetheless contain an “inventive concept” and readily satisfy step two of *Alice*. *Alice*, 573 U.S. at 221. This is because the Asserted Claims go far beyond “conventional computer and network components operating according to their ordinary functions.”

Two-Way Media, 874 F.3d at 1339. Specifically, the “‘something more’ may [] be evidenced by the existence of specific ‘benefits’ provided by the relevant invention as compared to the prior art.” *Packet Intel. LLC v. NetScout Sys., Inc.*, No. 2:16-CV-00230-JRG, 2018 WL 11352356, at *12 (E.D. Tex. Feb. 14, 2018).

Here, Oracle asserts that the abstract idea is merely “sending data to devices over a network using information or parameters” and then glibly asserts nothing else is added. Mot. at 6. But Oracle fails to address that the multipath network connection and multipath information, as well as at least the data-source device, are inventive and far from “well-understood, routine, and conventional activities previously known to the industry.” *Packet Intel.*, 2018 WL 11352356, at *12; *see also* Complaint ¶ 24. While the present claims utilize standard network connections, they do so in a novel and unique way—a multipath connection coordinated by a data-source device, resulting in the transfer of data through a plurality of network-edge devices to the data-requesting device. Complaint ¶ 24. As in *DDR Holdings*, the claims here are “claimed solution[s] necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” 773 F.3d at 1257.

At the motion to dismiss stage, the Court must credit CAS’s well-pleaded allegations, *see* Complaint ¶ 24, and the specification that the Asserted Claims claim a specific improvement to computer and network functionality (i.e. enabling higher connection speeds, availability, and efficiency than a single connection) that was not well-understood, routine, or conventional at the time the patent was filed. Oracle’s conclusory and unsupported statements, Mot. at 1–2, cannot overcome these allegations at this stage. *See Coop. Ent., Inc. v. Collective Tech., Inc.*, 50 F.4th 127, 133 (Fed. Cir. 2022) (holding

that whether the claimed network is well-understood, routine, or conventional is a question of fact that cannot be resolved at the Rule 12(b)(6) stage).

Oracle offers no rebuttal to CAS's allegations, which should end the inquiry. Instead, Oracle repeats its argument that the patent "does not specify how" the multipath connection is achieved, "but instead merely recites the function of sending them." This argument is both wrong and misplaced. Functional claiming is a consideration at step one, not step two, as *Ericsson Inc. v. TCL Communication Technology Holdings Ltd.*, 955 F.3d 1317, 1328 (Fed. Cir. 2020), explains. But Oracle's argument also is inaccurate—the claims here recite the multipath connection, the specific steps taken to achieve it, and the devices used. Oracle instead seeks to prematurely argue whether there is written description support for these claim elements, complaining certain exact terms are not used in the specification and asserting they therefore cannot be inventive concepts. Mot. at 10–11. At step two, the focus is the claims, not the specification, *see Ericsson*, 955 F.3d at 1328–29, and it is improper to "substitute [Sections] 102, 103, and 112 inquiries for the better established inquiry under [Section] 101," *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 91 (2012).

4. Claim construction and discovery are necessary.

As described in CAS's letter to the Court, ECF No. 23-1, construction of several claim terms would aid the Court in resolving this issue. Specifically, construction of at least the terms "multipath connection," "data-source device," "multipath information," "different connection," "different groups of data packets," and "different streams of data" will affect this Court's evaluation of whether the Asserted Claims are directed to an abstract idea and whether they claim "something more" than the use of the claimed com-

ponents in well-understood, routine, and conventional ways according to those of ordinary skill in the art. Here, Oracle dismisses the multipath connection as just a “particular context” and the multipath information as “still just data,” whereas CAS (and the patent) asserts that these are the focus of the claims and are the claimed improvement to computer network functionality and capability. If the Court finds any potential merit to Oracle’s arguments, CAS respectfully requests that the Court have the benefit of claim construction, and further factual discovery including on the specific factual question of whether the multipath connection and enabling devices were well-understood, routine, and conventional, before reaching this issue. *See Intellectual Ventures II LLC v. FedEx Corp.*, 2017 WL 6002762, at *2 n.1 (E.D. Tex. Dec. 1, 2017) (“[E]ngaging in claim construction before assessing validity can aid in the [Section] 101 analysis.”).

B. The Complaint states a claim for infringement of the ’908 patent.

Oracle complains that CAS’s claims of infringement for the ’908 patent should be dismissed because, according to Oracle, the attached claim charts are not detailed enough as to certain elements. Oracle claims that this is “inexcusable” because “the multipath TCP protocol is publicly available, as is the source code for Oracle’s open source Linux operating systems,” apparently seeking to require CAS to identify Oracle’s source code for each element. This of course misses that CAS was under no obligation to even provide claim charts in order to satisfy its pleading obligations under Rule 8 of the Federal Rules of Civil Procedure. This is because “a complaint should not demand the same level of specificity as infringement contentions,” *Fractus, S.A. v. TCL Corp.*, 2021 WL 2483155, at *3 (E.D. Tex. June 2, 2021), which is what Oracle seeks here. Instead, CAS need only “place the [Oracle] on notice of what activity is being accused of infringement.” *Id.* at *1 (citing *Lifetime Indus., Inc. v. Trim-Lok, Inc.*, 869 F.3d 1372, 1379 (Fed.

Cir. 2017)). For example, this Court has held Rule 8’s pleading requirements satisfied where a complaint “list[ed] the accused products and contend[ed] that they infringe at least one asserted claim of each asserted patent” and “[a]lthough the complaint d[id] not list each element and sub-element of the asserted claims and map them on to the accused products—*i.e.*, it does not include a claim chart—the complaint does describe the accused products in a manner that corresponds the asserted claims.” *Id.* at *3 (internal citation omitted). Here, CAS has provided far more, in the form of detailed claim charts addressing two different accused products. Such allegations are more than “threadbare allegations [that] do not put [Oracle] on notice as to what they must defend against under Rule 12(b)(6).” *BillJCo*, 2021 WL 6618529, at *3; *see also Liberty Peak Ventures, LLC v. Regions Fin. Corp.*, No. 2:21-CV-00417-JRG, 2022 WL 798030, at *2 (E.D. Tex. Mar. 15, 2022) (“[Plaintiff] identifies the accused instrumentality, alleged that Defendants infringe one or more claims of the Asserted Patents, and identified, along with screenshots, particular components of the accused instrumentalities that allegedly infringe the Asserted Patents. This is sufficient at this early stage to avoid dismissal.” (internal citations omitted)).

Oracle’s argument also is just wrong. Element 1(e) recites a “multilink request” while Element 1(f) recites a “multilink session identification.” Those are not the same things.

CONCLUSION

For the foregoing reasons, the Court should deny Oracle’s motion to dismiss.

Dated: November 1, 2022

Respectfully submitted,

/s/ James A. Shimota by permission Wesley Hill

James A. Shimota – Lead Attorney

Patrick D. Richards

K&L GATES LLP

70 WEST Madison Street, Suite 3300

Chicago, Illinois 60602

Telephone: (312) 372-1121

Fax: (312) 827-8000

jim.shimota@klgates.com

patrick.richards@klgates.com

Nicholas F. Lenning

K&L GATES LLP

925 Fourth Avenue, Suite 2900

Seattle, Washington 98104

Telephone: (206) 370-6685

Fax: (206) 370-6006

nicholas.lenning@klgates.com

Wesley Hill

Texas Bar No. 24032294

E-mail: wh@wsfirm.com

Claire Abernathy Henry

TX State Bar No. 24053063

E-mail: claire@wsfirm.com

Andrea L. Fair

Texas Bar No. 24078488

E-mail: andrea@wsfirm.com

Ward, Smith & Hill, PLLC

1507 Bill Owens Parkway

P.O. Box 1231

Longview, Texas 75606

Telephone: (903) 757-6400

Fax: (903) 757-2323

Counsel for Plaintiff

Competitive Access Systems, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service on this the 1st day of November, 2022.

/s/ Wesley Hill

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

Competitive Access Systems, Inc.,

Plaintiff,

- vs. -

**Oracle Corporation, and Oracle
America, Inc.,**

Defendants.

Civil Action No. 2:22-CV-287-JRG-RSP

Jury Trial Demanded

**ORDER DENYING ORACLE CORPORATION AND ORACLE AMERICA,
INC.'S MOTION TO DISMISS**

The Court, having considered Oracle Corporation and Oracle America, Inc.'s (collectively, "Defendants") Motion to Dismiss (ECF No. 19), hereby DENIES Defendants' motion.

It is Ordered that:

1. Defendants' Motion to Dismiss the claims against Oracle Corporation and Oracle America, Inc. is denied.