

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

STA GROUP LLC,

Plaintiff,

- vs. -

MOTOROLA SOLUTIONS, INC.,

Defendant.

Civil Action No. 2:22-CV-000381

Jury Trial Demanded

STA GROUP'S OPPOSITION TO MOTOROLA'S MOTION TO DISMISS

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INTRODUCTION

At this early stage, Motorola Inc., (“Motorola”) moved to dismiss Counts 1, 3, and 4 of the Complaint filed by STA Group LLC (“STA Group”) on the grounds that U.S. Patent No. 7,324,802 (“the ’802 Patent”), U.S. Patent No. 8,994,830 (“the ’830 Patent”), and U.S. Patent No. 8,831,664 (“the ’664 Patent”) are directed to non-patent eligible subject matter. Motorola contends that the claims are directed to “receiving, manipulating, prioritizing, filtering, or providing information” and are, therefore, directed to unpatentable abstract ideas. Dkt. No. 13 at 1. Motorola further contends that the claims do not recite any inventive concept that amounts to significantly more than the abstract idea. *Id.*

Motorola’s analysis under both the first and second steps of *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208 (2014), is fundamentally flawed. Each argument is based on an improper reading of the claims and is wholly unsupported by the intrinsic record. As this Court has repeatedly recognized, the 35 U.S.C. §101 analysis must not indulge in overgeneralizations resulting in abstractions untethered from the claim language. In this instance, Motorola’s arguments also fail to acknowledge or address the specific claim limitations, the specification, the problems that arose in emergency communication systems at the time of filing of each application, and the advantages conferred by the innovative systems described and claimed. Because of Motorola’s failure, the motion must be denied.

Motorola also alleges that the Complaint fails to state a claim upon which relief can be granted on the theory that STA Group has failed to meet the required pleading obligations under the *Iqbal/Twombly* standard. Dkt. 13 at 24. This contention is also counter to the governing case law.

STATEMENT OF FACTS

Each of the '802, '664, and '830 Patents solve problems that are specific to complex communication systems, including the emergency communication systems used by first responders. Simply put, such systems can bombard users with too much information, a problem conventionally solved by users ignoring or simply electing not to receive some of that information. This conventional solution meant that at times important communications were lost or ignored. The patented systems and methods address this deficiency in the state of the art by providing novel methods of intelligent filtering and provisioning of information in order to ensure that users are able to receive and act upon important messages even in the context of a system that is capable of delivering far more information than they can handle.

For example, emergency communications systems receive messages over many different channels and communicate messages to end users. A user of a device within the emergency communication system may receive messages from multiple channels simultaneously. But people can only effectively attend to a limited number of inputs, particularly simultaneously, and particularly while trying to attend to emergent circumstances, which in turn leads to interference or garbled overlapping messages and/or missing an important message. Sometimes users receiving multiple channels on a single device may have the volume raised for a first channel coming from a first entity and lowered for a second channel coming from a second entity that the user perceives as lower priority, which may lead to the user entirely missing an important message received on the second channel. Other times, users cannot effectively access relevant video feeds among the multitude of such feeds that are available and are denied important information as a result. Still other times, users need help prioritizing incoming messages.

The delivery of too much information on a given communication system is necessarily a technological problem because it only arises as a result of the communication system itself. In other words, the technology enables such a massive amount of information to be provided to the users through the communication system that it becomes a problem that can truly only be solved by a technological solution. To this end, each of the claimed inventions identify specific technological improvements in how such communication systems function in order to solve specific aspects of the various technological problems.

The '802 Patent describes and claims methods directed to receiving messages on dedicated channels, prioritizing the messages based on pre-determined parameters, and storing and playing back any simultaneously received messages in their order of priority. The claimed technology ensures that the user receives all messages and receives them in order of importance.

The '664 Patent describes and claims methods directed to elevating a priority of a media stream received on a channel, as opposed to elevating the priority of the channel generally, to ensure alert messages are properly received by a user. It uses technology to compensate for a common user practice of "turning down" a low priority channel that may nevertheless transmit a high priority message.

The '830 Patent describes and claims methods directed to providing access to only those video feeds that are relevant to a particular user, in order to avoid a situation in which a user is bombarded with irrelevant video feeds.

All three of these patents are directed to specific patent eligible implementations of technological solutions to problems in communication systems.

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) (citing *Lormand v. US Unwired, Inc.*, 565 F.3d 228, 232 (5th Cir. 2009); *Lowrey v. Texas A&M Univ. Sys.*, 117 F.3d 242, 247 (5th Cir. 1997)). “[C]ourts must . . . accept all factual allegations in the complaint as true . . . [and] must also draw all reasonable inferences in the plaintiff’s favor.” *Lormand*, 565 F.3d at 232.

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., LLC 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)). In this case, factual disputes regarding subsidiary facts such as claim scope establish that Motorola has not met its high burden of

showing that the challenged claims are directed to patent-ineligible subject matter, which renders dismissal under Rule 12(b)(6) improper.

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 (E.D. Tex. Sep. 12, 2016) (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*.”). Here, (i) multiple claim terms must be construed to assess the scope of the claims; and (ii) much of the record is left undeveloped. Dismissal under Rule 12(b)(6) is improper until the claim terms have been construed and the record has been appropriately developed.

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)). Further, “[i]f the focus of the claim is a specific and concrete technological advance, for example an improvement to a technological process or in the underlying operation of a machine, our inquiry ends and the claim is eligible.” *ADASA Inc. v. Avery Dennison Corp.*, 55 F.4th 900, 908 (Fed. Cir. 2022).

Courts have approached the *Alice* step one analysis by asking “what the patent asserts to be the ‘focus of the claimed advance over the prior art.’” *Mobile Equity Corp. v. Walmart Inc.*, 2:21-cv-00126-JRG, 2022 WL 4587565, at *1 (E.D. Tex. Sep. 8, 2022) (quoting *TecSec, Inc. v. Adobe Inc.*, 978 F.3d 1278, 1292 (Fed Cir. 2020)). “[This] focus is on the claim language considered in light of the specification.” *Id.* Further, “the Supreme Court has cautioned against ‘overgeneralizing claims’ [in the § 101 analysis,] explaining that characterizing the claims at ‘a high level of abstraction’ that is ‘untethered from the language of the claims all but ensures that exceptions to § 101 swallow the rule’” *Id.* “[O]vergeneralizing claims, ‘if carried to its extreme, make[s] all inventions unpatentable because all inventions can be reduced to underlying principles of nature.” *Enfish*, 822 F.3d at 1337, citing *Diamond v. Diehr*, 450 U.S. 175, 189 n. 12 (1981). The *Alice* step one analysis “depends on an accurate characterization of what the claims require and of what the patent asserts to be the claimed advance.” *Mobile Equity*, 2022 WL 4587565, at *2.

“If, however, the claim is directed to an ineligible concept, [the court] will proceed to [Alice] step two and assess whether the ‘elements of the claim both individually and ‘as an ordered combination’... ‘transform the nature of the claim’ into a patent eligible application.” *ADASA, Inc.*, 55 F.4th at 908 (quoting *Alice*, 573 U.S. at 217). “At *Alice* step two..., the Court 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.” *United Servs. Auto. Ass’n*, 2021 WL 5395883, at *3 (quoting *Alice*, 572 U.S. at 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 225).

ARGUMENT

1. THE ’802, ’664, AND ’830 PATENTS ARE PATENT ELIGIBLE

The technological advances claimed in the ’802, ’830, and ’664 Patents are solutions to problems specifically arising in the realm of communication networks. Therefore, none of the claims are directed to an abstract idea under *Alice* step one. Further, even if the Court proceeds to *Alice* step two, the claimed methods recite specific improvements in the capabilities and functionality of communication systems. Moreover, factual and claim construction disputes prevent resolution at this stage.

1.1 ALICE STEP ONE: THE CLAIMS ARE NOT DIRECTED TO AN ABSTRACT IDEA

Each of the claims of the ’802, ’664, and ’830 Patents is “a technological solution to a technological problem specific to computer networks,” which this Court, and the Federal Circuit,

repeatedly have held to be patent eligible. *See, e.g., Enfish*, 822 F.3d at 1336; *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.”). 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). Every argument herein applies to each of the independent and dependent claims of the associated patent.

1.1.1 The ’802 Claims are patent eligible because they provide solutions to problems that are firmly rooted in computer/communications technology.

The challenged claims of the ’802 Patent present “a technological solution to a technological problem specific to computer networks,” which this Court, and the Federal Circuit, repeatedly have held to be 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*, 930 F.3d at 1303 (“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.* 675 F. App’x at 1004–05 (“[S]pecific technologic modifications to solve a problem or improve the functioning of a known system generally produce patent-eligible subject matter.”). Indeed, the challenged claims are “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” *DDR*, 773 F.3d at 1257.

The '802 Patent describes and claims systems and methods for the management of messages received simultaneously on different channels in a communication system. '802 Patent at 1:46-58; 1:64-2:9. The patent explains problems that arise when a user in an emergency communication system receives a number of messages on different channels at the same time. *Id.* at 1:25-36 and 6:53-56. The user needs to act on each incoming message, but cannot when overlapping messages interfere with one another, resulting in garbled or missed communications. *Id.* The receipt of overlapping messages in a communication system is a technological problem arising only in the context of that communication system, and for which the operator has no effective solution. Instead, to avoid confusion, the operator typically mutes all but one channel in order to clearly hear the messages of the unmuted channel. *Id.*

To address these problems, the claims of the '802 Patent are directed to systems and methods that “provide for storing and replaying audio or other emergency radio communication information so that information that would be obscured or otherwise unheard can be made intelligible to a listener.” *Id.* at 1:46-49. The claimed methods recite: receiving messages on separate channels dedicated to different entities; determining priorities for each message based on pre-defined parameter(s); playing the message with the higher priority; and storing, and then playing, the stored messages in order of their priority.

The '802 Patent's claimed solution is not merely an automation of a process that could otherwise be carried out by a human. Exactly the opposite, it is a technological solution to a technological problem than *cannot* be carried out by a human. As the patent states, the previously best known solution had been to literally ignore all but one channel at a time. And while an operator could save all other incoming messages, those messages would conventionally

be saved in order of their arrival, meaning the operator would still need to wade through lower priority messages before receiving high priority messages.

As communication systems follow a path of ever-increasing technological complexity, users are inundated with problems that can't be solved by automating routine human activity and using conventional tools. The '802 Claims present a technological solution to a problem that arises in this technological context. It is quintessentially patent-eligible subject matter.

1.1.1.1 Motorola argues against abstracted versions of the '802 Claims that are untethered from the claim language.

To support its position, Motorola fabricates a description of the '802 Claims that strip them of limitations that are meaningful to the patent eligibility analysis. *See* Dkt. 13 at 9-12. Motorola's arguments then rely entirely on its abstraction of the claim language—merely attacking the strawman it creates. For example, Motorola argues the '802 Claims are directed to receiving, prioritizing, and storing messages. Dkt. No. 13 at 10. However, a more accurate description is that the claimed methods determine priorities of simultaneously-received messages on different radio channels based on predefined parameters, play the higher priority message first, and store and then play the lower priority messages after the higher priority message is completed and in order of priority. As described in the specification, and in contrast to Motorola's assertions, the claimed methods are distinguished from traditional capabilities of a human operator or a conventional system.

Motorola argues that the purported improvement of the '802 Patent is merely picking one message to play and storing a second message to play later, and that the claims are “quintessential examples of the kind of abstract human organizing activities performed . . . for decades.” Dkt. No. 13 at 9-10. These allegations entirely ignore the claim recitations of “determining one or more priorities for the first message . . . and the second message . . . based

on at least one pre-defined parameter; and determining which message out of the first message and the second message should be stored and subsequently played based on the second message overlapping with the first message in time and one or more priorities assigned to the first and the second message.” These limitations enable the claimed technology to solve the problem of missing one or both messages that otherwise would be received and presented to the user simultaneously, in order of receipt, not priority, a solution that cannot be performed by a human.

Through these limitations, the claims “override the routine and conventional sequence of events” by evaluating priorities and integrating the priorities into the system so that no messages are lost, ignored, or go unheard. *See SRI Int’l*, 930 F.3d at 1304. Accordingly, Motorola’s characterization of what the claims are directed to as a whole is materially inaccurate. “To disregard those express claim elements is to proceed at a ‘high level of abstraction’ that is ‘untethered from the claim language’ and that ‘overgeneraliz[es] the claim,’” which is exactly with courts caution against. *TecSec*, 978 F.3d at 1293 (citing *Enfish*, 822 F.3d at 1337).

1.1.1.2 The ’802 Claims are patent eligible technological solutions to technological problems.

The ’802 Claims are similar to the claims at issue in *Packet Intelligence LLC v. NetScout Systems, Inc.*, which the Federal Circuit held to be patent eligible. 965 F.3d 1299, 1310–11 (Fed. Cir. 2020). The *Packet Intelligence* claims are directed to identifying disjointed connection flows in a network environment by parsing packets to extract information and build a unique flow signature that is checked against a database. *Id.* at 1307-08. Prior art network monitors were limited to classifying and only using connection flows, which created disjointed conversational exchanges where certain applications and protocols generated multiple connections. The patents addressed the problem of identifying disjointed connection flows in a network environment by identifying and refining a conversational flow by extracting information from a packet,

comparing the information against a flow-entry database, and then either updating or creating an entry. The Federal Circuit determined that while “known network monitors were unable to identify disjointed connection flows to each other,” the claimed invention could provide “a more granular, nuanced, and useful classification of network traffic.” *Id.* at 1309–10.

The Federal Circuit explained “[t]he specifications make clear that the claimed invention presented a technological solution to a technological problem. The specification explains that known network monitors were unable to identify disjointed connection flows to each other, and the focus of the claims is a specific improvement in computer technology [T]he elements recited in the claims refer to specific technological features functioning together to provide that granular, nuanced, and useful classification of network traffic, rather than an abstract result.” *Id.*, at 1310.

Similarly, the ’802 Patent addresses the problems of channel interference, garbled overlapping messages, and/or missing an important message by determining priorities of incoming messages based on predefined parameters and then sequencing the order of their presentation based on their priorities. Similar to *Packet Intelligence*, the ’802 Claims are directed to a technological solution to a technological problem and are patent eligible.

Motorola relies on cases with claims directed to activities performed by personal assistants and switchboard operators. These decisions involved patents that were directed to automating routine activities performed by humans. *See Parus Holdings v. Sallie Mae Bank*, 137 F. Supp. 3d 660, 672 (D. Del. 2015), *aff’d*, 677 F. App’x 682 (Fed. Cir. 2017) (claims directed to automated tasks of receiving and transmitting messages and of receiving and forwarding messages based on rules are abstract); *Voip-Pal.com v. Apple Inc.*, 375 F. Supp. 3d 1110, 1130 (N.D. Cal. 2019), *aff’d sub nom. Voip-Pal.com, Inc. v. Twitter, Inc.*, 798 F. App’x 644 (Fed. Cir.

2020) (claims directed to routing a call based on characteristics of the caller and callee are abstract); *Telinit Techs., LLC v. Alteva, Inc.*, No. 2:14-CV-369, 2015 WL 5578604, at *16-17 (E.D. Tex. Sept. 21, 2015) (claims reciting receiving a data network request to initiate a call, identifying a telephone number associated with that request, signaling a switch to make the call, monitoring the call, and providing a user with notifications if there is a change in status of the call are abstract); *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat. Ass'n*, 776 F.3d 1343, 1347 (Fed. Cir. 2014).

As shown, like the claims in *Packet Intelligence*, the claims of the '802 Patent are rooted in technology and cannot be performed by a human. Accordingly, the '802 Claims are not directed to an abstract idea, but instead are directed to specific technological solutions to technological problems and, therefore, are patent eligible.

1.1.2 The '664 Claims are patent eligible because they provide solutions to problems that are firmly rooted in computer/communications technology.

Like the '802 Claims, the '664 Claims are also “a technological solution to a technological problem specific to computer networks” which this Court and the Federal Circuit repeatedly have held to be patent eligible. *See, e.g., SRI Int'l, Inc.*, 930 F.3d at 1303; *Trading Techs. Int'l Inc.*, 675 F. App'x at 1004–05 (“[S]pecific technologic modifications to solve a problem or improve the functioning of a known system generally produce patent-eligible subject matter.”). The '664 Claims are “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” *DDR Holdings, LLC*, 773 F.3d at 1257.

The Patent describes and claims methods for adjusting how an alert message is provisioned to an endpoint in a communication environment. As the patent itself explains, in conventional systems channels are statically configured, meaning the volume of each channel

can be manually adjusted, and more important channels can be routed in a priority direction, for example to one ear instead of the other ear. '664 Patent at 1:36-38 and 3:30-55. Problems arise when a priority message comes across a non-priority channel. The example that the patent provides is a police officer using a radio system in which the left ear is configured to receive passive communications on a non-priority channel, the volume of which may be turned down. *Id.* at 3:30-45. A priority alert may be transmitted on that non-priority channel, and may be missed. *Id.* at 3:45-55. The claimed invention solves this problem by identifying priority messages and elevating the priority of those messages. *Id.* at 3:56-4:9. In the words of the claim, the system elevates the priority associated with a **media stream** by making an adjustment to how that media stream is provisioned. *Id.* at Claim 1. Thus, the inventive communication system “can readily identify” an alert message sent on a non-priority channel “and respond in any number of ways to ensure that the message was properly received.” *Id.* at 3:56-59. All of the claims contain this element. The '664 Claims are patent eligible because they are technological solutions to technological problem.

1.1.2.1 Motorola improperly conflates two distinct claim terms (while arguing that its argument does not turn on claim construction).

Motorola argues that directing **channels** to one ear or enabling the end user to manually adjust the volume of a **channel** demonstrates that the claims cover a “basic human endeavor well-known to dispatchers for years.” Dkt. No. 13 at 2. Again, Motorola is making an argument without actually addressing the claims themselves. The '664 Patent’s claims automatically elevate the priority to adjust the manner in which **an alert** in a **media stream** is delivered to a user’s device, regardless of the **channel** over which the **media stream** is received. Motorola fails to argue that these claim limitations are anything other than a technological innovation, instead

ignoring the distinction between “an alert,” “media streams” and “channels” to argue against a nonexistent claim.

“An alert,” “media streams,” and “channels” are each terms used in the claims to mean different things. *See, e.g.*, claim 1 (“monitoring *media streams* associated with *channels* in a communication environment; receiving *an alert* in one of the *media streams*...”). Is Motorola arguing that these terms should nevertheless be construed to mean one thing? Such a construction would require ignoring the fact that the terms have been given distinct meanings in the intrinsic record, which is generally improper. *See Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1583-84 (Fed. Cir. 1996) (holding that two different terms given two different meanings in the specification should not be construed to mean the same thing). Either claim construction is required to evaluate Motorola’s position, or its argument should be summarily rejected on the grounds that it ignores key claim language in order to make an otherwise unsupportable argument.

1.1.2.2 The ’664 Claims are patent-eligible technological solutions to technological problems

The methods in the ’664 Claims are not merely the automation of routine human activity. As described in the background of the invention in the ’664 Patent,

Typically, a management center supports a plurality of channels, where less important channels are rendered to one ear, and channels that are more important are rendered to the other ear. Universally, channels are statically configured, where the volume of each channel can be manually adjusted by an end user. When important information needs to be broadcast, channels should be configured optimally. If the channels are not fully utilized, then messages are not received by their intended recipients.

’664 Patent at 1:33-41.

As described, prior to the claimed invention, channels were statically configured such that users were unable to prioritize individual media streams within a given channel. If a media

stream were broadcast at a time in which its associated channel was prioritized, the media stream would be received by the end user. If the media stream were broadcast at a time in which its associated channel was not prioritized, it could be lost.

As detailed in the written description, the claimed invention solves this problem by identifying priority messages, such as alert messages, and elevating the priority associated with those messages such that an adjustment is made to how the media stream is provisioned to an endpoint in the communication environment. *Id.* at 3:55-4:5 and Claim 1. Thus, the claimed invention “can readily identify” an alert message sent on a non-priority channel “and respond in any number of ways to ensure that the message was properly received.” *Id.* at 3:55-59.

The ’664 Claims are analogous to the claims at issue in *SRI International*, where the Federal Circuit held that claims directed to detecting suspicious network activity by network monitors based on an analysis of network traffic data, generating reports of that suspicious activity, and integrating those reports using hierarchical monitors were eligible for patentability. 930 F.3d at 1303. Specifically, the court determined that the “claims are directed to using a specific technique—using a plurality of network monitors that each analyze specific types of data on the network and integrating reports from the monitors—to solve a technological problem arising in computer networks: identifying hackers or potential intruders into the network.” *Id.* Similarly, the ’664 Claims are directed to using a specific technique to solve a technological problem arising in communication systems: identifying alert messages within a media stream that might otherwise be missed.

In contrast, all of the cases Motorola relies on are distinguishable. As noted above, each of *Parus Holdings*, 137 F.Supp.3d at 672; *Voip-Pal.com*, 375 F.Supp.3d at 1130; *Telinit*, 2015 WL 5578604 at *16-17; and *Content Extraction*, 776 F.3d at 1347, involved patents directed to

automating routine activities performed by humans. Similarly, in *West View Research, LLC v. Audi AG*, the Federal Circuit held that claims directed to a system that uses computer hardware, software, and peripheral devices to merely display a response to a data query are abstract. 685 F. App'x 923 (Fed. Cir. 2017). The claimed methods of the '664 Patent are not merely automating routine activities performed by humans or merely displaying a response to a data query, but instead are specific technological solutions to a technological problem.

1.1.3 The '830 Claims are patent-eligible because they provide solutions to problems that are firmly rooted in computer/communications technology.

The '830 Claims are directed to specific technological solutions and improvements in the function of communication systems, which this Court and the Federal Circuit repeatedly have held to be patent eligible. *See, e.g., SRI Int'l, Inc.*, 930 F.3d at 1303; *Core Wireless Licensing S.A.R.L. v. LG Electronics*, 880 F.3d 1356 (2018); *Finjan, Inc. v. Blue Coat Sys., Inc.*, 879 F.3d 1299 (Fed. Cir. 2019); *Trading Techs. Int'l Inc.*, 675 F. App'x at 1004–05 (“[S]pecific technologic modifications to solve a problem or improve the functioning of a known system generally produce patent-eligible subject matter.”).

The '830 Patent describes and claims methods for providing video feed(s) to a user subject to processes that reduce the amount of unnecessary information received by the user, making it more likely the user is able to access relevant videos. '830 Patent at 3:13-17 and 7:39-59.

Ever increasing proliferation of available video feeds—body cameras, surveillance cameras, cameras on mobile devices—means that what could be critical information to a first responder racing toward an emergency is effectively unavailable if that first responder cannot identify the relevant video feeds from among the multitude of available video feeds. Users are

“bombarded” with video feeds, and members of an emergency response team, for example, has no ability to sort through and review the video content in time. *Id.* at 3:15-16.

The patent explains an advantage of the claimed technology is to prevent each user from being bombarded with a host of irrelevant video feeds. *Id.* at 3:13-17 and 7:45-59. Claim 1 requires monitoring a user’s channel selection, providing a plurality of radio frequencies associated with a geographic zone on a GUI, monitoring a user’s selection of radio frequency, selecting relevant video feeds associated with that geographic zone, and then providing access to that video pursuant to a user policy. The claim thus recites a specific method for determining which video feeds are relevant to a certain user who has a certain role and is concerned with something that happened in a certain place. Instead of receiving a multitude of video feeds, many of which may be outside of the user’s responsibility, may be associated with places the user is not interested in, or may pertain to a different organization entirely, the claimed technology enhances the efficiency of the user and the emergency response team overall by making it easier to monitor the most relevant content and solving the technological problem of a communication system that provides access to both relevant and irrelevant video feeds. *Id.* at 7:39-59.

1.1.3.1 Motorola’s argument is based on overgeneralization and abstracted versions of the ‘830 Claims

Motorola’s argument that the claims are directed to merely data-processing steps and/or filtering is based on an overgeneralization of the claimed subject matter and ignores the actual claim language. *See* Dkt. No. 13 at 15-18. In contrast to Motorola’s characterization of the claims, the ‘830 Claims include specific recitations that uniquely restrict the manner in which relevant video feeds are identified and provided and which “override[] the routine and conventional sequence of events.” *See SRI Int’l, Inc.*, 930 F.3d at 1304.

Specifically, Claim 1 of the ‘830 Patent specifies a method comprising:

monitoring a selection of a communication channel by a user of a mobile communication device;
 providing a plurality of radio frequencies on a display of the mobile communication device, each radio frequency being associated with a geographical zone from which a plurality of video feeds associated with the geographic zone are sourced;
 monitoring a selection of a radio frequency of the plurality of radio frequencies by the user.
 identifying at least one video feed by selecting the at least one video feed from the plurality of video feeds associated with the geographic zone, wherein the at least one video feed is associated with the selected communication channel based on a user policy that identifies one or more video feeds that are relevant to the user when the user accesses the selected communication channel, the one or more video feeds being independent of the selected communication channel; and
 providing access to the identified at least one video feed to the mobile communication device based on the user policy.

Motorola's position that the claims are directed to data processing filtering entirely ignores the recitations of (1) "each radio frequency being associated with a geographical zone," (2) "a plurality of video feeds associated with the geographic zone," (3) "at least one video feed is associated with the selected communication channel based on a user policy," (4) "a user policy that identifies one or more video feeds that are relevant to the user when the user accesses the selected communication channel," and (5) "one or more video feeds being independent of the selected communication channel." Nowhere in its motion does Motorola meet its burden to establish that those claim elements are nothing more than abstract ideas.

"[A]ll inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas." *Thales Visionex Inc. v. United States*, 850 F.3d 1343, 1347 (Fed. Cir. 2017) (citing *Mayo*, 566 U.S. at 71). "We must therefore ensure at step one that we articulate what the claims are directed to with enough specificity to ensure the step one inquiry is meaningful." *Id.* Claims directed to specific improvements in computing systems are patent-eligible, ending the inquiry at the first step of the *Mayo* test. *See Enfish, LLC*, 822 F.3d at 1336; *Visual Memory LLC v. Nvidia Corp.*, 867 F.3d 1253, 1262 (Fed. Cir. 2017). Here, Motorola's arguments that the '830 Patent is directed to merely filtering information ignore the

context within which the claimed systems and methods operate and reads critical limitations out of the claim. *See* Dkt. No. 13 at 16-18. “To disregard those express claim elements is to proceed at a ‘high level of abstraction’ that is ‘untethered from the claim language’ and that ‘overgeneraliz[es] the claim,’” which is exactly with courts caution against. *TecSec, Inc.*, 978 F.3d at 1295 (citing *Enfish, LLC*, 822 F.3d at 1337).

1.1.3.2 The '830 Claims are patent eligible improvements to the functioning of communication systems.

Courts have repeatedly held that technological improvements such as the subject matter claimed in the '830 Patent are patent eligible. *See Data Engine Technologies LLC v. Google LLC*, 906 F.3d 999, 1008-1011 (Fed. Cir. 2018); *Core Wireless Licensing SARL v. LG Electronics, Inc.*, 880 F.3d 1356 (Fed. Cir. 2018).

The '830 Claims are similar to the patent eligible claims of *Core Wireless*, where the Federal Circuit held that claims directed to an improved user interface including a particular manner of summarizing and presenting information in electronic devices recite a specific improvement over prior art systems and are patent eligible. *See Core Wireless*, 880 F.3d at 1362. Specifically, the Federal Circuit highlighted the claim limitations “specifying a particular manner by which the summary window must be accessed” and “restrain[ing] the type of [information] that [could] be displayed in the summary window.” *Id.* at 1362, 1363.

Here, the claims of the '830 Patent do not generically claim the identification of relevant video feeds. They instead similarly specify the manner by which relevant video feeds are identified and provided. These claimed restrictions improve communications technology by resolving the tangible problem of missing or overlooking important, time-sensitive information, and therefore are directed to improvements in the functioning of communication systems. Therefore the claims are not directed to an abstract idea.

1.2 *ALICE* STEP TWO: THE CLAIMS INCLUDE INVENTIVE CONCEPTS

Even if the Court determines that one or more of the challenged claims of the '802, '664, and '830 Patents are directed to abstract ideas, they nonetheless contain an “inventive concept” and readily satisfy step two of *Alice*. *Alice*, 573 U.S. at 221.

Motorola’s burden is significant. As with any invalidity defense, Motorola must prove that the patents are invalid by clear and convincing evidence. *Berkheimer*, 881 F.3d at 1368 (citing *Microsoft*, 564 U.S. 91, 95 (2011) (quoting 35 U.S.C. § 282)). That means that Motorola bears the burden of completely foreclosing any factual disputes about whether the claim elements in question were conventional or not as of the time they were filed. *Aatrix*, 890 F.3d at 1355 (it is an “unremarkable proposition that whether a claim element or combination of elements would have been well-understood, routine, and conventional to a skilled artisan in the relevant field at a particular point in time is a question of fact.”). Moreover, as Motorola challenges patent eligibility at the pleadings stage, the Court views the pleadings, the specifications, and the claim language in the light most favorable to plaintiff and draws all inferences in its favor. *See Lormand*, 565 F.3d at 232.

Motorola makes no real effort to meet this significant burden. It fails to address the actual claim language as required under *Alice* and its progeny. Instead, Motorola creates unfair abstractions, entirely ignoring the language of the claims. It cites no evidence that any of these inventions were conventional at the time of filing and, thus, fails to support its Motion.

1.2.1 The '802 Claims recite an inventive concept

All of the claims of the '802 Patent require determining the priority of messages using pre-defined parameters, storing the lower-priority messages, and playing the stored messages in accordance with their priority, even if that is not the order in which they were received. *See, e.g.,* Claim 1 (“storing at least one message having a lower priority *between the first and the second message* based on the determination; and playing the stored message subsequent to completing playing the message having a higher priority.”) (emphasis added).

Motorola completely ignores this claim element, providing no evidence whatsoever that this function was conventional as of the time of the patent’s filing. Moreover, under binding Federal Circuit authority, the specification itself is fatal to Motorola’s motion. The '802 Patent plainly explains how conventional technology introduces the problem of simultaneously-arriving messages that cannot be effectively received by a human operator, and notes that “conventional techniques are unable to effectively manage” this problem. '802 Patent at 1:33-41. It describes the advantages that flow from the claimed invention’s saving and prioritization of messages as the ability to effectively manage a plurality of radio messages, and explains that “the invention prevents the loss of radio messages that would otherwise be lost if the operator of a conventional emergency communication system muted one of the channels in the case of overlap in the incoming radio messages.” *Id.* at 6:53-56. Under *Berkheimer*, “improvements in the specification, to the extent they are captured in the claims, create a factual dispute regarding whether the invention describes well-understood, routine, and conventional activities.” 881 F.3d at 1369. That factual dispute alone is fatal to Motorola’s Motion.

1.2.2 The '664 Claims recite an inventive concept

Motorola similarly fails to address the actual language of the claims of the '664 Patent. Specifically, Motorola fails to address the claimed limitation of elevating a priority associated

with the media stream—as opposed to changing the static configuration of a channel. Moreover, the fact that these claim elements are described in the specification as improvements over the prior art is fatal to Motorola’s motion. *Berkheimer*, 881 F.3d at 1370; *see also Coop. Ent., Inc. v. Kollektive 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).

1.2.3 The ’830 Claims recite an inventive concept.

Motorola does not argue that the claimed methods and systems were well-understood or conventional at the time of the invention. Instead, it argues that individual steps of claim 1 are by themselves abstract and/or not purported to be inventive in the specification and/or not required to be computer-implemented. Dkt. No. 13 at 19-20. Motorola fails to conduct the required analysis.

First, the Court must “‘consider the elements of each claim both individually and as an ordered combination’ to determine whether additional elements transform the nature of the claim into a patent-eligible application.” *BASCOM*, 827 F.3d at 1347-48 (quoting *Alice*, 573 U.S. at 217). As the *BASCOM* court found, “an inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces.” *Id.* at 1350. Motorola fails to consider the claimed elements as an ordered combination, instead making arguments about individual limitations without ever considering the claimed invention as a whole.

Second, the specification describes the claimed invention as a whole as an improvement over the prior art. ’830 Patent at 3:13-17 and 7:39-59. This alone is enough to defeat Motorola’s motion. *See Berkheimer*, 881 F.3d at 1370. The specification describes a novel “video feed association module” that may be configured “to associate one or more video feeds” with “one or more communication channels,” and which “may act as a filter removing or filtering video feeds

accessible by, or provided to, a communication device” so that “only those video feeds that are of particular interest to a user of the communication are presented to the user.” ’830 Patent at 3:3-18.

Third, Motorola argues that particular method steps can be performed by a user. Dkt. No. 13 at 17. But Motorola fails to offer an interpretation of the claims that would cover only steps performed by an unaided human. The claims themselves describe automated actions. This is clear both from the language of the claims and the specification, including the specification citations included in Motorola’s brief. For example, Motorola points out that the claim requires a user policy that identifies the relevant video feeds based on user activity, which policy can be set by the user. Dkt. No. 13 at 17-18. But the policy is not a user action, it is a system configuration. ’830 Patent at 5:60-6:17. The specification goes on to describe automated actions by a system pursuant to that policy. *Id.* at 6:3-17.

The underlying problem, according to Motorola, is that the problem and claimed solution are “non-technological.” Dkt. No. 13 at 20. But the problem addressed in the ’830 Patent is humans overloaded with irrelevant information *by technology*, specifically by increasingly sophisticated communication systems that can and do provide access to overwhelming numbers of surveillance camera and other video feeds. This problem only arises in a technological context, and the patented solution is improved technology—technology that limits available video feeds to only those which are most relevant to a given user. The claims of the ’830 Patent contain an inventive step.

1.3 CLAIM CONSTRUCTION AND DISCOVERY ARE NECESSARY

As described in STA’s letter to the Court, Dkt. No. 25-1, construction of several claim terms would aid the Court in resolving this issue. For example, to the extent there is any doubt about this, a proper construction of the claimed steps of determining the priority and/or

prioritizing the messages based on a predefined parameter as recited in the '802 Patent will show the claims cover a technological solution within a communication architecture that could not be provided by a human operator and whose attempt to do so would be hindered by the very problem the invention solves.

The '664 Claims requires elevating the priority of a media stream as distinguished from the generic configuration of a channel. 1. Motorola's argument equates the two, but does not support interpreting two different claim terms to mean one thing. Dkt. No. 13 at 2-5. Here again, Motorola's argument requires claim construction, even as Motorola argues that claim construction is irrelevant.

Regarding the '830 Patent, construction of the terms "radio frequency associated with a geographical zone," "a plurality of video feeds associated with the geographic zone," "at least one video feed associated with the selected communication channel," and "one or more video feeds being independent of the selected communication channel" will demonstrate the specific technological architecture required in order to achieve the claimed methods.

Specifically, construction of at least these terms and development of the record could aid this Court's evaluation of whether the challenged claims are directed to an abstract idea and whether they claim "something more" than the use of the claimed components in well-understood, routine, and conventional ways according to those of ordinary skill in the art.

If the Court finds any potential merit to Motorola's arguments, STA Group respectfully requests that the Court have the benefit of claim construction, and further factual discovery including on the specific factual questions of whether the claimed method steps were well-understood, routine, and conventional. *See Intellectual Ventures II LLC v. FedEx Corp.*, 2017 WL 6002762, at *2 n.1 (E.D. Tex. Dec. 1, 2017).

2. THE COMPLAINT STATES CLAIMS OF INFRINGEMENT OF ALL PATENTS-AT- ISSUE

Motorola complains that, “[f]or each patent, STA alleges infringement in a barebones claim chart, which recites limitations of an exemplary claim and provides a list of disparate products having widely varying functionality but fails to make a single factual allegation as to how or why any single product infringes.” *See* Dkt. No. 13 at 22. In response, STA Group respectfully submits that, pursuant to Rule 15(a), its infringement contentions are sufficiently detailed to plead infringement by the accused products of each of the asserted patents. Accordingly, Motorola’s motion to dismiss should be denied. If the Court finds that STA Group has failed to state a claim, STA Group respectfully requests leave to amend its pleadings.

In the Fifth Circuit, granting a “motion to dismiss under rule 12(b)(6) ‘is viewed with disfavor and is rarely granted.’” *Collins v. Morgan Stanley Dean Witter*, 224 F.3d 496, 498 (5th Cir. 2000) (quoting *Kaiser Aluminum & Chem. Sales v. Avondale Shipyards*, 677 F.2d 1045, 1050 (5th Cir. 1982)); *see also Lormand*, 565 F.3d at 232 (5th Cir. 2009). In patent infringement, a complaint must place the alleged infringer on notice of what activity is being accused of infringement. *Lifetime Indus., Inc. v. Trim-Lok, Inc.*, 869 F.3d 1372, 1379 (Fed. Cir. 2017). However, the plaintiff is not required to prove its case at the pleading stage. *Id.*; *Disk Disease Solutions Inc. v. VGH Solutions, Inc.*, 888 F.3d 1256, 1260 (Fed. Cir. 2018). Nor is the plaintiff required to plead infringement element-by-element to satisfy the pleading standard established in *Iqbal* and *Twombly*. *Bot M8 LLC v. Sony Corp. of Am.*, 4 F.4th 1342, 1352 (Fed. Cir. 2021). The complaint only needs to contain “some factual allegations that, when taken as true, articulate why it is plausible that the accused product infringes the patent claim.” *Id.* at 1353.

When considering a motion to dismiss under Rule 12(b)(6), courts proceed by “accepting all well-pleaded facts as true and viewing those facts in the light most favorable to the plaintiff.”

Bowlby v. City of Aberdeen, Miss., 681 F.3d 215, 219 (5th Cir. 2012) (citation omitted). The court must then decide whether those facts “state a claim that is plausible on its face.” *Id.* (citation omitted). “This standard simply calls for enough fact to raise a reasonable expectation that discovery will reveal evidence of the necessary claims or elements.” *In re S. Scrap Material Co., LLC*, 541 F.3d 584, 587 (5th Cir. 2008) (citation omitted). “The court may consider ‘the complaint, any documents attached to the complaint, and any documents attached to the motion to dismiss that are central to the claim and referenced by the complaint.’” *Script Sec. Sols. L.L.C. v. Amazon.com, Inc.*, 170 F. Supp. 3d 928, 935 (E.D. Tex. 2016) (quoting *Lone Star Fund V (U.S.) L.P. v. Barclays Bank PLC*, 594 F.3d 383, 387 (5th Cir. 2010)).

Furthermore, if a court considers dismissing a complaint for failure to state a claim, Rule 15(a) instructs that the court “freely give leave [to amend] when justice so requires,” within the discretion of the court. Fed. R. Civ. P. 15(a)(2); *Wapp Tech Ltd. P’ship v. Micro Focus Int’l, PLC*, 406 F. Supp. 3d 585, 593 (E.D. Tex. 2019). This Court has interpreted Rule 15(a) to “evinced[] a bias in favor of granting leave to amend.” *Wapp Tech Ltd. P’ship*, 406 F. Supp. 3d at 593 (quoting *Jones v. Robinson Prop. Grp., L.P.*, 427 F.3d 987, 994 (5th Cir. 2005)). Indeed “district courts must entertain a presumption in favor of granting parties leave to amend.” *Dueling v. Devon Energy Corp.*, 623 Fed. App’x. 127, 129 (5th Cir. 2015) (quoting *Mayeaux v. La. Health Serv. & Indem. Co.*, 376 F.3d 420, 425 (5th Cir. 2004)).

In support of its argument, Motorola makes two arguments: (i) STA Group’s claim charts do not sufficiently plead infringement; and (ii) STA Group’s infringement allegations ignore key claim limitations. Motorola’s arguments are predicated on both a misapplication of the legal standard and mischaracterizations of the factual allegations contained in STA Group’s Complaint.

First, Motorola argues that the claim charts fail to identify what products are accused of infringement and to sufficiently detail how the identified products infringe the Asserted Patents. *See* Dkt. No. 13 at 24-26. This argument misapplies the legal standard. In the primary case Motorola cites to support its argument, the Federal Circuit explicitly stated “element-by-element pleading standard for patent infringement... goes beyond the standard the Supreme Court articulated in *Iqbal* and *Twombly*.” *Bot M8*, 4 F.4th at 1352. STA Group was under no obligation to provide claim charts at all, and the claim charts it provided are not subject to an element-by-element pleading standard.

In addition to misapplying the legal standard, Motorola mischaracterizes the factual allegations in the pleadings. STA Group’s claim charts and descriptive factual allegations included in the Complaint exceed what is required to plausibly state a claim of infringement. Motorola relies on this Court’s decision in *Chapterhouse* to support its argument that STA Group’s infringement allegations are insufficient. *See* Dkt. No. 13 at 27-28. However, Motorola’s reliance on *Chapterhouse* is misplaced. *Chapterhouse* was distinguished by this Court in *Fractus*:

Moreover, the fatal flaw in the *Chapterhouse* complaint was the failure to include descriptive explanations of the screenshots included in the complaint; *Fractus* includes both images of the accused structures and descriptive paragraphs. Although *Fractus*’s complaint does not describe each of the over seventy accused products, it alleges that the described structure is representative of the structures of each accused product. At the pleading stage, the Court must accept these allegations as true. Taken as true, and reading the complaint as a whole, these allegations plausibly state a claim for direct infringement.

Fractus, 2021 WL 2483155, at *3. Like *Fractus*, STA Group’s complaint included descriptive paragraphs in conjunction with screenshots and other images in the Complaint. Dkt. No. 1-7 at *2. Therefore, *Chapterhouse* is inapplicable to the facts of this case.

In the Complaint, STA Group provided detailed claim charts based on publically available information. *See* Dkt. Nos. 1-6; 1-7; 1-8. In addition to the claim charts, STA Group explicitly

identified two sets of products that it asserts infringe the Asserted Patents: Motorola’s WAVE and P25 systems. Dkt. No. 1 at ¶ 33 (“The Motorola WAVE Systems include, for example, the WAVE Media Server, WAVE Proxy Server, WAVE Radio Gateway, WAVE Desktop Communicator, WAVE Dispatch Communicator, WAVE Mobile Communicator, WAVE Web Communicator, WAVE Lync Communicator, WAVE Sharepoint Communicator, WAVE Thin Client Platform, WAVE PTX Streaming Video system, Airbus DS Communications system, and systems that operate in a similar manner.”); *id.* at ¶ 34 (“The Motorola P25 Systems include, for example, the Astro 25 Advanced Messaging Solution, Critical Connect, Dispatch Console, SmartConnect, and systems that operate in a similar manner.”). Furthermore, the Complaint specifically alleges that *Motorola* directly infringes because “it makes, uses, sells, offers for sale, and services certain products, including its Motorola WAVE Systems and Motorola P25 Systems.” *Id.* at ¶ 32.

These factual allegations are more than “threadbare allegations [that] do not put Defendant 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).

Motorola’s second argument is that STA Group’s claim charts fail to prove infringement because certain claim limitations are not specifically addressed. *See* Dkt. No. 13 at 26-30. As provided above, requiring an “element-by-element pleading standard for patent infringement . . . goes beyond the standard the Supreme Court articulated in *Iqbal* and *Twombly*.” *Bot M8*, 4 F.4th at 1352. The Complaint contains sufficient factual allegations to plausibly state a claim of infringement of all claim elements.

Motorola primarily argues that STA Group fails to sufficiently allege infringement of elements of Claim 8 of the ’134 patent involving “increasing bandwidth,” “selecting a

transcoding,” and “adjusting the bandwidth level” of a “satellite communication link.” Dkt. No. 13 at 27-28. Motorola additionally argues that STA Group makes no factual allegations to infer that Motorola “which is not a satellite carrier and does not provide satellite communications, has any role in establishing or tearing down or increasing the bandwidth of satellite links.” *Id.* Based on this, Motorola asks the Court to dismiss STA Group’s claims of infringement. *Id.* at 27 (citing *Chapterhouse*, 2018 WL 6981828, at *2).

Despite Motorola’s claims, the very first image in the claim chart for Claim 8 of the ’134 patent, taken from a SmartConnect fact sheet published on Motorola Solution’s website, depicts a P25 Site, APX mobiles and portables, a satellite network (along with Wi-Fi and cellular networks), and a SmartConnect Gateway connecting the satellite to network an ASTRO 25 Core. Dkt. No. 1-7 at 1. Motorola may want the Court to believe that its systems lack satellite capabilities, but it wants its customers to believe the opposite. This image alone provides sufficient factual allegations to support its claim.. *See id.* at 1. Further, each entry in the ’134 patent’s claim chart that includes any of the terms “increasing bandwidth,” “selecting a transcoding,” and “adjusting the bandwidth level” makes direct reference to claims made by Motorola in marketing its ASTRO products. *Id.* at 3. Motorola’s mischaracterization of STA Group’s infringement allegations extends to its arguments as to the other asserted patents, which fail for the same reasons.

In sum, pursuant to Rule 15(a), STA Group has stated a plausible claim of infringement by the accused products for each of the asserted patents and respectfully requests this Court to deny Motorola’s motion to dismiss. If the Court finds that STA Group has failed to state a claim, STA Group respectfully requests leave to amend its pleadings.

CONCLUSION

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

Dated: January 17, 2023

Respectfully submitted,

/s/ James Shimota

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served on January 17, 2023, with a copy of the foregoing document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3).

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

STA GROUP LLC,

Plaintiff,

- vs. -

MOTOROLA SOLUTIONS, INC.,

Defendant.

Civil Action No. 2:22-CV-000381

Jury Trial Demanded

**ORDER DENYING DEFENDANT MOTOROLA SOLUTIONS, INC.'S MOTION TO
DISMISS UNDER FED. R. CIV. P. 12(b)(6) FOR FAILURE TO STATE A CLAIM**

Before the Court is Motorola Solutions, Inc.'s Motion Dismiss under Fed. R. Civ. P.
12(b)(6) for Failure to State a Claim (ECF No. 13). The Court, having considered same, is of the
opinion the motion should be DENIED.