

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DESKTOP ALERT INC.,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION 8:22-cv-03337-DLB
	§	
ALERTUS TECHNOLOGIES, LLC,	§	
<i>Defendant.</i>	§	
	§	

**DEFENDANT ALERTUS TECHNOLOGIES, LLC’S
MOTION TO DISMISS**

Under Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Alertus Technologies, LLC (“Alertus”) moves to dismiss all claims asserted in this action because the asserted patent is invalid as the claims are directed to an abstract idea under 35 U.S.C. § 101. For the reasons set forth in the contemporaneously filed Memorandum in Support, Alertus respectfully requests that the Court dismiss this action in its entirety with prejudice and enter judgment in favor of Alertus.

Dated: June 22, 2023

Respectfully submitted,

/s/ Michael J. Neary

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Lead Counsel for Defendant
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CERTIFICATE OF SERVICE

I certify on this 22nd day of June, 2023 I served a copy of the foregoing on all counsel of record through the Court's ECF system.

/s/Michael J. Neary
Michael J. Neary