

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CARDIACSENSE LTD.,

Plaintiff,

v.

COROS WEARABLES, INC.,

Defendant.

Case No. 2:24-cv-11011-MCS-AS

**ORDER RE: MOTION TO DISMISS
(ECF NO. 32)**

Defendant Coros Wearables, Inc., moves to dismiss this action for patent infringement on the basis that the patent asserted by Plaintiff CardiacSense Ltd. covers patent-ineligible subject matter under 35 U.S.C. § 101. (Mot., ECF No. 32.) Plaintiff filed a brief opposing the motion, (Opp'n, ECF No. 34), and Defendant filed a reply, (Reply, ECF No. 39).¹ The Court heard the motion on March 10, 2025. (Mins., ECF No. 43.)

¹ Plaintiff filed a notice of supplemental authority, (Pl.'s Notice, ECF No. 40), to which Defendant responded, (Def.'s Resp., ECF No. 41). The Court has considered the authority, a binding Federal Circuit opinion, without considering the parties' arguments construing it. *See* C.D. Cal. R. 7-10 (forbidding surreplies filed without leave of court).

I. BACKGROUND

According to the complaint, Plaintiff owns U.S. Patent No. 7,980,998 (“’998 Patent”), entitled Training and Instructing Support Device. (Compl. ¶¶ 11–12, ECF No. 1.) The claimed “invention relates to methods, systems and devices for monitoring activities performed by a person, and for allowing communication with respect thereto, in particular where such activities includes sports, e.g. swimming.” (Compl. Ex. A (’998 Patent) col. 1 ll. 12–15, ECF No. 1-1.) Claim 1 of the ’998 Patent recites:

A personal device for measuring a training activity of a trainee having a body part which moves and changes its location and orientation, during said training activity, this movement at least partially defining said training activity, said device comprising:

(a) a sensing unit adapted to repeatedly measure, during said training activity, parameters associated with the movement of said body part and characterizing the location and orientation of said body part relative to its initial location and orientation, and wherein said sensing unit comprising at least accelerometer means, a compass and optionally gyroscope means, said accelerometer means being adapted to measure linear acceleration of said body part along three axes, said gyroscope means being adapted to measure angular acceleration of said body part around said three axes, and said parameters being at least linear and angular acceleration values;

(b) means for attaching the sensing unit to said body part; and

(c) a processor adapted to receive from the sensing unit said parameters, and to calculate based thereon, data indicative of said training activity, said data including at least the location

1 and orientation of said body part for [e]ach of the
2 measurements.

3 (*Id.* col. 17 l. 65–col. 18 l. 22.)

4 Plaintiff alleges that Defendant manufactures and sells training device products,
5 including those marketed under the names Coros Pace, Coros Apex, and Coros Vertix,
6 that infringe claims of the '998 Patent, including Claims 1–7, 10, and 12–16. (Compl.
7 ¶¶ 9–10, 19–23; *see id.* Ex. B, ECF No. 1-2 (claim chart).) Plaintiff brings a single count
8 of infringement. (Compl. ¶¶ 28–32.)

9 10 **II. LEGAL STANDARD**

11 Federal Rule of Civil Procedure 12(b)(6) allows an attack on the pleadings for
12 “failure to state a claim upon which relief can be granted.” “To survive a motion to
13 dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a
14 claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
15 (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial
16 plausibility when the plaintiff pleads factual content that allows the court to draw the
17 reasonable inference that the defendant is liable for the misconduct alleged.” *Id.*

18 The determination of whether a complaint satisfies the plausibility standard is a
19 “context-specific task that requires the reviewing court to draw on its judicial
20 experience and common sense.” *Id.* at 679. Generally, a court must accept the factual
21 allegations in the pleadings as true and view them in the light most favorable to the
22 plaintiff. *Park v. Thompson*, 851 F.3d 910, 918 (9th Cir. 2017); *Lee v. City of Los*
23 *Angeles*, 250 F.3d 668, 679 (9th Cir. 2001). But a court is “not bound to accept as true
24 a legal conclusion couched as a factual allegation.” *Iqbal*, 556 U.S. at 678 (quoting
25 *Twombly*, 550 U.S. at 555).

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1 **III. DISCUSSION**

2 Defendant argues that the '998 Patent is directed to a patent-ineligible “abstract
3 idea of monitoring and measuring a person’s physical activity.” (Mot. 7.) The Court
4 assumes without deciding for the purpose of adjudicating this motion only that Claim 1
5 is representative of all asserted claims in the '998 Patent, as Defendant advocates. (Mot.
6 3.)²

7 An accused infringer may move to dismiss a patent infringement claim on the
8 basis that the patent is invalid because the claimed invention is ineligible for patent
9 protection under 35 U.S.C. § 101. *See Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709,
10 717–20 (Fed. Cir. 2014) (Mayer, J., concurring) (explaining why “subject matter
11 eligibility is the primal inquiry, one that must be addressed at the outset of litigation”).
12 Patent eligibility presents a question of law that may rest on underlying questions of
13 fact. *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (Fed. Cir. 2018). Accordingly, the
14 eligibility question may be resolved on the pleadings “only when there are no factual
15 allegations that, taken as true, prevent resolving the eligibility question as a matter of
16 law.” *Ask Sydney, LLC v. SNAP, Inc.*, 698 F. Supp. 3d 1194, 1198 (C.D. Cal. 2023)
17 (Scarsi, J.) (internal quotation marks omitted). In an eligibility challenge at the
18 pleadings stage, the movant bears the burden to establish a claim is patent ineligible
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21 ² The Court agrees with Plaintiff that Defendant has not meaningfully engaged with the
22 standard for showing Claim 1 is representative. (Opp’n 4–5.) *See Berkheimer v. HP*
23 *Inc.*, 881 F.3d 1360, 1365 (Fed. Cir. 2018) (“Courts may treat a claim as representative
24 in certain situations, such as if the patentee does not present any meaningful argument
25 for the distinctive significance of any claim limitations not found in the representative
26 claim or if the parties agree to treat a claim as representative.”). Because the motion
27 rests on an assumption of representativeness and does not sufficiently discuss the
28 patentability of asserted claims other than Claim 1, the Court declines to advance
arguments pertaining to other asserted claims on Defendant’s behalf to resolve the
motion. *See Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003)
(noting courts “cannot manufacture arguments” for a party, as “[o]ur adversarial system
relies on the advocates to inform the discussion and raise the issues to the court”
(internal quotation marks omitted)).

1 under § 101, and courts construe the challenged claim in the manner most favorable to
2 the nonmovant. *Id.* at 1197.

3 Under § 101, Congress granted broad patent eligibility to inventions or
4 discoveries including “processes, machines, manufactures, and compositions of
5 matter.” *See Bilski v. Kappos*, 561 U.S. 593, 601 (2010). These broad categories
6 notwithstanding, Supreme Court precedents have identified three implicit exceptions to
7 patent eligibility under § 101: “[l]aws of nature, physical phenomena, and abstract
8 ideas.” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014) (internal
9 quotation marks omitted). The last exception, abstract ideas, is relevant here. “[A]n
10 invention is not rendered ineligible for patent simply because it involves an abstract
11 concept. Applications of such concepts to a new and useful end . . . remain eligible for
12 patent protection.” *Id.* at 217 (cleaned up). The § 101 inquiry, therefore, requires courts
13 “to ascertain as a matter of law whether a patent claim is directed to a specific
14 implementation of an idea or merely just the idea itself.” *US Synthetic Corp. v. ITC*, 128
15 F.4th 1272, 1283 (Fed. Cir. 2025).

16 The *Alice* court articulated a two-step framework for determining patent
17 eligibility under § 101. At step one, courts “consider the claims in their entirety to
18 ascertain whether their character as a whole is directed to excluded subject matter,”
19 looking to “the focus of the claims, their character as a whole,” and the written
20 description as it informs the claims. *CardioNet, LLC v. InfoBionic, Inc.*, 955 F.3d 1358,
21 1367–68 (Fed. Cir. 2020) (internal quotation marks omitted); *see Alice*, 573 U.S. at 217.
22 If the claims at issue are directed to a patent-ineligible concept, courts proceed to step
23 two, where they evaluate “the elements of each claim both individually and ‘as an
24 ordered combination’ to determine whether the additional elements ‘transform the
25 nature of the claim’ into a patent-eligible application,” searching for “an ‘inventive
26 concept . . . sufficient to ensure that the patent in practice amounts to significantly more
27 than a patent upon the [ineligible concept] itself.’” *Alice*, 573 U.S. at 217–18 (alteration
28

1 in original) (quoting *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66,
2 72–73, 78–79 (2012)).

3 The Court only reaches *Alice* step one. Reading the '998 Patent in the light most
4 favorable to Plaintiff, Claim 1 is not directed to the abstract idea of measuring physical
5 activity, as Defendant argues; instead, it describes a specific means of recording training
6 activity data using a personal device that improves upon the relevant technology.

7 In admittedly oversimplified terms, the claim recites a personal device comprised
8 of three parts: a sensing unit equipped with accelerometer, compass, and optionally
9 gyroscope, and adapted to measure parameters associated with movement of a body
10 part; means for attaching the device to a body part; and a processor that receives
11 parameters from the sensing unit and calculates data, including data related to the
12 location and orientation of the body part. ('998 Patent col. 17 l. 66–col. 18 l. 22.)
13 Although it is true that “claims directed to gathering and processing data are directed to
14 an abstract idea,” *iLife Techs., Inc. v. Nintendo of Am., Inc.*, 839 F. App'x 534, 536–37
15 (Fed. Cir. 2021) (collecting cases), the claim here is not directed broadly to the idea of
16 gathering and processing data concerning training activity. Instead, it is directed to a
17 device with a specific configuration of elements purporting to improve the technology
18 for measuring training activity, employing a sensing unit and processor to ascertain
19 parameters for the movement of the body part to which it is attached. As Plaintiff argues,
20 the '998 Patent “specif[ies] a particular configuration of inertial sensors and a particular
21 method of using the raw data from the sensors to more accurately calculate the position
22 and orientation of an object,” “using these calculations to provide real-time feedback to
23 a trainee to improve training methods in ways that conventional methods and systems
24 could not.” (Opp'n 8.) *Cf. Thales Visionix, Inc. v. United States*, 850 F.3d 1343, 1349
25 (Fed. Cir. 2017) (finding patentable claims that “specify a particular configuration of
26 inertial sensors and a particular method of using the raw data from the sensors in order
27 to more accurately calculate the position and orientation of an object on a moving
28 platform”).

1 Defendant primarily rests its argument at step one on analogies to two nonbinding
2 precedents, *iLife Technologies, Inc. v. Nintendo of America, Inc.*, 839 F. App’x 534
3 (Fed. Cir. 2021), and *Fitbit Inc. v. AliphCom*, No. 16-cv-00118-BLF, 2017 U.S. Dist.
4 LEXIS 30721 (N.D. Cal. Mar. 2, 2017). (Mot. 8–14.) Both cases are distinguishable.
5 The claim found unpatentable in *iLife* described a system featuring a sensor associated
6 with a processor that was “capable of evaluating movement of a body relative to an
7 environment.” 839 F. App’x at 535–36. The circuit panel reasoned at *Alice* step one that
8 the claim “[f]ail[ed] to provide any concrete detail for performing the associated
9 functions” of the system to sense, process, and transmit information; the claim was “not
10 focused on a specific means or method to improve motion sensor systems” and was not
11 “directed to a specific physical configuration of sensors.” *Id.* at 536–37. In contrast,
12 Claim 1 of the ’998 Patent describes a specific means of obtaining and processing
13 physical movement inputs to calculate data concerning training activities—namely,
14 using a sensor attached to a body part to measure parameters with an accelerometer,
15 compass, and optional gyroscope, and using a processor to output data based on those
16 measurements. Unlike the claim at issue in *iLife*, the ’998 Patent describes specific
17 means and provides concrete details to achieve the ends of gathering and processing
18 data.

19 The claims from *Fitbit* that Defendant analogizes to Claim 1 in this case recited
20 methods for detecting and recording movement using a wearable band, and for receiving
21 and processing activity data from an activity monitoring device. 2017 U.S. Dist. LEXIS
22 30721, at *2–6. The Court follows a judge in the Northern District of California in
23 finding *Fitbit*

24 distinguishable from the instant case for at least two reasons.

25 First, the claim at issue in that prior case recited a method, not
26 a device. Second, that decision predates *Thales Visionix*,
27 which held that a particular, useful configuration of
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1 components that improved on the prior art was not directed to
2 an abstract idea.

3 *Immersion Corp. v. Fitbit, Inc.*, 313 F. Supp. 3d 1005, 1025 n.4 (N.D. Cal. 2018).
4 Further, as Plaintiff notes, the *Fitbit* court found eligible patent claims directed to an
5 apparatus “focus[ed] not just on data collection (and reporting), but a specific, improved
6 form of data collection,” 2017 U.S. Dist. LEXIS 30721, at *64, just as the claims of the
7 ’998 Patent are “directed to a personal device that provides a specific, improved form
8 of collecting relative limb movement data in real-time that is used to provide
9 simultaneous feedback to a trainee,” (Opp’n 10).

10 The ’998 Patent covers patent-eligible subject matter, so the motion must be
11 denied. However, as discussed with counsel at the hearing, the Court notes that
12 arguments raised in connection with this motion might be probative of an obviousness
13 or novelty inquiry, and nothing in this Order prevents Defendant from renewing its
14 arguments in the context of those issues at a later stage of the litigation.

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16 **IV. CONCLUSION**

17 The motion is denied. Defendant shall answer the complaint within 14 days. Fed.
18 R. Civ. P. 12(a)(4)(A).

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20 **IT IS SO ORDERED.**

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22 Dated: April 23, 2025



23 MARK C. SCARSI
24 UNITED STATES DISTRICT JUDGE
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