**UNITED STATES DISTRICT COURT**
**EASTERN DISTRICT OF NORTH CAROLINA**
**WESTERN DIVISION**

| | | |
|---|---|---|
| RED HAT, INC., | ) | |
| Plaintiff, | ) | |
| v. | ) | Case No. 5:24-cv-505-D-BM |
| COMPETITIVE ACCESS SYSTEMS, INC., | ) | |
| Defendant. | ) | |

**PLAINTIFF RED HAT, INC.'S PARTIAL MOTION TO DISMISS DEFENDANT COMPETITIVE ACCESS SYSTEMS, INC.'S CLAIMS UNDER 35 U.S.C. § 101**

Plaintiff Red Hat, Inc. ("Red Hat") submits this Partial Motion to Dismiss Defendant Competitive Access Systems, Inc.'s ("CAS") Counterclaims under 35 U.S.C. § 101. In support of its Motion, Red Hat states the following:

1. On September 3, 2024, Red Hat filed its' declaratory judgment Complaint against CAS for Patent Infringement and violation of the North Carolina Abusive Patent Assertion Act (N.C. Gen. Stat. §§ 75-140 et. seq.).
2. On October 25, 2024, CAS filed a Motion to Dismiss Plaintiffs' Complaint.
3. On June 12, 2025, the Court denied CAS's Motion to Dismiss.
4. On July 8, 2025 CAS filed its' Answer to Red Hat's Complaint and counterclaimed for infringement of the same patents in Red hat's original declaratory judgment Complaint.
5. Red Hat hereby requests the court Dismiss CAS's Counterclaims Counts I and III-VII under 35 U.S.C. § 101. In support of this Motion, Red Hat has filed a Memorandum in Support.


Competitive Access Systems EX2007
Red Hat, Inc. v. Competitive Access Systems, Inc.
IPR2025-01372

For the reasons stated in its Memorandum, Red Hat respectfully requests the Court grants and enters Red Hat's Partial Motion to Dismiss.

Dated: August 12, 2025

Respectfully submitted,

KIRKLAND & ELLIS LLP

By: */s/ Richard T. Matthews*

Todd M. Friedman (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Telephone: +1 212 446 4800
Facsimile: +1 212 446 4900
greg.arovas@kirkland.com
todd.friedman@kirkland.com
Local Civil Rule 83.1(e) Attorney for Plaintiff

Brandon H. Brown (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, CA 94104
Telephone: +1 415 439 1400
Facsimile: +1 415 439 1500
brandon.brown@kirkland.com
Local Civil Rule 83.1(e) Attorney for Plaintiff

Yimeng Dou (admitted *pro hac vice*)
KIRKLAND & ELLIS LLP
695 Town Center Dr, Suite 1700
Costa Mesa, CA 92626
Telephone: +1 714-982-8822
Facsimile: +1 714-982-8844
yimeng.dou@kirkland.com
Local Civil Rule 83.1(e) Attorney for Plaintiff

Richard T. Matthews (N.C. #32817)
Andrew R. Shores (N.C. #46600)
WILLIAMS MULLEN
P.O. Drawer 1000
Raleigh, NC 27602-1000
Telephone: +1 919 981 4000
Facsimile: +1 919 981 4300
rmatthews@williamsmullen.com

ashores@williamsmullen.com
Local Civil Rule 83.1(d) Attorney for Plaintiff

*Attorneys for Plaintiff Red Hat, Inc.*

## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **PLAINTIFF RED HAT, INC.'S MOTION TO DISMISS DEFENDANT'S COUNTERCLAIMS** with the Clerk of Court using the CM/ECF system, which will give notice of such filing to all attorneys currently on record in the above-captioned case including:

COATS + BENNETT, PLLC
Gavin B. Parsons
NC State Bar No. 28013
1400 Crescent Green, Suite 300
Cary, NC 27518
Tel: (919) 719-4868
Fax: (919) 719-4585
Email: gparsons@coatsandbennett.com

STINSON LLP
B. Scott Edison, #57757MO
Timothy D. Krieger, #57832MO
Julie C. Scheipeter, #65978MO
David S. Kim, #67274MO
Zachary T. Buchheit, #71816MO
7700 Forsyth Blvd., Suite 1100
St. Louis, MO 63105
Tel: (314) 863-0800
Fax: (314) 259-3924
Email: scott.eidson@stinson.com
Email: tim.krieger@stinson.com
Email: julie.scheipeter@stinson.com
Email: david.kim@stinson.com
Email: zachary.buchheit@stinson.com

Dated: August 12, 2025

KIRKLAND & ELLIS LLP

By: */s/ Richard T. Matthews*

Richard T. Matthews (N.C. #32817)
WILLIAMS MULLEN
P.O. Drawer 1000
Raleigh, NC 27602-1000
Telephone: +1 919 981 4000
Facsimile: +1 919 981 4300
rmatthews@williamsmullen.com
Local Civil Rule 83.1(d) Attorney for Plaintiff