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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COMPETITIVE ACCESS SYSTEMS, INC., Plaintiff, v. APPLE INC., Defendant.	Case No. 5:25-CV-04595-PCP **DEFENDANT APPLE INC.'S NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S COMPLAINT** Date: September 25, 2025 Time: 10:00 a.m. Place: Courtroom 8, 4th Floor Judge: Hon. P. Casey Pitts

Competitive Access Systems EX2012
Red Hat, Inc. v. Competitive Access Systems, Inc.
IPR2025-01380

TABLE OF CONTENTS

Page

NOTICE OF MOTION AND MOTION 1

STATEMENT OF THE ISSUES TO BE DECIDED 1

MEMORANDUM OF POINTS AND AUTHORITIES 2

I. INTRODUCTION 2

II. BACKGROUND AND STATEMENT OF FACTS 2

A. The Litigation 2

B. CAS's Previous Litigation Against Oracle 3

III. LEGAL STANDARDS 4

A. Rule 12(b)(6) Motion To Dismiss 4

1. Motion To Dismiss For Invalidity Under 35 U.S.C. § 101 5

2. Motion To Dismiss Infringement Claims 6

IV. THE ASSERTED PATENTS' CLAIMS ARE DIRECTED TO PATENT-INELIGIBLE SUBJECT MATTER UNDER 35 U.S.C § 101 7

A. The Representative Claim 7

B. *Alice* Step One: CAS's Claims Are Directed To The Abstract Idea Of Routing Information Over Different Links Or Paths Based On Bandwidth And Availability 8

C. *Alice* Step Two: CAS's Claims Lack An Inventive Concept That Transforms The Claims Into "Significantly More" Than The Abstract Idea 14

D. Claim 1 Of The '801 Patent Is Representative Of All Claims And Nothing In The Remaining Claims Imparts Patentability 17

V. CAS FAILS TO STATE A CLAIM FOR DIRECT INFRINGEMENT 19

VI. CAS FAILS TO STATE A CLAIM FOR WILLFUL INFRINGEMENT 22

VII. CAS FAILS TO STATE A CLAIM FOR INDUCED INFRINGEMENT 24

TABLE OF AUTHORITIES

Page(s)

CASES

Accenture Global Servs., GmbH v. Guidewire Software, Inc.,
728 F.3d 1336 (Fed. Cir. 2013).....18

Alice Corp. Pty. Ltd. v. CLS Bank Int'l,
573 U.S. 208 (2014)..... *passim*

Apple Inc. v. Ameranth, Inc.,
842 F.3d 1229 (Fed. Cir. 2016).....12

Ashcroft v. Iqbal,
556 U.S. 662 (2009).....4, 5

Atlas IP LLC v. Pac. Gas & Elec. Co.,
No. 15-CV-05469-EDL, 2016 WL 1719545 (N.D. Cal. Mar. 9, 2016) 21

Bell Atl. Corp. v. Twombly,
550 U.S. 544 (2007).....4

Beteiro, LLC v. DraftKings Inc.,
104 F.4th 1350 (Fed. Cir. 2024) 12, 13

Bot M8 LLC v. Sony Corp. of Am.,
4 F.4th 1342 (Fed. Cir. 2021) 6, 19, 21

Broadcom Corp. v. Netflix Inc
No. 3:20-cv-04677-JD, 2021 WL 4170784 (N.D. Cal. Sept. 14, 2021)..... *passim*

Celgene Corp. v. Mylan Pharms. Inc.,
17 F.4th 1111 (Fed. Cir. 2021) 22, 25

Competitive Access Sys., Inc. v. Oracle Corp.,
No. 1:23-CV-286-DII, 2023 WL 3910262 (W.D. Tex. June 7, 2023) ..... *passim*

Dali Wireless, Inc. v. Corning Optical Commc'ns LLC,
638 F. Supp. 3d 1088 (N.D. Cal. 2022).....6, 22, 24

Dolby Lab'ys Licensing Corp. v. Roku, Inc.,
No. 24-CV-04660-EJD, 2025 WL 2021803 (N.D. Cal. July 18, 2025) 25

Elec. Power Grp., LLC v. Alstom S.A.,
830 F.3d 1350 (Fed. Cir. 2016).....8, 15, 18

Page(s)

Enfish, LLC v. Microsoft Corp.,
822 F.3d 1327 (Fed. Cir. 2016).....14

Entropic Commc'ns, LLC v. DISH Network Corp.
767 F. Supp. 3d 1023 (C.D. Cal. 2025) 12

Estech Sys. IP, LLC v. Zoom Video Commc'ns, Inc.,
No. 5:24-CV-02528-EJD, 2025 WL 834497 (N.D. Cal. Mar. 17, 2025) 21

Fluidigm Corp. v. IONpath, Inc.,
No. C 19-05639 WHA, 2020 WL 408988 (N.D. Cal. Jan. 24, 2020).....23

Fortinet, Inc. v. Forescout Techs., Inc.
543 F. Supp. 3d 814 (N.D. Cal. 2021) 24

In re Gilead Scis. Sec. Litig.,
536 F.3d 1049 (9th Cir. 2008) 5

Intell. Ventures I LLC v. Erie Indem. Co.,
850 F.3d 1315 (Fed. Cir. 2017).....14, 16

Internet Patents Corp. v. Active Network, Inc.,
790 F.3d 1343 (Fed. Cir. 2015).....5

Lifetime Indus., Inc. v. Trim-Lok, Inc.,
869 F.3d 1372 (Fed. Cir. 2017).....6

MasterObjects, Inc. v. Amazon.com, Inc.,
No. C 20-08103 WHA, 2021 WL 4685306 (N.D. Cal. Oct. 7, 2021) 23, 24

Mobile Acuity Ltd. v. Blippar Ltd.,
110 F.4th 1280 (Fed. Cir. 2024) 17

Novitaz, Inc. v. inMarket Media, LLC,
No. 16-cv-06795-EJD, 2017 WL 2311407 (N.D. Cal. May 26, 2017) 24

Prism Techs. LLC v. T-Mobile USA, Inc.,
696 F. App'x 1014 (Fed. Cir. 2017) 15

QuickLogic Corp. v. Konda Techs., Inc.,
618 F. Supp. 3d 873 (N.D. Cal. 2022) 20, 21

Sanderlink Mgmt. Ltd. v. Snap Inc.,
65 F.4th 698 (Fed. Cir. 2023) 13

Skydiving Sch., Inc. v. GoJump Am., LLC,
No. 24-1822, 2025 WL 502491 (9th Cir. Feb. 14, 2025) 5

Page(s)

Sonos, Inc. v. Google LLC,
591 F. Supp. 3d 638 (N.D. Cal. 2022) 6, 25

TDE Petroleum Data Sols., Inc., v. AKM Enter., Inc.,
657 F. App'x 991 (Fed. Cir. 2016) 16

TecSec, Inc. v. Adobe Inc.,
978 F.3d 1278 (Fed. Cir. 2020).....5, 13, 14

Twilio, Inc. v. Telesign Corp.
249 F. Supp. 3d 1123 (N.D. Cal. 2017) 11, 17

Two-Way Media Ltd. v. Comcast Cable Commc'ns, LLC
874 F.3d 1329 (Fed. Cir. 2017).....8, 14, 16

Uniloc USA, Inc. v. Logitech, Inc.
No. 18-CV-01304-LHK, 2018 WL 6025597 (N.D. Cal. Nov. 17, 2018).....25

Universal Secure Registry v. Apple Inc.,
10 F.4th 1342 (Fed. Cir. 2021) 5

Valjakka v. Netflix Inc.,
No. 22-CV-01490-JST, 2022 WL 19975412 (N.D. Cal. Oct. 11, 2022).....23, 24

Yu v. Apple Inc.,
1 F.4th 1040 (Fed. Cir. 2021) 14

STATUTES

35 U.S.C. § 101 ..... *passim*

RULES

Rule 12(b)(6).....4, 5

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on September 25, 2025 at 10:00 a.m., or as soon thereafter as counsel may be heard by the above-titled Court, located at 280 South First Street, San Jose, CA 95113, Defendant Apple Inc. ("Apple") will and hereby does move to dismiss Plaintiff Competitive Access Systems' ("CAS") Complaint pursuant to Fed. R. Civ. P. 12(b)(6).

Apple respectfully requests that CAS's Complaint be dismissed with prejudice under Fed. R. Civ. P. 12(b)(6) because (1) the claims of U.S. Patent Nos. 7,606,156; 8,228,801; 8,861,349; 9,350,649; 10,868,908; 11,418,641; and 11,582,343 (collectively, the "Asserted Patents") are invalid under 35 U.S.C. § 101 as they are directed to subject matter that is not patentable; (2) CAS fails to plausibly allege direct infringement of any claim of any Asserted Patent; (3) CAS fails to plausibly allege willful infringement of any claim of any Asserted Patent; and (4) CAS fails to plausibly allege induced infringement of any claim of any Asserted Patent. Apple's motion is based on this Notice of Motion, the Memorandum of Points and Authorities in support thereof, the Declaration of Jamie L. Kringstein and exhibits attached thereto, the pleadings and papers on file, and any evidence and argument presented to the Court at the hearing.

STATEMENT OF THE ISSUES TO BE DECIDED

This motion asks this Court to find that (a) the Complaint fails to state a claim upon which relief can be granted because the claims of each of the Asserted Patents are invalid under 35 U.S.C. § 101 as directed to ineligible subject matter; (b) the Complaint fails to state a direct infringement claim upon which relief can be granted because the allegations are conclusory; (c) the Complaint fails to state a willful infringement claim upon which relief can be granted because the allegations fail to plead knowledge of infringement; and (d) the Complaint fails to state an induced infringement claim upon which relief can be granted because the allegations fail to plead knowledge of infringement and specific intent to infringe. This motion asks this Court to dismiss the Complaint with prejudice.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

CAS's patent claims should be dismissed because the claims of the seven related Asserted Patents are directed to the abstract idea of routing information over different links or paths based on bandwidth and availability and lack an inventive concept that would bring the claims out of abstraction. Indeed, in a prior case against Oracle involving some of the same Asserted Patents, CAS hung its hat on the "multipath connection" limitation to overcome an overgeneralized Section 101 motion, and the previous court accepted that representation as true in finding that a "multipath connection" was a specific improvement recited in the claims. Yet, as soon as CAS survived dismissal, CAS changed its tune and told that same court that a "multipath connection" was nothing more than "a connection including multiple physical links," not a uniquely specific improvement to communications networks as previously argued. Having survived that motion, CAS now brings this lawsuit with additional patents that do not even recite the "multipath connection" limitation. This time, CAS cannot hide its claims behind superficial assertions of concrete technical improvements. CAS's patent claims are abstract in nature and contain no inventive concept.

CAS's patent claims should further be dismissed because CAS fails to state a claim for direct infringement, instead requiring the Court to blindly accept numerous conclusory leaps. CAS offers conclusory and unsupported allegations that the accused Wi-Fi Assist feature in Apple devices implements the MPTCP protocol and, therefore, infringes at least one claim of each Asserted Patent. But the Complaint lacks any allegations that any claim of the Asserted Patents even relates to MPTCP. Furthermore, the Complaint pleads induced infringement and willful infringement, but these claims also fail because CAS fails to allege that Apple knew of the alleged infringement.

II. BACKGROUND AND STATEMENT OF FACTS

A. The Litigation

On May 30, 2025, CAS brought this lawsuit against Apple, alleging infringement of seven related patents: U.S. Patent Nos. 7,606,156 (the "'156 patent"); 8,228,801 (the "'801 patent");

8,861,349 (the "'349 patent"); 9,350,649 (the "'649 patent"); 10,868,908 (the "'908 patent"); 11,418,641 (the "'641 patent"); and 11,582,343 (the "'343 patent") (collectively, the "Asserted Patents," Complaint Exhibits A through G,[1] respectively).

The seven Asserted Patents claim priority to the patent application that issued as the '156 patent and share the same specification, which purports to describe systems and methods for improving data transmission performance by aggregating bandwidth across multiple network connections. *See, e.g.*, '801 patent, Abstract; '343 patent, Abstract.[2] In particular, the common specification describes a broadband communications device, referred to as a Residential Communications Gateway (RCG), that "operates exactly as a cable or DSL type modem device" and allocates bandwidth across multiple network links using an established protocol from the time. '801 patent at 9:19-21, 11:4-13:52. All claims of the Asserted Patents are generally directed to variations of a communications device that increase data bandwidth by routing information to and from multiple network links.

CAS alleges that Apple infringes at least one claim of each Asserted Patent. Dkt. 1 ("Compl.") ¶¶ 73, 91, 108, 121, 134, 149, 165. CAS asserts that "electronic products, including but not limited to Apple's iPhone, that implement multipath TCP ('MPTCP') in conjunction with Apple's Wi-Fi Assist feature" infringe at least one claim of each Asserted Patent. *Id.* ¶ 1. CAS further alleges that Apple indirectly infringes the Asserted Patents by "intentionally inducing infringement by its customers." *Id.* ¶¶ 86, 103, 116, 129, 144, 160, 173. Further, CAS seeks a finding that Apple's infringement is willful and for an award of enhanced damages. *Id.*, Prayer For Relief, ¶ c.

B. CAS's Previous Litigation Against Oracle

CAS previously asserted the '649 patent in a patent infringement action against Oracle in the Western District of Texas. *Competitive Access Sys., Inc. v. Oracle Corp.*, No. 1:23-CV-286-DII, 2023 WL 3910262, at *1 (W.D. Tex. June 7, 2023). Oracle moved to dismiss claims 1 and 7 of the '649 patent for failure to recite patent-eligible subject matter under 35 U.S.C. § 101. *Id.* at *1–2. In its

[1] Lettered exhibits refer to the Exhibits attached to the Complaint (Dkt. 1, "Compl."), while numbered exhibits refer to the Exhibits attached to the Declaration of Jamie L. Kringstein filed herewith.
[2] Since the Asserted Patents share a common specification, the brief will generally cite to the '801 patent for convenience, but these citations apply equally to the remaining asserted patents.

motion to dismiss, Oracle argued that those claims were "directed to the abstract idea of sending data to devices over a network using information or parameters." *Id.* at *2 (internal quotation marks omitted). CAS opposed the motion, arguing that the asserted '649 patent claims provided a technological solution to the problem of "limited bandwidth and availability of a single network connection." *Id.* at *3. In particular, CAS contended that the "specific improvement to network functionality" was the "***multipath*** connection" rather than transferring data over "a single network connection." *Id*. (emphasis added).

In denying Oracle's motion with respect to subject-matter eligibility, the court stated that Oracle overgeneralized the asserted claims, noting "the claim language recites sending and receiving information over an improved means of network functionality that includes a data-source device and a ***multipath*** connection." *Id*. (emphasis added). Based on CAS's representation, the court found at the pleading stage that the claims were not directed to an abstract idea. *Id*.

However, after CAS survived the motion, CAS reversed course during claim construction, taking the position that a "multipath connection" or "multilink connection" generally encompassed any "connection including multiple physical links," thereby undermining CAS's previous argument that the "multipath connection" constitutes a specific improvement to network functionality. Ex. 1 (*Competitive Access Systems, Inc. v. Oracle Corporation, et al.*, No. 1:23-CV-286-DII, Dkt. 82-1 (W.D. Tex. Aug. 10, 2023)) at 1, 8.

III. LEGAL STANDARDS

A. Rule 12(b)(6) Motion To Dismiss

To survive a motion to dismiss under Rule 12(b)(6), a complaint "must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)) (internal quotation marks omitted). The "mere possibility of misconduct" is not enough. *See id*. at 679. A complaint that alleges facts merely consistent with liability "stops short of the line between possibility and plausibility" and should be dismissed. *Id.* at 678. A complaint demonstrates plausibility when

"the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id*. For purposes of a Rule 12(b)(6) motion, the Court "accept[s] factual allegations as true and construe[s] them in the light most favorable to the plaintiff." *Skydiving Sch., Inc. v. GoJump Am., LLC*, No. 24-1822, 2025 WL 502491, at *1 (9th Cir. Feb. 14, 2025) (citing *In re Gilead Scis. Sec. Litig.*, 536 F.3d 1049, 1055 (9th Cir. 2008)). However, the Court does not "accept as true allegations that are conclusory or mere threadbare recitals of the elements of a claim." *Id*. (internal quotation marks omitted).

1. Motion To Dismiss For Invalidity Under 35 U.S.C. § 101

"[P]atent eligibility can be determined at the Rule 12(b)(6) stage 'when there are no factual allegations that, taken as true, prevent resolving the eligibility question as a matter of law.'" *Universal Secure Registry v. Apple Inc.*, 10 F.4th 1342, 1346 (Fed. Cir. 2021) (citations omitted). Section 101 states that anyone who "invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent." 35 U.S.C. § 101. Claims directed to abstract ideas, however, are not patent eligible because patent protection does not extend to claims that monopolize the "building blocks of human ingenuity." *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014). To distinguish between claims that set forth patent ineligible subject matter and claims "that integrate the building blocks into something more," courts apply the two-step framework detailed in *Alice*. *Id.* at 217.

At *Alice* Step One, courts "determine whether the claims at issue are directed to a patent-ineligible concept," such as an abstract idea. *Id.* at 218. "[T]he claims are considered in their entirety to ascertain whether their character as a whole is directed to excluded subject matter." *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1346 (Fed. Cir. 2015). For "cases involving software innovations, this inquiry often turns on whether the claims focus on specific asserted improvements in computer capabilities or instead on a process or system that qualifies as an abstract idea for which computers are invoked merely as a tool." *TecSec, Inc. v. Adobe Inc.*, 978 F.3d 1278, 1293 (Fed. Cir. 2020) (citations omitted). If the claims are directed to an abstract idea, courts move on to Step Two.

At *Alice* Step Two, courts "consider the elements of each claim both individually and 'as an ordered combination' to determine whether the additional elements 'transform the nature of the claim' into a patent-eligible application" of the abstract idea. *Alice*, 573 U.S. at 217 (citation omitted). Step Two of the analysis is "a search for 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 [ineligible concept] itself." *Id.* at 217–18 (internal quotation marks omitted).

2. Motion To Dismiss Infringement Claims

For direct infringement claims to survive a motion to dismiss, the Federal Circuit has emphasized that "[t]here must be some factual allegations that, when taken as true, articulate why it is plausible that the accused product infringes the patent claim." *Bot M8 LLC v. Sony Corp. of Am.*, 4 F.4th 1342 (Fed. Cir. 2021). Merely reciting "claim elements and corresponding conclusions, without supporting factual allegations, is insufficient to satisfy the *Iqbal*/*Twombly* standard." *Id*. at 1355.

With respect to willful infringement claims, "[i]n order to survive a motion to dismiss, both 'knowledge of the patent and knowledge of infringement must be pled with plausibility.'" *Dali Wireless, Inc. v. Corning Optical Commc'ns LLC*, 638 F. Supp. 3d 1088, 1095 (N.D. Cal. 2022) (internal quotation marks omitted). In particular, "[t]he complaint must contain allegations that the accused infringer had specific knowledge of the asserted patent" and "[t]he complaint must also contain allegations that the accused infringer had a specific intent to infringe at the time of the challenged conduct." *Id.* (internal quotation marks omitted).

"For an allegation of induced infringement to survive a motion to dismiss, a complaint must plead facts plausibly showing that the accused infringer specifically intended another party to infringe the patent and knew that the other party's acts constituted infringement." *Lifetime Indus., Inc. v. Trim-Lok, Inc.*, 869 F.3d 1372, 1379 (Fed. Cir. 2017) (internal quotation marks omitted). Like willful infringement, an induced infringement claim "require[s] knowledge of the patent and knowledge of infringement." *Sonos, Inc. v. Google LLC*, 591 F. Supp. 3d 638, 647 (N.D. Cal. 2022).

IV. THE ASSERTED PATENTS' CLAIMS ARE DIRECTED TO PATENT-INELIGIBLE SUBJECT MATTER UNDER 35 U.S.C § 101

CAS's claims are directed to the abstract idea of routing information over different links or paths based on bandwidth and availability—subject matter that courts have regularly held to be abstract—and do not invoke inventive computing components or functions for implementing that abstract idea. Accordingly, they are directed to ineligible subject matter under Section 101.

A. The Representative Claim

Claim 1 of the '801 patent (the "Representative Claim") is representative for purposes of the Section 101 analysis. It is directed to routing information over different links or paths based on bandwidth and availability using only generic or conventional computing components and functions:

> 1. A ***communications device*** that is capable of providing broadband communications services, comprising:
>
> at least one ***connection for connecting*** to a communications network;
>
> at least one ***wireless interface for connecting*** wirelessly to at least one remote communications device; and
>
> a ***processor*** that requests the at least one remote ***communications device*** to assist in transferring data,
>
> > ***sends a request*** to the at least one remote communications device ***for requesting use of a portion of unused bandwidth*** of the at least one remote communications device,
> >
> > ***receives a response*** from the at least one remote communications device, the response ***containing information about the portion of unused bandwidth***,
> >
> > ***selects the at least one remote communications device*** with unused bandwidth,
> >
> > ***sends control information*** to the at least one remote communications device for participating in a ***multilink connection***,
> >
> > ***receives packets*** from the at least one remote communications device and
> >
> > ***aggregates the data*** from the at least one remote communications device with data transfers from the at least one connection to increase data bandwidth for the communications device.

The reasoning for why claim 1 of the '801 patent is representative is provided in Section IV.D below, along with a discussion of the remaining patent claims.

B. *Alice* Step One: CAS's Claims Are Directed To The Abstract Idea Of Routing Information Over Different Links Or Paths Based On Bandwidth And Availability

Alice Step One considers whether a claim is directed to an abstract idea. *See, e.g.*, *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016). The Representative Claim recites a communications device that: (1) requests and receives information about bandwidth and availability; (2) routes data along multiple links selected based on that information; and (3) aggregates the data at the remote destination. *See* '801 patent, claim 1. In short, the claim is directed to the abstract idea of routing information over different links based on bandwidth and availability. As described further below, the Representative Claim's abstract nature is confirmed by: (1) Federal Circuit precedent; (2) decisions of this District and others in the Ninth Circuit; (3) the functional, results-based language of the Representative Claim itself; and (4) CAS's own representations in the *Oracle* case.

First, the Federal Circuit has already found claims similar to CAS's to be directed to abstract ideas. For example, in *Two-Way Media Ltd. v. Comcast Cable Commc'ns, LLC*, the Federal Circuit addressed claims related to a system for multicasting (simultaneously sending data from one source to multiple destinations) audio/visual data over a communications system such as the internet, and found them abstract. 874 F.3d 1329 (Fed. Cir. 2017). In particular, the patent described the purported invention as providing an "improved scalable architecture" including "Control Servers [that] connect users with Media Servers using a series of message exchanges"—similar to the connections between communication devices claimed in the Asserted Patents here. *Id.* at 1333–34. The district court held that the claims were "directed to the abstract idea of (1) sending information, (2) directing the sent information, (3) monitoring receipt of the sent information, and (4) accumulating records about receipt of the sent information" and were "thus directed to methods of sending and monitoring the delivery of audio/visual information." *Id.* at 1336. In affirming the district court's decision, the Federal Circuit

explained that the representative claim "recite[d] a method for routing information using result-based functional language" without "sufficiently describ[ing] how to achieve these results in a non-abstract way," and that, at best, the claims use "generic computer components to carry out the recited abstract idea, but that is not sufficient." *Id.* at 1337–38.

Like the *Two-Way Media* claims, the Representative Claim here is similarly directed to routing information across multiple paths or links based on sending (and, here, receiving) information—specifically, information regarding bandwidth and availability. *See* '801 patent, claim 1 ("send[ing] a request to the at least one remote communications device for requesting use of a portion of unused bandwidth," "receiv[ing] a response . . . containing information about the portion of unused bandwidth," and "select[ing] the at least one remote communications device with unused bandwidth"). Moreover, like the claims in *Two-Way Media*, CAS's claims recite only conventional components. The Representative Claim recites communications devices, connections and interfaces, processors, requests, responses, control information, multilink connections, packets, and aggregating data—all of which are generic computer elements used in their conventional manner. Accordingly, for the same reasons as in *Two-Way Media*, CAS's claims are directed to an abstract idea because they too simply route information over multiple paths based on sent and/or received information.

Second, in addition to the Federal Circuit, the Northern District of California and other courts in the Ninth Circuit have similarly held that claims such as CAS's are directed to abstract ideas.

For example, in *Broadcom Corp. v. Netflix Inc*, the Northen District of California found the claims of three patents similar to CAS's directed to abstract ideas. No. 3:20-cv-04677-JD, 2021 WL 4170784 (N.D. Cal. Sept. 14, 2021). In the first patent, the claims described "a method of balancing transmission unit traffic"—*i.e.*, data traffic—"over . . . network links by grouping traffic flows, measuring traffic, and regrouping traffic flows to balance their transmission." *Id.* at *1. The court found such claims "directed to the abstract idea of measuring data traffic and rebalancing traffic flow." *Id.* at *6. In doing so, the court analogized the claims to "a traffic cop," noting that "[j]ust as the officer redirects traffic from one road to another based on the observed traffic flow, [the claim]

measures data traffic flow and then redirects data traffic across multiple network links" and, as such, the claims were directed to the "concept of rebalancing traffic based on traffic flow." *Id.* (internal quotations omitted) (emphasis added). CAS's claims are not meaningfully different for purposes of Section 101. Just like those *Broadcom* claims, the Representative Claim here: (1) measures data traffic flow—by "send[ing] a request . . . requesting use of a portion of unused bandwidth" and "receiv[ing] a response . . . containing information about the portion of unused bandwidth"; and (2) routes data traffic over multiple links based on that information—by "select[ing] the at least one remote communications device with unused bandwidth" and "send[ing] control information to the at least one remote communications device for participating in a multilink connection." '801 patent, claim 1.

The claims of the second *Broadcom* patent likewise show the abstract nature of CAS's claims. Those *Broadcom* claims described "an invention that use[d] a network management server ***to determine and use multiple routes for delivering content***," which claimed to "increase[] reliability ***by taking advantage of combining those multiple routes***." *Broadcom*, 2021 WL 4170784, *2 (emphasis added). The court found those claims "directed to the abstract idea of delivering requested services and content over multiple routes based on user information." *Id.* at *8. The court explained that the claims were "akin to the time-honored practice of delivering packages from one address to another, using different carriers and routes depending on which is most efficient considering the recipient's address and preferences." *Id.* Once again, CAS's claims are not meaningfully different for this analysis. Just like the *Broadcom* claims, the Representative Claim here uses multiple links or paths over which to route information, and purports to provide a benefit by taking advantage of combining those multiple routes—specifically, by "aggregat[ing] the data from the at least one remote communications device with data transfers from the at least one connection to increase data bandwidth for the communications device." '801 patent, claim 1. Moreover, the *Broadcom* court noted that claim elements—like those in the Representative Claim here—such as "'receiving' requests and 'delivering' . . . content without explaining how those are accomplished, other than through the use of

multiple routes and pathways" in fact "***underscore[] the abstraction of the concept***." *Broadcom*, 2021 WL 4170784, *8 (emphasis added).

Looking at the *Broadcom* court's analysis of the third patent at issue, it once again demonstrates the abstract nature of CAS's claims. The third set of *Broadcom* claims described "delivery of content over dynamic networks where systems may have different capabilities for providing content to the user," in particular, "a method of delivering higher quality content through the allocation and utilization of resources from other systems in a network." *Id.* at *2. The court found that such claims were "directed to the abstract idea of switching between lower and higher quality content when higher quality content [wa]s available." *Id.* at *10. In reaching that conclusion, the court highlighted that the patent, much like the Asserted Patents here, "broadly claim[ed] steps for determining whether a second network is available with higher quality content and then using that connection to obtain and deliver the higher quality content without providing further detail about those functional steps." *Id.* While the Representative Claim determines the path of information flow based on bandwidth of the path instead of quality of the information available via the path, the idea is the same. Much like these *Broadcom* claims, the Representative Claim is directed to routing information via an additional path or link if higher bandwidth was available by doing so. *See* '801 patent, claim 1.

Additionally, in *Twilio, Inc. v. Telesign Corp.*, the Northern District of California considered a claim that "recites two types of transmissions: (1) sending a message through a 'first channel' using one of several 'routing options;' and (2) receiving a message delivery report through a 'second channel' which is different from the 'first channel.'" 249 F. Supp. 3d 1123, 1142 (N.D. Cal. 2017). The court found that the claim was directed to "selecting the best message routing option based on separately-transmitted feedback." *Id.* at 1143. The court determined that the claim neither "recite[s] any specific implementation of the fundamental practice of selecting the best option based on separately-received feedback" nor "improve[s] message routing technology itself." *Id.* at 1144–45. Similarly, the Representative Claim describes the function of selecting where to route data based on availability, but not a specific implementation of doing so in an improved way.

Further, beyond *Broadcom* and *Twilio*, other courts in the Ninth Circuit have held similarly. For example, in *Entropic Commc'ns, LLC v. DISH Network Corp.*, the Central District of California addressed claims related to "quality-of-service solutions that coordinate network nodes to provide accessible and reliable service to home users while keeping power costs in check." 767 F. Supp. 3d 1023, 1030 (C.D. Cal. 2025). In particular, the claims described coordinating communication among the nodes so that they could indicate their availability to receive and transmit data, and resources could be allocated accordingly. *Id.* The court held that such claims were "directed to the abstract ideas of sending a request for data, receiving responses to the request, and either (1) allocating resources based upon the responses; or (2) determining and transmitting data concerning bandwidth based upon the responses." *Id.* at 1035. That is just what the Representative Claim here is directed to. Specifically, the Representative Claim: (1) describes coordinating communication among nodes—"send[ing] a request to the at least one remote communications device for requesting use of a portion of unused bandwidth"; (2) so that the nodes can indicate their availability to receive and transmit data—"receiv[ing] a response . . . containing information about the portion of unused bandwidth"; and (3) such that resources could be allocated accordingly—"select[ing] the at least one remote communications device with unused bandwidth." '801 patent, claim 1.

Third, courts often look to whether "claims focus on a specific means or method that improves the relevant technology or are directed to a ***result or effect*** that itself is the abstract idea and merely invoke generic processes and machinery." *Apple Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1241 (Fed. Cir. 2016) (internal quotation marks omitted) (emphasis added). Here, CAS's claims are drafted using largely result-focused functional language containing no specificity about ***how*** the purported invention achieves those results, which is a "well-settled indicator[] of abstractness." *Beteiro, LLC v. DraftKings Inc.*, 104 F.4th 1350, 1355–56 (Fed. Cir. 2024). For example, the Representative Claim does not recite technical details of ***how*** to "request[] the at least one remote communications device to assist in transferring data," ***how*** to "request[] use of a portion of unused bandwidth," ***how*** "the portion of unused bandwidth" is determined, ***how*** to "select[] the at least one remote communications device

with unused bandwidth," ***how*** the control information is used "for participating in a multilink connection," or ***how*** to "aggregate[] the data." '801 patent, claim 1. Instead, it just says those things are done. "Claims of this nature are almost always found to be ineligible for patenting under Section 101." *Beteiro*, 104 F.4th at 1356 (citations omitted).

Finally, the abstract nature of the claims is confirmed by CAS's own representations in the *Oracle* case. To overcome a motion to dismiss, CAS argued at *Alice* Step One that claim 1 of the '649 patent (one of the patents asserted by CAS here) that the specific technological solution to the problem of "limited bandwidth and availability of a single network connection" was having a "multipath connection." *Oracle*, 2023 WL 3910262, at *3. The court accepted that representation at the pleading stage in finding that the claims recite "an improved means of network functionality" that includes a "multipath connection." *Id.* Having then survived the motion to dismiss, during claim construction CAS changed its tune and took the position that "multipath connection" should be construed to broadly cover any "connection including ***multiple physical links***" (Ex. 1 (*Oracle*, No. 1:23-CV-286-DII, Dkt. 82-1) at 1, 8 (emphasis added)), rather than narrowly limiting it to any particular improved means of network functionality.[3] But, as explained above, this District has already determined that "redirect[ing] data traffic across ***multiple network links***" is an abstract idea under *Alice* Step One. *Broadcom*, 2021 WL 4170784, at *1 (emphasis added). Thus, even CAS's own proposed constructions represent that the claims as a whole are directed to an abstract idea.

The claims here are unlike those found to have survived ineligibility challenges at Step One. For example, in the *Oracle* case, CAS relied on *TecSec*, but the claims in *TecSec* were not simply directed to "multi-level [] security" but rather required "accessing an 'object-oriented key manager' and specified uses of a 'label' as well as encryption for the access management," which took the claims out of abstraction and "directed at solving a problem specific to computer data networks." *TecSec*,

[3] The Court need not construe the claims because, even if the Court were to adopt CAS's proposed construction from the Red Hat case for purposes of this motion, the claims would broadly encompass any type of connection including multiple links rather than an improved means of network functionality. *See, e.g.*, *Sanderlink Mgmt. Ltd. v. Snap Inc.*, 65 F.4th 698, 704 (Fed. Cir. 2023) ("If claims are directed to ineligible (or eligible) subject matter under all plausible constructions, then the court need not engage in claim construction before resolving a Section 101 motion.").

978 F.3d at 1295; *see also Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1337 (Fed. Cir. 2016) (finding claims not abstract where they were "specifically directed to a *self-referential* table for a computer database," a functionally different improvement to "conventional database structures"). In contrast, unlike the claims in *TecSec* and *Enfish*, which recited specific technical improvements to computer networks and database structures, CAS's claims as a whole are directed to the abstract idea of routing information over different links or paths based on bandwidth and availability.

Accordingly, CAS's claims fail *Alice* Step One.

C. *Alice* Step Two: CAS's Claims Lack An Inventive Concept That Transforms The Claims Into "Significantly More" Than The Abstract Idea

CAS's claims provide no inventive concept sufficient to "transform the nature of the claim into a patent-eligible application" under *Alice* Step Two. *Alice*, 573 U.S. at 217–18 (internal quotation marks omitted). Instead, they are "recited at a high level of generality and merely invoke[] well-understood, routine, conventional components to apply the abstract idea" of routing information over different links or paths based on bandwidth and availability. *Yu v. Apple Inc.*, 1 F.4th 1040, 1045 (Fed. Cir. 2021). Further, the conventional components recited in the claims are deployed "us[ing] generic functional language to achieve . . . purported solutions," *Two-Way Media*, 874 F.3d at 1339, "[w]ithout an explanation of the mechanism for how the result is accomplished." *Intell. Ventures I LLC v. Erie Indem. Co.*, 850 F.3d 1315, 1331–32 (Fed. Cir. 2017) (internal quotation marks omitted). Even as an ordered combination, the claims simply follow the expected sequence of steps.

First, the Representative Claim recites only conventional computer components involved in data communications and networking that operate according to their ordinary functions. *See Two-Way Media*, 874 F.3d at 1339 (finding no inventive concept where the claim "requires . . . conventional computer and network components operating according to their ordinary functions"). As described in the preamble, the Representative Claim recites "[a] communications device that is capable of providing broadband communications services," and the limitations further require "a communications network" ("for connecting to"), a "remote communications device" ("for connecting

wirelessly to"), and a "processor" (that sends requests and receives responses from the "remote communications device"). '801 patent, claim 1. The claims do not provide any nonconventional technical details or improvements to these generic computer components. *See, e.g.*, *Prism Techs. LLC v. T-Mobile USA, Inc.*, 696 F. App'x 1014, 1017 (Fed. Cir. 2017) (finding no inventive concept where the "claims merely recite a host of elements that are indisputably generic computer components"); *Elec. Power Grp.*, 830 F.3d at 1355–56 (finding no inventive concept where the "claims at issue do not require any nonconventional computer, network, or display components").

Further, the specification confirms that the computer components are conventional and that they operate in an ordinary manner. The specification recites that "the ***RCG*** implements broadband over ***POTS*** by employing an ***802.11b/g wireless*** interface to configure a ***multilink PPP*** bundle—87 (***per RFC 1990***)." '801 patent at 11:4–6 (emphasis added). But each of these elements is a conventional component. The RCG "operates exactly as a cable or DSL type modem device" would. *Id.* at 9:20–21. "POTS" is defined as "Plain Old Telephone Service." *Id.*, Abstract. The 802.11 wireless protocol is described as "ubiquitous" by the specification, which also states that "any wireless transmission scheme can be used for wireless communications." *Id.* at 4:24–27. And the ***multilink*** PPP protocol is configured per RFC 1990, *i.e.*, a public Internet standard that would have been known to a person skilled in the art—confirming that ***multiple links*** were conventional at the time. *See id.* at 11:6. Additionally, the specification describes the "processor" as "a main system processor that is responsible for all house keeping and traffic routing tasks" as any processor would. *Id.* at 2:65–67. As the Federal Circuit has "repeatedly held . . ., such invocations of computers and networks that are not even arguably inventive are insufficient to pass the test of an inventive concept in the application of an abstract idea." *Elec. Power Grp.*, 830 F.3d at 1355 (internal quotation marks omitted).

Second, the Representative Claim invokes these conventional components to perform generic functions including connecting to devices and networks, sending a request, receiving a response, selecting a device, sending information, receiving data packets, and aggregating data. Reciting nothing but "generic functional language" to achieve the result of increasing data bandwidth for the

device is insufficient to supply an inventive concept. *See Two-Way Media*, 874 F.3d at 1339. What is lacking is "an explanation of the mechanism for how the result is accomplished"—*i.e.*, how the processor aggregates data from two separate links and uses it to increase data bandwidth for the device. *See Intell. Ventures*, 850 F.3d at 1331–32 (internal quotation marks omitted). There is no technical detail in the claim that provides a particular mechanism to obtain information about unused bandwidth and aggregate bandwidth from multiple different connections. The Representative Claim "recite[s] the ***what***" of such conventional steps—here, ordinary steps to increase bandwidth by combining unused bandwidth from multiple connections—"but none of the ***how*** that is necessary to turn the abstract idea into a patent-eligible application." *TDE Petroleum Data Sols., Inc., v. AKM Enter., Inc.*, 657 F. App'x 991, 993 (Fed. Cir. 2016) (emphasis added). Thus, the individual claim limitations do not recite "significantly more" than the abstract idea of routing information over different links or paths based on bandwidth and availability.

Finally, even as an ordered combination, the claims simply follow the predictable sequence of processing steps that one would expect—(1) "sends a request" for information about unused bandwidth and availability, (2) "receives a response" with information about unused bandwidth and availability, (3) "selects" the device with unused bandwidth and availability, (4) "sends control information" to the selected device, (5) "receives packets" from the selected device, and (6) "aggregates the data" with data received from a separate connection. '801 patent, claim 1. As in *Broadcom*, where no inventive concept was found in the first patent claim that "recites a conventional ordering of functions: first determining traffic metrics, and then balancing traffic in response," there is similarly no inventive concept in the Representative Claim's traffic routing tasks to increase bandwidth in response. 2021 WL 4170784, at *7; *see also id.* at *8 (finding no inventive concept in second patent claim that "uses a conventional ordering of functional elements: first receiving a request, then determining how to deliver the request, and then delivering the request"); *id.* at *10 (finding no inventive concept in third patent claim that "recites functional elements such as 'delivering,' 'determining,' and 'using'"). As the *Twilio* court put it in finding no inventive concept, the claim

"does not require doing something ***to*** message routing, but ***with*** message routing." 249 F. Supp. 3d at 1151 (emphasis in original).

Accordingly, CAS's claims do not recite an inventive concept and, thus, fail at *Alice* Step Two.

D. Claim 1 Of The '801 Patent Is Representative Of All Claims And Nothing In The Remaining Claims Imparts Patentability

"Limiting the analysis of a § 101 challenge to representative claims is proper when the claims at issue are 'substantially similar and linked to the same' ineligible concept." *Mobile Acuity Ltd. v. Blippar Ltd.*, 110 F.4th 1280, 1290 (Fed. Cir. 2024) (citations omitted). Once a patent challenger "identifies a claim as representative of a group of claims" and "make[s] a prima facie showing that the group of claims are 'substantially similar and linked to the same' ineligible concept . . . the burden shifts to the patent owner to present non-frivolous arguments as to why the eligibility of the identified representative claim cannot fairly be treated as decisive of the eligibility of all claims in the group." *Id.* (citations omitted).

Claim 1 of the '801 patent (reproduced in Section IV.A above) is representative of all claims of the Asserted Patents. CAS's remaining claims—based on the same specification—are substantially similar. Each claim is directed to routing information over different links or paths based on bandwidth and availability. Moreover, each claim describes using conventional computer components, such as a "communications device" and a "processor." By way of example, Exhibit 2 filed herewith annotates the substantial similarity between the Representative Claim and every other asserted claim.

While there are minor differences between the Representative Claim and the Asserted Patents' remaining claims, those differences do not change the nature of the claims for purposes of analyzing subject matter eligibility, nor do they impart any transformative inventive concept sufficient to salvage the claims. For example, all the independent claims of the '649 patent recite a "multipath connection." '649 patent, claims 1, 7, 13, 18, 21. But CAS has acknowledged that a "multipath connection," like the "multilink connection" recited in the Representative Claim, means "a connection including multiple physical links." Ex. 1 (*Oracle*, No. 1:23-CV-286-DII, Dkt. 82-1) at 1, 8. Therefore, reciting

a "multipath connection," as opposed to a "multilink connection," imparts nothing more than the Representative Claim itself for purposes of a Section 101 analysis.

In addition, all the independent claims (claims 1, 13, 16, and 20) of the '349 patent, claim 18 of the '649 patent, and claim 17 of the '908 patent recite that connections or data transmissions occur "concurrently." But that word merely describes the desired result. It does not explain any particular technique for achieving concurrent operation, and it relies merely on ordinary computer and network components. Similarly, several claims reference particular types of conventional devices (*e.g.*, a residential communications gateway, a cable modem, a digital subscriber line, a wireless device, a neighborhood access point device, a Wi-Fi device, a cellular phone, or routing tables) and generic network environments and conventional interfaces (*e.g.*, a public wired network, a private wired network, a public wireless network, a private wireless network, a session identification, a connection ID, Bluetooth, Wi-Fi, Ethernet, and a method for routing). *See, e.g.*, '156 patent, claims 1–5; '801 patent, claims 3, 6, 8–9, 11–13, 15–17; '349 patent, claims 5, 9–12, 14–18; '649 patent, claims 2, 6–8, 11–12, 14–16, 19–20; '908 patent, claims 1–5, 7–9, 13, 15–17; '641 patent, claims 2–3; '343 patent, claims 2–8, 11, 13–17, 20. However, these limitations claim no improvements to the functionality of such generic and conventional technologies. Nothing in the aforementioned claims, "understood in light of the[ir] specification[s], requires anything other than off-the-shelf, conventional computer [and] network" technology for routing and aggregating data based on available bandwidth, meaning none of the claims stand meaningfully apart from the Representative Claim for purposes of the Section 101 analysis. *See Elec. Power Grp.*, 830 F.3d at 1355. As a result, such minor variations from the Representative Claim cannot impart patentability.

Taken as a whole, CAS's claims are substantially similar and linked to the same ineligible concept and should "fall together." *Accenture Global Servs., GmbH v. Guidewire Software, Inc.*, 728 F.3d 1336, 1344 (Fed. Cir. 2013) (finding claims that had "'minor differences in terminology [but] require[d] performance of the same basic process' . . . should rise or fall together") (citation omitted).

V. CAS FAILS TO STATE A CLAIM FOR DIRECT INFRINGEMENT

CAS fails to plausibly state a claim for direct infringement of any Asserted Patent. In its Complaint, CAS accuses "[a]ny Apple device with an iOS having the Wi-Fi Assist feature" in Counts One through Seven of infringing the Asserted Patents. *See, e.g.*, Compl. ¶¶ 75, 93, 110, 123, 136, 151, 167. CAS accuses the Wi-Fi Assist feature because it pleads "[o]n information and belief, Wi-Fi Assist implements Multipath TCP ('MPTCP')" in compliance with RFC 6824, the alleged standard for MPTCP. *Id.* ¶¶ 49–50. But the Complaint lacks any allegations that plausibly contend that the Asserted Patents relate whatsoever to the MPTCP protocol or the RFC 6824 standard. To the contrary, the Asserted Patents describe the purported inventions in the context of multilink PPP "per RFC 1990"—an entirely different standard. '801 patent at 11:3–7.[4] Put simply, CAS fails to plausibly allege (1) that the purported inventions even relate to the MPTCP protocol, (2) that the accused Wi-Fi Assist feature implements the MPTCP protocol, or (3) that the accused Wi-Fi Assist feature (allegedly implementing MPTCP) infringes any asserted claim. "There must be some factual allegations that, when taken as true, articulate why it is plausible that the accused product infringes the patent claim." *Bot M8*, 4 F.4th at 1353. Here, there are no such allegations, and each of CAS's three conclusory leaps will be addressed in turn.

First, there are no factual allegations in the Complaint nor support in the Asserted Patents' specifications that state or even suggest that the Asserted Patents' claims cover or even relate to implementations of MPTCP. The Complaint fails to describe the purported inventions of the Asserted Patents at all—but for one sentence describing the '156 patent (which does not mention MPTCP) and the recitations of the claims in Counts One through Seven (which also do not mention MPTCP). Compl. ¶¶ 20, 74, 92, 109, 122, 135, 150, 166. Instead, the Asserted Patents relate to an entirely different protocol known as "multilink PPP . . . per RFC 1990" which is discussed in the portions of the Asserted Patents relating to multilink bandwidth allocation. *E.g.*, '801 patent at 11:3-13:52. The Complaint simply contains no allegations providing that the Asserted Patents relate to MPTCP.

[4] Since the Asserted Patents share a common specification, the brief will continue to cite to the '801 patent for convenience, but these citations apply equally to the remaining Asserted Patents.

Second, there is no plausible allegation in the Complaint that Apple's Wi-Fi Assist feature implements MPTCP. CAS merely pleads "[o]n information and belief" that "Wi-Fi Assist implements Multipath TCP ('MPTCP')" (Compl. ¶ 49) and "[o]n further information and belief" that "Wi-Fi Assist products comply with RFC 6824." *Id.* ¶ 50. But neither Exhibit M nor Exhibit N cited for those propositions in paragraphs 49 and 50 of the Complaint provide any support for either allegation. This District has determined that direct infringement claims cannot withstand a motion to dismiss when the complaint "use[s] conclusory allegations like 'on information and belief' to demonstrate infringement." *QuickLogic Corp. v. Konda Techs., Inc.*, 618 F. Supp. 3d 873, 884 (N.D. Cal. 2022).

Finally, in each of Counts One through Seven, the allegations "simply parrot the claim language" of each limitation of each asserted claim and state in conclusory fashion that Apple's Wi-Fi Assist feature satisfies that limitation. *Id.* For some limitations, the Complaint merely quotes each limitation with nothing further. *See, e.g.*, Compl. ¶ 77 ("Any Apple device with an iOS having the Wi-Fi Assist feature and using aggregation mode performs the step of 'determining an optimum amount of bandwidth needed for an immediate data transfer needs of the requested RCG.'"); *see also id.* ¶¶ 75-82.[5] In other instances, the Complaint recites the limitation followed by a reference to high-level product behavior that merely tracks the claim language in conclusory fashion with no support. *See id.* ¶¶ 83–84, 93–101, 110–114, 123–127, 136–142, 151–158, 167–171. For example, in paragraph 100, the Complaint states: "Any Apple device with an iOS having the Wi-Fi Assist feature has a processor that 'sends control information to the at least one remote communications device for participating in a multilink connection.' For example, an Apple device with an iOS having the Wi-Fi Assist feature uses MPTCP to send control information." But again, parroting the claim language followed by a conclusory assertion that Wi-Fi Assist uses MPTCP—particularly without any allegation that the Asserted Patents have anything to do with MPTCP since they relate to multilink

[5] In fact, an "RCG" is recited in every limitation of the asserted claim 1 of the '156 patent, yet the Complaint fails to identify what an RCG is in the context of the accused products, another fatal deficiency to CAS's direct infringement claim.

PPP instead—is insufficient to pass muster on a motion to dismiss. *See QuickLogic*, 618 F. Supp. 3d at 884.

Courts routinely dismiss direct infringement claims based on similarly conclusory and unsupported allegations. The Federal Circuit recognizes that "mere recitation of claim elements and corresponding conclusions, without supporting factual allegations, is insufficient to satisfy the *Iqbal/Twombly* standard." *Bot M8*, 4 F.4th at 1355. In *Bot M8*, the claims required storing "'gaming information including a mutual authentication program' on the same memory." *Id.* Although the *Bot M8* complaint identified the alleged elements of the claim, the Federal Circuit determined that the "allegations are conclusory, merely track the claim language, and do not plausibly allege that gaming information and a *mutual* authentication program are stored together on the same memory." *Id.* Courts in this District also dismiss direct infringement claims when the allegations merely recite the claim language and describe the accused feature without tying the accused instrumentality to the asserted claims. *See, e.g.*, *Estech Sys. IP, LLC v. Zoom Video Commc'ns, Inc.*, No. 5:24-CV-02528-EJD, 2025 WL 834497, at *4–5 (N.D. Cal. Mar. 17, 2025) (dismissing "conclusory" allegations that "merely track the claim language" because plaintiff must "include additional factual allegations to support a plausible claim of infringement beyond simply identifying the products and claiming they infringe"); *Atlas IP LLC v. Pac. Gas & Elec. Co.*, No. 15-CV-05469-EDL, 2016 WL 1719545, at *2 (N.D. Cal. Mar. 9, 2016) ("[S]imply reciting some of the elements of a representative claim and then describing generally how an accused product operates, without specifically tying the operation to any asserted claim or addressing all of the claim requirements, is insufficient.").

It is well-established that a complaint must "place the alleged infringer on notice of what activity is being accused of infringement." *Bot M8*, 4 F.4th at 1352 (internal quotation marks and alterations omitted). Yet, CAS's Complaint does nothing more than identify the accused technology in Apple devices and claim it infringes the Asserted Patents. That is not enough to survive dismissal.

VI. CAS FAILS TO STATE A CLAIM FOR WILLFUL INFRINGEMENT

CAS fails to plausibly state a claim for willful infringement of any Asserted Patent, because the Complaint lacks plausible allegations that Apple had specific knowledge of the alleged infringement. For willfulness, CAS was required to plead that Apple "had a specific intent to infringe at the time of the challenged conduct." *See Dali*, 638 F. Supp. 3d at 1095. Yet, the Complaint lacks any factual allegations that Apple knew of the alleged *infringement*.

Conclusory allegations of knowledge of infringement are insufficient. *See Celgene Corp. v. Mylan Pharms. Inc.*, 17 F.4th 1111, 1128 (Fed. Cir. 2021) ("[W]e disregard rote recitals of the elements of a cause of action, legal conclusions, and mere conclusory statements.") (internal quotation marks omitted). Here, the Complaint alleges that Apple "knows and at all relevant times has known of its infringement of the Asserted Patents, or at the very least has been willfully blind to its infringement of the Asserted Patents," and that "[u]pon information and belief, such infringement has been willful." Compl. ¶¶ 69–70. But these allegations are conclusory recitals of the elements of the claim and are, thus, insufficient.

CAS alleges that it sent Apple four notice letters regarding CAS's patent rights (attached as Exhibits H–K to the Complaint), but those notice letters and CAS's associated allegations do not allege knowledge of *infringement*. *See id.* ¶¶ 58–66. The notice letters merely identify the Asserted Patents to Apple for potential licensing, but do not make any accusations of infringement whatsoever, let alone any specific identification of any allegedly infringing feature. To be clear, CAS's Complaint does not even *allege* that the letters provide Apple with knowledge of infringement, instead alleging under the heading "Defendant's Knowledge of CAS' Patent Rights" that CAS "sent letters to Apple to provide notice of the Asserted Patents." *Id.* ¶ 58; *see also id.* ¶ 59 (alleging CAS was "proposing a license" in its June 12, 2014 letter), ¶ 61 (alleging CAS "offered to license" its patents in its October 14, 2014 letter), ¶ 63 (alleging CAS was "again offering to begin good faith licensing negotiations" in its May 24, 2016 letter), ¶ 65 (quoting CAS's October 2, 2023 letter stating "CAS is providing notice about its patent to your company with the intention of licensing its portfolio to your company").

Notably, CAS previously argued in another case that an identical October 2, 2023 letter it had sent to Red Hat did ***not*** accuse Red Hat of infringement. Ex. 3 (*Red Hat, Inc. v. Competitive Access Systems, Inc.*, EDNC-5-24-cv-00505, Dkt. 15 (CAS's Memorandum in Support of Its Motion to Dismiss)) at 2 ("The Notice Letter was also sent to approximately 37 other companies, solely to comply with 35 U.S.C § 287(a)'s intellectual property marking requirements. ***Nowhere in the Notice Letter does CAS accuse Red Hat of patent infringement***, threaten litigation, or demand that Red Hat take a license to the patents identified in the Notice Letter.") (emphasis added; internal citations omitted).

Even if the Complaint sufficiently alleges that Apple knew of the seven Asserted Patents based on Apple's alleged receipt of several notice letters from CAS, "[k]nowledge of infringement does not arise from knowledge of the asserted patent as a matter of course; it must be the subject of discrete, albeit related, allegations." *MasterObjects, Inc. v. Amazon.com, Inc.*, No. C 20-08103 WHA, 2021 WL 4685306, at *4 (N.D. Cal. Oct. 7, 2021). And this District is clear that "allegations that a patent owner sent a letter merely notifying a third party of the existence of a particular patent, without accusing that third party of infringement, is, by itself, insufficient." *Id.*; *see also Valjakka v. Netflix Inc.*, No. 22-CV-01490-JST, 2022 WL 19975412, at *2 (N.D. Cal. Oct. 11, 2022) (dismissing willfulness claim where a notice letter "does not accuse Netflix of infringement" because "[i]t only identifies the [] patent and explains that 'Netflix, as the leading content delivery network, is a potential licensee of the aforementioned patent'"); *Fluidigm Corp. v. IONpath, Inc.*, No. C 19-05639 WHA, 2020 WL 408988, at *5 (N.D. Cal. Jan. 24, 2020) (dismissing willfulness claim where "the complaint never alleges that the [notice] letter accused defendant of infringement, much less detailed *how* defendants allegedly infringed").

CAS further alleges that "Apple declined to engage in good faith licensing negotiations, despite persistent offers by CAS's representative to do so" and that "Apple has not made any attempt to redesign, modify, or withdraw any of its Infringing Products in response to CAS's infringement notices." Compl. ¶¶ 67–68. But again, this District has held that such allegations are insufficient to state a claim for willful infringement. For example, in *Fortinet, Inc. v. Forescout Techs., Inc.*, this

District dismissed the plaintiff's willful infringement allegations for failing to plead knowledge of infringement or egregiousness even though the complaint alleged that the defendant "delayed progressing [licensing] discussions" and "declined to engage in serious licensing negotiations," instead finding such allegations "more redolent of a run-of-the-mill patent dispute than the 'egregious infringement behavior' that the Supreme Court has identified as meriting enhanced damages for infringement." 543 F. Supp. 3d 814, 842 (N.D. Cal. 2021).

Further, CAS's conclusory allegation of willful blindness (Compl. ¶ 69) are insufficient because "there are no specific allegations that [Apple] took deliberate actions to avoid learning of infringement nor [can it] be reasonably inferred [Apple] should have known of infringement." *MasterObjects*, 2021 WL 4685306, at *6; *see also Fortinet*, 543 F. Supp. 3d at 842 ("Nor do they establish willful blindness, which requires that Forescout 'subjectively believe[d] that there [was] a high probability that' it was infringing Fortinet's asserted patents.").

In short, where CAS "makes no factual allegations regarding [defendant's] knowledge or intent to infringe," *Novitaz, Inc. v. inMarket Media, LLC*, No. 16-cv-06795-EJD, 2017 WL 2311407, at *5 (N.D. Cal. May 26, 2017), its willful infringement claim must be dismissed.

Finally, to the extent the Complaint is construed to claim post-suit willful infringement, that claim must also be dismissed because, for the reasons stated above, its direct infringement claims are neither "well-pled" nor "detailed" and "fail[] to lay out a clear case of infringement." *Dali*, 638 F. Supp. 3d at 1099 (internal quotation marks omitted). Further, it would be unreasonable to allege that Apple should cease sales or face willfulness allegations absent specific and convincing infringement allegations. *See id.*; *see also Valjakka*, 2022 WL 19975412, at *2 (dismissing post-suit willful infringement claim for failing to plead specific intent to infringe).

Accordingly, CAS's willful infringement claims must be dismissed.

VII. CAS FAILS TO STATE A CLAIM FOR INDUCED INFRINGEMENT

CAS also fails to plausibly state a claim for induced infringement of any Asserted Patent, because the Complaint lacks plausible allegations that Apple specifically intended another party to

infringe the patents and knew that the other party's acts constituted infringement. *See Dolby Lab'ys Licensing Corp. v. Roku, Inc.*, No. 24-CV-04660-EJD, 2025 WL 2021803, at *9–10 (N.D. Cal. July 18, 2025). The Complaint alleges that "[o]n information and belief, Apple has also indirectly infringed, [currently indirectly infringes, and will continue to indirectly infringe,] literally or under the doctrine of equivalents, one or more claims of the [Asserted Patents] by actively, knowingly, and intentionally inducing infringement by its customers and/or others of the [Asserted Patents] in violation of 35 U.S.C. § 271(b)." Compl. ¶¶ 86, 103, 116, 129, 144, 160, 173. But as with CAS's conclusory allegation of willfulness, this allegation similarly fails. *See Celgene*, 17 F.4th at 1128 ("disregard[ing] rote recitals of the elements of a cause of action, legal conclusions, and mere conclusory statements"); *Sonos*, 591 F. Supp. 3d at 647 ("Like willful infringement, both forms of indirect infringement – induced and contributory infringement – require knowledge of the patent and knowledge of infringement.").

Further, CAS's allegations that Apple instructs its customers to use a product are not sufficient to plausibly show that Apple had knowledge of its customers' infringement and intended for them to infringe. For example, in *Uniloc USA, Inc. v. Logitech, Inc.*, this District dismissed the plaintiff's induced infringement claim alleging that the defendant "intentionally *instructs* its customers to use the accused devices" "in a manner that infringes," because "[g]iving instructions is not the same as having actual knowledge of infringement" and plaintiff "[pled] no facts, only conclusory statements, in relation to [defendant's] intent for its customers to infringe." No. 18-CV-01304-LHK, 2018 WL 6025597, at *2–3 (N.D. Cal. Nov. 17, 2018); *see also Dolby Lab'ys*, 2025 WL 2021803, at *10–13 (dismissing induced infringement claim where "allegations do not detail *how* the accused infringer's instructions would lead the end user to infringe").

Accordingly, CAS's induced infringement claims must be dismissed.

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