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MOTIVE TECHNOLOGIES, INC.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

MOTIVE TECHNOLOGIES, INC.,

Plaintiff,

v.

SAMSARA INC.,

Defendant.

CASE NO. 3:24-cv-00902-JD

**PLAINTIFF MOTIVE'S MOTION FOR
LEAVE TO FILE A SECOND AMENDED
COMPLAINT**

Hon. James Donato

Date: July 3, 2025

Time: 10 a.m.

Courtroom 11, 19th Floor

**NOTICE OF MOTION AND MOTION FOR LEAVE
TO FILE SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that on July 3, 2025 at 10 a.m. or as soon thereafter as this matter may be heard, Plaintiff Motive Technologies Inc., by and through its counsel, will and hereby does move for leave to file a Second Amended Complaint.

Motive bases this motion upon this notice, the accompanying memorandum of points and authorities, the supporting Declaration of David S. Bloch and related exhibits, and the proposed order, filed concurrently herewith, and upon such other matters as the Court may consider.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Motive respectfully seeks leave to file a Second Amended Complaint, attached as Exhibit 1 to the Bloch Declaration, to assert a patent infringement claim based on U.S. Patent Nos. 12,136,276 (the “’276 patent”) and 12,062,243 (the “’243 patent”) (collectively, the “newly asserted patents”). Exhibit 1 also includes new claim charts supporting Motive’s infringement allegations regarding the newly asserted patents. The ’243 and ’276 patents issued on August 13 and November 5, 2024, respectively. The newly asserted patents issued *after* Motive filed its First Amended Complaint on May 6, 2024, *see* ECF 40, and Motive brings this motion shortly after the Court lifted the stay on March 31, 2025. The Second Amended Complaint also updates the existing infringement contentions for the ’580 patent. The request to file the Second Amended Complaint is timely, falls well within the parties’ stipulated deadline to amend pleadings, will not prejudice Samsara, and should be granted.

II. BACKGROUND

Motive filed this action on February 15, 2024, asserting claims against Samsara for infringement of U.S. Patent No. 11,875,580 (the “’580 patent”), violations of the Lanham Act, fraud, violation of California’s Unfair Competition Law, misappropriation of trade secrets under both the California Uniform Trade Secrets Act and the federal Defend Trade Secrets Act, defamation, and intentional interference with prospective economic relations. ECF 1.

On May 6, 2024, in response to Samsara’s Rule 12 motion, Motive filed its First Amended Complaint, adding more detail about how former Motive employees violated their confidentiality obligations to Motive, highlighting specific Samsara defamatory statements, and identifying more companies who selected Samsara over Motive based on Samsara’s false statements. ECF 40. Less than a month later, on June 4, the Court stayed the case in light of related proceedings in the District of Delaware and in private arbitration. ECF 47. On March 31, 2025, the Court granted Motive’s unopposed motion to lift the stay. ECF 85.

Thereafter, on April 25, 2025, the parties submitted a joint proposed case schedule. ECF 90. In that

proposal, the parties stipulated to a June 10, 2025 deadline to amend the pleadings. *Id.* While the parties disagreed on certain other deadlines, they agreed, among others, that: (1) the initial case management conference shall occur no earlier than June 12, 2025, (2) amended infringement and invalidity contentions shall be exchanged no earlier than May 29, 2025 (Samsara proposed July 24, 2025), (3) claim construction discovery shall close no earlier than October 8, 2025, (4) non-expert discovery shall close no earlier than March 27, 2026, (5) expert discovery shall close no earlier than July 1, 2026, and (6) trial shall occur no earlier than mid-February 2027. *Id.*

As of the date of this motion, the Court has not yet entered a scheduling order.

The U.S. Patent and Trademark Office issued the '243 patent on August 13, 2024, and subsequently issued the '276 patent on November 5, 2024. Following issuance, Motive promptly investigated potential infringement and determined that Samsara's products infringe the newly asserted patents. After the stay was lifted, Motive diligently prepared the Second Amended Complaint, supporting claim charts, and the instant motion seeking leave to assert these additional patent infringement claims. Motive's request is timely, brought at the early stages of litigation, and well in advance of the parties' stipulated deadline to amend the pleadings. Nor does it add new matter beyond the new patent claims. *See Bloch Dec.* ¶ 6, Ex. 2 (redline comparing Amended Complaint and proposed Second Amended Complaint).

III. LEGAL STANDARDS

Under Rule 15(a)(2), a party may amend its pleadings with the opposing party's written consent or by leave of the court. *See Fed. R. Civ. P. 15(a)(2)*. "The court should freely give leave when justice so requires." *Id.* "Rule 15's policy of favoring amendments to pleadings should be applied with 'extreme liberality.'" *United States v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981).

"Four factors are commonly used to determine the propriety of a motion for leave to amend. These are: bad faith, undue delay, prejudice to the opposing party, and futility of amendment. ... These factors, however, are not of equal weight in that delay, by itself, is insufficient to justify denial of leave to amend." *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987) (internal citations omitted).

"The party opposing amendment bears the burden of showing prejudice." *Id.* at 187. "Absent

prejudice, or a strong showing of any of the remaining [] factors, there exists a *presumption* under Rule 15(a) in favor of granting leave to amend.” *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (emphasis in original). “All inferences are drawn ‘in favor of granting the motion’ when deciding the motion.” *Finjan, Inc. v. Qualys Inc.*, 2020 U.S. Dist. LEXIS 65446, at *2 (N.D. Cal. Apr. 13, 2020) (quoting *Griggs v. Pace Am. Grp., Inc.*, 170 F.3d 877, 880 (9th Cir. 1999)).

IV. ARGUMENT

A. Samsara Will Not Be Prejudiced by the Amendment

“The party opposing amendment bears the burden of showing prejudice.” *DCD Programs, Ltd.*, 833 F.2d at 187. “To overcome Rule 15(a)’s liberal policy with respect to the amendment of pleadings a showing of prejudice must be **substantial**.” *Stearns v. Select Comfort Retail Corp.*, 763 F. Supp. 2d 1128, 1158 (N.D. Cal. 2010).

Samsara cannot show undue prejudice. The Second Amended Complaint does not alter the nature of the case or Samsara’s defense strategy. The new ’276 patent is a continuation of the already asserted ’580 patent, and all three patents are directed to similar technologies. *See* Exhibit 1 at Ex. C (’276 patent) (“(63) Continuation of application No. 17/493,011, filed on Oct. 4, 2021, now Pat. No. 11,875,580.”); *also compare* Exhibit 1 at Ex. E (’243 patent), 1:15-17 (“The disclosed embodiments are directed towards driver distraction detection and, in particular, to improve machine learning (ML) modeling of driver distraction”) *with* Exhibit 1 at Ex. A (’580 patent), 1:7-9 (“The disclosed embodiments relate to automotive systems and to machine learning systems for analyzing sensor data in such systems.”). The accused products remain largely the same—namely, Samsara’s in-vehicle dashcam (e.g., the CM32 dashcam) in combination with its SaaS platforms (e.g., the “Connected Operations Cloud” or “Samsara Cloud”). Any incremental burden is minimal, if it exists at all. *See Entropic Commc’ns, LLC v. Dish Network Corp.*, 2024 U.S. Dist. LEXIS 64827, at *15-16 (C.D. Cal. Mar. 6, 2024) (defendant “does not show any unfair prejudice, and particularly when considering that [Plaintiff] intends to assert the ’275 Patent against the same accused products that are already at issue in the present case.”).

Further, the need for any additional discovery does not constitute prejudice to Samsara. *See Tyco*

1 *Thermal Controls LLC v. Redwood Induss.*, 2009 U.S. Dist. LEXIS 115933, at *10 (N.D. Cal. Dec. 14,
2 2009) (“Neither delay resulting from the proposed amendment nor the prospect of additional discovery
3 needed by the non-moving party in itself constitutes a sufficient showing of prejudice.”); *Stearns*, 763 F.
4 Supp. 2d at 1158 (same).

5 Nor can Samsara claim prejudice based on the timing of Motive’s motion. Motive seeks leave to
6 amend shortly after confirming Samsara’s infringement through internal investigation and promptly
7 following the Court’s March 31, 2025 order lifting the stay. Bloch Dec. ¶¶ 2-4. The case remains in its
8 infancy. Only limited discovery has been served, and discovery responses (which had been stayed) were
9 exchanged May 27. *Id.* ¶ 8; see ECF 90 (agreeing on deadline for responses to discovery already served).

10 The Court has not yet entered a scheduling order in this case. Even under Motive’s proposed case
11 schedule—which proceeds more quickly than Samsara’s proposal—claim construction discovery will not
12 close for another 3 months, non-expert discovery is more than 10 months away, expert discovery over 13
13 months away, and trial over 21 months away. ECF 90. At this early stage, amendment is entirely
14 appropriate. See *SAP Aktiengesellschaft v. i2 Techs., Inc.*, 250 F.R.D. 472, 474 (N.D. Cal. 2008) (“plaintiff,
15 for its part, has argued persuasively that defendant will not be prejudiced, because plaintiff’s request comes
16 at an early stage in the proceedings before much, if any, discovery, specific to this case, has been
17 undertaken by defendant.”).

18 Moreover, judicial efficiency favors amendment. Requiring Motive to file a separate action to assert
19 a related patent against the same party and products would result in duplicative litigation and needless
20 waste of both party and judicial resources. Bloch Dec. ¶ 9; see *Entropic Commc’ns, LLC*, 2024 U.S. Dist.
21 LEXIS 64827, at *15-16 (“Entropic persuasively argues that denying Entropic’s motion would lead to
22 ‘needless formality and expense of instituting a new action.’”) (quoting *Northstar Fin. Advisors, Inc. v.*
23 *Schwab Invs.*, 779 F.3d 1036, 1044 (9th Cir. 2015)).

24 **B. Motive Did Not Unduly Delay in Seeking Leave to Amend**

25 “[D]elay alone no matter how lengthy is an insufficient ground for denial of leave to amend.”
26 *United States v. Webb*, 655 F.2d 977, 980 (9th Cir. 1981). “[I]n evaluating undue delay, [courts] inquire

whether the moving party knew or should have known the facts and theories raised by the amendment in the original pleading.” *AmerisourceBergen Corp. v. Dialysist W., Inc.*, 465 F.3d 946, 953 (9th Cir. 2006) (internal quotation marks omitted).

The newly asserted patents did not issue until August 13, 2024 (’243 patent) and November 5, 2024 (’276 patent), and therefore could not have been asserted in Motive’s original complaint filed on February 15, 2024 (ECF 1), or in its First Amended Complaint filed on May 6, 2024 (ECF 40). This case was stayed on June 4, 2024, *see* ECF 52, and remained stayed when the newly asserted patents issued later that year. Nevertheless, following issuance, Motive diligently investigated potential infringement and determined that Samsara’s products infringe the newly asserted patents. Bloch Dec. ¶ 3. After the Court lifted the stay on March 31, 2025 (ECF 85), Motive prepared the Second Amended Complaint, infringement claim charts, and this motion for leave to amend—filing it within approximately six weeks of the stay being lifted. This timing reflects diligence, not delay. *See Align Tech., Inc. v. Strauss Diamond Instruments, Inc.*, 2019 U.S. Dist. LEXIS 28747, at *6 (N.D. Cal. Feb. 22, 2019) (“Delay of five months was not undue delay when the action was ‘still in its incipient stage.’”) (referencing *B.R v. Beacon Health Options*, 2017 U.S. Dist. LEXIS 34015, at *4 (N.D. Cal. Mar. 9, 2017)). Accordingly, there is no undue delay that would warrant denial of leave to amend.

C. Motive Did Not Act in Bad Faith in Seeking Leave to Amend

“Bad faith may be shown when a party seeks to amend late in the litigation process with claims which were, or should have been, apparent early. ... Furthermore, ‘bad faith’ generally refers to efforts to amend the pleadings late in the litigation in order to obtain an unfair tactical advantage.” *Align Tech., Inc. v. Strauss Diamond Instruments, Inc.*, 2019 U.S. Dist. LEXIS 28747, at *4 (N.D. Cal. Feb. 22, 2019) (referencing *Bonin v. Calderon*, 59 F.3d 815, 846 (9th Cir. 1995)).

That is not the case here. This litigation remains at a very early stage: no scheduling order has been entered, and no case management conference has taken place. Motive seeks leave to amend well before the parties’ stipulated deadline to amend pleadings at ECF 90 and does not seek an unfair advantage by moving to amend at this early date. Bloch Dec. ¶ 7; *see SAP Aktiengesellschaft*, 250 F.R.D. at 474 (“[Plaintiff] has

sought leave to amend its pleading prior to the deadline set forth in the Court's Scheduling Order -- a deadline that was initially suggested by the parties themselves. Thus, defendant implicitly recognized that there might be legitimate reasons for a party to amend its pleadings up until [the deadline to amend pleadings].”).

As previously discussed, the '276 patent is a continuation of the '580 patent and all three patents asserted in this action are directed to the same products. The infringement allegations regarding the newly asserted patents are supported by detailed factual allegations in the Second Amended Complaint and the corresponding claim charts as discussed below. Motive does not seek to gain, and there is no indication that it would gain, any unfair tactical advantage by asserting the '276 and '243 patents at this stage of the litigation. Accordingly, there is no basis for finding bad faith.

D. Motive's Additional Claim Is Not Futile

“Courts rarely deny a motion for leave to amend for reason of futility. Indeed, before discovery is complete ... a proposed amendment is futile only if no set of facts can be proved under the amendment which would constitute a valid claim or defense.” *Hynix Semiconductor Inc. v. Toshiba Corp.*, 2006 WL 3093812, at *2 (N.D. Cal. Oct. 31, 2006). “In view of Rule 15(a)’s permissive standard, courts ordinarily defer consideration of challenges to the merits of a proposed amended pleading until after leave to amend is granted and the amended pleading is filed.” *Id.* (“Hynix’s arguments should be addressed in a motion to dismiss or for summary judgment, not in an opposition to the present motion for leave to amend.”).

To satisfy the pleading standard in a patent case, “[s]pecific facts are not necessary; the statement need only give the defendant fair notice of what the ... claim is and the ground upon which it rests.” *Disease Sols. Inc. v. VGH Sols., Inc.*, 888 F.3d 1256, 1260 (Fed. Cir. 2018) (quoting *Erickson v. Pardus*, 551 U.S. 89, 93 (2007)) (internal quotation marks omitted). “A plaintiff is not required to plead infringement on an element-by-element basis.” *Bot M8 LLC v. Sony Corp. of Am.*, 4 F.4th 1342, 1352 (Fed. Cir. 2021).

Here, Motive’s Second Amended Complaint adequately pleads Samsara’s infringement of the newly asserted patents. The complaint identifies the accused products by name, includes supporting

1 images, and alleges that these products satisfy each and every element of at least claim 1 of the '276 and
2 '243 patents, either literally or under the doctrine of equivalents. *See* Bloch Dec. ¶ 5, Ex. 1 ¶¶ 254, 267.
3 For each newly asserted patent, Motive also provides a detailed claim chart mapping each element of claim
4 1 to specific features of the accused products. *See id.* These factual allegations are more than sufficient to
5 put Samsara on fair notice of the nature and scope of the asserted claim.

6 **V. CONCLUSION**

7 For the reasons discussed above, Motive respectfully requests that the Court grant leave to file the
8 Second Amended Complaint attached hereto as Exhibit 1 to the Bloch Declaration.
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2 DATED: May 29, 2025

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