

United States District Court
Central District of California

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15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 TIR TECHNOLOGIES LIMITED,
18 Plaintiff,

19 v.

20 META PLATFORMS, INC.,
21 Defendant.
22

Case No. 8:25-cv-2345

23 **TIR TECHNOLOGIES**
24 **LIMITED'S MEMORANDUM IN**
25 **OPPOSITION TO MOTION TO**
26 **DISMISS**

27 Date: March 16, 2026, 1:30 pm
28 Honorable Stephen V. Wilson

United States District Court
Central District of California

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	BACKGROUND.....	2
III.	LEGAL STANDARD	2
IV.	ARGUMENT	3
A.	TIR HAS SUFFICIENTLY PLED DIRECT INFRINGEMENT OF “A REQUEST ... INCLUDING A KEY”	3
B.	TIR HAS SUFFICIENTLY PLED DIRECT INFRINGEMENT OF “A CACHE DATABASE”	6
C.	TIR HAS SUFFICIENTLY PLED DIRECT INFRINGEMENT OF “STREAMING”	9
D.	TIR HAS SUFFICIENTLY PLED INDUCED INFRINGEMENT.....	10
V.	LEAVE TO AMEND.....	12
VI.	CONCLUSION	13

TABLE OF AUTHORITIES

Cases

<i>ABS Global, Inc. v. Cytonome/St, LLC</i> , 84 F.4th 1034 (Fed. Cir. 2023).....	5
<i>Akamai Techs., Inc. v. Limelight Networks, Inc.</i> , 797 F.3d 1020 (Fed. Cir. 2015).....	10
<i>Aro Mfg. Co. v. Convertible Top Replacement Co.</i> , 377 U.S. 476 (1964).....	11
<i>Ashcroft v. Iqbal</i> , 556 U.S. 662 (2009).....	3
<i>Baldwin Graphic Systems, Inc. v. Siebert, Inc.</i> , 512 F.3d 1338 (Fed. Cir. 2008).....	5
<i>Bell Atl. Corp. v. Twombly</i> , 550 U.S. 544 (2007).....	2, 3
<i>Bot M8 LLC v. Sony Corporation of America</i> , 4 F.4th 1342 (Fed. Cir. 2021).....	8
<i>Erickson v. Pardus</i> , 551 U.S. 89 (2007).....	2, 3
<i>Flying Heliball, LLC v. Zero Zero Robotics, Inc.</i> , No. 8:24-CV-01838-FWS-JDE, 2025 WL 1090962 (C.D. Cal. Feb. 27, 2025).....	4
<i>Gibson v. City of Chi.</i> , 910 F.2d 1510 (7th Cir. 1990).....	2
<i>In re Apple iPhone Antitrust Litig.</i> , 846 F.3d 313 (9th Cir. 2017).....	9

1		
2	<i>In re Bill of Lading Transmission & Processing Sys. Patent Litig.</i> ,	
3	681 F.3d 1323 (Fed. Cir. 2012).....	8
4	<i>Innovative Fabrication Sch., Inc. v. AM. Fabrication ACAD., Inc.</i> ,	
5	No. CV 22-180-MWF (JEMx), 2022 WL 20273284 (C.D. Cal. Dec. 9, 2022)	8
6	<i>K-Tech Telecomms., Inc. v. Time Warner Cable, Inc.</i> ,	
7	714 F.3d 1277 (Fed. Cir. 2013).....	7
8		
9	<i>Lifetime Indus., Inc. v. Trim-Lok, Inc.</i> ,	
10	869 F.3d 1372 (Fed. Cir. 2017).....	8
11	<i>Lite-Netics, LLC v. Nu Tsai Capital LLC</i> ,	
12	60 F.4th 1335 (Fed. Cir. 2023).....	5
13	<i>Med. Dev. Int’l v. California Dep’t of Corr. & Rehab.</i> ,	
14	585 F.3d 1211 (9th Cir. 2009).....	3
15		
16	<i>N. Star Innovations Inc. v. Kingston Tech. Co.</i> ,	
17	2018 WL 3155258 (C.D. Cal. May 7, 2018)	8
18	<i>Nalco Co. v. Chem-Mod, LLC</i> ,	
19	883 F.3d 1337 (Fed. Cir. 2018).....	4, 8, 11
20	<i>Niazi Licensing Corp. v. St. Jude Med. S.C., Inc.</i> ,	
21	30 F.4th 1339 (Fed. Cir. 2022).....	10
22		
23	<i>Regents of Univ. of Mich. v. Leica Microsystems, Inc.</i> ,	
24	No. 19-CV-07470-LHK, 2020 WL 2084891 (N.D. Cal. Apr. 30, 2020).....	4
25	<i>Ricoh Co., Ltd. v. Quant Comput. Inc.</i> ,	
26	550 F.3d 1325 (Fed. Cir. 2008).....	11
27	<i>Salazar v. AT&T Mobility LLC</i> ,	
28	64 F.4th 1311 (Fed. Cir. 2023).....	5

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<i>Windy City Innovations, LLC v. Microsoft Corp.</i> , 193 F. Supp. 3d 1109 (N.D. Cal. 2016)	7
<u>Statutes</u>	
35 U.S.C. § 271	10
<u>Rules</u>	
Fed R. Civ. P. 12	1, 2, 4, 9, 13
Fed. R. Civ. P. 11	8

I. INTRODUCTION

As an initial matter, Meta bases its motion on several arguments relating to how the Court should construe the claims of the patents in the case. But the inquiry now, on a Rule 12 motion to dismiss, is only whether the allegations are pled with sufficiency. Claim construction comes later in the case, so these arguments are not properly before the Court at this time. Tir shows below that the allegations in the amended complaint are sufficient under controlling case law.

Tir has sufficiently pled direct infringement of the limitation of “a request ... including a key” of Claim 1 of the Asserted Patents. Meta, without support, asserts that this limitation must be read as “a single request ... including a single key.” Not only is Meta’s claim construction exercise improper in a motion pursuant to Rule 12(b)(6), but it also impermissibly violates the general rule that “a” means “one or more.” Applying the general rule, Tir’s claim charts more than adequately give Meta fair notice of the functionality accused of infringement, which is all that is required at this stage of the proceedings.

Second, Tir has sufficiently pled direct infringement with respect to the “cache” and “cache database” limitations of the Asserted Patents. Tir’s claim charts more than adequately give Meta fair notice of the caching hierarchy and cache management systems Meta employs within its content delivery networks that Tir contends meet these limitations. Third, Tir has sufficiently pled direct infringement with respect to the limitation of “streaming ... for playback on the client device.” Meta, again without support, asserts that this limitation must be read as “streaming ... to the client device.” Like its assertions with respect to the limitation of “a request ... including a key,” Meta engages in an improper claim construction exercise. Applying the plain meaning of “streaming ... for playback on the client device,” Tir’s claim charts more than adequately give Meta fair notice of the functionality accused of infringement.

Fourth, Tir has sufficiently pled induced infringement of the Asserted Patents. As an initial point, and contrary to Meta’s assertions, Tir has adequately alleged direct

1 infringement of the Asserted Patents. Tir has also adequately alleged that Meta
2 possessed the specific intent required for induced infringement. Meta instructs and
3 encourages the end users on its social media platforms to engage in the playback of
4 videos on those platforms knowing that such playback directly infringes the Asserted
5 Patents.

6 Finally, Tir withdraws its allegations of contributory infringement in the
7 Amended Complaint.

8 **II. BACKGROUND**

9 Plaintiff Tir Technologies Limited is the owner of U.S. Patent No. 9,800,633
10 (the “’633 Patent”) and U.S. Patent No. 10,484,442 (the “’442 Patent”) (collectively,
11 the “Asserted Patents”). Tir filed the original Complaint (ECF No. 1) in this action
12 on October 16, 2025. Meta responded to the Complaint on January 2, 2026 by filing
13 a Motion to Dismiss (ECF No. 28) for failure to state a claim pursuant to Fed R. Civ.
14 Pro. 12(b)(6). Tir filed an Amended Complaint (ECF No. 32) on January 14, 2026,
15 alleging direct infringement, induced infringement and contributory infringement of
16 the Asserted Patents. In response, Meta filed its Motion to Dismiss (ECF No. 34) for
17 failure to state a claim on January 28, 2026, to which Tir now responds.

18 **III. LEGAL STANDARD**

19 To defeat a Rule 12(b)(6) motion to dismiss, a complaint need only provide
20 sufficient factual detail to “give the defendant fair notice of what the . . . complaint is
21 and the grounds upon which it rests.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555
22 (2007). The “purpose of a motion to dismiss is to test the sufficiency of the complaint,
23 not to decide the merits.” *Gibson v. City of Chi.*, 910 F.2d 1510, 1520 (7th Cir. 1990)
24 (emphasis added) (citation omitted). In determining sufficiency, a court must accept
25 the well-pleaded allegations of the complaint as true, construe the complaint in the
26 light most favorable to the pleading party, and resolve all doubts in the pleader’s
27 favor. *Erickson v. Pardus*, 551 U.S. 89, 93-94 (2007); *see also Med. Dev. Int’l v.*
28 *California Dep’t of Corr. & Rehab.*, 585 F.3d 1211, 1219 (9th Cir. 2009).

1 “When there are well-pleaded factual allegations, a court should assume their
2 veracity and then determine whether they plausibly give rise to an entitlement to
3 relief.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). The plausibility standard “does
4 not impose a probability requirement at the pleading stage; it simply calls for enough
5 fact to raise a reasonable expectation that discovery will reveal evidence” to support
6 the plaintiff’s allegations. *Twombly*, 550 U.S. at 556. This plausibility standard is
7 met when “the plaintiff pleads factual content that allows the court to draw the
8 reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*,
9 556 U.S. at 678 (citing *Twombly*, 550 U.S. at 556). “Specific facts are not necessary;
10 the statement need only ‘give the defendant fair notice of what the ... claim is and the
11 ground upon which it rests.’” *Erickson*, 551 U.S. 89, 93, 127 S.Ct. 2197 (alteration in
12 original) (internal quotation marks omitted) (quoting *Twombly*, 550 U.S. at 555).

13 **IV. ARGUMENT**

14 **A. TIR HAS SUFFICIENTLY PLED DIRECT INFRINGEMENT OF** 15 **“A REQUEST ... INCLUDING A KEY”**

16 Claim 1 of the ‘633 Patent and the ‘442 Patent recite the step of “receiving a
17 *request*¹ to optimize an original source file from a client [*computing*]² device ... the
18 *request including a key* specifying parameters for optimizing [*to optimize*] the original
19 source file.” ‘633 Patent (ECF No. 32-1), 22:31-34; ‘442 Patent (ECF No. 32-7),
20 22:43-46.

21 Meta asserts that this step requires “receiving a single request to optimize an
22 original source file from a client [*computing*] device, ... the single request including
23 a single key specifying parameters for optimizing [*to optimize*] the original source
24 file.” Motion at 5-6, 8. The foundation of Meta’s assertion is that the claims further
25 requiring that “the key” is further used to retrieve multiple “segments” of “the
26

27 ¹ Emphasis is added unless otherwise noted.

28 ² Bracketed italics represent differences between the corresponding claims of the
‘633 and ‘442 Patents. See Motion at 6.

1 optimized version of the original source file” that are then “stitch[ed]” together to be
2 “stream[ed] ... for playback on the client [*computing*] device.” See ‘633 Patent (ECF
3 No. 32-1), 22:36-61; ‘442 Patent (ECF No. 32-7), 22:47-67; *see also* Motion at 6-8.
4 Based on its interpretation of the claims, Meta argues that Tir’s direct infringement
5 allegations of multiple requests to retrieve multiple “segments” of “the optimized
6 version of the original source file” are contrary to the claims and, as such, cannot be
7 harmonized to provide a plausible theory of infringement. *See id.*, 8-11 (“Plaintiff
8 contends that Meta sends sequential requests (which, consistent with the claims,
9 would each have their own associated key) to locate different segments of optimized
10 video one piece at a time. But because the claims require a single request with a single
11 key to locate two distinct pieces of optimized video in two distinct locations, Plaintiff
12 cannot map Meta’s system to the claims.”).

13 Meta’s argument should be rejected for two reasons. First, Meta’s argument is
14 predicated on the Court construing “*a request ... including a key*” to mean “a single
15 request ... including a single key.” Because claim construction disputes are generally
16 considered “inappropriate at the Rule 12(b)(6) stage of the proceedings,” courts
17 repeatedly refuse to dismiss under Rule 12(b)(6) where the motion to dismiss relies
18 on a claim construction argument. *Nalco Co. v. Chem-Mod, LLC*, 883 F.3d 1337,
19 1350 (Fed. Cir. 2018); *Flying Heliball, LLC v. Zero Zero Robotics, Inc.*, No. 8:24-
20 CV-01838-FWS-JDE, 2025 WL 1090962, *4–*5 (C.D. Cal. Feb. 27, 2025) (denying
21 motion to dismiss direct infringement claims where accused infringer relied on
22 arguments that required claim construction and challenged the veracity of the factual
23 allegations); *see also Regents of Univ. of Mich. v. Leica Microsystems, Inc.*, No. 19-
24 CV-07470-LHK, 2020 WL 2084891, at *7 (N.D. Cal. Apr. 30, 2020) (collecting cases
25 denying motions to dismiss that “would require the court to construe claims and
26 resolve questions of infringement”). Moreover, even were the Court to consider
27 engaging in claim construction at the pleadings stage, Meta has not proffered any
28 claim construction analysis, including review of the specifications and prosecution

1 histories of the Asserted Patents. Meta alone relies on the threadbare argument that
2 “one request ... including one key” can satisfy the claims. It would be improper for
3 the Court to limit the claims to a “single request ... including a single key” based on
4 this record.

5 Second, it is a longstanding rule in claim construction that the indefinite article
6 “a” means “one or more.” *See, e.g., ABS Global, Inc. v. Cytonome/St, LLC*, 84 F.4th
7 1034, 1040 (Fed. Cir. 2023); *Salazar v. AT&T Mobility LLC*, 64 F.4th 1311, 1315
8 (Fed. Cir. 2023); *Lite-Netics, LLC v. Nu Tsai Capital LLC*, 60 F.4th 1335, 1346 (Fed.
9 Cir. 2023); *Baldwin Graphic Systems, Inc. v. Siebert, Inc.*, 512 F.3d 1338, 1342 (Fed.
10 Cir. 2008). “Because the initial indefinite article (‘a’) carries either a singular or
11 plural meaning, any later reference to that same claim element merely reflects the
12 same potential plurality.” *Baldwin*, 512 F.3d at 1343. “The exceptions to this rule
13 are extremely limited: a patentee must ‘evinced [] a clear intent’ to limit ‘a’ or ‘an’ to
14 ‘one.’” *Id.* at 1342. Meta offers no evidence or argument that its “singular-only”
15 reading of “request ... including a key” was clearly manifested by the patentee. To
16 the contrary, the specification of the Asserted Patents contemplate that each request
17 can be directed to a single segment of the optimized version of the source file and,
18 consequently, that there be multiple requests for multiple segments. *See, e.g., ‘633*
19 *Patent (ECF No. 32-1), 16:49-53 (“If later users request the same segment of the*
20 *source file, the cache database 160 can redirect the requesting video optimizer 150 to*
21 *the correct local cache 155 that contains the optimized video segment.”); 16:56-57*
22 *(“In some embodiments, the user may request a segment of a source file that has not*
23 *been fully optimized.”).*

24 Meta has not shown that the claims of the Asserted Patents are limited to a “a
25 single request ... including a single key” that is used to retrieve multiple segments of
26 “an optimized version ... of an original source file,” so its motion should be denied
27 accordingly.

**B. TIR HAS SUFFICIENTLY PLED DIRECT INFRINGEMENT OF
“A CACHE DATABASE”**

Claim 1 of the Asserted Patents further requires “identifying, based on the key, a preview [*first portion*] of an optimized version of the original source file in a local cache of a video optimization server [optimizer],” and “generating a query, based on the key, to a cache [] database maintaining a plurality of reference keys corresponding to a plurality of optimized versions of source files stored on a plurality of other video optimization servers [optimizer], each reference key specifying parameters of an optimized version of a source file.” ‘633 Patent (ECF No. 32-1), 22:36-47; ‘442 Patent (ECF No. 32-7), 22:47-55. With respect to the “cache of a video optimization server [optimizer],” Tir identifies a multi-level caching hierarchy within Meta’s networks. *See* ‘633 Claim Chart (ECF 32-1) at 5-7, 12-17, ‘442 Claim Chart (ECF 32-8) at 5-7, 13-5 (specifically identifying Meta’s content delivery network as employing: (1) Meta Network Appliance, ‘633 Claim Chart at 5-6, ‘442 Claim Chart at 5-6; (2) the use of several layers of cache and storage systems using, ‘633 Claim Chart at 6-7, 12-13, 15-16, ‘442 Claim Chart at 6-7, 14-15; (3) the use of Restricted Insertion Priority Queue (“RIPQ”), a “distributed caching system designed to efficiently serve photos and videos,” ‘633 Claim Chart at 14-15, ‘442 Claim Chart at 13-14).

With respect to the “query ... to a cache [] database,” Tir specifically alleges that: “[t]he Meta content delivery network’s edge cache uses the key to generate a query to its cache management system. Internally, Meta employs *cache directories and key-value indexing (e.g., through BlockCache, RIPQ, Haystack or equivalent lookup systems)* to manage cached content across many edge and regional servers. The query asks whether an optimized version of the requested source file, matching the given parameters, already exists in the caching hierarchy.” ‘633 Claim Chart at 17, ‘442 Claim Chart at 16. Even with this specific identification, Meta complains that Tir cites to Meta’s use of a “cache management system” that operates as the

1 claimed “cache database,” but that Tir “does not identify anything that would
2 constitute a ‘database’ that ‘maintain[s] a plurality of reference keys,’ or that any
3 reference keys in the database contain the required optimization parameters.” Motion
4 at 11. Meta is incorrect that Tir “does not identify anything that would constitute a
5 ‘database’ that ‘maintain[s] a plurality of reference keys.’” Tir expressly and
6 unambiguously points to Meta’s employment of “*cache directories and key-value*
7 *indexing (e.g., through BlockCache, RIPQ, Haystack or equivalent lookup systems)*
8 *to manage cached content.*” ’633 Claim Chart at 17, ’442 Claim Chart at 16. Tir’s
9 assertion allows Meta to “know what [Tir’s] patents claim” and “what [Tir] asserts
10 [Meta’s] systems do.” *K-Tech Telecomms., Inc. v. Time Warner Cable, Inc.*, 714
11 F.3d 1277, 1287 (Fed. Cir. 2013); *see also Windy City Innovations, LLC v. Microsoft*
12 *Corp.*, 193 F. Supp. 3d 1109, 1115 (N.D. Cal. 2016) (denying motion to dismiss
13 infringement claim where “the Complaint describes (i) the Accused Instrumentalities
14 and the functionalities of those products which allegedly infringe on plaintiff’s patents
15 and (ii) the ways in which the Accused Instrumentalities meet claims of the Patents”).

16 Meta’s additional complaint about the lack of “any reference [to the] keys in
17 the database contain[ing] the required optimization parameters,” Motion at 11,
18 similarly fails. Tir has specifically identified the elements in Meta’s network where
19 this element will be found. *See, e.g.*, ’633 Claim Chart at 17 (identifying the video
20 optimization parameters that will be used within cache management through “key-
21 value indexing”). The implementation details of these aspects of Meta’s cache
22 management system are proprietary to Meta. *See K-Tech*, 714 F.3d at 1286 (“That
23 K–Tech cannot point to the specific device or product within TWC’s or DirecTV’s
24 systems that translates the digital television signals each receives—especially when
25 the operation of those systems is not ascertainable without discovery—should not bar
26 K–Tech’s filing of a complaint. A defendant cannot shield itself from a complaint for
27 direct infringement by operating in such secrecy that the filing of a complaint itself is
28 impossible.”).

Moreover, the standard for pleading patent infringement is not so onerous that Tir must “prove its case at the pleading stage.” *Nalco Co. v. Chem-Mod, LLC*, 883 F.3d 1337, 1350 (Fed. Cir. 2018) (quoting *In re Bill of Lading Transmission & Processing Sys. Patent Litig.*, 681 F.3d 1323, 1339 (Fed. Cir. 2012)). Indeed, “[a] plaintiff is not required to plead infringement on an element-by-element basis.” *Bot M8 LLC v. Sony Corporation of America*, 4 F.4th 1342, 1352 (Fed. Cir. 2021) (citing *Bill of Lading*, 681 F.3d at 1339). “Instead, it is enough ‘that a complaint place the alleged infringer on notice of what activity ... is being accused of infringement.’” *Bot M8*, 4 F.4th at 1352 (quoting *Lifetime Indus., Inc. v. Trim-Lok, Inc.*, 869 F.3d 1372, 1379 (Fed. Cir. 2017)). Tir has met its burden by specifically pointing to the elements in Meta’s content delivery network that satisfy the elements in question. Tir has not, as Meta alleged, proffered “allegations consist[ing] of nothing more than a recitation of the claim elements.” Motion at 12 (citing *N. Star Innovations Inc. v. Kingston Tech. Co.*, 2018 WL 3155258, at *2 (C.D. Cal. May 7, 2018)).

Furthermore, that Tir has pled allegations on “information and belief” by disclosing how a person of ordinary skill in the art would expect the “cache management systems” within Meta’s networks to operate, *see, e.g.*, ’633 Claim Chart at 17-19, ’442 Claim Chart at 15-18, does not render the allegations insufficient. “[F]actual allegations on information and belief are permitted if they are specifically identified and ‘will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.’” *Innovative Fabrication Sch., Inc. v. AM. Fabrication ACAD., Inc.*, No. CV 22-180-MWF (JEMx), 2022 WL 20273284, at *3 (C.D. Cal. Dec. 9, 2022) (quoting Fed. R. Civ. P. 11(b)(3)).

Tir has more than sufficiently pled direct infringement by identifying those elements in Meta’s content delivery networks that satisfy the “cache” and “cache [] database” limitations in the claims, so Meta’s motion on this issue should also be denied.

**C. TIR HAS SUFFICIENTLY PLED DIRECT INFRINGEMENT OF
“STREAMING”**

Meta’s final complaint with respect to direct infringement is that Tir “does not allege that Meta streams a stitched version of the optimized video to the client device.” Motion at 13. Meta is correct that Tir does not allege “streaming ... *to the client device*,” because that is not what the claims require. More specifically, claim 1 of the Asserted Patents require the step of “streaming the stitched optimized version ... for playback *on the client device*.” ‘633 Patent, 22:60-61; ‘442 Patent, 22:66-67. For this claim limitation, Tir alleged that the “Facebook/Instagram mobile applications and Facebook/Instagram web-page code on the client device ... streams the pre-encoded video segments on the client device ... during playback to reconstruct a continuous video stream.” ‘633 Claim Chart at 22, ‘442 Claim Chart at 20. In doing so, Tir applied the plain language of “streaming ... for playback on the client device.”

Meta, on the other hand and without any explanation, transforms “*on the client device*” to “*to the client device*,” and concludes that, because Tir has not alleged the step be performed within Meta’s content delivery network systems, there can be no infringement. To the extent Meta is seeking a claim construction of “to the client device,” not only is that construction improper at this stage, but also Meta has provided no claim construction analysis that would warrant this construction at this stage of the case.³ See Section III.A, above.

Meta has not shown that the “streaming” limitations of the claims of the Asserted Patents are limited to a “streaming ... to the client device” so its motion should be denied accordingly.

³ Meta’s “streaming” argument was also not raised in its Motion to Dismiss the Complaint, ECF No. 28 (January 2, 2026), and should therefore be considered waived. See *In re Apple iPhone Antitrust Litig.*, 846 F.3d 313, 318 (9th Cir. 2017) (“Rule 12(g)(2) provides that a defendant who fails to assert a failure-to-state-a-claim defense in a pre-answer Rule 12 motion cannot assert that defense in a later pre-answer motion under Rule 12(b)(6)...”).

D. TIR HAS SUFFICIENTLY PLED INDUCED INFRINGEMENT

Section 35 U.S.C. § 271(b) provides that “[w]hoever actively induces infringement of a patent shall be liable as an infringer.” To plead a claim for induced infringement, a plaintiff must establish three elements: (1) “direct infringement by some party,” (2) that the alleged infringer “knowingly induced infringement,” and (3) that the alleged infringer “possessed specific intent to encourage another’s infringement.” *Niazi Licensing Corp. v. St. Jude Med. S.C., Inc.*, 30 F.4th 1339, 1351 (Fed. Cir. 2022).

Meta argues that induced infringement is not properly pled because Tir has “not adequately plead direct infringement by Meta” or any others. Motion at 15. This is incorrect. For the same reasons as discussed above, in the ’633 Claim Chart and the ’442 Claim Chart, and in ¶¶ 9 and 19 of the Amended Complaint, Tir has adequately plead direct infringement by Meta. This direct infringement includes the performance of certain steps by others under the direction and control of Meta. *See* Amended Complaint (ECF No. 28), ¶¶ 9, 19; ’633 Claim Chart at 20-23 (identifying steps performed on Facebook/Instagram mobile applications and Facebook/Instagram web-page code on client devices), ’442 Claim Chart at 19-21 (same). Meta is therefore incorrect that Tir “alleges that Meta practices each step directly.” Motion at 16. Meta is also legally incorrect when it states that “method claims are directly infringed only when someone performs each and every claimed step.” *Id.* “Direct infringement under § 271(a) occurs where all steps of a claimed method are performed by or attributable to a single entity.” *Akamai Techs., Inc. v. Limelight Networks, Inc.*, 797 F.3d 1020, 1022 (Fed. Cir. 2015).

Similarly, in the ’633 Claim Chart and the ’442 Claim Chart, and in ¶¶ 11 and 21 of the Amended Complaint, Tir has adequately plead direct infringement by Meta’s customers and end users. More specifically, ¶¶ 11 and 21 allege that “customers and end users ... use the video streaming services on Defendant’s Facebook and Instagram social media platforms, in a manner that directly infringes claim 1 and other claims.”

1 Amended Complaint (ECF No. 28), ¶¶ 11, 21. As Meta acknowledges, “system
2 claims may be directly infringed through mere ‘use’ of an infringing system.” Motion
3 at 15-16 (citing *Aro Mfg. Co. v. Convertible Top Replacement Co.*, 377 U.S. 476, 484
4 (1964)). Because Meta’s customers and end users directly infringe the claims of the
5 Asserted Patents, Tir’s inducement claims do not fail.

6 Meta also argues that Tir “fails to sufficiently allege that Meta demonstrated a
7 specific intent for infringement.” Motion at 16. For an allegation of induced
8 infringement to survive a motion to dismiss, the complaint must plead facts plausibly
9 showing that the accused infringer specifically intended another party to infringe the
10 patent and know that the other party’s acts constituted infringement. *Nalco Co.*, 883
11 F.3d at 1355. “[S]pecific intent may be inferred from circumstantial evidence where
12 a defendant has both knowledge of the patent and specific intent to cause the acts
13 constituting infringement.” *Ricoh Co., Ltd. v. Quant Comput. Inc.*, 550 F.3d 1325,
14 1342 (Fed. Cir. 2008).

15 Meta asserts that the “only potentially relevant allegation Plaintiff makes is that
16 Meta promotes the ability for users to post and watch videos on its network.” Motion
17 at 16. In doing so, Meta ignores that the instructional materials it provides to end
18 users evidences a specific intent to induce infringement. The Federal Circuit has
19 found it enough to assert that an accused infringer, “among other activities, provid[es]
20 instructions, support, and technical assistance for the use of” the accused product or
21 service. *Nalco Co.*, 883 F.3d at 1355.

22 In the present instance, Tir has done exactly that. For example, Exhibits 3 and
23 4, from the Facebook website, instruct Facebook user’s on how to find live videos on
24 the Facebook platform, search for specific videos on the Facebook platform, and
25 enable / disable autoplay for videos on the Facebook platform. See ECF Nos. 32-3,
26 32-4. Exhibits 5 and 6 instruct Facebook user’s on how to add videos to the Facebook
27 platform (to be viewed by other user’s). See ECF Nos. 32-5, 32-6. These instructional
28 materials are designed to instruct, encourage, enable, and facilitate Facebook users to

1 playback videos from the Facebook platform. This video playback directly infringes
2 the Asserted Patents. The combination of these instructions, along with Facebook’s
3 knowledge of the Asserted Patents since at least as early as the filing and service of
4 the Complaint in this action, *see* ECF No. 1, and the direct infringement allegations
5 discussed herein, more than adequately suffice to plead requisite intent. Although
6 Meta may downplay Tir’s allegations regarding “the ability for users to post and
7 watch videos on its network,” these allegations are based on the instructional materials
8 the Facebook platform provides to encourage the uploading and playback of videos
9 on the platform and that are “specifically intending for and inducing Facebook users
10 to infringe ... through the users’ normal and customary use of those video streaming
11 services.” Amended Complaint, ¶¶ 12 and 22.

12 In summary, Tir has more than sufficiently pled induced infringement of the
13 Asserted Patents.

14 **V. LEAVE TO AMEND**

15 As set forth herein, Tir asserts that the Amended Complaint, with respect to
16 direct infringement and induced infringement, more than sufficiently satisfy the
17 pleading requirements. However, to the extent the Court grants the motion, or any
18 portion of the motion, Tir respectfully requests leave to amend to file a second
19 amended complaint. Motion for leave to amend should be liberally granted,
20 especially in the early stages of a case when little prejudice to the defendants would
21 result. No answer has been filed and no discovery has been taken in this case, thus
22 allowing that a second amended complaint will not meaningfully prejudice Meta, its
23 protestations notwithstanding, *see* Motion at 18-20. To that end, Tir notes that, in
24 response to Meta’s Motion to Dismiss the Complaint (ECF No. 28), Tir narrowed the
25 case by withdrawing its allegations of infringement based upon U.S. Patent No.
26 8,792,347, *see id.*, 2, 8-12, and addressed certain concerns Meta identified with
27 respect to the claim charts for the ’633 Patent and ’442 Patent, *see id.*, 12-14. Further,
28 in response to the present Motion, Tir has withdrawn its allegations of contributory

1 infringement. That Tir does not believe that all of the points raised by Meta previously
2 and in the Motion are valid, as addressed herein, does not “weigh in favor of dismissal
3 with prejudice.” Motion at 19.

4 **VI. CONCLUSION**

5 Meta’s motion is premised on several arguments about the Court’s construction
6 of the patent claims. Those arguments are not proper on a Rule 12 motion. The issue
7 before the Court is whether Tir’s allegations are sufficiently pled. Under controlling
8 case law, they are, so Meta’s motion challenging the sufficiency of the pleadings
9 should be denied.

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United States District Court
Central District of California

Dated: February 17, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document is being served upon counsel of record for Defendant on February 17, 2026 via CM/ECF electronic service.

By: /s/ Scott E. Kolassa
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