

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:25-cv-02345-SVW-ADS Date June 25, 2026

Title *Tir Technologies Limited v. Meta Platforms, Inc.*

JS-6

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Daniel Tamayo

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: ORDER GRANTING DEFENDANT’S MOTION TO DISMISS [34]

I. Introduction

Before the Court is a motion to dismiss brought by Defendant Meta Platforms, Inc. (“Defendant” or “Meta”). Defendant’s Motion to Dismiss Case (“Mot.”), ECF No. 34. For the following reasons, Defendant’s motion to dismiss is GRANTED.

II. Background

Plaintiff Tir Technologies Limited (“Plaintiff”) filed suit against Meta on October 16, 2025, alleging it infringed—through direct infringement, induced infringement, and contributory infringement¹—upon two of Plaintiff’s patents: United States Patent Nos. 9,800,633 and 10,484,442 (collectively, the “Patents”). First Amended Complaint (“FAC”), ECF No. 32. The Patents—which both have materially identical disclosures and similar claims—are directed to systems and methods for streaming optimized video files. *See id.*

Specifically, the claims at issue include the following limitations:

¹ Plaintiff withdrew its allegations of contributory infringement in its opposition to Meta’s motion. Plaintiff’s Opposition to Mot. (“Opp.”), ECF No. 37, at 2. Accordingly, this Order need only address Plaintiff’s allegations of direct infringement and induced infringement.

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- (a) “receiving a request to optimize an original source file from a client [*computing*] device . . . the request including a key specifying parameters for optimizing [or *to optimize*] the original source file”;
- (b) “identifying, based on the key, a preview [or *first portion*] of an optimized version of the original source file” on a first video optimization server or video optimizer;
- (c) “generating a query, based on the key, to a [*cache*] database maintaining . . . reference keys” that correspond to other “optimized versions of source files” stored on other video optimization servers or video optimizers;
- (d)–(e) matching the request’s key to a reference key in the database, and receiving the address of another video optimizer storing a segment of the optimized file; and
- (f)–(g) “stitching the first portion of the optimized . . . file with the segment of the optimized . . . file,” and then “streaming the stitched optimized . . . file for playback on the client device.”

Mot. at 2-3; ECF No. 32-2, at 10-21; ECF No. 32-7, at 21.²

III. Legal Standard

A motion to dismiss under Rule 12(b)(6) challenges the legal sufficiency of the claims stated in the complaint. *See* Fed. R. Civ. P. 12(b)(6). To survive a motion to dismiss, the plaintiff’s 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) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. A complaint that offers mere “labels and conclusions” or “a formulaic recitation of the elements of a cause of action” will not do. *Id.*; *see also Moss v. U.S. Secret Serv.*, 572 F.3d 962, 969 (9th Cir. 2009) (citing *Iqbal*, 556 U.S. at 678).

In reviewing a Rule 12(b)(6) motion, a court “must accept as true all factual allegations in the complaint and draw all reasonable inferences in favor of the nonmoving party.” *Retail Prop. Trust v. United Bhd. of Carpenters & Joiners of Am.*, 768 F.3d 938, 945 (9th Cir. 2014). Thus, “[w]hile legal conclusions can provide the complaint’s framework, they must be supported by factual allegations. When

² Bracketed italics represent differences between the corresponding claims of the Patents.

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there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief.” *Iqbal*, 556 U.S. at 679.

IV. Discussion

The central issue before us is whether Plaintiff’s factual allegations regarding Meta’s system are inconsistent with Plaintiff’s patent claim. Meta argues a fatal inconsistency exists because while the claims allow for a *single* request with a *single* key to identify *multiple* pieces of optimized video, Plaintiff’s FAC alleges that Meta’s system requires *multiple* requests to locate *multiple* pieces of video. Mot. at 5-6. Such an inconsistency would require the Court to dismiss this lawsuit as Plaintiff’s infringement claims would be impossible. *Bot M8 LLC v. Sony Corp. of Am.*, 4 F.4th 1342, 1354 (Fed. Cir. 2021) (“Where, as here, the factual allegations are actually inconsistent with and contradict infringement, they are likewise insufficient to state a plausible claim.”).

To resolve whether such an inconsistency exists, we begin with an analysis of the claims themselves. Limitation (a) starts by “receiving [a] request including *a key*” to optimize an original video file. ECF No. 32-2, at 10-21; ECF No. 32-7, at 21 (emphasis added). Limitation (b) then requires “identifying, based on *the key*, a preview [or *first portion*] of an optimized version of the original source file.” *Id.* (emphasis added). Limitations (c) and (d) then require comparing “*the key*” to reference keys stored in a database to determine if the request’s key matches any reference keys. *Id.* (emphasis added). If the request’s key matches a reference key, limitations (e) and (f) require the first portion from the first video optimizer and second segment from the second video optimizer to be stitched together into a single video. *Id.*

Meta’s view is that the claims allow for a single key to identify at least two distinct pieces of optimized video and stitch them together. On the other hand, Plaintiff’s view is that one key is capable of locating one piece of video and another key is capable of locating a distinct piece of video. In other words, Plaintiff construes the claims to mean that there can be multiple requests for multiple video segments. The parties’ dispute surrounding the claim language is purely semantic, revolving around the meanings of the articles “a” and “the” in the limitations.

The indefinite article “a” in the phrase “a key” means “one or more.” *Salazar v. AT&T Mobility*

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LLC, 64 F.4th 1311, 1315 (Fed. Cir. 2023) (internal quotation marks omitted). The use of the definite article, “the,” means the phrase “the key” refers back to the antecedent language, “a key.” *See ABS Glob., Inc. v. Cytonome/St, LLC*, 84 F.4th 1034, 1040 (Fed. Cir. 2023). So, “[t]he reference-back ‘the’ language takes its meaning from the meaning of the antecedent, so if [‘a key’] has a plural-allowing meaning, so does the reference back [‘the key’] phrase.” *Id.*

Plaintiff’s interpretation—that the Patents require multiple requests for multiple video segments—cannot be correct even if the claim term “a key” does not require that there be only one key. The claim language here, by using “the key” to refer back to a singular term—“a key”—requires that said individual key accomplish the subsequent functions listed in the claims: identify a first portion of the video and then a second segment of the video after being compared to reference keys. The fact that the antecedent phrase contains a plural-allowing “a” does not negate these requirements of a singular key. *In re Varma*, 816 F.3d 1352, 1363 (Fed. Cir. 2016) (“For a dog owner to have ‘a dog that rolls over and fetches sticks,’ it does not suffice that he have two dogs, each able to perform just one of the tasks.”); *Salazar*, 64 F.4th at 1317 (“While this structure may allow for more than a single instance of the claim element, it may nonetheless require that a single instance of the element be capable of performing all the recited functionality.”).

Salazar too dealt with claim language that introduces a claim element using an indefinite article and subsequently recites the element’s functionality using a definite article. At issue was the claim language “a microprocessor for generating . . . , said microprocessor creating . . . , a plurality of parameter sets retrieved by said microprocessor . . . , said microprocessor generating” *Salazar*, 64 F.4th at 1317. The district court construed this to mean “one or more microprocessors, at least one of which is configured to perform the generating, creating, retrieving, and generating functions.” *Id.* (citation omitted). The Federal Circuit affirmed, agreeing with the district court that “while the claim term ‘a microprocessor’ does not require there be only one microprocessor, the subsequent limitations referring back to ‘said microprocessor’ require that at least one microprocessor be capable of performing each of the claimed functions.” *Id.* The *Salazar* court noted that this approach is entirely consistent with Federal Circuit precedent:

Like the claim language in *Convolve* and *Varma*, the claim language here requires a singular element—“a microprocessor”—to be capable of performing all of the recited functionality. *See [Convolve, Inc. v. Compaq Computer Corp., 812 F.3d 1313, 1321 (Fed. Cir. 2016)]* (requiring “a processor” and “the processor” in claims 1, 3, and 5 to “perform

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all of the recited steps”); *Varma*, 816 F.3d at 1362–63 (finding “a statistical analysis request corresponding to two or more selected investments” requires a single request to correspond to at least two investments where the subsequent language “makes it unmistakable that at least two investments must be the subject of each statistical analysis”). . . . Here, the claim language “a microprocessor,” read in the context of the full claim, aligns more closely with *Convolve*’s claims 1, 3, and 5—which required “a processor” and “the processor” to perform the recited functionality—and, like those claims, should be construed to require at least one microprocessor capable of performing the recited functions.

Id. at 1317-18,

Similarly, here, the referring-back language makes clear that each key identified is responsible for locating two distinct video segments.

In sum, a review of the claims at issue and Federal Circuit precedent leads us to agree with Meta that the claims in our case boil down to the following meaning: “a single request’s single key is used to identify at least *two distinct pieces of optimized video* stored in at least *two distinct locations*” and stitch these portions together. Mot. at 8 (emphasis in original). Plaintiff, however, alleges that Meta’s system functions differently, requiring *multiple* requests to locate *multiple* pieces of video. Mot. at 8-11; see ECF No. 32-2 at 20-22 (“After receiving the first portion of video from the Meta content delivery network . . . the client device will make another HTTP request for a next segment of the optimized version” of the video, and that “the segments are sequentially retrieved.”); ECF No. 32-8 at 19.³ This presents an obvious inconsistency between Plaintiff’s claims and the allegations in the FAC against Meta. Plaintiff’s allegations thus render its infringement claims impossible. *Bot M8*, 4 F.4th at 1354.⁴

Finally, because the Court finds that Plaintiff failed to plead a claim for direct infringement, Plaintiff’s induced infringement claim must also be dismissed. *Limelight Networks, Inc. v. Akamai Techs., Inc.*, 572 U.S. 915, 922 (2014).

³ Plaintiff does not dispute this characterization of its allegations against Meta.

⁴ Plaintiff contends that it is improper for the Court to engage in claim construction at the pleadings stage. Opp. at 4-5. Whether or not we classify our analysis as “claim construction” makes no difference. The Court need not review prosecution histories or extrinsic evidence. The mere plain words of the claims before the Court are alone enough to reach a determination as to whether Plaintiff’s suit can withstand a motion to dismiss.

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V. Conclusion

For the foregoing reasons, the Court GRANTS Defendant's motion to dismiss.

IT IS SO ORDERED.

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