

Sarah E. Piepmeier, Bar No. 227094
spiepmeier@perkinscoie.com
PERKINS COIE LLP
505 Howard St Suite 1000,
San Francisco, CA 94105
Telephone: +1.415.344.7150

Additional Counsel listed on signature page

Attorneys for Defendant Meta Platforms, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TIR TECHNOLOGIES LIMITED,

Plaintiff,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 8:25-cv-2345-SVW-ADS

**DEFENDANT META
PLATFORMS, INC. MOTION
TO DISMISS FIRST AMENDED
COMPLAINT AND
MEMORANDUM OF POINTS
AND AUTHORITIES**

March 2, 2026, 1:30pm
Honorable Stephen V. Wilson

DEMAND FOR JURY TRIAL

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on March 2, 2026, at 1:30pm, or as soon as the
3 matter may be heard in the United States District Court for the Central District of
4 California, Defendant Meta Platforms, Inc. ("Meta") will and hereby does move the
5 Court to dismiss Plaintiff Tir Technologies Ltd.'s First Amended Complaint.

6 Meta moves to dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil
7 Procedure 12(b)(6) for failure to state a claim. This Motion is based on this Notice of
8 Motion and Motion; the accompanying Memorandum of Points and Authorities; the
9 pleadings filed in this action; and any argument at the hearing on this motion.

10
11 Dated: January 28, 2026

PERKINS COIE LLP

12
13 By: /s/ Sarah E. Piepmeier

14 Sarah E. Piepmeier, Bar No. 227094
15 SPiepmeier@perkinscoie.com
16 PERKINS COIE LLP
505 Howard St Suite 1000,
San Francisco, CA 94105
Telephone: +1.415.344.7150

17 Alison R. Watkins, Bar No. 253023
18 AWatkins@perkinscoie.com
19 PERKINS COIE LLP
3150 Porter Drive,
Palo Alto, CA 94304
Telephone: +1.650.838.4776

20
21 *Attorneys for Meta Platforms, Inc.*
22
23
24

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION & STATEMENT OF ISSUES

Plaintiff Tir Technologies Limited (“Plaintiff”) was formed in late 2023. Soon after inception, it acquired several patents to begin a patent infringement campaign against some of the biggest technology companies in the country, including Amazon, Comcast, Disney, and now Meta Platforms, Inc. (“Meta”). In each case, Plaintiff made sweeping allegations of infringement that, so far, Amazon and Comcast moved to dismiss. So too here. Meta moved to dismiss the original complaint because Plaintiff failed to identify any accused products, ignored several critical claim limitations in its infringement allegations, and in several instances simply recited the legal standards with no factual allegations in support.

In response, Plaintiff filed an amended complaint, which dropped one patent and realleged infringement of the other two. But Plaintiff did not address several of the deficiencies Meta previously identified. Crucially, Plaintiff’s new allegations demonstrate that its direct infringement claims are futile because they are flatly inconsistent with the plain words of the patent claims. Plaintiff’s indirect infringement claims also cannot survive because they *still* merely recite the legal standard without any factual allegations in support. Plaintiff should not get yet another bite at the apple; its amended complaint should be dismissed with prejudice.

II. FACTUAL BACKGROUND

Plaintiff’s original complaint asserted U.S. Patent No. 8,792,347 (“the ’347 patent”) (Count I), U.S. Patent No. 9,800,633 (“the ’633 patent”) (Count II), and U.S. Patent No. 10,484,442 (“the ’442 patent”) (Count III). Dkt. 1, ¶¶7–36. On each count, Plaintiff alleged that Meta directly infringed its patents by practicing the claims itself,

1 and indirectly infringed its patents as of the filing of the complaint by inducing others
2 to infringe and contributing to others' infringement. *Id.* Plaintiff also alleged
3 infringement by purporting to map a plethora of different Meta products and services
4 to various claim limitations in its patents. *See* Dkt. 1-2; Dkt. 1-8; Dkt. 1-10.

5 On January 2, Meta moved to dismiss the original complaint because
6 (1) Plaintiff failed to accuse any specific Meta products of infringement;
7 (2) Plaintiff's purported claim mappings either ignored or were inconsistent with
8 several claim limitations; and (3) Plaintiff's indirect infringement claims did little
9 more than recite the legal standard. *See* Dkt. 28. In response, Plaintiff filed an
10 amended complaint, which no longer asserted the '347 patent, but presented a handful
11 of new allegations in parts of its claim mappings as to the '633 and '442 patents. Dkt.
12 32; Dkt. 32-2; Dkt. 32-8.

13 The remaining '633 and '442 patents are related and have materially identical
14 disclosures and similar claims. *See generally* Dkt. 32-1; Dkt. 32-7. Both are directed
15 to systems and methods for "streaming video," but more specifically to procedures
16 to optimize an original video file using specified parameters and then stream an
17 optimized version in response. *Id.* Plaintiff's mappings allege that Meta infringes at
18 least claim 1 of each patent. *See generally* Dkt. 32-2; Dkt. 32-8. Each method for
19 "streaming video" includes, *inter alia*, the following steps; words in italics represent
20 inconsequential differences for purposes of this motion:

- 21 (a) "receiving a request to optimize an original source file from
22 a client [*computing*] device ... the request including a key specifying
23 parameters for optimizing [or *to optimize*] the original source file";
24 (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*;

1 (c) “generating a query, based on the key, to a [*cache*] database
2 maintaining ... reference keys” that correspond to other “optimized
versions of source files” stored on other video optimization servers or
video optimizers;

3 (d)–(e) matching the request’s key to a reference key in the
4 database, and receiving the address of another video optimizer storing
a segment of the optimized file; and

5 (f)–(g) “stitching the first portion of the optimized ... file with
the segment of the optimized ... file,” and then “streaming the stitched
6 optimized ... file for playback on the client device.”

7 Dkt. 32-2 at 21 (cl. 1); Dkt. 32-7 at 21 (cl. 1).

8 Meta’s original motion to dismiss demonstrated that Plaintiff failed to allege
9 how Meta practices limitations (b)–(e). For one, Plaintiff did not identify a database
10 that contains “reference keys” consistent with limitation (c). Dkt. 28 at 14. More
11 broadly, Plaintiff also did not allege that Meta uses a single key to identify two
12 discrete pieces of an optimized video file—(1) a first preview/portion on a first video
13 optimization server/video optimizer; *and* (2) a (second) segment on another video
14 optimizer—as required of limitations (b)–(e), collectively. *Id.* at 15. Meta also moved
15 on Plaintiff’s induced and contributory claims because they merely recited the legal
16 standard. *Id.* at 16–20.

17 **III. LEGAL STANDARD**

18 To survive a motion to dismiss, a complaint must plead “enough facts to state
19 a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S.
20 544, 570 (2007); Fed. R. Civ. P. 8(a)(2). Facial plausibility requires that the
21 complaint’s factual content allows the court to draw the reasonable inference that the
22 defendant is liable for the misconduct alleged. *Ashcroft v. Iqbal*, 556 U.S. 662, 678
23 (2009). While allegations of material fact are taken as true and construed in the
24 nonmoving party’s favor, conclusory allegations of law and unwarranted inferences

1 are insufficient. *Ove v. Gwinn*, 264 F.3d 817, 821 (9th Cir. 2001). Nor are “formulaic
2 recitation[s] of the elements” of a claim entitled to the presumption of truth. *Iqbal*,
3 556 U.S. at 681.

4 Stating a claim for patent infringement requires “plac[ing] the alleged infringer
5 on notice of what activity ... is being accused of infringement.” *Bot M8 LLC v. Sony*
6 *Corp. of Am.*, 4 F.4th 1342, 1352 (Fed. Cir. 2021) (cleaned up). That requires a
7 plaintiff to “include allegations sufficient to permit the court to infer that the accused
8 product infringes each element of at least one claim.” *TeleSign Corp. v. Twilio, Inc.*,
9 No. CV 16-2106, 2016 WL 4703873, at *3 (C.D. Cal. Aug. 3, 2016) (cleaned up).
10 “Paraphrasing claim limitations and making conclusory allegations that Defendant’s
11 product infringes the patent are insufficient to survive a motion to dismiss.” *Weisner*
12 *v. Google LLC*, No. 20 CIV. 2862, 2021 WL 6424921, at *1 (S.D.N.Y. Jan. 4, 2021);
13 *Apollo Fin., LLC v. Cisco Sys., Inc.*, 190 F. Supp. 3d 939, 943 (C.D. Cal. 2016)
14 (dismissing claim that merely “identifies the allegedly infringing products and
15 parrots the language of a direct patent infringement claim,” which is “indicative that
16 Plaintiff is not clear on what the Accused Products are, or how, if at all, they may be
17 infringing”); *Metricolor LLC v. L’Oreal S.A.*, No. CV 18-364-R, 2018 WL 5099496,
18 at *4 (C.D. Cal. Aug. 15, 2018), *aff’d in part, vacated in part on other grounds*, 791
19 F. App’x 183 (Fed. Cir. 2019) (dismissing claim that failed to address several claim
20 elements or presented evidence contradicting the allegations made).

21 **IV. ARGUMENT**

22 Plaintiff has, for the second time, presented a complaint that fails to meet the
23 pleading standard in several ways. For direct infringement, not only does Plaintiff
24 gloss over express claim limitations, as it did before, but now it alleges that Meta’s

1 systems operate in a way that is inconsistent with the plain words of the claim,
2 rendering its own infringement claims futile. As for induced and contributory
3 infringement, Plaintiff again made no effort to present any factual allegations in
4 support. That warrants dismissal with prejudice.

5 **A. Plaintiff did not plausibly plead direct infringement**

6 “While a plaintiff need not prove infringement at the pleading stage,”
7 sometimes a complaint “contains too much rather than too little, to the point that [a
8 plaintiff] has essentially pleaded itself out of court.” *Bot M8*, 4 F.4th at 1354. That is
9 the situation here. In both its original and amended complaints, Plaintiff presents
10 pages of allegations purporting to map Meta’s products and services to the patent
11 claims on a limitation-by-limitation basis. Those mappings, however, either ignore
12 several claim limitations or rest on facial contradictions. “[I]t is the quality of the
13 allegations, not the quantity, that matters.” *Id.* And despite spilling a lot of ink,
14 Plaintiff presents no allegations from which it can plausibly be inferred that Meta
15 infringes every element of the patent claims.

16 The ’442 patent is a continuation of the ’633 patent. Dkt. 1-9 at 1. The two
17 patents present materially the same specifications and similar claims, and Plaintiff
18 makes similar allegations for each. The sufficiency of Plaintiff’s allegations as to
19 these patents therefore rise and fall together.

20 **1. Plaintiff alleges that Meta’s systems operate in a way that is**
21 **inconsistent with limitations (b)–(e)**

22 As Meta already explained in its first motion to dismiss, Dkt. 28 at 15, Plaintiff
23 fails to allege infringement of limitations (b)–(e). The ’633 and ’442 patents present
24 a “method for streaming video” that involves a single “request” to optimize a video

1 file that includes a single “key” specifying the parameters to optimize the video. That
2 key is used to locate at least *two* different pieces of the optimized video file in at least
3 *two* different locations, before the pieces are then stitched together to form the
4 optimized video. According to Plaintiff, however, each of Meta’s alleged requests
5 *locate only one piece of video* at one possible location, and Meta’s systems require
6 multiple requests to locate multiple pieces. That is inconsistent with the claims.

7
8 **a) A request’s key must be used to locate two distinct
pieces of optimized video at two distinct locations**

9 The claimed method starts by “*receiving a request* to optimize an original
10 source file” from a client device, in which “*the request includ[es] a key* specifying
11 parameters to optimize” the original file. Dkt. 32-2 at 21 (cl. 1); Dkt. 32-7 at 21 (cl.
12 1) (emphasis added). This step is depicted below in red, using exemplary structures
13 from Figure 1 of the asserted patents (recognizing that the claims are not limited to
14 these exact structures).



18 (a) “receiving a request to optimize an original source file from
19 a client [*computing*] device ... the **request including a key** specifying
parameters for optimizing [*or to optimize*] the original source file”¹

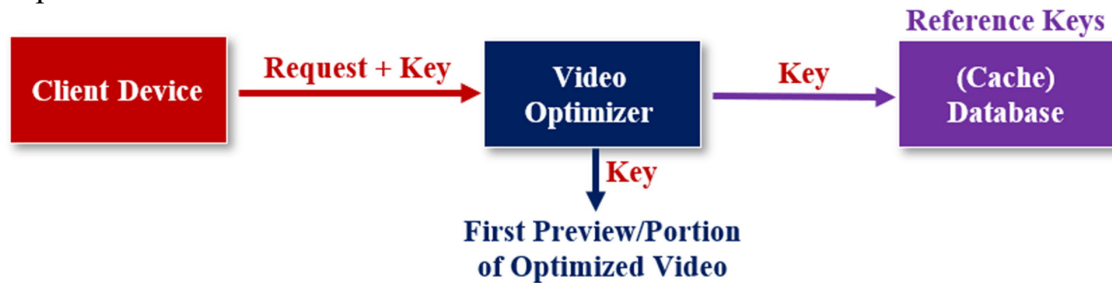
20 Limitation (b) then requires “identifying, *based on the key*, a preview [*or first*
21 *portion*] of an optimized version of the original source file” located on a first video-
22 optimization server/*video optimizer*. *Id.* This step is depicted below in blue.

23
24 ¹ Bracketed italics represent differences between the ’633 and ’442 claims.



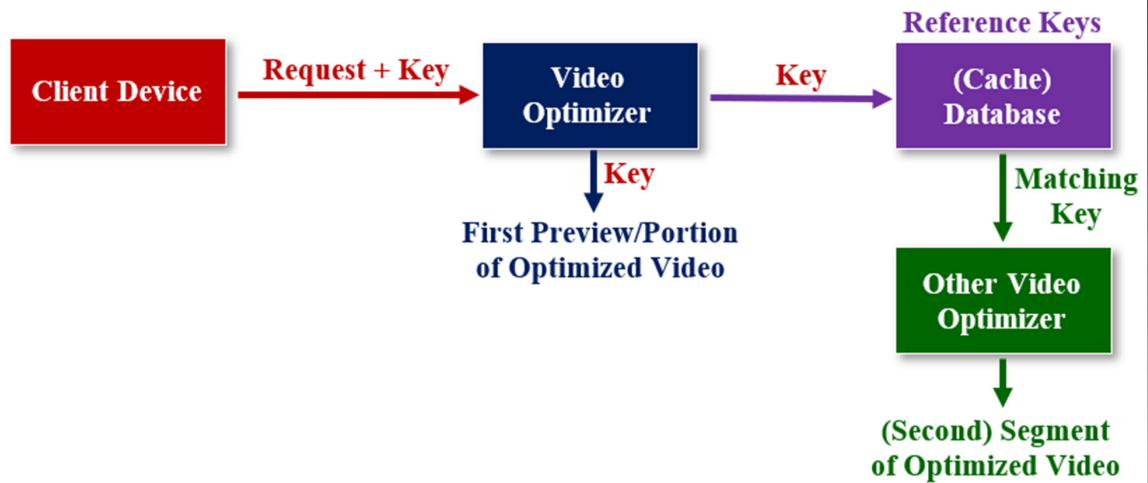
(b) “**identifying, based on the key, a preview** [or *first portion*] of an optimized version of the original source file” on a first video optimization server [or *video optimizer*];

In limitations (c)–(d), the request’s key is also compared to “reference keys” stored in a database to determine if the request’s key matches any reference keys. *Id.* The reference keys correspond to other optimized versions of the file stored on different video optimization servers than the first. *Id.* This step is depicted below in purple.



(c) “**generating a query, based on the key, to a** [cache] database maintaining ... reference keys corresponding to a plurality of optimized versions of source files stored on a plurality of other video optimization servers [or *video optimizers*]” and (d) “**receiving, from the** [cache] database, a response indicating whether the key matches a reference key”

If the request’s key matches a reference key, in limitation (e), “the address of *another* video optimizer storing a segment of the requested optimized ... file” is provided. *Id.*



(e) “receiving from the [cache] database, in response to a reference key matching the key, **the address of another video optimizer** storing a segment of the [requested] optimized version of the original source file”

Finally, the first preview/portion from the first video optimizer and (second) segment from the second video optimizer are stitched together into a single “stitched” video, meaning they are distinct pieces of optimized video. *Id.* This is consistent with how the specification describes these operations. *See, e.g.,* Dkt. 32-1, 16:13–17:50 (stitching already optimized previews/portions with other optimized segments in response to a request for optimized video).

Simply put, the claims require that 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*: the first preview/portion on a first video optimization server/video optimizer (blue), **and** the second segment on a second video optimizer (green).

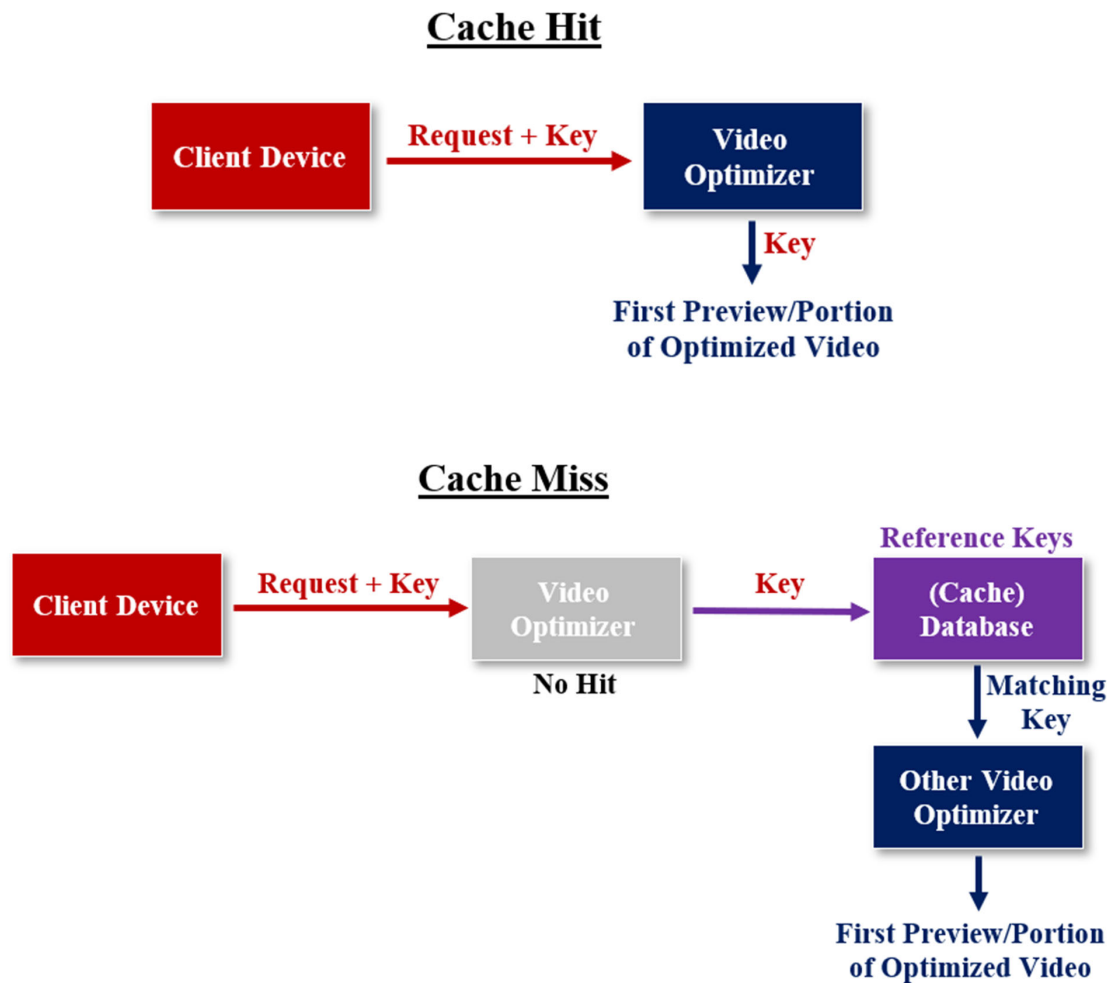
b) Plaintiff alleges that Meta’s requests locate only one piece of optimized video at one location

Plaintiff, however, alleges that Meta’s systems uses a single request’s single key to identify only *one piece of optimized video* at a *single location* (at a first

1 location, but if it is not stored at the first one, then at a second location), and *uses*
2 *separate requests with their own associated keys* to locate multiple pieces of an
3 optimized video file. That is inconsistent with the claims, and nowhere does Plaintiff
4 allege that Meta’s requests for optimized video include a key that is used to locate
5 two distinct pieces of optimized video at two distinct locations.

6 More specifically, to allege infringement of limitation (b) (locating the first
7 preview/portion of optimized video), Plaintiff alleges that Meta’s request includes
8 parameters (either “bytestart”/“byteend” or “range”), to identify a specific piece of a
9 video. Dkt. 32-2 at 13 (“the initial HTTP request includes ‘bytestart’ and ‘byteend’
10 parameters, which directly identify a first portion of optimized video”), 14 (alleging
11 a “cache lookup” is performed for the video using the request’s parameters to locate
12 the requested piece). But for limitation (e) (locating the (second) segment of
13 optimized video), Plaintiff merely contends that Meta’s network searches for *the*
14 *same (first) piece of optimized video* relied upon in limitation (b), and either finds it
15 on a first server (what Plaintiff calls a “cache hit”), or does not and must look
16 elsewhere (what Plaintiff calls a “cache miss”). Dkt. 32-2 at 18–19 (“the query of the
17 cache database...will *either* result in a cache hit or a cache miss. On a cache hit...the
18 cache database will identify where the optimized video segment may be retrieved....
19 On a cache miss...the edge cache will initiate a request to an origin cache” (emphasis
20 added)), Dkt. 32-8 at 17–18 (same). Although Meta disputes Plaintiff’s mapping,
21 Meta adopts that mapping to depict below an example of a cache hit and cache miss
22 consistent with Plaintiff’s allegations. As Plaintiff recognizes, however, *only one or*
23 *the other happens in response to each request, not both. Id.*

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In other words, Plaintiff *never* alleges that, in Meta’s systems, a request’s key is used to locate *two distinct pieces* of video in *two distinct video optimization servers/video optimizers* as the claims’ plain words require, but at best only a single piece of video in one of two possible locations.

Indeed, Plaintiff’s new allegations in other limitations demonstrate that Plaintiff has not plausibly mapped Meta’s systems to the claims, and any effort to do so now would be futile. In limitation (f), Plaintiff now alleges that “[a]fter receiving the first portion of video from the Meta content delivery network ... the client device

1 *will make another HTTP request for a next segment of the optimized version*” of
2 the video, and that “the segments are sequentially retrieved.” Dkt. 32-2 at 20–22
3 (emphasis added); Dkt. 32-8 at 19 (same). In other words, Plaintiff contends that
4 Meta sends sequential requests (which, consistent with the claims, would each have
5 their own associated key) to locate different segments of optimized video one piece
6 at a time. But because the claims require a single request with a single key to locate
7 two distinct pieces of optimized video in two distinct locations, Plaintiff cannot map
8 Meta’s system to the claims.

9 For this reason alone, Plaintiff’s direct infringement claims should be
10 dismissed with prejudice. *See, e.g., Bot M8*, 4 F.4th at 1353–54 (affirming dismissal
11 of complaint containing allegations inconsistent with the claims); *Metricolor*, 2018
12 WL 5099496, at *4 (same).

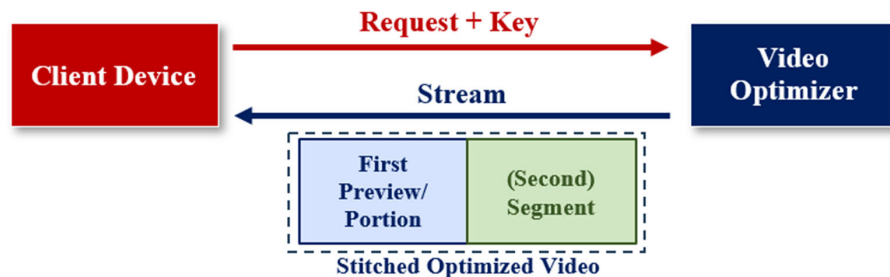
13 **2. Plaintiff also fails to allege that Meta’s systems practice**
14 **additional claim limitations**

15 That is not the only deficiency that remains in Plaintiff’s amended complaint.
16 As another example, limitation (c) requires a “[cache] database maintaining a
17 plurality of reference keys,” with each key “specifying parameters of an optimized
18 version” of the original video. Dkt. 32-2 at 16–17; Dkt. 32-8 at 15–16. Although
19 Plaintiff alleges that Meta uses a “cache management system” that operates as the
20 claimed “cache database,” Plaintiff does not identify anything that would constitute
21 a “database” that “maintain[s] a plurality of reference keys,” or that any reference
22 keys in the database contain the required optimization parameters. Dkt. 32-2 at 16–
23 17 (alleging Meta “transform[s] the key in the client’s request...into a normalized
24 lookup against a database”); Dkt. 32-8 at 15–16 (same).

Meta pointed out this deficiency in its first motion to dismiss, Dkt. 28 at 14, but Plaintiff did not resolve it. Instead, Plaintiff simply added a summary allegation that “[a] person of ordinary skill in the art would recognize that [Meta’s network] will maintain a database containing **information** relating the keys” with parameters and locations of video segments consistent with the claims. Dkt. 32-2 at 16–17; Dkt. 32-8 at 15–16 (emphasis added). This is not sufficient. Not only does Plaintiff fail to allege that the accused database would be expected to have “reference keys” as claimed (limiting itself to nondescript “information”), even if it had, “these allegations consist of nothing more than a recitation of the claim elements,” which is plainly insufficient. *N. Star Innovations Inc. v. Kingston Tech. Co.*, No. SA CV 17-01833, 2018 WL 3155258, at *3 (C.D. Cal. May 7, 2018), *report and recommendation adopted*, 2018 WL 3155708 (C.D. Cal. June 25, 2018). To pass muster, “[t]here needs to be some facts alleged that articulate why it is plausible that the other party’s product infringes that patent claim—not just the patentee asserting, in a conclusory fashion, that it is so.” *Id.* (quoting *N. Star Innovations, Inc. v. Micron Tech, Inc.*, No. 17–506, 2017 WL 5501489, at *2 (D. Del. Nov. 16, 2017)); *see also Weisner*, 2021 WL 6424921, at *1 (dismissing complaint with conclusory allegations in mapping accused product to claims); *Apollo*, 190 F. Supp. 3d at 943 (same); *Metricolor*, 2018 WL 5099496, at *4 (same).

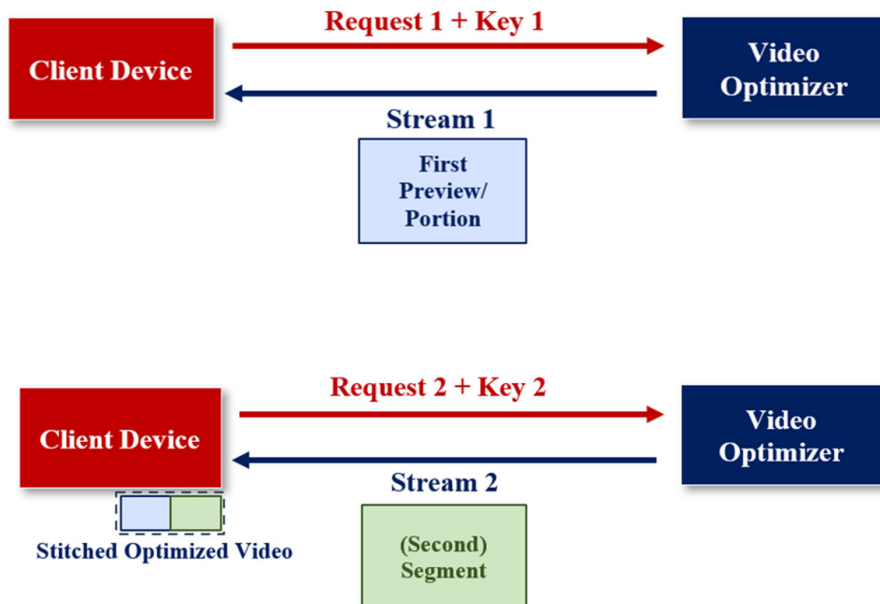
Finally, Plaintiff’s direct infringement allegations fail at limitations (f)–(g) for a brand-new reason. Those limitations require “stitching the first portion of the optimized ... file with the segment of the optimized ... file [*to generate a stitched optimized version of the ... file*]” and then “streaming the stitched optimized version ... for playback on the client device.” Dkt. 32-2 at 21 (cl. 1); Dkt. 32-7 at 21 (cl. 1).

In other words, the plain words of the claim require that the *stitched* version must be streamed.



(f) “**stitching the first portion** of the optimized version of the original source file **with the segment** of the optimized version of the original source file ... [to generate a stitched optimized version],” and (g) streaming the stitched optimized version ... for playback on the client device.”

Plaintiff does not allege that Meta streams a stitched version of the optimized video to the client device. Nor can it, because Plaintiff alleges that Meta’s systems request and retrieve pieces of optimized video one-by-one, rather than locating two pieces and stitching them together. *See supra*. Plaintiff alleges that Meta’s accused systems “deliver[] the [optimized video] segments to the Facebook/Instagram mobile application” or web browser on the client device, which then “stitch[es] together [the segments] in sequence *during playback* to reconstruct a continuous video stream.” Dkt. 32-2 at 22; Dkt. 32-8 at 20. According to Plaintiff’s own allegations, therefore, Meta’s accused systems at best stream *segments* to the client device, not *stitched versions* including multiple segments, leaving it to the client device to perform the alleged stitching.



For this reason as well, Plaintiff's direct infringement claims fail. *See, e.g., Bot M8*, 4 F.4th at 1353–54; *Metricolor*, 2018 WL 5099496, at *4.

B. Plaintiff did not plausibly plead induced infringement

Plaintiff also alleges that Meta induces the infringement of third parties, but these allegations also fail at the pleading stage for several reasons, and Plaintiff has done nothing to rectify the deficiencies Meta previously identified. Dkt. 28 at 16–18.

“A person induces infringement under § 271(b) by actively and knowingly aiding and abetting another's direct infringement.” *C.R. Bard, Inc. v. Advanced Cardiovascular Sys., Inc.*, 911 F.2d 670, 675 (Fed. Cir. 1990). Inducement requires demonstrating “first that there has been direct infringement, and second that the alleged infringer knowingly induced infringement and possessed specific intent to encourage another's infringement.” *Minn. Min. & Mfg. Co. v. Chemque, Inc.*, 303

1 F.3d 1294, 1304–05 (Fed. Cir. 2002) (cleaned up); *Microsoft Corp. v. Phoenix Sols.,*
2 *Inc.*, No. 2:10-cv-03846, 2010 WL 11509230, at *2 (C.D. Cal. Nov. 4, 2010).

3 Plaintiff’s induced infringement claims cannot survive because Plaintiff failed
4 as a threshold matter to allege any direct infringement by anyone. *Limelight*
5 *Networks, Inc. v. Akamai Techs., Inc.*, 572 U.S. 915, 920–21 (2014) (“[I]nducement
6 liability may arise if, but only if, there is direct infringement.” (cleaned up)); *AlterG,*
7 *Inc. v. Boost Treadmills LLC*, 388 F. Supp. 3d 1133, 1143 (N.D. Cal. 2019)
8 (dismissing indirect infringement claim for this reason). Plaintiff does not adequately
9 plead direct infringement by Meta, *supra* Section IV.A, or allege any additional
10 facts—such as method steps performed by others—suggesting anyone else directly
11 infringes its claims either, Dkt. 32, ¶¶11–12, 21–22.

12 Plaintiff offers only a boilerplate recitation of the legal standard that
13 “Defendant knowingly and intentionally induced infringement ... by encouraging,
14 instructing, or otherwise facilitating customers and end users to use the video
15 streaming services on Defendant’s Facebook and Instagram social media platforms.”
16 *Id.*, ¶¶11, 21. Such conclusory and threadbare language is routinely found insufficient
17 to survive a motion to dismiss. *See, e.g., Telebrands Corp. v. GMC Ware, Inc.*, No.
18 15-cv-03121, 2016 WL 6237914, at *7 (C.D. Cal. Apr. 5, 2016) (dismissing
19 “conclusory allegations [that] merely recite the elements of Section 271(b) and lack
20 factual support,” also citing *Enlink Geoenergy Servs., Inc. v. Jackson & Sons Drilling*
21 *& Pump, Inc.*, No. CV 09-03524, 2010 WL 1221861, at *2 (N.D. Cal. Mar. 24, 2010)
22 (same)).

23 Moreover, Plaintiff has thus far alleged the infringement of only method
24 claims, not system claims. Although system claims may be directly infringed through

1 mere “use” of an infringing system, *Aro Mfg. Co. v. Convertible Top Replacement*
2 *Co.*, 377 U.S. 476, 484 (1964), method claims are directly infringed only when
3 someone performs each and every claimed step, *Schumer v. Lab’y Comp. Sys., Inc.*,
4 308 F.3d 1304, 1309 n.3 (Fed. Cir. 2002) (“A method claim is infringed only by one
5 practicing the patented method”). Because Plaintiff alleges that Meta practices each
6 step directly, absent factual allegations that *users* of Meta’s networks also perform
7 each method step, Plaintiff’s inducement claims necessarily fail. *See, e.g., Star*
8 *Envirotech, Inc. v. Redline Detection, LLC*, No. 12-cv-01861, 2014 WL 12589111,
9 at *4 (C.D. Cal. Oct. 30, 2014) (dismissing induced infringement claim when plaintiff
10 alleges direct infringement by defendant of all method steps, then identifies nothing
11 additional to suggest third parties also separately performed all steps).

12 Plaintiff also fails to sufficiently allege that Meta demonstrated a specific
13 intent for infringement. The only potentially relevant allegation Plaintiff makes is
14 that Meta promotes the ability for users to post and watch videos on its network.
15 Dkt. 1, ¶¶12, 22. The charted claims do not involve steps for posting or watching
16 videos; they are directed to steps to “streaming [(optimized)] video” through a
17 backend network. *See supra* Section II (summarizing claim requirements). At best,
18 Plaintiff alleges that Meta encourages users to use its products, but such generic
19 encouragement does not plausibly demonstrate any specific intent for users of Meta’s
20 networks to infringe Plaintiff’s patents. *Avocet Sports Tech., Inc. v. Garmin Int’l,*
21 *Inc.*, No. C 11-04049, 2012 WL 2343163, at *4 (N.D. Cal. June 5, 2012) (dismissing
22 induced infringement claims that merely “indicate that Defendant ... provided other
23 parties with ‘instruction’ and ‘training’ in the use of Defendant[’s] ... own products,”
24 which does not evidence a specific intent to infringe).

1 **C. Plaintiff did not plausibly plead contributory infringement**

2 Plaintiff also alleges that Meta contributes to the infringement of third parties,
3 but just as with its induced infringement claims, these allegations fail for many of the
4 same reasons and more. *See* Dkt. 28 at 18–20 (presenting same arguments in first
5 motion to dismiss).

6 Contributory infringement may exist when someone sells, offers to sell, or
7 imports “a component of a patented machine, manufacture, combination or
8 composition, or a material or apparatus for use in practicing a patented process.”
9 35 U.S.C. §271(c). “To establish contributory infringement, the patent owner must
10 show ... : 1) that there is direct infringement, 2) that the accused infringer had
11 knowledge of the patent, 3) that the component has no substantial noninfringing uses,
12 and 4) that the component is a material part of the invention.” *Fujitsu Ltd. v. Netgear*
13 *Inc.*, 620 F.3d 1321, 1326 (Fed. Cir. 2010).

14 As above, Plaintiff’s failure to plead direct infringement is fatal to its
15 contributory infringement claim. *Supra* Section IV.A; *Aro Mfg. Co. v. Convertible*
16 *Top Replacement Co.*, 365 U.S. 336, 341 (1961) (“[T]here can be no contributory
17 infringement in the absence of a direct infringement.”); *AlterG*, 388 F. Supp. 3d at
18 1143 (dismissing indirect infringement claim for this reason). But Plaintiff’s
19 contributory infringement claims also fail independently.

20 Once again, Plaintiff offers only a boilerplate recitation of the legal standard
21 that “Defendant has also knowingly contributed to the infringement, and continues
22 to do so ... by selling, offering for sale, or importing ... the video streaming services
23 on Defendant’s Facebook and Instagram social media platforms,” which “constitute
24

1 a material part of the inventions,” “are especially made or adapted to infringe,” and
2 are not “suitable for non-infringing use.” Dkt. 32, ¶¶13, 23.

3 To start, it is unclear how Meta can sell, offer for sale, or import a video-
4 streaming service on a social media platform, and Plaintiff provides no factual
5 allegation that Meta does. But even if it could, Plaintiff also alleges no facts
6 suggesting any such services are “material part[s] of the invention,” “especially made
7 or adapted to infringe,” or that they have no suitable “non-infringing alternatives.”
8 *Id.*, ¶¶13, 23. Such threadbare allegations are insufficient to state a claim for
9 contributory infringement. *See RPost Holdings, Inc. v. Goodmail Sys., Inc.*, No. CV
10 09-6668 SVW (SSX), 2010 WL 11596173, at *1 (C.D. Cal. Feb. 4, 2010) (dismissing
11 contributory infringement claim that merely rehashed the legal standard without
12 alleging any facts); *People.ai, Inc. v. SetSail Techs., Inc.*, No. C 20-09148, 2021 WL
13 2333880, at *6 (N.D. Cal. June 8, 2021) (dismissing contributory infringement claim
14 where the pleading provided “no insight into how the [accused products] constitute[]
15 a component of a larger system infringing the patents at issue.”); *Traxcell Techs. LLC*
16 *v. Google LLC*, No. 22-cv-04807, 2022 WL 17072015, at *6–7 (N.D. Cal. Nov. 17,
17 2022) (dismissing contributory infringement claim that “merely parrots the elements
18 of the cause of action”).

19 **D. Plaintiff’s amended complaint should be dismissed with prejudice**

20 The Court should dismiss Plaintiff’s amended complaint with prejudice. “A
21 party may amend its pleading once as a matter of course.” Fed. R. Civ. P. 15(a)(1).
22 Having availed itself of that option, Plaintiff may now only amend its complaint
23 “with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P.
24 15(a)(2).

1 The Court should consider the “undue delay, bad faith or dilatory motive on
2 the part of the movant, repeated failure to cure deficiencies by amendments
3 previously allowed, undue prejudice to the opposing party by virtue of allowance of
4 the amendment, [and the] futility of amendment.” *Eminence Cap., LLC v. Aspeon,*
5 *Inc.*, 316 F.3d 1048, 1051–52 (9th Cir. 2003) (quoting *Foman v. Davis*, 371 U.S. 178,
6 182 (1962)). Under that standard, leave to amend has been denied when a defendant
7 “raised the same issue in [an] initial motion to dismiss which [p]laintiff failed to cure
8 in the Amended Complaint.” *Low v. LinkedIn Corp.*, 900 F. Supp. 2d 1010, 1033
9 (N.D. Cal. 2012); *see also Addiction & Detoxification Inst. L.L.C. v. Carpenter*,
10 620 F. App’x 934, 938 (Fed. Cir. 2015) (affirming denial of leave to amend when the
11 first amended complaint repleaded legal conclusions instead of factual allegations).

12 Here, three related factors weigh in favor of dismissal with prejudice:
13 Plaintiff’s failure to cure deficiencies by past amendment, the futility of any
14 subsequent amendment, and, by extension, the prejudice Meta would suffer through
15 repeated motions to dismiss a futile claim. Despite calling out the deficiencies with
16 Plaintiff’s mapping of the accused Meta systems to limitations (b)–(e), Dkt. 28 at 15,
17 Plaintiff has still failed to present a plausible mapping, Section IV.A, *supra*. Worse,
18 Plaintiff itself now alleges that Meta’s systems operate in a fundamentally different
19 way than the claims (by allegedly requesting optimized video segments one at a time,
20 rather than locating two segments in two distinct locations in response to a request),
21 and thus any attempt to align the accused systems to the claims would be futile.
22 Section IV.A, *supra*.

23 Additional clarifying factual allegations will not save Plaintiff’s claim; only
24 starting over and presenting an entirely different mapping could. But presenting a

1 new mapping would necessarily require Plaintiff to contradict its past allegations
2 (that Meta requests optimized segments of video one segment at a time), which it is
3 not permitted to do. *Azam v. Ruzicka & Wallace LLP*, No. SACV 14-226, 2015 WL
4 13918078, at *4 (C.D. Cal. Sept. 10, 2015) (finding amendment futile when the
5 plaintiff “cannot allege facts that would remedy the above deficiencies without
6 contradicting her prior factual allegations regarding the nature of the Defendants’
7 conduct”); *Reddy v. Linton Indus., Inc.*, 912 F.2d 291, 296–97 (9th Cir. 1990)
8 (“Although leave to amend should be liberally granted, the amended complaint may
9 only allege ‘other facts consistent with the challenged pleading.’” (citation omitted)).
10 Moreover, without a direct infringement claim to stand on, its indirect infringement
11 claims are doomed as well. Sections IV.B–C, *supra*.

12 Given the facial deficiencies in Plaintiff’s mapping, Meta would be prejudiced
13 if Plaintiff were given another opportunity to amend by having to incur the costs to
14 file yet another motion to dismiss. *See, e.g., Davidson v. Apple, Inc.*, No. 16-CV-
15 4942, 2017 WL 3149305, at *8 (N.D. Cal. July 25, 2017) (dismissing claim without
16 leave to amend because “requiring Defendants to file repeated motions to dismiss” is
17 prejudicial); *cf. Andrea Sivakova v. Am. Honda Motor Co.*, No. CV 24-03354, 2025
18 WL 3909141, at *6 (C.D. Cal. Nov. 20, 2025) (“Repeated successful motions to
19 dismiss are both evidence of futility and create prejudice to Defendant.”).

20 **V. CONCLUSION**

21 For the reasons set forth above, the Meta respectfully requests the Court
22 dismiss Plaintiff’s amended complaint in its entirety with prejudice.
23
24

1 Dated: January 28, 2026

PERKINS COIE LLP

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3 By: /s/ Sarah E. Piepmeier

4 Sarah E. Piepmeier, Bar No. 227094
5 SPiepmeier@perkinscoie.com
6 PERKINS COIE LLP
7 505 Howard St Suite 1000,
8 San Francisco, CA 94105
9 Telephone: +1.415.344.7150

10 Alison R. Watkins, Bar No. 253023
11 AWatkins@perkinscoie.com
12 PERKINS COIE LLP
13 3150 Porter Drive,
14 Palo Alto, CA 94304
15 Telephone: +1.650.838.4776

16
17 *Attorneys for Meta Platforms, Inc.*
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20
21
22
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CERTIFICATE OF CONFERENCE

Pursuant to Central District Local Rule 7-3, the undersigned declares under the penalty of perjury: the parties conferred by video conference on January 21, 2026 regarding this motion and were unable to reach an agreement. Plaintiff confirmed its position via email on January 22nd that it did not intend to amend its complaint in light of the issues Meta raised on the meet and confer, and would address the issues as they are raised in Meta's anticipated motion.

Dated: January 28, 2026

PERKINS COIE LLP

By: /s/ Alison R. Watkins
Alison R. Watkins, Bar No. 253023
Attorney for Meta Platforms, Inc.

CERTIFICATION OF COMPLIANCE WITH L.R. 11-6.2

The undersigned, counsel of record for Defendant, certifies that this brief contains 5,113 words (excluding the caption, the table of contents, the table of authorities, the signature block, and this certification), which complies with the word limit of L.R. 11-6.1.

Dated: January 28, 2026

PERKINS COIE LLP

By: /s/ Sarah E. Piepmeier
Sarah E. Piepmeier, Bar No. 227094
Attorney for Meta Platforms, Inc.