UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CRAIG L. LINDEN, Plaintiff, v. RESMED INC.; RESMED CORP.; and RESMED HOLDINGS PTY LIMITED, Defendants.	Case No.: 3:24-cv-1291-JES-DEB **ORDER GRANTING MOTION TO DISMISS** **[ECF No. 24]**

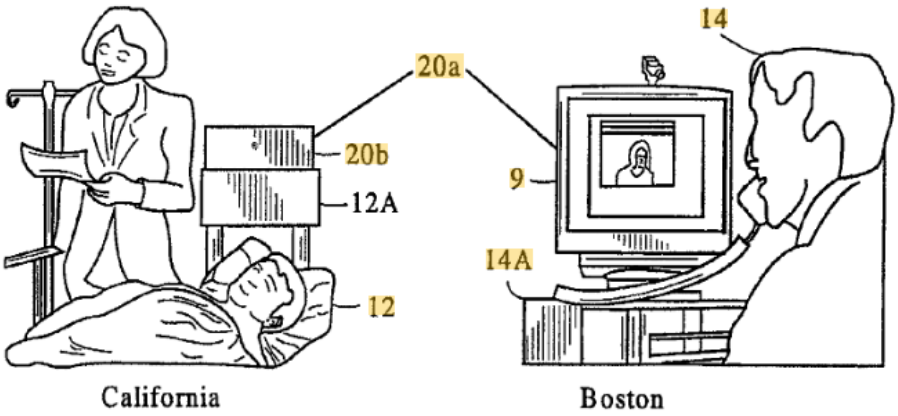
Pending before the Court is the Defendants' Motion to Dismiss. ECF No. 24. Plaintiff filed an opposition, and Defendants filed a reply. ECF Nos. 25, 28. On September 19, 2025, the Court took the matter under submission without oral argument. ECF No. 29. After due consideration and for the reasons discussed below, the Court **GRANTS** Defendants' motion.

I. BACKGROUND

Plaintiff initiated this action, alleging that that Defendants infringed Plaintiff's patent, U.S. Patent No. 9,639,150 ("the '150 Patent"). *Id.* The '150 Patent is titled "Powered Physical Displays on Mobile Devices" and was issued on May 2, 2017. *Id.* ¶ 11. Plaintiff alleges that the patent discloses "various forms and applications of interactive powered display apparatuses and methods, for example, physically and/or electronically

interactive communication enabled end user devices adaptable for use with various other distinct devices and may be remotely controlled to deliver in real-time one or more stimuli, such as air pressure." *Id.* ¶ 13.

While the disclosures in the '150 Patent specifications are fairly broad and purported to cover various interactive powered display apparatuses and methods geared towards different purposes, the claims of the '150 Patent are directed at methods for treating patients. *See* '150 Patent at 16:47-48. The patent includes one embodiment as an exemplar:



The patent further describes this embodiment as follows:

> FIG. 12 generally represents remotely located doctors, therapists, nurses, eldercare professionals, and others using remotely controlled physical and/or electronically interactive devices to help or interact with people or animals with or without locally available human assistants. For example only, a doctor may test the vital signs, strength and/or muscle/nerve reactions of a remote patient while preferably video conferencing with a helper or the patient. Nurses may videoconference and physically and/or electronically interact, treat or help patients perform various tasks.
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> Home based patients may be provided with remotely released medicine vaults under the control and supervision of a qualified remotely located person, whom may also verify pill and/or liquid ingestion, etc. One remote therapist may work with several patients at the same time allowing the patients to remain in their respective dwellings. Various forms of physically and/or

> electronically interactive devices may be designed and manufactured as required for various recovery, therapeutic, or many other remote interactive situations (hands on customer service, etc.).

'150 Patent at 12:56-13:8.

Plaintiff alleges that Defendants manufacture and sell medical devices, for example, sleep devices and ventilation devices. *Id.* ¶ 7. The accused devices in this case include diagnostic and pulmonary treatment devices, including Defendants' Airsense 10 series, Airsense 11 series, AirCurve 10 ASV, AirCurve 10 ST-A, AirCurve 10 VAuto, S, ST, AirCurve 11, AirView software, and myAir software. *Id.* ¶ 1. Plaintiff asserts one cause of action for patent infringement. *Id.* ¶¶ 39-50.

Previously, Defendants filed a first motion to dismiss on the grounds that the '150 Patent does not cover patent-eligible matter under Section 101. ECF No. 9. The Court granted that motion, but gave Plaintiff leave to amend. ECF No. 20. Plaintiff then filed his Amended Complaint ("FAC"), which is the currently operative complaint in this case. ECF No. 22. Defendants now move to dismiss the FAC based on the same Section 101 ground. ECF No. 24.

II. LEGAL STANDARDS

A motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim tests the legal sufficiency of a plaintiff's claim. *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001). When considering the motion, the court must accept as true all well-pleaded factual allegations in the complaint. *Bell Atlantic Corp. v. Twombly*, 556 U.S. 544, 555 (2007). The court need not accept as true legal conclusions cast as factual allegations. *Id.*; *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) ("[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements" are insufficient). Patent eligibility under 35 U.S.C. § 101 may be raised on a 12(b)(6) motion. *Genetic Techs. Ltd. v. Merial LLC*, 818 F.3d 1369, 1373 (Fed. Cir. 2016). However, this is limited to the circumstance where "there are no factual allegations that, taken as true, prevent resolving

the eligibility question as a matter of law." *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1125 (Fed. Cir. 2018).

Section 101 defines the subject matter eligible for patent protection as "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." 35 U.S.C. § 101. Our courts have recognized that laws of nature, natural phenomena, and abstract ideas are exceptions to patentability. *Mayo Collaborative Servs. v. Prometheus Lab'ys, Inc.*, 566 U.S. 66, 70 (2012). The Supreme Court has enunciated a two-step test for courts to apply when determining whether a patented invention targets an abstract idea. The first part of this framework is to determine "whether the claims at issue are directed to a patent-ineligible concept." *Alice Corp. Pty. v. CLS Bank Int'l*, 573 U.S. 208, 217 (2014). If the answer is yes, then the second part of this framework asks whether that patent contains an "inventive concept sufficient to 'transform' the claimed abstract idea into a patent-eligible application." *Id.* at 221 (citation omitted).

III. DISCUSSION

The representative claim for the '150 Patent is recited below:[1]

Claim 1 of the '150 Patent claims the following:

1. A method for treating a patient comprising steps of:

providing a first device at a patient location, the first device being an internet and networking capable multi-media mobile electronic device comprising at least one each of a physical output display and an input transducer,

providing a second device at a remote location, wherein the second device is distinct and separate from the first device;

[1] The Court previously explained by it is appropriate to focus on Claim 1 as the representative claim for the analysis in its previous order (ECF No. 20 at 4), and finds not reason to deviate from that determination here.

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establishing an audio-video and data communication connection between the patient location and the remote location;

conducting an audio-video conference between the patient at the patient location and a treatment provider at the remote location, wherein the audio-video conference comprises the treatment provider eliciting patient information by verbally interacting with the patient;

transmitting the patient information from the first device to the second device by way of the audio-video conference;

using the input transducer to measure a patient parameter at the patient location and produce a first signal indicative of the patient parameter, wherein the patient parameter includes at least one vital sign;

transmitting the first signal to the second device;

forming a diagnosis at least partially based on the patient parameter;

using the first signal at the remote location, the diagnosis and the patient information transmitted before, during or after the audio-video conference to determine a treatment and generating a second signal associated with said treatment;

sending said second signal from said second device to said first device to administer a treatment; and

using said second signal to cause a physical interaction between the physical output display and the patient.

A. Alice Step 1

In assessing patentability under Section 101, the Court first must determine "whether the claims at issue are directed to a patent-ineligible concept." *Alice*, 573 U.S. at 217. In this step, the Court considers the claims "character as a whole" is directed to ineligible subject matter. *Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1257-58 (Fed. Cir. 2016). But the Court must also balance this "basic character" of the claimed subject matter without "describing the claims at 'such a high level of abstraction and untethered from the language of the claims' that the claims would be virtually guaranteed to be abstract." *Trinity Info Media, LLC v. Covalent, Inc.*, 72 F.4th 1355, 1361 (Fed. Cir. 2023).

The Court asks "what the patent asserts to be the focus of the claimed advance over the prior art." *Simio, LLC v. FlexSim Software Prods., Inc.*, 983 F.3d 1353, 1359 (Fed. Cir. 2020). Courts often make this decision by "compar[ing] the claims at issue to those claims already found to be directed at an abstract idea in previous cases." *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1334 (Fed. Cir. 2016).

In the Court's prior order on the first motion to dismiss, it held that Claim 1 is directed at an abstract concept. ECF No. 20 at 6-9. The Court analyzed the cases relied upon by Plaintiff[2] versus those relied upon by Defendants,[3] and found that the '150 Patent's disclosures were more similar to those cited by Defendants and found those cases more persuasive. Further, the Court found that this step does not require more development of the factual record, and such development would not change the analysis in light of the disclosures of the patent itself. *Id.* at 8-9.

Upon review of the new factual allegations in the FAC and the new cases cited by Plaintiff, the Court reaches the same conclusion. Plaintiff cites two additional cases that he contends are similar to the patent at hand. In *Koninklijke KPN N.V. v. Gemalto M2M GmbH*, the patent dealt with a solution to detecting data transmission errors. 942 F.3d 1143 (Fed. Cir. 2019). The patent there disclosed that a known prior method is to generate a "data check" based on the data being transmitted both at the transmitting end and receiving end; if the data check result matches, it can be inferred that the data itself that was transmitted was the same at the transmitting and receiving ends. *Id.* at 1145. However, the "data check" could produce the same value in some situations *even if* the data was different, making it not a perfectly reliable check. *Id.* The patent in that case disclosed the idea of "varying the permutation applied to different data blocks" which would achieve the result

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[2] See *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016) and *Contour IP Holding LLC v. GoPro, Inc.*, 113 F.4th 1373, 1375 (Fed. Cir. 2024).

[3] See *SmileDirectClub, LLC v. Candid Care Co.*, 505 F. Supp. 3d 340 (D. Del. 2022), *Becton, Dickinson & Co. v. Baxter Int'l, Inc.*, 127 F. Supp. 3d 687 (W.D. Tex. 2015), and *Audio Evolution Diagnostics, Inc. v. United States*, 160 Fed. Cl. 513 (2022).

of "reduc[ing] the chances that the same systematic error will product the same defective data check across different data blocks." *Id.* at 1146. The patent detailed different ways to accomplish this, specifically one that would permutate the original data that would interchange the bit position in a data block, for example "bit 1 to position 2, bit 2 to position 4, bit 3 to position 1 and bit 4 to position 3 . . . [b]ased on this permutation, a data block of '1100' would transform into '0101.'" *Id.* at 1147. In discussing *Alice* Step 1, the Federal Circuit stated that "[a]n improved result, without more stated in the claim, is not enough to confer eligibility to an otherwise abstract idea" but to be patent-eligible, "the claims must recite a specific means or method that solves a problem in an existing technological process." *Id.* at 1150. The court there held that the claims did sufficiently recite a specific implementation that was a "specific solution for accomplishing the goal." *Id.* at 1151.

Plaintiff also discusses in detail the case *Finjan, Inc. v. Blue Coat Sys., Inc.*, 879 F.3d 1299, 1303 (Fed. Cir. 2018). That case involved computer security technology, with a method claim that involved "scanning a downloadable and attaching the results of that scan to the downloadable itself in the form of a 'security profile.'" *Id.* at 1303. The court noted that virus-scanning by itself is an abstract idea, and that performing it on an intermediary computer to ensure the files are scanned for viruses before reaching a destination company is also conventional and abstract. *Id.* at 1304. However, the court found that the patent at issue there disclosed more—in particular, the court found at claim construction that the claim language for "security profile" had to include "information about potentially hostile operations produced by a 'behavior-based' virus scan." *Id.* These "behavior-based" virus scans differentiated the claim from traditional "code-matching" virus scans, and that patent was pioneering by the patent holder and was disclosed in the patent's specification. *Id.* Thus, the court held that the claim at issue "employs a new kind of file that enables a computer security system to do things it could not do before." *Id.* at 1305.

Plaintiff argues that the FAC includes many new allegations regarding the limitations of the prior art. ECF No. 25 at 10. For example, Plaintiff cites to new allegations in the FAC of the following prior art shortcomings: (1) prior art systems suffered from a

lack of bandwidth to support robust real-time two-way communication (FAC ¶ 19); (2) prior art systems were hindered by technical problems like "pre-recorded information," "data cross-talk," and "significant delays associated with transmitting force-feedback information" that prevents smooth, synchronized interactions essential for medical diagnosis and treatment (FAC ¶¶ 21, 27), (3) prior art systems relied on devices that focuses on one-way telemanipulation rather than "dynamic, bidirectional feedback loop required for effective remote care" (FAC ¶¶ 18, 20, 22"); and (4) prior art systems showed "limited development . . . of live remote-controlled delivery of various energy forms, via powered interactive physical displays, to humans . . . for health treatments (FAC ¶¶ 22, 30). ECF No. 25 at 10. Plaintiff then argues that the '150 Patent "directly addresses these technological shortcomings by providing a specific means of overcoming the data handling, hardware, and integration problems that were a barrier to effective remote interactive care" by "including detailed steps involving the locations of claim elements and sequence of events necessary to administer treatment." *Id.* at 10-11.

Assuming all the problems that the prior art systems presented as true from the FAC, Plaintiff still fails to link the claim to solving those problems in a non-abstract way. The Court previously described Claim 1 as: "[A] remote telehealth methodology where the patient is in one location with an electronic device and connected to a doctor at another location with a second electronic device. A video/audio connection is established between the two devices, permitting the doctor and patient to communicate, and at least one vital sign of the patient to be measured at his location and transmitted as a first signal to the second device. A diagnosis is formed using the patient information, and a second signal is sent to the first device to cause a physical interaction between the physical output display and the patient." ECF No. 25 at 8. Plaintiff's new arguments do not persuade the Court to alter its previous understanding of the claim. Plaintiff seems to argue that these steps are the "how"—but Plaintiff still provides no further additional arguments on how these steps taken together provide sufficient detail to not be considered abstract. In light of the cases

cited by both sides, the Court is still more persuaded that these steps are more akin to those found abstract in the cases *SmileDirectClub*, *Becton*, and *Audio Evolution*.

The new allegations in the FAC regarding the prior art system limitations do not counsel for an opposite result either. Plaintiff fails to explain how these steps taken together address any of the problems identified. This alone differentiates the new cases that Plaintiff cites in this motion. In both *Finjan* and *Koninklijke*, the patents disclosed specific technological details regarding how a step or steps in the process that were being done that took the claim out of being abstract. In *Koninklijke*, the patent disclosed a specific method to perform a permutation on the data block that was specific and different from how well-know data checks were being done. In *Finjan*, the disclosed details for the "behavior-based" virus scans that were the "scans" in one of the steps on the claim that again were differentiated from generic scans known in the art. Plaintiff fails to point to anything in the patent itself that discloses any specifics that would move the claim from being abstract. Thus, the Court concludes that Claim 1 is still directed at an abstract idea.

B. Alice Step 2

Having found the claim abstract at *Alice* Step 1, the Court will next consider Step 2 of the framework, which asks whether that patent contains an "inventive concept sufficient to 'transform' the claimed abstract idea into a patent-eligible application." *Alice*, 573 U.S. at 221. A patent cannot "simply state a law of nature while adding the words 'apply it.'" *Mayo*, 566 U.S. at 72. Nor can a claim's only inventive concept be "the application of an abstract idea using conventional and well-understood techniques." *Cellspin Soft Inc. v. Fitbit, Inc.*, 927 F.3d 1306, 1316 (Fed. Cir. 2019) (citation and quotation marks omitted). Rather, a claim directed at an abstract idea must include "'additional features' to ensure 'that the claim is more than a drafting effort designed to monopolize the abstract idea.'" *Alice*, 573 U.S. at 221 (cleaned up).

In the Court's order on Defendant's first motion to dismiss, the Court found that Plaintiff failed to identify what in the claim, whether through the physical display device or the ordered combination of the steps, transformed the claim into a patent eligible idea.

ECF No. 20. The Court gave Plaintiff an opportunity to amend the complaint, however, citing Federal Circuit precedent that relied on "concrete allegations" in a complaint that the claimed elements and combinations were not conventional. *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1128-30 (Fed. Cir. 2018). However, the Court also acknowledged that even at the 12(b)(6) stage, "a court need not accept as true allegations that contradict matters properly subject to judicial notice or by exhibit, such as the claims and the patent specification." *Yu v. Apple Inc.*, 1 F.4th 1040, 1046 (Fed. Cir. 2021) (citation omitted); see also *Secured Mail Sols. LLC v. Universal Wilde, Inc.*, 873 F.3d 905, 913 (Fed. Cir. 2017) (holding same); *Cellspin*, 927 F.3d at 1317-18 ("While we do not read *Aatrix* to say that any allegation about inventiveness, wholly divorced from the claims or the specification, defeats a motion to dismiss, plausible and specifical factual allegations that aspects of the claims are inventive are sufficient.").

The Court finds it instructive to review some examples of the concrete and specific allegations the Federal Circuit has found sufficient to defeat a § 101 challenge. In *Aatrix*, the claim term at issue was a "data file." 882 F.3d at 1126. The court found it significant allegations in the amended complaint that added the following: describing the problems present in the prior art regarding computerized form file creation, presenting "specific allegations" directed to the improvements made by the patented inventions including:

> The inventions claimed in the Aatrix Patents allow data to be imported into the viewable electronic form from outside applications. Prior art forms solutions allowed data to be extracted only from widely available databases with published database schemas, not the proprietary data structures of application software. The inventions of the Aatrix Patents allowed data to be imported from an end user application without needing to know proprietary database schemas and without having to custom program the form files to work with each outside application. The inventions of the Aatrix Patents permit data to be retrieved from a user application and inserted into a form, eliminating the need for hand typing in the values and eliminating the risk of transcription error.

Id. at 1127. The allegations also identified that the invention increased efficiencies by saving storage space and reducing a problem known as "thrashing" which slowed prior art

systems. *Id.* The Court concluded that the claim invention was therefore "directed to an improvement in the computer technology itself and not directed to generic components performing conventional activities." *Id.*

Similarly, in *Cellspin*, the patent technology dealt with an application of "capturing, transferring, and publishing data." 927 F.3d at 1316. The allegations in that case stated that prior art devices were bulky and expensive. *Id.* The claimed unconventional improvement in the patent was to "separate the steps of capturing and publishing data so that each step would be performed by a different device linked via a wireless, paired connection." *Id.* This two-step, two-device structure had several benefits including "the device capturing data only needs to serve one core function—capturing data—and does not need to incorporate other hardware and software components that might be needed to store data or publish it onto the Internet," making it smaller and cheaper to build. *Id.* at 1317. The court found these allegations in the complaint sufficient to overcome § 101 concerns even where the descriptions of the inventiveness was not in the specification itself because "[a]s long as what makes the claims inventive is recited by the claims, the specification need not expressly list all the reasons why this claimed structure is unconventional." *Id.*

In *Cooperative Entertainment, Inc. v. Kollective Tech., Inc.*, the technology dealt with transmission of content through a peer-to-peer network. 50 F.4th 127, 131 (Fed. Cir. 2022). The Federal Circuit rejected the district court's characterization of the technology as "merely implement[ing] the abstract idea of preparing and transmitting data over a computer network with generic computer components using conventional technology" based on specific allegations. First, the court found inventiveness in the patent's peer-to-peer network structure because peer nodes were grouped based on simultaneous consumption of common content, which improved over the prior art by providing smoother playback and avoiding issues with delays or buffering. *Id.* at 132. The allegations in the complaint elaborated that the claimed invention addressed capacity issues: "[t]he benefit of this 'bottom up' approach is manifold and generally directed to addressing the capacity problem. If control is passed to the P2P dynamic network, then capacity may be

substantially addressed—and in some cases exclusively addressed—by the P2P dynamic network. In other words, the computing capacity of the client devices consuming the video content is leveraged and used to the maximum extent." *Id.* The court found that these specific allegations were tethered to the disclosures in the patent. *Id.* at 132-33. Second, the court also found the patent's disclosure of trace routes innovative, and relied on allegations in the complaint that the use of trace routes was not well-understood, routine, or conventional by explaining that "the prior art allegedly did not deliver P2P content using content segmentation where "the content segmentation is based on . . . trace route to CDN and P2P server manager." *Id.* at 133.

In contrast to cases that present specific and concrete allegations in the complaint going to inventiveness, the Federal Circuit has reiterated that conclusory allegations or those "wholly divorced" from the claims or specifications cannot defeat a motion to dismiss. *See AI Visualize, Inc. v. Nuance Commc'ns, Inc.*, 97 F.4th 1371, 1379-80 (Fed. Cir. 2024); *Int'l Bus. Machines Corp. v. Zillow Grp., Inc.*, 50 F.4th 1371, 1379 (Fed. Cir. 2022) ("But the district court need not accept a patent owner's conclusory allegations of inventiveness."); *Plotagraph, Inc. v. Lightricks, Ltd.*, No. 2023-1048, 2024 WL 223185, at *4 (Fed. Cir. Jan. 22, 2024) ("dismissal is appropriate where the factual allegations are not plausible, are refuted by the record, or are conclusory").

With this background in mind as to where the Federal Circuit has drawn the line on where allegations in a complaint, the Court reviews the amended complaint. The new allegations are contained in Paragraphs 15-38. *Compare* ECF No. 22 with ECF No. 1. Despite the quantity of added allegations, many of the additional paragraphs are simply conclusory that features of the claimed invention are not well known or routine. *See e.g.,* ECF No. 22 ¶¶ 16, 17, 23, 28, 29, 30, 31, 32, 35-38. These paragraphs offer only conclusions that the patented invention is not routine, transformative, novel, offers a "synergistic combination," and non-conventional. Such conclusory statements without more are "not entitled to the assumption of truth 'because they are no more than legal conclusions.'" *See Gamehancement LLC v. Footage Firm, Inc.*, 801 F. Supp. 3d 578, 591

(E.D. Va. 2025). Other paragraphs included in the new amended complaint cite to problems that existed in the prior art, often citing to disclosures in the specifications of the patent. ECF No. 22 ¶¶ 18-22. However, these paragraphs do not yet tie the claimed invention to how it achieves those purported improvements. The remaining paragraphs attempt to link the claimed invention to the improvements, but are still missing the specificity regarding *how* the invention does that. For example, the amended complaint includes the following paragraphs:

> **Paragraph 24**: citing to patent specifications that "[c]ertain embodiments provide multiple interactive methods and devices for fast and responsive physical and/or electronic stimulation activity, in coordination with remote live audio and/or visual communications."
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> **Paragraph 25**: stating that another embodiment of the invention enables "remotely or local powered devices that physically and/or electronically interact with single or multiple users … in the form of remotely controlled interactive medicine …" and this eliminates the need to prior art devices that suffer from the previously identified disadvantages.
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> **Paragraph 26**: states that the patent provides "seamless coordination of live audio/visual communication with physical interaction" and achieves this by "integrating measurement of patient parameters and administration of physical treatment, distinguishing it from the prior art, including systems for purely communicative or entertainment-focused systems and improving upon the state of the prior art concerning health treatments."
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> **Paragraph 27**: states that "this coordinated approach enables communication in a 'smooth and orderly fashion,' thereby addressing and solving technical problems such as 'communications breakdown that can occur when two persons talk at the same instant' or the 'the data 'cross talk' problems likely to be associated with prior art designs."
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> **Paragraph 33**: states that the invention "envisions a system where ""remotely located doctors, therapists, nurses, eldercare professionals, and others using remotely controlled physical and/or electronically interactive devices to help or interact with people or animals with or without locally available human assistants," providing functionality such as "vital signs, strength and/or muscle/nerve reactions of a remote patient and personnel who may physically and/or electronically interact, treat or help patients perform various tasks." The complaint alleges that "[b]y setting forth the specific steps for interaction,

> diagnosis, and treatment, the ordered combination of the claimed method helps achieve this system in a manner that overcomes the various limitations of the prior art that existed at the time of the invention of the '150 Patent as well as improve upon the state of the prior art."
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> **Paragraph 34**: states that the patent illustrates its technical utility by describing "remotely released medicine vaults under the control and supervision of a qualified remotely located person, whom may also verify pill and/or liquid ingestion, etc." which is a concrete application of the methods as a "way to ensure accurate delivery and monitoring of medical treatment in a manner that overcomes and improves upon the disadvantages of the prior art."

While these paragraphs are tied to disclosures in the patent and purport to give examples of how the claimed invention is inventive over prior art, the allegations, as well as the patent disclosures themselves, still lack technical details on how to achieve these alleged improvements. The allegations in *Aatrix*, *CellSpin*, and *Cooperative Entertainment* each provided details on technical differences and improvements over the prior art that was tied to overcoming known issues in the prior art. In comparison, the disclosures here remain vague and abstract, devoid of technical specificity. Rather, the descriptions of "remote powered devices" or "live audio/visual communication or remote systems" that can measure vital sign or treat patients or dispense medicine are not specific and concrete and rely on generic or existing versions of these systems that presumably already exist outside the patent disclosures. *See, e.g.*, *Int'l Bus. Machines Corp. v. Zillow Grp., Inc.*, 50 F.4th 1371, 1382 (Fed. Cir. 2022) (no inventive concept where the claims mention a function, such as displaying, "without describing how any of those functions are performed"); *DriverDo, LLC v. Soc. Auto Transp., Inc.,* 787 F. Supp. 3d 153, 165 (E.D. Va. 2024) (finding it insufficient to simply "parrot" language that certain features including "vehicle status reports," "intermediate location selection," "interfaces," and "licensing features," as well as "various combinations of these features, including specific combinations of interfaces" were not conventional where the patentee "offers no explanation of the novelty of these features").

Rather, the inventive concept here that Plaintiff argues for seems to be using these already-known systems as a specific step in the method claim. However, this cannot provide the inventive concept *Alice* step 2 requires where the steps are common-place steps that are already performed by people. Simply placing these steps into a remote environment is not inventive. Accordingly, the Court concludes that the claim at issue here remains directed at an abstract idea and despite the added allegations, it contains no inventive concept sufficient to transform it into patent-eligible application.

The final issue for the Court to address is whether leave to amend the complaint should be granted once more. The Court has already granted leave to amend once and Plaintiff added 24 new paragraphs into the amended complaint. However, as discussed above, even after having done so, the Court still finds that the allegations do not sufficiently provide the inventive concept necessary. At this point, given the disclosures in the patent itself, the Court finds that further opportunity to amend would be futile because the amendments still would have to be non-conclusory and supported by the disclosures in the patent. *See Orcinus Holdings, LLC v. Synchronoss Techs., Inc.*, 379 F. Supp. 3d 857, 882 (N.D. Cal. 2019) (holding that attorney argument contained in a complaint as grounds for why claimed elements are not routine or conventional "do not create a factual dispute" that survives a motion to dismiss and such "attorney argument cannot save the Patent because the purported improvements over the prior art have not been captured in the claim language").

Thus, the motion to dismiss for patent ineligibility is **GRANTED** without leave to amend. *See Mobile Acuity Ltd. v. Blippar Ltd.*, 110 F.4th 1280, 1295 (Fed. Cir. 2024) (affirming district court's denial of leave to amend where amendment would be futile because allegations in the complaint cannot "alter the abstract character of the claims as a whole").

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IV. CONCLUSION

After due consideration and for the reasons discussed above, the Court **GRANTS** Defendants' motion to dismiss the complaint without leave to amend. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: February 23, 2026

Honorable James E. Simmons Jr.
United States District Judge