

Judge Pitman Finds Claims Not Abstract in Denial of 12(b)(6) Motion to Dismiss

JUNE 21, 2023

On June 7, 2023, in *Competitive Access Sys., Inc. v. Oracle Corp.*, Judge Pitman denied Defendants Oracle Corporation and Oracle America Inc.'s (collectively, Oracle) Motion to Dismiss. Plaintiff Competitive Access Systems, Inc. (CAS) sued Oracle, alleging infringement of three patents related to network communications. Oracle moved to dismiss CAS's complaint for failure to state a claim on two grounds. First, Oracle challenged two claims of one of the asserted patents ('649) on Section 101 grounds, arguing that the claims were directed to an abstract idea. Second, Oracle argued CAS failed to plausibly allege infringement of a separate patent ('908).

Turning to the first issue, Judge Pitman rejected the argument that the two asserted claims of '649 were insufficient on Section 101 grounds. For *Alice* Step 1, Judge Pitman found that it was overgeneralizing to characterize the asserted claims as being directed to the abstract idea of "sending data to devices over a network using information or parameters." He instead found that the claims recited a "specific improvement to network functionality" that provided a technological solution to the problem of "limited bandwidth and availability of a single network connection" under *Alice* Step One. Having held that the claims were not directed to an abstract idea, Judge Pitman did not proceed to *Alice* Step Two.

Turning to the second issue, Judge Pitman rejected the argument that CAS failed to plausibly allege infringement of the '908 patent. Specifically, Oracle argued that CAS failed to allege that the Accused Products contained specific limitations found in two of the claims. CAS responded that it was not required to map each element and sub-element of the claims onto the Accused Products. Judge Pitman agreed and explained that, in patent cases, a plaintiff's complaint need only "place the alleged infringer on notice of what specific activity is being accused of infringement." Having drawn all inferences in CAS's favor, he found that CAS's complaint and accompanying claim charts sufficiently put Oracle on notice of infringement.

Having rejected both arguments, Judge Pitman denied Oracle's Motion to Dismiss.

Abhay Ram, a Summer Associate in Winston's Dallas office, assisted with this briefing.

1 Min Read

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