

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Brightex Bio-Photonics, LLC v. L'Oreal USA, Inc.

Brightex · No. 24-cv-07919-JCS · Decided May 7, 2025

SUMMARY

The United States District Court for the Northern District of California grants Brightex Bio-Photonics, LLC’s motion under Federal Rule of Civil Procedure 54(b). The court directs entry of a separate partial judgment concerning Brightex’s infringement claim for U.S. Patent No. 9,842,358, which had been dismissed with prejudice under 35 U.S.C. § 101, while the infringement claim involving U.S. Patent No. 9,542,595 remains pending. The court finds no just reason for delaying an immediate appeal and declines to stay litigation concerning the remaining patent.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Joseph C. Spero
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 7, 2025
DOCKET	24-cv-07919-JCS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 54(b) for entry of final judgment on its infringement claim concerning U.S. Patent No. 9,842,358 after that claim was dismissed with prejudice under 35 U.S.C. § 101, while infringement claims concerning a second patent remained pending.
STANDARD OF REVIEW	The court applied the two-step Rule 54(b) inquiry: whether the disposition was final as to one or more claims and whether there was any just reason for delay, considering judicial-administrative interests and equitable factors.
PRECEDENTIAL VALUE	Unknown; unpublished district court order
PARTIES	Brightex Bio-Photonics, LLC v. L'Oreal USA, Inc.

TOPICS

civil procedure

appellate procedure

patent eligibility

intellectual property

commercial litigation

PRACTICE AREAS

civil procedure

appellate procedure

patent law

intellectual property

commercial litigation

QUESTIONS PRESENTED

1. Whether dismissal with prejudice of the '358 patent infringement claim constituted a final adjudication of that claim for purposes of Rule 54(b).
2. Whether there was any just reason to delay entry of final judgment and immediate appeal of the dismissed '358 patent claim while the '595 patent claim remained pending.
3. Whether the remaining litigation concerning the '595 patent should be stayed if Rule 54(b) judgment were entered.

HOLDINGS

1. A dismissal with prejudice of the claim for infringement of the '358 patent was a final adjudication of that claim and satisfied the first requirement for Rule 54(b) judgment.
2. There was no just reason for delay because the § 101 patent-eligibility determination concerning the '358 patent involved discrete claims and specifications and would not require duplicative appellate review with later proceedings concerning the '595 patent.
3. A stay of the litigation concerning the '595 patent was unwarranted.

KEY QUOTATIONS

“Rule 54(b) allows a district court to direct entry of final judgment as to one or more of the claims while others remain pending if the court expressly determines that there is no just reason for delay.” (at 4)

“The only remaining issue is whether Brightex has established that there is no just reason for delay. The Court finds that it has.” (at 8)

“Therefore, as in Lexos, entry of a Rule 54(b) judgment as to the '358 Patent will not result in duplicative appeals to the Federal Circuit even assuming that the Court concludes on summary judgment that the '595 Patent is invalid under § 101.” (at 11)

“For these reasons, the Court finds that there is no just reason for delay in entering judgment as to the '358 Patent.” (at 12)

FACTUAL BACKGROUND

Brightex asserted infringement of two unrelated patents concerning skin-treatment recommendations generated by analyzing digital images and identifying skin characteristics. The court had dismissed the '358 patent claim with prejudice under § 101, while the '595 patent claim remained pending. Although some of the accused websites and applications overlapped, the patents had different specifications and claims, and the court

concluded that the § 101 analysis for the '358 patent was discrete and would not require duplicative appellate review.

PROCEDURAL HISTORY

Brightex sued L'Oreal for infringement of the '358 and '595 patents. On March 6, 2025, the court dismissed the '358 patent infringement claim with prejudice under 35 U.S.C. § 101 and *Alice Corp. Pty. Ltd. v. CLS Bank International*. Brightex then sought Rule 54(b) certification and entry of a separate final judgment to permit an immediate appeal. The court granted the motion and declined to stay the remaining '595 patent litigation.

DISPOSITION

other

CASES CITED

- *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208 (2014)
- *W.L. Gore & Assocs., Inc. v. Int'l Med. Prosthetics Rsch. Assocs., Inc.*, 975 F.2d 858, 861–62 (Fed. Cir. 1992)
- *Sears, Roebuck & Co. v. Mackey*, 351 U.S. 427, 436 (1956)
- *Tessera, Inc. v. Toshiba Corp.*, No. 15-CV-02543-BLF, 2017 WL 11002227 (N.D. Cal. Mar. 6, 2017)
- *Curtiss-Wright Corp. v. General Elec. Co.*, 446 U.S. 1, 6–8 (1980)
- *Catlin v. United States*, 324 U.S. 229, 233 (1945)
- *NantWorks, LLC v. Niantic, Inc.*, No. 20-CV-06262-LB, 2023 WL 2633211, at *1–2 (N.D. Cal. Mar. 24, 2023)
- *Maxell, Ltd. v. VIZIO, Inc.*, No. 21-CV-6758-GW-DFMX, 2022 WL 2167459, at *1–3 (C.D. Cal. May 13, 2022)
- *Lexos Media IP, LLC v. eBay Inc.*, No. 23-CV-06314-RFL, 2024 WL 11002227 (N.D. Cal. May 13, 2024)