

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Sanas.AI Inc. v. Krisp Technologies, Inc.

No. 25-cv-05666-RS (N.D. Cal. Dec. 19, 2025) · No. 25-cv-05666-RS · Decided December 19, 2025

SUMMARY

The United States District Court for the Northern District of California denied Krisp Technologies, Inc.’s successive Rule 12(b)(6) motion to dismiss claims in Sanas.AI Inc.’s first amended complaint. The court held that Federal Rule of Civil Procedure 12(g)(2) bars a party from bringing a later Rule 12 motion raising an objection available but omitted from an earlier motion, while noting that the failure-to-state-a-claim defense may be raised under Rule 12(c) or at trial.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Richard Seeborg
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 19, 2025
DOCKET	25-cv-05666-RS
DISPOSITION	denied
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss claims in the plaintiff's first amended complaint. The court denied the motion as an improper successive Rule 12(b)(6) motion.
STANDARD OF REVIEW	The court applied the Federal Rules of Civil Procedure governing successive motions under Rules 12(g)(2) and 12(h)(2).
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation.

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- patent eligibility
- commercial litigation

PRACTICE AREAS

- civil procedure
- intellectual property
- patent law
- commercial litigation

QUESTIONS PRESENTED

1. Whether a defendant may file a successive pre-answer Rule 12(b)(6) motion raising a defense that was available but omitted from an earlier Rule 12 motion concerning the same complaint.
2. Whether judicial-economy considerations permit the court to decide an otherwise impermissible successive Rule 12(b)(6) motion on the merits.

HOLDINGS

1. A party that has made a Rule 12 motion may not make another Rule 12 motion raising a defense or objection that was available but omitted from the earlier motion. Accordingly, a defendant may not file a successive pre-answer Rule 12(b)(6) motion raising a failure-to-state-a-claim defense against the same complaint.
2. Judicial-economy considerations do not permit the court to decide the merits of an otherwise impermissible successive Rule 12(b)(6) motion.

KEY QUOTATIONS

“Under Rule 12(g)(2), “a party that makes a motion under [Rule 12] must not make another motion under this rule raising a defense or objection that was available to the party but omitted from its earlier motion.””
(at 1)

“However, even if judicial economy were served by deciding this successive motion on the merits, a proposition this court doubts, the Federal Rules of Civil Procedure control, and they do not permit successive Rule 12(b)(6) motions on the same complaint.” (at 2)

FACTUAL BACKGROUND

Sanas and Krisp compete in real-time accent-conversion and background-noise-reduction technology and explored a possible business collaboration in 2021 and 2022. Sanas sued Krisp in July 2025, asserting patent infringement and related claims, and later filed a first amended complaint asserting patent, co-inventorship, co-ownership, trade-secret, false-advertising, and unfair-competition claims. Krisp filed multiple motions to dismiss, including the November 2025 motion challenging Sanas's patent claims on patent-eligibility grounds.

PROCEDURAL HISTORY

Sanas filed suit alleging patent infringement and related non-patent claims. Krisp filed an answer, counterclaims, and an initial motion to dismiss; after Sanas amended its complaint, that motion was denied as moot. Krisp later filed additional motions addressing non-patent and patent claims, and the court denied the October motion in full while granting in part and denying in part Sanas's motion. After the parties filed answers to outstanding claims, Krisp filed the successive November Rule 12(b)(6) motion denied in this order.

DISPOSITION

denied

CASES CITED

- In re Apple iPhone Antitrust Litigation, 846 F.3d 313, 317-18 (9th Cir. 2017)
- Apple Inc. v. Pepper, 587 U.S. 273 (2019)

OPINION

Sanas.AI Inc. v. Krisp Technologies, Inc.

PER CURIAM.

1 2 3 4 5 6

7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9

SANAS.AI INC.,

10 Case No. 25-cv-05666-RS Plaintiff, 11

v. ORDER DENYING MOTION TO

12 DISMISS

KRISP TECHNOLOGIES, INC.,

13 Defendant. 14

15 I. INTRODUCTION

16 Defendant Krisp Technologies (“Krisp”) has filed a second Rule 12(b)(6) motion to 17 dismiss claims asserted in Plaintiff Sanas AI’s first amended complaint. This successive motion is 18 improper under Rule 12 as set forth below and therefore denied.

19 II. BACKGROUND

20 Sanas AI (“Sanas”) and Krisp are competitors in the market for real-time accent 21 conversion and background noise reduction technology. The companies explored a possible 22 business collaboration throughout 2021 and 2022, but the conversations stopped abruptly in Fall 23 2022. Then, on July 7, 2025, Sanas filed a complaint against Krisp, alleging patent infringement among other non-patent claims. Two months later, on September 8, 2025, Krisp filed an answer 24 and patent and non-patent counterclaims against Sanas as well as a motion to dismiss (“Krisp’s 25 September Motion to Dismiss”). The counterclaims asserted violations of the California Unfair 26 Practices Act (“UPA”), Cal. Bus. & Prof. Code §§ 17043, 17044 et seq., and California’s UCL, id. 27 1 Krisp and competition generally. 2 Thereafter, on September 22, 2025, Sanas amended its complaint, and Krisp’s September 3 Motion to Dismiss was denied as moot. The first amended complaint asserts patent infringement, 4 co-inventorship and co-ownership, misappropriation of trade secrets in violation of 18 U.S.C. § 1836 and Cal. Civ. Code § 3426 et seq., false advertising in violation of the Lanham Act and Cal. 5 Bus. & Prof. Code § 17500 et seq., and unfair competition in violation of Cal. Bus. & Prof. Code § 6 17200 et seq. 7 On September 29, 2022, Sanas moved to dismiss Krisp’s state-law counterclaims for 8 violations of the California’s UPA and UCL under Rule 12(b)(6). Krisp’s September Motion to 9 Dismiss having been denied as moot after the first amended complaint was filed, Krisp filed 10 another motion to dismiss on

October 6, 2025 (“Krisp’s October Motion to Dismiss”), regarding 11 Sanas’ trade secret, co-inventorship and co-ownership claims, and false advertising claims. Then, 12 on November 19, 2025 Krisp filed another motion to dismiss Sanas’ patent claims (Krisp’s 13 November Motion to Dismiss”). On December 1, 2025, this court denied Krisp’s October Motion 14 to Dismiss Sanas’ non-patent claims in its entirety and denied in part and granted in part Sanas’ 15 motion to dismiss. On December 15, 2025, Krisp and Sanas each filed their answers to the 16 outstanding claims. 17

III. LEGAL STANDARD

18 Under Rule 12(g)(2), “a party that makes a motion under [Rule 12] must not make another 19 motion under this rule raising a defense or objection that was available to the party but omitted 20 from its earlier motion.” Fed. R. Civ. Proc. 12(g)(2). Rule 12(h)(2) makes clear that failure-to- 21 state-a-claim defenses that are not raised in a Rule 12 motion are not waived. Fed. R. Civ. Proc. 22 12(h)(2). They may be raised under Rule 7(a), Rule 12(c), or at trial. *Id.* Accordingly, a defendant 23 who fails to assert a Rule 12(b)(6) defense, i.e. a failure-to-state-a-claim defense, in a pre- 24 answer Rule 12 motion cannot assert that defense in a later pre-answer motion under Rule 25 12(b)(6), but the defense may be asserted in other ways. In *re* Apple iPhone Antitrust Litig., 846 26 F.3d 313, 317–18 (9th Cir. 2017), *aff’d sub nom.* Apple Inc. v. Pepper, 587 U.S. 273 (2019) (citing 27 Fed. R. Civ. P. 12(h)(2)).

IV. DISCUSSION

2 Krisp’s November Motion to Dismiss is a successive Rule 12(b)(6) motion to dismiss 3 claims asserted in Sanas’ first amended complaint. Krisp argues this successive motion regarding 4 || patent eligibility is for the sake of “judicial economy,” in light of the “numerous pending motions” 5 and “prolonged... pleadings stage.” Dkt. 49 at 2. However, even if judicial economy were served 6 || by deciding this successive motion on the merits, a proposition this court doubts, the Federal Rules 7 of Civil Procedure control, and they do not permit successive Rule 12(b)(6) motions on the same 8 complaint. As Krisp itself notes, “Krisp [can] file this this motion under a Rule 12(c) Motion for 9 Judgment on the Pleadings after the close of the pleadings,” as Krisp “had intended to do.” Dkt. 49 10 at 2. The motion is denied. 11 12 || ITISSO ORDERED. 14 Dated: December 19, 2025

RICHARD SEEBORG

= 16 Chief United States District Judge = 17 18 19 20 21 22 23 24 25 26 27

28 ORDER DENYING MOTION TO DISMISS

. CASE No. 25-cv-05666-RS