

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

OPINION

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

PER CURIAM.

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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)).

1 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

