

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Clear Imaging Research LLC v. Google LLC

Clear Imaging · No. 25-cv-00221-GPC-BLM · Decided December 4, 2025

OPINION

Clear Imaging Research LLC v. Google LLC

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 CLEAR IMAGING RESEARCH LLC, Case No.: 25-cv-00221-GPC-BLM 12 Plaintiff,

ORDER GRANTING DEFENDANT’S

13 v. PARTIAL MOTION TO DISMISS

14 GOOGLE LLC,

[ECF No. 31] 15 Defendant. 16 17 On September 2, 2025, Defendant Google LLC (“Google”) filed a partial motion to 18 dismiss Plaintiff Clear Imaging Research LLC (“CIR”)’s complaint pursuant to Federal 19 Rule of Civil Procedure 12(c). ECF No. 31. CIR filed a response in opposition to Google’s 20 motion on October 7, 2025, ECF No. 45, to which Google replied on October 24, 2025, 21 ECF No. 46. The Court held a motion hearing on November 21, 2025. ECF No. 47. For 22 the reasons below, the Court GRANTS Google’s partial motion to dismiss CIR’s 23 complaint. 24 // 25 // 26 27

1 BACKGROUND

2 On January 30, 2025, CIR filed a complaint against Google, alleging infringement 3 of U.S. Patent Nos. 9,800,788 (the “’788 Patent”), 9,860,450 (the “’450 Patent”), 9,013,587 4 (the “’587 Patent”), 11,595,583 (the “’583 Patent”), 10,171,740 (the “’740 Patent”), 5 11,165,961 (the “’961 Patent”), and 11,457,149 (the “’149 Patent”) (collectively, the 6 “asserted patents”). ECF No. 1. Specifically, CIR alleges that Google has infringed the 7 asserted patents by utilizing CIR’s digital camera technology in numerous Google 8 products, specifically Google Pixel smartphones. ECF No. 1, ¶¶ 9-18, 22-98. CIR further 9 alleges that Google induces infringement of the claims of the asserted patents by 10 “encourag[ing] and instruct[ing] its customers and end users” to use its products “in ways 11 that directly infringe” the asserted patents. Id. ¶¶ 27, 38, 49, 60, 71, 82, 93. 12 This Court previously dismissed Plaintiff’s claims as to the ’587 Patent, the ’740 13 Patent, the ’961 Patent, and the ’149 Patent—collectively, the “Combined-Image 14 Patents”—on the grounds that the Combined-Image Patents claimed patent-ineligible 15 subject matter, and, therefore, were invalid under 35 U.S.C. § 101. See ECF No. 26. 16 The three remaining patents—

the '583 Patent entitled “method and apparatus for 17 capturing digital video,” ECF No. 1-23; the '450 Patent entitled “method and apparatus to 18 correct digital video to counteract effect of camera shake,” ECF No. 1-15; and the '788 19 Patent entitled “method and apparatus for using motion information and image data to 20 correct blurred images,” ECF No. 1-11—share the same specification. See, ECF No. 1-11 21 ('788 Patent), at 14-19; ECF No. 1-23 ('583 Patent), at 15-20; ECF No. 1-15 ('450 Patent), 22 at 13-18. The invention disclosed in the shared specification “processes image data in order 23 to correct an image for distortion caused by imager movement or by movement of the 24 subject being imaged.” ECF No. 1-11, at 2:34-36; see also *id.* at 1:28-32 (“More 25 specifically, this invention relates to processing of digitized image data in order to correct 26 27 1 for image distortion caused by relative motion between the imaging device and the Subject 2 at the time of image capture, or by optical distortion from other sources.”). 3 On September 2, 2025, Google moved to dismiss additional parts of CIR’s complaint 4 pursuant to Rule 12(c). ECF No. 31. Specifically, Google argues that CIR cannot allege 5 claims for infringement of the '583 and '788 patents (combined, the “Pixel-Shifting 6 Patents”) because all the claims in the Pixel-Shifting Patents claim patent-ineligible subject 7 matter, and, therefore, are invalid under 35 U.S.C. § 101. See generally ECF No. 31.

8 LEGAL STANDARDS

9 I. Rule 12(c) 10 Ninth Circuit procedural law for Rule 12(c) motions applies here. *Imation Corp. v. 11 Koninklijke Philips Electronics N.V.*, 586 F.3d 980, 984 (Fed. Cir. 2009) (“In reviewing a 12 grant of judgment on the pleadings, this court applies the procedural law of the regional 13 circuit.”). “In the Ninth Circuit, a ‘motion for judgment on the pleadings faces the same 14 test as a motion under Rule 12(b)(6).’” *W. View Rsch., LLC v. Bayerische Motoren Werke 15 AG*, 226 F. Supp. 3d 1071, 1076 (S.D. Cal. 2016) (quoting *McGlinchy v. Shell Chem. Co.*, 16 845 F.2d 802, 810 (9th Cir. 1988)); see also *Cafasso, U.S. ex rel. v. Gen. Dynamics C4 17 Sys., Inc.*, 637 F.3d 1047, 1054 n.4 (9th Cir. 2011) (noting that Rule 12(c) and Rule 12(b)(6) 18 are “functionally identical” and the same standard of review applies to motions brought 19 under either rule). Thus, under Rule 12(c), a complaint “must contain sufficient factual 20 matter, accepted as true, to state a claim for relief that is plausible on its face.” *Id.* (quoting 21 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). “A claim has facial plausibility when the 22 plaintiff pleads factual content that allows the court to draw the reasonable inference that 23 the defendant is liable for the misconduct alleged.” *Id.*; see also *Cafasso, U.S. ex rel. v. 24 Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047 (9th Cir. 2011) (applying the *Iqbal* standard 25 of review to Rule 12(c) motions). “Threadbare recitals of the elements of a cause of action, 26 supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678. 27 1 When reviewing a Rule 12(c) motion, the court accepts all facts alleged in the 2 complaint as true and draws all reasonable inferences in favor of the non-moving party. 3 *Chubb Custom Inc. v. Space Sys./Loral, Inc.*, 710 F.3d 946, 956 (9th Cir. 2013). Although 4 a court generally may not consider evidence outside the pleadings in reviewing a Rule 12(c) 5 motion, it may properly consider “documents attached to the complaint, documents 6 incorporated

by reference in the complaint, or matters of judicial notice[.]” *United States 7 v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003); see also *Yang v. Dar Al-Handash 8 Consultants*, 250 F. App’x 771, 772 (9th Cir. 2007). In the realm of patents, “a court need not accept as true allegations that contradict matters properly subject to judicial notice or by exhibit, such as the claims and patent specification.” *Secured Mail Sols., LLC v. Universal Wilde*, 873 F.3d 905, 913 (Fed. Cir. 2017) (internal quotation marks and citation omitted). 13 II. Patent Eligibility Under 35 U.S.C. § 101

14 Section 101 of the Patent Act defines patentable subject matter as “any new and
15 useful process, machine, manufacture, or composition of matter, or any new and useful
improvement thereof.” 35 U.S.C. § 101. There are “three specific exceptions to § 101’s broad
patent-eligibility principles: laws of nature, physical phenomena, and abstract ideas.” *Bilski v. Kappos*, 561 U.S. 593, 601 (2010). These exceptions ensure “that patent law not inhibit further
discovery by improperly tying up the future use of these building blocks of human ingenuity.”
Alice Corp. v. CLS Bank Int’l, 573 U.S. 208, 216 (2014) (internal quotation marks and citation
omitted); see also *CareDx, Inc. v. Natera, Inc.*, 40 F.4th 1371, 22 1376 (Fed. Cir. 2022) (“These
exceptions exist because monopolizing the basic tools of scientific work ‘might tend to impede
innovation more than it would tend to promote it.’”) 24 (quoting *Mayo Collaborative Servs. v. Prometheus Lab’ys, Inc.*, 566 U.S. 66, 71 (2012)). 25 “The Supreme Court has established a two-
step framework for evaluating patent eligibility under § 101.” *Int’l Bus. Machs. Corp. v. Zillow Grp., Inc.*, 50 F.4th 1371, 1377 27 1 (Fed. Cir. 2022) (citing *Alice*, 573 U.S. at 217; *Mayo*, 566
U.S. at 70–73). Under step one, the court “determine[s] whether the claim is ‘directed to’ a
‘patent-ineligible concept,’ such as an abstract idea.” *Coop. Ent., Inc. v. Kollektive Tech., Inc.*,
50 F.4th 127, 130 (Fed. Cir. 4 2022) (quoting *Alice*, 573 U.S. at 217). If so, the court proceeds to
step two and “examine[s] the elements of the claim to determine whether it contains an
“inventive concept” sufficient to “transform” the claimed abstract idea into a patent-eligible
application.” *Id.* 7 (quoting *Alice*, 573 U.S. at 221). At step two, the court determines “whether
the claim elements, individually and as an ordered combination, contain an inventive concept,
which is more than merely implementing an abstract idea using ‘well-understood, routine, [and]
conventional activities previously known to the industry.’” *Id.* (quoting *Content Extraction 11
& Transmission LLC v. Wells Fargo Bank, Nat’l Ass’n*, 776 F.3d 1343, 1347–48 (Fed. Cir. 12
2014)). 13 “Patent eligibility under § 101 is a question of law that may contain underlying issues
14 of fact.” *CardioNet, LLC v. InfoBionic, Inc.*, 955 F.3d 1358, 1367 (Fed. Cir. 2020). “Thus, 15
patent eligibility may be resolved at the Rule 12 stage only if there are no plausible factual 16
disputes after drawing all reasonable inferences from the intrinsic and Rule 12 record in 17
favor of the non-movant.” *Coop. Ent.*, 50 F.4th at 130. Indeed, the Federal Circuit has 18 “repeatedly
recognized that in many cases it is possible and proper to determine patent 19 eligibility under 35
U.S.C. § 101” at the Rule 12 stage, *Genetic Techs. Ltd. v. Merial L.L.C.*, 20 818 F.3d 1369, 1373–
74 (Fed. Cir. 2016) (citations omitted), specifically “where the 21 undisputed facts, considered

under the standards required by that Rule, require a holding of ineligibility under the substantive standards of law,” *PersonalWeb Techs. LLC v. Google LLC*, 8 F.4th 1310, 1314 (Fed. Cir. 2021) (citation omitted); see also *W. View Rsch., LLC*, 226 F. Supp. 3d at 1076 (finding patent ineligible on Rule 12(c) motion). “In many cases, too, evaluation of a patent claim’s subject matter eligibility under § 101 can proceed even before a formal claim construction.” *Genetic Techs.*, 818 F.3d at 1373–74 (citations omitted); see *TriDim Innovations LLC v. Amazon.com, Inc.*, 207 F. Supp. 3d 1073, 1078 (N.D. Cal. 2016) (“In this case, parties do not dispute the proper construction of any terms in the asserted claims, and so the Court finds it unnecessary to engage in claim construction before addressing the validity of the patents under Section 101.”).

5 DISCUSSION

To prove that the claims in the Pixel-Shifting Patents claim ineligible subject matter and are invalid under § 101, Google relies on two representative claims: independent claim 15 of the ’583 Patent, and independent claim 8 of the ’788 Patent (together, the “exemplary claims”). ECF 31, at 12. As it did in reviewing the eligibility of the Combined-Image Patents, the Court will first analyze the subject matter eligibility of the two specific exemplary claims and then assess whether the two claims are properly representative of the remaining claims. I. Alice Step One To determine whether the claims are patentable under § 101, the Court begins with Alice step one. “At step one, the district court evaluates whether patent claims are directed to an abstract idea.” *Splunk Inc. v. Cribl, Inc.*, 662 F. Supp. 3d 1029, 1040 (N.D. Cal. 2023) (citing *Alice*, 573 U.S. at 218). The step one inquiry asks “what the patent asserts to be the focus of the claimed advance over the prior art.” *Yu v. Apple Inc.*, 1 F.4th 1040, 1043 (Fed.

19 Cir. 2021) (citation omitted). Because “[a]t some level, ‘all inventions . . . embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas,” *Alice*, 573 U.S. at 217 (quoting *Mayo*, 566 U.S. at 71), a patent is not ineligible merely “because it involves an abstract concept,” *id.* (citing *Diamond v. Diehr*, 450 U.S. 175, 187 (1981)). Rather, “[if] the focus of the claim is a specific and concrete technological advance, for example an improvement to a technological process or in the underlying operation of a machine, . . . the claim is eligible.” *Adasa Inc. v. Avery Dennison Corp.*, 55 F.4th 900, 908 (Fed. Cir. 2022); see also *BSG Tech LLC v. BuySeasons, Inc.*, 899 F.3d 1281, 1287 (Fed. 27

1 Cir. 2018) (“For an application of an abstract idea to satisfy step one, the claim’s focus must be on something other than the abstract idea itself.”); *Contour IP Holding LLC v. GoPro, Inc.*, 113 F.4th 1373, 1379 (Fed. Cir. 2024) (“[In Alice step one], we look to whether the claims are directed to a specific means or method that improves the relevant technology rather than simply being directed to a result or effect that itself is the abstract idea.” (internal quotation marks and citations omitted)). In conducting the step one inquiry, courts “must focus on the language of the asserted claims themselves, considered in light of the specification.” *Yu*, 1 F.4th at 1043 (cleaned up). Further, courts must “be careful to avoid oversimplifying the claims by

looking at 10 them generally and failing to account for the specific requirements of the claims.” Id. at 11 1371; *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1337 (Fed. Cir. 2016) (“describing 12 the claims at such a high level of abstraction and untethered from the language of the claims 13 all but ensures that the exceptions to § 101 swallow the rule”). 14 A. The ’788 Patent 15 Independent claim 8 of the ’788 Patent reads as follows: 16 A device for capturing stabilized video, comprising: 17 a display configured to display a preview of a subject within field of view of the device; 18 a lens and an image sensor configured to capture a video 19 of the subject, wherein the video is a sequence of images; 20 and a processor configured to: 21 detect the subject in one or more images of the 22 sequence of images and determine a location of the 23 subject within the images; 24 shift the one or more images vertically and horizontally by an integer number of pixels to 25 obtain corrected images, wherein the amount of 26 vertical and horizontal shift for each of the one or 27 1 more images is determined at least in part based on the location of the subject in the image; and 2 combine the corrected images to obtain a stabilized 3 video; and 4 the display further configured to display the stabilized 5 video. ECF No. 1-11, at 20. 6 In its motion to dismiss, Google contends that the claims in the ’788 Patent “are 7 directed to the abstract idea of combining images to enhance each other and do not claim 8 an element or combination of elements amounting to significantly more than the abstract 9 idea.” ECF No. 31, at 14. Rather, Google alleges that the claims simply articulate the 10 abstract idea through pixel shifting, “which is simply a variant of the abstract idea.” Id. In 11 response, CIR argues that Google oversimplifies the invention, ECF No. 45, at 17, and that 12 the ’788 Patent “provides a specific technique for achieving a specific result—a stabilized 13 video.” ECF No. 45, at 18. 14 In finding CIR’s Combined-Image Patents ineligible, the Court relied on the Federal 15 Circuit’s decision in *Yu v. Apple Inc.*, 1 F.4th 1040 (Fed. Cir. 2021). In *Yu*, the Federal 16 Circuit recognized that “the idea and practice of using multiple pictures to enhance each 17 other has been known by photographers for over a century,” and that this idea is abstract. 18 Id. at 1043. The Court further noted that the claim in *Yu* bore notable similarities to those 19 in the Combined-Image Patents. This remains true here. The claims in *Yu* described a 20 digital camera—containing two lenses, an image sensor, a memory, and a digital image 21 processor—which produced two images and then used “a digital image processor . . . 22 producing a resultant digital image from said first digital image enhanced with said second 23 digital image.” Id. at 1042. That claim from *Yu* is similar to exemplary claim 8, which 24 encompasses a video recording device—containing a lens, image sensor, and processor— 25 which captures a video “wherein the video is a sequence of images,” and employs a 26 “processor configured to detect the subject in one or more images . . . shift the one or more 27 1 images . . . and combine the corrected images to obtain a stabilized video.” ECF No. 1-11, 2 at 20. 3 Also relevant to the issue before the Court is the Federal Circuit’s decision in 4 *Plotagraph, Inc. v. Lightricks, Ltd.* No. 2023-1048, 2024 WL 223185 (Fed. Cir. Jan. 22, 5 2024). In *Plotagraph* the Federal Circuit held that “shifting pixels to create the illusion of 6 movement within an image is a digital version of animation, which is an

abstract idea.” Id. 7 at *3. The Plotagraph court noted that the fact that the image components being moved 8 were pixels did not render the claim any less abstract. Id. at *4. The reasoning of 9 Plotagraph indicates that shifting images by a number of pixels to achieve a desired result 10 is itself an abstract idea. Thus, any patent-eligible application of that idea must include a 11 “technological advance or improvement to computer functionality,” rather than employing 12 generic technology. Id. The claim in Plotagraph recited a “computer program” including 13 a “processor” to “perform a method for automating a shifting of pixels within an image 14 file,” which involved “selecting the first set of pixels” and “shifting the first set of 15 pixels . . . in the first direction.” Id. at *2. This bears notable similarities to exemplary claim 16 8 which refers to a “processor” configured to “shift the one or more images vertically and 17 horizontally by an integer number of pixels” in order to obtain a stabilized video. ECF No. 18 1-11, at 20. 19 Thus, the Federal Circuit’s decisions in both Yu and Plotagraph—and the 20 similarities between exemplary claim 8 and the claims contained therein—support the 21 conclusion that the claim 8 of the ’788 Patent is directed to the abstract ideas of combining 22 images to enhance one another and shifting images by a pixel amount to achieve a desired 23 result. *Enfish*, 822 F.3d at 1334 (finding that it is “sufficient to compare claims at issue to 24 those claims already found to be directed to an abstract idea in previous cases”); see also, 25 e.g., *Alice*, 573 U.S. at 221 (“In any event, we need not labor to delimit the precise contours 26 of the ‘abstract ideas’ category in this case. It is enough to recognize that there is no 27 1 meaningful distinction between the concept of risk hedging in *Bilski* and the concept of 2 intermediated settlement at issue here.”) 3 CIR contends that the ’788 Patent is not directed at the abstract idea of combining 4 images to enhance each other but, rather, at a tangible improvement in video stabilization 5 that is a specific advance in digital image and video processing. ECF No. 45, at 14. 6 However, exemplary claim 8 specifically teaches a means of “combin[ing] . . . corrected 7 images” to achieve a stabilized video. ECF No. 1-11. Thus, the Court is not convinced that, 8 as CIR alleges, “the ’788 Patent does not claim using multiple pictures to enhance each 9 other.” ECF No. 45, at 18 (internal quotation marks omitted). Indeed, CIR, in its briefing 10 opposing Google’s motion to dismiss, notes that “the inventions take advantage of the 11 ability of an imager to record multiple images and then use specific techniques to combine 12 those images to achieve a stabilized video or image.” ECF No. 45, at 8. Though the ’788 13 Patent employs a specific means of combining images—shifting images by a number of 14 pixels to align subjects—this method only applies one abstract idea (combining images to 15 enhance each other) to another abstract idea (shifting images by a pixel amount to achieve 16 a desired result (a stabilized video)), which does not render a claim non-abstract. See 17 *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017) (“Adding one 18 abstract idea (math) to another abstract idea (encoding and decoding) does not render the 19 claim non-abstract.”). 20 CIR further argues that the reasoning of Plotagraph does not apply to the claims at 21 issue here because Plotagraph referred to animation, while CIR’s claims involve a means 22 to reduce the appearance of motion in video. ECF No. 45,

at 14-15. However, the Court is 23 unable to find a meaningful distinction between the shifting of pixels across multiple 24 images to create the appearance of movement and the shifting of pixels across multiple 25 images to reduce the appearance of movement/blur. Thus, the analysis in Plotagraph is 26 27 1 both “applicable [and] analogous” to CIR’s claims, despite CIR’s contentions to the 2 contrary. ECF No. 45. At 15. 3 The Plotagraph court further took issue with the fact that the relevant patent recited 4 a means for “the computer [to] perform[] more efficiently what could otherwise be 5 accomplished manually.” Plotagraph, 2024 WL 223185, at *4. The same is true here. 6 While tedious, looking over a series of images, detecting a specific subject, and then 7 shifting the images vertically and horizontally so that the selected subject is aligned across 8 the images could theoretically be done by hand, thereby further supporting the conclusion 9 that the claims are directed towards an abstract idea. See *Trinity Info Media, LLC v. 10 Covalent, Inc.*, 72 F.4th 1355, 1361-62 (Fed. Cir. 2023) (“A telltale sign of abstraction is 11 when the claimed functions are mental processes that can be performed in the human mind 12 or using a pencil and paper.” (internal quotation marks and citations omitted)). Though 13 exemplary claim 8 employs a generic “processor” to perform what can be done via mental 14 processes and by hand, but “that doesn’t transfigure an idea out of the realm of abstraction.” 15 *PersonalWeb Techs. LLC v. Google LLC*, 8 F.4th 1310, 1316 (Fed. Cir. 2021). 16 Additionally, exemplary claim 8 recites no technological improvement to the 17 claimed imaging device but, rather, recites a process that is an abstract idea that the device 18 might implement to achieve a desired result. See *TecSec, Inc. v. Adobe Inc.*, 978 F.3d 1278 19 (Fed. Cir. 2020) (“In cases involving software innovations, this inquiry often turns 20 on whether the claims focus on specific asserted improvements in computer capabilities or 21 instead on a process or system that qualifies an abstract idea for which computers are 22 invoked merely as a tool.” (internal quotation marks and citation omitted)). The “device 23 for capturing stabilized video” and the “processor” claimed in claim 8 are “merely a conduit 24 for the abstract idea[s]” of combining multiple images and shifting certain images by an 25 identified number of pixels to achieve a desired result (stabilized video). In re TLI Comms. 26 LLC Patent Litig., 823 F.3d at 612. Likewise, the claimed “processor” is described only in 27 1 terms of performing generic camera functions—specifically, locating a subject without any 2 explanation of how this is achieved, see *Longitude Licensing Ltd. v. Google LLC*, No. 3 2024-1202, 2025 WL 1249136, *4 (Fed. Cir. Apr. 30, 2025)—or implementing an abstract 4 idea—specifically, shifting and combining images to obtain a stabilized video. See also 5 *Trinity Info Media, LLC v. Covalent, Inc.*, 72 F.4th 1355, 1362 (Fed. Cir. 2023) (finding 6 that the requirement of a processor configured to apply an abstract idea does not change 7 the focus of the asserted claims from being directed towards the abstract idea).

8 Claim 8 further includes no details as to how the claimed technology leads to its 9 results. While the claim states that a processor “detect[s] the subject in one or more 10 images,” “determine[s] a location of the subject,” and “shift[s] the one or more images . . . 11 by an integer number of pixels,” ECF No. 1-11, at 20, it fails to explain in any meaningful 12 way how the

processor makes such determinations. The only detail provided is that the 13 “amount of vertical and horizontal shift . . . is determined at least in part based on the 14 location of the subject in the image.” *Id.* Without more than this results-oriented language, 15 the claim does not recite more than the abstract idea itself. See *Mobile Acuity Ltd. v. Blippar Ltd.*, 110 F.4th 1280, 1292–93 (Fed. Cir. 2024) (finding that claims “directed to the abstract 17 idea of receiving information, associating information with images, comparing the images, 18 and presenting information based on that comparison . . . consist[ed] solely of result- 19 oriented, functional language and omit[ted] any specific requirements as to how these steps 20 of information manipulation are performed”); *Longitude Licensing Ltd. v. Google LLC*,

21 No. 2024-1202, 2025 WL 1249136, at *2–3 (Fed. Cir. Apr. 30, 2025) (finding that claim 22 directed to “the abstract idea of ‘improving image quality by adjusting various aspects of 23 an image based on features of the main object in the image’” failed at step one because it 24 merely “functionally describes a mere concept without disclosing how to implement that 25 concept”) (citation omitted)). 26 27 1 Thus, despite CIR’s arguments, an “improved result, without more, is not enough to 2 support patent edibility at Alice step one.” *Contour IP Holding LLC v. GoPro, Inc.*, 113 3 F.4th 1373, 1379 (Fed. Cir. 2024). The improved result set forth by CIR is a stabilized 4 video, which CIR alleges to achieve, not through a “specific means or method that 5 improves the relevant technology,” but through the application of an abstract idea. *Id.* 6 (quoting *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1314 (Fed. Cir. 7 2016)). Though CIR argues that calculation and implementation of the vertical and 8 horizontal shifting to align pixels is itself specific means that improves relevant technology, 9 the exemplary claim itself reveals no such technological advance. Even so, “adding one 10 abstract idea (math) to another abstract idea ([combining images to achieve a desired 11 result]) does not render the claim non-abstract.” *RecogniCorp, LLC v. Nintendo Co.*, 855 12 F.3d 1322, 1327 (Fed. Cir. 2017). 13 B. ’583 Patent 14 Claim 15 of the 583 Patent reads:

15 An apparatus comprising: 16 a user interface; 17 a lens; a recording medium; 18 a memory and software instructions stored therein; 19 a processor operatively connected to the memory and the 20 recording medium such that receiving and executing the 21 instructions from the memory causes the processor to: 22 designate a subject in an image displayed in the user interface; 23 determine a desired shutter speed; 24 determine a desired number of images to be captured; 25 receive a desired [number] of images captured through the 26 lens and recorded at the recording medium wherein the images include the designated subject; 27 1 designate one image from among the desired number of images as a reference image; 2 determine an offset for each of the desired number of 3 images in relation to the reference image by calculating a 4 number of pixels the designated subject in each image is offset from the designated subject in the reference image; 5 calculate pixel values for a corrected image based on pixel 6 values of the desired number of images by taking into 7 account the number of pixels each image is offset in relation to the reference image; 8 display the corrected image in the user interface; and 9 store the corrected

image in the memory. 10 ECF No. 1-23, at 21. 11 Google maintains that, like the '788 Patent and the Combined-Image Patents, the 12 '583 Patent is “directed to the abstract idea of combining images to enhance each other and 13 do[es] not claim an element or combination of elements amounting to significantly more 14 than that idea.” ECF No. 31, at 14. CIR counters that the '583 Patent claims patentable 15 subject matter in the form of “a specific means of achieving image stabilization that 16 designates a ‘reference frame’ for purposes of calculating the pixel ‘offset’ between the 17 location of the designated subject in the reference image in relation to the subsequent 18 images.” ECF No. 45, at 21. 19 Here, applying the same reasoning as above, the Court finds that claim 15 is directed 20 at the abstract idea of combining multiple images to enhance each other, specifically 21 through the means of applying the abstract idea of shifting images by a number of pixels 22 to achieve a desired outcome. Exemplary claim 15 recites typical camera elements, as 23 discussed in *Yu*, 110 F.4th at 1043—including a lens, a recording medium, a memory, and 24 a processor—wherein the processor (1) determines shutter speed and number of images to 25 be taken, (2) designates an image as a reference image, (3) calculates a pixel amount by 26 which the other images are offset by the reference image, and (4) calculates values for a 27 1 corrected image. ECF No. 1-23, at 21. This describes a process of obtaining a number of 2 images, identifying a reference image, and shifting the other images by a number of pixels 3 to achieve a corrected, blur-free image. CIR’s argument that the patent is directed to a 4 “specific means of achieving image stabilization” does not overcome the fact that the 5 identified means themselves—shifting images by an identified number of pixels to achieve 6 a desired result—are an abstract idea. 7 CIR argues that the claim is inventive because it designates a “reference frame” for 8 purposes of calculating the pixel offset. ECF No. 45, at 21. However, the claim does not 9 identify how the processor designates a reference frame or calculates a pixel offset. See 10 *Longitude Licensing Ltd. v. Google LLC*, No. 2024-1202, 2025 WL 1249136 (Fed. Cir. 11 Apr. 30, 2025) (holding that claim which “purportedly identif[i]e[d] the technical 12 improvement of more efficiently locating the subject of an image without actually 13 explaining how this process is achieved other than stating that the new data is used in 14 identifying the main object” was directed towards an abstract idea.). Further, CIR argues 15 that the claim is limited by the requirements that the processor determine a shutter speed 16 and a number of images to be captured, both of which impact the number of images and 17 amount of blur to be used and corrected in the image combining and shifting process. 18 However, these limitations are not the crux of the technological advance claimed by the 19 patent. The claimed technological advance remains simply an application of the abstract 20 ideas of combining images to enhance each other and shifting images by a number of pixels 21 to achieve a desired result. 22 CIR alleges that the invention identified in claim 15 enables an imaging apparatus 23 to “operate differently than it otherwise could,” as identified by the claimed “user 24 interface” and “processor” within the claimed apparatus. ECF No. 45, at 22-23 (internal 25 quotation marks and citation omitted). However, “not every claim that recites concrete, 26 tangible components

escapes the reach of the abstract-idea inquiry.” In *re* TLI Commc'ns 27 1 LLC Pat. Litig., 823 F.3d 607 (Fed. Cir. 2016). Indeed, CIR relies on generic terms—“user 2 interface,” “processor,” “display,” and “memory,” see, e.g., *Trinity Info Media, LLC v. 3 Covalent, Inc.*, 72 F.4th 1355, 1364 (Fed. Cir. 2023)—to perform the steps of collecting, 4 analyzing, and combining images through a pixel-shifting method. The limitations—such 5 as the user interface’s alleged connection to the image stabilization technique or the 6 requirement that the processor determine shutter speed—do not alter the Court’s 7 conclusion that the focus of the exemplary claim remains directed to an abstract idea. See 8 *Trinity Info Media, LLC v. Covalent, Inc.*, 72 F.4th 1355, 1362 (Fed. Cir. 2023) (“Nor are 9 we persuaded that [the independent claim]—further requiring processors configured to 10 perform operations with web servers, a database, and a match aggregator—changes the 11 focus of the asserted claims.”). The same is true when considering CIR’s assertion that the 12 user interface limitation requiring that all processing occur by the imaging device as 13 opposed to a separate post-processing computer constitutes a specific asserted 14 improvement in computer capabilities. ECF No. 45, at 23. Rather, the claim just asserts a 15 particular environment—an imaging device—to carry out the abstract ideas of combining 16 images and shifting them by a number of pixels to achieve a desired result. See, e.g., *In re 17 TLI Commc'ns LLC Pat. Litig.*, 823 F.3d 607, 613 (Fed. Cir. 2016) (“[A]lthough the claims 18 limit the abstract idea to a particular environment—a mobile telephone system—that does 19 not make the claims any less abstract for the step 1 analysis.”). 20 The Court further notes, as it did in consideration of the ’788 Patent, that the process 21 performed by the claimed processor is one that can be performed in the human mind and 22 by hand without the use of a computer. A person is capable of picking up a camera, 23 designating a subject, selecting a shutter speed, and taking a series of images to later 24 combine those images to create an enhanced image with less blur. A telltale sign of 25 abstraction is when the claimed functions are mental processes that can be performed in 26 27 1 the human mind or by hand. See *Trinity Info Media*, 72 F.4th at 1361-62; *Plotagraph*, 2024 2 WL 223185, at *4. 3 Lastly, to the extent that CIR relies on the processor’s method of analyzing and 4 calculating the amounts to shift particular images as the specific technological 5 advancement, CIR’s argument fails. Though the claimed analysis includes activities like 6 “designating a subject” and “calculating a number of pixels” based on that subject, ECF

7 No. 1-23, at 21, such high level limitations—without additional specificity as to how the 8 subject is identified—“do not add enough to transform the claims from abstract to 9 concrete.” *Mobile Acuity Ltd. v. Blippar Ltd.*, 110 F.4th 1280, 1287 (Fed. Cir. 2024). 10 (internal quotation marks and citation omitted) (finding that a claim that recited “extracting 11 and matching interest points from the first and second images to perform the 12 correspondence between images” did not sufficiently specify how the interest points were 13 determined or used, and did not transform the claim from abstract to concrete); *Longitude 14 Licensing Ltd. v. Google LLC*, No. 2024-1202, 2025 WL 1249136, at *4 (Fed. Cir. Apr. 15 30, 2025) (finding claim that purportedly improved a

process of locating the subject of an image without explaining the process was directed towards an abstract idea). While CIR 17 points to the claimed invention's use of "addition or averaging of pixel values" to determine the image shift amount, as mentioned above: adding the abstract idea of math to the abstract ideas of combining images to enhance one another and shifting images by a pixel amount to achieve a desired result does not make the claims any less abstract under the Alice step 1 analysis. See *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017). II. Alice Step Two The Court now turns to Alice step two. Under the second step of the analysis, the Court asks "whether the claims do significantly more than simply describe the abstract method and thus transform the abstract idea into patentable subject matter." *Affinity Labs 1 of Tex., LLC*, 838 F.3d 1253, 1262 (Fed. Cir. 2016) (cleaned up). In doing so, courts seek to ascertain whether the patent contains or is directed at an "inventive concept" that serves to "transform the nature of the claim" into patent-eligible subject matter. *Alice*, 573 U.S. at 4217 (internal quotation marks and citation omitted). The inventive concept "may arise in one or more of the individual claim limitations or in the ordered combination of the limitations," *Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 71349 (Fed. Cir. 2016), but it "must be evident in the claims" themselves, *RecogniCorp LLC v. Nintendo Co., Ltd.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017). "It is well-settled that mere recitation of concrete, tangible components is insufficient to confer patent eligibility to an otherwise abstract idea. Rather, the components must involve more than performance of well-understood, routine, conventional activities previously known to the industry." *In re TLI Commc'ns LLC Pat. Litig.*, 823 F.3d 607, 613 (Fed. Cir. 2016) (quoting *Alice*, 573 U.S. at 225) (cleaned up). Limiting an abstract idea to a "particular technological environment" is similarly insufficient under Alice step two. *Alice*, 573 U.S. at 222; see also *CosmoKey Sols. GmbH & Co. KG v. Duo Sec. LLC*, 15 F.4th 1091, 1097 (Fed. Cir. 2021) ("[A]n inventive concept that transforms the abstract idea into a patent-eligible invention must be significantly more than the abstract idea itself, and cannot simply be an instruction to implement or apply the abstract idea on a computer."). The Federal Circuit has explained that: Whether a claim "supplies an inventive concept that renders a claim 'significantly more' than an abstract idea to which it is directed is a question of law" that may include underlying factual determinations. *BSG Tech LLC v. Buyseasons, Inc.*, 899 F.3d 1281, 1290 (Fed. Cir. 2018). For example, within the overall step two analysis, "whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact" that "must be proven by clear and convincing evidence." *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (Fed. Cir. 2018). 1 *ChargePoint, Inc. v. SemaConnect, Inc.*, 920 F.3d 759, 773 (Fed. Cir. 2019). 2 Google argues that the exemplary claims "merely recite well-known, routine, conventional components and functions, and they do nothing but apply the abstract idea in a generic setting." ECF No. 31, at 21. CIR counters that the technology asserted in the claims was not "well-understood, routine, [or] conventional" at the time of the patents,

and 6 that CIR has presented sufficient factual allegations to preclude dismissal at the motion to 7 dismiss stage. Specifically, CIR alleges that the patents represent an unconventional and 8 specific solution to technological problems and thus pass muster under Alice step two. ECF 9 No. 45, at 27.

10 The problems in prior art identified by CIR are, generally: (1) prior post-processing 11 techniques to reduce blur resulted in a loss of data and (2) previous electro-mechanical 12 devices for correcting image blur made lenses heavier and more expensive. ECF No. 45, 13 at 8. CIR alleges that it solved these problems in an unconventional way through the 14 invention of camera technology “that would stabilize a video or image to reduce blur when 15 a subject and/or imaging device is moving during capture without the use of additional 16 electro-mechanical lenses by using specific digital processing techniques.” Id. (internal 17 quotation marks omitted). 18 The “digital processing techniques” alleged by the patents “take advantage of the 19 ability of an imager to record multiple images and then use specific techniques to combine 20 those images to achieve a stabilized video or image.” Id. (internal quotation marks and 21 citation omitted). They further teach that “the imager moves each of the images in the series 22 by an amount which is preferably measured in pixels, in the direction opposite the 23 movement of the imager . . . Thus, the shift of each image is compensated for, and the 24 correct pixels are aligned in each of the images.” Id. at 8-9 (internal quotation marks and 25 citation omitted). 26 27 1 Thus, in essence, the alleged “inventive concept” that solves the identified problems 2 is the process of combining multiple images to enhance one another and adjusting images 3 by a number of pixels to achieve specific results. These are, themselves, the abstract ideas, 4 and “[a]n inventive concept that transforms the abstract idea into a patent-eligible invention 5 must be significantly more than the abstract idea itself, and cannot simply be an instruction 6 to implement or apply the abstract idea on a computer” or a processor. *CosmoKey*, 15 F.4th 7 at 1097; see also *BSG Tech LLC v. Buyseasons, Inc.*, 899 F.3d 1281 (Fed. Cir. 2018) (“[A] 8 claimed invention’s use of the ineligible concept to which it is directed cannot supply the 9 inventive concept that renders the invention ‘significantly more’ than the ineligible 10 concept.”). 11 In making its Alice step two arguments, CIR relies almost exclusively on the Federal 12 Circuit’s decision in *Berkheimer v. HP Inc.* 881 F.3d 1360 (Fed. Cir. 2018). However, in 13 *Berkheimer*, the court first found that the specification described an inventive feature that 14 functioned in a purportedly unconventional manner and “eliminate[d] redundancies, 15 improve[d] system efficiency, reduce[d] storage requirements, and enable[d] a single edit 16 to a stored object to propagate throughout all documents linked to that object.” 881 F.3d at 17 1369. Thus, the Court held that, to the extent the improvements in the specification were 18 captured in the claims themselves, they created a factual dispute regarding whether the 19 invention was well-understood, routine, and conventional, and the claims were, therefore, 20 inappropriate for dismissal or judgment as a matter of law. Id. Here, as a matter of law, the 21 purported inventive feature described in the specification and the claims is itself the 22 application of an abstract idea. Thus, the Court holds that CIR did not sufficiently allege 23 an

inventive concept, and the factual dispute precluding dismissal at the summary judgment stage in Berkheimer does not apply here. While CIR takes issue with Google’s analysis of the claim limitations in isolation— correctly noting that the inventive concept may arise in one or more of the individual claim limitations or in the ordered combination of the limitations—CIR fails to identify what combination of limitations specifically constitutes an inventive concept. ECF No. 45, at 3 25-26 (citing *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 4 1349 (Fed. Cir. 2016)). CIR further argues that the “user interface” and “processor” 5 claimed are not “generic hardware” as determined by the court in *Yu* because (1) the 6 hardware completes different tasks than it did in *Yu* (specifically, accepting user input and 7 shifting images by a number of pixels) and (2) Plaintiff, unlike the patentee in *Yu*, disputes 8 that the hardware is generic. *Id.* at 26. However, it remains that the claims describe typical 9 camera elements—a user interface and processor—as completing their generic roles—i.e. 10 the “user interface” “accept[s] user input,” ECF No. 46, at 8, and the “processor” 11 “receiv[es] and execut[es] instructions”—in order to implement an abstract idea. ECF No. 12 1-23, at 21. See *Trinity Info Media, LLC*, 72 F.4th at 1366-67 (holding that a claim did not 13 include an inventive concept because it used “multiple processors, match servers, unique 14 identifications and/or a match aggregator”); *Free Stream Media Corp. v. Alphonso Inc.*, 15 996 F.3d 1355, 1366 (Fed. Cir. 2021) (holding that a claims recited “the use of generic 16 features, as well as routine functions, to implement the underlying idea” where claims 17 involved a server comprising “a processor,” “a memory communicatively coupled with the 18 processor,” and “instructions stored in the memory and executed using the processor 19 configured to” match and apply data); *iLife Techs., Inc. v. Nintendo of Am., Inc.*, 839 F. 20 App’x 534, 538 (Fed. Cir. 2021) (finding the claim elements, considered individually and 21 as an ordered combination, failed to receive an inventive concept because, aside from an 22 abstract idea, “the claim recites only generic computer components, including a sensor, a 23 processor, and a communication device”). The claims also do not change how processors 24 function or are arranged within an imaging device. Rather, the claims simply set forth 25 abstract ideas (combining images to enhance one another and shifting images by a number 26 of pixels) that the processor applies in order to obtain a desired result (an enhanced image 27 1 or stabilized video). Thus, the claims essentially add the abstract ideas of combining 2 multiple images and pixel shifting to a camera processor and say, “apply it.” See, e.g., 3 *ChargePoint, Inc.*, 920 F.3d at 774-75. 4 CIR further argues that the patents teach that the inventions result in an improvement 5 in signal-to-noise power ratio in the resulting images. However, CIR does not allege that 6 this improvement is itself the alleged “inventive concept,” but rather an improvement 7 achieved through the application of the technique of combining and shifting images to 8 achieve a desired result. Thus, the alleged improvement of signal-to-noise ratio is not 9 evidence of an inventive concept sufficient to pass muster under Alice step two. Further, 10 this purported result of improved signal-to-noise power ratio is found nowhere in the claim 11 language. 12 Lastly, at the hearing, CIR emphasized the novelty of the patents at issue,

arguing 13 that CIR had created a new and novel way to create vertical and horizontal offsets, calculate 14 those offsets, and adjust the image frames in light of those calculations. CIR seemingly 15 equates the inventive concept inquiry with novelty. However, novelty is not sufficient to 16 establish patent eligibility under § 101. See *Two-Way Media Ltd. v. Comcast Cable 17 Commc'ns, LLC*, 874 F.3d 1329, 1336 (Fed. Cir. 2017) (“Eligibility and novelty are 18 separate inquiries.”). Indeed, “[w]e may assume that the techniques claimed are 19 groundbreaking, innovative, or even brilliant, but that is not enough for eligibility . . . Nor 20 is it enough for subject-matter eligibility that claimed techniques be novel and nonobvious 21 in light of prior art[.]” *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1163 (Fed. Cir. 22 2018) (internal quotation marks and citations omitted). Accordingly, “[t]he novelty and 23 nonobviousness of the claims . . . does not bear on whether the claims are directed to patent- 24 eligible subject matter under § 101.” *Two-Way Media Ltd.*, 874 F.3d at 1336. Here, the 25 Court has found that the Pixel-Shifting Patents are ineligible “because their innovation is 26 an innovation in ineligible subject matter”—namely, using images to enhance one another 27 1 and shifting images by a number of pixels to achieve a desired result. *SAP Am., Inc.*, 898 2 F.3d at 1163. Thus, CIR’s novelty arguments do not establish eligibility of the Pixel- 3 Shifting Patents under Alice step two. 4 III. Representativeness 5 Google argues that the exemplary claims are representative of all the claims in the 6 Combined-Image Patents. ECF No. 31, at 24-25. “Limiting the analysis of a § 101 7 challenge to representative claims is proper when the claims at issue are substantially 8 similar and linked to the same ineligible concept.” *Mobile Acuity*, 110 F.4th at 1290 9 (internal quotation marks and citation omitted). Thus, a court may treat claims as 10 representative where “the patentee does not present any meaningful argument for the 11 distinctive significance of any claim limitation not found in the representative claim or if 12 the parties agree to treat a claim as representative.” *Berkheimer v. HP Inc.*, 881 F.3d 1360, 13 1365 (Fed. Cir. 2018) (citations omitted). 14 Where representativeness is disputed, the patent challenger “bears the initial burden 15 to make a prima facie showing that the group of claims are substantially similar and linked 16 to the same ineligible concept.” *Mobile Acuity*, 110 F.4th at 1290 (internal quotation marks 17 and citation omitted). If the patent challenger makes the required showing, “the burden 18 shifts to the patent owner to present non-frivolous arguments as to why the eligibility of 19 the identified representative claim cannot fairly be treated as” representative, such as by 20 “articulat[ing] why a claim limitation not found in the representative claim has ‘distinctive 21 significance’ that would have a material impact on the eligibility analysis.” *Id.* (quoting 22 *Berkheimer*, 881 F.3d at 1365). If the patent owner successfully presents non-frivolous 23 arguments against representativeness, the patent challenger bears the ultimate burden “to 24 prove either that (i) the representative claim is, in fact, representative, in that any 25 differences among the claims are not material to the eligibility analysis . . . ; or (ii) each 26 separate claim . . . is ineligible for patenting.” *Id.* at 1291. 27 1 The Court must first address whether Google has made prima facie showing of 2 representativeness. Google argues that each of the claims in the two Pixel-Shifting patents 3 are

substantially similar and linked to the same abstract concept, and that any differences 4 CIR identifies in the claims are immaterial to the § 101 analysis under Alice. ECF No. 31 5 at 24–25. 6 Google is correct that many of the claims recite either the same process or an 7 apparatus with substantially similar features as the exemplary claim. See ECF No. 1-11 8 (’788 Patent) claim 1, 15, 27; ECF No. 1-23 (’583 Patent) claim 1, 8. These claims recite 9 the same process of using a digital imaging device to combine images to enhance one 10 another through the specific method of moving images by a number of pixels to achieve a 11 desired result. See Mobile Acuity, 110 F.4th at 1291 (finding other claims substantially 12 similar where they merely added conventional components or conventional computer 13 activities and were still directed to the same abstract idea). 14 Both parties’ briefs identify differences between the exemplary claims and other 15 claims, but these differences are not substantial enough to divorce them from the 16 underlying abstract concept.¹ See, e.g., ’788 Patent claim 5, 12, 18, 24, 31 (introducing a 17 second subject); ’788 Patent claims 2, 9, 16, 22, 28 (describing a horizontal and vertical 18 shift amount intended to align the subject in one or more images); ’788 Patent claims 7, 19 14, 20, 26, 33 (requiring the subject be aligned in the same location in the stabilized video); 20 ’788 Patent claims 6, 13, 19, 25, 32 (describing modifying the images by shifting a 21 22 1 CIR first argues that independent claims 1, 15, 21, and 27 of the ’788 Patent recite the 23 calculation and use of horizontal and vertical “shift amounts” that are not included in 24 independent claim 8. However, claim 8 does recite “shift[ing] the one or more images vertically and horizontally by an integer of pixels . . . wherein the amount of vertical and 25 horizontal shift for each of the one or more images is determined at least in part based on 26 the location of the subject in the image.” ECF No. 1-11, at 20. Thus, this argument does not weigh against representativeness. 27 1 reference point in the images). While changing the way in which the processor calculates 2 the pixel shift—based on one subject, two subjects, or a different “reference point,”— 3 slightly changes the claimed process, it is not an alteration that changes the fact that the 4 claim is directed to the abstract ideas of combining images to enhance one another and 5 shifting images by a number of pixels to achieve a desired result. Therefore, CIR’s 6 arguments as to the identified differences in the ’788 Patent claims fail. 7 As to the ’583 Patent, CIR again argues that several differences between exemplary 8 claim 15 and the other claims defeat Google’s allegations of representativeness. See, e.g., 9 ’583 Patent claim 23 (requiring the processor receive input at the user interface to designate 10 an image subject); ’583 Patent claims 8, 9, 24, 26 (requiring user input at the user interface); 11 ’583 Patent claims 3, 25 (requiring the processor designate the subject); ’583 Patent claims 12 22, 30 (specifying that the processor calculates pixel values for the corrected image by 13 using addition or averaging pixel values); ’583 Patent claims 6, 13, 21, 29 (specifying that 14 the images are received sequentially); ’583 Patent claims 4, 11, 19, 27 (requiring aligning 15 the subject in the same location across images); ’583 Patent claims 2, 16 (requiring the 16 processor designate the subject using image segmentation or pattern recognition 17 techniques). Requiring user input does not change the fact that the claim is directed to the 18 abstract ideas of combining images to

enhance one another and shifting images by a 19 number of pixels to achieve a desired result. The same is true for whether the user or 20 processor designates the subject, as well as the methodology the processor might apply to 21 make the designation prior to combining images to enhance one another. As for the specific 22 method of calculating the pixel shift, applying the abstract idea of math to achieve the 23 abstract idea of combining images to enhance each other does not change the fact that the 24 claim is directed to the same abstract idea of combining images to enhance each other 25 through a pixel-shifting method. 26 27 1 Further, CIR has failed to articulate how the limitations outside the exemplary claim 2 would “have a material impact on the eligibility analysis.” *Mobile Acuity Ltd.*, 110 F.4th at 3 1290. Though CIR identifies the differences and alleges that certain differences rebut 4 elements of Google’s claims, CIR does not make a showing that any limitation contained 5 outside the exemplary claims transforms the claim into one that is not directed to the 6 abstract ideas of combining images to enhance one another and shifting images by a 7 number of pixels to achieve a desired result. 8 Accordingly, Google has met its burden to show that the exemplary claims are 9 representative of all other claims in the Pixel-Shifting Patents. 10 IV. Leave to Amend 11 CIR requests leave to amend the complaint to address any factual shortcomings in 12 the Alice step two analysis. ECF No. 45, at 28–29. 13 Where a motion to dismiss is granted, “leave to amend should be granted ‘unless the 14 court determines that the allegation of other facts consistent with the challenged pleading 15 could not possibly cure the deficiency.’” *DeSoto v. Yellow Freight Sys., Inc.*, 957 F.2d 655, 16 658 (9th Cir. 1992) (quoting *Schreiber Distrib. Co. v. Serv-Well Furniture Co.*, 806 F.2d 17 1393, 1401 (9th Cir. 1986)). In other words, where leave to amend would be futile, the 18 Court may deny leave to amend. See *DeSoto*, 957 F.2d at 658; *Schreiber*, 806 F.2d at 1401. 19 CIR seeks leave to amend for four reasons: (1) to supplement its allegations 20 regarding the state of the art as of the priority date, including whether processors able to 21 detect a subject within an image were routine and conventional; (2) to supplement its 22 allegations regarding “commercial embodiments of the claims that were praised by others;” 23 (3) to describe “other stabilization and blur correction methods . . . thereby demonstrating 24 no risk of preemption;” and (4) to supplement its allegations with a description of Dr. 25 Ozluturk’s prototyping of the inventions in the mid-2000s and the reactions of others at the 26 time to the improvements the inventions provided. ECF No. 45, at 28-29. 27 1 As discussed above, the Federal Circuit in *Yu* found that claims similarly directed at 2 the abstract idea of combining images to enhance each other failed at step two because they 3 relied on similar conventional components that were “well-understood, routine, [and] 4 conventional.” 110 F.4th at 1043, 1045. Further, as the Court noted in deciding the 5 eligibility of the Combined-Image Patents, the patent at issue in *Yu* was issued before the 6 priority date of the asserted patents here. *Yu*, 611 F. Supp. 3d at 911, *aff’d*, 1 F.4th at 1040. 7 Thus, CIR’s proposed amendments relating to the state of the art as of the priority date 8 would be futile. 9 Perhaps more importantly, such amendments would not change the fact that the 10 patents’ asserted “inventive concept” is simply an application of the same ineligible 11 concept towards

which the patents are directed—using images to enhance one another by 12 shifting images by a number of pixels. This simply cannot provide the inventive concept 13 to render the invention “significantly more” than the abstract idea. *BSG Tech LLC v. 14 Buyseasons, Inc.*, 899 F.3d 1281 (Fed. Cir. 2018) (“[A] claimed invention’s use of the 15 ineligible concept to which it is directed cannot supply the inventive concept that renders 16 the invention ‘significantly more’ than the ineligible concept.”). 17 The Court further finds that proposed amendments regarding the purported inventive 18 concepts of the exemplary claims—for instance, allegations regarding commercial 19 embodiments or reactions to mid-2000s prototypes—would also be futile. This information 20 would be “relevant to a novelty and obviousness analysis, and not whether the claims were 21 directed to eligible subject matter.” *Two-Way Media Ltd.*, 874 F.3d at 1339-40. And, as 22 mentioned above, “[e]ligibility and novelty are separate inquiries.” *Id.* at 1340. 23 Lastly, Plaintiff cannot cure the deficiency in the exemplary claims with factual 24 allegations because the claims, as written, do not support a finding that they supply an 25 inventive concept. They refer only to “processors” configured to apply an abstract idea: 26 combining images to enhance one another through the means of shifting images by a 27 1 ||number of pixels to obtain a desired result. As the Court previously found as to the 2 ||Combined-Image Patents, the claims are too broad and lack any meaningful limitations 3 || that would lead to a finding that they supply any inventive concept beyond the abstract idea 4 |Jitself. See *Sanderling Mgmt. Ltd. v. Snap Inc.*, 65 F.4th 698, 706 (Fed. Cir. 2023) (“No 5 ||amendment to a complaint can alter what a patent itself states.”); *Semiconductor Design 6 || Techs., LLC v. Cadence Design Sys., Inc.*, 735 F. Supp. 3d 1162, 1169 (N.D. Cal. 2024) 7 ||(“No amendment to the FAC would cure the validity problems with the underlying 8 || patents.”). 9 Accordingly, the Court DENIES CIR leave to amend the complaint.

10 CONCLUSION

11 For the above reasons, the Court GRANTS Google’s partial motion to dismiss 12 || without leave to amend. 13 IT IS SO ORDERED. 14 ||Dated: December 4, 2025 <= 16 United States District Judge 17 18 19 20 21 22 23 24 25 26 27 28 28 25-cv-00221-GPC-BLM