

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Guardian Alliance Technologies, Inc. v. Miller Mendel, Inc. and Tyler
Miller

No. 2:22-cv-01390 WBS AC (E.D. Cal. Nov. 25, 2025) · No. No. 2:22-cv-01390 WBS AC · Decided November
25, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Miller Mendel, Inc. and Tyler Miller leave to amend their answer, finding no substantial prejudice, undue delay, or apparent futility. The court denied Guardian Alliance Technologies, Inc.’s motion for judgment on the pleadings without prejudice as moot because the amended pleading would supersede the prior answer.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	William B. Shubb
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 25, 2025
DOCKET	No. 2:22-cv-01390 WBS AC
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to modify the scheduling order and obtain leave to amend their answer. Plaintiff moved for judgment on the pleadings.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 15(a)(2), leave to amend should generally be freely granted when justice so requires, subject to considerations including substantial prejudice, bad faith, undue delay, or futility. Futility is generally not resolved at the amendment stage unless the proposed amendment is clearly futile, and courts ordinarily defer merits challenges until after amendment.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum and order
PARTIES	Miller Mendel, Inc., Tyler Miller v. Guardian Alliance Technologies, Inc.

TOPICS

motion to amend

motion for judgment on the pleadings

pleadings

patent eligibility

civil procedure

PRACTICE AREAS

civil procedure

patent law

intellectual property

commercial litigation

QUESTIONS PRESENTED

1. Whether defendants should be granted leave under Federal Rule of Civil Procedure 15 to amend their answer when the scheduling order supplied no deadline for amending pleadings.
2. Whether the proposed amendments were futile because they included legal conclusions concerning patent eligibility.
3. Whether plaintiff's motion for judgment on the pleadings remained viable after leave to amend was granted.

HOLDINGS

1. Because the scheduling order did not establish a deadline for amending pleadings, defendants' request for leave to amend was governed by Federal Rule of Civil Procedure 15.
2. Leave to amend should be granted because the proposed amendments would not cause substantial prejudice, undue delay, or additional discovery, and the record did not establish futility.
3. Plaintiff's motion for judgment on the pleadings was moot and was denied without prejudice because defendants' amended answer would supersede the prior answer.

KEY QUOTATIONS

“Under Rule 15(a), there exists a presumption in favor of granting leave to amend.” (at 1)

“Denial on based on futility “is rare and courts generally defer consideration of challenges to the merits of a proposed amended pleading until after leave to amend is granted and the amended pleading is filed.”” (at 2)

“Whether the claim elements or the claimed combination are well-understood, routine, and conventional is a question of fact . . . [that] cannot be answered adversely to the patentee” (at 3)

FACTUAL BACKGROUND

Defendants sought to amend their answer to assert allegations concerning the patent eligibility of the asserted claims, including allegations that the claims contained elements that were not well-understood, routine, or conventional. Discovery was in its infancy, and the proposed amendments asserted that the patent claims recited specific technological methods for managing pre-employment background investigations and reflected an inventive concept. Plaintiff argued that the amendments would be prejudicial and futile.

PROCEDURAL HISTORY

The scheduling order did not provide a deadline for amending pleadings. The court therefore evaluated defendants' request under Federal Rule of Civil Procedure 15, granted leave to amend, and denied plaintiff's

motion for judgment on the pleadings as moot and without prejudice because the amended answer would supersede the existing answer.

DISPOSITION

other

CASES CITED

- Dhillon v. Princess Cruise Lines, Ltd., No. 22-55125, 2023 WL 5696529 (9th Cir. Sept. 5, 2023)
- VIA Techs., Inc. v. ASUS Computer Int'l, No. 14-cv-03585-BLF, 2017 WL 491172, at *1 (N.D. Cal. Feb. 7, 2017)
- Knudsen v. City & Cnty. of San Francisco, No. 12-cv-01944-JST, 2013 WL 6235507, at *1 n.1 (N.D. Cal. Dec. 2, 2013)
- Singh v. Lowe's Home Centers, LLC, No. CV 2:18-445 WBS AC, 2018 WL 2155936 (E.D. Cal. May 10, 2018)
- Owens v. Walgreen Co., No. CIV. 2:12-419 WBS, 2012 WL 2359996, at *1 (E.D. Cal. June 20, 2012)
- Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003)
- Addaday, Inc. v. Artist International Co., No. 221CV05525ABPLAX, 2022 WL 16859889, at *4 (C.D. Cal. Aug. 25, 2022)
- Restoration Industry Ass'n Inc. v. TheramaPure Inc., No. CV 13-8523 JVS, 2014 WL 12603210 (C.D. Cal. Apr. 7, 2014)
- Owens v. Kaiser Found. Health Plan, Inc., 244 F.3d 708, 712 (9th Cir. 2001)
- Aatrix Software, Inc. v. Green Shades Software, Inc., 882 F.3d 1121, 1125, 1128 (Fed. Cir. 2018)
- Duhn Oil Tool, Inc. v. Cooper Cameron Corp., No. CV-F-05-1311 OWW GSA, 2010 WL 596312, at *14 (E.D. Cal. Feb. 16, 2010)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 ----oo0oo---- 11 12 GUARDIAN ALLIANCE TECHNOLOGIES, No. 2:22-cv-
01390 WBS AC INC., 13 Plaintiff, 14 MEMORANDUM AND ORDER RE: v. PLAINTIFF’S
MOTION FOR 15 JUDGMENT ON THE PLEADINGS AND MILLER MENDEL, INC. and
TYLER DEFENDANT’S MOTION TO MODIFY 16 MILLER, THE SCHEDULING ORDER 17
Defendants.

18 19 ----oo0oo---- 20 Defendants Miller Mendel, Inc. and Tyler Miller 21 (collectively, “MMI”)
move to modify the scheduling order to 22 permit them to amend their answer. As the most recent
scheduling 23 order (Docket No. 64) did not supply a deadline for amending the 24 pleadings,
Fed. R. Civ. P. 15 applies. See Dhillon v. Princess 25 Cruise Lines, Ltd., No. 22-55125, 2023 WL
5696529 (9th Cir.

Sept. 26 5, 2023); VIA Techs., Inc. v. ASUS Computer Int'l, No. 14-cv- 27 03585-BLF, 2017 WL 491172, at *1 (N.D. Cal. Feb. 7, 2017) 28 (“Where, as here, the Court’s scheduling orders do not set a 1 deadline for amendments to the pleadings, a motion for leave to 2 amend is evaluated under Rule 15.”); Knudsen v. City & Cnt. Of 3 San Francisco, No. 12-cv-01944-JST, 2013 WL 6235507, at *1 n.1 4 (N.D.

Cal. Dec. 2, 2013) (“Because the Court did not set a 5 deadline for amending the pleadings in the scheduling order it 6 issued... motions for leave to amend the pleadings are 7 governed by Federal Rule of Civil Procedure 15.”). 8 As this court has often noted, “Federal Rule of Civil 9 Procedure 15 empowers parties to agree to amendments and 10 alternatively directs the court to freely grant leave to amend 11 ‘when justice so requires.’” Singh v. Lowe’s Home Centers, LLC, 12 No. CV 2:18-445 WBS AC, 2018 WL 2155936 (E.D.

Cal. May 10, 2018) 13 (citing Fed. R. Civ. P. 15(a)(2)). “Under Rule 15(a), there 14 exists a presumption in favor of granting leave to amend.” Owens 15 v. Walgreen Co., No. CIV. 2:12-419 WBS, 2012 WL 2359996, at *1 16 (E.D. Cal. June 20, 2012) J.) (citing Eminence Capital, LLC v. 17 Aspeon, Inc., 316 F. 3d 1048, 1052 (9th Cir. 2003)). 18 Courts will therefore generally grant leave to amend 19 unless amendment: (1) would cause prejudice to the opposing 20 party, (2) is sought in bad faith, (3) creates undue delay, or 21 (4) is futile.

Id. GAT contends that allowing amendment would 22 cause them prejudice, and that MMI’s amendments are futile. The 23 court is not persuaded by either argument. 24 “To overcome Rule 15(a)’s liberal policy favoring 25 leave, the prejudice to the opposing party must be 26 ‘substantial.’” Addaday, Inc. v. Artist International Co., No. 27 221CV05525ABPLAX, 2022 WL 16859889, at *4 (C.D.

Cal. Aug. 25, 28 2022) (internal citation omitted). “No prejudice exists when an 1 amendment causes no delay in proceedings and no additional 2 discovery is required.” Restoration Industry Ass’n Inc. v. 3 TheramaPure Inc., No. CV 13-8523 JVS, 2014 WL 12603210 (C.D. Cal. 4 Apr. 7, 2014) (citing Owens v. Kaiser Found. Health Plan, Inc., 5 244 F. 3d 708, 712 (9th Cir.

2001)). Here, MMI’s proposed 6 amendments would cause neither undue delay nor additional 7 discovery, which is in its infancy. At this early stage, 8 allowing amendment would thus be unlikely to prejudice GAT. 9 As to futility, GAT argues that “MMI’s proposed 10 amendments incorporate legal conclusions, including that the 11 ordered combination of claim elements reflects an inventive 12 concept.” (Docket No. 71 at 13.)

MMI argues in response -- 13 citing Aatrix Software, Inc. v. Green Shades Software, Inc., 882 14 F. 3d 1121 (Fed. Cir. 2018) -- that its proposed amendments 15 “contain[] allegations that... directly affect its patent 16 eligibility analysis” because they “plead specific factual 17 allegations

that the asserted patent claims involve elements not well-understood, routine, and conventional... to a skilled artisan in the industry.” (Id.)

Denial on based on futility “is rare and courts generally defer consideration of challenges to the merits of a proposed amended pleading until after leave to amend is granted and the amended pleading is filed.” *Duhn Oil Tool, Inc. v. Cooper Cameron Corp.*, No. CV-F-05-1311 OWW GSA, 2010 WL 596312, at *14 (E.D. Cal. Feb. 16, 2010). “The better preferred procedure is to allow amendment and permit the defendant to challenge the pleadings with a motion to dismiss.” *Owens v. Walgreen Co.*, No. CIV.

2:12-419 WBS, 2012 WL 2359996 (E.D. Cal. 1 June 20, 2012). It would be premature at this stage of the proceeding for the court conclude that MMI’s amendments would be futile. As noted during oral argument, allowing factual development through amendment is particularly pertinent in patent cases, which can involve highly specialized and technical factual questions.

The proposed paragraphs allege that the patent claims “recite, as a whole, specific technological methods for managing pre-employment background investigations,” and go on to list several functions attributable to the claim language which allegedly “reflect[] an inventive concept.” (Docket No. 68 at 21.)

The Aatrix court observed that determining “[w]hether the claim elements or the claimed combination are well-understood, routine, and conventional is a question of fact... [that] cannot be answered adversely to the patentee” based on the undeveloped record before it. 882 F. 3d at 1128. The same is true here; the scant record before the court does not unequivocally suggest that MMI’s allegations are futile, because those allegations, “if accepted as true,” could plausibly “establish that the claimed combination contains inventive components and improves the workings of the computer.” *Id.* at 1125.

Because MMI’s motion for leave to amend their answer will be granted, plaintiff’s motion for judgment on the pleadings is moot as MMI’s new amended pleading will supersede the old. IT IS THEREFORE ORDERED that MMI’s motion to modify the scheduling order and for leave to amend their answer (Docket No. 28 68) be, and the same hereby is, GRANTED; and IT IS FURTHER ORDERED that GAT’s motion for judgment on the pleadings (Docket 2 No. 65) be, and the same hereby is, DENIED, without prejudice, as moot.

Defendants have twenty-one (21) days from the date of this Order to file their amended answer.
5 6 | Dated: November 25, 2025 eke A, Dhan bee WILLIAM B. SHUBB 7 UNITED STATES
DISTRICT JUDGE 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

