

**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

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 18 well-understood, routine, and conventional... to a skilled 19 artisan in the industry." (Id.)

20 Denial on based on futility "is rare and courts 21 generally defer consideration of challenges to the merits of a 22 proposed amended pleading until after leave to amend is granted 23 and the amended pleading is filed." *Duhn Oil Tool, Inc. v. 24 Cooper Cameron Corp.*, No. CV-F-05-1311 OWW GSA, 2010 WL 596312, 25 at *14 (E.D. Cal. Feb. 16, 2010). "The better preferred 26 procedure is to allow amendment and permit the defendant to 27 challenge the pleadings with a motion to dismiss." *Owens v. 28 Walgreen Co.*, No. CIV.

2:12-419 WBS, 2012 WL 2359996 (E.D. Cal. 1 June 20, 2012). 2 It would be premature at this stage of the proceeding 3 for the court conclude that MMI's amendments would be futile. As 4 noted during oral argument, allowing factual development through 5 amendment is particularly pertinent in patent cases, which can 6 involve highly specialized and technical factual questions.

The 7 proposed paragraphs allege that the patent claims "recite, as a 8 whole, specific technological methods for managing pre-employment 9 background investigations," and go on to list several functions 10 attributable to the claim language which allegedly "reflect[] an 11 inventive concept." (Docket No. 68 at 21.)

The Aatrix court 12 observed that determining “[w]hether the claim elements or the 13 claimed combination are well-understood, routine, and 14 conventional is a question of fact... [that] cannot be 15 answered adversely to the patentee” based on the undeveloped 16 record before it. 882 F. 3d at 1128. 17 The same is true here; the scant record before the 18 court does not unequivocally suggest that MMI’s allegations are 19 futile, because those allegations, “if accepted as true,” could 20 plausibly “establish that the claimed combination contains 21 inventive components and improves the workings of the computer.” 22 Id. at 1125.

23 Because MMI’s motion for leave to amend their answer 24 will be granted, plaintiff’s motion for judgment on the pleadings 25 is moot as MMI’s new amended pleading will supersede the old. 26 IT IS THEREFORE ORDERED that MMI’s motion to modify the 27 scheduling order and for leave to amend their answer (Docket No. 28 68) be, and the same hereby is, GRANTED; and IT IS FURTHER eee OIE I IERIE IDE IIE ESI EIEN EIEIO NO OE OEE OED OE 1 ORDERED that GAT’s motion for judgment on the pleadings (Docket 2 No. 65) be, and the same hereby is, DENIED, without prejudice, as 3 moot.

Defendants have twenty-one (21) days from the date of this 4 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