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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CELLSPIN SOFT, INC.,

Plaintiff,

v.

FITBIT, INC.,

Defendant.

**ORDER REGARDING DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Case No. 17-cv-05928-YGR

Dkt. No. 148

v.

MOOV, INC.,

Defendant.

Case No. 17-cv-05929-YGR

Dkt. No. 130

v.

NIKE, INC.,

Defendant.

Case No. 17-cv-05931-YGR

Dkt. No. 128

v.

UNDER ARMOUR, INC.,

Defendant.

Case No. 17-cv-05932-YGR

Dkt. No. 110

v.

FOSSIL GROUP, INC., ET AL.,

Defendants.

Case No. 17-cv-05933-YGR

Dkt. No. 193

v.

GARMIN INTERNATIONAL, INC., ET AL.,

Defendants.

Case No. 17-cv-05934-YGR

Dkt. No. 130

v.

NIKON AMERICAS, INC., ET AL.,

Defendants.

Case No. 17-cv-05936-YGR

Dkt. No. 135

1 On February 17, 2021, the Court held a hearing regarding Defendants’ motion for summary
2 judgment of patent invalidity under 35 U.S.C. § 101. (See Case No. 17-cv-5933, Dkt. No. 193.) As
3 explained at the hearing, Plaintiff proposes a number of inventive concepts based on the combination of
4 elements that are otherwise individually addressed. (E.g., Dkt. No. 206-1 # 16-20.) Under Federal
5 Circuit precedent, the relevant inquiry is whether these elements are individually “well-understood,
6 routine, or conventional” and whether considering those elements as an ordered combination “add[s]
7 nothing . . . that is not already present when the [elements] are considered separately.” *Chamberlain*
8 *Grp., Inc. v. Techtronic Indus. Co.*, 935 F.3d 1341, 1348 (Fed. Cir. 2019) (quoting *Mayo Collaborative*
9 *Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 73 (2012)).

10 Accordingly, and as stated at the hearing, Plaintiff is **ORDERED** to submit additional briefing that
11 identifies each combination (i.e., the inventive concept based on the combination of inventive concepts
12 that Plaintiff asserts individually) and what the combination “adds” to the analysis beyond consideration
13 of the individual concepts. The Court will order additional briefing to address the substance of the
14 allegations if necessary. Failure to identify additional inventiveness based on the combination will be
15 deemed acquiescence that the conventionality of that combination depends on the conventionality of the
16 constituent concepts. Plaintiff shall file the supplement briefing no later than February 24, 2021.

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18 **IT IS SO ORDERED.**

19 Dated: February 17, 2021

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21 YVONNE GONZALEZ ROGERS
22 UNITED STATES DISTRICT COURT JUDGE
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