

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: 2:24-cv-04056-AB-SSC

Date: March 24, 2025

Title: *Milestone Entertainment, LLC v. Activision Blizzard, Inc.*

Present: The Honorable **ANDRÉ BIROTTE JR., United States District Judge**

Daniel Tamayo  
Deputy Clerk

N/A  
Court Reporter

Attorney(s) Present for Plaintiff(s):  
None Appearing

Attorney(s) Present for Defendant(s):  
None Appearing

**Proceedings: [In Chambers] ORDER DENYING WITHOUT PREJUDICE  
DEFENDANT'S MOTION TO DISMISS**

Before the Court is Defendant Activision Blizzard, Inc.'s ("Defendant") Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) ("Motion," Dkt. No. 17). Plaintiff Milestone Entertainment, LLC ("Plaintiff") filed an opposition and Defendant filed a reply. The Court heard oral argument on February 28, 2025.

This is an action for patent infringement involving 6 patents-in-suit and 90 asserted claims. Defendant moves to dismiss all of Plaintiff's claims for patent infringement on the ground that each of the patents merely covers an abstract idea without any inventive concept, so they are ineligible for patenting under 35 U.S.C. § 101.

As discussed at the hearing, the Court is not persuaded that Claim 1 of the '336 Patent is representative of the Variable Parameters Patents. It is also not clear that Claim 1 of the '635 Patent is representative of the patents in the Virtual Currency Group. Further complicating things, the parties grouped the patents in different ways. Given the obstacles to finding representativeness, one approach

could be to assess only whether Claim 1 of the '336 Patent and Claim 1 of the '635 Patent are patent-eligible. However, this approach would leave 4 patents unexamined and at least that many still in the case. Given the number of patents and claims, it would not serve judicial economy for the Court to undertake this analysis now. Rather, eligibility may be more efficiently addressed after the case is narrowed.

This decision does not reflect the quality of the presentations: both sides' memoranda and presentations at oral argument were excellent. Rather, given the number of issues, deferring a full §101 analysis is necessitated by judicial economy.

Accordingly, the Court **DENIES without prejudice** Defendant's Motion to Dismiss (Dkt. No. 17).

**IT IS SO ORDERED.**