IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

OSSEO IMAGING, LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 1:23-cv-03116-LMM
	:	
CARESTREAM DENTAL LLC,	:	
	:	
Defendant.	:	

ORDER

This case comes before the Court on Defendant's Motion to Dismiss [23]. After due consideration, the Court enters the following Order:

I. BACKGROUND

This case concerns the validity of Plaintiff's patents. Dkt. No. [17]. Over a decade ago, the U.S. Patent and Trademark Office issued an inventor two patents ("the Osseo Patents") relating to dental X-ray imaging systems. Id. ¶¶ 7–10. The systems covered in the patents describe a combination of hardware and software that allows users to generate three-dimensional models of a patient's teeth, jaws, and other dental structures. Id. ¶¶ 12–13. Specifically, the Osseo Patents claim a "system for tomographically modeling a dental structure," which is effectuated using a controller with a microprocessor and memory device, an input device connected to the microprocessor, a motor, X-ray equipment, a convertor, and an

output device. Dkt. No. [23-2] at 7; Dkt. No. [23-3] at 8. According to the Osseo Patents, this system improves upon existing X-ray technology because it allows users to model the density of a patient's teeth, which can help dentists detect caries, fractures, and abscesses with greater accuracy. Dkt. No. [23-2] at 5; Dkt. No. [23-3] at 6–7. The three-dimensional models also help dentists make treatment decisions on where and how to place dental implants. Dkt. No. [17] ¶¶ 12–13. The Osseo Patents have been assigned to Plaintiff Osseo Imaging, LLC, which is now their sole owner.[1] Id. ¶ 11.

Defendant manufactures and sells scanners and related software used for modeling dental structures. Id. ¶¶ 2–3. From 2017 to 2019, Defendant sold a family of dental imaging systems that allowed users to compile X-ray images into a three-dimensional model of a patient's mouth. Id. ¶¶ 19–22. Plaintiff sued Defendant, claiming that Defendant's systems infringe both of the Osseo Patents. Id. ¶¶ 23–31. Defendant now moves to dismiss Plaintiff's Complaint. Dkt. No. [23].

II. LEGAL STANDARD

Federal Rule of Civil Procedure 8(a)(2) requires that a pleading contain a "short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). While this pleading standard does not require

[1] The Osseo Patents include U.S. Patent No. 6,381,301 and U.S. Patent No. 8,498,374. Dkt. No. [17] ¶ 1. The two patents have a "parent-child" relationship, sharing an identical specification and nearly identical claims. Id. ¶ 10; Dkt. No. [23-1] at 3. Because the parties do not point to any material distinctions between the patents at this stage of litigation, the Court refers to these patents collectively as "the Osseo Patents."

"detailed factual allegations," the Supreme Court has held that "labels and conclusions" or "a formulaic recitation of the elements of a cause of action will not do." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)).

To withstand a Rule 12(b)(6) motion to dismiss, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Id. (quoting Twombly, 550 U.S. at 570). A complaint is plausible on its face when the plaintiff pleads factual content necessary for the court to draw the reasonable inference that the defendant is liable for the conduct alleged. Id. (citing Twombly, 550 U.S. at 556).

At the motion to dismiss stage, "all well-pleaded facts are accepted as true, and the reasonable inferences therefrom are construed in the light most favorable to the plaintiff." FindWhat Inv'r Grp. v. FindWhat.com, 658 F.3d 1282, 1296 (11th Cir. 2011) (quoting Garfield v. NDC Health Corp., 466 F.3d 1255, 1261 (11th Cir. 2006)). However, this principle does not apply to legal conclusions set forth in the complaint. Iqbal, 556 U.S. at 678.

III. DISCUSSION

Defendant argues that Plaintiff's Complaint should be dismissed because the Osseo Patents fail to claim patentable subject matter. Dkt. No. [23]. Section 101 of Title 35 of the United States Code "defines the subject matter that may be patented under the Patent Act." Bilski v. Kappos, 561 U.S. 593, 601 (2010). The statute permits patents for "any new and useful process, machine, manufacture, or

composition of matter, or any new and useful improvement thereof." 35 U.S.C. § 101. For over 150 years, the Supreme Court has "held that this provision contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable." Alice Corp. v. CLS Bank Int'l, 573 U.S. 208, 216 (2014) (quoting Ass'n for Molecular Pathology v. Myriad Genetics, Inc., 569 U.S. 576, 589 (2013)).

But "an invention is not rendered ineligible for patent simply because it involves an abstract concept." Id. at 217. In applying these three exceptions to patent-eligible subject matter, the Supreme Court has counseled courts to "tread carefully in construing this exclusionary principle lest it swallow all of patent law," because, at some level, "all inventions embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas." Id. (quoting Mayo Collaborative Servs. v. Prometheus Lab'ys, Inc., 566 U.S. 66, 71 (2012)).

To decide whether Plaintiff's claims cover patent-eligible subject matter, the Court must conduct a two-stage inquiry:

> First, we determine whether the claims at issue are directed to one of those patent-ineligible concepts. If so, we then ask, "what else is there in the claims before us?" To answer that question, we consider the elements of each claim both individually and as an ordered combination to determine whether the additional elements transform the nature of the claim into a patent-eligible application. We have described step two of this analysis as a search for an "inventive concept"—*i.e.*, an element or combination of elements that is sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the ineligible concept itself.

Id. at 217–18 (cleaned up). The first stage of the Alice framework involves "looking at the focus of the claims [and] their character as a whole," while the second stage

requires "looking more precisely at what the claim elements add—specifically, whether . . . they identify an inventive concept in the application of the ineligible matter to which (by assumption at stage two) the claim is directed." Elec. Power Grp., LLC v. Alstom S.A., 830 F.3d 1350, 1353 (Fed. Cir. 2016) (cleaned up).

At step one, "it is not enough to merely identify a patent-ineligible concept underlying the claim; [the Court] must determine whether that patent-ineligible concept is what the claim is 'directed to.'" Rapid Litig. Mgmt. v. CellzDirect, Inc., 827 F.3d 1042, 1050 (Fed. Cir. 2016). "The Supreme Court has not established a definitive rule to determine what constitutes an 'abstract idea' sufficient to satisfy the first step of the Mayo/Alice inquiry." Enfish, LLC v. Microsoft Corp., 822 F.3d 1327, 1334 (Fed. Cir. 2016). However, it is clear that the first step must be taken carefully:

> [The Supreme Court's] formulation plainly contemplates that the first step of the inquiry is a meaningful one, i.e., that a substantial class of claims are *not* directed to a patent-ineligible concept. The "directed to" inquiry, therefore, cannot simply ask whether the claims *involve* a patent-ineligible concept, because essentially every routinely patent-eligible claim involving physical products and actions *involves* a law of nature and/or natural phenomenon—after all, they take place in the physical world.

Id. at 1335 (citing Mayo Collaborative Servs., 566 U.S. at 71). In determining whether a patent is directed to an abstract idea itself, the Court must read the claims as a whole and in light of the specification. Data Engine Techs. LLC, 906 F.3d at 1011 (citing Alice, 573 U.S. at 218 n.3).

Here, at step one of the Alice inquiry, Defendant argues that the Osseo Patents are directed to abstract ideas—specifically the ideas of inputting, storing,

receiving, processing, converting, and outputting information. Dkt. No. [23-1] at 11–21. Plaintiff responds that the Osseo Patents are valid because they are directed to a particular technological solution rather than an abstract idea. Dkt. No. [24] at 13–21.

The Court agrees with Plaintiff. The Osseo Patents are directed to a more specific technological process than the general ideas of receiving, storing, and processing information. Instead, the patents describe a system—using particular physical components—for generating a tomographic model of a patient's teeth and bone density. See Dkt. Nos. [23-2, 23-3]. The patents describe, in detail, how the combination of components can be used to create, store, and analyze the tomographic models. Id. Although Defendant argues that the system described in the patents merely replaces existing technology, Dkt. No. [25] at 1–6, the Osseo Patents explain how the invention improves upon existing dental imaging technology by showing a patient's bone density. See Dkt. Nos. [23-2, 23-3]. This improvement allows users to detect dental caries, fractures, and abscesses with greater accuracy than traditional X-ray technology. Id. Thus, rather than merely measuring or collecting existing data, the invention models a *new* type of data that was previously unattainable using conventional dental technology. Dkt. No. [23-2] at 5; Dkt. No. [23-3] at 6.

In arguing otherwise, Defendant runs afoul of the Federal Circuit's guidance that courts must "be careful to avoid oversimplifying the claims" by describing them at a high level of generality. McRO, Inc. v. Bandai Namco Games Am., Inc.,

837 F.3d 1299, 1313 (Fed. Cir. 2016) (quoting In re TLI Commc'ns LLC Pat. Litig., 823 F.3d 607, 611 (Fed. Cir. 2016)). Thus, when considering the claims as a whole and in light of the specification, the Court finds that the patents are directed to a "specific means or method that improves the relevant technology" rather than a "result or effect that itself is the abstract idea." Id. at 1314 (quoting Enfish, LLC, 822 F.3d at 1336).

The weight of authority also supports Plaintiff's position. The Federal Circuit recently held that a similar improvement to existing technology was not directed to an abstract concept. See Contour IP Holding LLC v. GoPro, Inc., 113 F.4th 1373, 1379–81 (Fed. Cir. 2024) (finding that an improvement to the "real time viewing capabilities" of portable video cameras was patentable because it enabled existing video technology to produce a new output: parallel video streams). Additionally, the Federal Circuit has repeatedly rejected attempts to oversimplify patents that are directed to concrete technological improvements. See Data Engine Techs. LLC v. Google LLC, 906 F.3d 999, 1007–09 (Fed. Cir. 2018) (finding that a "specific method for navigating through three-dimensional electronic spreadsheets" was not directed to the abstract idea of "navigating through spreadsheet pages" or the "generic method of labeling and organizing spreadsheets"); see also Core Wireless Licensing S.A.R.L. v. LG Elecs., Inc., 880 F.3d 1356, 1362 (Fed. Cir. 2018) (holding that an improved user interface for small-screen electronics which improved the functioning of the computer was not merely directed to the abstract idea of indexing information).

Although Defendant relies on cases in which the Federal Circuit found other systems to be directed to abstract concepts, these cases involved inventions that merely converted existing data from one format to another. See AI Visualize, Inc. v. Nuance Commc'ns, Inc., 97 F.4th 1371, 1378–79 (Fed. Cir. 2024) (holding that a system for visualizing medical scans was directed to the abstract idea of "obtaining, manipulating, and displaying data," because the claims covered nothing more than the use of a computer to collect and display existing data); see also Elec. Power Grp., LLC, 830 F.3d at 1353–54 (finding that claims covering the "process of gathering and analyzing information" on power grids and "then displaying the results" was directed to an abstract idea). Unlike the inventions in those cases, the invention here does more than convert existing data to a new, digital format. Thus, the weight of authority undercuts Defendant's argument that the Osseo Patents are directed towards non-patentable subject matter.

Finally, Defendant contends that the Osseo Patents' reliance on "generic" components—including X-ray equipment and a computer—demonstrate their abstractness. But the Court is not persuaded that "the invention's ability to run on a general-purpose computer dooms the claims." Enfish, LLC, 822 F.3d at 1338. Although Defendant is correct that claims adding conventional components to well-known business practices may fail due to abstractness, this is not a situation "where general-purpose computer components are added post-hoc to a fundamental economic practice or mathematical equation." Id. at 1339. The Osseo Patents are directed to a specific combination of components that allows dentists

to generate and model new data—not to the generic uses of computer and X-ray equipment themselves. Thus, the involvement of "generic components" does not doom the Osseo Patents.

"Because the claims are not directed to an abstract idea under step one of the Alice analysis," the Court does "not need to proceed to step two of that analysis." Enfish, LLC, 822 F.3d at 1339; see also McRO, Inc., 837 F.3d at 1312 ("If the claims are not directed to an abstract idea, the inquiry ends."). The Court therefore denies Defendant's Motion to Dismiss.

IV. CONCLUSION

Accordingly, Defendant's Motion to Dismiss [23] is **DENIED**.

IT IS SO ORDERED this 17th day of October, 2024.

Leigh Martin May
United States District Judge