

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SIPCO, LLC and IP CO., LLC *d/b/a* INTUS
IQ,

Plaintiffs,

v.

STREETLINE, INC. and KAPSCH
TRAFFICCOM HOLDING CORP.,

Defendants.

C.A. No. 16-830-RGA

**DEFENDANTS' MEMORANDUM OF REASONS IN SUPPORT OF
THEIR MOTION TO DISMISS UNDER RULE 12(b)(6)**

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Dated: November 18, 2016

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Defendants Streetline, Inc. (“Streetline”) and Kapsch TrafficCom Holding Corp. (“Kapsch”) (collectively “Defendants”) hereby submit this Memorandum of Reasons in support of their motion to dismiss the complaint of Plaintiffs SIPCO, LLC and IP CO., LLC (d/b/a/ INTUS IQ) (collectively “SIPCO”) under Fed. R. Civ. P. 12(b)(6).

I. NATURE AND STAGE OF THE PROCEEDINGS

This is a patent infringement case. On September 19, 2016, SIPCO filed a Complaint against the Defendants, alleging infringement of ten different patents: U.S. Patent Nos. 8,908,842 (“the ‘842 patent”), 8,625,496 (“the ‘496 patent”), 8,233,471 (“the ‘471 patent”), 8,223,010 (“the ‘010 patent”), 7,697,492 (“the ‘492 patent”), 7,468,661 (“the ‘661 patent”), 7,103,511 (“the ‘511 patent”), 6,914,893 (“the ‘893 patent”), 6,437,692 (“the ‘692 patent”) and 6,249,516 (“the ‘516 patent”) (collectively, “the Patents-in-Suit”). The Complaint was served on September 20, 2016. On October 7, 2016, this Court granted Defendants an extension of time until November 18, 2016 to respond to the Complaint. *See* D.I. 6. This motion is timely pursuant to that extension.

II. SUMMARY OF THE ARGUMENT

1. SIPCO’s Complaint fails to state a claim for direct patent infringement, because it does not allege sufficient factual content to show how Streetline’s products and services allegedly infringe the asserted claims. At best, SIPCO’s Complaint identifies the products and services that are alleged to be infringing, then makes the conclusory assertion that these products and services are “within the scope of the claims.” *See, e.g.*, D.I. 1, ¶ 18. Under *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 129 S.Ct. 1937 (2009), and in view of the Supreme Court’s recent abrogation of the “Form 18” complaint for patent infringement,¹ such conclusory allegations are insufficient to state a claim for patent infringement.

¹ *See* Supreme Court of the United States, Order Regarding Amendments to the Federal Rules of

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