

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

CRAIG L. LINDEN,
Plaintiff-Appellant

v.

**RESMED, INC., RESMED CORPORATION,
RESMED HOLDINGS PTY LTD.,**
Defendants-Appellees

2026-1517

Appeal from the United States District Court for the
Southern District of California in No. 3:24-cv-01291-JES-
DEB, Judge James E. Simmons, Jr.

Decided: October 16, 2026

CRAIG LEIGH LINDEN, Alpine, CA, pro se.

LISA K. NGUYEN, Paul Hastings LLP, Palo Alto, CA, for
defendants-appellees. Also represented by ERIC E.
LANCASTER, NYSSA LEONARDI; ALAN BILLHARZ, Washing-
ton, DC.

Before REYNA, BRYSON, and HUGHES, *Circuit Judges*.

PER CURIAM.

Craig L. Linden appeals the United States District Court for the Southern District of California’s grant of ResMed, Inc., ResMed Corp., and ResMed Holdings Pty Ltd.’s motion to dismiss for failure to state a claim based on patent ineligibility under 35 U.S.C. § 101. We affirm.

BACKGROUND

I.

Mr. Linden owns U.S. Patent No. 9,639,150 (the “’150 patent”). The ’150 patent is titled “Powered Physical Displays on Mobile Devices” and issued on May 2, 2017. J.A. 21.

The ’150 patent broadly discloses “various forms and applications of interactive powered display apparatuses and methods [] for direct and indirect interaction with living beings.” J.A. 30 at 3:49–52. These interactive powered displays deliver or transmit “signals or energy in various forms for the enhancement of human-to-human communications.” *Id.* at 3:52–55. For example, in certain embodiments, these displays “deliver[] physical motion and actions similar to human-to-human gestures, such as hugging, hand-holding, hand squeezes, etc.” *Id.* at 3:66–4:1.

The claims of the ’150 patent are more narrowly directed to the application of treating patients using an interactive powered display. The specification includes one exemplary embodiment concerning treating patients, shown in Figure 12 below.

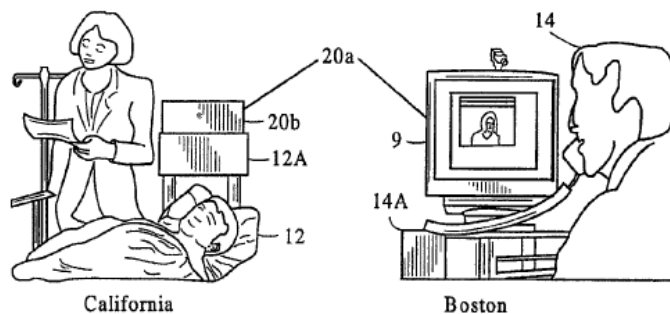


FIG. 12

J.A. 28 at Fig. 12. According to the specification, interactive physical displays may facilitate “a doctor [] test[ing] the vital signs, strength and/or muscle/nerve reactions of a remote patient while preferably video conferencing with a helper or the patient.” J.A. 34 at 12:60–63. Alternatively, “[h]ome based patients may be provided with remotely released medicine vaults under the control and supervision of a qualified remotely located person.” J.A. 34–35 at 12:66–13:1.

Claim 1, the sole independent claim of the ’150 patent, recites as follows:

A method for treating a patient comprising steps of:

providing a first device at a patient location, the first device being an internet and networking capable multi-media mobile electronic device comprising at least one each of a physical output display and an input transducer;

providing a second device at a remote location, wherein the second device is distinct and separate from the first device;

establishing an audio-video and data communication connection between the patient location and the remote location;

conducting an audio-video conference between the patient at the patient location and a treatment provider at the remote location, wherein the audio-video conference comprises the treatment provider eliciting patient information by verbally interacting with the patient;

transmitting the patient information from the first device to the second device by way of the audio-video conference;

using the input transducer to measure a patient parameter at the patient location and produce a first signal indicative of the patient parameter, wherein the patient parameter includes at least one vital sign;

transmitting the first signal to the second device;

forming a diagnosis at least partially based on the patient parameter;

using the first signal at the remote location, the diagnosis and the patient information transmitted before, during or after the audio-video conference to determine a treatment and generating a second signal associated with said treatment;

sending said second signal from said second device to said first device to administer a treatment; and

using said second signal to cause a physical interaction between the physical output display and the patient.

J.A. 36–37 at 16:47–17:17.

II.

In 2024, Mr. Linden sued ResMed, Inc., ResMed Corp., and ResMed Holdings Pty Ltd. (“ResMed”) in the United States District Court for the Southern District of California alleging that ResMed infringed certain claims of the

'150 patent. ResMed moved to dismiss Mr. Linden's Complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6) on the grounds that the asserted claims are patent ineligible under 35 U.S.C. § 101. The district court granted the motion, but gave Mr. Linden leave to amend. J.A. 168–81 ("First Order"). Mr. Linden then filed a First Amended Complaint ("FAC"), the operative complaint in the underlying proceeding, adding allegations that certain features of the claimed invention were not well known or routine. ResMed moved to dismiss the FAC on the same grounds. The district court granted ResMed's motion with prejudice. J.A. 3–18 ("Second Order").

In the First and Second Orders, the district court treated Claim 1 of the '150 patent, reproduced above, as representative. In making this finding, the district court considered the parties' exclusive focus on Claim 1 in briefing on ResMed's motions to dismiss, and Mr. Linden's own reference to Claim 1 as "exemplary." J.A. 171 (citation omitted).

At step one of the eligibility analysis, the district court determined that representative Claim 1 is directed to an abstract idea.¹ In particular, the district court found that Claim 1 can be "distilled down to a remote telehealth methodology where the patient is in one location with an electronic device and connected to a doctor at another location with a second electronic device." J.A. 175. It reasoned that Claim 1 is similar to claims that other trial courts had previously considered and determined to be directed to "routine human activities," i.e., abstract ideas. *Id.* (discussing *SmileDirectClub, LLC v. Candid Care Co.*, 505 F. Supp. 3d

¹ In the Second Order, the district court refers to its step one analysis from the First Order, and addresses only new case citations and arguments offered by Mr. Linden in the briefing underlying ResMed's motion to dismiss the FAC.

340 (D. Del. 2022), *aff'd*, 856 F. App'x 893 (Fed. Cir. 2021), *Becton, Dickinson & Co. v. Baxter Int'l, Inc.*, 127 F. Supp. 3d 687 (W.D. Tex. 2015), *aff'd*, 639 F. App'x 652 (Fed. Cir. 2016) (non-precedential), and *Audio Evolution Diagnostics, Inc. v. United States*, 160 Fed. Cl. 513 (2022), *aff'd*, No. 2023-1096, 2024 WL 2143376 (Fed. Cir. May 14, 2024) (non-precedential)). The district court also found that the “physical display output” of Claim 1, which Mr. Linden argued is a specific non-generic technological component, is insufficient to render the claim non-abstract.

At step two, the district court determined that representative Claim 1 fails to recite an inventive concept. Mr. Linden argued that both the claimed “physical display device” and the ordered combination of steps transform representative Claim 1 into a patent eligible idea. The district court reviewed the allegations Mr. Linden added to the FAC, noting that “[d]espite the quantity of added allegations, many of the additional paragraphs are simply conclusory that features of the claimed invention are not well known or routine.” J.A. 14 (citing FAC at ¶¶ 16, 17, 23, 28–32, 35–38). It determined that those added allegations “without more are ‘not entitled to the assumption of truth because they are not more than legal conclusions.’” *Id.* (citation modified) (quoting *Gamehancement LLC v. Footage Firm, Inc.*, 801 F. Supp. 3d 578, 591 (E.D. Va. 2025)). The district court characterized other of Mr. Linden’s added allegations as “attempt[ing] to link the claimed invention to the improvements,” but “still missing the specificity regarding *how* the invention does that.” J.A. 15 (citing FAC at ¶¶ 24–27, 33–34). Even these allegations, the district court stated, were “vague” and “devoid of technical specificity,” unlike claims that this court has determined were patent eligible at step two. J.A. 16 (citing *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121 (Fed. Cir. 2018), *Cellspin Soft Inc. v. Fitbit, Inc.*, 927 F.3d 1306 (Fed. Cir. 2019), and *Cooperative Ent., Inc. v. Kollektive Tech., Inc.*, 50 F.4th 127 (Fed. Cir. 2022)).

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Mr. Linden timely appeals the district court's grant of ResMed's Rule 12(b)(6) motion with prejudice. We have jurisdiction pursuant to 28 U.S.C. § 1295(a)(1).

STANDARD OF REVIEW

We review a district court's grant or denial of a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) under the law of the regional circuit. *PowerBlock Holdings, Inc. v. iFit, Inc.*, 146 F.4th 1366, 1370–71 (Fed. Cir. 2025). The Ninth Circuit reviews the grant or denial of motions to dismiss de novo. *Sanderling Mgt. Ltd. v. Snap Inc.*, 65 F.4th 698, 702 (Fed. Cir. 2023). Patent eligibility can be determined at the Rule 12(b)(6) stage “only when there are no factual allegations that, taken as true, prevent resolving the eligibility question as a matter of law.” *Aatrix*, 882 F.3d at 1125.

DISCUSSION

Mr. Linden argues the district court erred by determining that the asserted claims of the '150 patent are directed to patent ineligible subject matter under 35 U.S.C. § 101, and by dismissing his FAC on that basis. He contends that the district court erred both in its identification of a representative claim and also at each step of the § 101 analysis. We discuss each of these arguments in turn.

Eligibility Under § 101

Patent eligibility is governed by 35 U.S.C. § 101, which provides that “[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” Excepted from eligibility under § 101 are, *inter alia*, “abstract ideas.” *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014) (citation omitted).

In *Alice*, the Supreme Court established a two-step framework for evaluating patent eligibility. Step one asks us to consider whether the claim is “directed to” patent ineligible subject matter, here, an abstract idea. *See id.* at 217. If the claim is not directed to an abstract idea, the inquiry ends. *Id.* If the claim is directed to an abstract idea, at step two, we consider whether the claim includes an “inventive concept” by “consider[ing] 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.” *Id.* (citation modified). At step two, we ask whether the claims recite something “significantly more” than the abstract idea itself. *Id.* at 217–18 (citation omitted).

The ultimate question of patent eligibility under § 101 is a question of law that may include underlying issues of fact. *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1365 (Fed. Cir. 2018). At step two, “whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact.” *Id.* at 1368. If a genuine factual dispute exists at step two, patent eligibility “cannot be answered adversely to the patentee based on the sources properly considered on a motion to dismiss.” *Aatrix*, 882 F.3d at 1128.

Representative Claim

Mr. Linden argues the district court committed prejudicial error by treating Claim 1 of the ’150 patent as representative of the asserted claims. Appellant Br. 14–15. Mr. Linden did not raise this issue in the proceedings below. To the contrary, his counsel unequivocally represented to the district court that Claim 1 is representative. J.A. 188 (“Claim 1, we agree, is representative. That’s true.”). Further, as the district court discussed, the parties’ briefing on ResMed’s motions to dismiss focused exclusively on Claim 1, and Mr. Linden’s original complaint and

FAC referred to Claim 1 as “exemplary.” J.A. 64; J.A. 219. We reject Mr. Linden’s about-face on appeal and conclude that this argument is waived. *Stauffer v. Brooks Bros. Grp.*, 758 F.3d 1314, 1322 (Fed. Cir. 2014) (“Issues not properly raised before the district court are waived on appeal.”). Thus, as the district court did, we treat Claim 1 as representative.

Step One

The step one inquiry asks whether claims are “directed to” patent ineligible subject matter. *Alice*, 573 U.S. at 217. That inquiry “applies a stage-one filter to claims, considered in light of the specification, based on whether their character as a whole is directed to excluded subject matter.” *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1355 (Fed. Cir. 2016) (citation modified). We conclude at step one that Mr. Linden’s asserted claims are directed to an abstract idea.

Representative Claim 1 of the ’150 patent recites a method “for treating a patient,” where the method includes providing first and second electronic devices at respective first and second locations, where a patient is at the first location and a treatment provider is at the second location, and using the electronic devices to communicate and transmit information between the patient and treatment provider so that the treatment provider may form a diagnosis and administer a treatment to the patient. *See* J.A. 36–37 at 16:47–17:17. We agree with the district court that Claim 1 simply describes “a remote version” of an in-person doctor visit, a type of conventional organized human activity. *See* J.A. 175. This court has routinely affirmed the ineligibility of claims directed to similar conventional organized human activities being performed remotely. *E.g.*, *Univ. of Fla. Rsch. Found., Inc. v. Gen. Elec. Co.*, 916 F.3d 1363, 1367–68 (Fed. Cir. 2019) (affirming ineligibility of claims directed to a remote computing device for collecting medical information from bedside machines); *Becton*,

127 F. Supp. 3d at 692–93 (determining ineligible claims directed to pharmacist remotely supervising the work of a non-pharmacist, and noting that “[t]he fact that the pharmacist is ‘remote’ is of no added consequence to the abstract nature of the concept”). We thus conclude that Claim 1, as a whole, is directed to an abstract idea.

Mr. Linden argues that the asserted claims are non-abstract because they are directed to a “specific technological system” that requires a “concrete technological architecture.” Appellant Br. 9–10. We disagree. Claim 1 recites only that the first “electronic device” must be “internet and networking capable” and must include at least one “physical output display” and “input transducer.” J.A. 36 at 16:48–52. The claim does not address the structure of the second “electronic device” at all. In addition, the specification discloses that the claimed invention adds “communications or remote control capabilities *to known devices*” like “medical devices, therapy devices, rehabilitation devices,” etc. J.A. 36 at 15:61–16:16 (emphasis added). Thus, we conclude that Claim 1 recites generic hardware that does not render the claim non-abstract. *Credit Acceptance Corp. v. Westlake Servs.*, 859 F.3d 1044, 1055 (Fed. Cir. 2017) (“[U]sing generic computers does not constitute a patentable improvement in computer technology.”).

Mr. Linden asserts that the claimed method “improves the technological operation of network-connected medical devices by enabling real-time, bidirectional control and execution of patient-specific therapy.” Appellant Br. 10. We are not persuaded that Claim 1 constitutes an improvement to computer technology as this court has held to be non-abstract. *E.g., Enfish*, 822 F.3d at 1336. As we discuss above, Claim 1 recites generic computer hardware for remote communication and transmittal of information. Mr. Linden does not describe what, if any, advancements to computing devices are encompassed by Claim 1. Thus, this argument fails.

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For these reasons, we hold that the asserted claims of the '150 patent are directed to an abstract idea ineligible for patenting.

Step Two

At step two, we consider whether the claim elements, individually or as an ordered combination, add “significantly more” to the abstract idea. *Alice*, 573 U.S. at 217–22 (citation omitted). Mr. Linden argues that the ordered combination of elements recited in the claims of the '150 patent is an inventive concept that transforms the claims into more than an abstract idea. Appellant Br. 13. We disagree.

In *Bascom*, we held that “an inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces.” *Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (Fed. Cir. 2016). Mr. Linden argues that the combination of “capturing patient data, transmitting that data, receiving remote control signals, and implementing those signals through a powered device” constitutes such an inventive concept. Appellant Br. 13.

As an initial matter, we find this articulation of the ordered combination insufficient because it is a mere restatement of the abstract idea. Each of these steps goes directly to the idea of remotely treating a patient. Our jurisprudence is well-settled that “the abstract idea cannot supply the inventive concept.” *Mobile Acuity Ltd. v. Blippar Ltd.*, 110 F.4th 1280, 1294 (Fed. Cir. 2024) (citation modified).

Further, we agree with the district court that nothing in the '150 patent, nor in Mr. Linden’s allegations in the FAC, constitute plausible factual allegations precluding dismissal of Mr. Linden’s suit. As we discuss above, Claim 1 recites only generic hardware components used to facilitate a remote doctor visit. Neither the claims nor the specification provide any specific implementation details

as to how these components supply treatment. Mr. Linden’s allegations in Paragraphs 29–38 of his FAC directed to the inventiveness of the ordered combination do not raise a material factual issue. J.A. 217–19. Paragraphs 29, 32, and 35–37 allege that the ordered combination is not conventional or routine. Conclusory allegations are “not entitled to the assumption of truth” and we therefore afford them no weight. *See Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). The remaining paragraphs allege an advance of the ordered combination over the prior art that are insufficient to transform the claims into a patent eligible idea. We agree with the district court that these paragraphs “lack technical details on how to achieve the[] alleged improvements,” J.A. 16, which is wholly consistent with the lack of technical details provided in the ’150 patent itself.

Mr. Linden argues that “[t]his is not a case where claims merely recite generic components performing their ordinary functions,” but instead “the claimed elements are arranged in a specific configuration that enables device-level control and therapeutic execution.” Appellant Br. 13. Aside from this bare assertion, Mr. Linden provides no citations to his FAC or to the ’150 patent supporting this argument, and neither “device-level control” nor “therapeutic execution” are recited in the claims or discussed in the specification. We therefore reject this argument. *See Am. Axle & Manuf., Inc. v. Neapco Holdings LLC*, 967 F.3d 1285, 1293 (Fed. Cir. 2020) (“[W]e have repeatedly held that features that are not claimed are irrelevant as to step 1 or step 2 of the *Mayo/Alice* analysis.”); *Beteiro, LLC v. DraftKings Inc.*, 104 F.4th 1350, 1358 (Fed. Cir. 2024) (“Conclusory allegations, or those ‘wholly divorced’ from the claims or the specification, cannot defeat a motion to dismiss.” (citation omitted)).

For these reasons, we affirm the district court’s determination that, on the motion to dismiss record, the asserted claims lack an inventive concept.

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CONCLUSION

We have considered Mr. Linden's remaining arguments and find them unpersuasive. For the reasons provided, we affirm the district court's judgment to dismiss.

AFFIRMED