

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NEW DIRECTIONS TECHNOLOGY
CONSULTING, LLC,

Plaintiff,

v.

ABBOTT LABORATORIES INC. and
BIGFOOT BIOMEDICAL, INC.,

Defendants.

Civil Action No. 25-506-RGA

MEMORANDUM ORDER

The Magistrate Judge recommended denial of a § 101 motion to dismiss four patents and 160 claims. (D.I. 19).

Defendants object that the Magistrate Judge ignored their representative claims analysis. (D.I. 20). They point out that Plaintiff did not respond to it. Plaintiff says it did respond, but it cites about half its brief (D.I. 21 at 3, citing “D.I. 16 pp. 8-16”) in support of that assertion. To be charitable, Plaintiff must not know what a representative claims analysis is, because it certainly does not address one on the cited pages.

So, Defendants win? No! The Magistrate Judge points out that Defendants supplemented their brief with a seven-page chart. (D.I. 19 at 2 & n.1). The Magistrate Judge states, correctly, that Defendants “circumvent[]” the briefing page limits of the Local Rules.¹

¹ There are also Local Rules about font size. D.Del. LR 5.1.1(a) (12 point font for “[a]ll printed matter”). I do not think the exception for “[e]xhibits submitted for filing,” D.Del. LR 5.1.1.(b)(1), which appears to deal with pre-existing evidence, applies. Were the Magistrate Judge trying to load up on Defendants, she might have mentioned that the text of the seven additional pages is in what appears to be 8 point font. To give the reader an idea of what this looks like, I repeat the preceding sentence in 8 point font. Were the Magistrate Judge trying to load up on

More significantly, the Magistrate Judge describes the briefing as “conclusory and largely unhelpful.” (D.I. 19 at 2). I agree. It is Defendants’ burden to show representativeness. Defendants failed.²

The Magistrate Judge’s Report and Recommendation (D.I. 19) is ADOPTED. The motion to dismiss based on § 101 (D.I. 12) is DENIED.

IT IS SO ORDERED this 3rd day of March 2026.


United States District Judge

Defendants, she might have mentioned that the text of the seven additional pages is in what appears to be 8 point font. Good luck reading this even if one’s vision is 20-20.

² I decline Defendants’ suggestion that I decide their four representative claims and leave the other 156 for another day.