IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAAVO INC.,

Plaintiff,

v.

APPFOG, TIER 3, INC., and SAVVIS, COMMUNICATIONS CORPORATION,

Defendants.

C.A. No. 14-1193-LPS-CJB

JURY TRIAL DEMANDED

DEFENDANTS' RULE 12(B)(6) MOTION TO DISMISS FOR FAILURE TO ALLEGE INFRINGEMENT OF A PATENTABLE CLAIM UNDER 35 U.S.C. § 101

Defendants AppFog, Tier 3, Inc., and Savvis Communications Corporation (collectively "Defendants") hereby move for dismissal of Kaavo's complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6), on the ground that none of the claims of U.S. Patent No. 8,271,974 are valid under 35 U.S.C. § 101 because each recites patent-ineligible subject matter. The grounds for Defendants' motion are set forth in the Opening Brief in Support of Defendants' Rule 12(B)(6) Motion to Dismiss for Failure to Allege Infringement of a Patentable Claim Under 35 U.S.C. § 101, submitted herewith.

Dated: December 19, 2014 FISH & RICHARDSON P.C.

By: */s/ Warren K. Mabey, Jr.*

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