

## **Complaint Held Inadequate Under *Twombly* For Failing To Adequately Specify The Accused Product(s).**

Judge Sue Robinson addressed the issue of adequacy of pleadings in her decision in *Eidos Communications, LLC v. Skype Technologies SA*, Civil Action No. 09-234-SLR, 2010 U.S. Dist. LEXIS 16224 (D. Del. Feb. 24, 2010). In the decision, the court granted in part defendant Skype's motion to dismiss for failure to state a claim.

In the complaint, the plaintiff filed a patent infringement suit alleging infringement of three of its patents. *Id.* at 1. The plaintiff generally asserted that the defendants' "communication system products and/or methodologies" infringe the patents-in-suit. *Id.* at 2. The Court held this pleading insufficient under *Twombly* and ordered the patentee to amend its complaint or face dismissal. According to Judge Robinson, the "plaintiffs were obligated to specify, at a minimum, a general class of products or a general identification of the alleged infringing methods." *Id.* at 6.