

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

VENADIUM LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 5:15-cv-____

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Venadium LLC files its Original Complaint for Patent Infringement based on its knowledge as to itself and based on information and belief as to all other matters as follows:

THE PARTIES

1. Venadium LLC is a Texas limited liability company with a principal office at 3000 Custer Road, Suite 270-219, Plano, Texas 75075.
2. On information and belief, Defendant Apple Inc. is a California corporation with a principal office at 1 Infinite Loop, Cupertino, California 95014.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1, *et seq.*
4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
5. This Court has personal jurisdiction over Defendant because at least a portion of the infringements alleged herein occurred in this District, and Defendant regularly does or solicits business, engages in other persistent courses of conduct, or derives revenue from goods and services provided to individuals in this District.
6. Venue is proper in this District under §§ 1391(b), (c), and 1400(b).

THE PATENT-IN-SUIT

7. On December 11, 2001, the U.S. Patent and Trademark Office duly and lawfully issued U.S. Patent No. 6,330,549 (the “549 patent”), entitled “Protected Shareware.” *See* Exhibit A.

8. Venadium is the owner and assignee of all right, title, and interest in and to the 549 patent.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. 6,330,549 UNDER 35 U.S.C. § 271(a)

9. Venadium incorporates by reference each of its allegations in paragraphs 1 to 8.

10. Without license or authorization, Defendant has directly infringed and continues to directly infringe, literally or under the doctrine of equivalents, one or more claims of the 549 patent under 35 U.S.C. § 271(a) by, among other things, making, using, offering for sale, or selling products that use the Bluetooth 4.0 standard within this District and elsewhere in the United States that perform at least a method for protecting a computer program from unauthorized use independently of any methodology for distributing the computer program to prospective users, the computer program including an embedded protective code, the method comprising the steps of: (a) inhibiting via the embedded protective code at least one functional feature of the computer program from running on a user computer until the user computer receives an authorization message that is digitally signed by an authorized party using a secret signing key, the secret signing key being associated with a public checking key; (b) providing the embedded protective code with access to the public checking key; (c) running an integrity self-check over the computer program to confirm that the computer program is in an anticipated state, the integrity self-check being embedded in the computer program; (d) communicating the authorization message to the user computer; (e) applying the public checking key to the authorization message for authenticating it; and (f) enabling said functional feature to run on the user computer if the authorization message is authenticated and if the integrity self-check result confirms that the computer program is in the anticipated state.

11. The Bluetooth 4.0 standard and the accused method is an integral part the Defendant's following products: iPhone 6, iPhone 6 Plus, iPhone 5s, iPhone 5c, MacBook, MacBook Air, MacBook Pro, iMac, iMac with Retina 5K display, Mac Pro, Mac mini, iPad Air 2, iPad Air, iPad mini 3, iPad mini 2, iPad nano, iPad touch, and Apple Watch.

PRAYER FOR RELIEF

Venadium seeks the following relief from this Court:

- A. Judgment that Defendant has directly infringed the 549 patent literally or under the doctrine of equivalents;
- B. An accounting of sales of all infringing products through the time of judgment;
- C. An award of damages in the form of at least a reasonable royalty for Defendant's past and future infringement of the 549 patent through the time of judgment, together with pre- and post-judgment interest and costs under 35 U.S.C. § 284;
- D. Judgement that this case is exceptional and an award of Venadium's reasonable attorneys' fees and costs under 35 U.S.C. § 285; and
- E. An award to Venadium of such further relief at law or in equity that this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff Venadium demands a trial by jury on all claims and issues so triable.

Dated: July 16, 2015

Respectfully submitted,



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