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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 e.Digital Corporation,
18 Plaintiff,
19 v.
20 MYFOX, Inc. a Delaware Corporation,
21 Defendant.

Case No.
**COMPLAINT FOR PATENT
INFRINGEMENT**
DEMAND FOR JURY TRIAL

22 Plaintiff e.Digital Corporation (“e.Digital” or “Plaintiff”), by and through its undersigned
23 counsel, complains and alleges against Defendant MYFOX, Inc., a wholly owned subsidiary of
24 MYFOX, a French Corporation, located at 2460 L’Occitane, Regent Park II, Btiment I, Labge,
25 31670, (“MYFOX” or “Defendant”) as follows:

26 **NATURE OF THE ACTION**

27 1. This is a civil action for infringement of a patent arising under the laws of the
28 United States relating to patents, 35 U.S.C. § 101, *et seq.*, including, without limitation, 35
U.S.C. §§ 271, 281. Plaintiff e.Digital seeks a preliminary and permanent injunction and
monetary damages for patent infringement.

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JURISDICTION AND VENUE

1
2 2. This court has subject matter jurisdiction over this case for patent infringement
3 under 28 U.S.C. §§ 1331 and 1338(a) and pursuant to the patent laws of the United States of
4 America, 35 U.S.C. § 101, *et seq.*

5 3. Venue properly lies within the Northern District of California pursuant to the
6 provisions of 28 U.S.C. §§ 1391(b), (c), and (d) and 1400(b). On information and belief,
7 Defendant conducts substantial business directly and/or through third parties or agents in this
8 judicial district by selling and/or offering to sell the infringing products and/or by conducting
9 other business in this judicial district. Furthermore, Plaintiff is informed and believes that
10 Defendant is headquartered and has its principal place of business in this district, engages in
11 business in this district, and that Plaintiff has been harmed by Defendant’s conduct, business
12 transactions and sales in this district.

13 4. This Court has personal jurisdiction over Defendant because, on information and
14 belief, Defendant maintains an office at 1999 S. Bascome Ave., #700 Santa Clara, CA, 95008-
15 2205 and another office at 350 California St., San Francisco, California, 94104-2412. Also,
16 Plaintiff is informed and believes that MYFOX transacts continuous and systematic retail
17 business within the State of California and the Northern District of California. This Court has
18 personal jurisdiction over the Defendant because Plaintiff is informed and believes that this
19 Defendant’s infringing activities, including, without limitation, the making, using, selling and/or
20 offering to sell infringing products, occur in the State of California and the Northern District of
21 California. In particular, Defendant admits to selling its infringing product at local retail stores
22 within the Northern District at Home Depot®, WalMart™, Fry’s Electronics and Best Buy.
23 Finally, this Court has personal jurisdiction over Defendant because, on information and belief,
24 Defendant has made, used, sold and/or offered for sale its infringing products and placed such
25 infringing products in the stream of interstate commerce with the expectation that such infringing
26 products would be made, used, sold and/or offered for sale within the State of California and the
27 Northern District of California.

28 5. Upon information and belief, certain of the products manufactured by or for

1 Defendant have been and/or are currently sold and/or offered for sale at, among other places, the
2 MYFOX website located at http://www.getmyfox.com/us_en/alarm-security-systems-store.html
3 to consumers including, but not limited to, consumers located within the State of California and
4 this District.

5 **PARTIES**

6 6. Plaintiff e.Digital is a Delaware corporation with its headquarters and principal
7 place of business at 16870 West Bernardo Drive, Suite 120, San Diego, California 92127.

8 7. Upon information and belief, Defendant MYFOX, Inc. maintains an office at
9 1999 S. Bascome Ave., #700 Santa Clara, CA, 95008-2205 and another office at 350 California
10 St., San Francisco, California, 94104-2412.

11 **THE ACCUSED PRODUCTS**

12 8. The Defendant's accused products for purposes of the asserted patents include but
13 are not limited to sensor-based products and services, such as, without limitation, Defendant's
14 home alarm system that includes, remote sensors and a server sold as "MYFOX" branded
15 products and services (the "Accused Products").

16 9. By way of example, information about and demonstration videos showing how to
17 use the accused products so as to infringe the asserted patents are posted by MYFOX on its
18 YouTube channel at
19 https://www.youtube.com/playlist?list=PLCRNWLKdNv5_TF6bMt_B0YSGT4rCHY7Ut. The
20 same is available on MYFOX's social media sites such like: Facebook
21 <https://www.facebook.com/getmyfox>; Twitter <https://twitter.com/getmyfox>; and Instagram
22 <https://www.instagram.com/getmyfox/>.

23 10. MYFOX also provides operating manuals, user or installation guides, "quick
24 reference guides," instructional/informational videos on its website and other public websites
25 that instruct customers and end-users on how to purchase the Accused Products and set them up
26 in conjunction with the Defendant's servers, mobile apps, and/or web sites. (See, e.g.
27 <http://medias.getmyfox.com/media/help-desk/user-guide-security-camera.pdf>). Among other
28 things, such materials lay out step-by-step instructions on how to set up an apparatus or system

1 that infringes the asserted claims of the asserted patents.

2 11. Plaintiff believes and thereupon alleges that MYFOX is aware that its customers
3 and end-users are using the accused products in an infringing manner based on, among other
4 things: the discussions, questions, answers, and/or comments posted on its website, YouTube
5 page, Twitter page (<https://twitter.com/getmyfox>), and/or Facebook page
6 (<https://www.facebook.com/getmyfox>) where MYFOX's authorized agents, customers and/or
7 end-users discuss and disclose the use of the accused products, a process which MYFOX knows
8 infringes the patents-in-suit. Further, Plaintiff alleges that MYFOX encourages its customers
9 and end-users to use the accused products in an infringing manner as alleged herein.

10 **THE ASSERTED PATENTS**

11 12. On November 13, 2012, the United States and Trademark office duly and legally
12 issued United States Patent No. 8,311,522, entitled "System and Method for Managing Mobile
13 Communications" ("the '522 patent"). The patent's named inventor is Patrick Nunally and
14 Plaintiff e.Digital is assignee and owner of the entire right, title and interest in and to the '522
15 patent and vested with the right to bring this suit for damages and other relief. A true and correct
16 copy of the '522 patent is attached hereto as Exhibit "A."

17 13. On November 6, 2012, the United States and Trademark office duly and legally
18 issued United States Patent No. 8,306,514, entitled "System and Method for Managing Mobile
19 Communications" ("the '514 patent"). Although, issued one week earlier, the '514 patent is a
20 continuation of the '522 patent. The patent's named inventor is Patrick Nunally and Plaintiff
21 e.Digital is assignee and owner of the entire right, title and interest in and to the '514 patent and
22 vested with the right to bring this suit for damages and other relief. A true and correct copy of
23 the '514 patent is attached hereto as Exhibit "B."

24 14. On November 13, 2012, the United States and Trademark office duly and legally
25 issued United States Patent No. 8,311,524, entitled "System and Method for Managing Mobile
26 Communications" ("the '524 patent"). The '524 patent is a continuation of the '522 patent. The
27 patent's named inventor is Patrick Nunally and Plaintiff e.Digital is assignee and owner of the
28 entire right, title and interest in and to the '524 patent and vested with the right to bring this suit

1 for damages and other relief. A true and correct copy of the '524 patent is attached hereto as
2 Exhibit "C."

3 15. On April 7, 2015, the United States Patent and Trademark office duly and legally
4 issued United States Patent No. 9,002,331, entitled "System and Method for Managing Mobile
5 Communications" ("the '331 patent"), which is a continuation of the '522 patent. Patrick
6 Nunally is the sole named inventor and Plaintiff e.Digital is assignee and owner of the entire
7 right, title and interest in and to the '331 patent and vested with the right to bring this suit for
8 damages and other relief. A true and correct copy of the '331 patent is attached hereto as Exhibit
9 "D."

10 16. On November 3, 2015, the United States Patent and Trademark office duly and
11 legally issued United States Patent No. 9,178,983, also entitled "System and Method of
12 Managing Mobile Communications" ("the '983 patent"). The '983 patent is a continuation of
13 U.S. Patent No. 8,315,618, which is, in turn, a continuation of the '522 patent. Patrick Nunally is
14 the sole named inventor and Plaintiff e.Digital is assignee and owner of the entire right, title and
15 interest in and to the '983 patent and vested with the right to bring this suit for damages and
16 other relief. A true and correct copy of the '983 patent is attached hereto as Exhibit "E."

17 **COUNT ONE**

18 **INFRINGEMENT OF THE '522 PATENT BY DEFENDANT**

19 17. Plaintiff re-alleges and incorporates by reference each of the allegations set forth
20 in paragraphs 1 through 16 above.

21 18. Defendant has knowledge of infringement of the '522 patent since at least the
22 filing of this complaint.

23 19. The accused products, alone or in combination with other products, directly or
24 alternatively under the doctrine of equivalents practice each of the limitations of independent
25 claim 17 and dependent claim 21 of the '522 patent (hereafter "the asserted claims of the '522
26 patent") in violation of 35 U.S.C. § 271(a) when Defendant demonstrates, tests or otherwise uses
27 the accused products in the United States.

28 20. Plaintiff alleges that Defendant encourages others to directly infringe the asserted

1 claims of the '522 patent by among other things, advertising and promoting the sale and use of
2 the accused products in violation of 35 U.S.C. § 271(b) and (c) by knowingly inducing and
3 contributing to the infringement of the '522 patent by, amount other things, providing operating
4 manuals, guides, instructional and/or informational videos and other materials designed to
5 instruct others how to use the products in an infringing manner. In particular, Defendant's
6 product literature, materials and instructional videos advertise and encourage customers to use
7 the accused product(s) for remote monitoring, which utilizes the devices described by the '522
8 patent in a manner Defendant knows infringes the patent. As more fully set forth above in
9 paragraphs 9, 10 and 11, Defendant's informational materials lay out step-by-step instructions on
10 how to set up an apparatus or system that infringes the asserted claims of the asserted patents.

11 21. Plaintiff thereupon alleges on information and belief that Defendant has, in the
12 United States, without authority, actively induced and continues to actively induce infringement
13 of the asserted claims of the '522 patent in violation of 35 U.S.C. § 271(b) by among other things
14 posting information about and demonstration videos showing how to infringe the asserted patents
15 as more specifically set forth above in paragraphs 9, 10 and 11.

16 22. Plaintiff similarly alleges upon information and belief that, without authority,
17 Defendant has contributed and continues to contribute to the infringement of the asserted claims
18 of the '522 patent in violation of 35 U.S.C. § 271(c) by importing into the United States, selling
19 and/or offering to sell within the United States accused products, that at a minimum include
20 wireless camera and/or other sensor products together with remote monitoring and
21 communication systems constituting material components of the accused products, that
22 Defendant knows were made and/or especially adapted for use in the accused products and/or are
23 especially adapted for use in infringing the asserted claims of the '522 patent; and which are not
24 otherwise staple articles of commerce suitable for substantial use in a manner that does not
25 infringe the asserted claims of the '522 patent.

26 23. Plaintiff is informed and believes that Defendant intentionally sells, ships or
27 otherwise delivers the accused products in the United States, with knowledge that are designed to
28 and do practice the infringing features of the asserted claims of the '522 patent.

1 24. Plaintiff is without an adequate remedy at law and has thus been irreparably
2 harmed by these acts of infringement. Plaintiff asserts upon information and belief that
3 infringement of the asserted claims of the '522 patent is continuous and ongoing unless and until
4 Defendant is enjoined from further infringement by the court.

5 **COUNT TWO**

6 **INFRINGEMENT OF THE '514 PATENT BY DEFENDANT**

7 25. Plaintiff re-alleges and incorporates by reference each of the allegations set forth
8 in paragraphs 1 through 16 above.

9 26. Defendant has knowledge of infringement of the '514 patent since at least the
10 filing of this complaint.

11 27. The accused products, alone or in combination with other products, directly or
12 alternatively under the doctrine of equivalents practice each of the limitations of independent
13 claim 34 and dependent claim 35 of the '514 patent (hereafter "the asserted claims of the '514
14 patent") in violation of 35 U.S.C. § 271(a) when Defendant demonstrates, tests or otherwise uses
15 the accused products in the United States.

16 28. Plaintiff alleges that Defendant encourages others to directly infringe the asserted
17 claims of the '514 patent by among other things, advertising and promoting the sale and use of
18 the accused products in violation of 35 U.S.C. § 271(b) and (c) by knowingly inducing and
19 contributing to the infringement of the '514 patent by, amount other things, providing operating
20 manuals, guides, instructional and/or informational videos and other materials designed to
21 instruct others how to use the products in an infringing manner. In particular, Defendant's
22 product literature, materials and instructional videos advertise and encourage customers to use
23 the accused product(s) for remote monitoring, which utilizes the devices described by the '514
24 patent in a manner Defendant knows infringes the patent. As more fully set forth above in
25 paragraphs 9, 10 and 11, Defendant's informational materials lay out step-by-step instructions on
26 how to set up an apparatus or system that infringes the asserted claims of the asserted patents.

27 29. Plaintiff thereupon alleges on information and belief that Defendant has, in the
28 United States, without authority, actively induced and continues to actively induce infringement

1 of the asserted claims of the '514 patent in violation of 35 U.S.C. § 271(b) by among other things
2 posting information about and demonstration videos showing how to infringe the asserted patents
3 as more specifically set forth above in paragraphs 9, 10 and 11.

4 30. Plaintiff similarly alleges upon information and belief that, without authority,
5 Defendant has contributed and continues to contribute to the infringement of the asserted claims
6 of the '514 patent in violation of 35 U.S.C. § 271(c) by importing into the United States, selling
7 and/or offering to sell within the United States accused products, that at a minimum include
8 wireless camera and/or other sensor products together with remote monitoring and
9 communication systems constituting material components of the accused products, that
10 Defendant knows were made and/or especially adapted for use in the accused products and/or are
11 especially adapted for use in infringing the asserted claims of the '514 patent; and which are not
12 otherwise staple articles of commerce suitable for substantial use in a manner that does not
13 infringe the asserted claims of the '514 patent.

14 31. Plaintiff is informed and believes that Defendant intentionally sells, ships or
15 otherwise delivers the accused products in the United States, with knowledge that are designed to
16 and do practice the infringing features of the asserted claims of the '514 patent.

17 32. Plaintiff is without an adequate remedy at law and has thus been irreparably
18 harmed by these acts of infringement. Plaintiff asserts upon information and belief that
19 infringement of the asserted claims of the '514 patent is continuous and ongoing unless and until
20 Defendant is enjoined from further infringement by the court.

21 **COUNT THREE**

22 **INFRINGEMENT OF THE '524 PATENT BY DEFENDANT**

23 33. Plaintiff re-alleges and incorporates by reference each of the allegations set forth
24 in paragraphs 1 through 16 above.

25 34. Defendant has knowledge of infringement of the '524 patent since at least the
26 filing of this complaint.

27 35. The accused products, alone or in combination with other products, directly or
28 alternatively under the doctrine of equivalents practice each of the limitations of independent

1 claim 1 and dependent claims 10 and 18 of the '524 patent (hereafter "the asserted claims of the
2 '524 patent") in violation of 35 U.S.C. § 271(a) when Defendant demonstrates, tests or otherwise
3 uses the accused products in the United States.

4 36. Plaintiff alleges that Defendant encourages others to directly infringe the asserted
5 claims of the '524 patent by among other things, advertising and promoting the sale and use of
6 the accused products in violation of 35 U.S.C. § 271(b) and (c) by knowingly inducing and
7 contributing to the infringement of the '524 patent by, amount other things, providing operating
8 manuals, guides, instructional and/or informational videos and other materials designed to
9 instruct others how to use the products in an infringing manner. In particular, Defendant's
10 product literature, materials and instructional videos advertise and encourage customers to use
11 the accused product(s) for remote monitoring, which utilizes the devices described by the '524
12 patent in a manner Defendant knows infringes the patent. As more fully set forth above in
13 paragraphs 9, 10 and 11, Defendant's informational materials lay out step-by-step instructions on
14 how to set up an apparatus or system that infringes the asserted claims of the asserted patents.

15 37. Plaintiff thereupon alleges on information and belief that Defendant has, in the
16 United States, without authority, actively induced and continues to actively induce infringement
17 of the asserted claims of the '524 patent in violation of 35 U.S.C. § 271(b) by among other things
18 posting information about and demonstration videos showing how to infringe the asserted patents
19 as more specifically set forth above in paragraphs 9, 10 and 11.

20 38. Plaintiff similarly alleges upon information and belief that, without authority,
21 Defendant has contributed and continues to contribute to the infringement of the asserted claims
22 of the '524 patent in violation of 35 U.S.C. § 271(c) by importing into the United States, selling
23 and/or offering to sell within the United States accused products, that at a minimum include
24 wireless camera and/or other sensor products together with remote monitoring and
25 communication systems constituting material components of the accused products, that
26 Defendant knows were made and/or especially adapted for use in the accused products and/or are
27 especially adapted for use in infringing the asserted claims of the '524 patent; and which are not
28 otherwise staple articles of commerce suitable for substantial use in a manner that does not

1 infringe the asserted claims of the '524 patent.

2 39. Plaintiff is informed and believes that Defendant intentionally sells, ships or
3 otherwise delivers the accused products in the United States, with knowledge that are designed to
4 and do practice the infringing features of the asserted claims of the '524 patent.

5 40. Plaintiff is without an adequate remedy at law and has thus been irreparably
6 harmed by these acts of infringement. Plaintiff asserts upon information and belief that
7 infringement of the asserted claims of the '524 patent is continuous and ongoing unless and until
8 Defendant is enjoined from further infringement by the court.

9 **COUNT FOUR**

10 **INFRINGEMENT OF THE '331 PATENT BY DEFENDANT**

11 41. Plaintiff re-alleges and incorporates by reference each of the allegations set forth
12 in paragraphs 1 through 16 above.

13 42. Defendant has knowledge of infringement of the '331 patent since at least the
14 filing of this complaint.

15 43. The accused products, alone or in combination with other products, directly or
16 alternatively under the doctrine of equivalents practice each of the limitations of independent
17 claim 1 and dependent claims 2, 3 and 11 of the '331 patent (hereafter "the asserted claims of the
18 '331 patent") in violation of 35 U.S.C. § 271(a) when Defendant demonstrates, tests or otherwise
19 uses the accused products in the United States.

20 44. Plaintiff alleges that Defendant encourages others to directly infringe the asserted
21 claims of the '331 patent by among other things, advertising and promoting the sale and use of
22 the accused products in violation of 35 U.S.C. § 271(b) and (c) by knowingly inducing and
23 contributing to the infringement of the '331 patent by, amount other things, providing operating
24 manuals, guides, instructional and/or informational videos and other materials designed to
25 instruct others how to use the products in an infringing manner. In particular, Defendant's
26 product literature, materials and instructional videos advertise and encourage customers to use
27 the accused product(s) for remote monitoring, which utilizes the devices described by the '331
28 patent in a manner Defendant knows infringes the patent. As more fully set forth above in

1 paragraphs 9, 10 and 11, Defendant's informational materials lay out step-by-step instructions on
2 how to set up an apparatus or system that infringes the asserted claims of the asserted patents.

3 45. Plaintiff thereupon alleges on information and belief that Defendant has, in the
4 United States, without authority, actively induced and continues to actively induce infringement
5 of the asserted claims of the '331 patent in violation of 35 U.S.C. § 271(b) by among other things
6 posting information about and demonstration videos showing how to infringe the asserted patents
7 as more specifically set forth above in paragraphs 9, 10 and 11.

8 46. Plaintiff similarly alleges upon information and belief that, without authority,
9 Defendant has contributed and continues to contribute to the infringement of the asserted claims
10 of the '331 patent in violation of 35 U.S.C. § 271(c) by importing into the United States, selling
11 and/or offering to sell within the United States accused products, that at a minimum include
12 wireless camera and/or other sensor products together with remote monitoring and
13 communication systems constituting material components of the accused products, that
14 Defendant knows were made and/or especially adapted for use in the accused products and/or are
15 especially adapted for use in infringing the asserted claims of the '331 patent; and which are not
16 otherwise staple articles of commerce suitable for substantial use in a manner that does not
17 infringe the asserted claims of the '331 patent.

18 47. Plaintiff is informed and believes that Defendant intentionally sells, ships or
19 otherwise delivers the accused products in the United States, with knowledge that are designed to
20 and do practice the infringing features of the asserted claims of the '331 patent.

21 48. Plaintiff is without an adequate remedy at law and has thus been irreparably
22 harmed by these acts of infringement. Plaintiff asserts upon information and belief that
23 infringement of the asserted claims of the '331 patent is continuous and ongoing unless and until
24 Defendant is enjoined from further infringement by the court.

25 **COUNT FIVE**

26 **INFRINGEMENT OF THE '983 PATENT BY DEFENDANT**

27 49. Plaintiff re-alleges and incorporates by reference each of the allegations set forth
28 in paragraphs 1 through 16 above.

1 50. Defendant has knowledge of infringement of the '983 patent since at least the
2 filing of this complaint.

3 51. The accused products, alone or in combination with other products, directly or
4 alternatively under the doctrine of equivalents practice each of the limitations of independent
5 claims 1 and 20 and dependent claims 13, 14, 16, and 19 of the '983 patent (hereafter "the
6 asserted claims of the '983 patent") in violation of 35 U.S.C. § 271(a) when Defendant
7 demonstrates, tests or otherwise uses the accused products in the United States.

8 52. Plaintiff alleges that Defendant encourages others to directly infringe the asserted
9 claims of the '983 patent by among other things, advertising and promoting the sale and use of
10 the accused products in violation of 35 U.S.C. § 271(b) and (c) by knowingly inducing and
11 contributing to the infringement of the '983 patent by, amount other things, providing operating
12 manuals, guides, instructional and/or informational videos and other materials designed to
13 instruct others how to use the products in an infringing manner. In particular, Defendant's
14 product literature, materials and instructional videos advertise and encourage customers to use
15 the accused product(s) for remote monitoring, which utilizes the devices described by the '983
16 patent in a manner Defendant knows infringes the patent. As more fully set forth above in
17 paragraphs 9, 10 and 11, Defendant's informational materials lay out step-by-step instructions on
18 how to set up an apparatus or system that infringes the asserted claims of the asserted patents.

19 53. Plaintiff thereupon alleges on information and belief that Defendant has, in the
20 United States, without authority, actively induced and continues to actively induce infringement
21 of the asserted claims of the '983 patent in violation of 35 U.S.C. § 271(b) by among other things
22 posting information about and demonstration videos showing how to infringe the asserted patents
23 as more specifically set forth above in paragraphs 9, 10 and 11.

24 54. Plaintiff similarly alleges upon information and belief that, without authority,
25 Defendant has contributed and continues to contribute to the infringement of the asserted claims
26 of the '983 patent in violation of 35 U.S.C. § 271(c) by importing into the United States, selling
27 and/or offering to sell within the United States accused products, that at a minimum include
28 wireless camera and/or other sensor products together with remote monitoring and

1 communication systems constituting material components of the accused products, that
2 Defendant knows were made and/or especially adapted for use in the accused products and/or are
3 especially adapted for use in infringing the asserted claims of the '983 patent; and which are not
4 otherwise staple articles of commerce suitable for substantial use in a manner that does not
5 infringe the asserted claims of the '983 patent.

6 55. Plaintiff is informed and believes that Defendant intentionally sells, ships or
7 otherwise delivers the accused products in the United States, with knowledge that are designed to
8 and do practice the infringing features of the asserted claims of the '983 patent.

9 56. Plaintiff is without an adequate remedy at law and has thus been irreparably
10 harmed by these acts of infringement. Plaintiff asserts upon information and belief that
11 infringement of the asserted claims of the '983 patent is continuous and ongoing unless and until
12 Defendant is enjoined from further infringement by the court.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff prays for relief and judgment as follows:

- 15 1. That Defendant has infringed the Patents-in-Suit;
- 16 2. That Defendant, Defendant's officers, agents, servants, employees, and attorneys,
17 and those persons in active concert or participation with them, be preliminarily and permanently
18 enjoined from infringement of the Patents-in-Suit, including but not limited to any making,
19 using, offering for sale, selling, or importing of unlicensed infringing products within and
20 without the United States;
- 21 3. Compensation for all damages caused by Defendant's infringement of the Patents-
22 in-Suit to be determined at trial;
- 23 4. A finding that this case is exceptional and an award of reasonable attorneys fees
24 pursuant to 35 U.S.C. § 285;
- 25 5. Granting Plaintiff pre-and post-judgment interest on its damages, together with all
26 costs and expenses; and,
- 27 6. Awarding such other relief as this Court may deem just and proper.

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HANDAL & ASSOCIATES

Dated: December 17, 2015

By: /s/ Gabriel G. Hedrick
Gabriel G. Hedrick
Lauren G. Kane
Anton N. Handal
Attorneys for Plaintiff
e.Digital Corporation

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all claims.

HANDAL & ASSOCIATES

Dated: December 17, 2015

By: /s/ Gabriel G. Hedrick
Gabriel G. Hedrick
Lauren G. Kane
Anton N. Handal
Attorneys for Plaintiff
e.Digital Corporation

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on this date to all counsel of record, if any to date, who are deemed to have consented to electronic service via the Court’s CM/ECF system per CivLR 5.4(d). Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery upon their appearance in this matter.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 17th day of December, 2015 at San Diego, California.

HANDAL & ASSOCIATES

By: /s/ Gabriel G. Hedrick
Gabriel G. Hedrick