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1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

3 CONTENT AGGREGATION
4 SOLUTIONS LLC, a Texas
5 limited liability company,

6 Plaintiff,

7 v.

8 ZTE CORPORATION, a China
9 corporation, and ZTE (USA), Inc., a
10 New Jersey corporation,

11 Defendants.

'16CV0533 BTM BLM

**PLAINTIFF'S ORIGINAL
COMPLAINT FOR PATENT
INFRINGEMENT**

Jury Trial Demanded

11 Plaintiff Content Aggregation Solutions LLC files this complaint against ZTE
12 Corporation and ZTE (USA), Inc. (collectively "Defendants") for infringement of
13 U.S. Patent No. 8,756,155.

14 **THE PARTIES**

15 1. Content Aggregation Solutions LLC ("CAS" or "Plaintiff") is a Texas
16 limited liability company with its principal place of business at 8616 Turtle Creek
17 Blvd., Suite 521, Dallas, Texas 75225. CAS is the owner by assignment of U.S.
18 Patent No. 8,756,155 ("the '155 patent").

19 2. On information and belief, ZTE Corporation is a company incorporated
20 under the laws of China with its principal place of business located at ZTE Plaza,
21 Keji Road South, Hi-Tech Industrial Park, Nanshan District, Shenzhen,
22 Guangdong, China 51807. ZTE Corporation may be served with process in China
23 pursuant to the Hague Convention on the Service Abroad of Judicial and
24 Extrajudicial Documents in Civil or Commercial Matters. This Defendant does
25 business in the State of California and in the Southern District of California.

26 3. On information and belief, ZTE (USA), Inc. (with ZTE Corporation,
27 "ZTE") is a New Jersey corporation with its principal place of business at 33 Wood
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1 Avenue, South 7th Floor, Iselin, New Jersey 08830. This Defendant may be served
2 with process through its agent, Jing Li, 2425 N. Central Expy, Suite 323
3 Richardson, TX 75080. This Defendant does business in the State of California
4 and in the Southern District of California.

5 **JURISDICTION AND VENUE**

6 4. CAS brings this action for patent infringement under the patent laws of the
7 United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This
8 Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

9 5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(d) and
10 1400(b). On information and belief, ZTE (USA), Inc. transacts business in this District.
11 ZTE Corporation is an alien that conducts business in this District through its
12 wholly-owned subsidiary ZTE (USA), Inc. On information and belief, ZTE has
13 committed acts of infringement in this District.

14 6. Each Defendant is subject to this Court's specific and general personal
15 jurisdiction pursuant to due process and/or the California Long Arm Statute, due at
16 least to its substantial business in this State and judicial district, including: (A) at
17 least part of its infringing activities alleged herein; and (B) regularly doing or
18 soliciting business, engaging in other persistent conduct, and/or deriving
19 substantial revenue from goods sold and services provided to California residents.

20 **COUNT I**

21 **(Patent Infringement - U.S. Patent No. 8,756,155)**

22 7. CAS incorporates paragraphs 1 through 6 herein by reference.

23 8. This cause of action arises under the patent laws of the United States, and in
24 particular, 35 U.S.C. §§ 271, *et seq.*

25 9. CAS is the owner of the '155 patent, entitled "Web Based Communication
26 of Information with Reconfigurable Format," with ownership of all substantial rights
27 in the '155 patent, including the right to exclude others and to enforce, sue, and
28 recover damages for past and future infringement. A true and correct copy of the '155

1 patent is attached as Exhibit A.

2 10. The '155 patent is valid, enforceable and was duly issued in full compliance
3 with Title 35 of the United States Code.

4 11. The claims of the '155 patent are directed to solving a variety of technical
5 problems arising from the significant limitations of the Internet, and in doing so
6 improve the operation of certain types of devices using the Internet.

7 12. The claims are addressed, among other things, to the technical problem of
8 how to efficiently and practically assemble a combination of different information
9 from different sources on the Internet and return that information to a handheld
10 device, such as a Smartphone, that on its own would have been incapable of
11 assembling the information in a practical and useful way without modification of the
12 different sources. The claims additionally reduce technical complexity and improve
13 efficiency in the handheld device by allowing the aggregation to take place upon the
14 selection of at least one indicator with a single actuation. The precise way in which
15 these problems have been solved with the improvements of the '155 patent claims is
16 specified in each of the separate claims.

17 13. The Patent Office found that the claimed inventions were different from any
18 pre-existing technology known to the Patent Office and that a person of ordinary skill
19 in the technology related to the '155 patent would not have found it obvious to
20 combine preexisting technologies to arrive at the solutions set forth in the '155 patent.

21 14. The integrations in the claims of the '155 patent provide new results that
22 allow handheld devices to operate in a superior way that was not available before the
23 invention of the '155 claims, providing benefits that did not exist before the '155
24 claims.

25 15. None of the claims of the '155 patent preempts the use of handheld devices,
26 such as Smartphones, on the Internet. Nor do any of the claims preempt commerce on
27 the Internet, electronic shopping, Internet auctions, web browsing, or any other
28 fundamental and long prevalent Internet or economic practice.

1 16. There are technical alternatives to the claims of the '155 patent that are
2 directed to the same problems addressed by the patent claims.

3 17. Each claim of the '155 patent claims an apparatus for a specific computing
4 device, not a mere general computer or generic handheld device.

5 **DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

6 18. Defendants have directly infringed, and continue to directly infringe, one or
7 more claims of the '155 patent in this judicial district and elsewhere in California and
8 the United States.

9 19. Defendants have infringed at least claims 1, 15 and 16 of the '155 patent, by
10 using, selling, and/or offering to sell, within the United States, and/or by importing
11 into the United States, products, including, but not limited to, smartphones and/or
12 tablets that include Android operating systems with Google Now Cards functionality.

13 20. Defendants are liable for these direct infringements pursuant to 35 U.S.C. §
14 271.

15 **WHEREFORE**, CAS asks that the Court find in its favor and against
16 Defendants, and that the Court grant CAS the following relief:

- 17 a. Judgment that one or more claims of the '155 patent has been infringed,
18 either literally and/or under the doctrine of equivalents, by one or more
19 Defendants;
- 20 b. Judgment that Defendants account for and pay to CAS all damages and
21 costs incurred by CAS because of Defendants' infringing activities and
22 other conduct complained of herein;
- 23 c. Judgment that Defendants account for and pay to CAS a reasonable, on-
24 going, post judgment royalty because of Defendants' infringing activities
25 and other conduct complained of herein;
- 26 d. That CAS be granted pre judgment and post judgment interest on the
27 damages caused by Defendants' infringing activities and other conduct
28 complained of herein; and

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e. That CAS be granted such other and further relief as the Court may deem just and proper under the circumstances

Dated: 03/02/2016

GARTMAN LAW GROUP, P.C.

By: /s/ John E. Gartman
John E. Gartman

*Attorney for Plaintiff Content
Aggregation Solutions LLC*

REQUEST FOR TRIAL BY JURY

Plaintiffs claim trial by jury on all issues so triable.

Dated: 03/02/2016

GARTMAN LAW GROUP, P.C.

By: /s/ John E. Gartman
John E. Gartman

*Attorney for Plaintiff Content
Aggregation Solutions LLC*