

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

511 INNOVATIONS, INC.,	§	
	§	
<i>Plaintiff,</i>	§	Civil Action No. 2:15-cv-1524-JRG-RSP
	§	
v.	§	JURY TRIAL DEMANDED
	§	
HTC AMERICA, INC., et al.,	§	
	§	(LEAD CASE)
<i>Defendants.</i>	§	

511 INNOVATIONS, INC.,	§	
	§	
<i>Plaintiff,</i>	§	Civil Action No. 2:15-cv-1525-JRG-RSP
	§	
v.	§	JURY TRIAL DEMANDED
	§	
MICROSOFT MOBILE INC., et al.,	§	
	§	(CONSOLIDATED CASE)
<i>Defendants.</i>	§	

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

COMES NOW Plaintiff 511 Innovations, Inc. (“511 Innovations”) and files this First Amended Complaint for Patent Infringement against Defendants Microsoft Mobile Inc. (formerly known as Nokia Inc.), Microsoft Mobile Oy, and Microsoft Corporation (collectively the “Microsoft Defendants”); and Avago Technologies U.S. Inc., Avago Technologies General IP (Singapore) Pte. Ltd., Avago Technologies Trading Ltd., Avago Technologies International Sales Pte. Limited, and Avago Technologies Limited (collectively the “Avago Defendants”), alleging as follows:

I. NATURE OF THE SUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

II. THE PARTIES

2. Plaintiff **511 Innovations, Inc.** is a Texas corporation that maintains its principal place of business in Marshall, Texas.

3. Defendant **Microsoft Mobile Inc.** is a Delaware corporation that does business in Texas and maintains its principal place of business in Irving, Texas.

4. Defendant Microsoft Mobile Inc. is formerly known as Nokia Inc.

5. Defendant **Microsoft Mobile Oy** is a Finnish company that does business in Texas, directly or through intermediaries, and maintains its principal place of business in Espoo, Finland.

6. Defendant **Microsoft Corporation** is a Washington corporation that does business in Texas, directly or through intermediaries, and maintains its principal place of business in Redmond, Washington.

7. Defendant **Avago Technologies U.S. Inc.** is a Delaware corporation that does business in Texas, directly or through intermediaries, and maintains its principal place of business in San Jose, California.

8. Defendant **Avago Technologies General IP (Singapore) Pte. Ltd.** is a Singapore company that does business in Texas, directly or through intermediaries, and maintains its principal place of business in Singapore.

9. Defendant **Avago Technologies Trading Ltd.** is a Mauritius company that does business in Texas, directly or through intermediaries, and maintains its principal place of business in Port Louis, Mauritius.

10. Defendant **Avago Technologies International Sales Pte. Limited** is a Singapore company that does business in Texas, directly or through intermediaries, and maintains its principal place of business in Singapore.

11. Defendant **Avago Technologies Limited** is a Singapore company that does business in Texas, directly or through intermediaries, and maintains its principal place of business in Singapore.

III. JURISDICTION AND VENUE

12. This action arises under the patent laws of the United States, Title 35 of the United States Code. Thus, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

13. This Court has general personal jurisdiction over Defendant Microsoft Mobile Inc. by virtue of Microsoft Mobile Inc. maintaining its principal place of business in this State.

14. This Court has specific personal jurisdiction over all Defendants pursuant to due process and the Texas Long Arm Statute because each Defendant, directly or through intermediaries, has conducted and does conduct substantial business in this forum, such substantial business including but not limited to: (i) at least a portion of the infringements alleged herein; (ii) purposefully and voluntarily placing one or more infringing products or services into the stream of commerce with the expectation that they will be purchased by consumers in this forum; or (iii) regularly doing or soliciting business, engaging in other

persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

15. Venue is proper in this Court under 28 U.S.C. §§ 1391(b)-(d) and 1400(b) for the reasons set forth above. Furthermore, venue is proper because each Defendant, directly or through intermediaries, sells and offers to sell infringing products to persons in this District, as discussed below. Each of Defendants' infringing acts in this District gives rise to proper venue.

IV. BACKGROUND

A. The Asserted Patents

16. This cause of action asserts infringement of United States Patent Nos. 7,110,096 B2; 7,397,541 B2; 8,472,012 B2; and 8,786,844 B2 (collectively, the "Asserted Patents").

17. A true and correct copy of United States Patent No. 7,110,096 B2 (the "'096 Patent"), entitled "Method for Determining Optical Characteristics Through a Protective Barrier," is attached hereto as Exhibit A.

18. 511 Innovations is the current owner by assignment of all rights, title, and interest in and under the '096 Patent, which duly and legally issued on September 19, 2006, with Wayne D. Jung, Russell W. Jung, and Alan R. Laudermilk [sic] as the named inventors. 511 Innovations has standing to sue for infringement of the '096 Patent.

19. A true and correct copy of United States Patent No. 7,397,541 B2 (the "'541 Patent"), entitled "Apparatus and Method for Measuring Optical Characteristics of an Object," is attached hereto as Exhibit B.

20. 511 Innovations is the current owner by assignment of all rights, title, and interest in and under the '541 Patent, which duly and legally issued on July 8, 2008, with Wayne D.

Jung, Russell W. Jung, and Alan R. Loudermilk as the named inventors. 511 Innovations has standing to sue for infringement of the '541 Patent.

21. A true and correct copy of United States Patent No. 8,472,012 B2 (the "'012 Patent"), entitled "Apparatus Having a First Optical Sensor Making a First Measurement to Detect Position and a Second Optical Sensor Making a Second Measurement," is attached hereto as Exhibit C.

22. 511 Innovations is the current owner by assignment of all rights, title, and interest in and under the '012 Patent, which duly and legally issued on June 25, 2013, with Wayne D. Jung, Russell W. Jung, and Alan R. Loudermilk as the named inventors. 511 Innovations has standing to sue for infringement of the '012 Patent.

23. A true and correct copy of United States Patent No. 8,786,844 B2 (the "'844 Patent"), entitled "Apparatus for Measuring Optical Characteristics Including Position Detection," is attached hereto as Exhibit D.

24. 511 Innovations is the current owner by assignment of all rights, title, and interest in and under the '844 Patent, which duly and legally issued on July 22, 2014, with Wayne D. Jung, Russell W. Jung, and Alan R. Loudermilk as the named inventors. 511 Innovations has standing to sue for infringement of the '844 Patent.

B. The Microsoft Defendants

25. The Microsoft Defendants, directly or through intermediaries, make, use, sell, or offer to sell within the United States, or import into the United States, mobile telephones, including but not limited to the Nokia Lumia 900 (the "Microsoft Accused Products").

26. The Microsoft Defendants succeeded to all relevant assets, liabilities, and claims in relation to the acts alleged in this Complaint with respect to the Microsoft Accused Products

as part of Defendant Microsoft Corporation's acquisition of Nokia Corporation's Devices and Services business.

27. The Microsoft Defendants, directly or through intermediaries, purposefully and voluntarily place the Microsoft Accused Products into the stream of commerce with the expectation that they will be purchased by consumers in this District.

28. The Microsoft Accused Products are sold and offered for sale in this District.

C. The Avago Defendants

29. The Avago Defendants, directly or through intermediaries, sell or offer to sell within the United States, or import into the United States, light sensors, including but not limited to APDS-990x sensors (the "Avago Accused Products").

30. On information and belief, as per a licensing agreement with Defendant Avago Technologies General IP (Singapore) Pte. Ltd., Defendant Avago Technologies Trading Ltd. is the exclusive licensee in the U.S. to distribute, use, make, have made, import, offer to sell, sell, and otherwise market the Avago Accused Products.

31. On information and belief, as per a limited risk distributorship agreement with Defendant Avago Technologies Trading Ltd., Defendant Avago Technologies International Sales Pte. Limited is the exclusive worldwide distributor of the Avago Accused Products, with exclusive rights to advertise, promote, instruct customers, implement marketing, distribute, and sell the Avago Accused Products.

32. The Avago Accused Products are sold or offered for sale in this District via distributors such as Mouser Electronics in Mansfield, Texas, which has a distribution agreement and distribution relationship with Defendant Avago Technologies International Sales Pte. Limited.

33. The Avago Accused Products are also sold or offered for sale in this District via the Internet website www.avagotech-online.com, which is owned by Defendant Avago Technologies General IP (Singapore) Pte. Ltd. and administered by Defendant Avago Technologies U.S. Inc.

34. The Microsoft Accused Products incorporate the Avago Accused Products.

35. By making and/or selling the Avago Accused Products for sale in this District and for inclusion in the Microsoft Accused Products, the Avago Defendants, directly or through intermediaries, purposefully and voluntarily place the Avago Accused Products into the stream of commerce with the expectation that they will be purchased by consumers in this District.

D. JJL and Spectral Sensors

36. From July 27, 2007, through September 12, 2013, JJL Technologies, LLC (“JJL”) was the owner by assignment of the then-existing Asserted Patents and their families, including related then-pending applications.

37. JJL acquired the Asserted Patents and their families from LJ Laboratories LLC, an entity that had been formed to protect inventions resulting from research conducted by or on behalf of JJL.

38. JJL was a pioneer in low-cost, handheld color measurement and optical sensing technologies and products. JJL conceived, developed, produced, and sold its own products, which included world market-leading spectrophotometers for measuring teeth, skin, and other materials.

39. JJL’s inventions have resulted in over eighty patents throughout the world. These patents include systems and methods for measuring multiple optical properties and for detecting position through transparent barriers.

40. In 2013, JIL transferred its intellectual property, including the Asserted Patents and their families, to 511 Innovations, which in turn licensed that intellectual property to Spectral Sensors Inc. (“Spectral Sensors”), a Texas corporation having its principal place of business in Marshall, Texas, to continue research, development, and manufacturing of optical sensing products. Since that time, Spectral Sensors has conducted such activities in Marshall, Texas.

41. At all relevant times, JIL and Spectral Sensors have complied with the marking requirements set forth in 35 U.S.C. § 287.

V. CLAIMS – MICROSOFT DEFENDANTS

42. Based on the above-described services and products, 511 Innovations asserts several causes of action against the Microsoft Defendants. These causes of action are detailed as follows.

A. Infringement of the ’096 Patent

43. The allegations of paragraphs 1-42 above are incorporated by reference as if fully set forth herein.

44. The Microsoft Accused Products are covered by at least claim 1 of the ’096 Patent.

45. The Microsoft Defendants have directly infringed and continue to infringe at least claim 1 of the ’096 Patent in violation of 35 U.S.C. § 271(a) by, directly or through intermediaries and without 511 Innovations’s authority, making, using, selling, or offering to sell the Microsoft Accused Products in the United States, or importing the Microsoft Accused Products into the United States.

46. Further and in the alternative, at least since the filing and service of the Original Complaint for Patent Infringement in this action, the Microsoft Defendants have been and now

are actively inducing infringement of at least claim 1 of the '096 Patent in violation of 35 U.S.C. § 271(b). Users of the Microsoft Accused Products directly infringe at least claim 1 of the '096 Patent when they conduct mobile telephone calls while holding the handset to their ear in the ordinary, customary, and intended way. The Microsoft Defendants' inducements include, without limitation and with specific intent to encourage the infringement, knowingly inducing consumers to use the Microsoft Accused Products within the United States to conduct mobile telephone calls while holding the handset to their ear in the ordinary, customary, and intended way by supplying the Microsoft Accused Products to consumers within the United States and by instructing such consumers (for example in instruction manuals that the Microsoft Defendants provide online or with the Microsoft Accused Products) how to use the Microsoft Accused Products to conduct mobile telephone calls while holding the handset to their ear in the ordinary, customary, and intended way, which the Microsoft Defendants know or should know infringes at least claim 1 of the '096 Patent.

47. Further and in the alternative, at least since the filing and service of the Original Complaint for Patent Infringement in this action, the Microsoft Defendants have been and now are actively contributing to infringement of at least claim 1 of the '096 Patent in violation of 35 U.S.C. § 271(c). Microsoft installs, configures, and sells the Microsoft Accused Products with distinct hardware and software components, including but not limited to the Avago Accused Products, that are especially made or especially adapted to practice the invention claimed in at least claim 1 of the '096 Patent. The Avago Accused Products within the Microsoft Accused Products constitute a material part of the claimed invention recited in at least claim 1 of the '096 Patent and not a staple article or commodity of commerce because they are specifically designed to perform the functionality claimed in at least claim 1 of the '096 Patent. Any other use of the

Avago Accused Products within the Microsoft Accused Products would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. The Microsoft Defendants' contributions include, without limitation, offering to sell and/or selling within the United States, and/or importing into the United States, the Microsoft Accused Products, which include the Avago Accused Products, knowing the Avago Accused Products to be especially made or especially adapted for use in an infringement of at least claim 1 of the '096 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

B. Infringement of the '541 Patent

48. The allegations of paragraphs 1-47 above are incorporated by reference as if fully set forth herein.

49. The Microsoft Accused Products are covered by at least claim 1 of the '541 Patent.

50. The Microsoft Defendants have directly infringed and continue to infringe at least claim 1 of the '541 Patent in violation of 35 U.S.C. § 271(a) by, directly or through intermediaries and without 511 Innovations's authority, making, using, selling, or offering to sell the Microsoft Accused Products in the United States, or importing the Microsoft Accused Products into the United States.

51. Further and in the alternative, at least since the filing and service of the Original Complaint for Patent Infringement in this action, the Microsoft Defendants have been and now are actively inducing infringement of at least claim 1 of the '541 Patent in violation of 35 U.S.C. § 271(b). Users of the Microsoft Accused Products directly infringe at least claim 1 of the '541 Patent when they conduct mobile telephone calls while holding the handset to their ear in the ordinary, customary, and intended way. The Microsoft Defendants' inducements include,

without limitation and with specific intent to encourage the infringement, knowingly inducing consumers to use the Microsoft Accused Products within the United States to conduct mobile telephone calls while holding the handset to their ear in the ordinary, customary, and intended way by supplying the Microsoft Accused Products to consumers within the United States and by instructing such consumers (for example in instruction manuals that the Microsoft Defendants provide online or with the Microsoft Accused Products) how to use the Microsoft Accused Products to conduct mobile telephone calls while holding the handset to their ear in the ordinary, customary, and intended way, which the Microsoft Defendants know or should know infringes at least claim 1 of the '541 Patent.

52. Further and in the alternative, at least since the filing and service of the Original Complaint for Patent Infringement in this action, the Microsoft Defendants have been and now are actively contributing to infringement of at least claim 1 of the '541 Patent in violation of 35 U.S.C. § 271(c). Microsoft installs, configures, and sells the Microsoft Accused Products with distinct hardware and software components, including but not limited to the Avago Accused Products, that are especially made or especially adapted to practice the invention claimed in at least claim 1 of the '541 Patent. The Avago Accused Products within the Microsoft Accused Products constitute a material part of the claimed invention recited in at least claim 1 of the '541 Patent and not a staple article or commodity of commerce because they are specifically designed to perform the functionality claimed in at least claim 1 of the '541 Patent. Any other use of the Avago Accused Products within the Microsoft Accused Products would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. The Microsoft Defendants' contributions include, without limitation, offering to sell and/or selling within the United States, and/or importing into the United States, the Microsoft Accused Products, which include the

Avago Accused Products, knowing the Avago Accused Products to be especially made or especially adapted for use in an infringement of at least claim 1 of the '541 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

C. Infringement of the '012 Patent

53. The allegations of paragraphs 1-52 above are incorporated by reference as if fully set forth herein.

54. The Microsoft Accused Products are covered by at least claim 1 of the '012 Patent.

55. The Microsoft Defendants have directly infringed and continue to infringe at least claim 1 of the '012 Patent in violation of 35 U.S.C. § 271(a) by, directly or through intermediaries and without 511 Innovations's authority, making, using, selling, or offering to sell the Microsoft Accused Products in the United States, or importing the Microsoft Accused Products into the United States.

56. Further and in the alternative, at least since the filing and service of the Original Complaint for Patent Infringement in this action, the Microsoft Defendants have been and now are actively inducing infringement of at least claim 1 of the '012 Patent in violation of 35 U.S.C. § 271(b). Users of the Microsoft Accused Products directly infringe at least claim 1 of the '012 Patent when they conduct mobile telephone calls while holding the handset to their ear in the ordinary, customary, and intended way. The Microsoft Defendants' inducements include, without limitation and with specific intent to encourage the infringement, knowingly inducing consumers to use the Microsoft Accused Products within the United States to conduct mobile telephone calls while holding the handset to their ear in the ordinary, customary, and intended way by supplying the Microsoft Accused Products to consumers within the United States and by

instructing such consumers (for example in instruction manuals that the Microsoft Defendants provide online or with the Microsoft Accused Products) how to use the Microsoft Accused Products to conduct mobile telephone calls while holding the handset to their ear in the ordinary, customary, and intended way, which the Microsoft Defendants know or should know infringes at least claim 1 of the '012 Patent.

57. Further and in the alternative, at least since the filing and service of the Original Complaint for Patent Infringement in this action, the Microsoft Defendants have been and now are actively contributing to infringement of at least claim 1 of the '012 Patent in violation of 35 U.S.C. § 271(c). Microsoft installs, configures, and sells the Microsoft Accused Products with distinct hardware and software components, including but not limited to the Avago Accused Products, that are especially made or especially adapted to practice the invention claimed in at least claim 1 of the '012 Patent. The Avago Accused Products within the Microsoft Accused Products constitute a material part of the claimed invention recited in at least claim 1 of the '012 Patent and not a staple article or commodity of commerce because they are specifically designed to perform the functionality claimed in at least claim 1 of the '012 Patent. Any other use of the Avago Accused Products within the Microsoft Accused Products would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. The Microsoft Defendants' contributions include, without limitation, offering to sell and/or selling within the United States, and/or importing into the United States, the Microsoft Accused Products, which include the Avago Accused Products, knowing the Avago Accused Products to be especially made or especially adapted for use in an infringement of at least claim 1 of the '012 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

D. Infringement of the '844 Patent

58. The allegations of paragraphs 1-57 above are incorporated by reference as if fully set forth herein.

59. The Microsoft Accused Products are covered by at least claim 1 of the '844 Patent.

60. The Microsoft Defendants have directly infringed and continue to infringe at least claim 1 of the '844 Patent in violation of 35 U.S.C. § 271(a) by, directly or through intermediaries and without 511 Innovations's authority, making, using, selling, or offering to sell the Microsoft Accused Products in the United States, or importing the Microsoft Accused Products into the United States.

61. Further and in the alternative, at least since the filing and service of the Original Complaint for Patent Infringement in this action, the Microsoft Defendants have been and now are actively inducing infringement of at least claim 1 of the '844 Patent in violation of 35 U.S.C. § 271(b). Users of the Microsoft Accused Products directly infringe at least claim 1 of the '844 Patent when they conduct mobile telephone calls while holding the handset to their ear in the ordinary, customary, and intended way. The Microsoft Defendants' inducements include, without limitation and with specific intent to encourage the infringement, knowingly inducing consumers to use the Microsoft Accused Products within the United States to conduct mobile telephone calls while holding the handset to their ear in the ordinary, customary, and intended way by supplying the Microsoft Accused Products to consumers within the United States and by instructing such consumers (for example in instruction manuals that the Microsoft Defendants provide online or with the Microsoft Accused Products) how to use the Microsoft Accused Products to conduct mobile telephone calls while holding the handset to their ear in the ordinary,

customary, and intended way, which the Microsoft Defendants know or should know infringes at least claim 1 of the '844 Patent.

62. Further and in the alternative, at least since the filing and service of the Original Complaint for Patent Infringement in this action, the Microsoft Defendants have been and now are actively contributing to infringement of at least claim 1 of the '844 Patent in violation of 35 U.S.C. § 271(c). Microsoft installs, configures, and sells the Microsoft Accused Products with distinct hardware and software components, including but not limited to the Avago Accused Products, that are especially made or especially adapted to practice the invention claimed in at least claim 1 of the '844 Patent. The Avago Accused Products within the Microsoft Accused Products constitute a material part of the claimed invention recited in at least claim 1 of the '844 Patent and not a staple article or commodity of commerce because they are specifically designed to perform the functionality claimed in at least claim 1 of the '844 Patent. Any other use of the Avago Accused Products within the Microsoft Accused Products would be unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental. The Microsoft Defendants' contributions include, without limitation, offering to sell and/or selling within the United States, and/or importing into the United States, the Microsoft Accused Products, which include the Avago Accused Products, knowing the Avago Accused Products to be especially made or especially adapted for use in an infringement of at least claim 1 of the '844 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

VI. CLAIMS – AVAGO DEFENDANTS

63. Based on the above-described services and products, 511 Innovations asserts several causes of action against the Avago Defendants. These causes of action are detailed as follows.

A. Infringement of the '096 Patent

64. The allegations of paragraphs 1-63 above are incorporated by reference as if fully set forth herein.

65. The Avago Accused Products constitute a material part of the invention recited in at least claim 1 of the '096 Patent.

66. At least since the filing and service of the Original Complaint for Patent Infringement in this action, the Avago Defendants know the Avago Accused Products to be especially made or especially adapted for use in an infringement of at least claim 1 of the '096 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

67. By making and/or selling the Avago Accused Products for sale in this District and for inclusion in the Microsoft Accused Products, the Avago Defendants, directly or through intermediaries, have been and now are purposefully and voluntarily placing the Avago Accused Products into the stream of commerce with the expectation that they will be purchased by consumers in this District.

68. For these reasons, the Avago Defendants are actively contributing to infringement of at least claim 1 of the '096 Patent in violation of 35 U.S.C. § 271(c).

B. Infringement of the '541 Patent

69. The allegations of paragraphs 1-68 above are incorporated by reference as if fully set forth herein.

70. The Avago Accused Products constitute a material part of the invention recited in at least claim 1 of the '541 Patent.

71. At least since the filing and service of the Original Complaint for Patent Infringement in this action, the Avago Defendants know the Avago Accused Products to be especially made or especially adapted for use in an infringement of at least claim 1 of the '541 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

72. By making and/or selling the Avago Accused Products for sale in this District and for inclusion in the Microsoft Accused Products, the Avago Defendants, directly or through intermediaries, have been and now are purposefully and voluntarily placing the Avago Accused Products into the stream of commerce with the expectation that they will be purchased by consumers in this District.

73. For these reasons, the Avago Defendants are actively contributing to infringement of at least claim 1 of the '541 Patent in violation of 35 U.S.C. § 271(c).

C. Infringement of the '012 Patent

74. The allegations of paragraphs 1-73 above are incorporated by reference as if fully set forth herein.

75. The Avago Accused Products constitute a material part of the invention recited in at least claim 1 of the '012 Patent.

76. At least since the filing and service of the Original Complaint for Patent Infringement in this action, the Avago Defendants know the Avago Accused Products to be especially made or especially adapted for use in an infringement of at least claim 1 of the '012 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

77. By making and/or selling the Avago Accused Products for sale in this District and for inclusion in the Microsoft Accused Products, the Avago Defendants, directly or through intermediaries, have been and now are purposefully and voluntarily placing the Avago Accused Products into the stream of commerce with the expectation that they will be purchased by consumers in this District.

78. For these reasons, the Avago Defendants are actively contributing to infringement of at least claim 1 of the '012 Patent in violation of 35 U.S.C. § 271(c).

D. Infringement of the '844 Patent

79. The allegations of paragraphs 1-78 above are incorporated by reference as if fully set forth herein.

80. The Avago Accused Products constitute a material part of the invention recited in at least claim 1 of the '844 Patent.

81. At least since the filing and service of the Original Complaint for Patent Infringement in this action, the Avago Defendants know the Avago Accused Products to be especially made or especially adapted for use in an infringement of at least claim 1 of the '844 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use.

82. By making and/or selling the Avago Accused Products for sale in this District and for inclusion in the Microsoft Accused Products, the Avago Defendants, directly or through intermediaries, have been and now are purposefully and voluntarily placing the Avago Accused Products into the stream of commerce with the expectation that they will be purchased by consumers in this District.

83. For these reasons, the Avago Defendants are actively contributing to infringement of at least claim 1 of the '844 Patent in violation of 35 U.S.C. § 271(c).

VII. VICARIOUS LIABILITY

84. The allegations of paragraphs 1-83 above are incorporated by reference as if fully set forth herein.

85. In addition to liability for its own independent conduct, each Defendant is also liable for the conduct of its subsidiaries, affiliates, and related entities under the doctrines of alter ego and single business enterprise, and under applicable state and federal statutes and regulations.

VIII. NOTICE AND MARKING

86. The allegations of paragraphs 1-85 above are incorporated by reference as if fully set forth herein.

87. At all times, each and every patentee of the Asserted Patents, and each and every person making, offering for sale, or selling within the United States, or importing into the United States, any patented article for or under any of them, has complied with the marking requirements set forth in 35 U.S.C. § 287.

88. At least by filing and serving the Original Complaint for Patent Infringement in this action, 511 Innovations has given each Microsoft Defendant and Defendants Avago Technologies U.S. Inc. and Avago Technologies Limited written notice of their infringement.

89. At least by filing and serving this First Amended Complaint for Patent Infringement, 511 Innovations has given Defendants Avago Technologies General IP (Singapore) Pte. Ltd., Avago Technologies Trading Ltd., and Avago Technologies International Sales Pte. Limited written notice of their infringement.

IX. DAMAGES

90. The allegations of paragraphs 1-89 above are incorporated by reference as if fully set forth herein.

91. For the above-described infringement, 511 Innovations has been injured and seeks damages to adequately compensate it for each Defendant's infringement of the Asserted Patents. Such damages, to be proved at trial, should be no less than the amount of a reasonable royalty under 35 U.S.C. § 284.

X. PRAYER FOR RELIEF

511 Innovations respectfully requests the following relief:

a. A judgment in favor of 511 Innovations that each Defendant has infringed each of the Asserted Patents, whether literally or under the doctrine of equivalents, as described herein;

b. A permanent injunction enjoining each Defendant, its respective officers, directors, agents, subsidiaries, employees, successors, and assigns, and all persons acting in privity, concert, or participation with it, from making, using, selling, or offering for sale in the United States, or importing into the United States, any and all products and services embodying the inventions claimed in the Asserted Patents;

c. A judgment and order requiring each Defendant to pay 511 Innovations its damages, costs, expenses, and pre-judgment and post-judgment interest for each Defendant's infringement of the Asserted Patents as provided under 35 U.S.C. § 284, including supplemental damages for any continuing post-verdict or post-judgment infringement with an accounting as needed; and

d. Such other and further relief as the Court deems just and proper.

XI. JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), 511 Innovations requests a jury trial of all issues triable of right by a jury.

Dated: March 16, 2016

Respectfully Submitted,

By: /s/ William E. Davis, III
William E. Davis, III
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Counsel for Plaintiff 511 Innovations, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document and all attachments thereto are being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served this March 16, 16, on all counsel of record for Defendants Microsoft Mobile Inc., Microsoft Mobile Oy, Microsoft Corporation, Avago Technologies U.S. Inc., and Avago Technologies Limited, each of whom are deemed to have consented to electronic service. L.R. CV-5(a)(3)(A). Plaintiff will provide proof of service to newly joined Defendants Avago Technologies General IP (Singapore) Pte. Ltd., Avago Technologies Trading Ltd., and Avago Technologies International Sales Pte. Limited upon receipt.

/s/ William E. Davis, III
William E. Davis, III