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11 *Attorneys for Plaintiff*

12 *Eloqui Voice Systems, LLC*

13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA**

15 Eloqui Voice Systems, LLC,

16 Plaintiff,

17 v.

18 Intelligent Digital Avatars, Inc., a

19 Wisconsin corporation,

20 Defendant.

) Case No. 2:17-cv-01354

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**COMPLAINT FOR
INFRINGEMENT OF
U.S. PATENT NO. 9,055,147 AND
U.S. PATENT NO. 6,334,103 AND
PERMANENT INJUNCTION**

DEMAND FOR JURY TRIAL

1 **COMPLAINT FOR PATENT INFRINGEMENT**

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3 Plaintiff Eloqui Voice Systems, LLC, (“Eloqui” or “Plaintiff”), by and through
4 its undersigned counsel, for its Complaint against Defendant Intelligent Digital
5 Avatars, Inc. (“Intelligent Digital Avatars”) makes the following allegations upon
6 information and belief.

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8 **NATURE OF THE ACTION**

9 1. This is an action against Defendant for infringement of one or more
10 claims of United States Patent No. 9,055,147 (“the ‘147 Patent”), and for infringement
11 of one or more claims of United States Patent No. 6,334,103 (“the ‘103 Patent”).

12
13 **PARTIES**

14 2. Plaintiff Eloqui Voice Systems, LLC, is a California limited liability
15 company, with its principal office located in California at 35 Hugus Alley Suite 210,
16 Pasadena, California 91103.

17 3. Defendant Intelligent Digital Avatars, Inc., is a corporation incorporated
18 under the laws of Wisconsin, which has an office and principal place of business at
19 1341 W. Mequon Road Suite 210, Mequon, Wisconsin 53092.

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21 **JURISDICTION AND VENUE**

22 4. This patent infringement action arises under the patent laws of the United
23 States, including 35 U.S.C. §§ 271 et seq., 281, and 284.

24 5. This Court has subject matter jurisdiction over this action pursuant to 28
25 U.S.C. § § 1331 and 1338(a) because it arises under United States Patent law.

26 6. This Court has personal jurisdiction over the Defendant because it (either
27 directly or through its subsidiaries, divisions, groups or distributors) has sufficient
28 minimum contacts with the forum as a result of business conducted within the State of

1 California and this district; and/or specifically over the Defendant (either directly or
2 through its subsidiaries, divisions, groups or distributors) because of its infringing
3 conduct within or directed at the State of California and this district.

4 7. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) and
5 §1391(c). Defendant is subject to this Court’s personal jurisdiction in the acts and
6 transactions include the sale of the software identified herein through the State of
7 California and throughout this district.

8
9 **FACTS**

10 8. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,055,147 (“the
11 ‘147 Patent”), entitled “Voice User Interface with Personality,” which was duly and
12 legally issued on June 9, 2015 by the USPTO.

13 9. A copy of the ‘147 Patent is attached to this Complaint as **Exhibit A**.

14 10. The claims of the ‘147 Patent are valid and enforceable.

15 11. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,334,103 (“the
16 ‘103 Patent”), entitled “Voice User Interface with Personality,” which was duly and
17 legally issued on December 25, 2001 by the USPTO.

18 12. A copy of the ‘103 Patent is attached to this Complaint as **Exhibit B**.

19 13. The claims of the ‘103 Patent are valid and enforceable.

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21 **COUNT I: CLAIM FOR PATENT INFRINGEMENT**
22 **UNDER 35 U.S.C. § 271(a) (‘147 PATENT)**
23 **(AGAINST DEFENDANT)**

24 14. Plaintiff hereby incorporates by reference the allegations of paragraphs 1
25 through 13 of this Complaint as if fully set forth herein.

26 15. Defendant makes, has made, sells, offer for sale, uses and/or imports into
27 the United States, intelligent virtual assistants, including without limitation a non-
28

1 transitory computer-readable storage medium with computer-executable instructions
2 to perform a virtual assistant platform named Sophie (“Sophie”).

3 16. The Sophie Virtual Assistant is a conversational avatar that promotes
4 patient engagement and holistically supports management of health conditions. See
5 **Exhibit C** (page 1).

6 17. Sophie is a pre-made virtual assistant that can be in any one of a finite
7 number of states at any given time. For example, patient care and data feedback state
8 are states in Sophie.

9 18. Listening, speaking, and otherwise responding are exemplary states of
10 Sophie that cannot occur simultaneously and are examples of functions that can be
11 accessed by a user interacting with a voice user interface. See **Exhibit C** (page 1).

12 19. Sophie can initiate a finite state machine, for example, when the software
13 application is selected on an iPad. [https://www.youtube.com/watch?v=qzUDW-](https://www.youtube.com/watch?v=qzUDW-2cy24)
14 [2cy24](https://www.youtube.com/watch?v=qzUDW-2cy24). Thus, Sophie Virtual Assistant is a finite state machine that launches when a
15 user selects the Sophie app on their device.

16 20. Sophie receives voice inputs by listening and using Natural Language
17 Processing on any received voice inputs. See **Exhibit C** (page 1).

18 21. When the user speaks, Sophie’s voice user interface listens and receives
19 the voice input. For example, according to Defendant, when a user Greg says, “Hi
20 Sophie,” Sophie responds with the greeting, “Good afternoon, Greg. Nice to see you
21 again. How are you feelings today?” [https://www.youtube.com/watch?v=qzUDW-](https://www.youtube.com/watch?v=qzUDW-2cy24)
22 [2cy24](https://www.youtube.com/watch?v=qzUDW-2cy24). This demonstrates that the voice input was received and interpreted by Sophie.

23 22. Sophie uses natural language processing to interpret the received voice
24 input. See **Exhibit C** (page 1).

25 23. And based on its interpretation of the received voice input, Sophie
26 transitions to an appropriate one of its finite states.

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1 24. For example, Sophie can transition between the patient care state and the
2 data feedback state based on its interpretation of the received voice input. See **Exhibit**
3 **D** (page 1).

4 25. Sophie selects a prompt, for example, a greetings prompt, which is the
5 first prompt for the patient care and data feedback states. For example, according to
6 Defendant, Sophie can respond to the user saying “Hi Sophie” with the greeting,
7 “Good afternoon, Greg. Nice to see you again. How are you feeling today?”

8 <https://www.youtube.com/watch?v=qzUDW-2cy24>

9 26. Thus, Sophie interprets the received voice input and transmits a specific
10 prompt in response.

11 27. Sophie’s response is a variant of a generic greetings prompt, for example,
12 appropriate for the time of the day. According to Defendant, if a user named Greg
13 opens Sophie at 1:54 pm, Sophie’s response may be, “Good afternoon Greg.”

14 <https://www.youtube.com/watch?v=qzUDW-2cy24>

15 28. Each one of the items in paragraphs 16-27 above, is an element in Claim
16 16 of the ‘147 Patent.

17 29. Thus, the Sophie Virtual Assistant Platform infringes at least Claim 16 of
18 the ‘147 patent.

19 30. Plaintiff has been, and will continue to be, irreparably harmed by
20 Defendant’s ongoing infringement of the ‘147 Patent.

21 31. As a direct and proximate result of Defendant’s infringement of the ‘147
22 Patent, Plaintiff has been and will continue to be damaged in an amount yet to be
23 determined, including but not limited to Plaintiff’s lost profits and/or a reasonable
24 royalty.

25 **COUNT II: CLAIM FOR PATENT INFRINGEMENT**

26 **UNDER 35 U.S.C. § 271(a) (‘103 PATENT)**

27 32. Plaintiff hereby incorporates by reference the allegations of paragraphs 1
28 through 31 of this Complaint as if fully set forth herein.

1 33. Defendant makes, has made, sells, offer for sale, uses and/or imports into
2 the United States, intelligent virtual assistants, including without limitation a non-
3 transitory computer-readable storage medium with computer-executable instructions
4 to perform a virtual assistant platform named Sophie (“Sophie”).

5 34. The Sophie Virtual Assistant is a conversational avatar that promotes
6 patient engagement and holistically supports management of health conditions. See
7 **Exhibit C** (page 1).

8 35. Sophie executes a voice user interface, the voice user interface outputs
9 voice signals; the voice user interface recognizes speech signals. The Sophie virtual
10 assistant platform listens, speaks and responds, through talk, text, and touch. See
11 **Exhibit C** (page 1).

12 36. Sophie interacts with patients and healthcare consumers with voice
13 response and Natural Language Processing expertise. See **Exhibit C** (page 1).

14 37. Sophie controls the voice user interface to provide the voice user
15 interface with a personality. The personality emulates human verbal behavior for a
16 particular personality.

17 38. According to Defendant, “Sophie is a highly advanced, emotionally
18 intelligent Avatar who provides patient care and data feedback for our healthcare
19 clients. She talks, she listens, she comforts, soothes and relates. Sometimes with a
20 wicked sense of humor.” See **Exhibit D** (page 1).

21 39. Sophie provides variable verbal response. For example, Sophie asks a
22 patient, “How are you feeling today?” The patient responds, I feel good today Sophie,
23 thank you.” To which Sophie responds, “Great! That seems like an improvement from
24 yesterday.” <https://www.youtube.com/watch?v=qzUDW-2cy24>

25 40. Each one of the items in paragraphs 34-39 above, is an element in Claim
26 105 of the ‘103 Patent.

27 41. Thus, the Sophie Virtual Assistant Platform infringes at least Claim 105
28 of the ‘103 Patent.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all issues and causes of action triable to a jury.

Dated: February 17, 2017

Respectfully submitted,

COTMAN IP LAW GROUP, PLC

s/Rasheed M. McWilliams

Rasheed M. McWilliams

Daniel C. Cotman

Obi Iloputaife

Counsel for Plaintiff

Eloqui Voice Systems, LLC

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