

GARTEISER HONEA – TRIAL ATTORNEYS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Randall T. Garteiser (CBN 231821)  
rgarteiser@ghiplaw.com  
Christopher A. Honea (CBN 232473)  
chonea@ghiplaw.com  
Kirk J. Anderson (CBN 289043)  
kanderson@ghiplaw.com  
GARTEISER HONEA, PLLC  
119 W. Ferguson St.  
Tyler, Texas 75702  
Tel/Fax: (888) 908-4400

Attorneys for Plaintiff  
BLUE SPIKE, LLC

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

BLUE SPIKE, LLC,

Plaintiff,

v.

VISUAL LAND INC.,

Defendant.

Civil Case No.: 2:17-cv-5887

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Blue Spike, LLC files this complaint against Defendant Visual Land Inc. (“Visual Land”) alleging infringement of U.S. Patent No. 5,745,569, entitled “Method for Stega-Cipher Protection of Computer Code” (the “569 Patent”) and U.S. Patent No. 8,930,719, entitled “Data Protection Method and Device” (the “719 Patent,” and collectively with the ‘569 Patent, the “Patents-in-Suit”) as follows:

**NATURE OF THE SUIT**

1  
2 1. This is a claim for patent infringement arising under the patent laws of the United States, Title  
3 35 of the United States Code.

**PARTIES**

4  
5  
6 2. Plaintiff Blue Spike, LLC is a Texas limited liability company and has its headquarters and  
7 principal place of business at 1820 Shiloh Road, Suite 1201-C, Tyler, Texas 75703. Blue Spike, LLC  
8 is the assignee of the Patents-in-Suit, and has ownership of all substantial rights in the Patents-in-  
9 Suit, including the rights to grant sublicenses, to exclude others from using it, and to sue and obtain  
10 damages and other relief for past and future acts of patent infringement.

11  
12 3. On information and belief, Visual Land Inc. is a corporation organized and existing under the  
13 laws of California, with a principal place of business at 17785 Center Court Dr., Suite 670, Cerritos,  
14 CA 90703. Visual Land may be served through its registered agent, Gary Lu, at that address.

**JURISDICTION AND VENUE**

15  
16  
17 4. This lawsuit is a civil action for patent infringement arising under the patent laws of the  
18 United States, 35 U.S.C. § 101 *et seq.* The Court has subject-matter jurisdiction pursuant to 28 U.S.C.  
19 §§ 1331, 1332, 1338(a), and 1367.

**A. Defendant Visual Land**

20  
21  
22  
23 5. The Court has personal jurisdiction over Defendant Visual Land for at least six reasons: (1)  
24 Visual Land is organized and existing under the laws of California; (2) Visual Land has committed  
25 acts of patent infringement and contributed to and induced acts of patent infringement by others in  
26 this District and elsewhere in California; (3) Visual Land’s principal place of business is within this  
27 district; (4) Visual Land regularly does business or solicits business in this District and in California;  
28 (5) Visual Land engages in other persistent courses of conduct and derives substantial revenue from

GARTEISER HONEA – TRIAL ATTORNEYS

1 products and/or services provided to individuals in this District and in California; and (6) Visual Land  
2 has purposefully established substantial, systematic, and continuous contacts with the District and  
3 should reasonably expect to be haled into court here.

4 6. Specifically, Visual Land has partnered with numerous resellers and distributors to sell and  
5 offer for sale infringing products to consumers in this District and in California, both online and in  
6 stores (*see, e.g.*, Exhibits C & D); Visual Land operates a website that solicits sales of infringing  
7 products to consumers in this District and California (*see* Exhibit E); and Visual Land offers  
8 telephonic and e-mail support services to customers in this District and California (*see* Exhibit F).  
9 Given these extensive contacts, the Court’s exercise of jurisdiction over Visual Land will not offend  
10 traditional notions of fair play and substantial justice.

11  
12  
13 7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because  
14 Visual Land is incorporated in this state. *See*, 28 U.S.C § 1400 (b); *TC Heartland LLC v. Kraft Foods*  
15 *Group Brands LLC*, 137 S. Ct. 1514, 1521 (2017). Venue is also proper because Defendant’s  
16 headquarters is in this district. *See*, 28 U.S.C. § 1400(b) (“Any civil action for patent infringement  
17 may be brought in the judicial district where the defendant . . . has a regular and established place of  
18 business.”). Furthermore, Visual Land does business in the State of California, Visual Land has  
19 committed acts of infringement in California and in the District, a substantial part of the events or  
20 omissions giving rise to Blue Spike’s claims happened in the District, and Visual Land is subject to  
21 personal jurisdiction in the District.  
22  
23

24 **FACTUAL BACKGROUND**

25 **A. Moskowitz’s History**

26  
27 8. Protection of intellectual property is a prime concern for creators and publishers of digitized  
28 copies of copyrightable works, such as musical recordings, movies, video games, and computer

1 software. Blue Spike founder Scott Moskowitz pioneered—and continues to invent—technology that  
2 makes such protection possible.

3 9. Moskowitz is a senior member of the Institute of Electrical and Electronics Engineers (IEEE),  
4 a member of the Association for Computing Machinery, and the International Society for Optics and  
5 Photonics (SPIE). As a senior member of the IEEE, Moskowitz has peer-reviewed numerous  
6 conference papers and has submitted his own publications.  
7

8 10. Moskowitz is an inventor of more than 100 patents, including forensic watermarking, signal  
9 abstracts, data security, software watermarks, product license keys, deep packet inspection, license  
10 code for authorized software and bandwidth securitization.  
11

12 11. The National Security Agency (NSA) even took interest in his work after he filed one of his  
13 early patent applications. The NSA made the application classified under a “secrecy order” while it  
14 investigated his pioneering innovations and their impact on national security.

15 12. As an industry trailblazer, Moskowitz has been a public figure and an active author on  
16 technologies related to protecting and identifying software and multimedia content. A 1995 *New York*  
17 *Times* article—titled “TECHNOLOGY: DIGITAL COMMERCE; 2 plans for watermarks, which  
18 can bind proof of authorship to electronic works”—recognized Moskowitz’s company as one of two  
19 leading software start-ups in this newly created field. *Forbes* also interviewed Moskowitz as an  
20 expert for “Cops Versus Robbers in Cyberspace,” a September 9, 1996 article about the emergence of  
21 digital watermarking and rights-management technology. He has also testified before the Library of  
22 Congress regarding the Digital Millennium Copyright Act.  
23

24 13. Moskowitz has spoken to the RSA Data Security Conference, the International Financial  
25 Cryptography Association, Digital Distribution of the Music Industry, and many other organizations  
26 about the business opportunities that digital watermarking creates. Moskowitz also authored *So This*  
27 *Is Convergence?*, the first book of its kind about secure digital-content management. This book has  
28

1 been downloaded over a million times online and has sold thousands of copies in Japan, where  
2 Shogakukan published it under the name *Denshi Skashi*, literally “electronic watermark.” Moskowitz  
3 was asked to author the introduction to *Multimedia Security Technologies for Digital Rights*  
4 *Management*, a 2006 book explaining digital-rights management. Moskowitz authored a paper for the  
5 2002 International Symposium on Information Technology, titled “What is Acceptable Quality in the  
6 Application of Digital Watermarking: Trade-offs of Security, Robustness and Quality.” He also wrote  
7 an invited 2003 article titled “Bandwidth as Currency” for the *IEEE Journal*, among other  
8 publications.  
9

10 14. Moskowitz and Blue Spike continue to invent technologies that protect intellectual property  
11 from unintended use or unauthorized copying.  
12

13 **B. The Accused Technology**

14  
15 15. Address Space Layout Randomization (“ASLR”) is a security technique that protects software  
16 by shuffling it in computer memory. Prior to implementing ASLR, modern-day operating systems  
17 often loaded software into predictable memory locations. That predictability allowed attackers to  
18 pinpoint specific portions of software and manipulate them in unintended ways. In response to this  
19 grave threat, many operating systems now utilize ASLR to reduce predictability by shuffling software  
20 to random memory locations.  
21

22 16. The Android Operating System (“Android” or “Android OS”) utilizes ASLR technology to  
23 protect itself and other software from abuse. Android began implementing ASLR technology as early  
24 as version 2, and advertised more robust implementations by versions 4 and 4.1.  
25

26 **C. The Accused Products**

27 17. Defendant Visual Land designs, develops, employs, and/or manufactures ASLR software,  
28 systems, and/or technology. Visual Land makes, uses, offers for sale and/or imports into the U.S.

GARTEISER HONEA – TRIAL ATTORNEYS

1 products, systems, and/or services including, but not limited to, its A-, LA-, LC-, LR-, M-, Q- series  
2 of devices (collectively, the “Visual Land Accused Products”), which infringe one or more claims of  
3 the Patents-in-Suit. The Visual Land Accused Products use various versions of the Android  
4 Operating System, beginning with version 4.0, that implement the accused ASLR technology.

5  
6 18. Visual Land has not sought or obtained a license for any of Blue Spike’s patented  
7 technologies.

8 19. Yet the Visual Land Accused Products are using methods, devices, and systems taught by  
9 Blue Spike’s Patents-in-Suit.

10 20. Each count of patent infringement contained herein is accompanied by a representative claim.  
11 *See, Atlas IP LLC v. P. Gas and Electric Co.*, 15-CV-05469-EDL, 2016 WL 1719545, at \*5 (N.D.  
12 Cal. Mar. 9, 2016) (“*Iqbal* and *Twombly* only require Plaintiff to state a plausible claim for relief,  
13 which can be satisfied by adequately pleading infringement of one claim.”).

14  
15  
16 **COUNT 1:**  
**INFRINGEMENT OF U.S. PATENT NO. 5,745,569**

17 21. Blue Spike incorporates by reference the allegations in the paragraphs above.

18 22. The ’569 Patent is valid, is enforceable, and was duly and legally issued on April 28, 1998. A  
19 true and correct copy of the ’569 Patent is attached to this Complaint as Exhibit A.

20  
21 23. Without a license or permission from Blue Spike, Defendant has infringed and continues to  
22 infringe on one or more claims of the ’569 Patent—directly, contributorily, or by inducement—by  
23 importing, making, using, offering for sale, or selling products and devices that embody the patented  
24 invention, including, without limitation, one or more of the Accused Products, in violation of 35  
25 U.S.C. § 271.

26  
27 24. Defendant has been and now are directly infringing by, among other things, practicing all of  
28 the steps of the ’569 Patent and/or directing, controlling, and obtaining benefits from its partners,

1 distributors and retailers practicing all of the steps of the '569 Patent. Specifically, Defendant  
 2 manufactures and/or imports the Accused Products into the United States (*see, e.g.*, Exhibit L); has  
 3 partnered with numerous resellers to offer for sale and sell the Accused Products in the United States,  
 4 in numerous stores and websites (*see, e.g.*, Exhibits C & D); operates its own websites that offer for  
 5 sale and sell the Accused Products to consumers in California and this District (*see, e.g.*, Exhibit E);  
 6 generates revenue from sales of the Accused Products to U.S. customers in said stores and via said  
 7 websites (*see id.*); and has attended trade shows in the United States where it have demonstrated the  
 8 Accused Products (*see, e.g.*, Exhibit M).

10 25. The Accused Products infringe claims of the '569 Patent, such as Claim 16 which teaches

11 A method for copy protecting a software application executed  
 12 by a computer system, the software application including a  
 13 plurality of executable code resources loaded in a memory of  
 14 the computer system, said method comprising the steps of:

15 determining an address within the memory of the computer  
 16 system associated with each of the plurality of executable  
 17 code resources; and

18 intermittently relocating each of the plurality of executable  
 19 code resources to a different address within the memory  
 20 of the computer during execution of the software  
 21 application.

22 Defendant's Accused Products utilize the Android operating system, which employs Address Space  
 23 Layout Randomization, a security technique that protects software by shuffling it in computer  
 24 memory (*method for copy protecting a software application ... comprising the steps of: determining  
 25 an address within the memory of the computer system associated with each of the plurality of  
 26 executable code resources; and intermittently relocating each of the plurality of executable code  
 27 resources to a different address within the memory of the computer*). See Exhibit G ("Android 4.0  
 28 now provides address space layout randomization ... For the uninitiated, ASLR randomizes where  
 various areas of memory (e.g. stack, heap, libs, etc.) are mapped in the address space of a process.");

1 Exhibit H (“Each instance of an executable will be given a randomized address space layout at  
2 execution time.”).

3 26. Defendant has been and now is indirectly infringing by way of inducing infringement by  
4 others and/or contributing to the infringement by others of the ’569 Patent in the State of California,  
5 in this judicial district, and elsewhere in the United States, by, among other things, making, using,  
6 importing, offering for sale, and/or selling, without license or authority, products for use in systems  
7 that fall within the scope of one or more claims of the ’569 Patent. Such products include, without  
8 limitation, one or more of the Accused Products. Such products have no substantial non-infringing  
9 uses and are for use in systems that infringe the ’569 Patent. By making, using, importing offering  
10 for sale, and/or selling such products, Defendant injured Blue Spike and is thus liable to Blue Spike  
11 for infringement of the ’569 Patent under 35 U.S.C. § 271. It is not necessary for Plaintiff to indicate  
12 specific customers directly infringing the Patents-in-Suit through the use of Defendant’s Accused  
13 Products. *See In re Bill of Lading Transmission and Processing System Pat. Litig.*, 681 F.3d 1323,  
14 1336 (Fed. Cir. 2012). Even so, Defendant induces and contributes to the infringement of its  
15 customers, who use the infringing functionality, and its partners and resellers, who offer for sale and  
16 sell the Accused Products (*see, e.g.*, Exhibits C & D). Those whom Defendant induces to infringe  
17 and/or to whose infringement Defendant contributes are the end users and direct infringers of the  
18 Accused Products.  
19  
20  
21

22 27. Defendant had knowledge of the ’569 Patent at least as early as the service of Blue Spike’s  
23 complaint against Defendant in the Eastern District of Texas, filed on October 11, 2016 (Case No.  
24 6:17-cv-1220, Dkt. No. 1). That complaint also notified Defendant that the Accused Products infringe  
25 the Patents-in-Suit, are especially made and adapted to infringe the Patents-in-Suit, cannot be used  
26 without infringing the technology claimed by the Patents-in-Suit, and have no alternative non-  
27 infringing uses. Nevertheless, Defendant has continued to induce its customers and partners to  
28



1 infringe. Thus, Defendant is liable for infringement of one or more claims of the '569 Patent by  
2 actively inducing infringement and/or is liable as contributory infringer of one or more claims of the  
3 '569 Patent under 35 U.S.C. § 271.

4 28. Defendant's acts of infringement of the '569 Patent have caused damage to Blue Spike, and  
5 Blue Spike is entitled to recover from Defendant the damages sustained as a result of Defendant's  
6 wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's  
7 infringement of Blue Spike's exclusive rights under the '569 Patent will continue to damage Blue  
8 Spike, causing it irreparable harm, for which there is no adequate remedy at law, warranting an  
9 injunction from the Court.  
10

11 29. On information and belief, the infringement of the '569 Patent by Defendant has been  
12 willful and continues to be willful. Defendant had knowledge of the '569 Patent, including but  
13 not limited to at least one or more of the following:  
14

15 a. The filing of Blue Spike's complaint against Defendant in the Eastern District of  
16 Texas on October 11, 2016 (Case No. 6:17-cv-1220, Dkt. No. 1).

17 b. The '569 patent has been forward-cited as prior art in connection with the  
18 examination of at least 300 subsequently-issued U.S. patents, including Microsoft in its patent  
19 titled "License-based cryptographic technique, particularly suited for use in a digital rights  
20 management system, for controlling access and use of bore resistant software objects in a client  
21 computer," Digimarc in its patent titled "Anti-piracy system for wireless telephony," AT&T in  
22 multiple patents including one of its U.S. Patent titled "Protected IP telephony calls using  
23 encryption," NEC in its U.S. Patent titled "Method and system for protecting digital data from  
24 unauthorized copying," Matsushita Electric Industrial in its U.S. Patent titled "Active data hiding  
25 for secure electronic media distribution," and multiple other well-known companies and  
26 government agencies, including The U.S. Army, Intertrust Technologies, Texas Instruments,  
27  
28

1 Dell Products, Intel, ShieldIP, Borland Software Company, Avaya Inc., Shoretel Inc., and  
2 Syndata Technologies; and

3 c. In the course of its due diligence and freedom to operate analyses.

4 30. On information and belief, Defendant has had at least had constructive notice of the '569  
5 Patent by operation of law.  
6

7 **COUNT 2:**  
8 **INFRINGEMENT OF U.S. PATENT NO. 8,930,719**

9 31. Blue Spike incorporates by reference the allegations the paragraphs above.

10 32. The '719 Patent is valid, is enforceable, and was duly and legally issued on January 6, 2015.  
11 A true and correct copy of the '719 Patent is attached to this Complaint as Exhibit B.

12 33. Without a license or permission from Blue Spike, Defendant has infringed and continue to  
13 infringe on one or more claims of the '719 Patent—directly, contributorily, or by inducement—by  
14 importing, making, using, offering for sale, or selling products and devices that embody the patented  
15 invention, including, without limitation, one or more of the Accused Products, in violation of 35  
16 U.S.C. § 271.  
17

18 34. Defendant has been and now are directly infringing by, among other things, practicing all of  
19 the steps of the '719 Patent and/or directing, controlling, and obtaining benefits from its partners,  
20 distributors and retailers practicing all of the steps of the '719 Patent. Specifically, Defendant  
21 manufactures and/or imports the Accused Products into the United States (*see, e.g.*, Exhibit L); has  
22 partnered with numerous resellers to offer for sale and sell the Accused Products in the United States,  
23 in numerous stores and websites (*see, e.g.*, Exhibits C & D); operates its own websites that offer for  
24 sale and sell the Accused Products to consumers in California and this District (*see, e.g.*, Exhibit E);  
25 generates revenue from sales of the Accused Products to U.S. customers in said stores and via said  
26  
27  
28

1 websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the  
2 Accused Products (*see, e.g.*, Exhibit M).

3 35. The Accused Products infringe claims of the '719 Patent, such as Claim 1 which teaches

4 A computing device for running application software,  
5 comprising:

6 an operating system;

7 wherein said memory stores an application software;

8 wherein said application software comprises

9 (1) a memory scheduler code resource and (2) other code  
10 resources;

11 wherein said application software is designed to call said  
12 memory scheduler code resource; wherein said memory  
13 scheduler code resource, when called, functions to shuffle  
14 said other code resources in said memory; and

15 wherein said memory scheduler code resource is designed to  
16 modify a stack frame in said memory.

17 The Accused Products utilize the Android operating system, which employs Address Space Layout  
18 Randomization, a security technique that protects software by shuffling various code resources in  
19 computer memory (*application software [that] comprises: (1) a memory scheduler code resource  
20 and (2) other code resources; wherein said application software is designed to call said memory  
21 scheduler code resource; wherein said memory scheduler code resource, when called, functions to  
22 shuffle said other code resources in said memory; and wherein said memory scheduler code resource  
23 is designed to modify a stack frame in said memory*). See Exhibit I (“Android is a Linux based OS  
24 with 2.6.x kernel ... All the basic OS operations like I/O, memory management, and so on, are  
25 handled by the native stripped-down Linux kernel.”); Exhibit G (“Android 4.0 now provides address  
26 space layout randomization ... For the uninitiated, ASLR randomizes where various areas of memory  
27 (eg. stack, heap, libs, etc) are mapped in the address space of a process.”); Exhibit H (“Each instance  
28 of an executable will be given a randomized address space layout at execution time.”); Exhibit J  
 (“ASLR randomizes the base points of the stack, heap, shared libraries, and base executables”).

1 36. Defendant has been and now is indirectly infringing by way of inducing infringement by  
2 others and/or contributing to the infringement by others of the '719 Patent in the State of California,  
3 in this judicial district, and elsewhere in the United States, by, among other things, making, using,  
4 importing, offering for sale, and/or selling, without license or authority, products for use in systems  
5 that fall within the scope of one or more claims of the '719 Patent. Such products include, without  
6 limitation, one or more of the Accused Products. Such products have no substantial non-infringing  
7 uses and are for use in systems that infringe the '719 Patent. By making, using, importing offering  
8 for sale, and/or selling such products, Defendant injured Blue Spike and is thus liable to Blue Spike  
9 for infringement of the '719 Patent under 35 U.S.C. § 271. It is not necessary for Plaintiff to indicate  
10 specific customers directly infringing the Patents-in-Suit through the use of Defendant's Accused  
11 Products. *See In re Bill of Lading Transmission and Processing System Pat. Litig.*, 681 F.3d 1323,  
12 1336 (Fed. Cir. 2012). Even so, Defendant induces and contributes to the infringement of its  
13 customers. Defendant also induces and contributes to the infringement of its partners and resellers  
14 who use, test, and demonstrate the infringing functionality (*see, e.g.*, Exhibits C & D). Those whom  
15 Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users  
16 of the Accused Products.  
17  
18  
19

20 37. Defendant had knowledge of the '719 Patent at least as early as the service of Blue Spike's  
21 complaint against Defendant in the Eastern District of Texas, filed on October 11, 2016 (Case No.  
22 6:17-cv-1220, Dkt. No. 1). That complaint also notified Defendant that the Accused Products infringe  
23 the Patents-in-Suit, are especially made and adapted to infringe the Patents-in-Suit, cannot be used  
24 without infringing the technology claimed by the Patents-in-Suit, and have no alternative non-  
25 infringing uses. Nevertheless, Defendant has continued to induce its customers and partners to  
26 infringe. Thus, Defendant is liable for infringement of one or more claims of the '719 Patent by  
27  
28

1 actively inducing infringement and/or is liable as contributory infringer of one or more claims of the  
2 '719 Patent under 35 U.S.C. § 271.

3 38. Defendant's acts of infringement of the '719 Patent have caused damage to Blue Spike, and  
4 Blue Spike is entitled to recover from Defendant the damages sustained as a result of Defendant's  
5 wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's  
6 infringement of Blue Spike's exclusive rights under the '719 Patent will continue to damage Blue  
7 Spike, causing it irreparable harm, for which there is no adequate remedy at law, warranting an  
8 injunction from the Court.  
9

10 39. On information and belief, the infringement of the '719 Patent by Defendant has been  
11 willful and continues to be willful. Defendant had knowledge of the '719 Patent, including but  
12 not limited to at least one or more of the following:  
13

14 a. The filing of Blue Spike's complaint against Defendant in the Eastern District of  
15 Texas on October 11, 2016 (Case No. 6:17-cv-1220, Dkt. No. 1);

16 b. The filing of Plaintiff's prior lawsuits asserting the '719 Patent against five major  
17 smartphone manufacturers—Xiaomi, Huawei, Infsonics, DDM Brands, and ZTE (consolidated  
18 as *Blue Spike, LLC v. Beijing Xiaomi Technology Co. Ltd. et al.* (E.D. Tex.) Case No. 2:15-CV-  
19 01785)—which has been widely publicized and reported upon—*see, e.g.*, “China's Xiaomi  
20 slapped with patent-infringement suit by Blue Spike in US over upcoming Mi 5, Mi 5 Plus  
21 smartphones” *South China Morning Post* (Dec. 9, 2015), available at  
22 <http://www.scmp.com/tech/enterprises/article/1889024/chinas-xiaomi-slapped-patent->  
23 [infringement-suit-blue-spike-us-over](http://www.scmp.com/tech/enterprises/article/1889024/chinas-xiaomi-slapped-patent-) and attached as Exhibit K; and  
24

25 c. In the course of its due diligence and freedom to operate analysis.  
26  
27  
28

1 40. On information and belief, Defendant has at least had constructive notice of the '719 Patent  
2 by operation of law.

3 **REQUEST FOR RELIEF**

4 Blue Spike incorporates each of the allegations the paragraphs above above and respectfully  
5 asks the Court to:

6  
7 (a) enter a judgment that Defendant has directly infringed, contributorily infringed,  
8 and/or induced infringement of one or more claims of each of the Patents-in-Suit;

9 (b) enter a judgment awarding Blue Spike all damages adequate to compensate it for  
10 Defendant's direct infringement of, contributory infringement of, or inducement to infringe, the  
11 Patents-in-Suit, including all pre-judgment and post-judgment interest at the maximum rate  
12 permitted by law;

13  
14 (c) enter a judgment awarding treble damages pursuant to 35 U.S.C. § 284 for  
15 Defendant's willful infringement of one or more of the Patents-in-Suit;

16 (d) issue a preliminary injunction and thereafter a permanent injunction enjoining and  
17 restraining Defendant, their directors, officers, agents, servants, employees, and those acting in  
18 privity or in concert with them, and their subsidiaries, divisions, successors, and assigns, from  
19 further acts of infringement, contributory infringement, or inducement of infringement of the  
20 Patents-in-Suit;

21  
22 (e) enter a judgment requiring Defendant to pay the costs of this action, including all  
23 disbursements, and attorneys' fees as provided by 35 U.S.C. § 285, together with prejudgment  
24 interest; and

25  
26 (f) award Blue Spike all other relief that the Court may deem just and proper.  
27  
28

**DEMAND FOR JURY TRIAL**

Blue Spike demands a jury trial on all issues that may be determined by a jury.

Respectfully submitted,

/s/ Randall T. Garteiser  
Randall T. Garteiser  
California Bar No. 231821  
rgarteiser@ghiplaw.com  
Christopher A. Honea  
California Bar No. 232473  
chonea@ghiplaw.com  
Kirk J. Anderson  
California Bar No. 289043  
kanderson@ghiplaw.com  
**GARTEISER HONEA, PLLC**  
119 W. Ferguson Street  
Tyler, Texas 75702  
Telephone: (903) 705-7420  
Facsimile: (888) 908-4400

**GARTEISER HONEA, P.C.**  
795 Folsom St., Floor 1  
San Francisco, California 94107  
Telephone: (415) 785-3762  
Facsimile: (415) 785-3805

*Counsel for Blue Spike, LLC*

GARTEISER HONEA – TRIAL ATTORNEYS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this date stamped above.

/s/ Randall T. Garteiser  
Randall T. Garteiser

**CERTIFICATE OF SERVICE**

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on August 8, 2017.

/s/ Randall T. Garteiser  
Randall T. Garteiser

GARTEISER HONEA – TRIAL ATTORNEYS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28