

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ORTIZ & ASSOCIATES CONSULTING, LLC

Plaintiff,

v.

HP INC.

Defendant.

Case No. _____

Patent Case

Jury Trial Demanded

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Ortiz & Associates Consulting, LLC (“Ortiz”), through its attorney, complains of HP Inc. (“HP”), and alleges the following:

PARTIES

1. Plaintiff Ortiz & Associates Consulting, LLC is a limited liability company organized and existing under the laws of New Mexico that maintains its principal place of business at 117 Bryn Mawr Drive SE, Albuquerque, NM 87106.
2. Defendant HP Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 300 Hanover Street, Palo Alto, CA 94304.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.
4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
5. This Court has personal jurisdiction over HP because it has engaged in systematic and continuous business activities in the Northern District of Illinois. Specifically, HP provides

its full range of services to residents in this District. As described below, HP has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because HP has committed acts of patent infringement in this District and has a regular and established place of business in this District. Specifically, HP provides its full range of services to residents in this District. In addition, Ortiz has suffered harm in this District.

PATENTS-IN-SUIT

7. Ortiz is the assignee of all right, title and interest in United States Patent No. 9,380,414 (the “’414 Patent”) and United States Patent No. 7,630,721 (the “’721 Patent”), collectively, the “Patents-in-Suit,” including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit.

Accordingly, Ortiz possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by HP.

The ’414 Patent

8. On June 28, 2016, the United States Patent and Trademark Office issued the ’414 Patent. The ’414 Patent is titled “Systems, Methods and Apparatuses for Brokering Data Between Two Wireless Devices, Servers and Data Rendering Devices.” The application leading to the ’414 Patent was filed on February 26, 2013 and is a continuation of application number 12/569,739 filed on September 29, 2009, which was a continuation of application number 09/887,492 filed on June 22, 2001, which claimed priority from provisional application 60/214,339, which was filed on June 27, 2000. A true and correct copy of the ’414 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '414 Patent is valid and enforceable.
10. The invention in the '414 Patent relates to the use and management of data retained over wireless networks, and more particularly, to systems, methods, and apparatuses for providing data, such as documents and video, to data rendering devices (DRDs) including networked printers capable of printing documents and multimedia devices, such as televisions, video monitors, and projectors, capable of displaying video data at the request of wireless devices. Ex. A. at 1:25-34.
11. The inventor recognized that wireless device users were generally restricted in all data use by small device-based viewers, limited GUI functionality and unavailable or inconveniently located rendering resources to utilize data retrieved through networks. *Id.* at 4:25-30.

The '721 Patent

12. On December 8, 2009, the United States Patent and Trademark Office issued the '721 Patent. The '721 Patent is titled "Systems, Methods and Apparatuses for Brokering Data Between Two Wireless Devices, Servers and Data Rendering Devices." The application leading to the '721 Patent was filed on June 22, 2001, which claimed priority from provisional application 60/214,339, which was filed on June 27, 2000. A true and correct copy of the '721 Patent is attached hereto as Exhibit B and incorporated herein by reference.
13. The '721 Patent is valid and enforceable.
14. The invention in the '721 Patent relates to the use and management of data retained over wireless networks, and more particularly, to systems, methods, and apparatuses for providing data, such as documents and video, to data rendering devices (DRDs) including networked printers capable of printing documents and multimedia devices, such as televisions, video

monitors, and projectors, capable of displaying video data at the request of wireless devices.

Ex. B. at 10:51-54.

15. The inventor recognized that wireless device users were generally restricted in all data use by small device-based viewers, limited GUI functionality and unavailable or inconveniently located rendering resources to utilize data retrieved through networks. *Id.* at 4:43-47.

COUNT I: INFRINGEMENT OF THE '414 PATENT

16. Ortiz incorporates the above paragraphs herein by reference.

17. **Direct Infringement.** HP has been and continues to directly infringe at least claim 1 of the '414 Patent in this District and elsewhere in the United States by providing a device, for example, HP's ePrint ("ePrint"), that performs the steps of brokering data between a wireless device (WD) and a data rendering device (DRD). For example, HP's ePrint allows users to email documents or photos they want to print directly to an HP-enabled web printer from any location with an active Internet connection. *See* Figure 1;

<http://www8.hp.com/us/en/ads/mobility/apple-on-the-go-printing.html>;

Get more from mobile printing



HP Mobile Printing for large-format printers

With HP Mobile Printing, you can easily print and scan to your HP DesignJet printer or MFP from your smartphone or tablet via wireless printing or Wi-Fi Direct. Plus print remotely by emailing files directly to ePrint-enabled printers.⁹

Figure 1. HP's ePrint allows users to email documents or photos they want to print directly to an HP-enabled web printer from any location with an active Internet connection.

18. HP provides a device performing the step of identifying data through a WD to render a DRD.

For example, HP's ePrint allows users to choose the file or photo they want to print once the app is downloaded. See Figure 2.

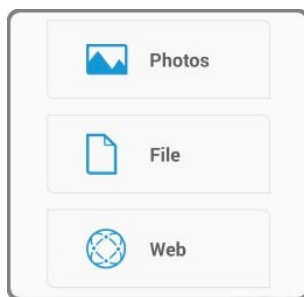


Figure 2. HP's ePrint allows users to choose the file or photo they want to print once the app is downloaded.

19. HP provides a device performing the step of providing a DRD locator request from the WD through a wireless communications network to a network resource to find at least one DRD

located near the WD, where the WD location is first determined by at least one of a GPS module included in the WD and connection of the WD to the wireless communications network. For example, HP's ePrint allows users to add or choose an HP Print-enabled printer or a printer from a list of HP Public Print locations. *See* Figure 3.

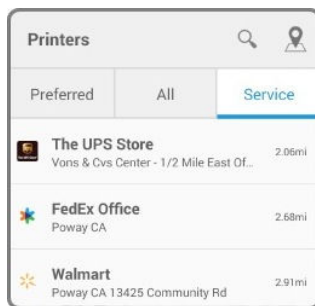


Figure 3. HP's ePrint allows users to add or choose an HP Print-enabled printer or a printer from a list of HP Public Print locations.

20. HP provides a device performing the step of receiving location information and rendering capabilities through the wireless communications network for at least one DRD located near the WD. For example, HP's ePrint allows users to scroll up and down in the device list to see all of the available devices. *See* Figure 4.

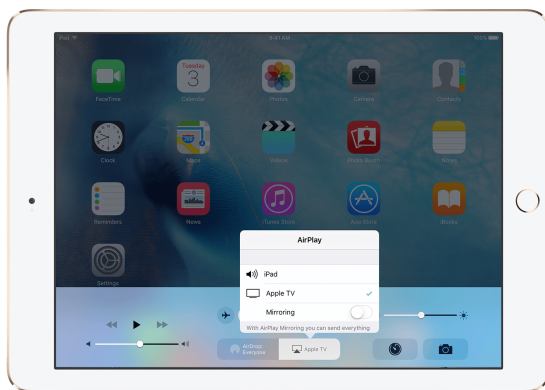


Figure 4. HP's ePrint allows users to scroll up and down in the device list to see all of the available devices.

21. HP provides a device performing the step of selecting a DRD from discovering at least one DRD based on location information with respect to the WD and rendering capabilities and identifying data for the DRD. For example, HP's ePrint allows users to print documents from any location and accessing these documents from the cloud. *See* Figure 5.



One app, powerful capabilities

HP Smart app works with your mobile device to help setup your printer, enable print and scan from your mobile, remotely monitor and manage your printer, check supplies, scan to email / cloud based storage services and more...learn more or get the app right now!

Figure 5. HP's ePrint allows users to print documents from any location and accessing these documents from the cloud.

22. HP provides a device performing the step of sending the data for rendering by the DRD. For example, HP's ePrint allows users to confirm the correct printer and selected print settings. *See* Figure 6.

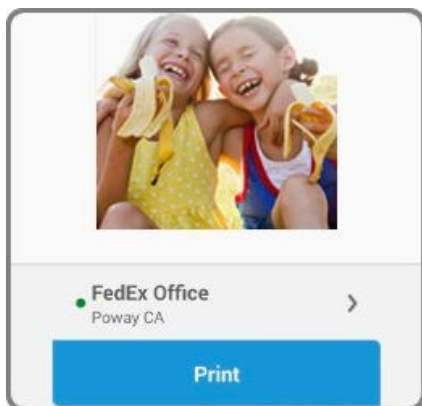


Figure 6. HP's ePrint allows users to confirm the correct printer and selected print settings.

23. HP provides a device performing the step of receiving a passcode to provide to the DRD once the DRD is physically located. For example, HP's ePrint requires users to enter their personal identification number or personal identification code. *See Figure 7.*

Cloud security options

Print job communication and transfer:

- Print requests are sent from the HP ePrint print client to the HP cloud through HTTPS (OAuth authentication).
- The cloud sends notification to the HP ePrint printer of the pending print request through XMPP—an XML-based messaging procedure.
- The Web-connected cloud printer authenticates with the HP Connected cloud to receive the pending print request. The HP ePrint printer establishes an HTTPS connection with the cloud server, and the print request is printed by the Web-connected cloud printer.
- HP ePrint-enabled printers can be locked through [HP Connected](#) by changing the default access to Allowed senders only. Print jobs originating from HP ePrint Software are processed through [HP Connected](#) after authenticating the HP ePrint Software's originating email and PIN.

Figure 7. HP's ePrint requires users to enter their personal identification number or personal identification code.

24. HP provides a device performing the step of providing the passcode to the DRD by at least entering the passcode at a user interface associated with the DRD and entering the passcode at a user interface on the WD while the WD is in wireless communication with the DRD. For example, HP's ePrint allows the user to enter the passcode at an interface such as a telephone, while the WD is in wireless communication with the DRD. *See Figure 8.*

Print jobs are sent to a print queue on the HP Access Control server and stored there until retrieved at the device. Uncollected prints are deleted on the server after a predefined time, thus improving confidentiality, while reducing waste and associated print costs.

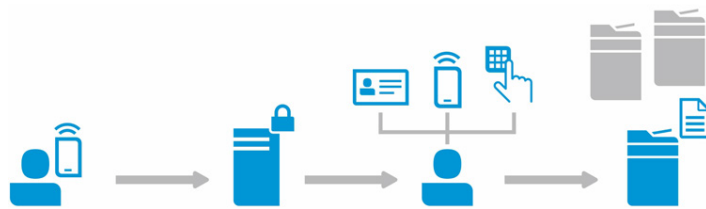


Figure 8. HP's ePrint allows the user to enter the passcode at an interface such as a telephone, while the WD is in wireless communication with the DRD.

25. HP provides a device performing the step of having the DRD retrieve the data and rendering the data after the passcode is entered by the user and verified by the DRD. For example, HP's ePrint allows users to retrieve the print job at any time and location. *See* Figure 9.

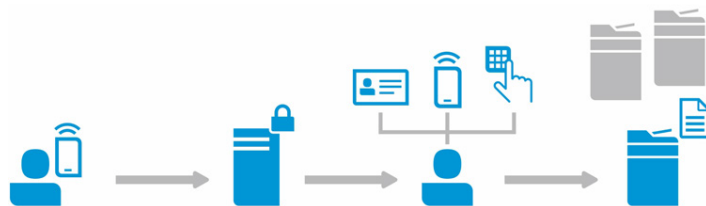


Figure 9. HP's ePrint allows users to retrieve the print job at any time and location.

26. **Induced Infringement.** HP has also actively induced, and continues to induce, the infringement of at least claim 1 of the '414 Patent by actively inducing its customers, including merchants and end-users to use HP's products in an infringing manner as described above. Upon information and belief, HP has specifically intended that its customers use its products that infringe at least claim 1 of the '414 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the '414 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '414 Patent is accomplished by HP and

HP's customer jointly, HP's actions have solely caused all of the steps to be performed.

27. Ortiz is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

28. Ortiz will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

COUNT II: INFRINGEMENT OF THE '721 PATENT

29. Ortiz incorporates the above paragraphs herein by reference.

30. **Direct Infringement.** HP has been and continues to directly infringe at least claim 1 of the '721 Patent in this District and elsewhere in the United States by providing a device, for example, HP's ePrint ("ePrint"), that performs the steps of brokering data between wireless devices and publicly available data rendering devices with locations and capabilities not previously known to the handheld wireless devices or their users. For example, HP's ePrint allows users to email documents or photos they want to print directly to an HP-enabled web printer from any location with an active Internet connection. *See* Figure 10;

<http://h20195.www2.hp.com/v2/GetPDF.aspx/4aa4-6692enw.pdf>.

Brief

Easily enable secure mobile printing

HP mobile printing solutions for business



Figure 10. HP's ePrint allows users to email documents or photos they want to print directly to an HP-enabled web printer from any location with an active Internet connection.

31. HP provides a device performing the step of identifying data from a handheld wireless device (WD) for rendering at a publicly accessible data rendering device (DRD) located at a fixed, publicly accessible location not yet known to the WD or its user. For example, HP's ePrint allows users to print at any of the ePrint Public Locations from a laptop, smartphone, or tablet. See Figure 11; <http://www8.hp.com/us/en/solutions/business-solutions/printingsolutions/ppl.html>.

Print on-the-go wherever life and business take you

Wherever you are on your smartphone, tablet or laptop you can still print by locating one of 30,000 HP ePrint Public Print Locations¹. Use the HP ePrint App, HP ePrint Enterprise App or HP ePrint Software to find a location near you and print through the HP ePrint cloud.

HP's ePrint Public Print cloud service takes the following security measures with your content:

- Documents are encrypted for transmission to and from the cloud²
- Only you can retrieve the print job at the location with a unique retrieval code
- Once printed, the print job is deleted from the cloud.

HP ePrint Public Print Locations include:

- FedEx Office stores
- The UPS Store locations
- Swiss Post
- Associated Hilton Hotels & Resorts (powered by PrinterOn)
- Many hotels, airline lounges, universities, public libraries and more (powered by PrinterOn)

Figure 11. HP's ePrint allows users to print at any of the ePrint Public Locations from a laptop, smartphone, or tablet.

32. HP provides a device performing the step of providing a request from the WD through a wireless telecommunications network supporting voice and data communications by the WD to a remote network resource for the remote network resource to locate at least one DRD. For example, HP's ePrint allows users to wirelessly print from mobile devices. See Figure 12; <http://h20195.www2.hp.com/v2/GetPDF.aspx/4aa4-6692enw.pdf>.



HP ePrint Enterprise is a mobile printing solution that makes it easy for employees to print from mobile devices to selected HP or non-HP printers on your networks.⁴ It also enables workers on the go to print documents securely at more than 30,000 Public Print Locations worldwide.¹² The solution is easy to manage and scales to meet the demands of any enterprise.

Figure 12. HP's ePrint allows users to wirelessly print from mobile devices.

33. HP provides a device performing the step of having at least one DRD further comprising at least one of a printer, a video monitor, an Internet Kiosk, a multimedia projector or an ATM machine. For example, HP's ePrint can connect to a printer's wireless direct signal. *See* Figure 12.
34. HP provides a device performing the step of making the network resource further adapted to identify the location rendering capabilities and operational status of at least one DRD in accordance with at least one of the WD's geographic location and a WD user profile associated with the WD. For example, HP's ePrint allows users to securely print documents from more than 30,000 Public Print Locations worldwide. *See* Figure 12.
35. HP provides a device performing the step of the network resource identifying the location, rendering capabilities and operational status of at least one DRD based on at least one of the WD's location and the WD user profile. For example, HP's ePrint allows users to locate and

print to the nearest network printer available. *See* Figure 13;

<http://h20195.www2.hp.com/v2/GetPDF.aspx/4AA0-1601ENW.pdf>.

HP ePrint Enterprise, an easy-to-use mobile printing solution with the security features your company requires

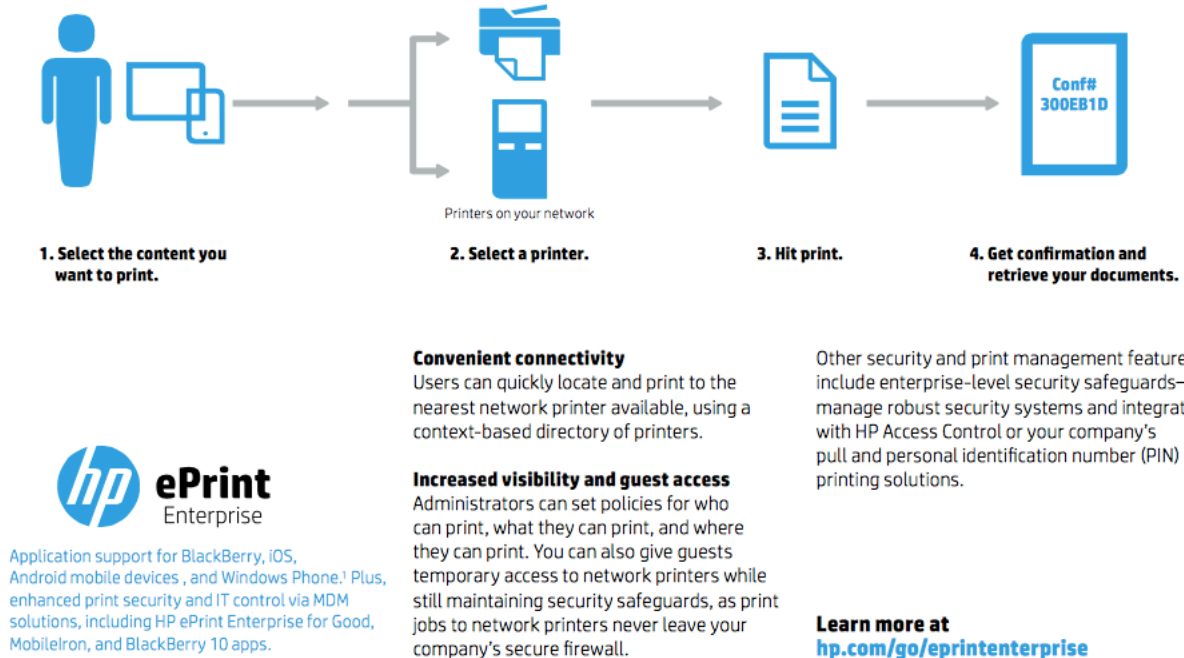


Figure 13. HP's ePrint allows users to locate and print to the nearest network printer available.

36. HP provides a device performing the step of having the network resource provide the WD with location information for at least one publically accessible DRD. For example, HP's ePrint uses a context-based directory of printers to determine where to print. *See* Figure 13.
37. HP provides a device performing the step of selecting a DRD with the WD. For example, HP's ePrint allows users to select the printer out of the directory of printers. *See* Figure 13.
38. HP provides a device performing the step of at least one of the WD, the wireless telecommunications network and the network resource providing navigable directions on the WD to physically locate a DRD selected with the WD based on the geographic location of the WD. For example, HP's ePrint includes GPS capabilities in order to locate a nearby HP

ePrint Public Print Location. See Figure 14; <http://www8.hp.com/us/en/solutions/business-solutions/printingsolutions/ppl.html>.

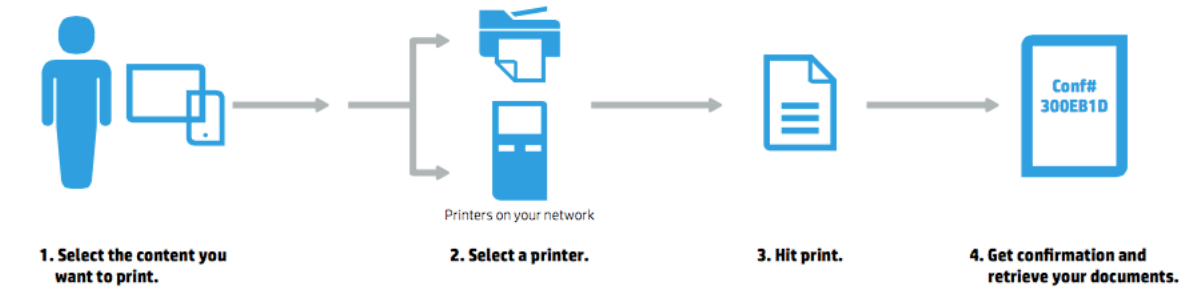
Select an HP mobile app or software for your mobile device

The HP ePrint App, HP ePrint Enterprise App or HP ePrint Software include GPS capability to conveniently locate an HP ePrint Public Print Location nearby. With a link to maps, you can also get driving directions to the location if you are in an unfamiliar area.

Figure 14. HP's ePrint includes GPS capabilities in order to locate a nearby HP ePrint Public Print Location.

39. HP provides a device performing the step of transferring the data at the request of the user of the WD to the DRD from a memory associated with the WD, where the data is transferred to the DRD for rendering and where the DRD renders the data after a passcode entered by the user is verified by the DRD. For example, HP's ePrint allows users to determine what they can print and manage robust security systems and integrate with HP Access Control or a company's PIN to authenticate and release print jobs. See Figure 15; <http://h20195.www2.hp.com/v2/GetPDF.aspx/4AA0-1601ENW.pdf>.

HP ePrint Enterprise, an easy-to-use mobile printing solution with the security features your company requires



Application support for BlackBerry, iOS, Android mobile devices, and Windows Phone.¹ Plus, enhanced print security and IT control via MDM solutions, including HP ePrint Enterprise for Good, MobileIron, and BlackBerry 10 apps.

Convenient connectivity

Users can quickly locate and print to the nearest network printer available, using a context-based directory of printers.

Increased visibility and guest access

Administrators can set policies for who can print, what they can print, and where they can print. You can also give guests temporary access to network printers while still maintaining security safeguards, as print jobs to network printers never leave your company's secure firewall.

Other security and print management features include enterprise-level security safeguards—manage robust security systems and integrate with HP Access Control or your company's pull and personal identification number (PIN) printing solutions.

Learn more at
hp.com/go/eprintenterprise

For additional flexibility, the touch-to-authenticate feature enables mobile users to authenticate and release jobs using a near field communication (NFC)-enabled smartphone or tablet when HP ePrint Enterprise is integrated with a pull print solution.

Figure 15. HP's ePrint allows users to determine what they can print and manage robust security systems and integrate with HP Access Control or a company's PIN to authenticate and release print jobs.

40. **Induced Infringement.** HP has also actively induced, and continues to induce, the infringement of at least claim 1 of the '721 Patent by actively inducing its customers, including merchants and end-users to use HP's products in an infringing manner as described above. Upon information and belief, HP has specifically intended that its customers use its products that infringe at least claim 1 of the '721 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the '721 Patent, as described above. Even where performance of

the steps required to infringe at least claim 1 of the '721 Patent is accomplished by HP and HP's customer jointly, HP's actions have solely caused all of the steps to be performed.

41. Ortiz is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.
42. Ortiz will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

JURY DEMAND

43. Under Rule 38(b) of the Federal Rules of Civil Procedure, Ortiz respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Ortiz asks this Court to enter judgment against HP, granting the following relief:

- A. A declaration that HP has infringed the Patents-in-Suit;
- B. An award of damages to compensate Ortiz for HP's direct infringement of the Patents-in-Suit;
- C. An order that HP and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patents-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy HP's willful infringement of the Patents-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Ortiz of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An award of prejudgment and post-judgment interest; and

G. Such other relief as this Court or jury may deem proper and just.

Respectfully submitted,
/s/ Kenneth Matuszewski
Counsel for Plaintiff

Kenneth Matuszewski
RABICOFF LAW LLC
73 W Monroe St
Chicago, IL 60603
(708) 870-5803
kenneth@rabilaw.com

Isaac Rabicoff
RABICOFF LAW LLC
73 W Monroe St
Chicago, IL 60603
773.669.4590
isaac@rabilaw.com