

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

IRON OAK TECHNOLOGIES, LLC,

*Plaintiff,*

v.

HP INC.

*Defendant.*

CASE NO. 1:17-cv-01068

**JURY**

**SECOND AMENDED COMPLAINT**

For its second amended complaint against defendant HP Inc., plaintiff Iron Oak Technologies, LLC (“Iron Oak”) alleges:

**PARTIES**

1. Plaintiff Iron Oak is a limited liability company organized under the laws of the State of Texas and has its principal place of business at 3605 Scranton Drive, Richland Hills, Texas, 76118. Iron Oak is a technology development company wholly owned by prolific inventors William (Bill) C. Kennedy III of Dallas and Kenneth R. Westerlage of Ft. Worth. Mr. Kennedy and/or Mr. Westerlage are named inventors on each of the 22 patents owned by Iron Oak.

2. HP Inc. is a corporation organized under the laws of the state of Delaware with its principal place of business at 300 Hanover Street, Palo Alto, CA 94304. HP Inc. may be served with process through its registered agent, CT Corporation System, 1999 Bryan St., Suite 900 Dallas, Texas 78201-3136. The contentions in this paragraph will likely have additional evidentiary support after a reasonable opportunity for further investigation or discovery.

**NATURE OF ACTION, JURISDICTION AND VENUE**

3. This is an action for patent infringement under the Patent Act, 35 U.S.C. § 1 et seq.

4. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (Federal Question) and § 1338 (Patent, Trademark and Unfair Competition).

5. Venue is proper in this district under 28 U.S.C. § 1391(c)(3) and 1400(b) at least because defendant HP Inc. has committed acts of infringement in this district and has a regular and established place of business in this district at 3800 Quick Hill Road, Austin, Texas 78728.

**FACTS COMMON TO ALL COUNTS**

6. Iron Oak is the owner through assignment of U.S. Patent No. 5,699,275 issued December 16, 1997 (“the ‘275 Patent”), which, prior to expiration, was valid and enforceable. The ‘275 Patent is directed to a system and method for remote patching of operating code located in a mobile unit. A true and correct copy of the ‘275 patent is attached as Exhibit A.

7. Iron Oak is the owner through assignment of U.S. Patent No. 5,966,658 issued October 12, 1999 (the ‘658 Patent”), which, prior to expiration, was valid and enforceable. The ‘658 Patent is directed to the automated selection of a communication path. A true and correct copy of the ‘658 patent is attached as Exhibit B.

**COUNT I**

**Infringement of the '275 Patent**

8. The allegations in the preceding paragraphs of this Complaint are hereby restated and incorporated by reference.

9. Defendant committed acts of patent infringement of the '275 Patent prior to expiration by making, using, selling, offering to sell, and importing products, including but not limited to the products and systems described in Exhibits F and G ("accused products"), which products and systems embody the inventions claimed therein for at least the reasons described therein.

10. Iron Oak has been damaged as a result of Defendant's infringing conduct at least insofar as its exclusive right was trespassed.

11. Because of Defendant's infringement, Iron Oak is entitled to a judgment of against Defendant.

**COUNT II**

**Infringement of the '658 Patent**

12. The allegations in the preceding paragraphs of this Complaint are hereby restated and incorporated by reference.

13. Defendant committed acts of patent infringement of the '658 Patent prior to expiration by making, using, selling, offering to sell, and importing products, including but not limited to the products described in Exhibit F and G ("accused products"), which products embody the inventions claimed therein for at least the reasons described therein.

14. Iron Oak has been damaged as a result of Defendant's infringing conduct at least insofar as Iron Oak's exclusive right was trespassed.

15. Because of Defendant's infringement, Iron Oak is entitled to a judgment against Defendant.

**PRAYER**

**WHEREFORE**, Iron Oak requests judgment against Defendant as follows:

1. that Defendant infringed the '275 Patent;
2. that Defendant infringed the '658 Patent; and An
3. awarding attorneys' fees under 35 U.S.C. § 285; and
4. such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all issues so triable.

May 11, 2018.

Respectfully submitted,

/s/ Al Deaver  
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*Attorney for Plaintiff*  
*Iron Oak Technologies, LLC*

**Certificate of Service**

I certify that a true and correct copy of the foregoing document was served on this 11<sup>th</sup> day of May 2018, on all counsel on even date of record via the Court's ECF filing system.

/s/ Al Deaver