

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**Encoditech LLC,**

Plaintiff,

v.

**Ybrant Digital U.S., Inc.**

Defendant.

Case No. 1:18-cv-00863-VAC-MPT

Patent Case

Jury Trial Demanded

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, (“Encoditech”), through its attorney, Isaac Rabicoff, complains of Ybrant Digital U.S., Inc. (“Ybrant”) and alleges the following:

**PARTIES**

1. Plaintiff Encoditech LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 3415 Custer Road, Suite 120-A, Plano, Texas, 75023.

2. Defendant Ybrant Digital U.S., Inc. is a corporation organized and existing under the laws of Delaware.

**JURISDICTION**

3. This is an action for patent infringement arises 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 Ybrant because it has engaged in

systematic and continuous business activities in the District of Delaware. Specifically, Ybrant is incorporated in the state of Delaware and provides its full range of services to residents in this District. As described below, Ybrant 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 Ybrant has committed acts of patent infringement in this District, and Ybrant is incorporated in the state of Delaware. In addition, Encoditech has suffered harm in this District.

#### **PATENT-IN-SUIT**

7. Encoditech is the assignee of all right, title and interest in United States Patent No. 6,321,095 (the “’095 Patent”) including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Encoditech possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Ybrant.

#### **The ’095 Patent**

8. On November 20, 2001, the United States Patent and Trademark Office issued the ’095 Patent. The ’095 Patent is titled “Wireless Communications Approach.” The application leading to the ’095 Patent was filed on March 26, 1999. A true and correct copy of the ’095 Patent is attached hereto as Exhibit A.

9. The ’095 Patent is valid and enforceable.

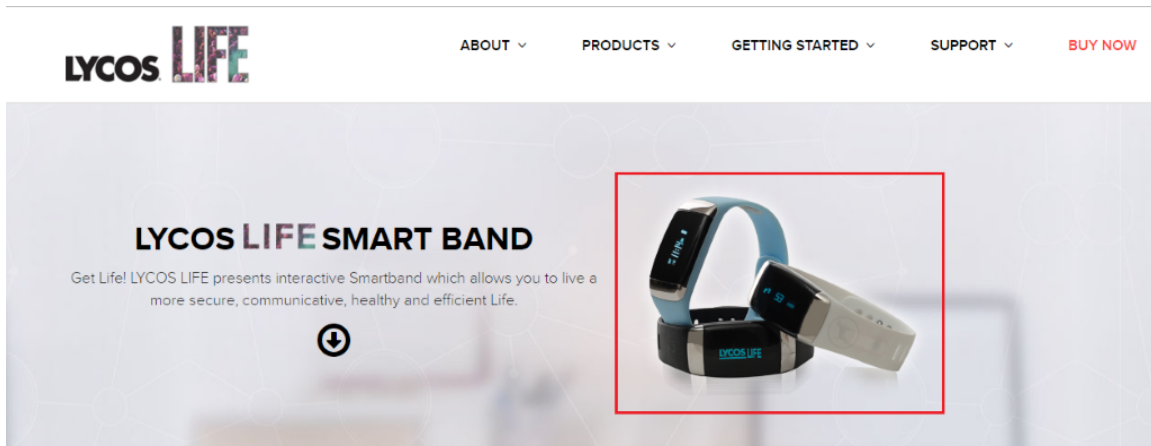
10. The invention claimed in the ’095 Patent relates to a mobile station that provides direct, wireless communications with another mobile station on a portion of a radio frequency (RF) band. Ex. A at 2:54-57.

11. The inventors wanted to improve wireless communications, without requiring the physical infrastructure of digital cellular telephone systems. *Id.* at 3:58-61.

**COUNT I: INFRINGEMENT OF THE '095 PATENT**

12. Encoditech incorporates the above paragraphs herein by reference.

13. **Direct Infringement.** Ybrant has been and continues to directly infringe at least claim 7 of the '095 Patent in this District and elsewhere in the United States, by providing a wireless communications system, for example Ybrant's app that monitors blood pressure, heartrate and step count by combining the Ybrant Life with an electronic device, such as a phone tablet. Upon information and belief, Ybrant has performed each step of claim 7 at least by internal testing of Ybrant's app. *See* Figure 1.





ABOUT ▾

PRODUCTS ▾

## LYCOS Life Wearable technology - Technical Features

### Smart Band Features:

#### Android Device

- Personal Security Manager and advanced options for mobile device security
- Wireless Tap to Transfer Function (T2T)
- Unlocks phone with no password, just a Tap of the smart band
- Advanced Fitness Monitor
- Pedometer and calorie counter are utilized to help you reach your Life fitness goals
- EKG/ECG Live Readout to monitor health
- Monitor the quality and duration of your sleep with Automatic Sleep Tracking
- Vibrating, silent alarms for wake-up calls or notifications
- Water Resistant up to 1 meter & 30 minutes under water
- 10-14 day battery life depending on usage; 31 days memory
- **Bluetooth BLE 4.0**

## LYCOS LIFE APP

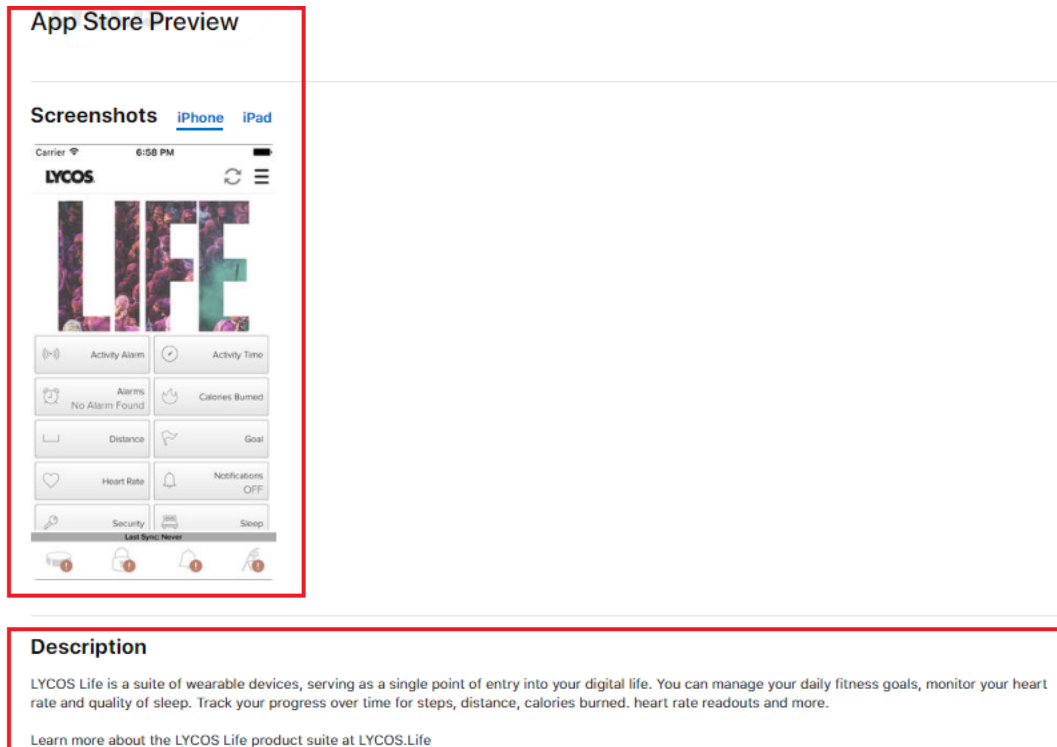


### LYCOS LIFE App for IOS & Android

Your Life device collaborates with your smartphone via the LYCOS LIFE app. With the app you are able to control your settings, tighten your phone's security, fitness information, track results, and maximize Life capabilities.

#### Download the application from:





*Figure 1. Ybrant has an app that monitors blood pressure, heartrate and irregular heartbeats*

14. Ybrant sells, offers for sale in the United States, and imports into the United States, the program.

15. Ybrant's app has a first mobile station, and a second mobile station. For example, Ybrant's app works on a mobile device and communicates via Bluetooth. See Figure 2.



*Figure 2. Ybrant's app works on a mobile device.*

16. Ybrant's app has the first mobile system configured to select a first portion of a radio frequency band (RF) to carry communications between the first mobile station and the second mobile station. For example, Ybrant's app selects a 2.4 GHz-2.4385 GHz range of the ISM band to carry communications between the mobile devices via Bluetooth V4.0 low energy. *See* Figure 1.

17. Ybrant's app transmits a first request signal on a first sub-portion of the first portion of the RF band directly to the second mobile station to request communications between the first mobile station and the second mobile station, the first acknowledge signal on a second sub-portion of the first portion of the RF band directly to the first mobile station to acknowledge the first request signal. For example, Ybrant's app transmits a request signal on a double-sided spectrum with center frequency 2.402 GHz of the range of the ISM band directly to the mobile devices and establishes a direct

communication link between the two mobile devices upon receiving a first acknowledgment signal from the second mobile station. *See* Figure 1.

18. **Induced Infringement.** Ybrant has also actively induced, and continues to induce, the infringement of at least claim 7 of the '095 Patent by actively inducing its customers, including merchants and end-users to use Ybrant's program in an infringing manner as described above. Upon information and belief, Ybrant has specifically intended that its customers use its program in a manner that infringes at least claim 7 of the '095 Patent by, at a minimum, providing access to, support for, training and instructions for, its program to its customers to enable them to infringe at least claim 7 of the '095 Patent, as described above. Even where performance of the steps required to infringe at least claim 7 of the '095 Patent is accomplished by Ybrant and Ybrant's customer jointly, Ybrant's actions have solely caused all of the steps to be performed.

19. Encoditech 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.

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

#### **JURY DEMAND**

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

#### **PRAYER FOR RELIEF**

WHEREFORE, Encoditech asks this Court to enter judgment against Ybrant Digital U.S., Inc., granting the following relief:

A. A declaration that Ybrant has infringed the Patent-in-Suit;

- B. A judgment that Ybrant accounts to Encoditech for all infringing activities and other conduct complained of herein;
- C. An award of damages to compensate Encoditech for Ybrant's direct infringement of the Patent-in-Suit;
- D. An order that Ybrant and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be permanently enjoined from infringing the Patent-in-Suit under 35 U.S.C. § 283;
- E. A declaration that this case is exceptional, and an award to Encoditech 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 and relief as this Court or jury may deem proper and just.

Respectfully submitted,  
/s/ Stamatios Stamoulis  
Counsel for Plaintiff

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