IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BECK BRANCH LLC,
 	
    Plaintiff,
 	
v.
 	
HUAWEI DEVICE USA, INC.,
 	
    Defendant.
	CIVIL ACTION NO 6:18-cv-633
	
	JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1.   This is an action for patent infringement in which Beck Branch LLC makes the following allegations against Huawei Device USA, Inc.

PARTIES

2.   Plaintiff Beck Branch LLC ("Plaintiff") is a Texas limited liability company with its principal place of business at 101 E. Park Blvd, Suite 600, Plano, TX 75074.

3.   On information and belief, Huawei Device USA, Inc. ("Defendant" or "HUAWEI") is a corporation organized and existing under the laws of the State of Texas, with its principal place of business in 5700 Tennyson Parkway, Suite 600, Plano, TX 75024.

JURISDICTION AND VENUE

4.   This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5.   Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Defendant is a Texas corporation with its principal place of business in the Eastern District of Texas (Plano, TX), and, thus, resides in the Eastern District of Texas for purposes of venue.

6.   On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at

least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,873,620

7.   Plaintiff is the owner of United States Patent No. 6,873,620 ("the '620 patent") entitled "Communication Server Including Virtual Gateway to Perform Protocol Conversion and Communication System Incorporating the Same." The '620 Patent issued on March 29, 2005. A true and correct copy of the '620 Patent is attached as Exhibit A.

8.   Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides products and/or services that infringe the '620 patent. The '620 patent provides, among other things, " A communication server acting as a gateway for the transmission of messages between two virtual devices communicating with networks implementing different protocols, said communication server comprising: a knowledge base comprising a registry identifying each physical device registered to deliver messages for transmission between said virtual devices and through said gateway, a logical table identifying each registered connection available between physical devices and protocol conversion information required for each registered connection to convert messages of one protocol to a different protocol and a dynamic database identifying the current status of each actual connection between physical devices; and a virtual gateway accessing said knowledge base for protocol conversion information upon receipt of a message to be transmitted between said virtual devices and converting the protocol of said message to a protocol compatible with the network to which said message is being sent wherein said virtual gateway updates the protocol conversion information and the current status information in said knowledge base based on message traffic therethrough."

9.   Defendant directly and/or through intermediaries, made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or services that infringed one or more claims of the '620 patent, including at least Claim 23, in this district and elsewhere in the United States. By making, using, importing, offering for sale, and/or selling

such products and services, and all like products and services, Defendant has injured Plaintiff and is thus liable for infringement of the '620 patent pursuant to 35 U.S.C. § 271.

10.   Based on present information and belief, HUAWEI makes, uses, sells and/or offers for sale a communication server acting as a gateway for the transmission of messages between two virtual devices communicating with networks implementing different protocols. For example, HUAWEI provides wearables such as HUAWEI Smartwatches (HUAWEI watch 2) and/or Smart Fitness Bands which use Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei wear and/or Huawei Health smartphone application as a gateway for transmission of messages between the HUAWEI Smartwatches and Smart Fitness Bands and other devices (such as servers, computers, smartphones and/or other devices). When data is sent from HUAWEI Wearable devices such as smartwatches and/or fitness bands using Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei wear and/or Huawei Health smartphone application (which when installed on a smartphone comprise one or more "virtual devices"), the wearable sends the data via the Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei wear and/or Huawei Health smartphone application ("communication server"). The smartphone application converts the protocol used for communicating between the Bluetooth connected wearables via the smartphone and a server (including but not limited to a HUAWEI server) connected via the internet. Further, when a message and/or call is placed using HUAWEI smartwatch to another smartphone and/or smartwatches, the Samsung's smartwatch send the message and/or call via the Wear OS by Google (formerly known as Android Wear) smartphone application working on different protocols.

HUAWEI   PHONES   LAPTOPS & TABLETS   WEARABLES   SUPPORT   PRIVACY & SECURITY

HUAWEI WATCH 2

MADE FOR FREE SPIRITS

Source: https://consumer.huawei.com/us/wearables/watch2/

Functions of various apps

The functions of each app are listed in the following table.

Android Wear	• Pair your watch with the app. • Manage your watch. • Change watch faces.
Huawei Wear	• View steps, calories burnt, and walked distance. • Set user information. • Manage your device. • Activate the eSIM card (not applicable to the SIM card edition).
Huawei Health	• View detailed sport data. • Set user information. • Collect daily and historical sport data. • Record the movement track. • Draw heart rate curve.

Source: https://www.portablegear.nl/download/?PID=7040&Bestandsnaam=huawei-watch-2.pdf

[5]

1.6 Relevant apps

Android users can download the **Huawei Wear** and **Huawei Health** apps in Google Play™ to make better use of the watch.

- With Huawei Wear, you can manage your device, activate the eSIM card, as well as view the step counts and calories burnt.
- With Huawei Health, you can set a personal workout plan, and view detailed sport and heart rate data.

📖 **NOTE**
- You can download the Huawei Wear app on your iOS device, but currently you cannot use this app to manage your watch.
- Huawei Health is not supported on iOS devices.

Source: https://www.portablegear.nl/download/?PID=7040&Bestandsnaam=huawei-watch-2.pdf

[6]

HUAWEI   PHONES   LAPTOPS & TABLETS   WEARABLES   SUPPORT   PRIVACY & SECURITY

HUAWEI WATCH 2 SPECIFICATIONS

DIMENSIONS

Length (excluding watch crown)
48.9 mm

Width
45 mm

Height
12.6 mm (from bottom to screen)

*Product size, product weight, and related specifications vary by configuration and manufacturing process.

WEIGHT

HUAWEI WATCH 2
Approx. 40 g (excluding watch strap)

HUAWEI WATCH 2 Classic
Approx. 47 g (excluding watch strap)

Source: https://consumer.huawei.com/us/wearables/watch2/specs/

[6]

HUAWEI

HUAWEI   FEATURES   SPECIFICATIONS   PRODUCT SUPPORT

WATCH CASE

HUAWEI WATCH 2
Plastic

HUAWEI WATCH 2 Classic
Plastic+Stainless Steel

WATCH STRAP

HUAWEI WATCH 2
Sport Strap
Strap is replaceable with a lug width of 20 mm and suitable for a wrist size of 140-210 mm.

HUAWEI WATCH 2 Classic
Leather Strap
Strap is replaceable with a lug width of 22 mm and suitable for a wrist size of 140-210 mm

COLOR

HUAWEI WATCH 2
Carbon Black (non-4G)/Concrete Gray (non-4G)

HUAWEI WATCH 2 Classic
Titanium Gray (non-4G)

Source: https://consumer.huawei.com/us/wearables/watch2/specs/

HUAWEI

HUAWEI   FEATURES   SPECIFICATIONS   PRODUCT SUPPORT   BUY

COLOR

HUAWEI WATCH 2
Carbon Black (non-4G)/Concrete Gray (non-4G)

HUAWEI WATCH 2 Classic
Titanium Gray (non-4G)

DISPLAY

1.2-inch circular AMOLED display
390 x 390 pixels with a PPI of 326
Corning Gorilla Glass

CPU

Qualcomm Snapdragon 2100

OPERATING SYSTEM

Android Wear 2.0
Supported Mobile OS: Android 4.4+, OS 9.0+

MEMORY

4 GB Flash+768 MB RAM*

*Due to limitations in CPU processing power, memory used by the operating system and pre-installed applications, the
actual space available to users may be less than the stated memory capacity. Actual memory space may change due to
application updates, user operations, and other related factors.

Source: https://consumer.huawei.com/us/wearables/watch2/specs/

HUAWEI   FEATURES   SPECIFICATIONS   PRODUCT SUPPORT   **BUY**

WORKING FREQUENCIES (4G EDITION ONLY)

LTE: B1, B3, B7, B8, B39, and B41 (2555-2655 MHz)/UMTS: B1, B2, and B8/TD-SCDMA: B34 and B39/
GSM: 900 and 1800

POSITIONING SYSTEM

GPS+Glonass

SPEAKER

Supported

CONNECTIVITY

Bluetooth: 2.4 GHz Bluetooth 4.1 BLE+BR/EDR
WiFi: 2.4 GHz 802.11b/g/n

SENSORS

6-axis A+G sensor
3-axis Compass
Heart Rate Sensor (PPG)
Barometer
Capacitive Sensor
Ambient Light Sensor

NFC

Supported

Source: https://consumer.huawei.com/us/wearables/watch2/specs/

HUAWEI   FEATURES   SPECIFICATIONS   PRODUCT SUPPORT   **BUY**

BATTERY

420 mAh*
410 mAh* (minimum value)

*Typical value. Actual capacity may vary slightly.
 This capacity is the nominal battery capacity. The actual battery capacity for each individual product depends on network
configuration and many other factors. Actual results may vary.

WATER AND DUST RESISTANCE RATING

IP68

IN THE BOX

Watch x 1 Standard
Charging Cradle (including USB cable) x 1 Standard
Power Adapter x 1 Standard
Quick Start Guide x 1 Standard
Safety Information x 1 Standard
Warranty Card x 1 Optional

*Disclaimer: specifications may change without notice, images are for illustration purpose only. Colors and features may
not be available in all markets, please check with local retailers for exact offer.

Source: https://consumer.huawei.com/us/wearables/watch2/specs/

13.3 How many phones can my watch connect to? How many watches can a phone connect to?

Your watch can only connect to one phone at a time.

To connect your watch to a different phone, restore your watch to its factory settings and set up a new connection.

A phone can connect to multiple watches at a time. Touch the upper right corner in the Android Wear app, choose **Pair with a new watch**, and follow the onscreen instructions for pairing.

Source: https://images-eu.ssl-images-amazon.com/images/I/B1gPSPiqC6S.pdf, Page 46

Functions of various apps

The functions of each app are listed in the following table.

Android Wear	• Pair your watch with the app. • Manage your watch. • Change watch faces.
Huawei Wear	• View steps, calories burnt, and walked distance. • Set user information. • Manage your device. • Activate the eSIM card (not applicable to the SIM card edition).
Huawei Health	• View detailed sport data. • Set user information. • Collect daily and historical sport data. • Record the movement track. • Draw heart rate curve.

Source: https://www.portablegear.nl/download/?PID=7040&Bestandsnaam=huawei-watch-2.pdf

Huawei Wear

The Huawei Wear app helps you manage your watch. The available functions vary by the watch edition.

Watch edition	Manage your watch	Enable the eSIM
Bluetooth edition	√	/
SIM edition	√	/
eSIM edition	√	√

Huawei Health

The Huawei Health app measures your exercise and heart rate in detail and designs a personalized workout plan.

Source: https://www.portablegear.nl/download/?PID=7040&Bestandsnaam=huawei-watch-2.pdf

1.5 Getting started

Before using your watch, following these steps to pair it with your phone.

1. Before setting up your watch, download the Android Wear app from Google Play™ or the Apple App Store and install it on your phone.
2. Press and hold the power button to power on your watch and then select the desired language.
3. Enable Bluetooth on your phone, launch the Android Wear app, and pair your phone with the Huawei Watch according to the onscreen instructions.
4. This will sync settings, the time, and other data to your Huawei Watch. Once complete, you can start using your watch.
5. After the sync is complete, try the gestures shown on onscreen to familiarize yourself with the watch's basic gestures and features.

📖 NOTE
- You must use the Android Wear app to pair your watch with your phone. Do not use your phone's own Bluetooth interface.
- You need to use the phone with Android 4.3 or later/iOS 8.2 or later.
- You will not be able to use your watch if you cannot pair it with your phone. Try resetting the watch, restart your phone, turn Bluetooth on and off again, and then try re-pairing.

Source: https://images-eu.ssl-images-amazon.com/images/I/B1gPSPiqC6S.pdf, Page 4

2.1 Pairing your watch with an Android phone

Before pairing, download the Android Wear app from the Google Play Store. Use this app to set up a connection between your watch and an Android phone.

📖 **NOTE**
- **Do not use Bluetooth in the phone settings to pair the phone with your watch.**
- Before pairing, keep your watch on the pairing screen where the watch Bluetooth name is displayed (the time is not displayed). If your watch already has the watch face screen displayed, restore your watch to its factory settings before pairing: Press and hold the watch crown (side button) for 3 seconds, swipe on the screen, and select **Settings** > **Unpair with phone**.

Before pairing

1. Attach your watch to the charging cradle and connect it to a reliable power supply to start pairing. Make sure your phone is connected to a mobile or Wi-Fi network.

   Press and hold the watch crown (side button) to power on your watch. Follow the onscreen instructions and swipe left to select a language.

2. Install the Android Wear app on your phone and enable Bluetooth.

   Go to the Google Play Store on your phone, and then download and install the Android Wear app. After installation, perform the following steps.
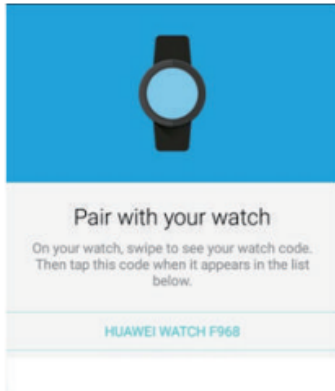
Pairing with your watch

1. Open the Android Wear app. The phone automatically lists the Bluetooth devices found. Swipe on the watch screen until the screen with a Bluetooth device name displays. Touch your watch name.
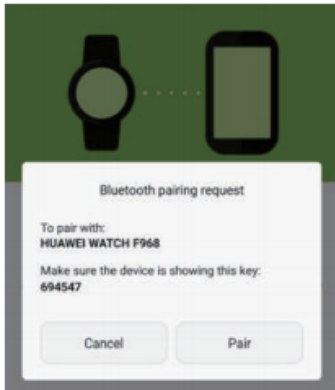
Source: https://images-eu.ssl-images-amazon.com/images/I/B1gPSPiqC6S.pdf, Page 5

NOTE

If the phone does not display your watch name, touch the refresh icon on the pairing screen and try again. If the phone keeps failing to display the name of your watch, press and hold the watch crown for 3 seconds, swipe on the screen, and choose **Settings** > **Unpair with phone** to restore your watch to its factory settings, and then try pairing again.

Pair with your watch

On your watch, swipe to see your watch code. Then tap this code when it appears in the list below.

HUAWEI WATCH F968

2. Touch your watch name and the **Bluetooth pairing request** dialog box appears. Make sure the pairing key displayed on the phone screen is consistent with that displayed on your watch.

Bluetooth pairing request

To pair with:
HUAWEI WATCH F968

Make sure the device is showing this key:
694547

Cancel   Pair

Source: https://images-eu.ssl-images-amazon.com/images/I/B1gPSPiqC6S.pdf, page 6

2.3 Connecting your watch to a Wi-Fi network

HUAWEI WATCH's Wi-Fi feature is only designed to be used when the Bluetooth connection disconnects. Enabling Wi-Fi reduces the watch's battery life.

Connect watch to a new Wi-Fi network

Swipe left on the watch's home screen, go to **Settings** > **Wi-Fi settings**, touch **Add network** > **Open on phone**, and enter the Wi-Fi password on your phone.
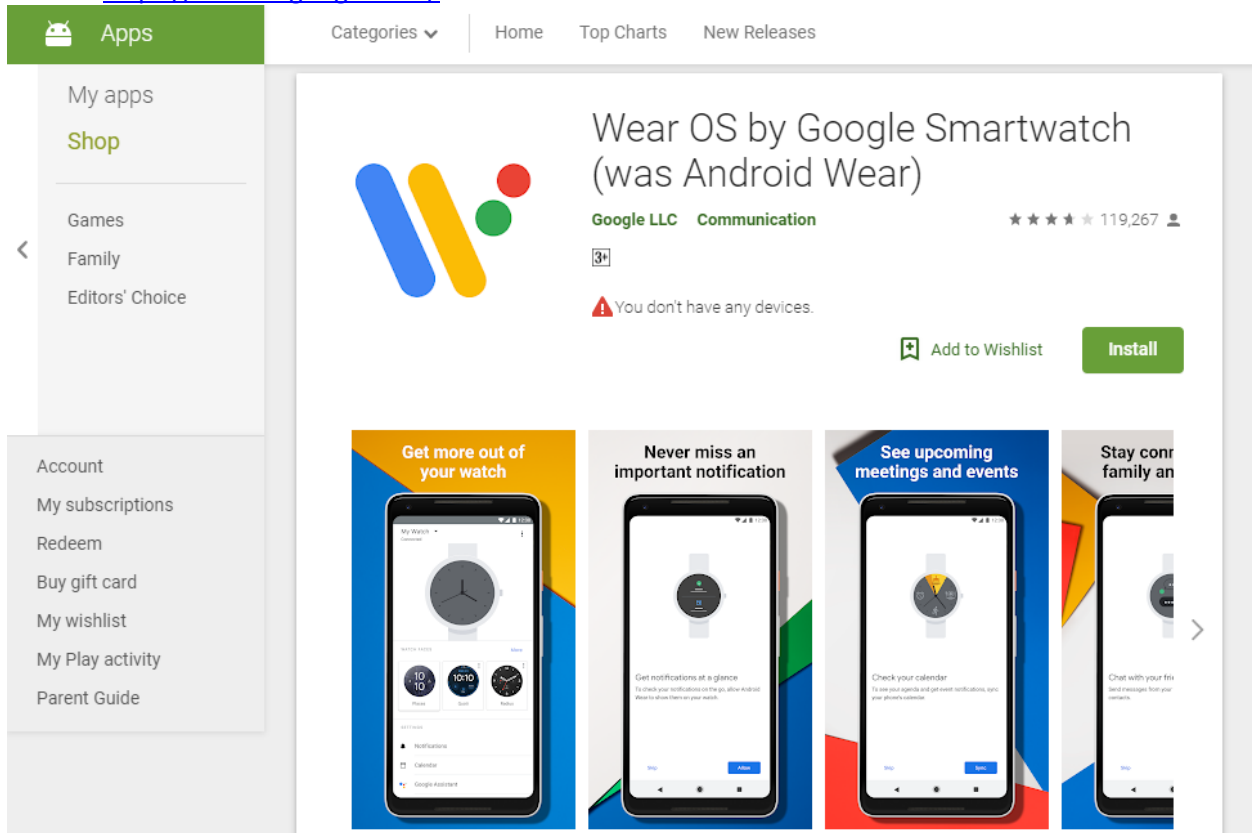
NOTE

- When connecting to a new Wi-Fi network, ensure that your watch stays connected to your phone over Bluetooth.
- When your watch is properly paired with a phone via Bluetooth and the phone is successfully connected to a Wi-Fi network, the Wi-Fi network connection will be synchronized to your watch. When your watch disconnects from the phone, your watch can access the Internet using the same Wi-Fi network.

Source: https://images-eu.ssl-images-amazon.com/images/I/B1gPSPiqC6S.pdf, Page 12

Source: https://wearos.google.com/

Source: https://play.google.com/store/apps/details?id=com.google.android.wearable.app&hl=en_US

Bluetooth	Bluetooth is a wireless communication link, operating in the unlicensed ISM band at 2.4 GHz using a frequency hopping transceiver. It allows real-time AV and data communications between Bluetooth Hosts. The link protocol is based on time slots.
Bluetooth Baseband	The part of the Bluetooth system that specifies or implements the medium access and physical layer procedures to support the exchange of real-time voice, data information streams, and ad hoc networking between Bluetooth Devices.
Bluetooth Clock	A 28 bit clock internal to a BR/EDR Controller sub-system that ticks every 312.5µs. The value of this clock defines the slot numbering and timing in the various physical channels.
Bluetooth Controller	A generic term referring to a Primary Controller with or without a Secondary Controller.
Bluetooth Device	A device that is capable of short-range wireless communications using the Bluetooth system.

Source: https://www.bluetooth.org/DocMan/handlers/DownloadDoc.ashx?doc_id=282159, page 24

11.   Based on present information and belief, HUAWEI makes, uses, sells and/or offers for sale a knowledge base comprising a registry identifying each physical device registered to deliver messages for transmission between said virtual devices and through said gateway. For example, HUAWEI and/or its customers utilize Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei Wear and/or Huawei Health smartphone application to send and/or receive data between HUAWEI smartwatch which is connected via Bluetooth with the smartphone and the Google and/or HUAWEI which is connected to the smartphone via the internet. The Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei Wear and/or Huawei Health smartphone application installed on the smartphone comprises a knowledge base registry to identify the registered physical devices. Further, the wearable transmits data between smartwatch operating on the Bluetooth protocol and the Google and/or HUAWEI connected to the smartphone via the internet operating on Internet Protocol (IP) via the Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei Wear and/or Huawei Health smartphone application. For example, HUAWEI smartwatch send a message and/or call using Wear OS by Google (formerly known as Android Wear) application operating on the Bluetooth protocol to the another smartphone and/or smart watches over the internet and/or network services.

HUAWEI   FEATURES   SPECIFICATIONS   PRODUCT SUPPORT   BUY

WORKING FREQUENCIES (4G EDITION ONLY)

LTE: B1, B3, B7, B8, B39, and B41 (2555-2655 MHz)/UMTS: B1, B2, and B8/TD-SCDMA: B34 and B39/
GSM: 900 and 1800

POSITIONING SYSTEM

GPS+Glonass

SPEAKER

Supported

CONNECTIVITY

Bluetooth: 2.4 GHz Bluetooth 4.1 BLE+BR/EDR
WiFi: 2.4 GHz 802.11b/g/n

SENSORS

6-axis A+G sensor
3-axis Compass
Heart Rate Sensor (PPG)
Barometer
Capacitive Sensor
Ambient Light Sensor

NFC

Supported

Source: https://consumer.huawei.com/us/wearables/watch2/specs/

BLUETOOTH SPECIFICATION Version 4.1 [Vol 1]   page 25 of 158

Architecture   Bluetooth®

Bluetooth Device Address	A 48 bit address used to identify each Bluetooth device.
BR/EDR	Bluetooth basic rate (BR) and enhanced data rate (EDR).
BR/EDR Controller	A term referring to the Bluetooth Radio, Baseband, Link Manager, and HCI layers.
BR/EDR Piconet Physical Channel	A Channel that is divided into time slots in which each slot is related to an RF hop frequency. Consecutive hops normally correspond to different RF hop frequencies and occur at a standard hop rate of 1600 hops/s. These consecutive hops follow a pseudo-random hopping sequence, hopping through a 79 RF channel set, or optionally fewer channels when Adaptive Frequency Hopping (AFH) is in use.
BR/EDR/LE	Bluetooth basic rate (BR), enhanced data rate (EDR) and low energy (LE).

Source: https://www.bluetooth.org/DocMan/handlers/DownloadDoc.ashx?doc_id=282159, page 24

2.3 Connecting your watch to a Wi-Fi network

HUAWEI WATCH's Wi-Fi feature is only designed to be used when the Bluetooth connection disconnects. Enabling Wi-Fi reduces the watch's battery life.

Connect watch to a new Wi-Fi network

Swipe left on the watch's home screen, go to **Settings** > **Wi-Fi settings**, touch **Add network** > **Open on phone,** and enter the Wi-Fi password on your phone.

📖 NOTE
- When connecting to a new Wi-Fi network, ensure that your watch stays connected to your phone over Bluetooth.
- When your watch is properly paired with a phone via Bluetooth and the phone is successfully connected to a Wi-Fi network, the Wi-Fi network connection will be synchronized to your watch. When your watch disconnects from the phone, your watch can access the Internet using the same Wi-Fi network.

Source: https://images-eu.ssl-images-amazon.com/images/I/B1gPSPiqC6S.pdf, Page 12

Source: https://wearos.google.com/

3.1 CORE TRAFFIC BEARERS

The Bluetooth core system provides a number of standard traffic bearers for the transport of service protocol and application data. These are shown in Figure 3.2 on page 40 below (for ease of representation this is shown with higher layers to the left and lower layers to the right).
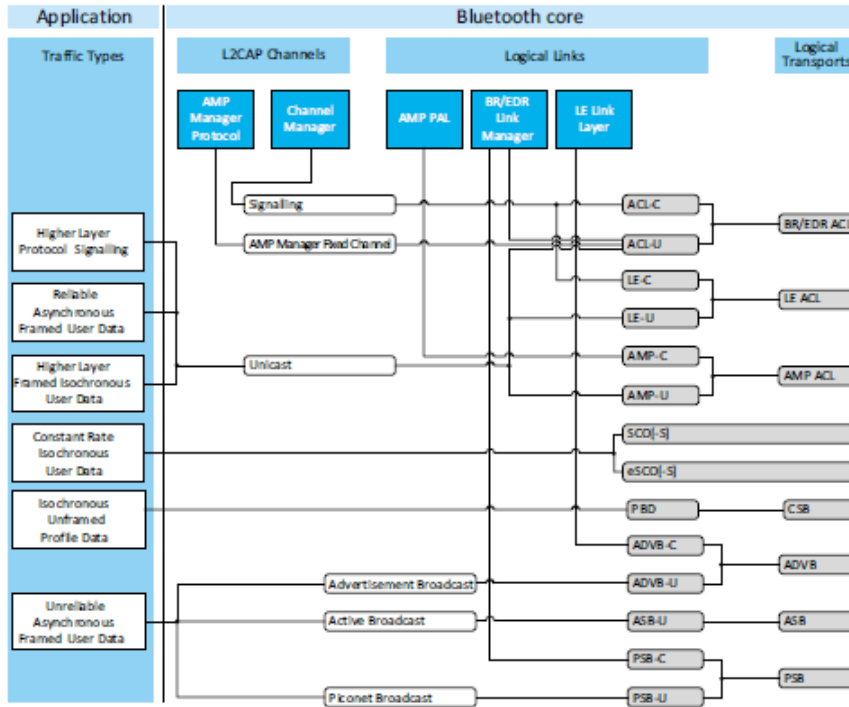

Figure 3.2: Bluetooth traffic bearers

Source: https://www.bluetooth.org/DocMan/handlers/DownloadDoc.ashx?doc_id=282159, page 40

Further, Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei Wear and/or Huawei Health smartphone application also maintains a knowledge base comprising a registry identifying the phones and devices within the customers' network.

2.1 Pairing your watch with an Android phone

Before pairing, download the Android Wear app from the Google Play Store. Use this app to set up a connection between your watch and an Android phone.

📖 NOTE
- **Do not use Bluetooth in the phone settings to pair the phone with your watch.**
- Before pairing, keep your watch on the pairing screen where the watch Bluetooth name is displayed (the time is not displayed). If your watch already has the watch face screen displayed, restore your watch to its factory settings before pairing: Press and hold the watch crown (side button) for 3 seconds, swipe on the screen, and select **Settings > Unpair with phone**.

Before pairing

1. Attach your watch to the charging cradle and connect it to a reliable power supply to start pairing. Make sure your phone is connected to a mobile or Wi-Fi network.

    Press and hold the watch crown (side button) to power on your watch. Follow the onscreen instructions and swipe left to select a language.

2. Install the Android Wear app on your phone and enable Bluetooth.

    Go to the Google Play Store on your phone, and then download and install the Android Wear app. After installation, perform the following steps.
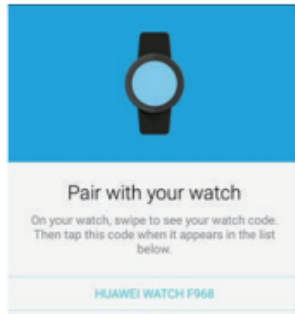
Pairing with your watch

1. Open the Android Wear app. The phone automatically lists the Bluetooth devices found. Swipe on the watch screen until the screen with a Bluetooth device name displays. Touch your watch name.
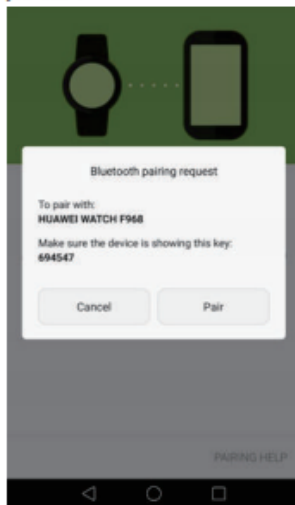
Source: https://images-eu.ssl-images-amazon.com/images/I/B1gPSPiqC6S.pdf , page5

2. Touch your watch name and the **Bluetooth pairing request** dialog box appears. Make sure the pairing key displayed on the phone screen is consistent with that displayed on your watch.

Source: https://images-eu.ssl-images-amazon.com/images/I/B1gPSPiqC6S.pdf , page6

3. If the pairing keys are consistent, touch **Pair** to start the pairing and synchronization.

After the phone has successfully paired with your watch, the phone displays the message that says You're all done! See your watch to learn how to start using it.

Pairing and synchronization may take some time. Please wait patiently until **Paired** is displayed on the phone screen.

📖 **NOTE**

Touch ➡. If the phone displays a Google Play service update notification, you can choose to perform or skip the update.

4. After you pair the phone with your watch, **Connected** is displayed in the upper left corner of the Android Wear app. When your watch has the watch face displayed, pairing and synchronization are complete. Now you can start using your watch.

📖 **NOTE**

• Your watch may automatically install an update and restart once it has successfully paired with the phone.

• If the phone keeps failing to pair with your watch, check whether the phone is already connected to multiple Bluetooth devices. If so, try canceling one of these connections or turning off Bluetooth and then turning it back on again.

• To pair the phone with another watch, touch **HUAWEI WATCH** in the upper left corner of the Android Wear app and choose **Pair with a new watch**.

Source: https://images-eu.ssl-images-amazon.com/images/I/B1gPSPiqC6S.pdf , page 7

12.   Based on information and belief, HUAWEI makes, uses, sells and/or offers for sale a logical table identifying each registered connection available between physical devices and protocol conversion information required for each registered connection to convert messages of one protocol to a different protocol.   Upon information and belief, HUAWEI and/or its customers utilize Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei Wear and/or Huawei Health smartphone application which comprises a logical table to identify the type of connection and selects Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei Wear and/or Huawei Health smartphone application to convert data from Bluetooth protocol to IP and vice versa.

13.   Based on present information and belief, HUAWEI makes, uses, sells and/or offers for sale a dynamic database identifying the current status of each actual connection between physical devices. For example, HUAWEI and/or its customers utilize Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei Wear and/or Huawei Health smartphone application which comprises a dynamic database to identify the current status of connection between the physical devices (including Smartwatches and the Fitness Bands).

14.   Based on present information and belief, HUAWEI makes, uses, sells and/or offers for sale a virtual gateway accessing said knowledge base for protocol conversion information upon receipt of a message to be transmitted between said virtual devices. For example, HUAWEI and/or its customers utilize Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei Wear and/or Huawei Health smartphone application comprising a virtual gateway which uses the Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei Wear and/or Huawei Health smartphone application as a gateway for protocol conversion upon receiving the data to be transmitted between HUAWEI smartwatch which is connected via Bluetooth with the smartphone and the Google and/or HUAWEI Server which is connected to the smartphone via the internet.

15.   Based on present information and belief, HUAWEI makes, uses, sells and/or offers for sale a virtual gateway converting the protocol of said message to a protocol compatible with the network to which said message is being sent. For example, HUAWEI and/or its customers utilize Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei Wear and/or Huawei Health smartphone application comprising a gateway which converts the protocol of the data sent from HUAWEI smartwatch which is connected via the Bluetooth with the smartphone to the Google and/or HUAWEI server which is connected to the smartphone via the internet working on internet protocol.

16.   Based on present information and belief, HUAWEI makes, uses, sells and/or offers for sale a virtual gateway wherein said virtual gateway updates the protocol conversion information and the current status information in said knowledge base based on message traffic there through. Upon information and belief, HUAWEI and/or its customers utilize Wear OS by Google (formerly known as Android Wear), Google Fit, Huawei Wear and/or Huawei Health smartphone application which accesses and updates the information stored in the registry based on the communicating virtual devices via the virtual gateway.

17.   In the alternative, because the manner of use by Defendant differs in no substantial way from language of the claims, if Defendant is not found to literally infringe, Defendant infringes under the doctrine of equivalents.

18.   Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

19.   In addition to what is required for pleadings in patent cases, and to the extent any marking was required by 35 U.S.C. § 287, Plaintiff and all predecessors in interest to the '620 Patent complied with all marking requirements under 35 U.S.C. § 287.

20.   Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1.   A judgment in favor of Plaintiff that Defendant has infringed the '620 Patent;

2.   A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '620 Patent as provided under 35 U.S.C. § 284;

3.   An award to Plaintiff for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendant's prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

4.   A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and

5.   Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

BECK BRANCH LLC

[23]

/s/ Papool S. Chaudhari

Dated: December 6, 2018   By: _____

Papool S. Chaudhari
Texas State Bar No. 24076978
Chaudhari Law, PLLC
P.O. Box 1863
Wylie, Texas 75098
Phone: (214) 702-1150
Fax: (214) 705-3775
Papool@ChaudhariLaw.com

ATTORNEY FOR PLAINTIFF
BECK BRANCH LLC