

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

BOCCONE, LLC,

Plaintiff

v.

LG ELECTRONICS, INC. and
LG ELECTRONICS MOBILECOMM
U.S.A., INC.

Defendants.

Civil Action No.: 4:19-cv-00244

JURY TRIAL DEMANDED

PATENT CASE

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Boccone, LLC ("Boccone" or "Plaintiff"), files this Complaint against LG Electronics, Inc. and LG Electronics MobileComm U.S.A., Inc. (together "Defendants") seeking damages and other relief for patent infringement, and alleges with knowledge to its own acts, and on information and belief as to other matters, as follows:

PARTIES

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Delaware, and its registered agent for service of process in Delaware is Cogency Global Inc., 850 New Burton Road, Suite 201, Dover, Delaware, 19904.

2. Defendant LG Electronics, Inc. is a foreign corporation organized under the laws of Korea, with its principal place of business at LG Twin Towers 20, Yeouido-Dong, Yeongdeungpo-Gu, Seoul, South Korea 150-721.

3. Defendant LG Electronics MobileComm U.S.A., Inc. is a California corporation with a place of business at 1000 Sylvan Ave., Englewood Cliffs, NJ 07632-3302.

4. Defendants do business in Texas, directly or through intermediaries and offer products or services, including those accused herein of infringement, to customers, and potential customers located in Texas, including in the Eastern District of Texas.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, 35 U.S.C. §101, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1338(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b). Defendant LG Electronics, Inc. is a foreign corporation that may be sued in this judicial district. LG Electronics MobileComm U.S.A., Inc. maintains a physical place of business within the State, including in the Eastern District of Texas at 2151-2155 Eagle Parkway, Fort Worth, Texas 76177.

7. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process or the Texas Long Arm Statute, because Defendants do substantial business in this forum, including: (i) making, using, selling, importing, and/or offering for sale smartphones and tablets (e.g., LG V40 series, V35 series, G7 series, LG Gpad, G Pad X, G Pad II, etc.) having Google Photos installed thereon ("Accused Devices"); or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to citizens and residents in Texas and in this District.

THE PATENTS-IN-SUIT

8. On November 19, 2017, Jesse Ozog filed United States Patent Application No. 15/817,260 ("the '260 Application"). The '260 Application was duly examined and issued as United States Patent No. 10,019,136 ("the '136 Patent") (entitled "Image Sharing Device, Apparatus, and Method"), on July 10, 2018.

9. Boccone LLC is the owner of the '136 Patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants' infringement of the '136 Patent.

10. The '136 Patent is valid and enforceable. A true and correct copy of the '136 Patent is attached hereto as Exhibit A.

11. On November 5, 2017, Jesse Ozog filed United States Patent Application No. 15/803,824 ("the '824 Application"). The '824 Application was duly examined and issued as United States Patent No. 10,027,726 ("the '726 Patent") (entitled "Device, Apparatus, and Method for Facial Recognition"), on July 17, 2018.

12. Boccone LLC is the owner of the '726 Patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants' infringement of the '726 Patent.

13. The '726 Patent is valid and enforceable. A true and correct copy of the '726 Patent is attached hereto as Exhibit B.

14. On November 5, 2017, Jesse Ozog filed United States Patent Application No. 15/803,827 ("the '827 Application"). The '827 Application was duly examined and issued as United States Patent No. 10,027,727 ("the '727 Patent") (entitled "Facial Recognition Device, Apparatus, and Method"), on July 17, 2018.

15. Boccone LLC is the owner of the '727 Patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants' infringement of the '727 Patent.

16. The '727 Patent is valid and enforceable. A true and correct copy of the '727 Patent is attached hereto as Exhibit C.

17. The '136, '726, and '727 Patents are collectively referred to herein as the "Patents" or the "Patents-in-Suit."

18. Boccone has not practiced any claimed invention of the Patents-in-Suit.

19. Defendants infringe the Patents at least through making, using, selling, importing, and/or offering to sell the Accused Devices.

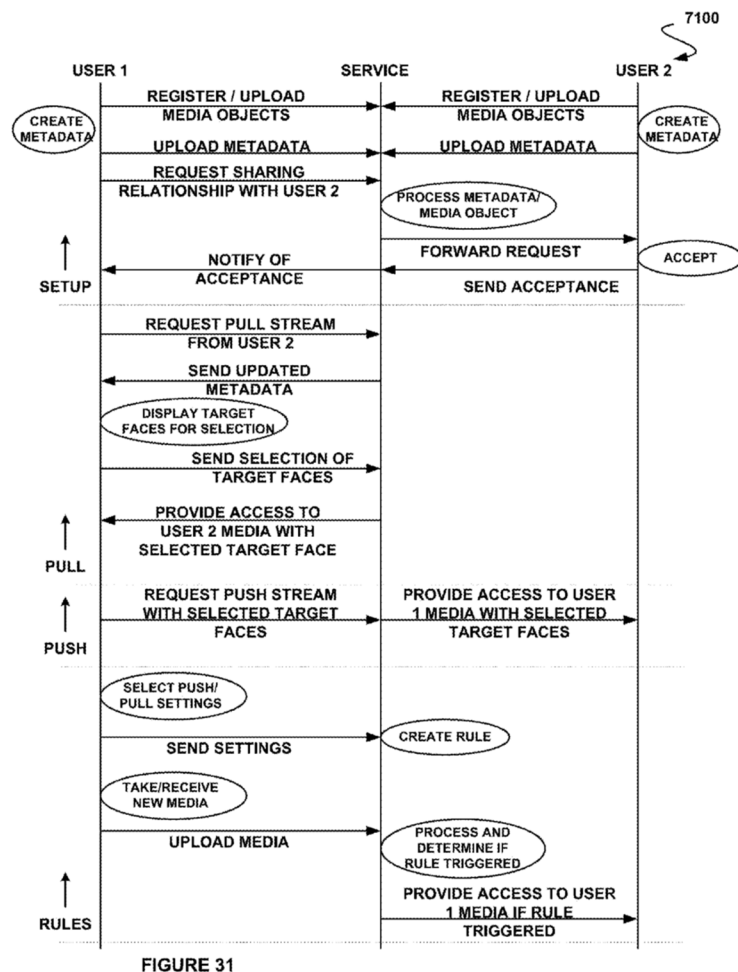
COUNT I: INFRINGEMENT OF THE '136 PATENT

20. Boccone repeats and re-alleges the allegations of the above paragraphs as if fully set forth herein.

21. The '136 Patent includes 30 claims. '136 Patent, Ex. A at 71:54–82:40.

22. The patented systems and methods make digital image sharing systems more efficient by allowing for real-time or near real-time use of automated facial recognition technology in the identification of (1) potential images including automatically-recognized face or faces, and (2) potential recipients of digital sharing of such images. The selection(s) in both categories may be made from a large database of otherwise unrelated images and recipients. *E.g.*, '136 Patent, Ex. A at 7:16–23 ("[T]he facial recognition learning process may be capable of being carried out by the first user in connection with a plurality of the media objects utilizing a single interface . . . capable of implementing a facial recognition learning process on multiple images (e.g., multiple individual images, a video including multiple images, etc.).").

23. Among the specific technologic improvements to devices and methods for sharing digital images more efficiently, the '136 Patent describes systems and methods that enable the association of metadata with images, and the resultant sharing of those images, based on data received from multiple network-connected source devices. Figure 31 of the '136 Patent, reproduced below, illustrates an example system flow.



24. Among the specific technologic improvements to devices and methods for sharing digital images more efficiently, the '136 Patent claims systems and methods that improve digital image sharing devices in such a manner that the user may more efficiently, and thus more quickly, discover and share relevant groups of related digital images. *E.g.*, '136 Patent, Ex. A at 72:43–51 (Claim 1) (“based on the user input indicating the selection of the at least one portion of the plurality of indicia including the at least [one] portion of the first image including the first face with the identifier indicia associated with the at least one identifier . . . cause sharing of at least a portion of the set of images each including the first face”).

25. Allowing a user to automatically identify faces present in digital images, associate those faces with identifiers associated with other users and/or other user devices, and share selected sets of images identified based on the automatic facial recognition enables the user to share relevant digital images with relevant users (and/or user devices) more efficiently, and thus, more quickly.

26. The claimed elements and claimed combinations of the '136 Patent were not well-understood, routine, and conventional to a skilled artisan in the relevant field.

27. The '136 Patent describes systems and methods for sharing digital images based on the real-time or near real-time application of automated facial recognition to potentially large sets of digital images with a potentially large set of associated contacts, as opposed to traditional methods of sharing digital images.

28. Defendants directly infringe one or more claims of the '136 Patent without authority by making, using (including without limitation testing), selling, importing, and/or offering to sell products and systems, including by way of example, the Accused Devices. *See* Claim Chart for the '136 Patent, attached hereto as Exhibit D.

29. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least Claim 1 of the '136 Patent by making, using (including without limitation testing), selling, importing, and/or offering to sell the Accused Devices. *See* Claim Chart for the '136 Patent, attached hereto as Exhibit D. As demonstrated by the attached claim chart, each and every element of Claim 1 of the '136 Patent is found in the Accused Devices.

30. Defendants have had actual knowledge of the '136 Patent at least as early as the date of service of this Complaint.

31. Defendants' acts of infringement have occurred within this District and elsewhere throughout the United States.

COUNT II: INFRINGEMENT OF THE '726 PATENT

32. Boccone repeats and re-alleges the allegations of the above paragraphs as if fully set forth herein.

33. The '726 Patent includes 30 claims. '726 Patent, Ex. B at 71:49–78:54.

34. The patented systems and methods make digital image sharing systems more efficient by allowing for real-time or near real-time use of automated facial recognition technology in the identification of (1) potential images including the automatically-recognized face or faces, and (2) potential recipients of the digital sharing of such images. The selection(s) in both categories may be made from a large database of otherwise unrelated images and recipients. *E.g.*, '726 Patent, Ex. B at 7:9–16 (“[T]he facial recognition learning process may be capable of being carried out by the first user in connection with a plurality of the media objects utilizing a single interface . . . capable of implementing a facial recognition learning process on multiple images (e.g., multiple individual images, a video including multiple images, etc.).”).

35. Among the specific technologic improvements to devices and methods for sharing digital images more efficiently, the '726 Patent describes systems and methods that enable the association of metadata with images, and the resultant sharing of those images, based on data received from multiple network-connected source devices. Figure 31 of the '726 Patent, reproduced below, illustrates an example system flow.

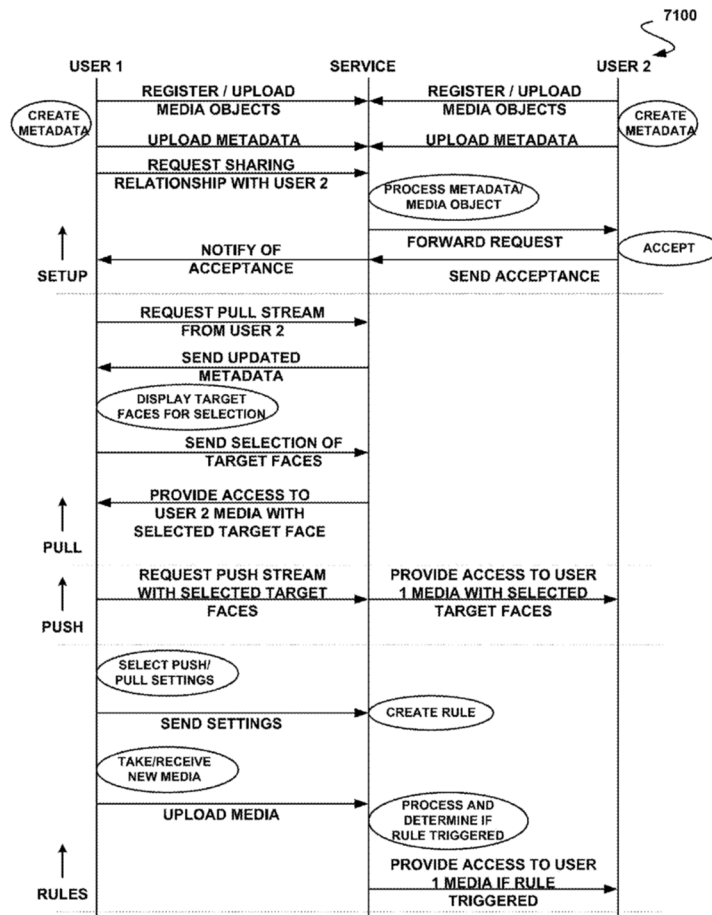


FIGURE 31

36. Among the specific technologic improvements to devices and methods for sharing digital images more efficiently, the '726 Patent claims systems and methods that improve digital image sharing devices in such a manner that the user may more efficiently, and thus more quickly, discover and share relevant groups of related digital images. *E.g.*, '726 Patent, Ex. B at 71:49–72:32 (Claim 1) (“in connection with the at least one option for sharing images, display, utilizing the screen of the device, a second set of images each including the at least one face that has been recognized in at least one of the plurality of images accessible via the device utilizing the face recognition information that is based on the third party input of the third party that is provided by the third party into the at least one other device in association with the at least one face”).

37. Allowing a user to automatically identify faces present in digital images, associate those faces with identifiers associated with other users and/or other user devices, and share selected sets of images identified based on the automatic facial recognition enables the user to share relevant digital images with relevant users (and/or user devices) more efficiently, and thus, more quickly.

38. The claimed elements and claimed combinations of the '726 Patent were not well-understood, routine, and conventional to a skilled artisan in the relevant field.

39. The '726 Patent describes systems and methods for sharing digital images based on the real-time or near real-time application of automated facial recognition to potentially large sets of digital images with a potentially large set of associated contacts, as opposed to traditional methods of sharing digital images.

40. Defendants directly infringe one or more claims of the '726 Patent without authority by making, using (including without limitation testing), importing, and/or selling products and systems, including by way of example, the Accused System. *See* Claim Chart for the '726 Patent, attached hereto as Exhibit E.

41. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least Claim 1 of the '726 Patent by making, using (including without limitation testing), importing, and/or selling the Accused System. *See* Claim Chart for the '726 Patent, attached hereto as Exhibit E. As demonstrated by the attached claim chart, each and every element of Claim 1 of the '726 Patent is found in the Accused Devices.

42. Defendants have had actual knowledge of the '726 Patent at least as early as the date of service of this Complaint.

43. Defendants' acts of infringement have occurred within this District and elsewhere throughout the United States.

COUNT III: INFRINGEMENT OF THE '727 PATENT

44. Boccone repeats and re-alleges the allegations of the above paragraphs as if fully set forth herein.

45. The '727 Patent includes 30 claims. '727 Patent, Ex. C at 72:16–80:39.

46. The patented systems and methods make digital image sharing systems more efficient by allowing for real-time or near real-time use of automated facial recognition technology in the identification of (1) potential images including the automatically-recognized face or faces, and (2) potential recipients of the digital sharing of such images. The selection(s) in both categories may be made from a large database of otherwise unrelated images and recipients. *E.g.*, '727 Patent, Ex. C at 7:29–36 (“[T]he facial recognition learning process may be capable of being carried out by the first user in connection with a plurality of the media objects utilizing a single interface . . . capable of implementing a facial recognition learning process on multiple images (e.g., multiple individual images, a video including multiple images, etc.).”).

47. Among the specific technologic improvements to devices and methods for sharing digital images more efficiently, the '727 Patent describes systems and methods that enable the association of metadata with images, and the resultant sharing of those images, based on data received from multiple network-connected source devices. Figure 31 of the '727 Patent, reproduced below, illustrates an example system flow.

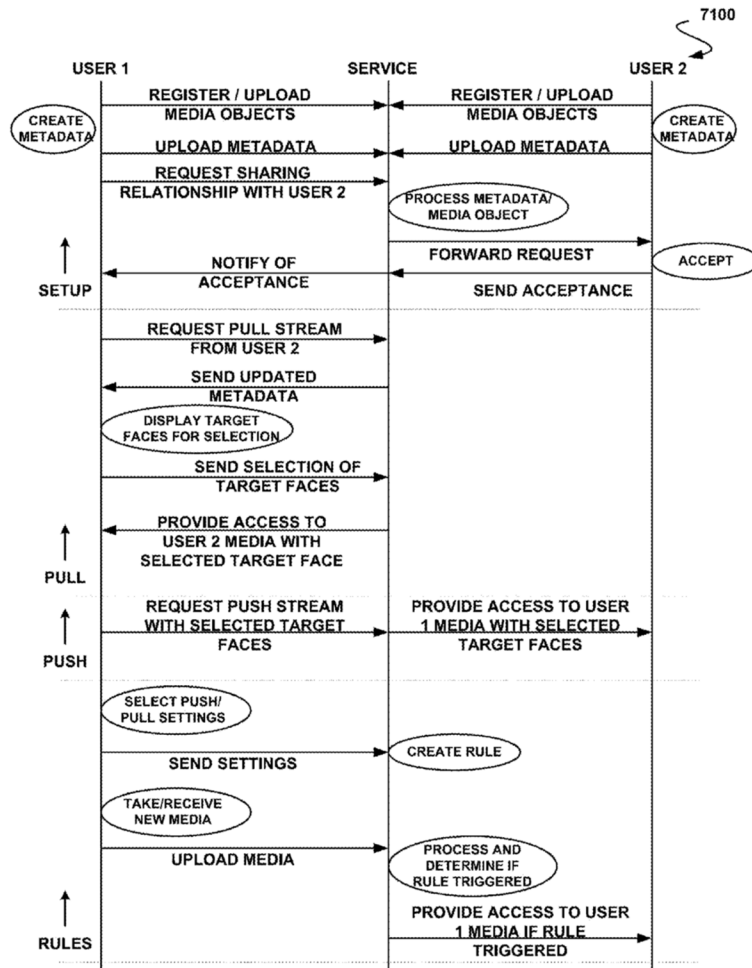


FIGURE 31

48. Among the specific technologic improvements to devices and methods for sharing digital images more efficiently, the '727 Patent claims systems and methods that improve digital image sharing devices in such a manner that the user may more efficiently, and thus more quickly, discover and share relevant groups of related digital images. *E.g.*, '727 Patent, Ex. C at 71:49–72:32 (Claim 1) (“display, utilizing the screen of the device, the plurality of images accessible via the at least one other device each including the face of the user of the device that has been recognized in the plurality of images accessible via the at least one other device utilizing the face recognition information of the user of the device that is based on the user input identifying the at least one image including the face of the user of the device”).

49. Allowing a user to automatically identify faces present in digital images, associate those faces with identifiers associated with other users and/or other user devices, and share selected sets of images identified based on the automatic facial recognition enables the user to share relevant digital images with relevant users (and/or user devices) more efficiently, and thus, more quickly.

50. The claimed elements and claimed combinations of the '727 Patent were not well-understood, routine, and conventional to a skilled artisan in the relevant field.

51. The '727 Patent describes systems and methods for sharing digital images based on the real-time or near real-time application of automated facial recognition to potentially large sets of digital images with a potentially large set of associated contacts, as opposed to traditional methods of sharing digital images.

52. Defendants directly infringe one or more claims of the '727 Patent without authority by making, using (including without limitation testing), importing, and/or selling products and systems, including by way of example, the Accused System. *See* Claim Chart for the '727 Patent, attached hereto as Exhibit F.

53. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least Claim 1 of the '727 Patent by making, using (including without limitation testing), importing, and/or selling the Accused System. *See* Claim Chart for the '727 Patent, attached hereto as Exhibit F. As demonstrated by the attached claim chart, each and every element of Claim 1 of the '727 Patent is found in the Accused Devices.

54. Defendants have had actual knowledge of the '727 Patent at least as early as the date of service of this Complaint.

55. Defendants' acts of infringement have occurred within this District and elsewhere throughout the United States.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Declaring that Defendants have infringed the Patents;
- B. Awarding damages in an amount to be proven at trial, but in no event less than a reasonable royalty for Defendants' infringement including pre-judgment and post-judgment interest at the maximum rate permitted by law;
- C. Ordering an award of reasonable attorneys' fees against Defendant to Boccone as provided by 35 U.S.C. § 285;
- D. Awarding expenses, costs, and disbursements in this action against Defendants, including prejudgment interest; and
- E. All other relief necessary or appropriate.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: March 29, 2019

Respectfully submitted,

By: /s/
Jeffrey G. Toler
Texas State Bar No. 24011201
Benjamin R. Johnson
Texas State Bar No. 24065495

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