

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

GUMMARUS, LLC,

Plaintiff

v.

SAMSUNG ELECTRONICS CO.,
LTD., SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

Civil Action No.: 4:19-cv-00251

JURY TRIAL DEMANDED

PATENT CASE

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Gummarus, LLC (“Gummarus” or “Plaintiff”), files this Complaint against Samsung Electronics Co., Ltd. and Samsung Electronics America, 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 Samsung Electronics Co. Ltd. (“Samsung Electronics”) is a corporation organized and existing under the laws of the Republic of Korea with a principal place of business at 129, Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-Do, Korea 443-742.

3. Samsung Electronics America is a corporation organized and existing under the laws of New York with a place of business at 85 Challenger Road, Ridgefield Park, New Jersey,

07660, and with offices at 1301 East Lookout Drive, Richardson, Texas, 75082 and at 6625 Declaration Drive, Plano, Texas 75023.

4. This Court has personal jurisdiction over Samsung Electronics at least because Samsung Electronics conducts business, including infringing acts described herein, in this District. For example, Samsung Electronics provides customer service through its website, <http://www.samsung.com>, in this District and throughout the state of Texas.

5. 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

6. 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).

7. As to Samsung Electronics America, Inc., venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b). Samsung Electronics maintains an established place of business in the state of Texas and the Eastern District of Texas specifically, including an office at 1301 East Lookout Drive, Richardson, Texas 75080, and an office at 6625 Declaration Drive, Plano, Texas 75023.

8. As to Samsung Electronics, venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(c)(3), as venue is proper over a foreign corporation in “any judicial district.”

9. Samsung Electronics and Samsung Electronics America have not disputed this District’s personal jurisdiction over them in other recent patent infringement actions. *See, e.g.*, Answer at ¶ 10, *Richardson v. Samsung Electronics Co.*, No. 6-17-cv-428 (E.D. Tex. Oct. 20,

2017); Answer at ¶ 9, *Immersion Corp. v. Samsung Electronics America*, No. 16-cv-572 (E.D. Tex. Oct. 24, 2017).

10. 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 and/or using at least a portion of an instant messaging application (e.g., the Samsung chatbot) that is configured to cooperate with a web browser (e.g., Google Chrome) operating on a personal computing device (e.g., a desktop computer, laptop computer, smartphone, tablet computer, etc.) (“Accused Device”); 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

11. On April 2, 2018, Robert Paul Morris filed United States Patent Application No. 15/943,677 (“the ’677 Application”). The ’677 Application was duly examined and issued as United States Patent No. 10,212,112 (“the ’112 Patent”) (entitled “Methods, Systems, and Computer Program Products for Processing a Request for a Resource in a Communication”), on February 19, 2019.

12. Gummarus LLC is the owner of the ’112 Patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants’ infringement of the ’112 Patent.

13. The ’112 Patent is valid and enforceable. A true and correct copy of the ’112 Patent is attached hereto as Exhibit A.

14. On November 3, 2017, Robert Paul Morris filed United States Patent Application No. 15/803,739 (“the ’739 Application”). The ’739 Application was duly examined and issued as

United States Patent No. 10,019,135 (“the ’135 Patent”) (entitled “Methods, and Computer Program Products for Constraining a Communication Exchange”), on July 10, 2018.

15. Gummarus LLC is the owner of the ’135 Patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants’ infringement of the ’135 Patent.

16. The ’135 Patent is valid and enforceable. A true and correct copy of the ’135 Patent is attached hereto as Exhibit B.

17. On April 2, 2018, Robert Paul Morris filed United States Patent Application No. 15/943,672 (“the ’672 Application”). The ’672 Application was duly examined and issued as United States Patent No. 10,171,392 (“the ’392 Patent”) (entitled “Methods, Systems, and Computer Program Products for Processing a Request for a Resource in a Communication”), on January 1, 2019.

18. Gummarus LLC is the owner of the ’392 Patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants’ infringement of the ’392 Patent.

19. The ’392 Patent is valid and enforceable. A true and correct copy of the ’392 Patent is attached hereto as Exhibit C.

20. On November 3, 2017, Robert Paul Morris filed United States Patent Application No. 15/803,733 (“the ’733 Application”). The ’733 Application was duly examined and issued as United States Patent No. 9,998,410 (“the ’410 Patent”) (entitled “Methods, Systems, and Computer Program Products for Processing a Request for a Resource in a Communication”), on June 12, 2018.

21. Gummarus LLC is the owner of the '410 Patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants' infringement of the '410 Patent.

22. The '410 Patent is valid and enforceable. A true and correct copy of the '410 Patent is attached hereto as Exhibit D.

23. On April 2, 2018, Robert Paul Morris filed United States Patent Application No. 15/943,669 ("the '669 Application"). The '669 Application was duly examined and issued as United States Patent No. 10,158,590 ("the '590 Patent") (entitled "Methods, Systems, and Computer Program Products for Processing a Request for a Resource in a Communication"), on December 18, 2018.

24. Gummarus LLC is the owner of the '590 Patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants' infringement of the '590 Patent.

25. The '590 Patent is valid and enforceable. A true and correct copy of the '590 Patent is attached hereto as Exhibit E.

26. On November 5, 2017, Robert Paul Morris filed United States Patent Application No. 15/803,822 ("the '822 Application"). The '822 Application was duly examined and issued as United States Patent No. 10,015,122 ("the '122 Patent") (entitled "Methods and Computer Program Products for Processing a Search"), on July 3, 2018.

27. Gummarus LLC is the owner of the '122 Patent and has the full and exclusive right to bring actions and recover past, present, and future damages for the Defendants' infringement of the '122 Patent.

28. The '122 Patent is valid and enforceable. A true and correct copy of the '122 Patent is attached hereto as Exhibit F.

29. The '112, '135, '392, '410, '590, and '122 Patents are collectively referred to herein as the "Patents" or the "Patents-in-Suit."

30. Gummarus has not practiced any claimed invention of the Patents-in-Suit.

31. Defendants infringe the Patents at least by making and/or using the Accused Device.

COUNT I: INFRINGEMENT OF THE '112 PATENT

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

33. The '112 Patent includes 27 claims. '112 Patent, Ex. A at 43:48–57:22.

34. The patented systems and methods make automated communication systems more efficient and robust by allowing for real-time or near real-time requests for, and management of, various digital resources, including digital images. As the '112 Patent describes, traditional resource requests (e.g., requests for an attachment via email) "may be as vague or as specific as the language used by the requesting user. The other user must interpret the request and find a resource that seems to match the request." '112 Patent, Ex. A at 1:48–51.

35. In order to alleviate the ambiguity and delay inherent in traditional resource requests, the '112 Patent describes systems and methods that provide an improved structure and computing environment for resource request management. For example, the '112 Patent describes the use of automated instant messaging systems that generate a first attachment request that is "valid according to a criterion schema defining at least one of the format or the vocabulary" of the request, generating an automated first response to the request that includes "at least one first image

that is automatically located based on the first attachment request,” generating a second attachment request after receiving the first response (where the second attachment request is valid according to the same criterion schema), and generating an automated second response that includes “at least one second image that is automatically located based on the second attachment request.” ’112 Patent, Ex. A at 43:48–45:17 (Claim 1).

36. Figure 5 of the ’112 Patent, reproduced below, illustrates the improved structure and computing environment for resource request management disclosed by the ’112 Patent.

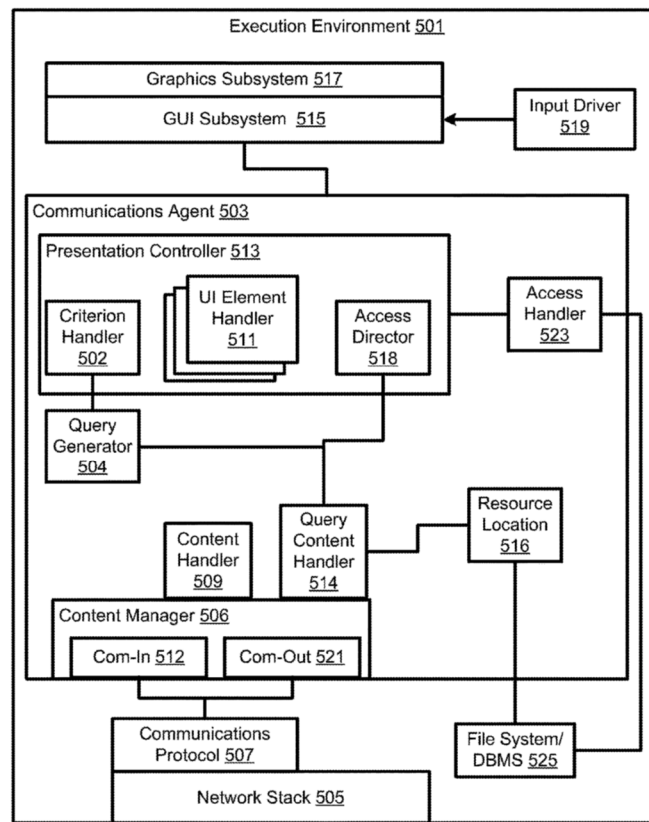


Fig. 5

37. Among the specific technologic improvements to devices and methods for automated resource request management, the ’112 Patent describes systems and methods that make communication regarding resource requests more efficient by structuring the communication, via

the criterion schema defining at least one of the format or the vocabulary of the attachment requests. *E.g.*, '112 Patent, Ex. A at 43:48–45:17 (Claim 1).

38. Among the specific technologic improvements to devices and methods for automated resource request management, the '112 Patent describes systems and methods that make communication regarding resource requests more robust by providing automated location, retrieval, and communication of images in response to the structured language of the automated resource request. *E.g.*, '112 Patent, Ex. A at 43:48–45:17 (Claim 1).

39. The claimed elements and claimed combinations of the '112 Patent were not well-understood, routine, and conventional to a skilled artisan in the relevant field.

40. Defendants directly infringe one or more claims of the '112 Patent without authority by making and/or using (including without limitation testing) products and systems, including by way of example, the Accused Device. *See* Claim Chart for the '112 Patent, attached hereto as Exhibit G.

41. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least Claim 1 of the '112 Patent by making and/or using the Accused Device. *See* Claim Chart for the '112 Patent, attached hereto as Exhibit G. As demonstrated by the attached claim chart, each and every element of Claim 1 of the '112 Patent is found in the Accused Device.

42. Defendants have had actual knowledge of the '112 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 II: INFRINGEMENT OF THE '135 PATENT

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

45. The '135 Patent includes 30 claims. '135 Patent, Ex. B at 50:25–67:13.

46. The patented systems and methods make automated communication systems more efficient and robust by allowing for real-time or near real-time requests for, and management of, various digital resources, including digital images. As the '135 Patent describes, traditional resource requests (e.g., requests for an attachment via email) “may be as vague or as specific as the language used by the requesting user. The other user must interpret the request and find a resource that seems to match the request.” '135 Patent, Ex. B at 3:16–19.

47. In order to alleviate the ambiguity and delay inherent in traditional resource requests, the '135 Patent describes systems and methods that provide an improved structure and computing environment for resource request management. For example, the '135 Patent describes the use of automated instant messaging systems that generate a first data object request, generating an automated first data object response to the first data object request that includes “at least one first image,” the first data object response “being automatically selected for attachment based on the first data object request,” generating a second data object request after receiving the first response, and generating an automated second data object response that includes “at least one second image,” the second data object response being “automatically selected for attachment based on the second data object request.” '135 Patent, Ex. B at 50:25–52:61 (Claim 1).

48. Figure 4 of the '135 Patent, reproduced below, illustrates the improved structure and computing environment for resource request management disclosed by the '135 Patent.

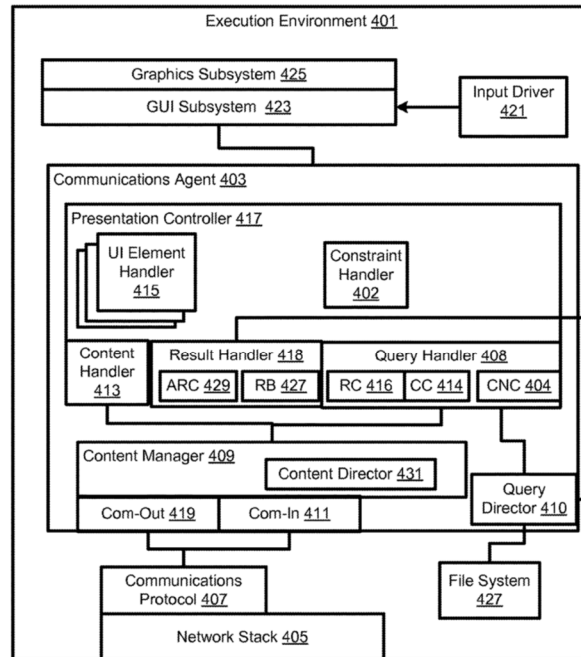


FIG. 4

49. Among the specific technologic improvements to devices and methods for automated resource request management, the '135 Patent describes systems and methods that make communication regarding resource requests more efficient by structuring the communication, via the automated data object requests and responses. *E.g.*, '135 Patent, Ex. B at 50:25–52:61 (Claim 1).

50. Among the specific technologic improvements to devices and methods for automated resource request management, the '135 Patent describes systems and methods that make communication regarding resource requests more robust by providing automated location, retrieval, and communication of images in response to the structured communication for the automated resource request. *E.g.*, '135 Patent, Ex. B at 50:25–52:61 (Claim 1).

51. The claimed elements and claimed combinations of the '135 Patent were not well-understood, routine, and conventional to a skilled artisan in the relevant field.

52. Defendants directly infringe one or more claims of the '135 Patent without authority by making and/or using (including without limitation testing) products and systems, including by way of example, the Accused Device. See Claim Chart for the '135 Patent, attached hereto as Exhibit H.

53. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least Claim 1 of the '135 Patent by making and/or using the Accused Device. See Claim Chart for the '135 Patent, attached hereto as Exhibit H. As demonstrated by the attached claim chart, each and every element of Claim 1 of the '135 Patent is found in the Accused Device.

54. Defendants have had actual knowledge of the '135 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.

COUNT III: INFRINGEMENT OF THE '392 PATENT

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

57. The '392 Patent includes 30 claims. '392 Patent, Ex. C at 46:31–54:53.

58. The patented systems and methods make automated communication systems more efficient and robust by allowing for real-time or near real-time requests for, and management of, various digital resources, including digital images. As the '392 Patent describes, traditional resource requests (e.g., requests for an attachment via email) “may be as vague or as specific as the language used by the requesting user. The other user must interpret the request and find a resource that seems to match the request.” '392 Patent, Ex. C at 3:42–45.

59. In order to alleviate the ambiguity and delay inherent in traditional resource requests, the '392 Patent describes systems and methods that provide an improved structure and computing environment for resource request management. For example, the '392 Patent describes the use of automated instant messaging systems that generate a first request that is “valid according to a criterion schema defining at least one of the format or the vocabulary” of the request, generating an automated first response to the request that includes “at least one first image that is automatically identified by the apparatus based on the first request,” generating a second request after receiving the first response (where the second request is valid according to the same criterion schema), and generating an automated second response that causes display, via an instant messaging interface, “of content that is automatically identified by the apparatus based on the request, the content being based on a user profile of the user of the client instant messaging application.” '392 Patent, Ex. C at 46:31–47:21 (Claim 1).

60. Figure 5 of the '392 Patent, reproduced below, illustrates the improved structure and computing environment for resource request management disclosed by the '392 Patent.

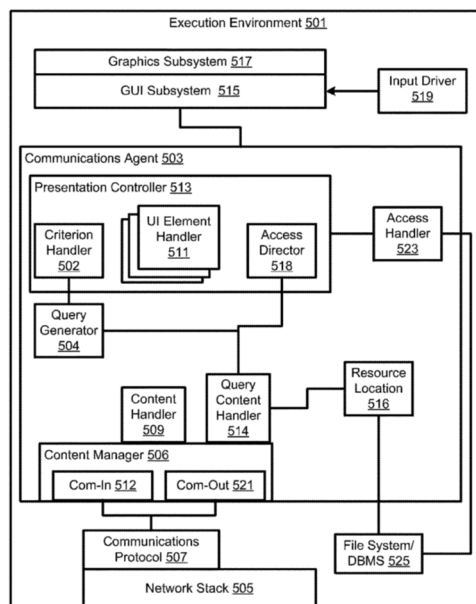


Fig. 5

61. Among the specific technologic improvements to devices and methods for automated resource request management, the '392 Patent describes systems and methods that make communication regarding resource requests more efficient by structuring the communication, via the criterion schema defining at least one of the format or the vocabulary of the attachment requests. *E.g.*, '392 Patent, Ex. C at 46:31–47:21 (Claim 1).

62. Among the specific technologic improvements to devices and methods for automated resource request management, the '392 Patent describes systems and methods that make communication regarding resource requests more robust by providing automated location, retrieval, and communication of images in response to the structured language of the automated resource request. *E.g.*, '392 Patent, Ex. C at 46:31–47:21 (Claim 1).

63. The claimed elements and claimed combinations of the '392 Patent were not well-understood, routine, and conventional to a skilled artisan in the relevant field.

64. Defendants directly infringe one or more claims of the '392 Patent without authority by making and/or using (including without limitation testing) products and systems, including by way of example, the Accused Device. See Claim Chart for the '392 Patent, attached hereto as Exhibit I.

65. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least Claim 1 of the '392 Patent by making and/or using the Accused Device. See Claim Chart for the '392 Patent, attached hereto as Exhibit I. As demonstrated by the attached claim chart, each and every element of Claim 1 of the '392 Patent is found in the Accused Device.

66. Defendants have had actual knowledge of the '392 Patent at least as early as the date of service of this Complaint.

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

COUNT IV: INFRINGEMENT OF THE '410 PATENT

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

69. The '410 Patent includes 30 claims. '410 Patent, Ex. D at 43:47–57:22.

70. The patented systems and methods make automated communication systems more efficient and robust by allowing for real-time or near real-time requests for, and management of, various digital resources, including digital images. As the '410 Patent describes, traditional resource requests (e.g., requests for an attachment via email) “may be as vague or as specific as the language used by the requesting user. The other user must interpret the request and find a resource that seems to match the request.” '410 Patent, Ex. D at 1:48–51.

71. In order to alleviate the ambiguity and delay inherent in traditional resource requests, the '410 Patent describes systems and methods that provide an improved structure and computing environment for resource request management. For example, the '410 Patent describes the use of automated instant messaging systems that generate a first attachment request that is “valid according to a criterion schema defining at least one of the format or the vocabulary” of the request, generating an automated first response to the request that includes “at least one first image that is automatically located based on the first attachment request,” generating a second attachment request after receiving the first response (where the second attachment request is valid according to the same criterion schema), and generating an automated second response that includes “at least one second image that is automatically located based on the second attachment request.” '410 Patent, Ex. D at 43:47–45:17 (Claim 1).

72. Figure 5 of the '410 Patent, reproduced below, illustrates the improved structure and computing environment for resource request management disclosed by the '410 Patent.

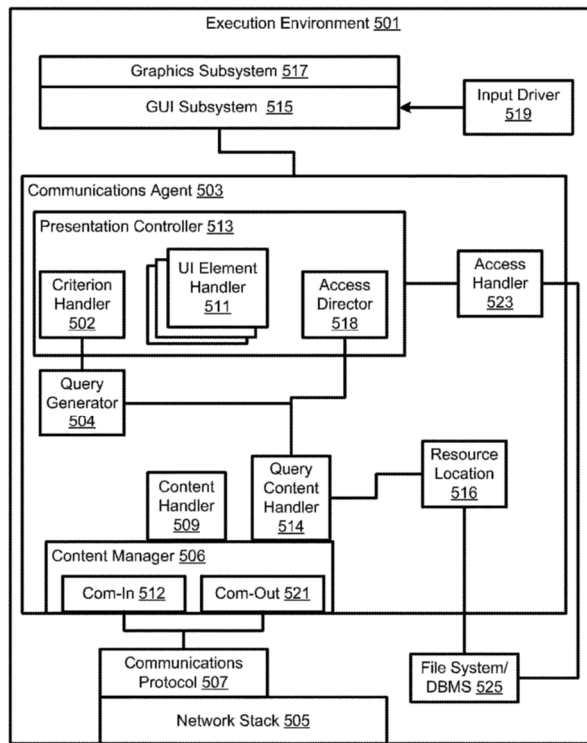


Fig. 5

73. Among the specific technologic improvements to devices and methods for automated resource request management, the '410 Patent describes systems and methods that make communication regarding resource requests more efficient by structuring the communication, via the criterion schema defining at least one of the format or the vocabulary of the attachment requests. *E.g.*, '410 Patent, Ex. D at 43:47–45:17 (Claim 1).

74. Among the specific technologic improvements to devices and methods for automated resource request management, the '410 Patent describes systems and methods that make communication regarding resource requests more robust by providing automated location, retrieval, and communication of images in response to the structured language of the automated resource request. *E.g.*, '410 Patent, Ex. D at 43:47–45:17 (Claim 1).

75. The claimed elements and claimed combinations of the '410 Patent were not well-understood, routine, and conventional to a skilled artisan in the relevant field.

76. Defendants directly infringe one or more claims of the '410 Patent without authority by making and/or using (including without limitation testing) products and systems, including by way of example, the Accused Device. See Claim Chart for the '410 Patent, attached hereto as Exhibit J.

77. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least Claim 1 of the '410 Patent by making and/or using the Accused Device. See Claim Chart for the '410 Patent, attached hereto as Exhibit J. As demonstrated by the attached claim chart, each and every element of Claim 1 of the '410 Patent is found in the Accused Device.

78. Defendants have had actual knowledge of the '410 Patent at least as early as the date of service of this Complaint.

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

COUNT V: INFRINGEMENT OF THE '590 PATENT

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

81. The '590 Patent includes 31 claims. '590 Patent, Ex. E at 47:32–58:19.

82. The patented systems and methods make automated communication systems more efficient and robust by allowing for real-time or near real-time requests for, and management of, various digital resources, including digital images. As the '590 Patent describes, traditional resource requests (e.g., requests for an attachment via email) “may be as vague or as specific as

the language used by the requesting user. The other user must interpret the request and find a resource that seems to match the request.” ’590 Patent, Ex. E at 3:42–45.

83. In order to alleviate the ambiguity and delay inherent in traditional resource requests, the ’590 Patent describes systems and methods that provide an improved structure and computing environment for resource request management. For example, the ’590 Patent describes the use of automated instant messaging systems that generate a first attachment request that is “valid according to a criterion schema defining at least one of the format or the vocabulary” of the request, generating an automated first response to the request that includes “at least one first image that is automatically identified based on the first attachment request,” generating a second attachment request after receiving the first response (where the second attachment request is valid according to the same criterion schema), and generating an automated second response that includes “at least one second image that is automatically identified based on the second attachment request.” ’590 Patent, Ex. E at 47:32–48:42 (Claim 1).

84. Figure 5 of the ’590 Patent, reproduced below, illustrates the improved structure and computing environment for resource request management disclosed by the ’590 Patent.

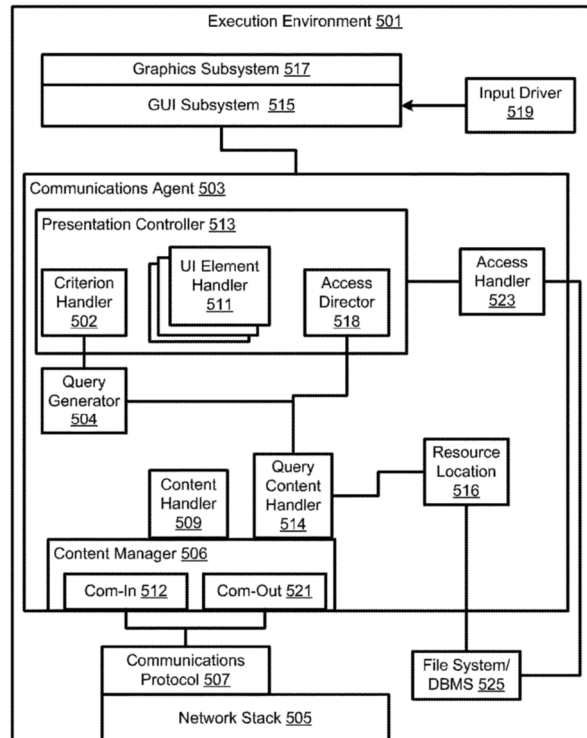


Fig. 5

85. Among the specific technologic improvements to devices and methods for automated resource request management, the '590 Patent describes systems and methods that make communication regarding resource requests more efficient by structuring the communication, via the criterion schema defining at least one of the format or the vocabulary of the attachment requests. *E.g.*, '590 Patent, Ex. E at 47:32–48:42 (Claim 1).

86. Among the specific technologic improvements to devices and methods for automated resource request management, the '590 Patent describes systems and methods that make communication regarding resource requests more robust by providing automated location, retrieval, and communication of images in response to the structured language of the automated resource request. *E.g.*, '590 Patent, Ex. E at 47:32–48:42 (Claim 1).

87. The claimed elements and claimed combinations of the '590 Patent were not well-understood, routine, and conventional to a skilled artisan in the relevant field.

88. Defendants directly infringe one or more claims of the '590 Patent without authority by making and/or using (including without limitation testing) products and systems, including by way of example, the Accused Device. See Claim Chart for the '590 Patent, attached hereto as Exhibit K.

89. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least Claim 1 of the '590 Patent by making and/or using the Accused Device. See Claim Chart for the '590 Patent, attached hereto as Exhibit K. As demonstrated by the attached claim chart, each and every element of Claim 1 of the '590 Patent is found in the Accused Device.

90. Defendants have had actual knowledge of the '590 Patent at least as early as the date of service of this Complaint.

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

COUNT VI: INFRINGEMENT OF THE '122 PATENT

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

93. The '122 Patent includes 30 claims. '122 Patent, Ex. F at 44:49–54:28.

94. The patented systems and methods make automated communication systems more efficient and robust by allowing for real-time or near real-time requests for, and management of, various digital resources, including digital images. As the '122 Patent describes, traditional communications applications or communications agents require a user to “leave their communications agents to access other applications which are not well integrated with communications agents. Further, access to network resources including data and services may vary

depending on whether a user is connected to a work intranet, a home network, a wireless network of a wireless voice and Internet service provider.” ’122 Patent, Ex. F at 3:15–23.

95. In order to alleviate the difficulties in integrating “network capabilities such as Internet search and intranet search into a communications agent [that] would allow user’s access to data and services not accessible via current web search [and] allow users to remain engaged with their communications agents,” the ’122 Patent describes systems and methods that provide integration of search across platforms and provide an improved structure and computing environment for resource request management. For example, the ’122 Patent describes the use of a communications relay “that is configured to communicate with a web service.” The communications relay uses a “second message including [] text and an automatically determined contactee identifier” to generate a third message for communication to a web service. The web service then generates, and sends to the communications relay, a fourth message with at least one image that is automatically identified based on the communicated text. The communications relay then generates and sends to a user’s device a fifth message including the at least one image. ’122 Patent, Ex. F at 44:49–45:51 (Claim 1).

96. Figures 4A–4C of the ’122 Patent, reproduced below, illustrates the improved structure and computing environment for resource request management disclosed by the ’122 Patent.

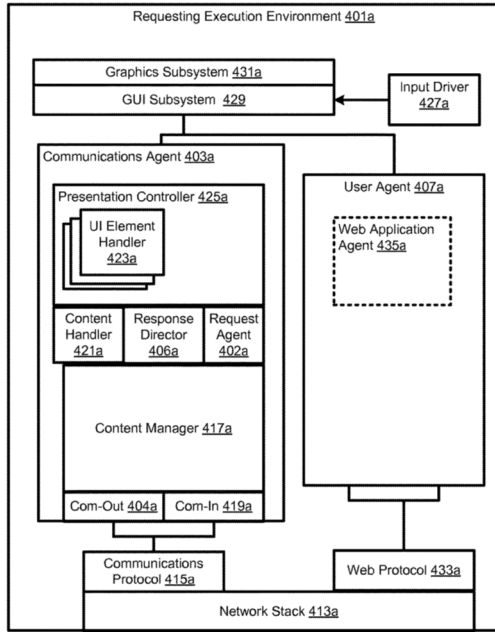


FIG. 4A

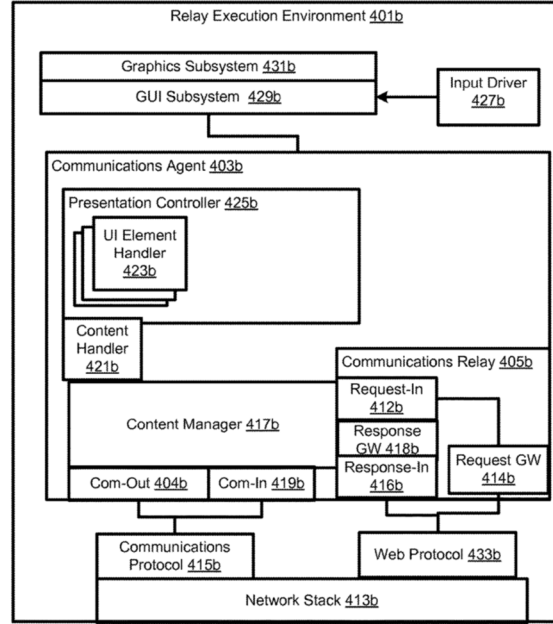


FIG. 4B

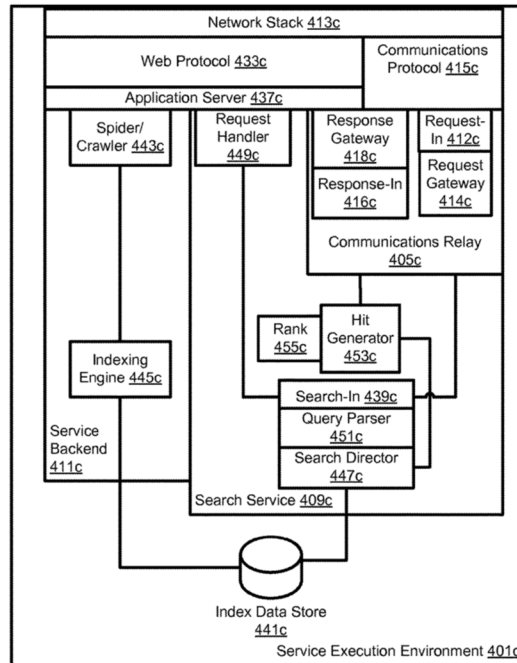


FIG. 4C

97. Among the specific technologic improvements to devices and methods for automated resource request management, the '122 Patent describes systems and methods that make communication regarding resource requests more efficient by allowing for the integration of

communications agents across various communications platforms. The various communications agents may access the automated resource management and retrieval functions via a specifically-structured communications relay (e.g., as the communications relay is described in Figure 4B and its associated text). *E.g.*, '122 Patent, Ex. F at 44:49–45:51 (Claim 1).

98. The claimed elements and claimed combinations of the '122 Patent were not well-understood, routine, and conventional to a skilled artisan in the relevant field.

99. Defendants directly infringe one or more claims of the '122 Patent without authority by making and/or using (including without limitation testing) products and systems, including by way of example, the Accused Device. *See* Claim Chart for the '122 Patent, attached hereto as Exhibit L.

100. Defendants have been and are directly infringing, either literally or under the doctrine of equivalents, at least Claim 1 of the '122 Patent by making and/or using the Accused Device. *See* Claim Chart for the '122 Patent, attached hereto as Exhibit L. As demonstrated by the attached claim chart, each and every element of Claim 1 of the '122 Patent is found in the Accused Device.

101. Defendants have had actual knowledge of the '122 Patent at least as early as the date of service of this Complaint.

102. 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: April 4, 2019

Respectfully submitted,

By: /s/ _____

Benjamin R. Johnson
Texas State Bar No. 24065495
Aakash S. Parekh
Texas State Bar No. 24059133

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