

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

S3G TECHNOLOGY LLC,

Plaintiff,

v.

ASSET PANDA LLC,

Defendant.

Case No. 6:19-cv-164

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff S3G Technology LLC (“S3G”) alleges as follows for its complaint against Defendant Asset Panda LLC (“Asset Panda”):

**JURISDICTION AND VENUE**

1. This is an action for patent infringement in violation of the Patent Act of the United States, 35 U.S.C. §§ 1 et seq.
2. This Court has original and exclusive subject matter jurisdiction over patent infringement claims for relief under 28 U.S.C. §§ 1331 and 1338(a).
3. The Court has specific and general personal jurisdiction over Asset Panda pursuant to due process and/or the Texas Long Arm Statute, due at least to Asset Panda’s 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 district.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b). For example, Asset Panda has a regular and established place of business at 2401 Internet Boulevard, Suite 110, Frisco, Texas 75034.

### **PARTIES**

5. S3G is a limited liability company organized under the laws of the State of California with its principal place of business in Foster City, California. S3G has been, and continues to, develop technology-based solutions for rural and remote populations to facilitate economic empowerment and development. For example, S3G is developing mobile solutions that enable the authenticated access to different types of spaces, including to buildings and portions thereof. The information that S3G's technology solutions may collect and maintain about its users will further enable the delivery of educational and other services that may help these users to emerge from poverty and change their lives and those of their families. In connection with its mobile solutions, S3G has obtained patents covering its technology both in the United States and worldwide. For example, its patent portfolio includes additional granted patents and pending applications in Mexico, Brazil, Nicaragua, Costa Rica, India, Philippines and Indonesia.

6. The Managing Member of S3G, who is also the named inventor of the asserted patents, is an award-winning MIT-trained researcher, technologist and inventor who has used and continues to use innovative technologies to address many of the world's critical problems, including poverty, access to financial services and access to clean drinking water. The World Economic Forum has recognized him for his professional accomplishments, commitment to society and potential to contribute to shaping the future of the world.

7. S3G is informed and believes, and on that basis alleges, that Asset Panda is a Texas limited liability company with its headquarters and principal place of business at 2401 Internet Boulevard, Suite, 110, Frisco, Texas 75034. S3G is further informed and believes, and on that basis alleges, that Asset Panda derives a significant portion of its revenue from the promotion and/or sale of its products and services, and supporting system(s), server(s), and software, including at least its application for devices running the Android operating system, other Asset Panda applications for smartphones, and its other supporting server(s) (“Accused Instrumentalities”).

8. S3G is informed and believes, and on that basis alleges, that, at all times relevant hereto, Asset Panda has conducted and continues to conduct business, including the manufacture, use, distribution, promotion, and/or the offer for sale and sale of its products and services in this Judicial District.

### **PATENTS**

9. United States Patent No. 8,572,571 (the “’571 patent”) entitled “Modification of Terminal and Service Provider Machines Using an Update Server Machine” was duly and legally issued on October 29, 2013. A true and correct copy of the ’571 patent is attached hereto as Exhibit “A” and incorporated herein by this reference. By a series of assignments, S3G is now the assignee of the entire right, title and interest in and to the ’571 patent, including all rights to enforce the ’571 patent and to recover for infringement. The ’571 patent is valid and in force.

10. United States Patent No. 9,081,897 (the “’897 patent”) entitled “Modification of Terminal and Service Provider Machines Using an Update Server Machine” was duly and legally issued on July 14, 2015. A true and correct copy of the ’897 patent is attached hereto as Exhibit “B” and incorporated herein by this reference. By assignment, S3G is now the assignee of the

entire right, title and interest in and to the '897 patent, including all rights to enforce the '897 patent and to recover for infringement. The '897 patent is valid and in force.

11. United States Patent No. 9,304,758 (the "'758 patent") entitled "Modification of Terminal and Service Provider Machines Using an Update Server Machine" was duly and legally issued on April 5, 2016. A true and correct copy of the '758 patent is attached hereto as Exhibit "C" and incorporated herein by this reference. S3G is the assignee of the entire right, title and interest in and to the '758 patent, including all rights to enforce the '758 patent and to recover for infringement. The '758 patent is valid and in force.

12. United States Patent No. 9,940,124 (the "'124 patent") entitled "Modification of Terminal and Service Provider Machines Using an Update Server Machine" was duly and legally issued on April 10, 2018. A true and correct copy of the '124 patent is attached hereto as Exhibit "D" and incorporated herein by this reference. S3G is the owner of the entire right, title and interest in and to the '124 patent, including all rights to enforce the '124 patent and to recover for infringement. The '124 patent is valid and in force.

### **FIRST CLAIM FOR RELIEF**

#### **Infringement of the '571 patent**

13. S3G refers to and incorporates herein by reference paragraphs 1-12.

14. Asset Panda, by the acts complained of herein, and by making, using, selling, offering for sale, and/or importing in the United States, including in the Eastern District of Texas, instrumentalities embodying the invention, has in the past, does now, and continues to infringe the '571 patent directly, contributorily and/or by inducement, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271.

15. At least since the filing of this complaint, Asset Panda has had actual knowledge of the '571 patent.

16. On information and belief, Asset Panda has directly infringed one or more claims of the '571 patent by making, using, importing, supplying, selling, or offering for sale the Accused Instrumentalities. By doing so, Asset Panda has directly infringed at least claim 2 of the '571 patent.

17. AssetPanda provides a system for modifying a terminal machine and a service provider machine.

18. The accused system includes an update server machine (*e.g.*, a smart phone or other computing device accessing the AssetPanda system, *e.g.*, running the AssetPanda app) comprising a processor and operable for sending a terminal dialogue module (*e.g.*, terminal machine portion of a managed asset) to the terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app) and a provider dialogue module (*e.g.*, service provider machine portion of a managed asset) to the service provider machine (*e.g.*, AssetPanda server) to allow the terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app) and the service provider machine (*e.g.*, AssetPanda server) to conduct a dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) with each other. The accused system includes an update server machine (*e.g.*, a smart phone or other computing device accessing the AssetPanda system) comprising a processor. Alternatively, the accused system includes an update server machine (*e.g.*, AssetPanda server) comprising a processor. One of ordinary skill would understand that smart phones or other computing devices necessarily comprise a processor, *e.g.*, to run the operating system, applications, etc. The accused system includes an update server machine (*e.g.*, a smart

phone or other computing device accessing the AssetPanda system) that is operable for sending a terminal dialogue module (*e.g.*, terminal machine portion of a managed asset) to the terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app). Alternatively, the accused system includes an update server machine (*e.g.*, AssetPanda server) that is operable for sending a terminal dialogue module (*e.g.*, terminal machine portion of a managed asset) to the terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app (terminal application)). The AssetPanda system can be accessed from any device, including PCs, Android and iOS tablets, and Android and iOS phones. Therefore, these and other devices that can access the AssetPanda system constitute update server machine, which is a computing device capable of sending one or more dialogue modules. For example, without limitation, a dialogue module is sent from a user's device running the AssetPanda app to the AssetPanda server. The AssetPanda server then sends information to another user's AssetPanda app. The format of the information that is sent from the AssetPanda server to the AssetPanda app is, for example, JSON. The accused system includes an update server machine (*e.g.*, a smart phone or other computing device accessing the AssetPanda system) that is operable for sending a provider dialogue module (*e.g.*, service provider machine portion of a managed asset) to the service provider machine (*e.g.*, AssetPanda server). This is done using, for example, JSON. For example, without limitation, after receiving the respective dialogue module users can view managed assets. For example, without limitation, after receiving a respective dialogue module, a user will be prompted with one or more ">" prompts to, for example, update a managed asset. In response to these prompts, the user selects the appropriate data entry (*e.g.*, button). Thereafter, the user is provided additional prompts. Alternatively, the accused system includes an update server machine (*e.g.*, AssetPanda server)

that is operable for sending a provider dialogue module (*e.g.*, service provider machine portion of a managed asset) to the service provider machine (*e.g.*, AssetPanda server).

19. The accused system includes a terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app) that is configured to run a terminal application (*e.g.*, AssetPanda app for Android) that conducts the terminal machine's portion of the dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) with the service provider machine (*e.g.*, AssetPanda server). The terminal application conducts the terminal machine's portion of the dialogue sequence with the service provider machine because, for example, without limitation, using the AssetPanda app, a user is able to access, edit and update a managed asset. The user is prompted to edit or update the managed asset, *e.g.*, by taking a photograph. This information is necessarily communicated to the AssetPanda server because, for example, without limitation, it must be stored and available to other users. The terminal application is operable for displaying a prompt in a first sequence of prompts and accepting a user data entry in an associated first sequence of user data entries as explained herein, including above. The accused system includes a terminal application (*e.g.*, AssetPanda app for Android), and one of ordinary skill would understand that the AssetPanda app for Android comprises a first set of computer executable instructions and a first set of code, wherein the first set of computer-executable instructions are able to execute directly on a terminal processor of the terminal machine, and wherein the first set of code is not able to execute directly on the terminal processor. For example, without limitation, the Android Runtime (ART) comprises computer executable instructions that are able to execute directly on a terminal processor, while the app's bytecode is not able to execute directly on the terminal processor.

20. The accused system includes a service provider machine (*e.g.*, AssetPanda server) that is configured to run a provider application (*e.g.*, AssetPanda server application) that conducts the service provider machine's portion of the dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) with the terminal machine. As explained herein, user data entries (corresponding to the prompts) are communicated from the terminal application on the terminal machine to the provider application on the service provider machine. The accused system includes a provider application (*e.g.*, AssetPanda server application, which, upon information and belief, is a Ruby application), and one of ordinary skill would understand that the AssetPanda server application comprises a second set of computer-executable instructions and a second set of code, wherein the second set of computer-executable instructions are able to execute directly on a provider processor of the service provider machine, and wherein the second set of code is not able to execute directly on the provider processor. For example, without limitation, Ruby MRI comprises computer-executable instructions which are able to execute directly on a provider processor, while the Ruby application is not able to execute directly on the provider processor.

21. In the accused system, the terminal dialogue module (*e.g.*, terminal machine portion of a managed asset) modifies the first set of code to produce a first set of updated code wherein the first set of updated code adapts the terminal application to use a second sequence of prompts and a second sequence of data entries for the terminal machine's portion of a modified dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) with the service provider machine. As explained above, when a user inputs a managed asset using the AssetPanda system, information is communicated to a second user's AssetPanda app (terminal application on the terminal machine). As also explained above, without limitation, the dialogue

sequence (*e.g.*, series of prompts and corresponding user data entries) is evidenced in the one or more “>” prompts. In response, the user selects the appropriate data entry (*e.g.*, button).

Additional prompts include editing descriptions and entering photographs. At least a portion of the information is necessarily stored on the terminal machine because, for example, without limitation, the managed asset appears on the second user’s Android device and allows the user to select it even at a later time. Therefore, the terminal dialogue module modifies the first set of code to produce a first set of updated code. The first set of updated code adapts the terminal application to use a second sequence of prompts and a second sequence of data entries for the terminal machine's portion of a modified dialogue sequence with the service provider machine. For example, without limitation, as already explained herein, a second sequence of prompts and a second sequence of data entries is demonstrated when new managed assets are added, and they appear on another user’s Android device. This necessarily represents a modified dialogue sequence with the service provider machine. In the accused system, the provider dialogue module (*e.g.*, service provider machine portion of a managed asset) modifies the second set of code to produce a second set of updated code wherein the second set of updated code adapts the provider application to use a second sequence of prompts and a second sequence of data entries for the service provider machine's portion of the modified dialogue sequence with the terminal machine. As discussed herein, when a user inputs a managed asset using their device (*e.g.*, PC or mobile device), information is communicated to the AssetPanda server application (provider application on the service provider machine). As also explained herein, the dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) is evidenced in the one or more “>” prompts and the corresponding user data entry of selecting the appropriate managed asset (*e.g.*, button). Additional prompts include editing descriptions and entering photographs. At least a

portion of the information is necessarily stored on the provider machine because, for example, without limitation, the managed asset information is available on the AssetPanda server as well as to other users even if those users sign into the AssetPanda app using a different mobile device or at a later time. Therefore, the provider dialogue module modifies the second set of code to produce a second set of updated code. The second set of updated code adapts the provider application to use the second sequence of prompts and the second sequence of data entries for the service provider machine's portion of the modified dialogue sequence with the terminal machine. For example, without limitation, as already explained herein, a second sequence of prompts and a second sequence of data entries is demonstrated when new managed assets are added, and they appear on a second user's Android device. In the accused system, the terminal dialogue module (*e.g.*, terminal machine portion of a managed asset) does not modify the first set of computer-executable instructions, as is readily understood by one of ordinary skill. For example, without limitation, as already explained herein, ART comprises the first set of computer-executable instructions and is not modified by the terminal dialogue module. In the accused system, the provider dialogue module (*e.g.*, service provider machine portion of a managed asset) does not modify the second set of computer-executable instructions, as is readily understood by one of ordinary skill. For example, without limitation, as already explained herein, Ruby MRI comprises the second set of computer-executable instructions and is not modified by the provider dialogue module.

22. On information and belief, Asset Panda has knowingly and actively induced the infringement of one or more of the '571 patent claims by, *inter alia*, marketing, promoting, and offering for use the Accused Instrumentalities, knowingly and intending that the use of such instrumentalities by Asset Panda customers and by users infringes the '571 patent. For example,

Asset Panda intends to induce such infringement by, among other things, promoting users to download and run its mobile applications, including at least applications for devices running the Android operating system, knowing that the use of the its applications on a user's portable device or smart phone in connection with supporting systems such as its server(s) infringes one or more claims of the '571 patent.

23. On information and belief, Asset Panda has contributed to the infringement of the '571 patent by, *inter alia*, marketing and promoting products and services. Defendant has used and promoted within the United States the Accused Instrumentalities, which are not staple articles or commodities of commerce suitable for substantial non-infringing use, and are known by Asset Panda to be especially made or especially adapted to the infringe the '571 patent. As a result, Asset Panda's Accused Instrumentalities have been used by its customers and by users to infringe the '571 patent. Asset Panda continues to engage in acts of contributory infringement of the '571 patent.

24. By reason of the acts of Asset Panda alleged herein, S3G has suffered damage in an amount to be proved at trial.

25. Asset Panda threatens to continue to engage in the acts complained of herein and, unless restrained and enjoined, will continue to do so, all to S3G's irreparable injury. It would be difficult to ascertain the amount of compensation that would afford S3G adequate relief for such future and continuing acts, and a multiplicity of judicial proceedings would be required. S3G does not have an adequate remedy at law to compensate it for the injuries threatened.

## **SECOND CLAIM FOR RELIEF**

### **Infringement of the '897 patent**

26. S3G refers to and incorporates herein by reference paragraphs 1-25.

27. Asset Panda, by the acts complained of herein, and by making, using, selling, offering for sale, and/or importing in the United States, including in the Eastern District of Texas, instrumentalities embodying the invention, has in the past, does now, and continues to infringe the '897 patent directly, contributorily and/or by inducement, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271.

28. At least since the filing of this complaint, Asset Panda has had actual knowledge of the '897 patent.

29. On information and belief, Asset Panda has directly infringed one or more claims of the '897 patent by making, using, importing, supplying, selling, or offering for sale the Accused Instrumentalities. By doing so, Asset Panda has directly infringed at least claim 1 of the '897 patent.

30. AssetPanda provides a system for modifying one or more terminal machines and one or more service provider machines.

31. The accused system includes one or more update server machines (*e.g.*, a smart phone or other computing device accessing the AssetPanda system, *e.g.*, running the AssetPanda app) comprising a processor and operable for sending a terminal dialogue module (*e.g.*, terminal machine portion of a managed asset) to a respective terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app) and a provider dialogue module (*e.g.*, service provider machine portion of a managed asset) to a respective service provider machine (*e.g.*, AssetPanda server) to allow the terminal machine and the service provider machine to conduct a dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) with each other. The accused system includes an update server machine (*e.g.*, a smart phone or other computing device accessing the AssetPanda system) comprising a

processor. Alternatively, the accused system includes an update server machine (*e.g.*, AssetPanda server) comprising a processor. One of ordinary skill would understand that smart phones or other computing devices necessarily comprise a processor, *e.g.*, to run the operating system, applications, etc. The accused system includes an update server machine (*e.g.*, a smart phone or other computing device accessing the AssetPanda system) that is operable for sending a terminal dialogue module (*e.g.*, terminal machine portion of a managed asset) to the terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app). Alternatively, the accused system includes an update server machine (*e.g.*, AssetPanda server) that is operable for sending a terminal dialogue module (*e.g.*, terminal machine portion of a managed asset) to the terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app (terminal application)). The AssetPanda system can be accessed from any device, including PC, Android and iOS tablets, and Android and iOS phones. Therefore, these and other devices that can access the AssetPanda system constitute update server machine, which is a computing device capable of sending one or more dialogue modules. For example, without limitation, a dialogue module is sent from a user's device running the AssetPanda app to the AssetPanda server. The AssetPanda server then sends information to another user's AssetPanda app. The format of the information that is sent from the AssetPanda server to the AssetPanda app is, for example, JSON. The accused system includes an update server machine (*e.g.*, a smart phone or other computing device accessing the AssetPanda system) that is operable for sending a provider dialogue module (*e.g.*, service provider machine portion of a managed asset) to the service provider machine (*e.g.*, AssetPanda server). This is done using, for example, JSON. For example, without limitation, after receiving the respective dialogue module users can view managed assets. For example, without limitation,

after receiving a respective dialogue module, a user will be prompted with one or more “>” prompts to, for example, update the managed asset. In response to these prompts, the user selects the appropriate data entry (e.g., button). Thereafter, the user is provided additional prompts. Alternatively, the accused system includes an update server machine (e.g., AssetPanda server) that is operable for sending a provider dialogue module (e.g., service provider machine portion of a managed asset) to the service provider machine (e.g., AssetPanda server).

32. The accused system includes a terminal machine (e.g., an Android smart phone or other Android computing device running the AssetPanda app) that is configured to run a terminal application (e.g., AssetPanda app for Android) that conducts the terminal machine's portion of the dialogue sequence (e.g., series of prompts and corresponding user data entries) with the service provider machine (e.g., AssetPanda server), wherein the terminal application comprises a first set of computer executable instructions and a first set of code, wherein the first set of computer-executable instructions are able to execute directly on a terminal processor of the terminal machine, and wherein the first set of code is not able to execute directly on the terminal processor. The terminal application conducts the terminal machine's portion of the dialogue sequence with the service provider machine because, for example, without limitation, using the AssetPanda app, a user is able to access, edit and update a managed asset. The user is prompted to edit or update the managed asset, e.g., by taking a photograph. This information is necessarily communicated to the AssetPanda server because, for example, without limitation, it must be stored and available to other users. The terminal application is operable for displaying a prompt in a first sequence of prompts and accepting a user data entry in an associated first sequence of user data entries as explained herein, including above. The accused system includes a terminal application (e.g., AssetPanda app for Android), and one of ordinary skill would understand that

the AssetPanda app for Android comprises a first set of computer executable instructions and a first set of code, wherein the first set of computer-executable instructions are able to execute directly on a terminal processor of the terminal machine, and wherein the first set of code is not able to execute directly on the terminal processor. For example, without limitation, the Android Runtime (ART) comprises computer executable instructions that are able to execute directly on a terminal processor, while the app's bytecode is not able to execute directly on the terminal processor.

33. The accused system includes a service provider machine (*e.g.*, AssetPanda server) that is configured to run a provider application (*e.g.*, AssetPanda server application) that conducts the service provider machine's portion of the dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) with the terminal machine, wherein the provider application comprises a second set of computer-executable instructions and a second set of code, wherein the second set of computer-executable instructions are able to execute directly on a provider processor of the service provider machine, and wherein the second set of code is not able to execute directly on the provider processor. The accused system includes a provider application (*e.g.*, AssetPanda server application, which, upon information and belief, is a Ruby application), and one of ordinary skill would understand that the AssetPanda server application comprises a second set of computer-executable instructions and a second set of code, wherein the second set of computer-executable instructions are able to execute directly on a provider processor of the service provider machine, and wherein the second set of code is not able to execute directly on the provider processor. For example, without limitation, Ruby MRI comprises computer-executable instructions which are able to execute directly on a provider processor, while the

Ruby application is not able to execute directly on the provider processor, while the Ruby application is not able to execute directly on the provider processor.

34. In the accused system, the terminal dialogue module (*e.g.*, terminal machine portion of a managed asset) modifies the first set of code to produce a first set of updated code, wherein the provider dialogue module (*e.g.*, service provider machine portion of a managed asset) modifies the second set of code to produce a second set of updated code, wherein the terminal dialogue module does not modify the first set of computer-executable instructions and wherein the provider dialogue module does not modify the second set of computer-executable instructions, wherein the first set of updated code adapts the terminal application to use a modified dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) with the service provider machine, and wherein the second set of updated code adapts the provider application to use the modified dialogue sequence with the terminal machine. As explained above, when a user inputs a managed asset using the AssetPanda system, information is communicated to a second user's AssetPanda app (terminal application on the terminal machine). As also explained above, without limitation, the dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) is evidenced in the one or more ">" prompts. In response, the user selects the appropriate data entry (*e.g.*, button). Additional prompts include editing descriptions and entering photographs. At least a portion of the information is necessarily stored on the terminal machine because, for example, without limitation, the managed asset appears on the second user's Android device and allows the user to select it even at a later time. Therefore, the provider dialogue module modifies the second set of code to produce a second set of updated code. The first set of updated code adapts the terminal application to use a second sequence of prompts and a second sequence of data entries for the

terminal machine's portion of a modified dialogue sequence with the service provider machine. For example, without limitation, as already explained herein, a second sequence of prompts and a second sequence of data entries is demonstrated when new managed assets are added, and they appear on another user's Android device. This necessarily represents a modified dialogue sequence with the service provider machine. In the accused system, the provider dialogue module (*e.g.*, service provider machine portion of a managed asset) modifies the second set of code to produce a second set of updated code wherein the second set of updated code adapts the provider application to use a second sequence of prompts and a second sequence of data entries for the service provider machine's portion of the modified dialogue sequence with the terminal machine. As discussed herein, when a user inputs a managed asset using their device (*e.g.*, PC or mobile device), information is communicated to the AssetPanda server application (provider application on the service provider machine). As also explained herein, the dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) is evidenced in the one or more ">" prompts and the corresponding user data entry of selecting the appropriate managed asset (*e.g.*, button). Additional prompts include editing descriptions and entering photographs. At least a portion of the information is necessarily stored on the provider machine because, for example, without limitation, the managed asset information is available on the AssetPanda server as well as to other users even if those users sign into the AssetPanda app using a different mobile device or at a later time. Therefore, the provider dialogue module modifies the second set of code to produce a second set of updated code. The second set of updated code adapts the provider application to use the second sequence of prompts and the second sequence of data entries for the service provider machine's portion of the modified dialogue sequence with the terminal machine. For example, without limitation, as already explained herein, a second sequence of prompts and

a second sequence of data entries is demonstrated when new managed assets are added, and they appear on a second user's Android device. In the accused system, the terminal dialogue module (*e.g.*, terminal machine portion of a managed asset) does not modify the first set of computer-executable instructions, as is readily understood by one of ordinary skill. For example, without limitation, as already explained herein, ART comprises the first set of computer-executable instructions and is not modified by the terminal dialogue module. In the accused system, the provider dialogue module (*e.g.*, service provider machine portion of a managed asset) does not modify the second set of computer-executable instructions, as is readily understood by one of ordinary skill. For example, without limitation, as already explained herein, Ruby MRI comprises the second set of computer-executable instructions and is not modified by the provider dialogue module.

35. On information and belief, Asset Panda has knowingly and actively induced the infringement of one or more of the '897 patent claims by, *inter alia*, marketing, promoting, and offering for use the Accused Instrumentalities, knowingly and intending that the use of such instrumentalities by Asset Panda customers and by users infringes the '897 patent. For example, Asset Panda intends to induce such infringement by, among other things, promoting users to download and run its mobile applications, including at least applications for devices running the Android operating system, knowing that the use of the its applications on a user's portable device or smart phone in connection with supporting systems such as its server(s) infringes one or more claims of the '897 patent.

36. On information and belief, Asset Panda has contributed to the infringement of the '897 patent by, *inter alia*, marketing and promoting products and services. Defendant has used and promoted within the United States the Accused Instrumentalities, which are not staple

articles or commodities of commerce suitable for substantial non-infringing use, and are known by Asset Panda to be especially made or especially adapted to the infringe the '897 patent. As a result, Asset Panda's Accused Instrumentalities have been used by its customers and by users to infringe the '897 patent. Asset Panda continues to engage in acts of contributory infringement of the '897 patent.

37. By reason of the acts of Asset Panda alleged herein, S3G has suffered damage in an amount to be proved at trial.

38. Asset Panda threatens to continue to engage in the acts complained of herein and, unless restrained and enjoined, will continue to do so, all to S3G's irreparable injury. It would be difficult to ascertain the amount of compensation that would afford S3G adequate relief for such future and continuing acts, and a multiplicity of judicial proceedings would be required. S3G does not have an adequate remedy at law to compensate it for the injuries threatened.

### **THIRD CLAIM FOR RELIEF**

#### **Infringement of the '758 patent**

39. S3G refers to and incorporates herein by reference paragraphs 1-38.

40. Asset Panda, by the acts complained of herein, and by making, using, selling, offering for sale, and/or importing in the United States, including in the Eastern District of Texas, instrumentalities embodying the invention, has in the past, does now, and continues to infringe the '758 patent contributorily and/or by inducement, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271.

41. At least since the filing of this complaint, Asset Panda has had actual knowledge of the '758 patent.

42. On information and belief, Asset Panda has directly infringed one or more claims of the '758 patent by making, using, importing, supplying, selling, or offering for sale the Accused Instrumentalities. By doing so, Asset Panda has directly infringed at least claim 1 of the '758 patent.

43. The accused system includes a method of conducting a dialogue between a terminal machine and a service provider machine.

44. The accused system includes a method comprising displaying a first prompt on a terminal display of a terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app) by running a terminal application (*e.g.*, AssetPanda app for Android), the terminal application comprising first computer-executable instructions and first code that conduct the terminal machine's portion of the dialogue. The terminal application displays a first prompt and accepts a first data entry at the terminal machine, wherein the first data entry is associated with the first prompt. For example, without limitation, using the AssetPanda app, a user is able to edit a managed asset. The user is prompted with one or more ">" prompts to, for example, update a managed asset. The user is also able to edit the description or add a photograph. This information is necessarily communicated to the AssetPanda server because, for example, without limitation, it must be recorded and available to other users. One of ordinary skill would understand that the terminal application (*e.g.*, AssetPanda app for Android) comprises first computer executable instructions and first code. For example, without limitation, the Android Runtime (ART) comprises computer executable instructions, while the app's bytecode comprises code.

45. As explained above, the accused system includes a method comprising accepting a first data entry at the terminal machine (*e.g.*, an Android smart phone or other Android

computing device running the AssetPanda app), wherein the first data entry is associated with the first prompt.

46. The accused system includes a method comprising communicating information from the terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app) to the service provider machine (*e.g.*, AssetPanda server), the information associated with the first data entry, the service provider machine (*e.g.*, AssetPanda server) using a provider application (*e.g.*, AssetPanda server application), the provider application comprising second computer-executable instructions and second code that conduct the service provider machine's portion of the dialogue. In the accused system, information from the terminal machine is communicated to the service provider machine, the information associated with the first data entry. For example, without limitation, using the AssetPanda app, a user is able to edit the description of a managed asset. This information is necessarily communicated to the AssetPanda server because, for example, without limitation, it must be recorded and available to other users. The provider application (*e.g.*, AssetPanda server application, which, upon information and belief, is a Ruby application) runs on the service provider machine (*e.g.*, AssetPanda server), and one of ordinary skill would understand that the AssetPanda server application comprises second computer-executable instructions and second code. For example, without limitation, Ruby MRI comprises computer-executable instructions, while the Ruby application comprises code.

47. The accused system includes a method comprising receiving, at the terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app), a terminal dialogue module (*e.g.*, terminal machine portion of a managed asset) that replaces at least a portion of the first code to produce first updated code, wherein the first

updated code adapts the terminal application (*e.g.*, AssetPanda app for Android) to display a second prompt for the terminal machine's portion of a modified dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) with the service provider machine, wherein at least one of the first code, second code, and first updated code comprise Java Byte code. For example, when a user inputs a managed asset using the AssetPanda system, information is communicated to a second user's AssetPanda app (terminal application on the terminal machine). The format of the information that is sent from the AssetPanda server to the technician's AssetPanda app is, for example, JSON. At least a portion of the information is necessarily stored on the terminal machine because, for example, without limitation, the managed asset appears on the second user's Android device and allows the user to select it even at a later time. Therefore, the terminal dialogue module replaces at least a portion of the first code to produce first updated code. The dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) is evidenced in the one or more ">" prompts and the corresponding user data entry of selecting the appropriate managed asset (*e.g.*, button). Additional prompts include editing descriptions and entering photographs. For example, without limitation, the second prompt is evidenced by the ability to access *new* managed assets. At least one of the first code, second code, and first updated code comprise Java Byte code. As explained above, the terminal application is identified as, for example, without limitation, the AssetPanda app for Android, and the first code as, for example, without limitation, the app's bytecode. One of ordinary skill would understand this to comprise Java Byte code.

48. On information and belief, Asset Panda has knowingly and actively induced the infringement of one or more of the '758 patent claims by, *inter alia*, marketing, promoting, and offering for use the Accused Instrumentalities, knowingly and intending that the use of such

instrumentalities by Asset Panda customers and by users infringes the '758 patent. For example, Asset Panda intends to induce such infringement by, among other things, promoting users to download and run its mobile applications, including at least applications for devices running the Android operating system, knowing that the use of the its applications on a user's portable device or smart phone in connection with supporting systems such as its server(s) infringes one or more claims of the '758 patent.

49. On information and belief, Asset Panda has contributed to the infringement of the '758 patent by, *inter alia*, marketing and promoting products and services. Defendant has used and promoted within the United States the Accused Instrumentalities, which are not staple articles or commodities of commerce suitable for substantial non-infringing use, and are known by Asset Panda to be especially made or especially adapted to the infringe the '758 patent. As a result, Asset Panda's Accused Instrumentalities have been used by its customers and by users to infringe the '758 patent. Asset Panda continues to engage in acts of contributory infringement of the '758 patent.

50. By reason of the acts of Asset Panda alleged herein, S3G has suffered damage in an amount to be proved at trial.

51. Asset Panda threatens to continue to engage in the acts complained of herein and, unless restrained and enjoined, will continue to do so, all to S3G's irreparable injury. It would be difficult to ascertain the amount of compensation that would afford S3G adequate relief for such future and continuing acts, and a multiplicity of judicial proceedings would be required. S3G does not have an adequate remedy at law to compensate it for the injuries threatened.

#### **FOURTH CLAIM FOR RELIEF**

##### **Infringement of the '124 patent**

52. S3G refers to and incorporates herein by reference paragraphs 1-51.

53. Asset Panda, by the acts complained of herein, and by making, using, selling, offering for sale, and/or importing in the United States, including in the Eastern District of Texas, instrumentalities embodying the invention, has in the past, does now, and continues to infringe the '124 patent contributorily and/or by inducement, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271.

54. At least since the filing of this complaint, Asset Panda has had actual knowledge of the '124 patent.

55. On information and belief, Asset Panda has directly infringed one or more claims of the '124 patent by making, using, importing, supplying, selling, or offering for sale the Accused Instrumentalities. By doing so, Asset Panda has directly infringed at least claim 1 of the '124 patent.

56. The accused system includes a method of conducting a dialogue between a terminal machine and a service provider machine.

57. The accused system includes a method comprising displaying a first prompt on a terminal display of a terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app) by running a terminal application (*e.g.*, AssetPanda app for Android), the terminal application comprising first computer-executable instructions and first code that conduct the terminal machine's portion of the dialogue. The terminal application displays a first prompt and accepts a first data entry at the terminal machine, wherein the first data entry is associated with the first prompt. For example, without limitation, using the AssetPanda app, a user is able to access, edit and update a managed asset. The user is prompted to edit or update the managed asset, *e.g.*, by taking a photograph. This information is

necessarily communicated to the AssetPanda server because, for example, without limitation, it must be recorded and available to other users. One of ordinary skill would understand that the terminal application (*e.g.*, AssetPanda app for Android) comprises first computer executable instructions and first code. For example, without limitation, the Android Runtime (ART) comprises computer executable instructions, while the app's bytecode comprises code.

58. As explained above, the accused system includes a method comprising accepting a first data entry at the terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app), wherein the first data entry is associated with the first prompt.

59. The accused system includes a method comprising communicating information from the terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app) to the service provider machine (*e.g.*, AssetPanda server), the information associated with the first data entry, the service provider machine (*e.g.*, AssetPanda server) using a provider application (*e.g.*, AssetPanda server application), the provider application comprising second computer-executable instructions and second code that conduct the service provider machine's portion of the dialogue. In the accused system, information from the terminal machine is communicated to the service provider machine, the information associated with the first data entry. For example, without limitation, using the AssetPanda app, a user is able to access, edit or update the managed asset. The user is prompted to edit or update the managed asset, *e.g.*, by taking a photograph. This information is necessarily communicated to the AssetPanda server because, for example, without limitation, it must be recorded and available to other users. The provider application (*e.g.*, AssetPanda server application, which, upon information and belief, is a Ruby application) runs on the service provider machine (*e.g.*,

AssetPanda server), and one of ordinary skill would understand that the AssetPanda server application comprises second computer-executable instructions and second code. For example, without limitation, Ruby MRI comprises computer-executable instructions, while the PHP comprises code.

60. The accused system includes a method storing at least a portion of the information associated with the first data entry in memory for analysis. For example, the service provider stores for analysis at least a portion of the information associated with the first data entry so that the appropriate analysis and reports can be generated on the AssetPanda system. *See, e.g.*, <https://www.assetpanda.com/asset-tracking-reporting-software/> (“Asset Panda allows you to utilize built-in asset tracking reports, or configure your own reports to your business needs. The feature is designed to deliver real-time data at every level, from a snapshot of your asset locations to granular insights into asset actions including check out, maintenance history, and change history. Use this tool to analyze your asset data and make confident business decisions.”). If at least a portion of the information was not stored in memory, the reports and associated analysis would not be “deliver real-time data at every level.”

61. The accused system includes a method comprising receiving, at the terminal machine (*e.g.*, an Android smart phone or other Android computing device running the AssetPanda app), a terminal dialogue module (*e.g.*, terminal machine portion of a managed asset) that replaces at least a portion of the first code to produce first updated code, wherein the first updated code adapts the terminal application (*e.g.*, AssetPanda app for Android) to display a second prompt for the terminal machine's portion of a modified dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) with the service provider machine, wherein at least one of the first code, second code, and first updated code comprise Java Byte code. For

example, when a user inputs a managed asset using the AssetPanda system, information is communicated to a second user's AssetPanda app (terminal application on the terminal machine). The format of the information that is sent from the AssetPanda server to the user's AssetPanda app is, for example, JSON. At least a portion of the information is necessarily stored on the terminal machine because, for example, without limitation, the managed asset appears on the user's Android device and allows the user to select it even at a later time. Therefore, the terminal dialogue module replaces at least a portion of the first code to produce first updated code. The dialogue sequence (*e.g.*, series of prompts and corresponding user data entries) is evidenced in the one or more ">" prompts and the corresponding user data entry of selecting the appropriate managed asset (*e.g.*, button). Additional prompts include editing descriptions and entering photographs. For example, without limitation, the second prompt is evidenced by the ability to access *new* managed assets. At least one of the first code, second code, and first updated code comprise Java Byte code. As explained above, the terminal application is identified as, for example, without limitation, the AssetPanda app for Android, and the first code as, for example, without limitation, the app's bytecode. One of ordinary skill would understand this to comprise Java Byte code.

62. On information and belief, Asset Panda has knowingly and actively induced the infringement of one or more of the '124 patent claims by, *inter alia*, marketing, promoting, and offering for use the Accused Instrumentalities, knowingly and intending that the use of such instrumentalities by Asset Panda customers and by users infringes the '124 patent. For example, Asset Panda intends to induce such infringement by, among other things, promoting users to download and run its mobile applications, including at least applications for devices running the Android operating system, knowing that the use of the its applications on a user's portable device

or smart phone in connection with supporting systems such as its server(s) infringes one or more claims of the '124 patent.

63. On information and belief, Asset Panda has contributed to the infringement of the '124 patent by, *inter alia*, marketing and promoting products and services. Defendant has used and promoted within the United States the Accused Instrumentalities, which are not staple articles or commodities of commerce suitable for substantial non-infringing use, and are known by Asset Panda to be especially made or especially adapted to the infringe the '124 patent. As a result, Asset Panda's Accused Instrumentalities have been used by its customers and by users to infringe the '124 patent. Asset Panda continues to engage in acts of contributory infringement of the '124 patent.

64. By reason of the acts of Asset Panda alleged herein, S3G has suffered damage in an amount to be proved at trial.

65. Asset Panda threatens to continue to engage in the acts complained of herein and, unless restrained and enjoined, will continue to do so, all to S3G's irreparable injury. It would be difficult to ascertain the amount of compensation that would afford S3G adequate relief for such future and continuing acts, and a multiplicity of judicial proceedings would be required. S3G does not have an adequate remedy at law to compensate it for the injuries threatened.

#### **JURY DEMAND**

66. S3G demands a jury trial on all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, S3G prays for relief as follows:

A. For an order finding that the '897, '571, '758, and '124 patents are valid and enforceable;

B. For an order finding that Asset Panda has infringed the '897, '571, '758, and '124 patents directly, contributorily and/or by inducement, in violation of 35 U.S.C. § 271;

C. For an order finding that Asset Panda's infringement is willful;

D. For an order temporarily, preliminarily and permanently enjoining Asset Panda, its officers, directors, agents, servants, affiliates, employees, subsidiaries, divisions, branches, parents, attorneys, representatives, privies, and all others acting in concert or participation with any of them, from infringing the '897, '571, '758, and '124 patents directly, contributorily and/or by inducement, in violation of 35 U.S.C. § 271;

E. For an order directing Asset Panda to file with the Court, and serve upon S3G's counsel, within thirty (30) days after entry of the order of injunction, a report setting forth the manner and form in which it has complied with the injunction;

F. For an order awarding S3G general and/or specific damages adequate to compensate S3G for the infringement by Asset Panda, including a reasonable royalty and/or lost profits, in amounts to be fixed by the Court in accordance with proof, including enhanced and/or exemplary damages, as appropriate, as well as all of the profits or gains of any kind made by Asset Panda from its acts of patent infringement;

G. For an order awarding S3G pre-judgment interest and post-judgment interest at the maximum rate allowed by law;

H. For an order requiring an accounting of the damages to which S3G is found to be entitled;

I. For an order declaring this to be an exceptional case pursuant to 35 U.S.C. § 285 and awarding S3G its attorneys' fees;

J. For an order awarding S3G its costs of court; and

K. For an order awarding S3G such other and further relief as the Court deems just and proper.

DATED: April 25, 2019

Respectfully Submitted,

By: /s/ Charles Ainsworth

Charles Ainsworth  
State Bar No. 00783521  
Robert Christopher Bunt  
State Bar No. 00787165  
PARKER, BUNT & AINSWORTH, P.C.  
100 E. Ferguson, Suite 418  
Tyler, TX 75702  
903/531-3535  
E-mail: charley@pbatyler.com  
E-mail: rcbunt@pbatyler.com