

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

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|----------------------------------|---|-------------|
| ROTHSCHILD PATENT IMAGING LLC, § | § | |
| | § | |
| Plaintiff, | § | Case No: |
| | § | |
| vs. | § | PATENT CASE |
| | § | |
| MONUMENT LABS, INC., | § | |
| | § | |
| Defendant. | § | |
| _____ | § | |

COMPLAINT

Plaintiff Rothschild Patent Imaging LLC (“Plaintiff” or “RPI”) files this original Complaint against Monument Labs, Inc. (“Defendant” or “MLI”) for infringement of United States Patent No. 9,936,086 (“the ‘086 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company having a virtual office with an address at 1400 Preston Rd., Suite 400, Plano, TX 75093.

4. On information and belief, Defendant is a Delaware corporation with a place of business at 222 W. Merchandise Mart Plaza, Suite 1212, Chicago, IL 60654.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District,

has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. Alternately, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 9,936,086)**

8. Paragraphs 1-7 are incorporated herein.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, et seq.

10. Plaintiff is the owner by assignment of the '086 Patent with sole rights to enforce the '086 patent and sue infringers.

11. A copy of the '086 Patent, titled "Wireless Image Distribution System and Method," is attached hereto as Exhibit A.

12. The '086 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief, Defendant has infringed and continues to infringe one or more claims (at least by having its employees, or someone under Defendant's control, test the accused product), including at least Claim 4 of the '086 Patent by making, using, importing, selling, and/or offering for sale photo management devices and apps covered by at least Claim 4 of the '086 Patent.

14. On information and belief, Defendant sells, offers to sell, and/or uses photo management systems and methods including, without limitation, the Monument Photo Management app, and any similar products (“Product”), which infringe at least Claim 4 of the ‘086 Patent.

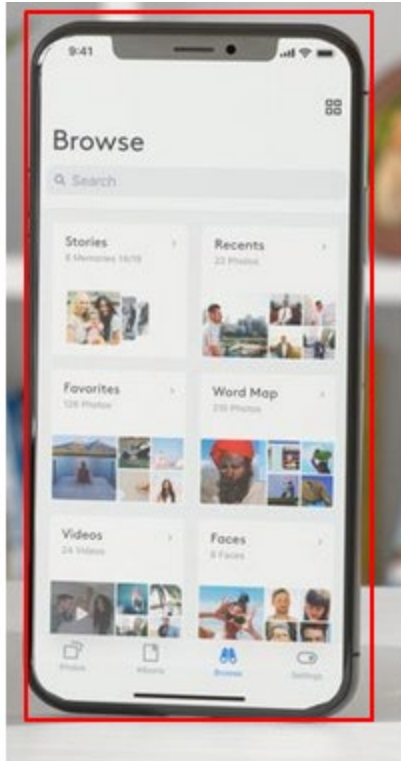
15. The Product is a photo management system that includes an image-capturing mobile device (e.g., a mobile phone with the Monument Photo Management app). Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.

Your favorite memories at your fingertips

Relive experiences and share them with your loved ones.

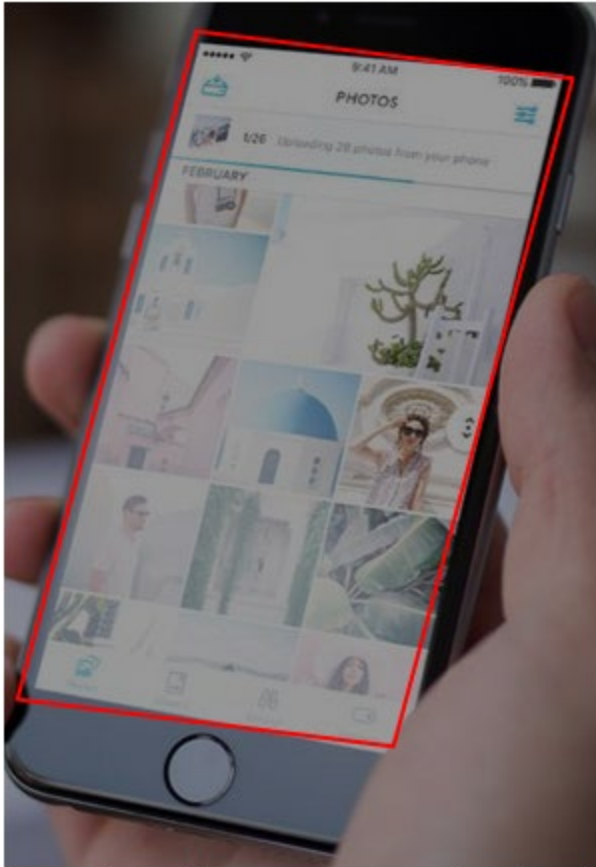
Monument organizes your photos automatically so you can find and browse your photos by camera type, people, places, and scenery.

Source: <https://getmonument.com/pages/monument-apps>



Source: <https://getmonument.com>

16. The Product practices receiving a plurality of images. For example, a mobile device with the Monument Photo Management app receives a plurality of photos. Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.



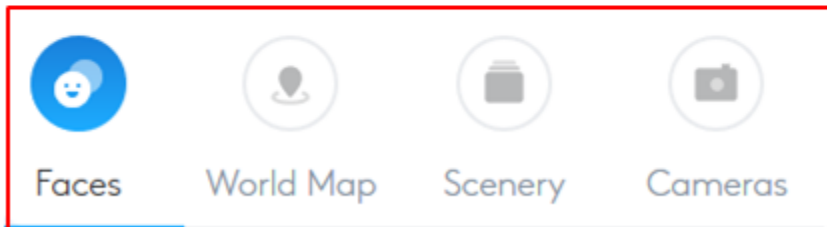
Source: <https://getmonument.com/products/monument-model-217e-us-with-wi-fi>

17. The Product practices filtering the plurality of photographic images using a transfer criteria wherein the transfer criteria is a subject identification of a respective photographic image within the plurality of photographic images, wherein the subject identification is based on a topic, theme or individual shown in the respective photographic image. For example, the Monument Photo Management app provides for filtering of photographic images using a transfer criterion (e.g., date, location, camera, person, scene, etc.). The transfer criterion is a subject identification of a respective photographic image within the plurality of photographic images, wherein the subject identification is based on a topic, theme or individual shown in the respective photographic image (e.g., the Product uses various techniques such as facial recognition, scene recognition, camera type etc. for automatically sorting the

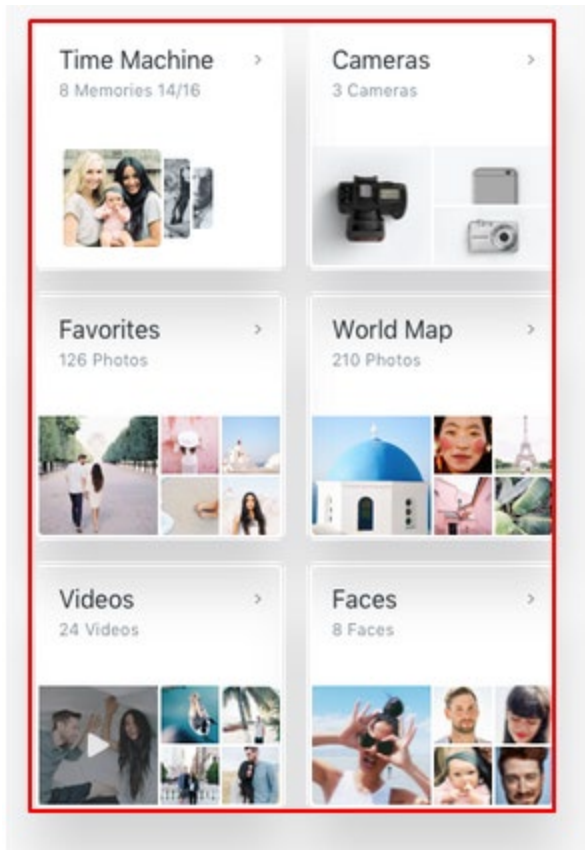
photos by date, location, camera, person and scene). Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.

Automatic organization

Save time and frustration! Monument uses Artificial Intelligence, Facial Recognition, and Scene Recognition to automatically sort your photos by date, location, camera, person, and scene. You can also tag and search your photos to find them easily.



Source: <https://getmonument.com/>

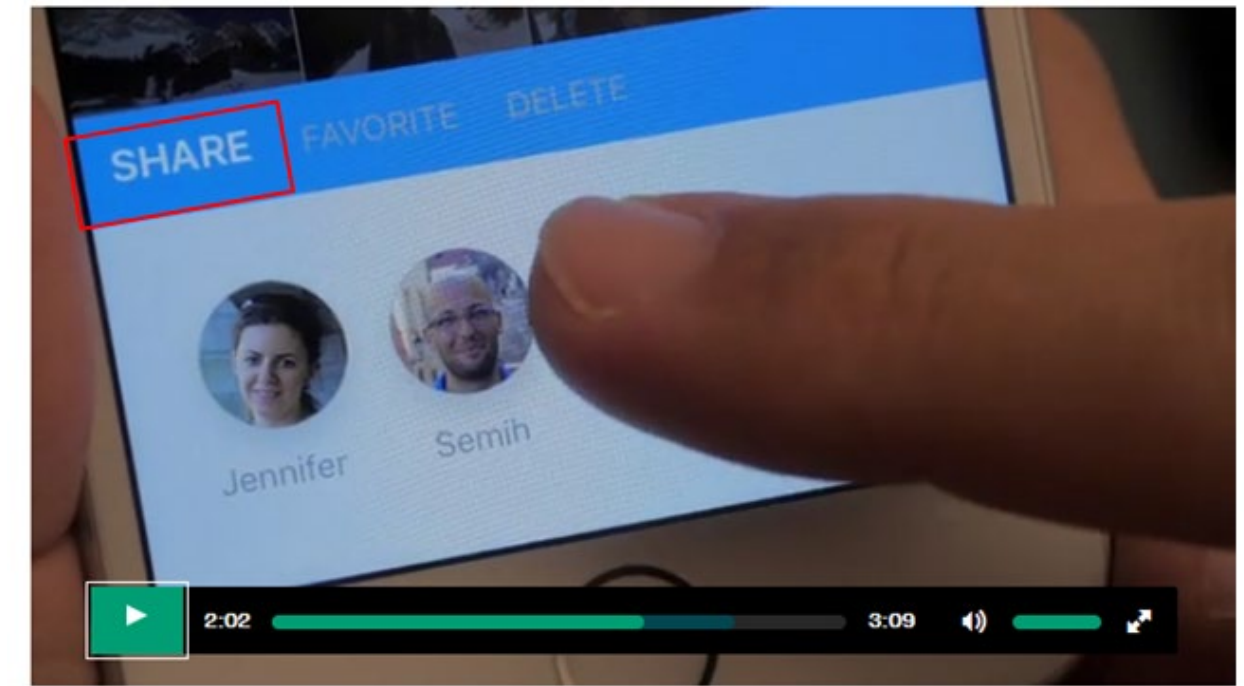


Source: <https://getmonument.com/products/monument-model-217e-us-with-wi-fi>

18. The Product practices transmitting, via a wireless transmitter and to a second image capturing device, the filtered plurality of photographic images. For example, filtered photos (i.e. sorted photos or AI albums) can be shared with other mobile devices. Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.

Create and share together.
You can create and share photos and albums with your family in a secure, private way. Create an album for your trip and invite others to add their own photos and videos.

Source: <https://getmonument.com/pages/monument-apps>



Source: <https://getmonument.com/>

19. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

20. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

21. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order Enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,936,086 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: July 26, 2019

Respectfully submitted,

/s/ Isaac Rabicoff

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