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7 ROTHSCHILD PATENT IMAGING LLC, a Texas limited liability corporation

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **DIVISION**

11 **ROTHSCHILD PATENT IMAGING LLC,**  
12 Plaintiff,  
13 v.  
14 **GNOME FOUNDATION**  
15 Defendant.

PATENT

Case No. \_\_\_\_\_

**ORIGINAL COMPLAINT FOR  
PATENT INFRINGEMENT  
AGAINST GNOME FOUNDATION**

**DEMAND FOR JURY TRIAL**

16 Plaintiff Rothschild Patent Imaging LLC (“Plaintiff” or “RPI”) files this original  
17 Complaint against Gnome Foundation (“Defendant” or “Gnome”) for infringement of United  
18 States Patent No. 9,936,086 (“the ‘086 Patent”).

19 **PARTIES AND JURISDICTION**

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

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

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

27 4. On information and belief, Defendant is a California nonprofit with a place of  
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1 business at #117 21 Orinda Way C, Orinda, CA 94563. On information and belief, Defendant  
2 may be served through its agent, National Registered Agents, Inc., at 818 West Seventh St.,  
3 Ste. 930, Los Angeles, CA 90017.

4 5. On information and belief, this Court has personal jurisdiction over Defendant  
5 because Defendant has committed, and continues to commit, acts of infringement in this  
6 District, has conducted business in this District, and/or has engaged in continuous and  
7 systematic activities in this District.

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

10  
11 **VENUE**

12 7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because  
13 Defendant is deemed to reside in this District.

14  
15 **COUNT I**  
16 **(INFRINGEMENT OF UNITED STATES PATENT NO. 9,936,086)**

17 8. Paragraphs 1-7 are incorporated herein.

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

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

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

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

26 13. On information and belief, Defendant has infringed and continues to infringe one  
27 or more claims (at least by having its employees, or someone under Defendant's control, test the  
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1 accused product), including at least Claim 4 of the ‘086 Patent by making, using, importing,  
2 selling, and/or offering for sale network storage systems including hardware, software and  
3 firmware, covered by at least Claim 4 of the ‘086 Patent.

4 14. On information and belief, Defendant sells, offers to sell, and/or uses network  
5 storage systems and methods including, without limitation, the Gnome Shotwell platform, and  
6 any similar products (“Product”), which infringe at least Claim 4 of the ‘086 Patent.  
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8 15. The Product uses an image capturing device to perform a method. The Product  
9 imports and filters photographic images from cameras, allowing users to organize the photos and  
10 share them on social media. Certain aspects of this element are illustrated in the screenshots  
11 below, and/or the screenshots provided in connection with other elements discussed herein.  
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<p><b>Running Shotwell</b> Find Shotwell in the Applications menu, or have it start automatically when you plug in a camera.</p>	<p><b>Importing from a camera</b> Copy photos from a digital camera.</p>
<p><b>Tagging photos</b> Organize photos by labelling them.</p>	<p><b>Publishing to the Web</b> Publish photos to Facebook, Flickr, Picasa Web Albums, or other sites.</p>

13 <http://yorba.org/shotwell/help/>

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18 16. The Product practices receiving a plurality of images. For example, the Product  
19 provides for the importation of images from a camera. Certain aspects of this element are  
20 illustrated in the screenshots below, and/or the screenshots provided in connection with other  
21 elements discussed herein.  
22

<p><b>Importing Photos</b></p>	
<p><b>Importing from F-Spot</b> Shotwell can import all your photos and tags from the F-Spot photo manager.</p>	<p><b>Importing from a memory card</b> Import photos from a digital camera's memory card.</p>
<p><b>Importing from a camera</b> Copy photos from a digital camera.</p>	<p><b>Importing from your hard disk</b> Import photos that are already saved on your computer.</p>

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28 <http://yorba.org/shotwell/help/>

1           17. The Product practices filtering the plurality of photographic images using a  
 2 transfer criterion, wherein the transfer criterion is a subject identification of a respective image  
 3 within the plurality of images. For example, the Product enables a user to organize a photo  
 4 collection the basis of topics (such as events, group photos, etc.) and also organizes the photos  
 5 on the basis of a particular individual. Certain aspects of this element are illustrated in the  
 6 screenshots below, and/or the screenshots provided in connection with other elements  
 7 discussed herein.  
 8

## 9 Organizing Photos

### 10 Events

11 Group photos together that were taken at the same time.  
 12 Learn how to rename, merge, and sort events.

### 13 Flagging photos

14 Flag photos to mark them as special or to work with them as  
 15 a set.

### 16 Ratings

17 Give photos a rating between 1 and 5 stars. You can reject  
 18 bad photos, hiding them from view.

### 19 Removing and deleting photos

20 Remove photos from the library, or delete them from your  
 21 computer entirely.

### 22 Searching

23 Find photos and videos in your collection by a variety of  
 24 criteria.

### 25 Tagging photos

26 Organize photos by labelling them.

### 27 Titles

28 Give titles to your photos.

29 <http://yorba.org/shotwell/help/>

30           18. The subject identification is based on a topic, theme or individual shown in the  
 31 image. For example, the topic or theme may be an event, or group photo, or a particular  
 32 individual.

33           19. The Product practices transmitting, via a wireless transmitter and to a second  
 34 image capturing device, the filtered plurality of photographic images. For example, the  
 35 Product offers a number of ways to wirelessly share photos online such as through social  
 36 media. Certain aspects of this element are illustrated in the screenshots below, and/or the  
 37 screenshots provided in connection with other elements discussed herein.  
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**Sharing Photos**

**Exporting photos**

Copy photos out of Shotwell so you can put them somewhere else.

**Printing**

Click File ▶ Print. For more printing options, select the Page Setup tab in the Print dialog.

**Publishing to the Web**

Publish photos to Facebook, Flickr, Picasa Web Albums, or other sites.

**Sending photos**

Send photos via email, instant messaging or in other ways.

**Set a desktop background or slideshow**

Set your desktop background to a single photo or to a slideshow of photos.

**Slideshows**

Watch a slideshow of your photos.

<http://yorba.org/shotwell/help/>

20. Defendant’s actions complained of herein will continue unless Defendant is enjoined by this court.

21. 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.

22. 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;

- 1 (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and
- 2 (e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled
- 3 under law or equity.

4  
5  
6 August 28, 2019

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