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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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12 **ROTHSCHILD DIGITAL**
CONFIRMATION, LLC,

13 Plaintiff,

14 v.

15 **WOLF MOBILE, INC. D/B/A**
16 **ECONZ WIRELESS,**

17 Defendant.

Civil Action No. _____

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

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19
20 Plaintiff, Rothschild Digital Confirmation, LLC. (“Rothschild” or “Plaintiff”),
21 through its undersigned attorneys, sues Defendant, Wolf Mobile, Inc. d/b/a Econz
22 Wireless (“Econz”), and alleges:

23 **NATURE OF THE ACTION**

24 1. This is an action for infringement of U.S. Patent No. 7,456,872, (“the ’872
25 patent”), arising under the patent laws of the United States, Title 35, United States
26 Code, 35 U.S.C. §§ 271 and 281. This action relates to the unauthorized making,
27 using, offering for sale, selling, and/or importing of unauthorized products that infringe
28 the claims of the ’872 patent. As set forth herein, Plaintiff brings this action to enjoin

1 Defendant from infringing the '872 patent and to recover all damages associated with
2 the infringement of the '872 patent, including attorneys' fees and costs.

3 **PARTIES**

4 2. Rothschild is a corporation organized and existing under the laws of the
5 State of Texas, with its principal place of business at 1400 Preston Road, Suite 400,
6 Plano, TX 75093-5189.

7 3. Upon information and belief, Wolf Mobile, Inc. is a corporation organized
8 and existing under the laws of the State of California, having a principal place of
9 business and its headquarters at 202 Fashion Lane, Suite #221, Tustin, California
10 92780.

11 **JURISDICTION AND VENUE**

12 4. This action arises under the patent laws of the United States, 35 U.S.C. §§
13 100, et seq, and this Court has jurisdiction over the subject matter of this action under
14 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this Court under 28 U.S.C. §§
15 1391, and 1400(b).

16 5. Upon information and belief, this Court has personal jurisdiction over
17 Econz, because, inter alia, Econz has a principal place of business in this district.

18 6. Upon information and belief, Econz regularly and continuously transacts
19 business within the State of California, including availing itself of the privilege of
20 conducting business in the State of California by developing, manufacturing,
21 marketing, and/or selling its Econz products there for use by California citizens. Upon
22 information and belief, Econz derives substantial revenue from its sales including
23 residents in the State of California. For instance, Econz offers its products for sale
24 online to customers, including customers in California. See
25 <https://www.econz.com/timecard.html>.

26 7. Upon information and belief, Econz will directly and/or through its
27 employees or agents, and/or its customers, uses products, as defined below, that
28 contain each and every element of at least one claim of the '872 patent with the

1 knowledge and/or understanding that such products are used or will be used in this
2 District. <https://www.econz.com/timecard.html>. For example, Defendant offers the
3 accused product to customers in California through its website. See *id.* Upon
4 information and belief, Defendant has engaged in substantial and not isolated activity
5 within the district. For these reasons, exercise of jurisdiction over Defendant is proper
6 and will not offend traditional notions of fair play and substantial justice.

7 8. Regarding at least some of its activities, Defendant solicits business from
8 and markets its products to consumers within California by providing a product that
9 verifies an assignment of a user, as described in the '872 patent.

10 9. In addition to Defendant's continuously and systematically conducting
11 business in California, the causes of action against Defendant are connected (but not
12 limited) to Defendant's purposeful acts committed in the State of California including
13 Defendant's use of a locational image verification device for verifying an assignment
14 of a user, as described in the '872 Patent.

15 10. Defendant is a company that has a regular and established presence in the
16 district and makes and uses a product that us locational image verification device for
17 verifying an assignment of a user.

18 11. Defendant's product includes a user verification module for verifying an
19 identity of a user of the device, which upon verification of the user, the user
20 verification module enables operation of the device and provides an assignment to the
21 user.

22 12. Defendant's product includes a capture module for capturing an image
23 relating to the assignment and creating a digital image file wherein the user verification
24 verifies the identity of the user of the device at a time of the image capture.

25 13. Defendant's product includes a locational information module for
26 determining a location of the device when capturing the image.

27 14. Defendant's product includes a date and time module for determining a
28 date and time of the image capture.

1 15. Defendant’s product includes a processing module for associating the
2 assignment, the user identity, location information and the time and date to the digital
3 image file.

4 16. Defendant’s product includes an encryption module for encrypting the
5 digital image file and associated information (e.g., data encryption) upon image
6 capture.

7 17. For the reasons set forth above, venue is proper in this judicial district
8 under both 28 U.S.C. § 1400(b) because Defendant has committed acts of infringement
9 and has a regular and established place of business in this district.

10 **BACKGROUND**

11 18. On November 25, 2008, the United States Patent and Trademark Office
12 (“USPTO”) duly and legally issued the ’872 patent, entitled “Device and method for
13 embedding and retrieving information in digital images” after a full and fair
14 examination. See Exhibit 1.

15 19. Rothschild is presently the owner of the patent, having received all right,
16 title and interest in and to the ’872 patent from the previous assignee of record.
17 Therefore, Rothschild, as the owner of the entire right, title and interest in the ’872
18 patent, possesses the right to sue for infringement of the ’872 patent to recover past
19 and present damages, as well as seek an injunction or reasonable royalties against
20 future infringement.

21 **THE ’872 PATENT**

22 20. The ’872 patent contains a total of thirty-nine (39) claims: two (2)
23 independent claims and thirty-seven (37) dependent claims.

24 21. The ’872 patent claims locational image devices and methods for
25 verifying an assignment of a user.

26 22. Defendant commercializes, inter alia, locational image software for
27 devices that include each and every element and/or performs each and every step of at
28 least one claim of the ’872 patent

1 23. The '872 patent will expire no earlier than September 16, 2026.

2 24. The '872 patent discloses and claims, in part, “Devices, systems and
3 methods for capturing, storing, allowing user input, receiving internal input,
4 processing, transmitting, scanning, and displaying digital images is provided. Digital
5 photography has gained a substantial share of the worldwide photographic market.”
6 See Exhibit 1 at Col. 2, lines 10-13. The invention disclosed and claimed in the '872
7 patent solved at least one technical issue associated with the art of digital image and
8 data processing. See Exhibit 1 at Col. 1, lines 48-58. For example, the invention
9 increased the ease of use and efficiency of organizing images and associating vital
10 information with a collection of images. As such, the invention disclosed and claimed
11 in the '872 patent represents a technical solution to a problem associated with digital
12 image capture. The '872 Patent further discloses that the invention is a combination of
13 elements to securely embed information into images to improve organization,
14 processing, and control of images. Id. at Col. 3, lines 18-27 and Col. 2, lines 24-40.

15 **INFRINGEMENT BY ECONZ AND ITS CUSTOMERS**

16 25. The accused products include, but are not limited to, Econz’s Timecard
17 product (“the Accused Products”). Econz instructs its customers to install the Accused
18 Product on mobile devices and use the Accused Product in accordance with the
19 invention described and claimed in the '872. This constitutes direct infringement by
20 Econz’s customers and indirect infringement by Econz. See Exhibit 1.

21 26. When customers install the Accused Product on a mobile device as
22 instructed by Econz, the mobile device with the Accused Product has all of the
23 elements recited in claim 1 of the '872 patent. <https://www.econz.com/timecard.html>.
24 Specifically, the Accused Product comprises a locational image verification device for
25 verifying an assignment of a user (e.g., the consumer).
26 <https://www.econz.com/timecard.html>.

27 27. When customers install the Accused Product on a mobile device as
28 instructed by Econz, the mobile device with the Accused Product includes a user

1 verification module (e.g., the Accused Product on the mobile device) for verifying an
2 identity of a user of the device (e.g., mobile application checks the entered login
3 credentials of the user and verify an individual).
4 <https://www.econz.com/timecard.html>. Furthermore, the Accused Product allows for,
5 upon verification of the user, the user verification module enables operation of the
6 device and provides an assignment to the user. <https://www.econz.com/timecard.html>.

7 28. When customers install the Accused Product on a mobile device as
8 instructed by Econz, the mobile device with the Accused Product includes a capture
9 module (e.g., the camera on the mobile device) for capturing an image relating to the
10 assignment (e.g., an image of the field using mobile device camera and sync the data
11 with server) and creating a digital image file (e.g., the digital image file of the photo);
12 wherein the user verification module (e.g., the Accused Product on the mobile device)
13 verifies the identity of the user (e.g., upon successful login attempt, the user can
14 capture an image of the assignment) of the device at a time of the image capture.
15 <https://www.econz.com/timecard.html>. In addition, upon information and belief, the
16 Accused Product on the mobile device performs the step of determining an identity of
17 the user at a time of the image capture (e.g., after successful login, the user can capture
18 an image of the assignment). Id.

19 29. When customers install the Accused Product on a mobile device as
20 instructed by Econz, the mobile device with the Accused Product includes a locational
21 information module (e.g., using the GPS signal to capture a real time location of the
22 mobile device) for determining a location of the device when capturing the image.
23 <https://www.econz.com/timecard.html>.

24 30. Furthermore, the mobile device with the Accused Product includes a date
25 and time module (e.g., the date and time module of the mobile device enabled with the
26 Accused Product) for determining a date and time of the image capture (e.g., the
27 Accused Product associates the job time spent with the field data collected by the
28 user). <https://www.econz.com/timecard.html>.

1 31. When customers install the Accused Product on a mobile device as
2 instructed by Econz, the mobile device with the Accused Product includes a processing
3 module (e.g., the processor of the mobile device) for associating the assignment, the
4 user identity, location information and the time and date to the digital image file (e.g.,
5 collecting the field information from the user and linking the captured photos, real time
6 location date and a time spent on the field to complete assignments).

7 <https://www.econz.com/timecard.html>.

8 32. When customers install the Accused Product on a mobile device as
9 instructed by Econz, the mobile device with the Accused Product includes an
10 encryption module (e.g., encryption module for storing and protecting the collected
11 field information data in the database) for encrypting the digital image file and
12 associated information (e.g., data encryption) upon image capture.

13 <https://www.econz.com/privacy.html>.

14 33. Upon information and belief, Defendant has tested the Accused Product
15 on mobile devices and has thus infringed claim 1 of the '872 patent during at least
16 testing of the Accused Product. During testing, the Accused Product comprises a
17 locational image verification device (e.g., a mobile device installed with the Accused
18 Device is capable of capturing a photo and enabled with location services) for
19 verifying an assignment of a user (e.g., the user/field technician testing the Accused
20 Product). <https://www.econz.com/timecard.html>.

21 34. Upon information and belief, Econz has tested the Accused Product on a
22 mobile device such that the mobile device with the Accused Product includes a user
23 verification module (e.g., the Accused Product on the mobile device) for verifying an
24 identity of a user of the device (e.g., mobile application checks the entered login
25 credentials of the user and verify an individual).

26 <https://www.econz.com/timecard.html>.

27 35. Upon information and belief, Econz has tested the Accused Product on a
28 mobile device such that the mobile device with the Accused Product includes a capture

1 module (e.g., the camera on the mobile device) for capturing an image relating to the
2 assignment and creating a digital image file (e.g., an image of the field using mobile
3 device camera and sync the data with server); wherein the user verification module
4 (e.g., the Accused Product on the mobile device) verifies the identity of the user (e.g.
5 upon successful login attempt, the user can capture an image of the assignment) of the
6 device at a time of the image capture <https://www.econz.com/timecard.html>. In
7 addition, upon information and belief, the Accused Product on the mobile device
8 performs the step of determining an identity of the user at a time of the image capture
9 (e.g., after successful login, the user can capture an image of the assignment). Id.

10 36. Upon information and belief, Econz has tested the Accused Product on a
11 mobile device such that the mobile device with the Accused Product includes a
12 locational information module (e.g., using the GPS signal to capture a real time
13 location of the mobile device) for determining a location of the device when capturing
14 the image (e.g., the Accused Product associates the job time spent with the field data
15 collected by the user). <https://www.econz.com/timecard.html>.

16 37. Upon information and belief, Econz has tested the Accused Product on a
17 mobile device such that the mobile device with the Accused Product includes a date
18 and time module (e.g., the date and time module of the mobile device enabled with the
19 Accused Product) for determining a date and time of the image capture (e.g., the
20 Accused Product associates the job time spent with the field data collected by the
21 user). <https://www.econz.com/timecard.html>.

22 38. Upon information and belief, Econz has tested the Accused Product on a
23 mobile device such that the mobile device with the Accused Product includes a
24 processing module (e.g., the processor of the mobile device) for associating the
25 assignment, the user identity, location information and the time and date to the digital
26 image file (e.g., collecting the field information from the user and linking the captured
27 photos, real time location date and a time spent on the field to complete assignments).
28 <https://www.econz.com/timecard.html>.

1 39. Upon information and belief, Econz has tested the Accused Product on a
2 mobile device such that the mobile device with the Accused Product includes an
3 encryption module (e.g., encryption module for storing and protecting the collected
4 field information data in the database) for encrypting the digital image file and
5 associated information (e.g., data encryption) upon image capture.

6 <https://www.econz.com/privacy.html>.

7 40. As shown in paragraphs 25-39 above, the Accused Product as installed on
8 a mobile device contains all of the elements of at least claim 1 of the '872 patent.
9 Defendant's Accused Product is enabled by invention described and claimed in the
10 '872 patent.

11 **COUNT I**

12 **(DIRECT INFRINGEMENT OF THE '872 PATENT BY ECONZ)**

13 41. Each of the preceding paragraphs 1 through 40 are realleged and
14 incorporated as if fully set forth.

15 42. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly
16 infringing the '872 patent.

17 43. Defendant has had knowledge of infringement of the '872 patent, or will
18 have knowledge of infringement of the '872 patent upon the service of this Complaint.
19 Defendant's infringement of the '872 patent will thus be knowing and intentional at
20 least upon the service of this Complaint.

21 44. Defendant has directly infringed and continues to directly infringe at least
22 claim 1 of the '872 patent by making, using, offering to sell, selling, and/or importing
23 the Accused Product with a mobile device without authority in the United States.
24 Defendant does not have a license or authorization to use any product covered by the
25 claims of the '872 patent.

26 45. As a direct and proximate result of Defendant's direct infringement of the
27 '872 patent, Plaintiff has been and continues to be damaged.

28

1 extensions and/or additional periods of exclusivity to which Rothschild is, or becomes,
2 entitled;

3 4. An award of damages pursuant to 35 U.S.C. §284 sufficient to
4 compensate Rothschild for the Defendant's past infringement and any continuing or
5 future infringement up until the date that Defendant is finally and permanently
6 enjoined from further infringement, including compensatory damages;

7 5. An assessment of pre-judgment and post-judgment interest and costs
8 against Defendant, together with an award of such interest, expert fees, and costs
9 incurred during this litigation, in accordance with 35 U.S.C. §284;

10 6. That Defendant's infringement after service of this Complaint is
11 intentional and knowing infringement and the assessment of three times the damages
12 found for infringement after service of this Complaint, in accordance with 35 U.S.C.
13 §284;

14 7. That Defendant be directed to pay enhanced damages, including
15 Rothschild's attorneys' fees incurred during this litigation pursuant to 35 U.S.C. §285;
16 and

17 8. Such further relief as this Court deems proper and just, including but not
18 limited to any appropriate relief under Title 35.

19 **DEMAND FOR JURY TRIAL**

20 Pursuant to Fed. R. Civ. P. 38(b)(1) and (c), and L.R. 38-1, Plaintiff hereby
21 demands a jury trial on all the issues in this action so triable of right by a jury.
22

23 Dated: September 4, 2019

Respectfully submitted,

SML Avvocati P.C.

26 */s/ Stephen M. Lobbin*
27 *Attorneys for Plaintiff*

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