

1 Steven A. Nielsen (CSB 133864)
100 Larkspur Landing Circle, Suite 216
2 Larkspur, CA 94939
415-272-8210
3 Steve@NielsenPatents.com

4 Isaac Rabicoff
(*Pro Hac Vice* admission to be filed)
5 RABICOFF LAW LLC
73 W Monroe St
6 Chicago, IL 60603
773-669-4590
7 isaac@rabilaw.com

8 **Attorneys for Plaintiff**
9 **Sapphire Crossing LLC**

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

12 **Sapphire Crossing LLC,**

13 **Plaintiff,**

14 **v.**

15 **Algoworks Solutions, Inc.,**

16 **Defendant.**

17 **Case No. 3:19-cv-04368-WHO**

18 **Patent Case**

19 **Jury Trial Demanded**

20 **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

21 Plaintiff Sapphire Crossing LLC ("Sapphire"), through its attorneys, complains of
22 Algoworks Solutions, Inc. ("Algoworks"), and alleges the following:

23 **PARTIES**

24 1. Plaintiff Sapphire Crossing LLC is a corporation organized and existing under the
25 laws of Texas that maintains its principal place of business at 5570 FM 423, Suite 250, #2008,
26 Frisco, TX 75034.

The '633 Patent

1
2 8. The '633 Patent is entitled "Image transfer system," and issued 5/10/2005. The
3 application leading to the '633 Patent was filed on 7/30/1999. A true and correct copy of the '633
4 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

5 9. The '633 Patent is valid and enforceable.

6 **THE MERGING STEP CAPTURES AN INVENTIVE CONCEPT, WHOSE IMPLEMENTATION IS DETAILED**
7 **IN THE SPECIFICATION**

8
9 10. THE DECLARATION OF INVENTOR MANSOOR ANJARWALA provides expert testimony
10 demonstrating, among other things, that the Merging Step captures an inventive concept, whose
11 implementation is detailed in the specification. *See* Exhibit 3.

12 11. Pebble Tide therefore incorporates THE DECLARATION OF INVENTOR MANSOOR
13 ANJARWALA, attached hereto as Exhibit 3, into the pleadings here. *See* Exhibit 3.

14 **NO PRIOR ART IN THE SPECIFICATION OR THE MATERIALS CONSIDERED BY ANJARWALA**
15 **RENDERS THE MERGING STEP CONVENTIONAL**

16 12. THE DECLARATION OF INVENTOR MANSOOR ANJARWALA also provides expert
17 testimony demonstrating that no prior art in the specification or the Materials Considered by
18 Anjarwala renders the Merging Step conventional. *See* Exhibit 3.

19 **COUNT 1: INFRINGEMENT OF THE '633 PATENT**

20 13. Sapphire incorporates the above paragraphs herein by reference.

21
22 14. **Direct Infringement.** Defendant has been and continues to directly infringe one or
23 more claims of the '633 Patent in at least this District by making, using, offering to sell, selling
24 and/or importing, without limitation, at least Algoworks's Image Capture App (among the
25 "Exemplary Algoworks Products") that infringe at least exemplary claims 19 and 20 of the '633
26 Patent (the "Exemplary '633 Patent Claims") literally or by the doctrine of equivalence. On
27
28

1 information and belief, numerous other devices that infringe the claims of the '633 Patent have
2 been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

3 15. Defendant also has and continues to directly infringe, literally or under the doctrine
4 of equivalents, the Exemplary '633 Patent Claims, by having its employees internally test and use
5 these Exemplary Products.

6 16. The service of this Complaint upon Defendant constitutes actual knowledge of
7 infringement as alleged here.

8 17. **Willful Infringement.** Despite such actual knowledge, Defendant continues to
9 make, use, test, sell, offer for sale, market, and/or import into the United States, products that
10 infringe the '633 Patent. On information and belief, Defendant has also continued to sell the
11 Exemplary Algoworks Products and distribute product literature and website materials inducing
12 end users and others to use its products in the customary and intended manner that infringes the
13 '633 Patent. Thus, on information and belief, Defendant is contributing to and/or inducing the
14 infringement of the '633 Patent.
15

16 18. **Induced Infringement.** Defendant actively, knowingly, and intentionally has been
17 and continues to induce infringement of the '633 Patent, literally or by the doctrine of equivalence,
18 by selling Exemplary Algoworks Products to their customers for use in end-user products in a
19 manner that infringes one or more claims of the '633 Patent.
20

21 19. **Contributory Infringement.** Defendant actively, knowingly, and intentionally has
22 been and continues materially contribute to their own customers' infringement of the '633 Patent,
23 literally or by the doctrine of equivalence, by selling Exemplary Algoworks Products to their
24 customers for use in end-user products in a manner that infringes one or more claims of the '633
25 Patent.
26

1 if necessary, to adequately compensate Sapphire for Defendant's infringement, an
2 accounting:

- 3 i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and
4 that Sapphire be awarded its reasonable attorneys' fees against Defendant that it
5 incurs in prosecuting this action;
- 6 ii. that Sapphire be awarded costs, and expenses that it incurs in prosecuting this
7 action; and
- 8 iii. that Sapphire be awarded such further relief at law or in equity as the Court
9 deems just and proper.
10

11
12 Dated: September 9, 2019

Respectfully submitted,

13 /s/ Steven A. Nielsen
14 Steven A. Nielsen
15 100 Larkspur Landing Circle, Suite 216
16 Larkspur, CA 94939
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Steve@NielsenPatents.com

17 Isaac Rabicoff
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20 (773) 669-4590
isaac@rabilaw.com

21 **Counsel for Plaintiff**
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