

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Encoditech LLC, Plaintiff, v. Pepprl + Fuchs, Inc., Defendant.	Case No. _____ Patent Case Jury Trial Demanded
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Encoditech LLC ("Encoditech"), through its attorneys, complains of Pepprl + Fuchs, Inc. ("Pepprl + Fuchs"), and alleges the following:

PARTIES

1. Plaintiff Encoditech LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 3415 Custer Road, Suite 120-A, Plano, Texas, 75023.

2. Defendant Pepprl + Fuchs, Inc. is a corporation organized and existing under the laws of Texas that maintains an established place of business at 502 Cane Island Pkwy, Katy, TX 77494.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District, and is incorporated in this District's state. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has committed acts of patent infringement in this District, has an established place of business in this District, and is incorporated in this District's state. In addition, Encoditech has suffered harm in this district.

PATENT-IN-SUIT

7. Encoditech is the assignee of all right, title and interest in United States Patent No. 6,321,095 (the "'095 Patent"); (the "Patent-in-Suit"); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Encoditech possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant.

The '095 Patent

8. The '095 Patent is entitled "Wireless communications approach," and issued 11/20/2001. The application leading to the '095 Patent was filed on 3/26/1999. A true and correct copy of the '095 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

9. The '095 Patent is valid and enforceable.

COUNT 1: INFRINGEMENT OF THE '095 PATENT

10. Encoditech incorporates the above paragraphs herein by reference.

11. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the '095 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Pepprl + Fuchs products identified in the charts incorporated into this Count below (among the "Exemplary Pepprl + Fuchs Products") that infringe at least the exemplary claims of the '095 Patent also identified in the charts incorporated into this Count below (the "Exemplary '095 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '095 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

12. Exhibit 2 includes charts comparing the Exemplary '095 Patent Claims to the Exemplary Pepprl + Fuchs Products. As set forth in these charts, the Exemplary Pepprl + Fuchs Products practice the technology claimed by the '095 Patent. Accordingly, the Exemplary Pepprl + Fuchs Products incorporated in these charts satisfy all elements of the Exemplary '095 Patent Claims.

13. Encoditech therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

14. Encoditech is entitled to recover damages adequate to compensate for Defendant's infringement.

JURY DEMAND

15. Under Rule 38(b) of the Federal Rules of Civil Procedure, Encoditech respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Encoditech respectfully requests the following relief:

- A. A judgment that the '095 Patent is valid and enforceable;
- B. A judgment that Defendant has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '095 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards Encoditech all appropriate damages under 35 U.S.C. § 284 for Defendant's past infringement, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Encoditech for Defendant's infringement, an accounting:
 - i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Encoditech be awarded its reasonable attorneys' fees against Defendant that it incurs in prosecuting this action;
 - ii. that Encoditech be awarded costs, and expenses that it incurs in prosecuting this action; and
 - iii. that Encoditech be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: December 26, 2019

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

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EXHIBIT 1