

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROTHSCHILD PATENT IMAGING LLC,	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
AVAST SOFTWARE, INC.,	§	
	§	
Defendant.	§	
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	§	

COMPLAINT

Plaintiff Rothschild Patent Imaging LLC (“Plaintiff” or “RPI”) files this original Complaint against Avast Software, Inc. (“Defendant” or “Avast”) 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 1801 NE 123 Street, Suite 314, Miami, FL 33181.
4. On information and belief, Defendant is a Delaware corporation with a place of business at 2625 Broadway Street, Redwood City, CA 94063. On information and belief, Defendant may be served through its agent, Corporation Service Company, 251 Little Falls Dr., Wilmington, DE 19808.

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.

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.

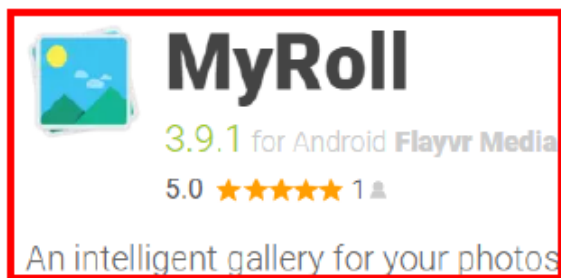
12. The '086 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

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 network storage systems including hardware, software and

firmware, covered by at least Claim 4 of the '086 Patent.

14. On information and belief, Defendant sells, offers to sell, and/or uses network storage systems and methods including, without limitation, the MyRoll intelligent photo gallery platform and app, and any similar products (“Product”), which infringe at least Claim 4 of the '086 Patent.

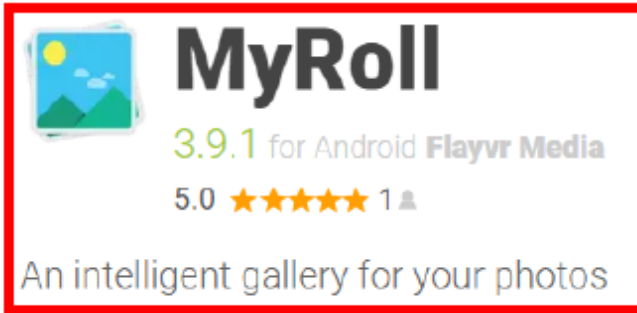
15. The Product uses an image capturing device to perform a method. The Product imports and filters photographic images from cameras. Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.



MyRoll is an intelligent photo gallery that takes care of organizing all of the photos on your device so that you can view them in the most comfortable and elegant way possible.

Source: <https://myroll.en.uptodown.com/android>

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



The app lists images under folders (Camera, Bluetooth, Instagram etc) so you know exactly where to find what you're looking for. From what I've seen so far, the app works pretty well with my **LG G Watch**, with images loading up instantaneously almost as if they were stored natively. This update also fixes some bugs and brings performance enhancements to the standalone version of the app.

Source: <https://myroll.en.uptodown.com/android>

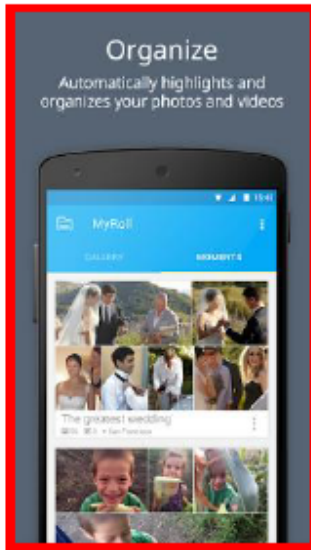
Source: <https://www.talkandroid.com/231112-myroll-gallery-now-compatible-with-android-wear/>

17. The Product practices filtering the plurality of photographic images using a transfer criterion, wherein the transfer criterion is a subject identification of a respective image within the plurality of images. For example, the Product provides for filtering the plurality of photographic images (e.g. sorting the photos) using a transfer criterion (e.g. by location, date, time, 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. For example, the Product uses various techniques such as date recognition, time recognition etc. for automatic sorting of the photos by location, date and time. Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.

With MyRoll Gallery, you can:

ORGANIZE YOUR GALLERY

- Automatically organize all of your photos and videos according to your events, date, time, and location.
- For the classic photo gallery feel, the Gallery view has all of your photos and videos in one slick gallery view.
- Use the Moments view for a more unique, collage like view based around events, date, and location.



Source: <https://android-zone.ws/topic/118523-gallery-v370-build-6451-by-flayvr-unlocked/>

18. The Product practices transmitting, via a wireless transmitter and to a second image capturing device, the filtered plurality of photographic images. For example, files of 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.

SHARE

- Easily share groups of photos and videos from your gallery, with just a tap!
- Share with ease to all of your favorite social networks: WhatsApp, Facebook, G+, Line, Kakao, WeChat, and more.
- The easiest and fastest way to create Facebook albums, on the fly!

Source: <https://android-zone.ws/topic/118523-gallery-v370-build-6451-by-flayvr-unlocked/>

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: February 23, 2020

Respectfully submitted,

/s/ Jimmy Chong

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ATTORNEYS FOR PLAINTIFF

EXHIBIT A