

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA**

Saros Licensing LLC, Plaintiff, v. Ice House America, L.L.C., Defendant.	Case No. 3:20-cv-00084-MMH-JRK Patent Case Jury Trial Demanded
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FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Saros Licensing LLC ("Saros"), through its attorneys, complains of Ice House America, L.L.C. ("Ice House"), and alleges the following:

PARTIES

1. Plaintiff Saros Licensing LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 15922 Eldorado Pkwy, Suite 500-1640, Frisco, TX 75035.
2. Defendant Ice House America, L.L.C. is a corporation organized and existing under the laws of Florida that maintains an established place of business at 13901 Sutton Park Drive South BLDG A STE 100, Jacksonville, FL 32224.

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, Saros has suffered harm in this district.

PATENT-IN-SUIT

7. Saros is the assignee of all right, title and interest in United States Patent No. 6,480,753 (the "'753 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, Saros possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant.

The '753 Patent

8. The '753 Patent is entitled "Communications, particularly in the domestic environment," and issued 11/12/2002. The application leading to the '753 Patent was filed on 9/2/1999. A true and correct copy of the '753 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

9. The '753 Patent is valid and enforceable.

INVENTIVE CONCEPTS CAPTURED IN THE CLAIMS AND DESCRIBED IN THE SPECIFICATION

10. The specification succinctly sets forth the problems in the art, and how the claimed inventions solves these problems:

How the claimed invention solves problems related to remote-controllable user interfaces for appliances
<p>Another potential problem arises from the possibility of a remote-controllable common user interface to operate both the communications module and the appliance with which that module is associated. Whilst remote control of the interface is highly desirable for convenience, it would be potentially disastrous inadvertently to use a remote control to start a cooking cycle on a microwave oven, or to switch off a freezer.</p> <p>Again, the specification hereinafter proposes a solution to this problem. The invention contemplates a domestic appliance having a primary domestic function but being adapted for the secondary function of interaction with a communications network, the appliance including a user interface operable by direct contact with the appliance and a remote control facility operable by a remote control handset, wherein activating or deactivating the primary function of the appliance is reserved for the user interface and the remote control facility is incapable of activating or deactivating the primary function.</p> <p>It is envisaged that, in most cases, the primary function of the appliance will be cooking, defrosting or freezing. As aforementioned, the appliance is preferably a microwave oven in which case the primary function is cooking or defrosting.</p> <p>A conveniently integrated user interface can be constructed if the primary function of the appliance is operable via the communications network. It is envisaged that the remote control facility is capable of controlling the secondary function and optionally also part of the primary function of the appliance.</p> <p>‘753 Patent, 3:24-54.</p>

11. The asserted claims assign concrete functions to specialized hardware in an inventive manner in order to solve the aforementioned problems in the art, including

- Having a “domestic food-processing appliance” with “a primary domestic function but being adapted for the secondary function of interaction with a communications network” ;

- Employing a “user interface operable by direct contact with the appliance” which provides the **only means** of “activating or deactivating the primary function of the appliance”; and
- A “a remote control handset” that provides a “remote control facility” but **cannot** “activat[e] or deactivat[e] the primary function of the appliance”

See, e.g., '753 Patent, claim 1.

12. Reserving the user interface to be the only means of activating or deactivating the primary function, but otherwise allowing the remote control handset to operate the appliance, is an inventive concept (among others) that is embodied in the claims. Among other benefits, this approach allows for the convenience of remotely operating the appliance, including for maintenance and diagnostic purposes, while enhancing safety—not allowing the remote control to activate or deactivate the primary function (which may involve heating or other potentially hazardous functions that require direct human monitoring).

COUNT 1: INFRINGEMENT OF THE '753 PATENT

13. Saros incorporates the above paragraphs herein by reference.

14. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the '753 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Ice House products identified in the charts incorporated into this Count below (among the "Exemplary Ice House Products") that infringe at least the exemplary claims of the '753 Patent also identified in the charts incorporated into this Count below (the "Exemplary '753 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '753 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

15. Exhibit 2 includes charts comparing the Exemplary '753 Patent Claims to the Exemplary Ice House Products. As set forth in these charts, the Exemplary Ice House Products practice the technology claimed by the '753 Patent. Accordingly, the Exemplary Ice House Products incorporated in these charts satisfy all elements of the Exemplary '753 Patent Claims.

16. Saros therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

17. Saros is entitled to recover damages adequate to compensate for Defendant's infringement.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Saros respectfully requests the following relief:

- A. A judgment that the '753 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 '753 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards Saros 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 Saros for Defendant's infringement, an accounting:

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

Dated: April 9, 2020

Respectfully submitted,

SAND, SEBOLT & WERNOW CO., LPA

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on all parties who have appeared in this case on April 9, 2020, via the Court's CM/ECF system.

/s/ Howard L. Wernow
Howard L. Wernow