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*Attorneys for Plaintiff
Remote Concepts LLC*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

REMOTE CONCEPTS LLC,

Plaintiff,

v.

BLUE JEANS NETWORK, INC.,

Defendant.

Case No. 5:20-cv-05327

**COMPLAINT
DEMAND FOR JURY TRIAL**

This is an action for patent infringement in which Remote Concepts LLC (“Plaintiff”) makes the following allegations against Blue Jeans Network, Inc. (“Defendant”):

PARTIES

1. Remote Concepts LLC is a limited liability company organized and existing under the laws of the state of Texas.

2. Blue Jeans Network, Inc., is a limited liability company organized and existing under the laws of the state of Delaware, having a principal place of business located at 3098 Olsen Dr., 2nd

1 floor, San Jose, CA 95128. Defendant may be served with process through its registered agent: The
2 Corporation Trust Company, Corporation Trust Center 1209 Orange St., Wilmington, DE 19801.

3 **JURISDICTION AND VENUE**

4 3. This is an action for infringement of a United States patent arising under 35 U.S.C. §§
5 271(a)-(b), 281, and 284 - 85. This Court has subject matter jurisdiction over this action under 28
6 U.S.C. §1331 and §1338(a).

7 4. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b). Defendant has a
8 regular place of business in this district at 3098 Olsen Dr., 2nd floor, San Jose, CA 95128 and has
9 committed acts of patent infringement in this district.

10 5. Defendant is subject to this Court's specific and general personal jurisdiction pursuant
11 to due process and/or the California Long Arm Statute, due at least to Defendant's substantial
12 business in this forum, including: (i) at least a portion of the infringements alleged herein; (ii) having
13 a regular established place of business within the forum state; and (iii) regularly doing or soliciting
14 business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from
15 goods and services provided to individuals in California and in this district.

16 **U.S. PATENT NO. 7,016,942**

17 6. On March 21, 2006, United States Patent No. 7,016,942 (the "'942 Patent") was duly
18 and legally issued by the United States Patent and Trademark Office for an invention entitled "Dynamic
19 Hosting." A true and correct copy of the '942 Patent is attached hereto as Exhibit A.

20 7. Gary Odom is the listed inventor of the '942 Patent.

21 8. Plaintiff is the owner by assignment of the '942 Patent, with all rights in and to that
22 patent.

23 9. The '942 Patent is valid and enforceable.

24 10. The '942 Patent recognized problems with the existing client-server environment,
25 wherein a client computer's performance potential was largely untapped. Exhibit A at 1:12-14. As
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1 broadband-based connectivity increased, client computers were then able to sustain network
2 connectivity indefinitely, in contrast to previously short-lived dial-up connections. Exhibit A at 15-18.

3 11. In a traditional client-server setup, one or more clients connect directly to a server
4 through a network. *Id.* 2:26-28. The clients receive data from the server and the server acts as a conduit
5 for data transfer between clients — in other words, the server is a hub for data communication between
6 the clients. *Id.* at 2:28-33. In the prior art, a server acts as the host, and may also have a backup server,
7 but at no point does a client dynamically become the server for the other clients. *Id.* at 34-41. The
8 inventions disclosed in the '942 Patent perform a method for dynamic hosting, which is where a
9 computer connects to a server in a network as a client and one of the clients begins to act as the host or
10 server for the other clients, thereby no longer using the server to function as the host or server for the
11 other clients. *Id.* at 2:59-65. This allows for a novel solution to a technological problem, *i.e.*,
12 “offloading server tasks to specific clients” and “creating self-sustaining dynamic client-server
13 configurations independent of the server to which the clients originally connected.” *Id.* at 1:33-36.
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15 COUNT I

16 INFRINGEMENT OF U.S. PATENT NO. 7,016,942

17 12. Defendant, directly or through its intermediaries, makes, uses, imports, sells, and/or
18 offers for sale products and/or systems that infringes the claims of the '942 patent when placed into
19 operation by Defendant or its end users, *i.e.*, Bluejeans Meetings (the “Accused Instrumentality”).

20 13. Upon information and belief, Defendant has been and is now infringing claims 13 and
21 14 of the '942 Patent in the State of California, in this Judicial District, and elsewhere in the United
22 States, by, among other things, directly or through intermediaries, making, using, selling and/or
23 offering for sale the Accused Instrumentality, covered by one or more claims of the '942 Patent to the
24 injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '942
25 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '942 Patent
26 pursuant to 35 U.S.C. § 271(a).
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14. When placed into operation by Defendant or its end users, the Accused Instrumentality infringes claim 13 of the '942 Patent as it performs a computer implemented method for channeling data through a network from an initial client/server connectivity to direct client-to-client communication comprising the following steps: at least a first and second client computers connecting through a network to a static server at a pre-designated address, thereby respectively establishing a communications session with said static server, wherein said first client computer and said second client computer not communicating with each other prior to respectively establishing said communications session with said static server; said first computer transmitting a first data to said second computer via said static server; while said first computer maintaining network connectivity to said static server, said first computer directly transmitting a second data to said second computer without said static server intervening. *See* Ex. A-1, Figs. 1-13.

15. When placed into operation by Defendant or its end users, the Accused Instrumentality infringes claim 14 of the '942 Patent as it performs the method of claim 13, and further, wherein a third client computer connecting to said static server after said first and second computers, wherein said third client computer and said first client computer not communicating with each other prior to said third computer connecting to said static server; said first client directly transmitting at least a portion of said second data to said third client computer without said static server receiving said transmission. *Id.* at Figs. 1-13.

16. As a result of Defendant's infringement of the '942 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT IV

INDUCED INFRINGEMENT

17. Upon information and belief, Defendant has been and is now inducing the infringement by its end users of the claims 13 and 14 of the '942 Patent (collectively, the "Inducement Claims") in

1 the State of California, in this Judicial District, and elsewhere in the United States by, among other
2 things, making, using, selling, and/or offering for sale the Accused Instrumentality to the injury of
3 Plaintiff. Defendant's end users are directly infringing, literally infringing, and/or infringing the
4 Inducement Claims under the doctrine of equivalents. Defendant is thus liable for infringement of the
5 Inducement Claims pursuant to 35 U.S.C. § 271(b).

6 18. Defendant has had knowledge of the '942 Patent since at least the filing of this
7 complaint.

8 19. By advertising, selling, instruction and providing the Accused Instrumentality to end
9 users wherein the Accused Instrumentality infringes upon ordinary use by an end user, Defendant
10 specifically intended to induce infringement. Furthermore, Defendant remains aware that these normal
11 and customary activities would infringe the Inducement Claims. Defendant has had knowledge of the
12 '942 Patent since the filing of this complaint, and actually induces others, such as end-use customers,
13 to directly infringe by using, selling, supplying, and or distributing the Accused Instrumentality within
14 the United States. Defendant is aware since the filing of this Complaint, that such actions would induce
15 actual infringement
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17 20. As shown above, Defendant has and continues to directly infringe the Inducement
18 Claims by its end users in accordance with 35 U.S.C. § 271(b).

19 21. As shown above, Defendant and its end users have engaged in and currently engage in
20 activities that constitute direct infringement of the Inducement Claims.

21 22. As shown above, the operation and use by Defendant or its end users of the Accused
22 Instrumentality constitutes direct infringement of the Inducement Claims.

23 23. Defendant's affirmative act of selling and/or offering for sale the Accused
24 Instrumentality and providing instruction, advertisement of the infringing features, and support for the
25 Accused Instrumentality have induced and continues to induce Defendant's end users to use the
26 Accused Instrumentality in its normal and customary way to infringe the Inducement Claims.
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24. Additionally, for example, in connection with the sale and/or offering for sale of the Accused Instrumentality, Defendant provides instructions and support to resellers and end-use customers regarding the user and operation of the Accused Instrumentality. Specifically, Defendant provides instructions on its website which leads to infringement by end-users. *See e.g.* <https://support.bluejeans.com/s/getting-started-with-bluejeans>. When end-users follow such instructions and support, they directly infringe the Inducement Claims. Defendant knows or should have known that by providing such instructions and support, resellers and end-use customers follow these instructions and support and directly infringe the Inducement Claims.

25. Accordingly, Defendant has performed and continues to perform acts that constitute indirect infringement, and would induce actual infringement, with the knowledge of the Inducement Claims and with the knowledge or willful blindness to the fact that the induced acts would constitute infringement.

PRAYER FOR RELIEF

Plaintiff requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of the '942 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that Defendant accounts for and pay to Plaintiff all damages and costs incurred by Plaintiff, caused by Defendant's infringing activities and other conduct complained of herein;
- c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- d. That this Court declare this an exceptional case and award Plaintiff reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury or any issues so triable by right.

SML Avvocati P.C.

Dated: August 3, 2020

By: /s/ Stephen M. Lobbin

**Attorney for Plaintiff
Remote Concepts LLC**