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14 **Counsel for Plaintiff**
15 **Gladiator IP LLC**

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

18 **Gladiator IP LLC,**

19 Plaintiff,

20 v.

21 **Avision Labs, Inc.,**

22 Defendant.

Case No. [insert]

Patent Case

Jury Trial Demanded

23 **COMPLAINT FOR PATENT INFRINGEMENT**

24 Plaintiff Gladiator IP LLC (“Plaintiff”), through its attorneys, complains of Avision Labs, Inc.
25 (“Defendant”), and alleges the following:

26 **PARTIES**

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1 1. Plaintiff Gladiator IP LLC is a corporation organized and existing under the laws of
2 Texas that maintains its principal place of business at 7548 Preston Rd, Ste 141 PMB 1036, Frisco, TX
3 75034.

4 2. Defendant Avision Labs, Inc. is a corporation organized and existing under the laws of
5 California that maintains an established place of business at 6815 Mowry Ave, Newark CA 94560.
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7 **JURISDICTION**

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

10 4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and
11 1338(a).

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

18 6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has
19 committed acts of patent infringement in this District and is incorporated in this District's state.
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21 **PATENTS-IN-SUIT**

22 7. Plaintiff is the assignee of all right, title and interest in United States Patent Nos.
23 6,344,902 ; 7,139,094 (the "Patents-in-Suit"); including all rights to enforce and prosecute actions for
24 infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit.
25 Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for
26 infringement of the Patents-in-Suit by Defendant.
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THE '02 PATENT

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2 8. The '02 Patent is entitled "Apparatus and method for using feedback and feedforward
3 in the generation of presentation images in a distributed digital image processing system," and issued
4 02/05/2002. The application leading to the '02 Patent was filed on 01/19/1999. A true and correct
5 copy of the '02 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

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7 9. The '02 Patent is valid and enforceable.

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9 **THE '094 PATENT**

10 10. The '094 Patent is entitled "Systems and methods for simplified scanning using multi-
11 function devices," and issued 11/21/2006. The application leading to the '094 Patent was filed on
12 12/28/2000. A true and correct copy of the '094 Patent is attached hereto as Exhibit 2 and incorporated
13 herein by reference.

14 11. The '094 Patent is valid and enforceable.

15 **COUNT 1: INFRINGEMENT OF THE '02 PATENT**

16 12. Plaintiff incorporates the above paragraphs herein by reference.

17 13. **Direct Infringement.** Defendant has been and continues to directly infringe one or
18 more claims of the '02 Patent in at least this District by making, using, offering to sell, selling and/or
19 importing, without limitation, at least the Defendant products identified in the charts incorporated into
20 this Count below (among the "Exemplary Defendant Products") that infringe at least the exemplary
21 claims of the '02 Patent also identified in the charts incorporated into this Count below (the
22 "Exemplary '02 Patent Claims") literally or by the doctrine of equivalents. On information and
23 belief, numerous other devices that infringe the claims of the '02 Patent have been made, used, sold,
24 imported, and offered for sale by Defendant and/or its customers.

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27 14. Defendant also has and continues to directly infringe, literally or under the doctrine of
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1 equivalents, the Exemplary '02 Patent Claims, by having its employees internally test and use these
2 Exemplary Products.

3 15. Exhibit 3 includes charts comparing the Exemplary '02 Patent Claims to the
4 Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products
5 practice the technology claimed by the '02 Patent. Accordingly, the Exemplary Defendant
6 Products incorporated in these charts satisfy all elements of the Exemplary '02 Patent Claims.
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8 16. Plaintiff therefore incorporates by reference in its allegations herein the claim charts
9 of Exhibit 3.

10 17. Plaintiff is entitled to recover damages adequate to compensate for Defendants
11 infringement.
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13 **COUNT 2: INFRINGEMENT OF THE '094 PATENT**

14 18. Plaintiff incorporates the above paragraphs herein by reference.

15 19. **Direct Infringement.** Defendant has been and continues to directly infringe one or
16 more claims of the '094 Patent in at least this District by making, using, offering to sell, selling and/or
17 importing, without limitation, at least the Defendant products identified in the charts incorporated into
18 this Count below (among the "Exemplary Defendant Products") that infringe at least the exemplary
19 claims of the '094 Patent also identified in the charts incorporated into this Count below (the
20 "Exemplary '094 Patent Claims") literally or by the doctrine of equivalents. On information and
21 belief, numerous other devices that infringe the claims of the '094 Patent have been made, used, sold,
22 imported, and offered for sale by Defendant and/or its customers.
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24 20. Defendant also has and continues to directly infringe, literally or under the doctrine of
25 equivalents, the Exemplary '094 Patent Claims, by having its employees internally test and use these
26 Exemplary Products.
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1 21. Exhibit 4 includes charts comparing the Exemplary '094 Patent Claims to the
2 Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products
3 practice the technology claimed by the '094 Patent. Accordingly, the Exemplary Defendant
4 Products incorporated in these charts satisfy all elements of the Exemplary '094 Patent Claims.

5 22. Plaintiff therefore incorporates by reference in its allegations herein the claim charts
6 of Exhibit 4.

7 23. Plaintiff is entitled to recover damages adequate to compensate for Defendants
8 infringement.
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10 **JURY DEMAND**

11 24. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully
12 requests a trial by jury on all issues so triable.
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14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff respectfully requests the following relief:

- 16 A. A judgment that the '02 Patent is valid and enforceable
17 B. A judgment that the '094 Patent is valid and enforceable
18 C. A judgment that Defendant has infringed directly one or more claims of the '02 Patent;
19 D. A judgment that Defendant has infringed directly one or more claims of the '094 Patent;
20 E. An accounting of all damages not presented at trial;
21 F. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for
22 Defendants past infringement with respect to the '02 Patent.
23 G. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for
24 Defendants past infringement with respect to the '094 Patent.
25 H. And, if necessary, to adequately compensate Plaintiff for Defendants infringement, an
26 accounting:
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- i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys fees against Defendant that it incurs in prosecuting this action;
- ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this action; and
- iii. that Plaintiff be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: October 30, 2020

Respectfully submitted,

/s/ Steven W. Ritcheson
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