

10,292,011 (the '011 Patent), and 10,477,994 (the '994 Patent) (collectively, "the Patents-in-Suit").

3. Defendants manufacture, provide, sell, offer for sale, import, and/or distribute products and services which directly infringe the Patents-in-Suit. The Patents-in-Suit represent BillJCo.'s significant investment into the Bluetooth low energy beacon technology space.

II. THE PARTIES

4. Plaintiff BillJCo, LLC is a Texas limited liability corporation with its principal place of business located at 1704 Katherine Court, Flower Mound, TX 75022. Bill Johnson is a member of BillJCo and is the inventor of the Patents-in-Suit and related patents in the patent portfolio.

5. Hewlett Packard Enterprise Company is a Delaware corporation with its principal place of business at 11445 Compaq Center West Drive, Houston, Texas 77070. Hewlett Packard Enterprise Company may be served through its registered agent CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. Hewlett Packard Enterprise Company is registered to do business in the State of Texas and has been since at least March 13, 2015.

6. Aruba Networks, Inc. is a Delaware corporation with its principal place of business at 3333 Scott Blvd., Santa Clara, California 95054. Aruba Networks, Inc. may be served through its registered agent CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. Aruba Networks, Inc. is registered to do business in the State of Texas and has been since at least April 4, 2007.

7. Aruba Networks, Inc. is a wholly owned subsidiary of Defendant Hewlett Packard Enterprise Company. Defendants conduct business operations within the Eastern District of

Texas where they sell, develop, and/or market their products, including facilities at 6080 Tennyson Parkway, Suite 400, Plano, Texas 75024.

III. JURISDICTION AND VENUE

8. This is an action for patent infringement, which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§ 271, 281, 282, 284, and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

9. The Court has personal jurisdiction over Defendants because they have committed acts giving rise to this action within Texas and within this judicial district. Defendants also regularly do business or solicit business in this District and in Texas, engage in other persistent course of conduct, derive substantial revenue from products and/or services provided in this District and in Texas, have purposefully established substantial, systematic and continuous contacts with this District, and should reasonably expect to be sued in a court in this District.

10. For example, Defendants have a regular and established place of business in the State of Texas and in this District, including office space located at 6080 Tennyson Parkway, Suite 400, Plano, Texas 75024. Defendants also conduct business with customers residing in this District, and offer support service to customers in this District and Texas.

11. Defendants have committed acts of patent infringement in this District and elsewhere in Texas.

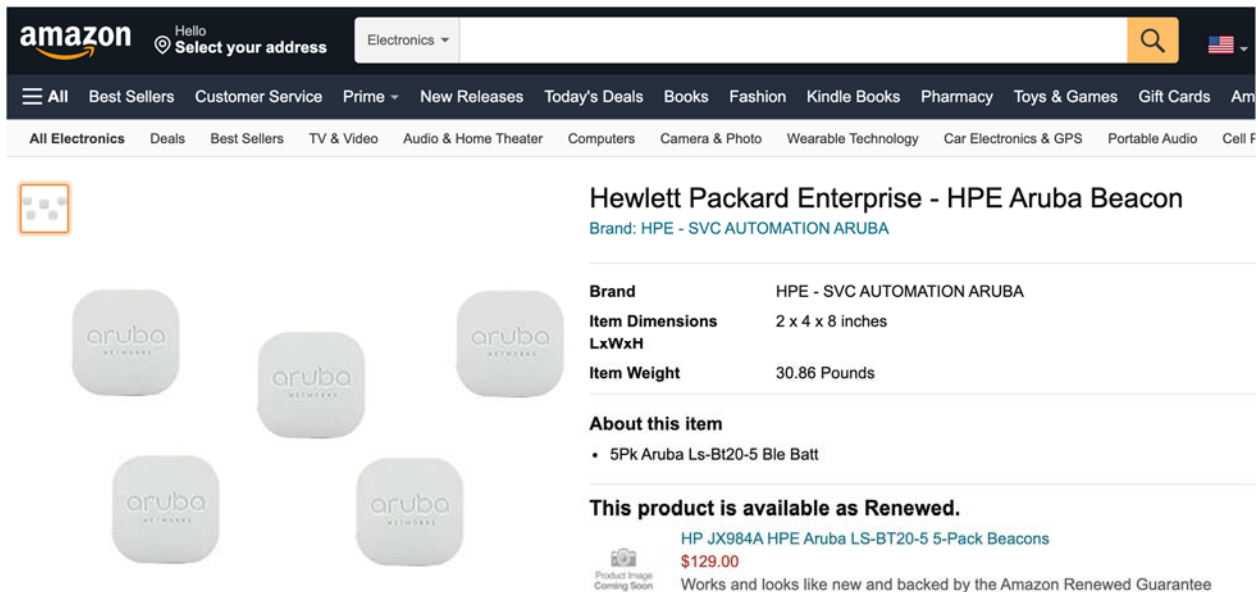
12. Defendants continue to grow their presence in this District, further cementing their ties to this District. Defendants operate a website and various advertising campaigns that solicit sales of the infringing products by consumers in the District and in Texas. Defendants have entered into partnerships with numerous resellers and distributors to sell and offer for sale

the Accused Products to consumers in this District, both online and in stores, and offers support services to customers in this District.

13. Moreover, HPE does not simply act as a wholly separate parent of Aruba. In fact, HPE offers for sale infringing Aruba products on its website, soliciting sales of the infringing products by consumers in the District and in Texas. For example, HPE offers for sale Aruba 303 Series Campus Access Point products, which infringe the Patents-in-Suit, on its website:

<https://buy.hpe.com/us/en/networking/wireless-devices/wlan-access-points/aruba-campus-access-point-products/aruba-303-series-campus-access-points/aruba-ap-303-us-dual-2x2:2-mimo-radio-internal-antennas-unified-campus-ap/p/JZ321A>.

14. Moreover, HPE and Aruba regularly identify their products using both Defendants’ branding. For example, Defendants offer for sale an infringing product referred to as “HPE Aruba Beacon” on multiple websites:



See <https://www.amazon.com/Aruba-Ls-Bt20-5-Ble-Batt-Beacons/dp/B01N1TDUB3>.


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Hewlett Packard Enterprise - HPE Aruba Beacon ★
Bluetooth RFID tag (pack of 50)



Manufacturer: Hewlett Packard Enterprise
Part #: JW316A
UPC: 0190017022178
Replacement Product: N/A
Product Condition: New

Price: **\$2,215.40**
MSRP: \$2,100.00
Total Available: 0
Qty:
Add to Cart
+ Add to Favorites

Promotional Price
Amount applied: \$42.45
Valid Thru: 10/31/2021

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Output Devices
Photo Storage & Presentation
Professional Audio
Professional Video
Small Appliances

See <https://usm.channelonline.com/acme/ccs/Products/overview/M015926885>.

15. Defendants are registered to do business in Texas and maintain an agent authorized to receive service of process within Texas. Given these contacts, the Court's exercise of jurisdiction over Apple will not offend traditional notions of fair play and substantial justice.

16. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391 and 1400(b) because Defendants have an established place of business in this District, including at 6080 Tennyson Parkway, Suite 400, Plano, Texas 75024, have committed acts within this District giving rise to this action and resulting in the derivation of substantial revenue from goods and services provided to customers in Texas, and continue to conduct business in this District, including one or more acts of selling, using, importing, and/or offering for sale infringing goods and/or performing support service to Defendants' customers in this District.

17. Venue is also convenient as BillJCo is a registered Texas Limited Liability Company located in Denton County and resides within this District. Similarly, BillJCo member and inventor of the Patents-in-Suit, Mr. Johnson, lives and resides in Denton County within this

District. As such, various evidence and sources of proof relating to the Patents-in-Suit and this case also are located in and reside in this District and Texas.

IV. FACTUAL ALLEGATIONS

BillJCo's Technology and Patents-in-Suit

18. Beacon technology generally relates to a class of BLE hardware transmitters that broadcast, among other things, their identifier to nearby electronic devices where different information can be received, processed, analyzed, and ultimately presented to a user to, for example, enhance a user's or customer's experience.

19. The BillJCo patent portfolio includes thirty-three (33) issued and enforceable United States patents ("the Patent Portfolio") directed to the beacon technology ecosystem which have resulted from the innovation, ingenuity, and work of BillJCo member and inventor William J. Johnson. The Patent Portfolio claims an earliest priority date of March 14, 2008.

20. The Patents-in-Suit are part of the Patent Portfolio and relate to specific and particularized inventions for, and associated with, this beacon technology and the related protocols and specifications which facilitate and enable aspects of the beacon technology ecosystem including devices capable of implementing beacon standards and specifications, manufacturers of beacon transmitting devices, application developers, and beacon deployers. In particular, the Patents-in-Suit also teach and disclose – among other things – systems and methods for broadcasting and beaconing related identifiers, applications, and location information for use within the beacon ecosystem.

21. On June 24, 2014, the '804 Patent entitled "System and Method for Location Based Exchanges of Data Facilitating Distributed Locational Applications" was duly and legally

issued by the United States Patent and Trademark Office. A true and accurate copy of the '804 Patent is attached hereto as Exhibit A.

22. On May 14, 2019, the '011 Patent entitled "System and Method for Location Based Exchange Network" was duly and legally issued by the United States Patent and Trademark Office. A true and accurate copy of the '011 Patent is attached hereto as Exhibit B.

23. On November 19, 2019, the '994 Patent entitled "System and Method for Location Based Exchanges of Data Facilitating Distributed Locational Applications" was duly and legally issued by the United States Patent and Trademark Office. A true and accurate copy of the '994 Patent is attached hereto as Exhibit C.

24. The Patents-in-Suit are valid and enforceable.

25. As of the priority date, the inventions as claimed in the Patents-in-Suit were novel, non-obvious, unconventional, and non-routine.

26. BillJCo, LLC is the assignee of and owns all right, title, and interests in the Patents-in-Suit, including the right to receive a reasonable royalty, and recovery of any and all other damages for all past and future infringement thereof.

Defendants' Infringing Instrumentalities

27. Defendants make, import, use, offer for sale, and sell in the United States devices that conform, implement, and infringe the Patents-in-Suit. This includes devices that use BLE to broadcast data packets, in compliance with beacon standards and specifications, to nearby wireless devices, such as smartphones and tablets, including at least: Aruba Access Points (AP) including Aruba 300/310/320/330 series; Aruba Beacons (e.g., Product #s JX984A, JX985A); Aruba USB Beacons (e.g., Product #s JW315A, JW316A); and Aruba Event Beacons (e.g., Product # JX986A) (collectively the "Accused Infringing Instrumentalities").

28. The Accused Infringing Instrumentalities are used to create a communications system where beacons transmit a series of messages that include data fields arranged in accordance with the BLE protocol and another device receives such a message and is capable of receiving data, including location data, contained in the inquiry message.

29. In particular, the Accused Infringing Instrumentalities implement certain features of different beacon specifications and protocols including Apple, Inc.'s iBeacon standard.

30. For example, the Accused Infringing Instrumentalities use a standardized technology data packet consisting of at least the following pieces of information: proximity universally unique identifier (UUID), Major, Minor.

BLE DATA PACKETS

Every Aruba Beacon ID is 20 bytes long and contains three values:

- ProximityUUID: Universally Unique Identifier shared among related beacons
- Major number: 16-bit integer value
- Minor number: 16-bit integer value

31. Defendants have been aware that they infringe the Patents-in-Suit since at least the filing and/or service of this lawsuit, and Defendants have failed to cease their infringing activities.

32. Defendants have infringed, and continue to infringe, claims of the Patents-In-Suit in the United States by making, using, offering for sale, selling and/or importing the Accused Infringing Instrumentalities in violation of 35 U.S.C. §271(a).

33. Defendants induce infringement by others of one or more claims of the Patents-in-Suit in violation of 35 U.S.C. §271(b) in aiding, instructing, promoting, encouraging or otherwise acting with the intent to cause other parties including customers, developers, and other third-parties to use its Accused Infringing Instrumentalities. Defendants are aware of the Patents-

in-Suit, at least as of the filing of this lawsuit, and know or should have known that the inducing acts described herein constitute infringement of the Patents-in-Suit.

34. Defendants take specific steps to actively induce others—such as, for example customers, application developers, and third-party manufacturers—to access, use, and develop programs and applications for the Accused Infringing Instrumentalities and intentionally instructs infringing use through training videos, demonstrations, brochures, installation and user guides, such as those located at: <https://www.arubanetworks.com/products/location-services/beacons-tags/beacons/>;
https://www.arubanetworks.com/assets/ds/DS_LocationServices.pdf;
<https://community.arubanetworks.com/support>;
<https://community.arubanetworks.com/community-home?CommunityKey=e0da4030-48d2-4b2b-8f2d-034c69b01f92>; <https://www.arubanetworks.com/products/wireless/access-points/indoor-access-points/#wpcf-wi-fi-standard=7>;
<https://buy.hpe.com/us/en/networking/wireless-devices/wlan-access-points/aruba-campus-access-point-products/aruba-303-series-campus-access-points/p/1010322715>;
<https://h20195.www2.hpe.com/v2/GetDocument.aspx?docname=a00029143enw>

35. Defendants have also infringed, and continue to infringe the Patents-In-Suit by offering to commercially distribute, commercially distributing, or importing Accused Infringing Instrumentalities which are used in practicing the processes, or using the systems of the Patents-In-Suit, and constitute a material part of the invention. Defendants know portions of the Accused Infringing Instrumentalities to be especially made or especially adapted for use in infringement of the Patents-in-Suit, not a staple article, and not a commodity of commerce

suitable for substantially noninfringing use. Defendants are therefore liable for infringement of the Patents-in-Suit under 35 U.S.C. §271(c).

36. Defendants undertook and continue their infringing actions despite that they knew and/or should have known that their actions constituted an unjustifiably high risk that their activities infringed the Patents-in-Suit, which were duly issued by the USPTO, and are presumed valid. For example, since at least the filing of this action, Defendants have been aware of the unjustifiably high risk that its actions constituted and continue to constitute infringement of the Patents-in-Suit, and that the Patents-in-Suit are valid. On information and belief, Defendants could not reasonably, subjectively believe that its actions do not constitute infringement of the Patents-in-Suit, and could not reasonably, subjectively believe that the Patents-in-Suit are invalid. Despite this knowledge and subjective belief, and the unjustifiably high risk that its actions constitute infringement, Defendants have continued their infringing activities. As such, Defendants willfully infringe the Patents-in-Suit.

COUNT I: INFRINGEMENT OF THE '804 PATENT

37. BillJCo incorporates all previous paragraphs by reference as if fully stated herein.

38. BillJCo owns all substantial rights, interest, and title in and to the '804 Patent, including the sole and exclusive right to prosecute this action and enforce the '804 Patent against infringers, and to collect damages for all relevant times.

39. The '804 Patent describes in technical detail each of the limitations of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patentably distinct from and improved upon what may have been conventional or generic in the art at the time of the invention.

40. As set forth in the attached exemplary non-limiting Claim Chart (Exhibit D), Defendants, without authorization or license from BillJCo, have been and are presently directly infringing, literally or under the doctrine of equivalents, at least one claim of the '804 Patent, pursuant to 35 U.S.C. §271(a), including through making, using, selling, and/or offering for sale in the United States the Accused Infringing Instrumentalities, and/or importing into the United States, methods, services, systems, and products made in accordance with the '804 Patent. Defendants are thus liable for direct infringement of the '804 Patent pursuant to 35 U.S.C. §271(a).

41. Defendants actively induce infringement of at least one claim of the '804 Patent by selling the Accused Infringing Instrumentalities with instructions as to how to use the Accused Infringing Instrumentalities in a system or method such as recited in the '804 Patent. Defendants aid, instruct, or otherwise act with the intent to cause an end user to use the Accused Infringing Instrumentalities. Defendants knew of the '804 Patent and knew that its use and sale of the Accused Infringing Instrumentalities infringe at least one claim of the '804 Patent, and Defendants are thus liable for inducement of the '804 Patent pursuant to 35 U.S.C. §271(b).

42. Defendants are also liable for contributory infringement of at least one claim of the '804 Patent by providing, and by having knowingly provided, a material part of the instrumentalities, namely the Accused Infringing Instrumentalities, used to infringe at least one claim of the '804 Patent. The Accused Infringing Instrumentalities have no substantial non-infringing uses. Defendants knew that the Accused Infringing Instrumentalities were especially made for use in an infringing manner prior to the filing of this lawsuit. For at least the reasons set forth above, Defendants contribute to the infringement of the '804 Patent by others.

43. To the extent 35 U.S.C. § 287 is determined to be applicable, its requirements have been satisfied with respect to the '804 Patent.

44. BillJCo has been damaged as a result of the infringing conduct by Defendants alleged above. Thus, Defendants are liable to BillJCo in an amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty and in an amount yet to be determined. BillJCo is also entitled to receive such other and further relief, as this Court deems just and proper.

45. BillJCo is further informed, and on this basis alleges, that Defendants' infringement of the '804 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of enhanced damages for up to three times the actual damages awarded and attorney's fees to BillJCo pursuant to 35 U.S.C. §§ 284-285. As noted above, Defendants have had knowledge of the '804 Patent or at least were willfully blind to their infringement, as well as related patents and patent applications, and its infringement thereof, and yet has deliberately continued to infringe in a wanton, malicious, and egregious manner, with reckless disregard for BillJCo patent rights. Thus, Defendants' infringing actions have been and continue to be consciously wrongful.

46. Defendants' use of the '804 Patent is not licensed or authorized by BillJCo in any way. BillJCo has not licensed the '804 Patent to Defendants.

COUNT II: INFRINGEMENT OF THE '011 PATENT

47. BillJCo incorporates all previous paragraphs by reference as if fully stated herein.

48. BillJCo owns all substantial rights, interest, and title in and to the '011 Patent, including the sole and exclusive right to prosecute this action and enforce the '011 Patent against infringers, and to collect damages for all relevant times.

49. The '011 Patent describes in technical detail each of the limitations of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patentably distinct from and improved upon what may have been conventional or generic in the art at the time of the invention.

50. As set forth in the attached exemplary non-limiting Claim Chart (Exhibit E), Defendants, without authorization or license from BillJCo, have been and are presently directly infringing, literally or under the doctrine of equivalents, at least one claim of the '011 Patent, pursuant to 35 U.S.C. §271(a), including through making, using, selling, and/or offering for sale in the United States infringing products and services, and/or importing into the United States, methods, services, systems, and products made in accordance with the '011 Patent. Defendants are thus liable for direct infringement of the '011 Patent pursuant to 35 U.S.C. §271(a).

51. Defendants actively induce infringement of at least one claim of the '011 Patent by selling the Accused Infringing Instrumentalities with instructions as to how to use the Accused Infringing Instrumentalities in a system or method such as recited in the '011 Patent. Defendants aid, instruct, or otherwise act with the intent to cause an end user to use the Accused Infringing Instrumentalities. Defendants knew of the '011 Patent and knew that their use and sale of the Accused Infringing Instrumentalities infringe at least one claim of the '011 Patent, and Defendants are thus liable for inducement of the '011 Patent pursuant to 35 U.S.C. §271(b).

52. Defendants are also liable for contributory infringement of at least one claim of the '011 Patent by providing, and by having knowingly provided, a material part of the instrumentalities, namely the Accused Infringing Instrumentalities, used to infringe at least one claim of the '011 Patent. The Accused Infringing Instrumentalities have no substantial non-infringing uses. Defendants knew that the Accused Infringing Instrumentalities were especially

made for use in an infringing manner prior to the filing of this lawsuit. For at least the reasons set forth above, Defendants contribute to the infringement of the '011 Patent by others.

53. To the extent 35 U.S.C. § 287 is determined to be applicable, its requirements have been satisfied with respect to the '011 Patent.

54. BillJCo has been damaged as a result of the infringing conduct by Defendants alleged above. Thus, Defendants are liable to BillJCo in an amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty and in an amount yet to be determined. BillJCo is also entitled to receive such other and further relief, as this Court deems just and proper.

55. BillJCo is further informed, and on this basis alleges, that Defendants' infringement of the '011 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of enhanced damages for up to three times the actual damages awarded and attorney's fees to BillJCo pursuant to 35 U.S.C. §§ 284-285. As noted above, Defendants have had knowledge of the '011 Patent or at least were willfully blind to their infringement, as well as related patents and patent applications, and their infringement thereof, and yet has deliberately continued to infringe in a wanton, malicious, and egregious manner, with reckless disregard for BillJCo patent rights. Thus, Defendants' infringing actions have been and continue to be consciously wrongful.

56. Defendants' use of the '011 Patent is not licensed or authorized by BillJCo in any way. BillJCo has not licensed the '011 Patent to Defendants.

COUNT III: INFRINGEMENT OF THE '994 PATENT

57. BillJCo incorporates all previous paragraphs by reference as if fully stated herein.

58. BillJCo owns all substantial rights, interest, and title in and to the '994 Patent, including the sole and exclusive right to prosecute this action and enforce the '994 Patent against infringers, and to collect damages for all relevant times.

59. The '994 Patent describes in technical detail each of the limitations of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patentably distinct from and improved upon what may have been conventional or generic in the art at the time of the invention.

60. As set forth in the attached exemplary non-limiting Claim Chart (Exhibit F), Defendants, without authorization or license from BillJCo, have been and are presently directly infringing, literally or under the doctrine of equivalents, at least one claim of the '994 Patent, pursuant to 35 U.S.C. §271(a), including through making, using, selling, and/or offering for sale in the United States the Accused Infringing Instrumentalities, and/or importing into the United States, methods, services, systems, and products made in accordance with the '994 Patent. Defendants are thus liable for direct infringement of the '994 Patent pursuant to 35 U.S.C. §271(a).

61. Defendants actively induce infringement of at least one claim of the '994 Patent by selling the Accused Infringing Instrumentalities with instructions as to how to use the Accused Infringing Instrumentalities in a system or method such as recited in the '994 Patent. Defendants aid, instruct, or otherwise act with the intent to cause an end user to use the Accused Infringing Instrumentalities. Defendants knew of the '994 Patent and knew that their use and sale of the Accused Infringing Instrumentalities infringe at least one claim of the '994 Patent, and Defendants are thus liable for inducement of the '994 Patent pursuant to 35 U.S.C. §271(b).

62. Defendants are also liable for contributory infringement of at least one claim of the '994 Patent by providing, and by having knowingly provided, a material part of the instrumentalities, namely the Accused Infringing Instrumentalities, used to infringe at least one claim of the '994 Patent. The Accused Infringing Instrumentalities have no substantial non-infringing uses. Defendants knew that the Accused Infringing Instrumentalities were especially made for use in an infringing manner prior to the filing of this lawsuit. For at least the reasons set forth above, Defendants contribute to the infringement of the '994 Patent by others.

63. To the extent 35 U.S.C. § 287 is determined to be applicable, its requirements have been satisfied with respect to the '994 Patent.

64. BillJCo has been damaged as a result of the infringing conduct by Defendants alleged above. Thus, Defendants are liable to BillJCo in an amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty and in an amount yet to be determined. BillJCo is also entitled to receive such other and further relief, as this Court deems just and proper.

65. BillJCo is further informed, and on this basis alleges, that Defendants' infringement of the '994 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of enhanced damages for up to three times the actual damages awarded and attorney's fees to BillJCo pursuant to 35 U.S.C. §§ 284-285. As noted above, Defendants have had knowledge of the '994 Patent or at least were willfully blind to their infringement, as well as related patents and patent applications, and their infringement thereof, and yet has deliberately continued to infringe in a wanton, malicious, and egregious manner, with reckless disregard for BillJCo patent rights. Thus, Defendants' infringing actions have been and continue to be consciously wrongful.

66. Defendants' use of the '994 Patent is not licensed or authorized by BillJCo in any way. BillJCo has not licensed the '994 Patent to Defendants.

V. DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), BillJCo hereby demands a trial by jury of any and all issues triable of right before a jury.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff BillJCo respectfully requests that the Court:

- A. Enter a judgment that Defendants have infringed one or more claims of the Patents-in-Suit;
- B. Enter a judgment awarding Plaintiff BillJCo a reasonable royalty and all other damages adequate to compensate it for Defendants' infringement of the Patents-in-Suit, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;
- C. Declare that the Patents-in-Suit are valid and enforceable;
- D. Order Defendants to pay damages adequate to compensate BillJCo for Defendants' infringement, together with interest and costs under 35 U.S.C. § 284;
- E. Order Defendants to pay supplemental damages to BillJCo, including interest, with an accounting, as needed;
- F. Declare this case exceptional pursuant to 35 U.S.C. § 285;
- G. Declare that Defendant's infringement is willful and that the damages awarded to BillJCo should be enhanced up to three times the actual damages awarded;
- H. Award Plaintiff BillJCo its costs, disbursements, expert witness fees, and attorneys' fees incurred in prosecution this action, with interest; and

I. Award Plaintiff BillJCo other such and further relief, including equitable relief, as this Court deems just and proper.

Dated: May 25, 2021

Respectfully submitted,

/s/ Brian R. Michalek by permission Claire Henry

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