

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**CALLSTAT SOLUTIONS LLC,**

**PLAINTIFF,**

**V.**

**XEROX CORPORATION,**

**DEFENDANT.**

**CASE NO. 6:21-CV-00631**

**PATENT CASE**

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Callstat Solutions LLC (“Plaintiff” and/or “Callstat”), through its attorneys, files this Complaint against Xerox Corporation (“Defendant” and/or “Xerox”), for infringement of U.S. Patent No. 6,130,761 (hereinafter the “’761 Patent”); and U.S. Patent No. 6,546,002 (hereinafter the “’002 Patent”) and alleges as follows:

**PARTIES**

1. Plaintiff Callstat Solutions LLC is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 261 West 35th St, Suite 1003, New York, NY 10001.

2. On information and belief, Defendant Xerox Corporation is a corporation organized and existing under the laws of New York that maintains an established place of business at 6836 Austin Center Blvd, Austin, TX 78729. On Information and belief, Defendant may be served through its agent, Prentice-Hall Corporation System, 500 Weston St., Hartford, CT 06120.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.

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

5. On information and belief, this Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

6. Upon 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 the District.

7. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has an established place of business in this District. In addition, Defendant has committed acts of patent infringement in this District, and Plaintiff has suffered harm in this district.

**BACKGROUND**

**PATENTS-IN-SUIT**

8. Plaintiff is the assignee of all right, title and interest in United States Patent Nos. 6,130,761; and 6,546,002 (the "Patents-in-Suit"); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by Defendant.

**THE '761 PATENT**

9. The '761 Patent is entitled "Image scanning method," and issued 2000-10-10. The application leading to the '761 Patent was filed on 1998-05-06. A true and correct copy of the '761 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

**THE '002 PATENT**

10. The '002 Patent is entitled "System and method for implementing an intelligent and mobile menu-interface agent," and issued 2003-04-08. The application leading to the '002 Patent was filed on 1999-07-07. A true and correct copy of the '002 Patent is attached hereto as Exhibit 2 and incorporated herein by reference.

**COUNT 1**  
**(INFRINGEMENT OF THE '761 PATENT)**

11. Plaintiff incorporates the above paragraphs herein by reference.

12. Direct Infringement. Defendant directly infringed one or more claims of the '761 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the "Exemplary Defendant Products") that infringed at least the exemplary claims of the '761 Patent also identified in the charts incorporated into this Count below (the "Exemplary '761 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringed the claims of the '761 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

13. Defendant also directly infringed, literally or under the doctrine of equivalents, the Exemplary '761 Patent Claims, by having its employees internally test and use these Exemplary Products.

14. Exhibit 3 includes charts comparing the Exemplary '761 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the '761 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary '761 Patent Claims.

15. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 3.

16. Plaintiff is entitled to recover damages adequate to compensate for Defendant's infringement.

**COUNT 2**  
**(INFRINGEMENT OF THE '002 PATENT)**

17. Plaintiff incorporates the above paragraphs herein by reference.

18. Direct Infringement. Defendant directly infringed one or more claims of the '002 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the "Exemplary Defendant Products") that infringed at least the exemplary claims of the '002 Patent also identified in the charts incorporated into this Count below (the "Exemplary '002 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringed the claims of the '002 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

19. Defendant also directly infringed, literally or under the doctrine of equivalents, the Exemplary '002 Patent Claims, by having its employees internally test and use these Exemplary Products.

20. Exhibit 4 includes charts comparing the Exemplary '002 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products

practice the technology claimed by the '002 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary '002 Patent Claims.

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

22. Plaintiff is entitled to recover damages adequate to compensate for Defendant's infringement.

### **JURY DEMAND**

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

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the following relief:

- A. A judgment that the '761 Patent is valid and enforceable
- B. A judgment that Defendant has infringed directly one or more claims of the '761 Patent;
- C. A judgment that the '002 Patent is valid and enforceable
- D. A judgment that Defendant has infringed directly one or more claims of the '002 Patent;
- E. An accounting of all damages not presented at trial;
- F. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for Defendant's past infringement at least with respect to the '761; and '002 Patents.
- G. And, if necessary, to adequately compensate Plaintiff for Defendant's infringement, an accounting:

- 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: June 18, 2021

Respectfully submitted,

*/s/Jay Johnson*

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**ATTORNEYS FOR PLAINTIFF**