

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LONGHORN HD LLC.,	§	Case No.
	§	
Plaintiff,	§	JURY TRIAL DEMANDED
	§	
v.	§	
	§	
KYOCERA CORPORATION,	§	
	§	
Defendant.	§	
	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Longhorn HD LLC. (“LHD” or “Plaintiff”) for its Complaint against Defendant Kyocera Corporation (“Kyocera” or “Defendant”) alleges as follows:

THE PARTIES

1. LHD is a limited liability company, organized and existing under the laws of the State of Texas, with its principal place of business located at 203 East Travis Street, Marshall, Texas 75670

2. Upon information and belief, Defendant Kyocera is a corporation organized and existing under the laws of Japan, with its principal place of business located at 6 Takeda Tobadonocho, Fushimi-Ku Kyoto, 612-8501 Japan, and may be served pursuant to the provisions of the Hague Convention. Kyocera is a leading manufacturer and seller of smartphones in the world and in the United States. Upon information and belief, Kyocera does business in Texas and in the Eastern District of Texas, directly or through its subsidiaries.

3. Defendant has authorized sellers and sales representatives that offer and sell products pertinent to this Complaint through the State of Texas, including in this Judicial District,

and to consumers throughout this Judicial District, such as: Best Buy, 422 West TX-281 Loop, Suite 100, Longview, Texas 75605; AT&T Store, 1712 East Grand Avenue, Marshall, Texas 75670; Sprint Store, 1806 East End Boulevard North, Suite 100, Marshall, Texas 75670; T-Mobile, 900 East End Boulevard North, Suite 100, Marshall, Texas 75670; Verizon authorized retailers, including Russell Cellular, 1111 East Grand Avenue, Marshall, Texas 75670; Victra, 1006 East End Boulevard, Marshall, Texas 75670; and Cricket Wireless authorized retailer, 120 East End Boulevard South, Marshall, Texas 75670.

JURISDICTION

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) and 1367.

5. This Court has specific and personal jurisdiction over each of the Defendant consistent with the requirements of the Due Process Clause of the United States Constitution and the Texas Long Arm Statute. Upon information and belief, each Defendant has sufficient minimum contacts with the forum because each Defendant transacts substantial business in the State of Texas and in this Judicial District. Further, each Defendant has, directly or through subsidiaries or intermediaries, committed and continues to commit acts of patent infringement in the State of Texas and in this Judicial District as alleged in this Complaint, as alleged more particularly below.

6. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1400(b) and 1391(b) and (c) because Defendant is subject to personal jurisdiction in this Judicial District, has committed acts of patent infringement in this Judicial District, and has a regular and established place of business in this Judicial District. Defendant, through its own acts makes, uses, sells,

and/or offers to sell infringing products within this Judicial District, regularly does and solicits business in this Judicial District, and has the requisite minimum contacts with the Judicial District such that this venue is a fair and reasonable one. Further, upon information and belief, the Defendant has admitted or not contested proper venue in this Judicial District in other patent infringement actions.

PATENT-IN-SUIT

7. On May 13, 2004, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,725,924 (the “’924 Patent”) entitled “Information Backup System with Storing Mechanism and Method of Operation Thereof.” A true and correct copy of the ’924 Patent is available at <http://pdfpiw.uspto.gov/.piw?PageNum=0&docid=8725924>.

8. LHD is the sole and exclusive owner of all right, title, and interest in the ’924 Patent (the “Patent-in-Suit”) and holds the exclusive right to take all actions necessary to enforce its rights to the Patent-in-Suit, including the filing of this patent infringement lawsuit. LHD also has the right to recover all damages for past, present, and future infringement of the Patent-in-Suit and to seek injunctive relief as appropriate under the law.

FACTUAL ALLEGATIONS

9. The Patent-in-Suit generally cover systems and methods for computer and network security.

10. The ’924 Patent generally relates to technology regarding information backup systems, particularly to a system with storage. The technology described in the ’924 Patent was developed by Simon B. Johnson and Lev M. Bolotin of ClevX, LLC. By way of example, this technology is implemented today in information backup systems which include a power supply and communication ports connecting a host microcontroller.

11. Kyocera has infringed and is continuing to infringe the Patent-in-Suit by making, using, selling, offering to sell, and/or importing, and by actively inducing others to make, use, sell, offer to sell, and/or import products that include information backup systems and SSDs with fall sensors. Such products include at least the Kyocera mobile devices which are compatible with Kyocera Smart Switch technology, such as the Kyocera Duraforce and Kyocera Hydro.

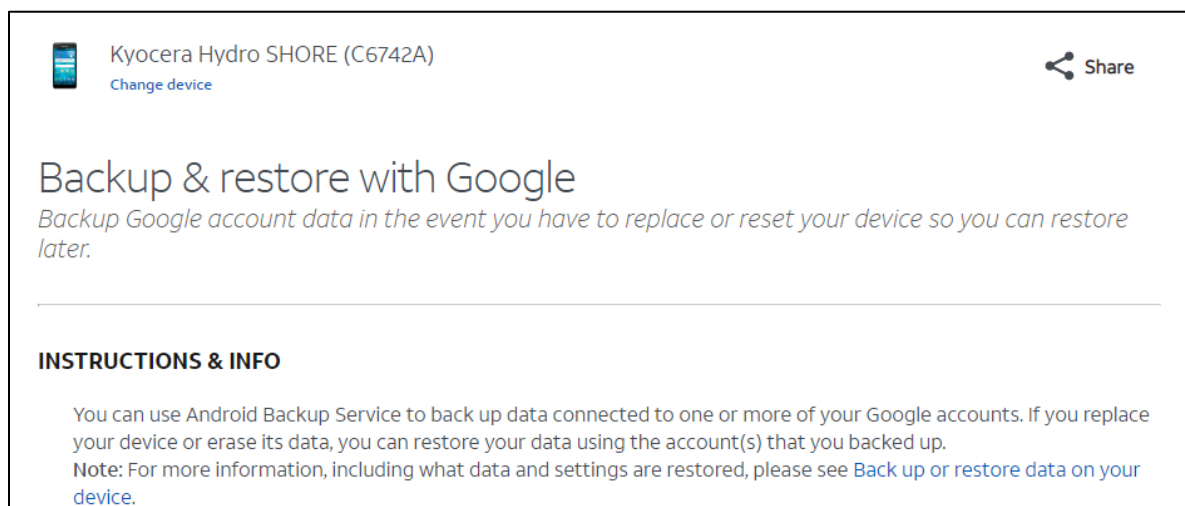
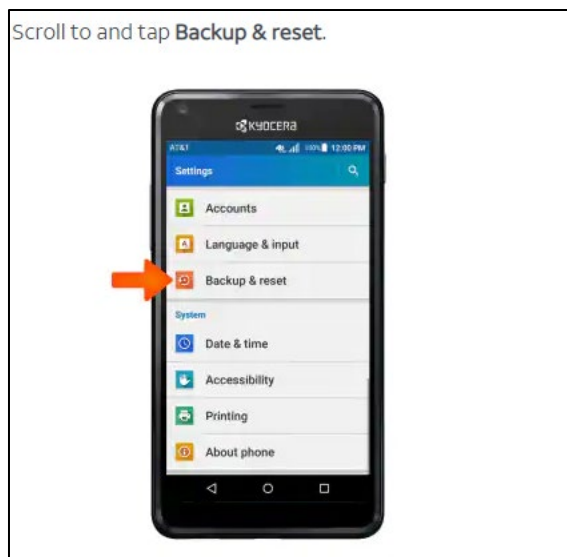
COUNT I
(Infringement of the '924 Patent)

12. Paragraphs 1 through 11 are incorporated by reference as if fully set forth herein.

13. LHD has not licensed or otherwise authorized Defendant to make, use, offer for sale, sell, or import any products that embody the inventions of the '924 Patent.

14. Defendant has and continues to directly infringe the '924 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '924 Patent. Such products include at least the Kyocera Smart Switch technology, such as the Kyocera Duraforce and Kyocera Hydro.

15. For example, Defendant has and continues to directly infringe at least claim 1 of the '924 Patent by making, using, offering to sell, selling, and/or importing into the United States products that include information back systems. The infringing systems include a power supply and communication ports connecting a host microcontroller, for example, Kyocera mobile devices compatible with Kyocera backup transfer services.

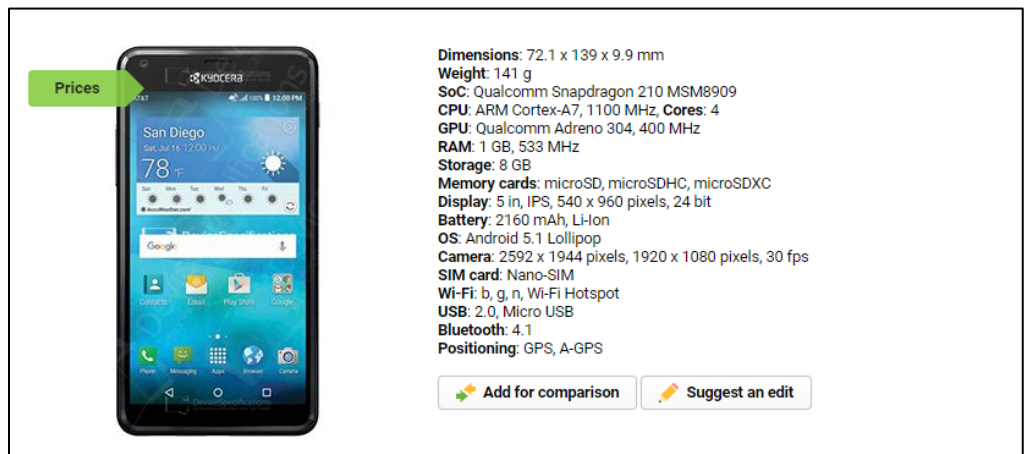


16. The Accused Products perform a method of an information backup system comprising supplying a power to a first communication port (*i.e.* the usb connector in a handheld device such as the Kyocera Hydro SHORE) and a second communication port (*i.e.* the storage of a handheld device, such as the Kyocera Hydro SHORE) with an internal power supply (*i.e.* the battery of a handheld device ,such as the Kyocera Hydro SHORE).

¹ <https://www.att.com/device-support/article/wireless/KM1312379/Kyocera/KyoceraC6742A>

² <https://www.att.com/device-support/article/wireless/KM1312379/Kyocera/KyoceraC6742A>

17. Additionally, the Accused Products perform a method of electrically connecting a host microcontroller (*i.e.* the Snapdragon processor) to the first communication port for connecting a handheld device and electrically connecting the host microcontroller to the second communication port for connecting a mass storage device, the host microcontroller is for functioning as a host to the second communication port and the first communication port; and transferring data between the first communication port and the second communication port:



18. Defendant has and continues to indirectly infringe one or more claims of the '924 Patent by knowingly and intentionally inducing others, including Kyocera customers and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States products that include infringing technology, such as the Kyocera information backup software for mobile devices.

19. Defendant, with knowledge that these products, or the use thereof, infringe the '924 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continues to knowingly and intentionally induce, direct infringement of the '924 Patent by providing these products to end-users for use in an infringing manner.

³ <https://www.devicespecifications.com/en/model/5b8f3d3c>

20. Defendant induced infringement by others, including end-users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end-users, infringe the '924 Patent, but while remaining willfully blind to the infringement.

21. LHD has suffered damages as a result of Defendant's direct and indirect infringement of the '924 Patent in an amount to be proved at trial.

22. LHD has suffered, and will continue to suffer, irreparable harm as a result of Defendant's infringement of the '924 Patent, for which there is no adequate remedy at law, unless Defendant's infringement is enjoined by this Court.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, LHD prays for relief against Defendant as follows:

a. Entry of judgment declaring that Defendant has directly and/or indirectly infringed one or more claims of the Patent-in-Suit;

b. An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendant, its officers, agents, servants, employees, attorneys, and those persons in active concert or participation with it, from further acts of infringement of the Patent-in-Suit;

c. An order awarding damages sufficient to compensate LHD for Defendant's infringement of the Patent-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;

d. Entry of judgment declaring that this case is exceptional and awarding LHD its costs and reasonable attorney fees under 35 U.S.C. § 285; and,

e. Such other and further relief as the Court deems just and proper.

Dated: July 23, 2021

Respectfully submitted,

/s/ Vincent J. Rubino, III

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