

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Nandina Technologies LLC,

Plaintiff,

v.

NICE Systems, Inc.,

Defendant.

Case No.

Patent Case

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff Nandina Technologies LLC (“Plaintiff”), through its attorneys, complains of NICE Systems, Inc. (“Defendant”), and alleges the following:

PARTIES

2. Plaintiff Nandina Technologies LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 5570 FM 423, Suite 250-2015, Frisco, TX 75034.

3. Defendant NICE Systems, Inc. is a corporation organized and existing under the laws of Delaware that maintains an established place of business at 221 River St, Hoboken, NJ 07030. Defendant can be served through its registered agent, The Prentice-Hall Corporation System, Inc., at 251 Little Falls Drive, Wilmington, DE, 19808

JURISDICTION

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

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

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

VENUE

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.

PATENTS-IN-SUIT

8. Plaintiff is the assignee of all right, title and interest in United States Patent Nos. 6,625,387 (the "'387 Patent"); and 9,813,689 (the "'689 Patent") (collectively 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 '387 PATENT

9. The '387 Patent is entitled "Gated silence removal during video trick modes," and issued September 23, 2003. The application leading to the '387 Patent was filed on March 1, 2002. A true and correct copy of the '387 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

THE ‘689 PATENT

10. The ‘689 Patent is entitled “Method for accelerated restitution of audio content and associated device,” and issued November 7, 2017. The application leading to the ‘689 Patent was filed on December 16, 2014. A true and correct copy of the ‘689 Patent is attached hereto as Exhibit 2 and incorporated herein by reference.

COUNT 1: INFRINGEMENT OF THE ‘387 PATENT

11. Plaintiff incorporates the above paragraphs herein by reference.

12. **Direct Infringement.** Defendant has directly infringed one or more claims of the ‘387 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 infringe at least the exemplary claims of the ‘387 Patent also identified in the charts incorporated into this Count below (the “Exemplary ‘387 Patent Claims”) literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the ‘387 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

13. Defendant also has directly infringed, literally or under the doctrine of equivalents, the Exemplary ‘387 Patent Claims, by having its employees internally test and use these Exemplary Products.

14. Exhibit 3 includes charts comparing the Exemplary ‘387 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the ‘387 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary ‘387 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 Defendants infringement.

COUNT 2: INFRINGEMENT OF THE ‘689 PATENT

17. Plaintiff incorporates the above paragraphs herein by reference.

18. **Direct Infringement.** Defendant has directly infringed one or more claims of the ‘689 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 infringe at least the exemplary claims of the ‘689 Patent also identified in the charts incorporated into this Count below (the “Exemplary ‘689 Patent Claims”) literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the ‘689 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

19. Defendant also has directly infringed, literally or under the doctrine of equivalents, the Exemplary ‘689 Patent Claims, by having its employees internally test and use these Exemplary Products.

20. Exhibit 4 includes charts comparing the Exemplary ‘689 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the ‘689 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary ‘689 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 Defendants 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 '387 Patent is valid and enforceable
- B. A judgment that Defendant has infringed directly one or more claims of the '387 Patent;
- C. A judgment that the '689 Patent is valid and enforceable
- D. A judgment that Defendant has infringed directly one or more claims of the '689 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 Defendants past infringement of the Patents-in-Suit.
- 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: October 27, 2021

Respectfully submitted,

CHONG LAW FIRM PA

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