

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

S.M.R INNOVATIONS LTD and
Y.M.R TECH LTD,

Plaintiffs,

v.

MOTOROLA MOBILITY LLC,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs S.M.R Innovations LTD and Y.M.R Tech LTD (collectively, “Plaintiffs”) state for their Complaint against Motorola Mobility LLC as follows:

INTRODUCTION

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

PARTIES

2. Plaintiff S.M.R Innovations LTD is a limited liability company organized and existing under the laws of Israel. Oded Shmueli, an inventor on the patents asserted herein, wholly owns S.M.R Innovations LTD.

3. Plaintiff Y.M.R Tech LTD is a limited liability company organized and existing under the laws of Israel. Benny Yehezkel, an inventor on the patents asserted herein, wholly owns Y.M.R Tech LTD.

4. On information and belief, Motorola Mobility LLC (“Motorola”) is a limited liability company organized under the laws of the State of Delaware. Motorola may be served with process through its registered agent, Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801. Upon information and belief, Motorola sells, offers to sell, and/or uses products and services throughout the United States, including in this judicial district, and introduces infringing products and services into the stream of commerce knowing that they would be sold and/or used in this judicial district and elsewhere in the United States.

JURISDICTION

5. This Court has subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. § 271, *et seq.*

6. This Court has personal jurisdiction over Defendant, consistent with due process. Defendant is incorporated in Delaware. Further, it has minimum

contacts with the State of Delaware, and it has purposefully availed itself of the privileges of conducting business in the State of Delaware.

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b) on the grounds that Defendant resides in this judicial district.

The Inventors of the Patents-in-Suit

8. Oded Shmueli, one of the named inventors on the patents-in-suit, is an Emeritus Professor of Computer Science at the Technion University in Haifa, Israel. He graduated from Brandeis University and received his Ph.D. in Applied Mathematics from Harvard University in 1981.

9. Professor Shmueli has held positions at several leading industrial research laboratories, including IBM Research, AT&T Bell Labs, and MCC. He was also a consultant for HP Laboratories over a five-year period.

10. He was a co-founder and CTO of Dealigence, a start-up company in the electronic commerce domain. He has been named as an inventor on more than 50 issued U.S. patents. From 2006-2008, he served as the Dean of the Computer Science Faculty at the Technion University and from 2008-2014 as the Executive Vice President for Research and the Managing Director of the Technion Research and Development Foundation Ltd. His research interests include theoretical and practical aspects of database systems, topics on which he has published widely.

11. Benny Yehezkel, another inventor of the patents-in-suit, is an experienced executive in the technology industry.

12. Mr. Yehezkel holds a degree in Computer Science from the Technion University and an MBA from the Tel Aviv University.

13. During the last eighteen years, Mr. Yehezkel has served as CEO of RadCloud, a start-up company in the public cloud domain; co-founder and CEO of MyPensya Ltd., a start-up company in the fintech domain; Executive Vice President of Quantum Telecom; CEO of Dealigence, a start-up company in the electronic commerce domain; and Executive Vice President of ECTel and CEO of Elron Telesoft (which was acquired by ECTel). Both ECTel and Elron Telesoft engaged in developing and marketing revenue-assurance and fraud-detection systems.

Plaintiffs' U.S. Patent No. 9,699,223

14. On July 25, 2002, Oded Shmueli and Benny Yehezkel filed U.S. Provisional Patent Application No. 60/398,077 (“the ’077 provisional application”).

15. On January 21, 2003, Mr. Shmueli and Mr. Yehezkel filed U.S. Patent Application No. 10/347,388 (“the ’388 application”).

16. On July 4, 2017, the United States Patent and Trademark Office duly

and legally issued United States Patent No. 9,699,223 (“the ’223 patent”), entitled “Routing of Data Including Multimedia Between Electronic Devices.” A true and correct copy of the ’223 patent is attached hereto as Exhibit A.

17. The ’223 patent claims priority to the ’388 application and the ’077 provisional application.

18. S.M.R Innovations and Y.M.R Tech are the owners, by assignment, of all right, title, and interest in and to the ’223 patent, including the right to bring suit for past, present, and future patent infringement, and to collect past, present, and future damages.

No Claim of the ’223 patent is Abstract

19. The claims of the ’223 patent are focused on an advance over the prior art such that their character as a whole is not directed to excluded subject matter, such as an abstract idea, or any other subject matter excluded under 35 U.S.C. §101.

20. The Patent Office determined that the combinations claimed in the claims of the ’223 patent are novel and nonobvious.

21. The ’223 patent solves real-world, technological problems, including, for example, providing solutions allowing the beneficial routing of information (e.g., multi-media content) between electronic devices. The ’223 patent discloses

and claims benefits that were unknown in the art prior to the '223 patent. The '223 patent also discloses and claims technological solutions improving the manner and quality in which such information is delivered to consumers or consumed by them.

22. The '223 patent recognized that, as of its priority date, telecommunications technology was transforming society: “With the introduction of mobile communication devices, telecommunications technology has transformed society over the past decade. The ability to communicate almost anywhere, anytime, with few geographical limitations has resulted in a society, in both social and business contexts, which is almost always on-line. Mobile communication devices today typically have data processing ability which allows them to handle multi-media, and different types of devices are today able to communicate with each other, either directly via a permanent or temporary link or indirectly via a network.” '223 patent at 1:28-38.

23. But the '223 patent also recognized that many limitations in the relevant technology remained as of the '223 patent's priority date: “However, in general, the playing of multimedia data is limited, at least in the short term, to the device on which it is received, or to those in which the data originates. This limitation can be a considerable limitation on the user's ability to enjoy the multimedia since different devices have very different capabilities regarding the

playing of multimedia. The media playing devices considered specifically in the present disclosure include both mobile devices (cell phones, PDA's, handheld devices, etc.) and non-mobile devices (land/fixed line phones, computer monitors, Hi-Fi sets, speakers, etc.). Some of the devices may be used for just one or two media types and others are more general in their applicability, which is to say it is possible to use the devices in different modes for playing several media types: voice, text, images, and video. Likewise, the devices are used in various locations: at the office, home, car, hotel room, plane, outdoors, etc.” *Id.* at 1:42-59.

24. The '223 patent recognized that these problems require a solution: “[I]t would be highly advantageous to provide the user with the ability to select a target device, based on the type of multimedia content, and furthermore to choose a device for play or storage of the content independently of the initially targeted or originating device.” *Id.* at 1:23-28.

25. The '223 patent recognized that these problems required a technical solution and, to that end, discloses a data rerouting apparatus: “According to a first aspect of the present invention there is thus provided data rerouting apparatus for association with electronic equipment for rerouting data.” *Id.* at 2:32-34.

26. The disclosed solution provides functionality for monitoring the environment: “an announcer device for indicating to surrounding equipment that

said associated equipment is available for rerouting, thereby to enable receipt of rerouted data therefrom” and “a scout device for scanning surroundings of said associated equipment to find out about compatible equipment in the vicinity, thereby to reroute data thereto.” *Id.* at 2:35-40.

27. The disclosed solution allows a user to choose where to route data without directly interacting with the targeted device: “The apparatus preferably further comprises a user interface associated with said scout device for allowing a user to select between available compatible equipment to reroute data thereto.” *Id.* at 2:41-44.

28. The ’223 patent also discloses the following: “In addition, rerouting may be indirect. Indirect non-local routing relies on external service provider services, network and infrastructure. Indirect routing still requires the device initially receiving the communication to detect available receiving devices and determine their capability and availability and also requires potential rerouting recipients to announce their capabilities to the environment.” *Id.* at 9:18-24.

29. The ’223 patent discloses the ability to move multimedia streams to the device most suited for utilization in a dynamic and efficient fashion (e.g., causing a routing from a smaller screen (e.g., a smartphone) to a large television screen and associated sound system). *Id.* at 4:21-41, 1:60-67, 2:17-28.

30. The '223 patent discloses the ability to accept a call on one device even though it was directed to another device. *Id.* at 5:52-61. Using the solution disclosed in the '223 patent, for example, someone can route a call directed to his or her smartphone to a nearby computer or watch that is wirelessly linked with the smartphone.

31. Today, operating via a smartphone, someone can instruct other available devices (such as a TV screen) to play a desired movie. If no such screen and sound system is available, one may continue watching on a personal device such as a smartphone. The content can be obtained from the smartphone via the LAN or received via WAN. This solution is disclosed in the patent. *Id.* at 10:10-41. Prior to the invention, one could not receive a movie on a smartphone, let alone route the movie to a television.

32. These technological innovations provide various benefits, including a larger range of operating capabilities with increased efficiency: “The capability of routing of multi-media content (possibly including media transformation and multiplication, i.e. cloning) from one device to another may dramatically upgrade media playing quality, and grant the user the liberty to play the content on any device he wishes, preferably the most suitable device available, regardless of the origin of the content or the device to which the content may initially have been

directed, or at which the content originates. Furthermore, by rerouting to a more capable device, a user's satisfaction level may be increased in comparison to having to remain with a device that say is limited by inferior data rate, processing power, memory capacity or input/output facilities. ... [and] permits a range of possibilities for use which is currently not provided for." *Id.* at 4:21-41.

33. The solutions disclosed and claimed in the '223 patent are utilized in modern devices, including as exemplified in detail in the claim chart attached as Exhibit C.

34. The claims of the '223 patent recite features that address the technical problems and challenges in the art, thereby providing specific technological solutions that improved the state of the art by providing, for example, new and improved ways for users to manage and consume multimedia content. Thus, the claims are not directed to an abstract concept.

The Inventions Claimed In the '223 Patent Were Not Well-Understood, Routine, Or Conventional

35. The inventions claimed in the '223 patent were not well-understood, routine, or conventional as of the priority date of the '223 patent, but instead claim specific, novel, and nonobvious improvements to the prior art.

36. The claims of the '223 patent do not preempt all systems and methods for routing a media data stream.

37. The '223 patent is compliant with 35 U.S.C. § 101.

38. The '223 patent is compliant with 35 U.S.C. § 102.

39. The '223 patent is compliant with 35 U.S.C. § 103.

40. The '223 patent is compliant with 35 U.S.C. § 112.

41. The '223 patent is presumed valid and enforceable in accordance with 35 U.S.C. § 282.

42. Plaintiffs provided Defendant with notice of its infringement of the '223 patent prior to filing suit and offered to seek resolution without the need for litigation, but to Plaintiffs' knowledge, Defendant has not responded.

Plaintiffs' U.S. Patent No. 10,547,648

43. On January 28, 2020, the United States Patent and Trademark Office duly and legally issued United States Patent No. 10,547,648 ("the '648 patent"), entitled "Routing of Data Including Multimedia Between Electronic Devices." A true and correct copy of the '648 patent is attached hereto as Exhibit B.

44. The '648 patent claims priority to the '388 application and the '077 provisional application.

45. S.M.R Innovations and Y.M.R Tech are the owners, by assignment, of all right, title, and interest in and to the '648 patent, including the right to bring suit for past, present, and future patent infringement, and to collect past, present, and

future damages.

No Claim of the '648 patent is Abstract

46. The claims of the '648 patent are focused on advances over the prior art such that their character as a whole is not directed to excluded subject matter, such as an abstract idea, or any other subject matter excluded under 35 U.S.C. §101.

47. In fact, the Patent Office determined that the combinations claimed in the claims of the '648 patent are novel and nonobvious.

48. The '648 patent solves real-world, technological problems, including, for example, providing solutions allowing the beneficial routing of information (e.g., multi-media content) between electronic devices. The '648 patent discloses and claims benefits that were unknown in the art prior to the '648 patent. The '648 patent also discloses and claims technological solutions improving the manner and quality in which such information is delivered to consumers or consumed by them.

49. The '648 patent recognized that, as of its priority date, telecommunications technology was transforming society: “With the introduction of mobile communication devices, telecommunications technology has transformed society over the past decade. The ability to communicate almost anywhere, anytime, with few geographical limitations has resulted in a society, in

both social and business contexts, which is almost always on-line. Mobile communication devices today typically have data processing ability which allows them to handle multi-media, and different types of devices are today able to communicate with each other, either directly via a permanent or temporary link or indirectly via a network.” ’648 patent at 1:30-41.

50. But the ’648 patent also recognized that many limitations in the relevant technology remained as of the ’648 patent’s priority date: “However, in general, the playing of multimedia data is limited, at least in the short term, to the device on which it is received, or to those in which the data originates. This limitation can be a considerable limitation on the user's ability to enjoy the multimedia since different devices have very different capabilities regarding the playing of multimedia. The media playing devices considered specifically in the present disclosure include both mobile devices (cell phones, PDA’s, handheld devices, etc.) and non-mobile devices (land/fixed line phones, computer monitors, Hi-Fi sets, speakers, etc.). Some of the devices may be used for just one or two media types and others are more general in their applicability, which is to say it is possible to use the devices in different modes for playing several media types: voice, text, images, and video. Likewise, the devices are used in various locations: at the office, home, car, hotel room, plane, outdoors, etc.” *Id.* at 1:45-62.

51. The '648 patent recognized that these problems require a solution: “[I]t would be highly advantageous to provide the user with the ability to select a target device, based on the type of multimedia content, and furthermore to choose a device for play or storage of the content independently of the initially targeted or originating device.” *Id.* at 2:28-33.

52. The disclosed solution provides functionality for informing about media availability in another device:

Another (optional) function of the announcer 30 is that of informing the environment, typically a user, that media content has been routed to it and is now usable (for example, to announce that a rerouted call is now available on this telephone). The latter kind of announcement, that is to say to persons rather than to electronic equipment, may typically comprise light flashes, rings, a loudspeaker sound or even a smell.

Id. at 7:45-52.

53. The disclosed solution also provides functionality for informing a device about an incoming call at another device: “The nearby phone rings, or flashes to indicate the rerouted call.” '648 patent at 11:66-12:8.

54. The '648 patent also recognized that the shortcomings in the art required a technical solution and, to that end, discloses a data rerouting apparatus: “According to a first aspect of the present invention there is thus provided data rerouting apparatus for association with electronic equipment for rerouting data.” *Id.* at 2:36-38.

55. The disclosed solution provides functionality for monitoring the environment: “an announcer device for indicating to surrounding equipment that said associated equipment is available for rerouting, thereby to enable receipt of rerouted data therefrom” and “a scout device for scanning surroundings of said associated equipment to find out about compatible equipment in the vicinity, thereby to reroute data thereto.” *Id.* at 2:40-45.

56. The disclosed solution allows a user to choose where to route data without directly interacting with the targeted device: “The apparatus preferably further comprises a user interface associated with said scout device for allowing a user to select between available compatible equipment to reroute data thereto.” *Id.* at 2:46-49.

57. The '648 patent also discloses that routing may be performed automatically based on, for example, stored profiles: “In many situations, as briefly described in previous examples, certain apparatus activities may be initiated via user interaction, and preferred ways of enabling user interaction comprise displaying menus, or using voice menus, or conceivably even using feel or smell menus. Certain actions are preferably taken automatically, that is to say without user interaction. Such automation may be based on profiles, terms, and conditions. Conditions may for example be associated with the device that performs the

routing, as well as with a device to which media is routed. Profiles may be stored with the modification apparatus of FIG. 2 or obtained from remote sources.” *Id.* at 8:40-52.

58. The ’648 patent also discloses indirect routing: “In addition, rerouting may be indirect. Indirect non-local routing relies on external service provider services, network and infrastructure. Indirect routing still requires the device initially receiving the communication to detect available receiving devices and determine their capability and availability and also requires potential rerouting recipients to announce their capabilities to the environment.” *Id.* at 9:25-31.

59. The ’648 patent discloses the ability to move multimedia streams to the device most suited for utilization in a dynamic and efficient fashion (e.g., causing a routing from a smaller screen (e.g., a smartphone) to a large television screen and associated sound system). *Id.* at 4:26-46, 1:63-2:3, 2:21-32.

60. The ’648 patent discloses the ability to accept a call on one device even though it was directed to another device. *Id.* at 5:57-66.

61. Using the solution disclosed in the ’648 patent, for example, someone can route a call directed to his or her smartphone to a nearby computer or watch that is wirelessly linked with the smartphone. Using the solution disclosed in the ’648 patent, one can also be prompted by, for example, a watch that there is an

incoming call via an associated smartphone. Prior to the invention, one would either miss the call or run to the smartphone to accept it, usually arriving just as the call disconnected. This solution utilized by modern devices is disclosed in the '648 patent.

62. These technological innovations provide various benefits, including a larger range of operating capabilities with increased efficiency: “The capability of routing of multi-media content (possibly including media transformation and multiplication, i.e. cloning) from one device to another may dramatically upgrade media playing quality, and grant the user the liberty to play the content on any device he wishes, preferably the most suitable device available, regardless of the origin of the content or the device to which the content may initially have been directed, or at which the content originates. Furthermore, by rerouting to a more capable device, a user’s satisfaction level may be increased in comparison to having to remain with a device that say is limited by inferior data rate, processing power, memory capacity or input/output facilities. ... [and] permits a range of possibilities for use which is currently not provided for.” *Id.* at 4:26-46.

63. The '648 patent expressly describes various benefits associated with routing phone calls: “For example, the ability to route an incoming phone call, typically comprising voice, from a mobile device to a land/fixed line phone may

generally be expected to upgrade the quality of the call. The ability to route hand held calendar content from a mobile device having some digital ability to a computer monitor, may allow for better viewing of the information. Such rerouting may also enhance the user's ability to share the information with other people or with computer applications, for example applications that capture information displayed on the monitor and use it to trigger other events. Such applications can easily be run on a PC or laptop computer but are difficult to run on a mobile telephone for example." *Id.* at 4:47-59. It also describes various benefits associated with user notifications, such as, for example, the ability to "inform a user about an availability of media content at the mobile device" may allow prompt action and response. *Id.* at 13:43-45

64. The solutions disclosed and claimed in the '648 patent are utilized in modern devices, including as exemplified in detail in the claim chart attached as Exhibit D.

65. The claims of the '648 patent recite features that address the technical problems and challenges in the art, thereby providing specific technological solutions that improved the state of the art by providing, for example, new and improved ways for users to manage and consume multimedia content. Thus, the claims are not directed to an abstract concept.

The Inventions Claimed In the '648 Patent Were Not Well-Understood, Routine, Or Conventional

66. The inventions claimed in the '648 patent were not well-understood, routine, or conventional as of the priority date of the '648 patent, but instead claim specific, novel, and nonobvious improvements to the prior art.

67. The claims of the '648 patent do not preempt all systems and methods for informing a device about an availability of media content.

68. The '648 patent is compliant with 35 U.S.C. § 101.

69. The '648 patent is compliant with 35 U.S.C. § 102.

70. The '648 patent is compliant with 35 U.S.C. § 103.

71. The '648 patent is compliant with 35 U.S.C. § 112.

72. The '648 patent is presumed valid and enforceable in accordance with 35 U.S.C. § 282.

73. Plaintiffs provided Defendant with notice of its infringement of the '648 patent prior to filing suit and offered to seek resolution without the need for litigation, but to Plaintiffs' knowledge, Defendant has not responded.

COUNT ONE: DIRECT INFRINGEMENT OF THE '223 PATENT

74. Plaintiffs reallege and incorporate herein the preceding allegations of this Complaint as if fully set forth herein.

75. Defendant has in the past and continues to infringe one or more claims

of the '223 patent, including at least claims 14 and 22, in violation of 35 U.S.C. §§ 271(a) by making, using, offering to sell, or selling the patented invention within the United States or importing the patented invention into the United States.

76. Representative examples of Defendant's infringing apparatuses, methods, and systems include (but are not limited to) Defendant's razr, MOTO g, MOTO g100, MOTOROLA ONE, and MOTOROLA EDGE smartphones, among others. A representative claim chart demonstrating Defendant's infringement of the '223 patent, either literally or under the doctrine of equivalents, is attached as Exhibit C. Defendant's infringing products include, without limitation, other Motorola smartphones providing functionality such as that shown in the representative charts ("Accused Products").

77. Plaintiffs provided Defendant notice of its infringement of the '223 patent by letter dated March 4, 2021, which was received by Defendant on March 5, 2021, more than a year prior to the filing of this Complaint. Yet Defendant has continued its infringing activity. Defendant's infringement has been willful.

78. Plaintiffs have and continue to suffer damages as a direct and proximate result of Defendant's direct infringement of the '223 patent and will suffer additional and irreparable damages unless Defendant is permanently enjoined by this Court from continuing its infringement. Plaintiffs have no

adequate remedy at law.

79. Plaintiffs are entitled to: (i) damages adequate to compensate them for Defendant's direct infringement of the '223 patent, which amounts to, at a minimum, a reasonable royalty; (ii) attorneys' fees; (iii) costs; and (iv) an injunction.

COUNT TWO: INDIRECT INFRINGEMENT OF THE '223 PATENT

80. Plaintiffs reallege and incorporate herein the preceding allegations of this Complaint as if fully set forth herein.

81. Defendant has in the past and continues to indirectly infringe at least claims 1, 14, and 22 of the '223 patent in violation of 35 U.S.C. § 271(b) by actively, knowingly, and intentionally inducing direct infringement by other persons, including customers and end users, by offering for sale and/or selling Defendant's Accused Products in the United States and instructing on their infringing use without authority or license from Plaintiffs and in a manner understood and intended to infringe the '223 patent. *See, e.g.*, https://motorola-global-portal.custhelp.com/app/answers/detail/a_id/148654/~/_cast-your-screen-to-hdtv-with-chromecast.

82. A representative claim chart demonstrating Defendant's infringement of the '223 patent, either literally or under the doctrine of equivalents, is attached

as Exhibit C. Defendant's Accused Products include, without limitation, other Motorola products providing functionality such as that shown in the representative charts.

83. Plaintiffs provided Defendant notice of its infringement of the '223 patent by letter dated March 4, 2021, which was received by Defendant on March 5, 2021, more than a year prior to the filing of this Complaint. Yet Defendant has continued its infringing activity. Defendant's infringement has been willful.

84. Plaintiffs have and continue to suffer damages as a direct and proximate result of Defendant inducing infringing of the '223 patent and will suffer additional and irreparable damages unless Defendant is permanently enjoined by this Court from continuing its infringement. Plaintiffs have no adequate remedy at law.

85. Plaintiffs are entitled to: (i) damages adequate to compensate them for Defendant inducing infringement of the '223 patent, which amounts to, at a minimum, a reasonable royalty; (ii) attorneys' fees; (iii) costs; and (iv) an injunction.

COUNT THREE: DIRECT INFRINGEMENT OF THE '648 PATENT

86. Plaintiffs reallege and incorporate herein the preceding allegations of this Complaint as if fully set forth herein.

87. Defendant has in the past and continues to infringe one or more claims of the '648 patent, including at least claims 15 and 19, in violation of 35 U.S.C. §§ 271(a) by making, using, offering to sell, or selling the patented invention within the United States or importing the patented invention into the United States.

88. Representative examples of Defendant's infringing apparatuses, methods, and systems include (but are not limited to) its razr, MOTO g, MOTO g100, MOTOROLA ONE, and MOTOROLA EDGE smartphones, among others, and its Moto 360 smartwatch. A representative claim chart demonstrating Defendant's infringement of the '648 patent, either literally or under the doctrine of equivalents, is attached as Exhibit D. Defendant's Accused Products include, without limitation, other Motorola smartphones and smartwatches providing functionality such as that shown in the representative charts.

89. Plaintiffs provided Defendant notice of its infringement of the '648 patent by letter dated March 4, 2021, which was received by Defendant on March 5, 2021, more than one year prior to the filing of this Complaint. Yet Defendant has continued its infringing activity. Defendant's infringement has been willful.

90. Plaintiffs have and continue to suffer damages as a direct and proximate result of Defendant's direct infringement of the '648 patent and will suffer additional and irreparable damages unless Defendant is permanently

enjoined by this Court from continuing its infringement. Plaintiffs have no adequate remedy at law.

91. Plaintiffs are entitled to: (i) damages adequate to compensate them for Defendant's direct infringement of the '648 patent, which amounts to, at a minimum, a reasonable royalty; (ii) attorneys' fees; (iii) costs; and (iv) an injunction.

COUNT FOUR: INDIRECT INFRINGEMENT OF THE '648 PATENT

92. Plaintiffs reallege and incorporate herein the preceding allegations of this Complaint as if fully set forth herein.

93. Defendant has in the past and continues to indirectly infringe at least claim 1 of the '648 patent in violation of 35 U.S.C. § 271(b) by actively, knowingly, and intentionally inducing direct infringement by other persons, including customers and end users, by offering for sale and/or selling Defendant's Accused Products in the United States and instructing on their infringing use without authority or license from Plaintiffs and in a manner understood and intended to infringe the '648 patent.

94. A representative claim chart demonstrating Defendant's infringement of the '648 patent, either literally or under the doctrine of equivalents, is attached as Exhibit D.

95. Plaintiffs provided Defendant notice of its infringement of the '648 patent by letter dated March 4, 2021, which was received by Defendant on March 5, 2021, more than one year prior to the filing of this Complaint. Yet Defendant has continued its infringing activity. Defendant's infringement has been willful.

96. Plaintiffs have and continue to suffer damages as a direct and proximate result of Defendant inducing infringement of the '648 patent and will suffer additional and irreparable damages unless Defendant is permanently enjoined by this Court from continuing its infringement. Plaintiffs have no adequate remedy at law.

97. Plaintiffs are entitled to: (i) damages adequate to compensate them for Defendant inducing infringement of the '648 patent, which amounts to, at a minimum, a reasonable royalty; (ii) attorneys' fees; (iii) costs; and (iv) an injunction.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs seek the following relief:

- a. Declaring that Defendant has infringed the '223 patent and the '648 patent, and that this infringement has been willful;
- b. That Defendant be enjoined from further infringement of the '223 patent and the '648 patent pursuant to 35 U.S.C. § 283;

- c. That Defendant be ordered to pay damages adequate to compensate Plaintiffs for its infringement of the '223 patent and the '648 patent pursuant to 35 U.S.C. § 284, and that such damages be enhanced for willful infringement;
- d. That Defendant be ordered to pay prejudgment interest pursuant to 35 U.S.C. § 284;
- e. That Defendant be ordered to pay all costs associated with this action pursuant to 35 U.S.C. § 284;
- f. That Defendant be ordered to pay Plaintiffs' attorneys' fees pursuant to 35 U.S.C. § 285; and
- g. That Plaintiffs be granted such other and additional relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiffs demand a trial by jury of all issues so triable.

This 2nd day of May, 2022.

STAMOULIS & WEINBLATT LLC

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