

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

**AVAYLA LICENSING LLC,**

**Plaintiff,**

v.

**YEALINK (USA) NETWORK  
TECHNOLOGY CO., LTD.,**

**Defendant.**

**Case No.**

**Jury Trial Demanded**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Avayla Licensing LLC (“Plaintiff”) hereby files this Original Complaint for Patent Infringement against Yealink (USA) Network Technology Co., Ltd. (“Yealink” or “Defendant”), and alleges, upon information and belief, as follows:

**THE PARTIES**

1. Avayla Licensing LLC is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business at 1401 Lavaca Street, Austin, TX 78701.
2. Defendant is a corporation organized and existing under the laws of the State of Georgia with a place of business in this District at 999 Peachtree Street, Suite 2300, Atlanta, GA, 30309. Defendant may be served through its registered agent, Marc Rawls, located at 999 Peachtree Street, Suite 2300, Atlanta, GA, 30309.

**JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331 and 1338.
4. This Court has personal jurisdiction over Defendant. Defendant has continuous and systematic business contacts with the State of Georgia. Defendant transacts business within this District and elsewhere in the State of Georgia. Further, this Court has personal jurisdiction over Defendant based on its commission of one or more acts of infringement of Plaintiff's Patents in this District and elsewhere in the State of Georgia.
5. Defendant directly conducts business extensively throughout the State of Georgia, by distributing, making, using, offering for sale, selling, and advertising its products and services in the State of Georgia and in this District. Defendant has purposefully and voluntarily made its business services, including the infringing systems and services, available to residents of this District and into the stream of commerce with the intention and expectation that they will be purchased and/or used by consumers in this District.
6. Defendant maintains physical brick-and-mortar business locations in the State of Georgia and within this District, retains employees specifically in this District for the purpose of servicing customers in this District, and generates substantial revenues from its business activities in this District.
7. Venue is proper in this District as to Defendant pursuant to at least 28 U.S.C. §§ 1391(c)(2) and 1400(b). As noted above, Defendant maintains a regular and established business presence in this District.

**PATENTS-IN-SUIT**

8. Plaintiff is the sole and exclusive owner, by assignment, of U.S. Patent 9,253,445 (the “445 Patent”), titled “Terminal Multipoint Control Unit, System and Method for Implementing High Definition Multiple Pictures” (hereinafter collectively referred to as the “Patents-in-Suite”).
9. By written instruments duly filed with the United States Patent and Trademark Office, Plaintiff is assigned all rights, title, and interest in the Patents-in-Suit. As such, Plaintiff has sole and exclusive standing to assert the Patents-in-Suit and to bring these causes of action.
10. The Patents-in-Suit are valid, enforceable, and were duly issued in full compliance with Title 35 of the United States Code.
11. The Patents-in-Suit were originally assigned to international industry power, ZTE Corporation.
12. The named inventors for the Patents-in-Suit are the named inventors on hundreds U.S. Patents that were also originally assigned to international industry leaders such as ZTE, Shenzhen China Star Optoelectronics Technology, Samsung, and Zhejiang University.
13. The Patents-in-Suit each include numerous claims defining distinct inventions. No single claim is representative of any other.
14. The priority date of each of the Patents-in-Suit is at least as early as June 30, 2009. As of the priority date, the inventions as claimed were novel, non-obvious, unconventional, and non-routine. Indeed, the Patents-in-Suit overcame a number of specific technological problems in the industry, and provided specific technological solutions.
15. The claims of the Patents-in-Suit are patent eligible under 35 U.S.C. § 101, 102, 103, and 112, as reflected by the fact that three different Patent Examiners all agreed and allowed the

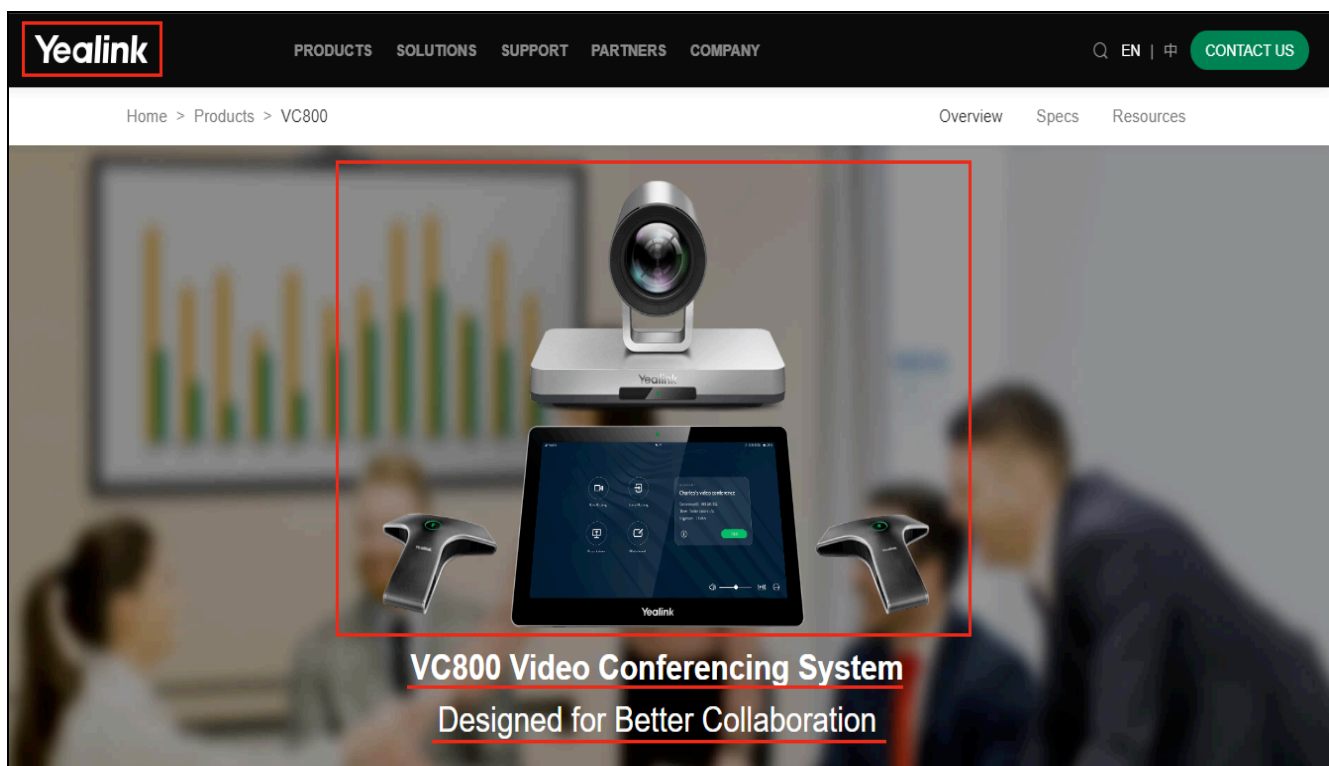
Patents-in-Suit over extensive prior art as disclosed and of record during the prosecution of the Patents-in-Suit. *See Stone Basket Innov. v. Cook Medical*, 892 F.3d 1175, 1179 (Fed. Cir. 2018) (“when prior art is listed on the face of a patent, the examiner is presumed to have considered it”) (citing *Shire LLC v. Amneal Pharm., LLC*, 802 F.3d 1301, 1307 (Fed. Cir. 2015)); *Exmark Mfg. v. Briggs & Stratton*, 879 F.3d 1332, 1342 (Fed. Cir. 2018).

16. After giving full proper credit to the prior art and having conducted a thorough search for all relevant art and having fully considered the most relevant art known at the time, the United States Patent Examiners allowed all of the claims of the Patents-in-Suit to issue. In so doing, it is presumed that Examiners used their knowledge of the art when examining the claims. *See K/S Himpp v. Hear-Wear Techs., LLC*, 751 F.3d 1362, 1369 (Fed. Cir. 2014). It is further presumed that Patent Examiners had experience in the field of the invention, and that the Patent Examiners properly acted in accordance with a person of ordinary skill. *In re Sang Su Lee*, 277 F.3d 1338, 1345 (Fed. Cir. 2002).
17. The claims of the Patents-in-Suit are novel and non-obvious, including over all non-cited art that is merely cumulative with the referenced and cited prior art. *See 37 C.F.R. § 1.56(b)* (information is material to patentability when it is not cumulative to information already of record in the application); *see also AbbVie Deutschland GmbH v. Janssen Biotech*, 759 F.3d 1285, 1304 (Fed. Cir. 2014); *In re DBC*, 545 F.3d 1373, 1382 (Fed. Cir. 2008). Likewise, the claims of the Patents-in-Suit are novel and non-obvious, including over all non-cited contemporaneous state of the art systems and methods, all of which would have been known to a person of ordinary skill in the art, and which were therefore presumptively also known and considered by the Examiners. *See, e.g., St. Clair I.P. Consultants v. Canon, Inc.*, 2011 WL 66166 at \*6 (Fed. Cir. 2011); *In re Sang Su Lee*, 277 F.3d 1338, 1345 (Fed. Cir. 2002);

*In re Koninklijke Philips Patent Litigation*, 2020 WL 7392868 at \*19 (N.D. Cal. 2020); *Standard Oil v. American Cyanamid*, 774 F.2d 448, 454 (Fed. Cir. 1985) (persons of ordinary skill are presumed to be aware of all pertinent prior art).

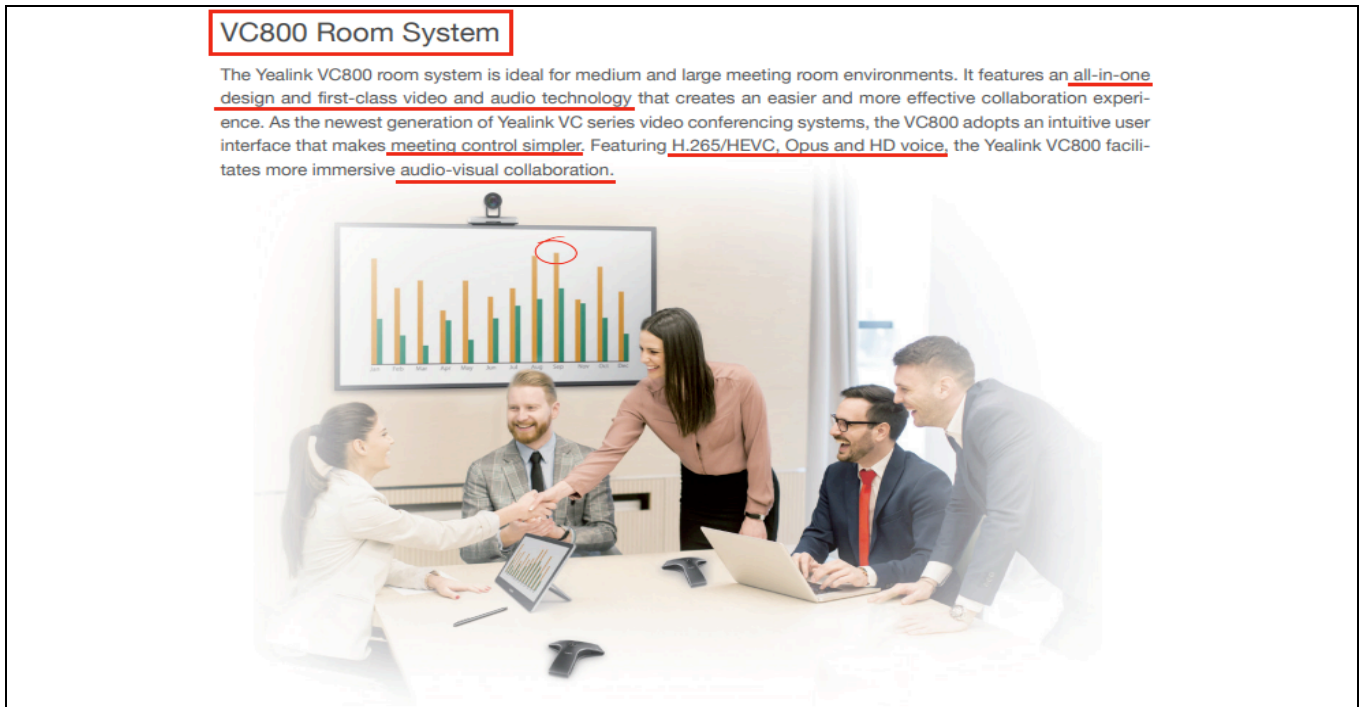
### THE ACCUSED INSTRUMENTALITIES

18. Upon information and belief, Defendant makes, sells, advertises, offers for sale, uses, or otherwise provides a method for implementing high-definition multiple pictures (e.g., full-HD video conferencing, with the help of YealinkVC800 Video Conferencing System) covered by the Patents-in-Suit, including Yealink Platform has a VC800 Video Conferencing System for full-HD video conferencing utilizing Yealink Meeting server, as represented below, including all augmentations to these platforms or descriptions of platforms. Collectively, all the foregoing is referred to herein as the “Accused instrumentalities.”



See <https://www.yealink.com/en/product-detail/video-conferencing-vc800>

19. Defendant has a Yealink Platform with a VC800 Video Conferencing System for full-HD video conferencing utilizing Yealink Meeting server that can support 24-site HD video conferencing.



See [https://www.yealink.com/website-service/attachment/product\\_resource/documents/20220531/20220531023014619d686f5294a038a9e7d362262d0f5.pdf](https://www.yealink.com/website-service/attachment/product_resource/documents/20220531/20220531023014619d686f5294a038a9e7d362262d0f5.pdf).

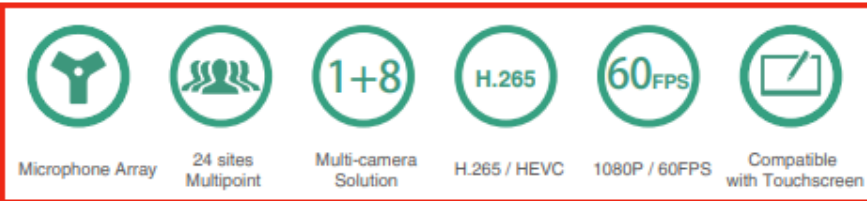


VC800

Video Conferencing System

## Designed for Better Collaboration

VC800 is the second generation full-HD video conferencing system launched by Yealink. Equipped with the strongest embedded MCU within the industry, VC800 can support 24-site HD video conferencing. It has an all-in-one design and first-class video and audio technology that creates an easier and more effective collaboration experience. As the newest generation of Yealink VC series video conferencing systems, the VC800 adopts an intuitive user interface that makes meeting control simpler. Featuring H.265/HEVC, Opus and HD voice backed by a superior speaker, the Yealink VC800 facilitates more immersive audio-visual collaboration. VC800 supports up to 8 VCC22 cameras as '1+8' multi-camera solution. By leveraging Yealink Meeting Server(YMS), the VC800 seamlessly supports Meeting Scheduling and One-touch Meeting Access. All combine to make VC800 one of the perfect solution for the medium-to-large meeting rooms.



See [https://www.yealink.com/website-service/attachment/product\\_resource/documents/20220531/202205310228547895b216a004462a8239f9047ea2b12.pdf](https://www.yealink.com/website-service/attachment/product_resource/documents/20220531/202205310228547895b216a004462a8239f9047ea2b12.pdf).

**All-in-one Design Creates Easier Meeting Experience and Simpler Deployment**

Yealink VC800 owns compact design which combines codec and camera together, only one standard RJ45 network cable could connect TV area and conference table. Brand-new intuitive user interface and touchable phone make meeting simpler to control.

See <https://www.yealink.com/en/product-detail/video-conferencing-vc800>

<p><b>Key Features and Benefits</b></p> <p><u>Powerful Built-in MCU</u> Yealink VC800 supports up to 24 sites HD video conferencing. Meanwhile, it backs up Automatic Voice Activated Switching and local meeting control, making the meeting be in an orderly manner.</p> <p><u>Immersive Audio-Visual Experience</u> Using a new 12x optical PTZ camera, it supports 1080P/60FPS video calls, thus greatly enhancing the fluency of video conferencing and making the presentation more vivid even in details. Co-worked with Yealink video conferencing microphone array VCM34 and Yealink soundbar MSpeaker, Yealink VC800 creates a better audio solution. Backed by a superior speaker, Opus codec and quality 20ft/360° voice pickup distance, VC800 ensures that anyone in the workspace could have an immersive HD audio experience.</p> <p><u>Interaction and Collaboration</u> Adopting an industry-leading 13.3-inch touch panel and supporting meeting control, annotation and whiteboard features, Yealink VC800 offers a comfortable and productive collaborative meeting experience. In addition, VC800 supports multiple content input methods that can cover almost all devices you are using.</p> <p><u>Less Bandwidth, Better Network Adaptability</u> Via supporting H.265/HEVC video codecs, just with the minimum 512kbps, 1080P HD video calls can be realized, thus saving more than 50% bandwidth than using H.264. Thanks to Yealink anti-packet loss technology, VC800 can resist up to 30% video and audio packet loss which guarantees smooth video communication.</p> <p><u>Compatibility and Integration</u> Yealink VC800 supports standard H.323/SIP dual protocol. It is not only deeply integrated with Yealink Meeting Server(YMS), supporting Meeting Scheduling and One-touch Meeting Access; but also worked with Yealink Cloud Management Service, bringing quick deployment. Besides, it supports the 3<sup>rd</sup>-party room system and integrates with the leading cloud platforms.</p>	<ul style="list-style-type: none"> <li>• Built-in 24-site multipoint and can be divided into two virtual meeting rooms</li> <li>• 1080P/60FPS and 12x optical PTZ camera</li> <li>• H.265/HEVC video codec, 1080P from 512Kbps bandwidth</li> <li>• Super packet loss recovery technology (video resistant up to 30% and audio resistant up to 70%)</li> <li>• CTP20 Collaboration Touch Panel</li> <li>• VCM34 Video Conferencing Microphone Array</li> <li>• Two HDMI output and two HD content input (HDMI + Mini-DP)</li> <li>• Supports wireless content sharing</li> <li>• Support '1+8' multi-camera solution with VCC22</li> <li>• Deeply integrate with leading cloud platforms: Yealink Cloud, Yealink Meeting Server, StarLeaf, Pexip, Zoom, BlueJeans, EasyMeet, Videxio</li> </ul>
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See [https://www.yealink.com/website-service/attachment/product\\_resource/documents/20220531/202205310228547895b216a004462a8239f9047ea2b12.pdf](https://www.yealink.com/website-service/attachment/product_resource/documents/20220531/202205310228547895b216a004462a8239f9047ea2b12.pdf).

<p><b>Package includes:</b></p> <ul style="list-style-type: none"> <li>• VC800 Codec (integrate camera)</li> <li>• CP960 Conference Phone (VC800-Phone)</li> <li>• CTP20 Collaboration Touch Panel (VC800-VCM-CTP)</li> <li>• 2 x VCM34 Video Conferencing Microphone Arrays (VC800-VCM-CTP)</li> <li>• VCR11 Remote Control</li> <li>• VCH50/VCH51 Video Conferencing Hub (optional)</li> <li>• WPP20 Wireless Presentation Pod (optional)</li> <li>• Cable Bundle</li> </ul> <p><b>Full-HD PTZ Camera</b></p> <ul style="list-style-type: none"> <li>• 2MP color image sensor</li> <li>• 1920 x 1080 video resolution</li> <li>• 60 frame rate</li> <li>• 12x optical zoom PTZ camera</li> <li>• Horizontal field of view: 70°</li> <li>• Vertical field of view: 42°</li> <li>• Pan angel range: +/- 100°</li> <li>• Tilt angel range: +/- 30°</li> <li>• Automatic or manual focus, exposure and white balance</li> </ul> <p><b>Multipoint Capacity</b></p> <ul style="list-style-type: none"> <li>• Built-in multipoint up to 24 sites at 1080p30</li> <li>• Multipoint license for 8/16/24 sites</li> <li>• Supports two virtual meeting rooms</li> <li>• Additional five-way audio call</li> <li>• Mixed protocols, codecs, bandwidth, resolution and frame rate</li> </ul> <p><b>Video Standard and Network Suitability</b></p> <ul style="list-style-type: none"> <li>• Video codecs: H.265/HEVC, H.264 High Profile, H.264, H.263</li> <li>• Bandwidth dynamic adaptive adjustment</li> <li>• Forward Error Correction (FEC), anti 30% video packet loss and 70% audio packet loss</li> <li>• Shared content and audio preference strategy</li> <li>• Bandwidth/protocol/auto adaptive</li> </ul>	<p><b>Video Conferencing Microphone Array VCM34 (VC800-VCM-CTP)</b></p> <ul style="list-style-type: none"> <li>• Built-in 3 microphone array</li> <li>• 20ft/360° voice pickup range</li> <li>• Up to 4 VCM34 in one system</li> </ul> <p><b>Call Features</b></p> <ul style="list-style-type: none"> <li>• 1080p60 people + 1080P30 content sharing video quality</li> <li>• <b>Video Layout:</b> <ul style="list-style-type: none"> <li>- Voice activation (onePlusN)</li> <li>- onePlusN, maximum 1+7 viewable participates</li> <li>- N*N, maximum 3*3 viewable participates</li> <li>- Picture-in-picture (PIP) , full-screen</li> </ul> </li> <li>• <b>Video/audio recording and playback</b></li> <li>• Dual displays and 'focus' feature</li> <li>• Screenshots in USB flash drive or YMS</li> <li>• Group dial</li> <li>• Meeting control: <ul style="list-style-type: none"> <li>- invite/remove</li> <li>- mute/unmute participates (only for Yealink Meeting Server)</li> <li>- lock</li> </ul> </li> <li>• DND (do not disturb), call statistics</li> <li>• Auto answer, mute, and call waiting</li> <li>• Virtual meeting room password</li> <li>• Virtual keyboard</li> <li>• Local directory: 500 entries</li> <li>• Call history: all/missed/received/dialed</li> <li>• LDAP phonebook</li> <li>• Multi-language support</li> </ul> <p><b>Standard Communication Protocol</b></p> <ul style="list-style-type: none"> <li>• H.323/SIP</li> <li>• Dual stream protocol: H.239 (H.323)/BFCP (SIP)</li> <li>• FECC: H.224/H.281, Sony VISCA and PELCO D/P</li> <li>• H.323 protocol suite: H.245, H.225, H.235, H.241</li> <li>• Gatekeeper account and SIP account</li> </ul> <p><b>Compatible Cloud Platforms</b></p>
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See [https://www.yealink.com/website-service/attachment/product\\_resource/documents/20220531/202205310228547895b216a004462a8239f9047ea2b12.pdf](https://www.yealink.com/website-service/attachment/product_resource/documents/20220531/202205310228547895b216a004462a8239f9047ea2b12.pdf).

**COUNT I**  
**Infringement of U.S. Patent No. 9,253,445**

20. Plaintiff incorporates the above paragraphs by reference.
21. Defendant has been on actual notice of the '445 Patent at least as early as the date it received service of the Original Complaint in this litigation.

22. The damages period begins at least as early as six years prior to the date of service of the Original Complaint in this litigation.
23. Defendant manufactures, sells, offers for sale, owns, directs, and/or controls the operation of the Accused Instrumentalities and generates substantial financial revenues and benefits therefrom.
24. Defendant has directly infringed and continues to directly infringe the claims of the '445 Patent. As exemplary, Claim 1 is by making, using, importing, selling, and/or offering for sale the Accused Instrumentalities. Defendant directly makes and sells the infringing Accused Instrumentalities at least because it is solely responsible for putting the infringing systems into service by directing or controlling the systems as a whole and by obtaining the benefits therefrom. More specifically, and on information and belief, with respect to the Accused Instrumentalities, Defendant:
  - (i) practices such that a terminal (e.g., Yealink VC800 Video Conferencing System, Yealink CP960 HD IP Conference Phone, etc.) receiving a capability set (e.g., video resolution, frame rate, etc.) sent by a Multipoint Control Unit (MCU) (e.g., Yealink Meeting server), the capability set (e.g., video resolution, frame rate, etc.) including a high-definition video code stream format (e.g., HD video codec stream such as H.265/HEVC, H.264 etc.) calculated by the MCU (e.g., Yealink Meeting server) according to video conference control information (e.g., control information related to conference video stream such as number of participants, whether a participant enabled video capturing, etc.);
  - (ii) provides a user terminal such as Yealink VC800 Video Conferencing System, Yealink CP960 HD IP Conference Phone, etc. receives high definition video having

HD video codec stream from a Yealink Meeting server. The terminal receiving the capability set is sent by the Meeting server;

- (iii) provides video conference call functionality through it to multiple user terminal devices. It sets calling functions such as video/audio, bitrate, etc. (e.g., capability set) for each terminal in the conference call. The MCU gathers bandwidth data for all connected terminals, calculates optimum stream format based on the participant numbers, videos to be streamed, network, etc. and sends the capability set to the terminal;
- (iv) practices such that the terminal (e.g., Yealink VC800 Video Conferencing System, Yealink CP960 HD IP Conference Phone, etc.) encoding a high-definition video image (e.g., full-HD video conferencing) according to the video code stream format (e.g., HD video codec stream such as H.265/HEVC, H.264 etc.) and sending an encoded high-definition video code stream to the MCU (e.g., Yealink Meeting server);
- (v) practices such that the terminal (e.g., Yealink VC800 Video Conferencing System, Yealink CP960 HD IP Conference Phone, etc.) receiving a high-definition multipicture video code stream image obtained after the MCU (e.g., Yealink Meeting server) synthesizes the high-definition video code stream image into multiple pictures (e.g., video conference comprising participant's video stream) and displaying the high-definition multipicture video code stream image;
- (vi) supports full-HD video conferencing. Yealink Meeting server multiplexes video streams of each participant into a single stream and displays the video streams as multipicture video code stream image (e.g., zoom PTZ camera);

- (vii) supports providing the video conference control information comprising a number of pictures of a conference (e.g., the video frames of participants displayed on a number of tiles depending upon the number of participating users, the number of pictures can change according to the dynamic layout as the participants are increased or decreased dynamically), a picture number of the terminal (e.g., when the user is the current speaker, it's picture number is considered as the first picture number on the layout), and whether the terminal is viewed by other terminals (e.g., based on layout and display control information (the participant can mute/unmute their Video/Audio, etc.)); and
- (ix) provides video conference call functionality using Yealink Meeting Server to multiple user terminal devices. It sets calling functions such as video/audio, bitrate, etc. (e.g., capability set) for each terminal in the conference call. The MCU gathers bandwidth data for all connected terminals, calculates optimum stream format based on the participant numbers, videos to be streamed, network, etc. and sends the capability set to the terminal.

25. Further on information and belief, Defendant directly uses the infringing Accused Instrumentalities at least because it assembled the combined infringing elements and makes them collectively available in the United States, including via its Internet domain web pages and/or software applications, as well as via its internal systems and interfaces. Further, and on information and belief, Defendant has directly infringed by using the infringing Accused Instrumentalities as part of its ongoing and regular testing and/or internal legal compliance activities. Such testing and/or legal compliance necessarily requires Defendant to make and use the Accused Instrumentalities in an infringing manner. Still further, Defendant is a direct

infringer by virtue of its branding and marketing activities, which collectively comprise the sale and offering for sale of the infringing Accused Instrumentalities.

26. As shown above, Defendant is making, using, and offering for sale the Accused Instrumentalities.
27. Additionally, upon information and belief, Defendant owns, directs, and/or controls the infringing method operation of the Accused Instrumentalities.
28. On information and belief, the infringement of the Patents-in-Suit by Defendant will now be willful through the filing and service of this Complaint.
29. In addition or in the alternative, Defendant now has knowledge and continues these actions and it indirectly infringes by way of inducing direct infringement by others and/or contributing to the infringement by others of the '445 Patent in the State of Georgia, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, infringing services for use in systems that fall within the scope of the claims of the '445 Patent. This includes without limitation, one or more of the Accused Instrumentalities by making, using, importing offering for sale, and/or selling such services, Defendant injured Plaintiff and is thus liable to Plaintiff for infringement of the '445 Patent under 35 U.S.C. § 271.
30. Now with knowledge of the Patents-in-Suit, Defendant induces infringement under Title 35 U.S.C. § 271(b). Defendant will have performed actions that induced infringing acts that Defendant knew or should have known would induce actual infringements. *See Manville Sales Corp. v. Paramount Sys., Inc.*, 917 F.2d 544, 553 (Fed.Cir.1990), quoted in *DSU Med. Corp. v. JMS Co.*, 471 F.3d 1293, 1306 (Fed.Cir.2006) (*en banc* in relevant part). “[A] finding of inducement requires a threshold finding of direct infringement—either a finding of

specific instances of direct infringement or a finding that the accused products necessarily infringe.” *Ricoh*, 550 F.3d at 1341 (citing *ACCO Brands, Inc. v. ABA Locks Manufacturer Co.*, 501 F.3d 1307, 1313, (Fed. Cir. 2007).

31. Plaintiff will rely on direct and/or circumstantial evidence to prove the intent element. *See Fuji Photo Film Co. v. Jazz Photo Corp.*, 394 F.3d 1368, 1377 (Fed. Cir. 2005) (“A patentee may prove intent through circumstantial evidence.”); *Water Techs. Corp. v. Calco, Ltd.*, 850 F.2d 660, 668 (Fed. Cir. 1988) (“While proof of intent is necessary, direct evidence is not required; rather, circumstantial evidence may suffice.”).
32. Defendant has taken active steps to induce infringement, such as advertising an infringing use, which supports a finding of an intention for the accused product to be used in an infringing manner. *See Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd.*, 545 U.S. 913, 932, 125 S. Ct. 2764, 162 L. Ed. 2d 781 (2005) (explaining that the contributory infringement doctrine “was devised to identify instances in which it may be presumed from distribution of an article in commerce that the distributor intended the article to be used to infringe another’s patent, and so may justly be held liable for that infringement”).
33. In addition, on information and belief, and based in part upon the clear infringement by the Accused Instrumentalities, Defendant has a practice of not performing a review of the patent rights of others first for clearance or to assess infringement thereof prior to launching products and services. As such, Defendant has been willfully blind to the patent rights of Plaintiff.
34. The foregoing infringement on the part of Defendant has caused past and ongoing injury to Plaintiff. The specific dollar amount of damages adequate to compensate for the

infringement shall be determined at trial but is in no event less than a reasonable royalty from the date of first infringement to the expiration of the Patents-in-Suit.

35. Each of Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant as follows:

1. Declaring that Defendant has infringed each of the Patents-in-Suit;
2. Awarding Plaintiff its damages suffered because of Defendant's infringement of the Patents-in-Suit;
3. Enter a judgment awarding treble damages pursuant to 35 U.S.C. §284 for Defendant's willful infringement of one or more of the Patents-in-Suit;
4. Awarding Plaintiff its costs, reasonable attorneys' fees, expenses, and interest; and
5. Granting Plaintiff such further relief as the Court finds appropriate.

**JURY DEMAND**

Plaintiff demands trial by jury, under Fed. R. Civ. P. 38.

Respectfully Submitted

*/s/ M. Scott Fuller* \_\_\_\_\_

M. Scott Fuller

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**AVAYLA LICENSING LLC**