

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>ORTIZ &amp; ASSOCIATES</b>	)	
<b>CONSULTING, LLC,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 3:23-cv-00791</b>
<b>v.</b>	)	
	)	
<b>VIZIO, INC.,</b>	)	<b>JURY TRIAL DEMANDED</b>
<b>Defendant.</b>	)	

**PLAINTIFF’S FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Ortiz & Associates Consulting, LLC (“Plaintiff” or “Ortiz”) files this First Amended Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 9,147,299 (“the ’299 patent”) and U.S. Patent No. 9,549,285 (“the ’285 patent”) (referred to as the “Patents-in-Suit”) by Vizio, Inc. (“Defendant” or “Vizio”).<sup>1</sup>

**I. THE PARTIES**

1. Plaintiff is a New Mexico Limited Liability Company with its principal place of business located in Albuquerque, NM.

2. On information and belief, Defendant is a corporation organized and existing under the laws of the State of CA, with a regular and established place of business located at 39 Tesla, Irvine, CA 92618. On information and belief, Defendant has established places of business throughout this District at least at 14901 Quorum Dr., Dallas, TX 75254. Defendant is registered to do business in Texas and has filed a motion to dismiss in this action.

**II. JURISDICTION AND VENUE**

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<sup>1</sup> This amended complaint is filed with 21 days of a motion to dismiss pursuant to FED. R. CIV. PROC. 15 (a)(1)(b).

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

### **III. INFRINGEMENT**

#### **A. Infringement of the '299 Patent**

6. On September 29, 2015, U.S. Patent No. 9,147,299 ("the '299 patent", included as Exhibit A and part of this complaint) entitled "Systems, methods and apparatuses for brokering data between wireless devices, servers and data rendering devices" was duly and legally issued by the U.S. Patent and Trademark Office. Plaintiff owns the '299 patent by assignment.

7. The '299 patent relates to novel and improved systems, methods and apparatus for providing data, such as documents and video, to data rendering devices (DRDs) including networked printers capable of printing documents and multimedia devices (e.g., televisions,

video monitors, and projectors) capable of displaying video data at the request of wireless devices.

8. Defendant maintains, operates, and administers systems, products, and services that performs a method that infringes one or more of claims 1-6 of the '299 patent, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '299 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the the chart attached as exhibit B. These allegations of infringement are preliminary and are therefore subject to change.

10. Defendant has caused damage by direct infringement of the claims of the '299 patent.

#### **B. Infringement of the '285 Patent**

11. On January 17, 2017, U.S. Patent No. 9,549,285 ("the '285 patent", included as Exhibit C and part of this complaint) entitled "Systems, methods and apparatuses for brokering data between wireless devices, servers and data rendering devices" was duly and legally issued by the U.S. Patent and Trademark Office. Plaintiff owns the '285 patent by assignment.

12. The '285 patent relates to novel and improved systems, methods and apparatus for providing data, such as documents and video, to data rendering devices (DRDs) including networked printers capable of printing documents and multimedia devices (e.g., televisions, video monitors, and projectors) capable of displaying video data at the request of wireless devices.

13. Defendant maintains, operates, and administers systems, products, and services that performs a method that infringes one or more of claims 1-13 of the '285 patent, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '285 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

14. Support for the allegations of infringement may be found in the the chart attached as exhibit D. These allegations of infringement are preliminary and are therefore subject to change.

15. Defendant has caused Plaintiff damage by direct infringement of the claims of the '285 patent.

#### **IV. JURY DEMAND**

Plaintiff hereby requests a trial by jury on issues so triable by right.

#### **V. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the patents-in-suit;
- b. award Plaintiff damages in an amount sufficient to compensate it for Defendant's infringement of the Patents-in-Suit in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award Plaintiff an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;

- d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award Plaintiff its attorneys’ fees, expenses, and costs incurred in this action; and,
- e. award Plaintiff such other and further relief as this Court deems just and proper.

Respectfully submitted,

**Ramey LLP**

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***Attorneys for ORTIZ & ASSOCIATES  
CONSULTING, LLC.***

CERTIFICATE OF SERVICE

I certify that, on June 28, 2023, the foregoing document has been filed with the Clerk via the Court’s CM/ECF system and served on all counsel of record.

/s/ William P. Ramey, III

William P. Ramey, III