

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**FLICK INTELLIGENCE, LLC,
Plaintiff,**

v.

**META PLATFORMS, INC,
Defendant**

Civil Action No. 6:23-cv-00655

JURY TRIAL DEMANDED

PLAINTIFF’S FIRST AMENDED COMPLAINT

Flick Intelligence LLC (“Plaintiff” or “Flick”) files this First Amended Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 9,465,451 (“the ‘451 patent”) (referred to as the “Patent-in-Suit”) by Meta Platforms, Inc. (“Defendant” or “Meta”). This amended complaint is filed before Defendant has answered and by agreement of the parties.

I. THE PARTIES

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

2. On information and belief, Defendant is a Delaware corporation with a principal address of 1601 Willow Road Menlo Park, California 94025 and has regular and established places of business throughout this District, including at least at 300 West 6th Street Austin, Texas 78701. *See* https://www.metacareers.com/locations/?job_region=North%20America. Defendant has been served.

3. On information and belief, Defendant directly and/or indirectly develops, designs, manufactures, distributes, markets, offers to sell and/or sells infringing products and services in

the United States, including in the Western District of Texas, and otherwise directs infringing activities to this District in connection with its products and services.

II. JURISDICTION AND VENUE

4. 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.

5. 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.

6. 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 '451 Patent

7. On October 11, 2016, U.S. Patent No. 9,465,451 ("the '451 patent" , included as Exhibit A and part of this complaint) entitled "Method, system and computer program product for obtaining and displaying supplemental data about a displayed movie, show, event or video game,"

was duly and legally issued by the U.S. Patent and Trademark Office. Flick Intelligence, LLC, owns the '451 patent by assignment.

8. The '451 patent relates to a novel and improved method, system and computer program product for displaying additional information about a displayed point of interest.

9. The '451 patent describes how “[p]eople have watched video content on televisions and other audio-visual devices for decades. They have also used gaming systems, personal computers, handheld devices, and other devices to enjoy interactive content. They often have questions about places, people and things appearing as the Video content is displayed, and about the music they hear. Databases containing information about the content such as the actors in a scene or the music being played already exist and provide users with the ability to learn more.”¹

10. The '451 patent further provides limitation in the prior art that “[t]he existing database solutions provide information about elements appearing in a movie or scene, but only in a very general way. A person curious about a scene element can obtain information about the scene and hope that the information mentions the scene element in which the person is interested. Systems and methods that provide people with the ability to select a specific scene element and to obtain information about only that element are needed.” Therefore, the '451 patent provides that the prior art does not allow a user to find information about specific scene elements and that the claims of the '451 patent prior a solution for this prior art limitation. Thus, Here the asserted claims of the '451 patent are directed to a specific technical improvement. The '451 patent relates to novel and improved methods and apparatuses for displaying additional information about a displayed point of interest.

¹ Doc. No. 1-1 at Column 1, line 61 to Column 2, line 2 (“1:61-2:2”).

11. The '451 patent's specification teaches the claimed solution for exchanging such information was not available prior to the invention of the claims of the '451 patent:

The existing database solutions provide information about elements appearing in a movie or scene, but only in a very general way. A person curious about a scene element can obtain information about the scene and hope that the information mentions the scene element in which the person is interested.²

12. The '451 patent, by contrast, allows a user to obtain information with a great degree of specificity. The problem it recognized is that:

Systems and methods that provide people with the ability to select a specific scene element and to obtain information about only that element are needed.³

13. As illustrated by the embodiments as claimed, the invention disclosed by the '451 patent allows a user to specify a target of interest, whereas the state of the art at the time the patent was issued did not allow a user to select a specific target on a screen:

1. A method for displaying additional information about a scene element displayed in a frame of video content being presented on a display, the method comprising:
determining a location of the display in relation to an augmented reality device wherein a plurality of markers is used to determine the location of the display, wherein the augmented reality device comprises a secondary display, and wherein the location of the display is used to map points on the display to points on the secondary display;
detecting a selection of the scene element wherein a viewer looks through the augmented reality device to view the display and utilizes the augmented reality device to point at and select the scene element; and displaying the additional information to the viewer on the secondary display, in response to the selection.

14. Defendant offers for sale, sells and manufactures device(s), including but not limited to, Passthrough and related systems that infringe one or more claims of the '451 patent, including one or more of claims 1-14, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '451 Patent into service (i.e., used them); but for Defendant's actions, the claimed-

² Doc. No. 1-1 at 2:3-8.

³ Doc. No. 1-1 at 2:8-10.

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.

15. Support for the allegations of infringement may be found in the preliminary exemplary table attached as Exhibit B. These allegations of infringement are preliminary and are therefore subject to change. The Accused Instrumentality is Passthrough API.

16. Defendant has and continues to induce infringement. Defendant has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., the AR application developed using Passthrough and related systems) and related services that provide question and answer services across the Internet such as to cause infringement of one or more of claims 1–14 of the '451 patent, literally or under the doctrine of equivalents. Moreover, Defendant has known of the '451 patent and the technology underlying it from at least the date of the filing of the lawsuit.⁴ For clarity, direct infringement is previously alleged in this complaint.

17. Defendant has and continues to contributorily infringe. Defendant has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., the AR application developed using Passthrough and related systems) and related services that provide question and answer services across the Internet such as to cause infringement of one or more of claims 1–14 of the '451 patent, literally or under the doctrine of equivalents. Moreover, Defendant has known of the '451 patent and the technology underlying it from at least the filing date of the lawsuit.⁵ For clarity, direct infringement is previously alleged in this complaint.

⁴ Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

⁵ Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

18. Defendant has caused and will continue to cause Plaintiff damage by direct and indirect infringement of (including inducing infringement of) the claims of the '451 patent.

IV. CONDITIONS PRECEDENT

19. Plaintiff is a non-practicing entity, with no products to mark. Plaintiff has plead all statutory requirements to obtain pre-suit damages. Further, all conditions precedent for recovery are met.

V. JURY DEMAND

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

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the Patent-in-Suit;
- b. award Plaintiff damages in an amount sufficient to compensate it for Defendant's infringement of the Patent-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;
- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (if) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and

subsidiaries, and those in association with Defendant from infringing the claims of the Patent-in-suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and

g. award Plaintiff such other and further relief as this Court deems just and proper.

Respectfully submitted,

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Attorneys for FLICK INTELLIGENCE, LLC

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel of record who have appeared in this case are being served on this day of January 12, 2024, with a copy of the foregoing via CM/ECF Filing.

/s/ William P. Ramey, III
William P. Ramey, III