UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

FACTOR2 MULTIMEDIA SYSTEMS, LLC 5802 ORCHARD HILL LANE CLIFTON, VIRGINIA 20124 Plaintiff v. SNAP INC. 405 COLORADO STREET AUSTIN, TX 78701 Defendant	Civil Action No. 24-337

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff Factor2 Multimedia Systems, LLC ("Factor2" or "Plaintiff"), by its undersigned counsel, alleges as follows for its Complaint against Defendant Snap Inc. ("Snap" or "Defendant").

THE NATURE OF THIS ACTION

2. Factor2 brings this action against Snap pursuant to 35 U.S.C. §101 et. seq. and §§271, 281, 283, 284, & 285 inclusive, for infringement of one or more claims of the following six patents, U.S. Patent Nos.

8,281,129 "Direct Authentication System and Method Via Trusted Authenticators,"
9,703,938 "Direct Authentication System and Method Via Trusted Authenticators,"
9,727,864 "Centralized Identification and Authentication System and Method,"
9,870,453 "Direct Authentication System and Method Via Trusted Authenticators,"
10,083,285 "Direct Authentication System and Method Via Trusted Authenticators" and
10,769,297 "Centralized Identification and Authentication System and Method."

Collectively the Patents-in-Suit. Defendants have infringed the Patents-in-Suit, thereby necessitating this lawsuit.

3. Defendant makes, uses, develops, offers to sell, and sells and charge access to the

accused Snapchat Apparatus throughout the United States. The Snapchat Apparatus includes authentication that directly infringes the system and method claims of the Patents-in-Suit. The Snapchat Apparatus includes a system that includes all of the elements of the system and apparatus claims and that performs all of the method claims, and or utilizes a separate system for authentication that includes all of the elements of the system and apparatus claims and that performs all of the method claims. Defendant's "use" of a built in or separate system directly infringes the claims of the Patents-in-Suit. Defendant's inducement of others to authenticate using a system and/or method that infringes the claims of the Patents-in-Suit indirectly infringes the claims of the Patents-in -Suit. Defendant's contribution of elements of the infringing system indirectly infringes by contributing to infringement.

THE PARTIES

4. Plaintiff is a Virginia corporation having an address located at 5802 Orchard Hill Ln, Clifton, VA 20124-1061. Plaintiff is the owner of the Patents-in-Suit by assignment.

5. Defendant Snap is a Delaware Corporation with offices at 405 Colorado Street, Austin, TX 78701. Snap makes, uses, develops, offers to sell, and sells the accused products and systems and sells access to the accused products and profits from its use of the accused products through advertisement revenue and the like, throughout the United States. Snap designs and provides distribution of the Snapchat Apparatus and systems.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the laws of the United States, 35 U.S.C. §271 et seq.

7. This Court has subject matter jurisdiction over this action pursuant to 35 U.S.C. §§271, 281 and 28 U.S.C. §§1331 and 1338(a), federal question.

8. This Court has personal jurisdiction over Defendant Snap because Snap has a regular and established place of business in this district at 405 Colorado Street, Austin, TX 78701.

9. Venue is proper in this District for Defendant Snap pursuant to 28 U.S.C. § 1400(a), 1400(b) and because Defendant Snap maintains a regular and established place of business in this District and has committed acts of infringement, including, development, support, use, sale, and offers to sell infringing products.

BACKGROUND AND GENERAL ALLEGATIONS

10. Factor2 is the current assignee of the Patents-in-Suit

11. Defendant provides and sells access to the Snapchat Apparatus.

12. The Snapchat Apparatus uses a system and method for authentication that infringes claims of each of the Patents-in-Suit.

THE PATENTS-IN-SUIT

13. On October 2nd, 2012, United States Patent No. 8,281,129 titled "Direct Authentication System And Method Via Trusted Authenticators," was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). The '129 Patent claims patent-eligible subject matter and is valid and enforceable. Factor2 is the exclusive owner by assignment of all rights, title, and interest in the '129 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for infringement of the '129 Patent. Defendant is not licensed to the '129 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '129 patent whatsoever. A true and correct copy of the '129 Patent is attached hereto as **Exhibit A**.

14. On July 11th, 2017, United States Patent No. 9,703,938 titled "Direct

Authentication System And Method Via Trusted Authenticators" was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). The '938 Patent claims patent-eligible subject matter and is valid and enforceable. Factor2 is the exclusive owner by assignment of all rights, title, and interest in the '938 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for infringement of the '938 Patent. Defendant is not licensed to the '938 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '938 patent whatsoever. A true and correct copy of the '938 Patent is attached hereto as **Exhibit B**.

15. On July 19th, 2017, United States Patent No. 9,727,864 titled "Centralized Identification and Authentication System and Method" was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). The '864 Patent claims patent-eligible subject matter and is valid and enforceable. Factor2 is the exclusive owner by assignment of all rights, title, and interest in the '864 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for infringement of the '864 Patent. Defendant is not licensed to the '864 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '864 patent whatsoever. A true and correct copy of the '864 Patent is attached hereto as **Exhibit C**.

16. On December 27th, 2017, United States Patent No. 9,870,453 titled "Direct Authentication System and Method Via Trusted Authenticators," was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). The '453 Patent claims patent-eligible subject matter and is valid and enforceable. Factor2 is the exclusive owner by assignment of all rights, title, and interest in the '453 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for

infringement of the ‘453 Patent. Defendant is not licensed to the ‘453 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the ‘453 patent whatsoever. A true and correct copy of the ‘453 Patent is attached hereto as **Exhibit D**.

17. On September 5th, 2018, United States Patent No. 10,083,285 titled “Direct Authentication System and Method Via Trusted Authenticators,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). The ‘285 Patent claims patent-eligible subject matter and is valid and enforceable. Factor2 is the exclusive owner by assignment of all rights, title, and interest in the ‘285 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for infringement of the ‘285 Patent. Defendant is not licensed to the ‘285 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the ‘285 patent whatsoever. A true and correct copy of the ‘285 Patent is attached hereto as **Exhibit E**.

18. On August 19th, 2020, United States Patent No. 10,769,297 titled “Centralized Identification and Authentication System and Method.” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). The ‘297 Patent claims patent-eligible subject matter and is valid and enforceable. Factor2 is the exclusive owner by assignment of all rights, title, and interest in the ‘297 Patent, including the right to bring this suit for damages, and including the right to sue and recover all past, present, and future damages for infringement of the ‘297 Patent. Defendant is not licensed to the ‘297 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the ‘297 patent whatsoever. A true and correct copy of the ‘297 Patent is attached hereto as **Exhibit F**.

19. Each patent is a member of the same patent family.

20. The claims of the ‘297 patent are representative the family of patents and are

directed to "An authentication system for enhancing computer network security." Claim 1 of the '297 patent recites:

> Claim 1. An authentication system for enhancing computer network security by authenticating a user in an electronic communication between a computing device of the user and an online computer system, the authentication system comprising one or more computing devices configured to perform operations comprising:
>
> while the online computer system is connected to the computing device of the user via a communication network, electronically receiving a request for a SecureCode;
>
> generating the SecureCode;
>
> while the online computer system is connected to the computing device of the user via the communication network, electronically providing to the user the SecureCode in response to the request for the SecureCode, wherein:
>
> the SecureCode is invalid after a predetermined time passes,
>
> the SecureCode is invalid after one use of the SecureCode for authentication, and
>
> the SecureCode is only valid for authenticating the user; and
>
> while the online computer system is connected to the computing device of the user via the communication network, electronically receiving from the online computer system a digital authentication request for authenticating the user, wherein:
>
> the digital authentication request comprises a digital identity of the user, and
>
> the digital identity includes the SecureCode; and
>
> while the online computer system is connected to the computing device of the user via the communication network, authenticating the user by evaluating a validity of the SecureCode included in the digital authentication request.

21. Method claims of the '129 Patent are also representative of the method claims of the Patents-in-suit. Claim 1 of the '129 patent recites:

> Claim 1 A computer implemented method to authenticate an individual in communication with an entity over a communication network during a communication between the entity and the individual, the computer implemented method comprising:
>
> receiving electronically a request for a dynamic code for the individual, which request is received from the individual by a trusted-authenticators computer during an authentication of the individual by the entity:
>
> calculating by the trusted-authenticators computer the dynamic code for the individual in response to the request during the authentication of the individual by the entity, wherein the dynamic code is valid for a predefined time and becomes invalid after being used;
>
> sending by the trusted-authenticator's computer electronically the dynamic

code to the individual during the authentication of the individual by the entity:

receiving by the trusted-authenticator's computer electronically an authentication request from the entity to authenticate the individual based on a user information and the dynamic code included in the authentication request, wherein the entity receives the user information and the dynamic code from the individual; and

authenticating by the trusted-authenticator's computer an identity of the individual based on the user information and the dynamic code included in the authentication request, wherein the result of the authentication is provided to the entity.

INFRINGEMENT

22. Defendant makes and provides the Snapchat System and Apparatus, (the Accused Product) which as referenced herein includes not only the phone app portion of the Snapchat Apparatus, but also the back end systems and backbone which provides access and functionality to Snapchat and distributes content and authenticates users on Snapchat, the Accused Product infringes at least one claim of each of the Patents-in-Suit.

23. Defendant has, under 35 U.S.C. §271(a), directly infringed, literally and/or under the doctrine of equivalents, one or more claims of the patents-in-suit, by making, using, testing, selling, offering for sale and/or importing into the United States Defendants' Accused Products.

24. Defendant also indirectly infringes the patents-in-suit by actively inducing the direct infringement by third parties under 35 U.S.C. §271(b). Defendant has knowingly and intentionally actively induced others to directly infringe at least one claim of the patents-in-suit by providing software through which its customers practice the claimed methods and by providing infringing systems used by its customers, including Snapchat users throughout the United States. Defendant continues to induce infringement of the patents-in-suit.

25. Defendant has contributorily infringed and continues to contributorily infringe under 35 U.S.C. §271(c) because, with knowledge of the patents-in-suit, they supply a material

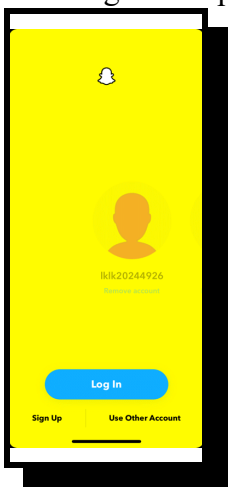
part of an infringing method and/or system, where the material part is not a staple article of commerce, and is incapable of substantial noninfringing use. Defendant contributes to its customers' infringement because, with knowledge of the patents-in-suit, Defendant supplies the technology that allows its customers to infringe the patent, including allowing Defendant's customers to practice the method claims.

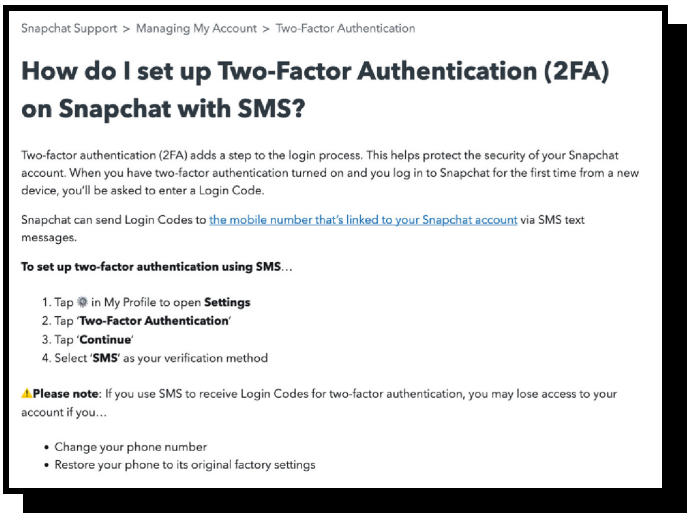
26. Plaintiff has conducted a detailed analysis, establishing and confirming that Defendants' Accused Products directly infringe, contribute to, and induce infringement and when used according to Defendants' instructions for operation, indirectly infringe claims of the Patents-in-Suit.

27. Attached as **Exhibits G-L** to the Complaint are exemplary claim charts demonstrating the correspondence of the operation of the accused products with elements of exemplary claims of representative patents-in-suit.

28. The accused products satisfy the elements of the asserted claims, shown below is an example of the authentication system of Snapchat which infringes claim 1 of the '297 patent:

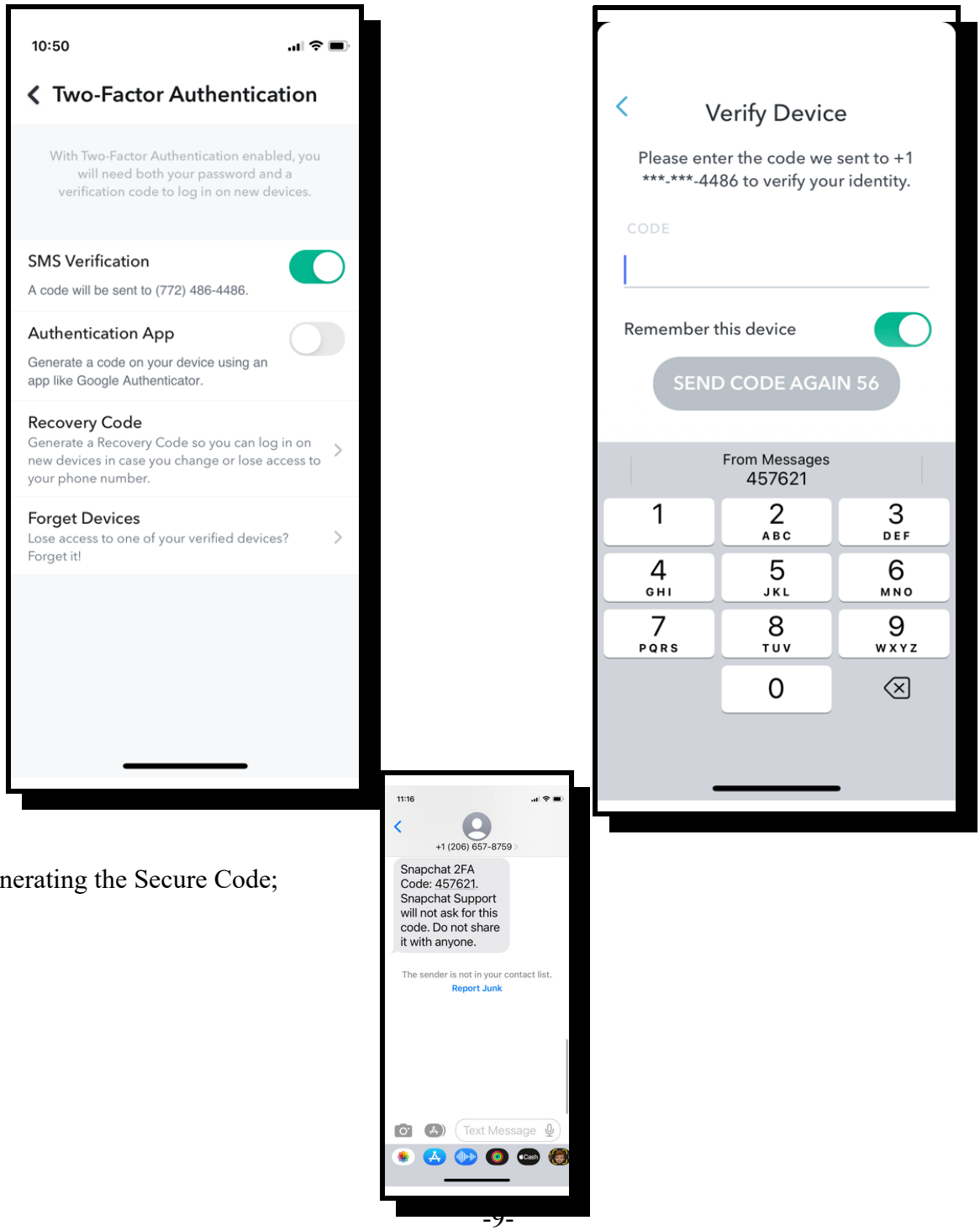
> 1. An authentication system for enhancing computer network security by authenticating a user in an electronic communication between a computing device of the user and an online computer system, the authentication system comprising one or more computing devices configured to perform operations comprising:





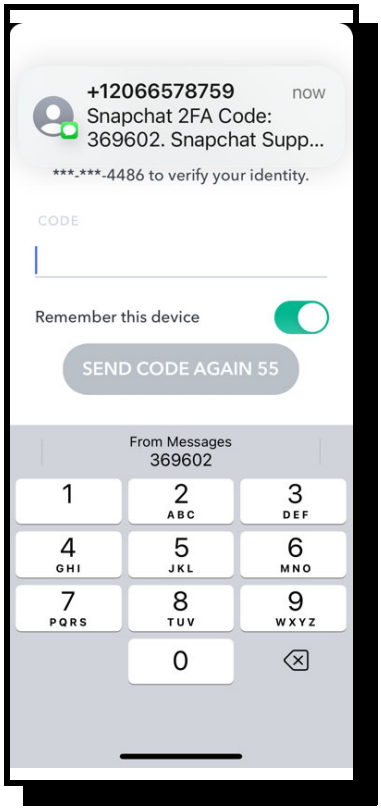
while the online computer system is connected to the computing device of the user via a communication network, electronically receiving a request for a SecureCode;

If the user has 'SMS Verification' enabled, Snap's online computer system receives the request for a SecureCode when the user hits the login button on their device. Snap's online computer system then sends the SecureCode to the user as shown below left via text



generating the Secure Code;

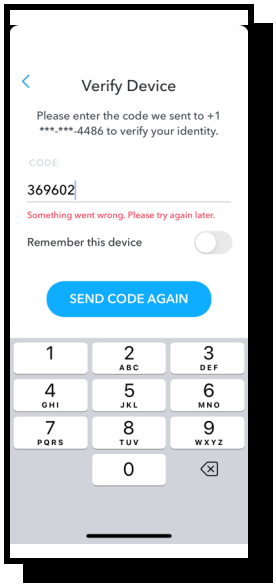
while the online computer system is connected to the computing device of the user via the communication network, electronically providing to the user the SecureCode in response to the request for the SecureCode, wherein:



The SecureCode is sent from Snap's online computer system via text to the user's device. The SecureCode is called the 'Snapchat 2FA Code' by Snap shown to left.

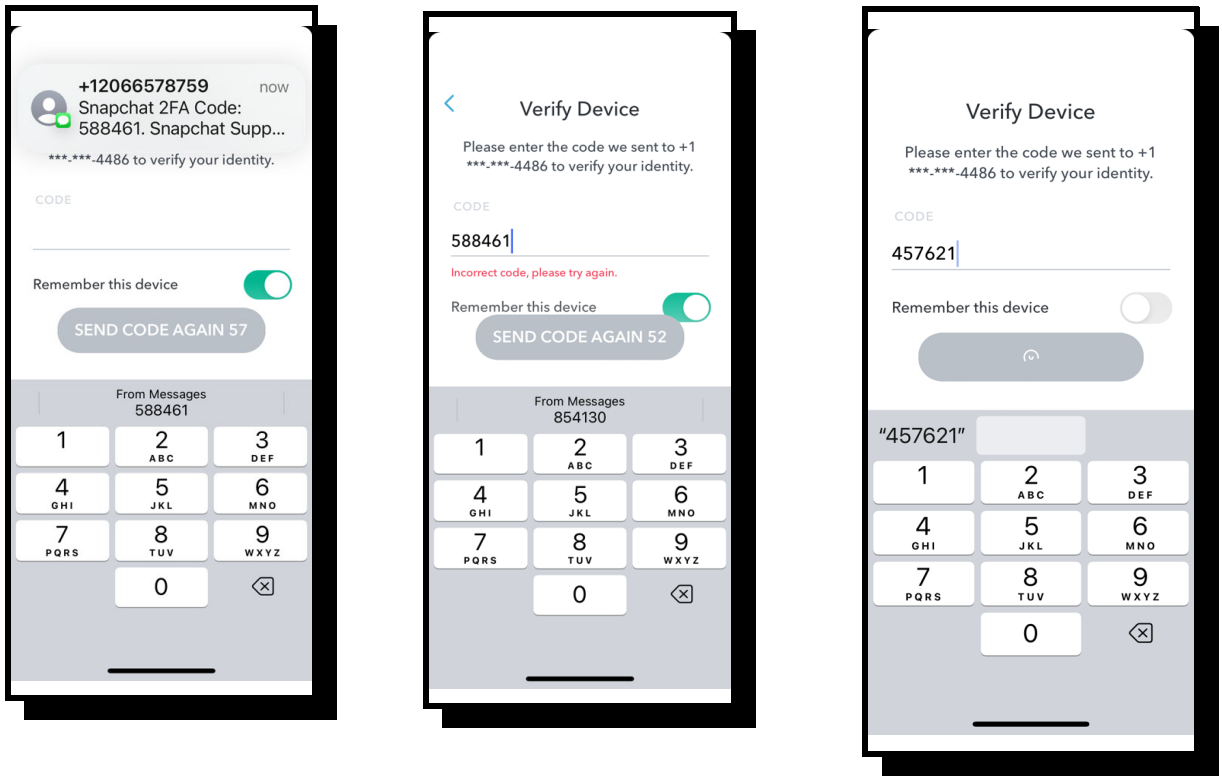
the SecureCode is invalid after a predetermined time passes,

The '369602' SecureCode is received, the user then waits for the minute countdown to pass before using the SecureCode, the SecureCode used does not successfully validate the user as it has been over one minute



the SecureCode is invalid after one use of the SecureCode for authentication, and

The user uses the '588461' SecureCode to login, the user logs out, forgets their device, then attempts to login again with the same SecureCode. The login is unsuccessful



the SecureCode is only valid for authenticating the user; and
while the online computer system is connected to the computing device of the user via the communication network, electronically receiving from the online computer system a digital authentication request for authenticating the user, wherein:
the digital authentication request comprises a digital identity of the user, and
the digital identity includes the SecureCode; and
while the online computer system is connected to the computing device of the user via the communication network, authenticating the user by evaluating a validity of the SecureCode included in the digital authentication request.

Shown above, the user successfully uses the '457621' SecureCode to login. The Snap authentication system receives the user's username 'lklk20244926' as well as the '457621' SecureCode. This SecureCode and username match and the code is valid. The Snap authentication system validates this and then authenticates the user to login to the Snapchat application.

29. Upon information and belief, Defendants have directly infringed one or more of the claims of the Patents-in-Suit under 35 USC 271(a):

> (a) Except as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent.

by engaging in accused activity including making, using, distributing, offering to sell, selling and importing accused products in the United States.

30. Upon information and belief, Defendants have indirectly infringed one or more of the claims of the Patents-in-suit under 35 USC §271(b):

> (b) Whoever actively induces infringement of a patent shall be liable as an infringer.

by providing accused products, with instructions, which are used to practice the patented methods according to the instructions and thereby inducing others to use the products in an infringing manner.

31. Upon information and belief, Defendants have indirectly infringed one or more of the claims of the patents-in suit under 35 USC §271(c):

> (c) Whoever offers to sell or sells within the United States or imports into the United States . . . or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.

by providing accused products, and other components and supplies, which are combined to form an infringing system and/which infringe the claims of the patents-in-suit, Defendants contribute to the infringement of the patents-in-suit.

32. Defendants' infringement has been willful since at least as early as they became aware of the Patents-in-Suit.

33. Upon information and belief, Defendants have no good faith defense to Plaintiff's infringement allegations.

34. As a result of Defendants' infringement of the Patents-in-Suit, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

COUNT I
DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,281,129

35. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

36. Defendant Snap has infringed, at least claims 1-52 of the ‘129 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, selling and importing the Accused Products in the United States.

37. Neither Defendant Snap nor its customers have a license or authority to use the ‘129 Patent.

38. As a result of Defendant Snap’s infringement of the ‘129 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

39. Snap’s infringement of the ‘129 patent has been willful under 35 U.S.C. § 284.

COUNT II
INDIRECT INDUCED INFRINGEMENT OF U.S. PATENT NO. 8,281,129

40. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

41. Defendant Snap has indirectly infringed claims 1-52 of the ‘129 patent under 35 USC §271(b) by inducing others to perform the method and use the system claimed in the '129 patent which infringes the claims of the ‘129 patent, thus inducing the infringement of the ‘129

patent by others.

42. Neither Defendant Snap nor its customers have a license or authority to use the '129 Patent.

43. As a result of Defendant Snap's infringement of the '129 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

44. Snap's infringement of the '129 patent has been willful under 35 U.S.C. § 284.

COUNT III
INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 8,281,129

45. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

46. Defendant Snap has indirectly infringed claims 1-52 of the '129 patent under 35 USC §271(c) by providing accused products, and components and supplies, which are used as components of infringing systems which infringe the claims of the '129 patent, thus contributing to the infringement of the '129 patent.

47. Neither Defendant Snap nor its customers have a license or authority to use the '129 Patent.

48. As a result of Defendant Snap's infringement of the '129 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

49. Snap's infringement of the '129 patent has been willful under 35 U.S.C. § 284.

COUNT IV
DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,703,938

50. The allegations of each of the paragraphs above are hereby re-alleged and

incorporated herein by reference.

51. Defendant Snap has infringed, at least claims 1-26 of the ‘938 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, selling and importing the Accused Products in the United States.

52. Neither Defendant Snap nor its customers have a license or authority to use the ‘938 Patent.

53. As a result of Defendant Snap’s infringement of the ‘938 Patent, Plaintiff has suffered suffer damages in an amount not yet determined, of at least a reasonable royalty.

54. Snap’s infringement of the ‘938 patent has been willful under 35 U.S.C. § 284.

COUNT V
INDIRECT INDUCED INFRINGEMENT OF U.S. PATENT NO. 9,703,938

55. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

56. Defendant Snap has indirectly infringed claims 1-26 of the ‘938 patent under 35 USC §271(b) by inducing others to perform the method and use the system claimed in the '938 patent which infringes the claims of the ‘938 patent, thus inducing infringement of the ‘938 patent by others.

57. Neither Defendant Snap nor its customers have a license or authority to use the ‘938 Patent.

58. As a result of Defendant Snap’s infringement of the ‘938 Patent, Plaintiff has suffered suffer damages in an amount not yet determined, of at least a reasonable royalty.

59. Snap’s infringement of the ‘938 patent has been willful under 35 U.S.C. § 284.

COUNT VI
INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 9,703,938

60. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

61. Defendant Snap has indirectly infringed claims 1-26 of the '938 patent under 35 USC §271(c) by providing accused products, and components and supplies, which are used as components of infringing systems which infringe the claims of the '938 patent, thus contributing to the infringement of the '938 patent.

62. Neither Defendant Snap nor its customers have a license or authority to use the '938 Patent.

63. As a result of Defendant Snap's infringement of the '938 Patent, Plaintiff has suffered suffer damages in an amount not yet determined, of at least a reasonable royalty.

64. Snap's infringement of the '938 patent has been willful under 35 U.S.C. § 284.

COUNT VII
DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,870,453

65. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

66. Defendant Snap has infringed, at least claims 1-26 of the '453 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, selling and importing the Accused Products in the United States.

67. Neither Defendant Snap nor its customers have a license or authority to use the '453 Patent.

69. As a result of Defendant Snap's infringement of the '453 Patent, Plaintiff has

suffered damages in an amount not yet determined, of at least a reasonable royalty.

70. Snap's infringement of the '453 patent has been willful under 35 U.S.C. § 284.

COUNT VIII
INDIRECT INDUCED INFRINGEMENT OF U.S. PATENT NO. 9,870,453

71. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

72. Defendant Snap has indirectly infringed claims 1-26 of the '453 patent under 35 USC §271(b) by inducing others to perform the method and use the system claimed in the '453 patent which infringes the claims of the '453 patent, thus inducing infringement of the '453 patent by others.

73. Neither Defendant Snap nor its customers have a license or authority to use the '453 Patent.

74. As a result of Defendant Snap's infringement of the '453 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

75. Snap's infringement of the '453 patent has been willful under 35 U.S.C. § 284.

COUNT IX
INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 9,870,453

76. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

77. Defendant Snap has indirectly infringed claims 1-26 of the '453 patent under 35 USC §271(c) by providing accused products, and components and supplies, which are used as components of infringing systems which infringe the claims of the '453 patent, thus contributing

to the infringement of the ‘453 patent.

78. Neither Defendant Snap nor its customers have a license or authority to use the ‘453 Patent.

79. As a result of Defendant Snap’s infringement of the ‘453 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

80. Snap’s infringement of the ‘453 patent has been willful under 35 U.S.C. § 284.

COUNT X
DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,083,285

81. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

82. Defendant Snap has infringed, at least claims 1-30 of the ‘285 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, selling and importing the Accused Products in the United States.

83. Neither Defendant Snap nor its customers have a license or authority to use the ‘285 Patent.

84. As a result of Defendant Snap’s infringement of the ‘285 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

85. Snap’s infringement of the ‘285 patent has been willful under 35 U.S.C. § 284.

COUNT XI
INDIRECT INDUCED INFRINGEMENT OF U.S. PATENT NO. 10,083,285

86. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

87. Defendant Snap has indirectly infringed claims 1-30 of the ‘285 patent under 35 USC §271(b) by inducing others to perform the method and use the system claimed in the '285 patent which infringes the claims of the ‘285 patent, thus inducing the infringement of the ‘285 patent by others.

88. Neither Defendant Snap nor its customers have a license or authority to use the ‘285 Patent.

89. As a result of Defendant Snap’s infringement of the ‘285 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

90. Snap’s infringement of the ‘285 patent has been willful under 35 U.S.C. § 284.

COUNT XII
INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 10,083,285

91. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

92. Defendant Snap has indirectly infringed claims 1-30 of the ‘285 patent under 35 USC §271(c) by providing accused products, and components and supplies, which are used as components of infringing systems which infringe the claims of the ‘285 patent, thus contributing to the infringement of the ‘285 patent.

93. Neither Defendant Snap nor its customers have a license or authority to use the ‘285 Patent.

94. As a result of Defendant Snap’s infringement of the ‘285 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

95. Snap’s infringement of the ‘285 patent has been willful under 35 U.S.C. § 284.

COUNT XIII
DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,769,297

96. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

97. Defendant Snap has infringed, at least claims 1-29 of the '297 Patent, under 35 U.S.C. § 271(a), by making, using, offering to sell, selling and importing the Accused Products in the United States.

98. Neither Defendant Snap nor its customers have a license or authority to use the '297 Patent.

99. As a result of Defendant Snap's infringement of the '297 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

100. Snap's infringement of the '297 patent has been willful under 35 U.S.C. § 284.

COUNT XIV
INDIRECT INDUCED INFRINGEMENT OF U.S. PATENT NO. 10,769,297

101. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

102. Defendant Snap has indirectly infringed claims 1-29 of the '297 patent under 35 USC §271(b) by inducing others to perform the method and use the system claimed in the '297 patent which infringes the claims of the '297 patent, thus inducing the infringement of the '297 patent by others.

103. Neither Defendant Snap nor its customers have a license or authority to use the '297 Patent.

104. As a result of Defendant Snap's infringement of the '297 Patent, Plaintiff has

suffered damages in an amount not yet determined, of at least a reasonable royalty.

105. Snap's infringement of the '297 patent has been willful under 35 U.S.C. § 284.

COUNT XV
INDIRECT CONTRIBUTORY INFRINGEMENT OF U.S. PATENT NO. 10,769,297

106. The allegations of each of the paragraphs above are hereby re-alleged and incorporated herein by reference.

107. Defendant Snap has indirectly infringed claims 1-29 of the '297 patent under 35 USC §271(c) by providing accused products, and components and supplies, which are used as components of infringing systems which infringe the claims of the '297 patent, thus contributing to the infringement of the '297 patent.

108 Neither Defendant Snap nor its customers have a license or authority to use the '297 Patent.

109. As a result of Defendant Snap's infringement of the '297 Patent, Plaintiff has suffered damages in an amount not yet determined, of at least a reasonable royalty.

110. Snap's infringement of the '297 patent has been willful under 35 U.S.C. § 284.

PRAYER FOR RELIEF

A. For a judgement declaring that Defendant has infringed each of the Patents-in-Suit.

B. For a judgment declaring that Defendant's infringement of the Patents-in-Suit has been willful and for enhancement of damages in accordance with 35 U.S.C. 284;

C. For a judgment awarding Plaintiff compensatory damages as a result of

Defendant's infringement sufficient to reasonably and entirely compensate Plaintiff for infringement of the Patents-in-Suit in an amount to be determined;

D. For a judgment declaring that this case is exceptional and awarding Plaintiff its expenses, costs and attorneys' fees in accordance with 35 U.S.C. § 285 and Rule 54(d) of the Federal Rules of Civil Procedure;

E. For a judgment awarding Plaintiff prejudgment interest pursuant to 35 U.S.C. § 284, and a further award of post judgment interest, pursuant to 28 U.S.C. §1961, continuing until such judgment is paid;

F. For a judgment awarding Plaintiff enhanced damages under 35 U.S.C. §284; and

G. For such other relief to which Plaintiff is entitled under the applicable United States laws and regulations or as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to the Federal Rules of Civil Procedure Rule 38(b), Plaintiff hereby demands trial by jury as to all claims in this litigation.

Dated: March 29, 2024

Respectfully submitted,

/s/ Joseph J. Zito

Joseph J. Zito
DNL ZITO
1250 Connecticut Avenue, NW, #700
Washington, DC 20036
202-466-3500
jzito@dnlzito.com

Attorneys for Plaintiff
Factor2 Multimedia Systems, LLC