

1 Susan S.Q. Kalra (CA State Bar No. 16740)  
RAMEY LLP  
2 5020 Montrose Blvd., Suite 800  
Houston, Texas 77006  
3 Telephone: (800) 993-7499  
Fax: (832) 900-4941  
4

5 *Northern California Office:*  
303 Twin Dolphin Drive, Suite 600  
6 Redwood City, CA, US 94065  
Telephone: (800) 993-7499  
7 Fax: (832) 900-4941

8 *Attorneys for Plaintiff*  
9 FLICK INTELLIGENCE, LLC

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **OAKLAND DIVISION**

13 FLICK INTELLIGENCE, LLC,  
14 Plaintiff,  
15 v.  
16 HTC AMERICA, INC.  
17 Defendant.

Case No.: 4:24-cv-02201

**PLAINTIFF’S ORIGINAL  
COMPLAINT FOR PATENT  
INFRINGEMENT**

**(35 U.S.C. § 271)**

**JURY TRIAL DEMANDED**

20  
21 **PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

22 Flick Intelligence LLC (“Plaintiff” or “Flick”) files this Original Complaint and  
23 demand for jury trial seeking relief from patent infringement of the claims of  
24 9,965,237 (“the ’237 patent) (referred to as the “Patent-in-Suit”) by HTC America,  
25 Inc. (“Defendant” or “HTC”).  
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27 **I. THE PARTIES**  
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1 1. Plaintiff is a Texas Limited Liability Company with its principal place of  
2 business located in Harris County, Texas.

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4 2. On information and belief, Defendant is a corporation organized and existing  
5 under the laws of the State of California, with a regular and established place of  
6 business located at 1625 Shattuck Ave., Suite 300, Berkeley, CA 94709. On  
7 information and belief, Defendant sells and offers to sell products and services  
8 throughout California, including in this judicial district, and introduces products and  
9 services that perform infringing methods or processes into the stream of commerce  
10 knowing that they would be sold in California and this judicial district. Defendant can  
11 be served with process through their registered agent Cogency Global Inc., at 1780  
12 Barnes Blvd SW, Tumwater, Washington 98512, at its place of business, or anywhere  
13 else it may be found.  
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17 **II. JURISDICTION AND VENUE**

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19 3. This Court has original subject-matter jurisdiction over the entire action  
20 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an  
21 Act of Congress relating to patents, namely, 35 U.S.C. § 271.  
22

23 4. This Court has personal jurisdiction over Defendant because: (i) Defendant is  
24 present within or has minimum contacts within the State of California and this judicial  
25 district; (ii) Defendant has purposefully availed itself of the privileges of conducting  
26 business in the State of California and in this judicial district; and (iii) Plaintiff's cause  
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1 of action arises directly from Defendant’s business contacts and other activities in the  
2 State of California and in this judicial district.  
3

4 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).  
5 Defendant has committed acts of infringement and has a regular and established place  
6 of business in this District. Further, venue is proper because Defendant conducts  
7 substantial business in this forum, directly or through intermediaries, including: (i) at  
8 least a portion of the infringements alleged herein; and (ii) regularly doing or  
9 soliciting business, engaging in other persistent courses of conduct and/or deriving  
10 substantial revenue from goods and services provided to individuals in California and  
11 this District.  
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14 **III. Infringement of the ’237 Patent**  
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16 6. On May 16, 2016, U.S. Patent No. 9,965,237 (“the ’237 patent”, included as  
17 Exhibit A and part of this complaint) entitled “Methods, systems and processor-  
18 readable media for bidirectional communications and data sharing,” was duly and  
19 legally issued by the U.S. Patent and Trademark Office. Flick Intelligence, LLC, owns  
20 the ’237 patent by assignment.  
21  
22

23 7. The ’237 patent relates to novel and improved methods, systems, and  
24 processor-readable media for supporting bidirectional communications and data  
25 sharing.  
26

27 8. Defendant offers for sale, sells, manufactures, and modifies device(s) to use the  
28 patented Methods, systems and processor-readable media, including but not limited

1 to, VIVE XR Elite and related systems that infringe one or more claims of the '237  
2 patent, including one or more of claims 1-16, literally or under the doctrine of  
3 equivalents. Defendant put the inventions claimed by the '237 Patent into service (i.e.,  
4 used them); but for Defendant's actions, the claimed-inventions embodiments  
5 involving Defendant's products and services would never have been put into service.  
6  
7 Defendant's acts complained of herein caused those claimed-invention embodiments  
8 to perform, and Defendant's procurement of monetary and commercial benefit from  
9 it.  
10

11  
12 9. Support for the allegations of infringement may be found in the preliminary  
13 exemplary table attached as Exhibit B. These allegations of infringement are  
14 preliminary and are therefore subject to change.  
15

16 10. Defendant has and continues to induce infringement. Defendant has actively  
17 encouraged or instructed others (e.g., its customers and/or the customers of its related  
18 companies), and continues to do so, on how to use its products and services and related  
19 services that provide question and answer services across the Internet such as to cause  
20 infringement of one or more of claims 1-16 of the '237 patent, literally or under the  
21 doctrine of equivalents. Moreover, Defendant has known of the '237 patent and the  
22 technology underlying it from at least the date of the filing of the lawsuit.<sup>1</sup> For clarity,  
23 direct infringement is previously alleged in this complaint.  
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27 \_\_\_\_\_  
28 <sup>1</sup> Plaintiff reserves the right to amend if discovery reveals an earlier date of  
knowledge.

1 11. Defendant has and continues to contributorily infringe. Defendant has actively  
2 encouraged or instructed others (e.g., its customers and/or the customers of its related  
3 companies), and continues to do so, on how to use its products and services and related  
4 services that provide question and answer services across the Internet such as to cause  
5 infringement of one or more of claims 1–16 of the '237 patent, literally or under the  
6 doctrine of equivalents. Moreover, Defendant has known of the '237 patent and the  
7 technology underlying it from at least the filing date of the lawsuit.<sup>2</sup> For clarity, direct  
8 infringement is previously alleged in this complaint.

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12 12. Defendant has caused and will continue to cause Plaintiff damage by direct  
13 and indirect infringement of (including inducing infringement of) the claims of the  
14 '237 patent.

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16 **IV. CONDITIONS PRECEDENT**

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

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21 **V. PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff prays for relief as follows:

23 a. enter judgment that Defendant has infringed the claims of the '237 patent;

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28 <sup>2</sup> Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

- 1 b. award Plaintiff damages in an amount sufficient to compensate it for  
2 Defendant's infringement of the Patent-in-Suit in an amount no less than a  
3 reasonable royalty or lost profits, together with pre-judgment and post-  
4 judgment interest and costs under 35 U.S.C. § 284;  
5  
6 c. award Plaintiff an accounting for acts of infringement not presented at trial and  
7 an award by the Court of additional damage for any such acts of infringement;  
8  
9 d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award Plaintiff  
10 its attorneys' fees, expenses, and costs incurred in this action;  
11  
12 e. declare Defendant's infringement to be willful and treble the damages,  
13 including attorneys' fees, expenses, and costs incurred in this action and an  
14 increase in the damage award pursuant to 35 U.S.C. § 284;  
15  
16 f. a decree addressing future infringement that either (i) awards a permanent  
17 injunction enjoining Defendant and its agents, servants, employees, affiliates,  
18 divisions, and subsidiaries, and those in association with Defendant from  
19 infringing the claims of the Patents-in-Suit, or (ii) awards damages for future  
20 infringement in lieu of an injunction in an amount consistent with the fact that  
21 for future infringement the Defendant will be an adjudicated infringer of a valid  
22 patent, and trebles that amount in view of the fact that the future infringement  
23 will be willful as a matter of law; and  
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25 g. award Plaintiff such other and further relief as this Court deems just and proper.  
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28 Dated: April 12, 2024

Respectfully submitted,

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RAMEY LLP

/s/ Susan S.Q. Kalra

Susan S.Q. Kalra (CA State Bar No. 16740)  
5020 Montrose Blvd., Suite 800  
Houston, Texas 77006  
Telephone: (800) 993-7499  
Fax: (832) 900-4941

*Northern California Office:*  
303 Twin Dolphin Drive, Suite 600  
Redwood City, CA, US 94065

/s/ William P. Ramey, III

William P. Ramey, III (*pro hac vice* anticipated)  
Texas Bar No. 24027643  
wramey@rameyfirm.com

5020 Montrose Blvd., Suite 800  
Houston, Texas 77006  
Telephone: (713) 426-3923  
Fax: (832) 689-9175

*Attorneys for Plaintiff*  
**FLICK INTELLIGENCE, LLC**

**DEMAND FOR JURY TRIAL**

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

1 Dated: April 12, 2024  
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Respectfully submitted,

**RAMEY LLP**

4 /s/ Susan S.Q. Kalra

Susan S.Q. Kalra (CA State Bar No. 16740)

5 skalra@rameyfirm.com

6 5020 Montrose Blvd., Suite 800

7 Houston, Texas 77006

8 Telephone: (800) 993-7499

9 Fax: (832) 900-4941

*Attorneys for Plaintiff*

***FLICK INTELLIGENCE, LLC***

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