

United States District Court
Northern District of California

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Attorneys for Estech Systems IP, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ESTECH SYSTEMS IP, LLC,

Plaintiff,

v.

8X8, INC.,

Defendant.

CASE NO. 3:24-cv-02522

COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff Estech Systems IP, LLC (“Estech”) files this original complaint against 8x8, Inc. (“8x8”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

PARTIES

1. Estech Systems IP, LLC is a Texas corporation, with its principal place of business at 3701 East Plano Parkway, Suite 300, Plano, Texas 75074.

1 2. Defendant 8x8, Inc. is a corporation organized and existing under the laws of the
2 state of Delaware, with its principal place of business at 675 Creekside Way, Campbell, CA 95008.

3 **JURISDICTION AND VENUE**

4 3. This is an action for infringement of United States patents arising under 35 U.S.C.
5 §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action
6 under 28 U.S.C. § 1331 and § 1338(a).

7 4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400(b) and 1391(b-c), for
8 at least the reason that 8x8 is has its principal place of business in the Northern District of
9 California.

10 5. Defendant 8x8, Inc. is subject to this Court’s specific and general personal
11 jurisdiction due at least to 8x8’s substantial business in this forum, including (i) at least a portion
12 of the infringements alleged herein; (ii) maintaining a regular and established place of business in
13 the district; and/or (iii) regularly doing or soliciting business, engaging in other persistent courses
14 of conduct, and/or deriving substantial revenue from goods and services provided to individuals
15 in California and in this district.

16 6. Specifically, 8x8 intends to and does business in California, directly or through
17 intermediaries and offer their products and/or services, including those accused herein of
18 infringement, to customers and potential customers located in California, including in the Northern
19 District of California.

20 7. 8x8 maintains at least one regular and established place of business in this district,
21 including at 675 Creekside Way, Campbell, CA 95008.

22 **THE TECHNOLOGY**

23 8. Estech is an affiliate of Estech Systems, Inc. (“ESI”) which for more than 30 years
24 has been a leading U.S.-based provider of end-to-end business phone solutions. ESI’s Network
25 Operations Center is located in Plano, Texas.

1 9. Since 1987, ESI has sold more than 400,000 solutions to its customers, working
2 with more than 1,500 certified partners nationwide. Its customers include small and large
3 businesses across the country.

4 10. Recognizing that business doesn't get done without communication, ESI provides
5 powerful products that are easy and simple to use. ESI's products are engineered to make
6 intelligent technology that is intuitive and user-friendly, empowers employee productivity, and
7 fuels customer satisfaction.

8 11. ESI's technology is American-engineered. From its Plano, Texas headquarters,
9 ESI provides a full solutions portfolio of modern business phone systems, including Cloud,
10 Hybrid, Pure IP, and SIP dial tone products. Given ESI's end-to-end product offerings, its
11 customers are empowered to choose the product features they need and want.

12 12. ESI's products include the most integrated cloud PBX in the market—the award-
13 winning ESI Cloud PBX; Voice over IP (VoIP) products and systems; and on-premises products.
14 A cloud-based PBX is a sophisticated telephone exchange system that uses a cloud infrastructure
15 to provide communication services, such as telephony services.

16 13. VoIP transmits and receives voice communications over data networks, such as the
17 Internet or private networks, using the Internet Protocol (IP).

18 14. VoIP systems offer several advantages over traditional phone systems including,
19 but not limited to, lower cost and more efficient network management.

20 15. VoIP systems also enable integration of additional communication services.

21 16. ESI cloud-based VoIP products have handled billions of call minutes.

22 17. ESI also provides U.S.-based, best-in-class technical support for its customers.

23 18. The patents-in-suit, U.S. Patent Nos. 8,391,298 (the "'298 Patent"), 7,068,684 (the
24 "'684 Patent"), and 7,123,699 (the "'699 Patent") (collectively, the "Estech Asserted Patents"),
25 are generally directed to systems and methods for providing robust, feature-rich communications
26 systems including, but not limited to, VoIP telephony and additional communication services that
27 can be integrated with a VoIP telephony system.

1 19. The Estech Asserted Patents have been widely licensed in relevant industries,
2 including 21 different license agreements consummated to date, including with Cisco Systems,
3 Microsoft, Mitel, and Avaya.

4 20. Products and services of or provided by Cisco, Microsoft, Avaya, Mitel,
5 RingCentral, 3CX, or their Affiliates, including any portions thereof, alone or in combination with
6 one or more other products, services, processes, or other items, are not alleged to satisfy, in whole
7 or in part, any element or a step of any claim in the Estech Asserted Patents.

8 **THE ACCUSED INSTRUMENTALITIES**

9 21. On information and belief, 8x8 has and continues to at least design, make,
10 manufacture, sell, or offer to sell communication equipment and services and system-design
11 services, including but not limited to, for example, 8x8 telephony devices (e.g., Poly VVX 250,
12 Poly VVX 350, Poly Poly VVX 450, Poly Edge E100, Poly Edge E220, Poly Edge E300 Series
13 including Poly Edge E300, Poly Edge E320 and Poly Edge E350, Poly Edge E400 Series including
14 Poly Edge E400 and Poly Edge E450, Poly Edge E500 Series including Poly Edge E500 and Poly
15 Edge E550, Poly RealPresence Trio 8300, Poly Trio C60, Poly Rove 20 DECT Handset, Poly
16 Rove 30 DECT Handset, Poly Rove 40 DECT Handset, Poly Rove B2, Yealink SIP-T33G,
17 Yealink SIP-T33P, Yealink SIP-T42U, Yealink SIP-T43U, Yealink SIP-T46U, Yealink SIP-
18 T48U, Yealink SIP-T53 PoE, Yealink SIP-T53W PoE, Yealink SIP-T54W, Yealink SIP-T57W,
19 Yealink SIP-T58W PoE, Yealink SIP-T58W Pro, Yealink CP925, Yealink CP965, Yealink W56H
20 Handset, Yealink W59R Handset (rugged), Yealink W70B Dect Base, Grandstream HT801,
21 Grandstream HT818, Grandstream HT814, Grandstream HT802), 8x8 software telephony
22 products (e.g., 8x8 Connect, 8x8 Frontdesk, 8x8 Work, 8x8 Work for Desktop, 8x8 Work for Web
23 Browser, 8x8 Work for Mobile Application), 8x8 VoIP telephony servers (e.g., 8x8 X2 Cloud
24 PBX, 8x8 X4 Cloud PBX), and products and services that incorporate the same or similar
25 technology, that employ VoIP to perform various functions including, but not limited to, voice
26 calling, voicemail, directory services, quality of service, and others using multiple components
27 including, but not limited to, for example, hubs, switches, routers, session border controllers,

1 servers and the like, and the software for operating such components (“8x8 Products and
2 Services”).

3 22. Upon information and belief, 8x8 designs telecommunication and information
4 handling systems for its customers by incorporating the 8x8 Products and Services into their
5 customers’ existing network infrastructure.

6 23. Upon information and belief, the telecommunication and information handling
7 systems made for, sold and/or offered for sale to customers by 8x8 and the telecommunication and
8 information handling systems used by 8x8 employees provide at least one or more of the following
9 functionalities: (i) the ability to make VoIP-based voice calls using its VoIP telephony devices;
10 (ii) the ability to store voice mail messages; (iii) the ability to allow access to the voice mail
11 messages using VoIP telephony devices; and (iv) the ability to provide directory services, which
12 include, but are not limited to, for example, providing directory information to a user or VoIP
13 telephony device, including, but not limited to, for example, providing a list of telecommunications
14 extensions through VoIP telephony devices.

15 24. When this Complaint references “Accused Instrumentalities,” it is referring to the
16 telecommunications and information handling systems 8x8 offers to sell, sells, and makes for its
17 customers as well as the systems its employees use that are referenced in paragraphs 21-23 above
18 and are incorporated herein by reference.

19 **COUNT I**

20 **INFRINGEMENT OF U.S. PATENT NO. 8,391,298**

21 25. Estech repeats and re-alleges the allegations in paragraphs 1-24 as though fully set
22 forth in their entirety.

23 26. Estech owns all substantial rights, interest, and title in and to the ’298 Patent,
24 including the sole and exclusive right to prosecute this action and enforce the ’298 Patent against
25 infringers, and to collect damages for all relevant times. The United States Patent and Trademark
26 Office duly issued the ’298 Patent on March 5, 2013. A copy of the ’298 Patent is attached as
27 Exhibit A.

1 27. The '298 Patent is titled "Phone Directory in a Voice Over IP Telephone System."
2 The '298 Patent describes information processing systems that store a list of phone numbers,
3 integrated with a VoIP telephony system, to provide those phone numbers to the user of a VoIP
4 telephone. The user can use that list to dial the telephone number of another user associated with
5 the VoIP telephony system.

6 28. The claims of the '298 Patent are not directed to an abstract idea. For example,
7 claim 13 of the '298 Patent recites a specific arrangement of devices and networking components.
8 Together those devices and networking components enable a user of a first telecommunications
9 device to observe a list of a plurality of telecommunications extensions. The list of extensions is
10 stored in a server within a specific networking configuration, and the user can select to view a
11 subset of the extensions. Taken as a whole, the claimed inventions of the '298 Patent are not
12 limited to well-understood, routine, or conventional activity. Rather, the claimed inventions
13 include inventive components that improve upon the functioning and operation of information
14 processing systems.

15 29. The written description of the '298 Patent describes in technical detail each of the
16 limitations of the claims, allowing a skilled artisan to understand the scope of the claims and how
17 the non-conventional and non-generic combination of claim limitations is patently distinct from
18 and improved upon what may have been considered conventional or generic in the art at the time
19 of the invention.

20 30. 8x8 has infringed the '298 Patent by at least making, having made, using,
21 importing, providing, supplying, distributing, selling, or offering the Accused Instrumentalities for
22 sale.

23 31. The Accused Instrumentalities provide VoIP-based voice calling and data-
24 networking services to VoIP telephony devices.

25 32. The Accused Instrumentalities use first, second, and third LANs that are coupled
26 with a WAN.

1 33. The Accused Instrumentalities include VoIP telephony devices connected to LANs,
2 the VoIP telephony devices having telecommunications extensions associated therewith, the
3 telecommunications extensions being coupled to the second and third LANs.

4 34. The VoIP telephony devices include circuitry (i) enabling users of VoIP telephony
5 devices to observe a list of telecommunications extensions; (ii) to automatically call one of the
6 telecommunications extensions in response to a user selecting one of the telecommunications
7 extensions from the list; and (iii) enabling the user to select between observing the list of
8 telecommunications extensions coupled to the second LAN or the third LAN.

9 35. The Accused Instrumentalities include servers in the second LAN that store
10 telecommunications extensions accessed across the WAN.

11 36. As described above, 8x8 has directly infringed (literally or under the doctrine of
12 equivalents) at least Claim 13 of the '298 Patent. 8x8's infringement in this regard is ongoing.

13 37. Estech has been damaged as a result of the infringing conduct by 8x8 alleged above.
14 Thus, 8x8 is liable to Estech in an amount that compensates it for such infringements, which by
15 law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court
16 under 35 U.S.C. § 284.

17 38. Estech or its predecessors-in-interest have satisfied all statutory obligations
18 required to collect pre-filing damages for the full period allowed by law for infringement of the
19 '298 Patent.

20 39. 8x8 has also indirectly infringed the '298 Patent by inducing others to directly
21 infringe the '298 Patent. 8x8 has induced end-users, including 8x8's customers, partners,
22 personnel, clients, and contractors, to directly infringe (literally or under the doctrine of
23 equivalents) the '298 Patent by making and using the Accused Instrumentalities. 8x8 took active
24 steps, directly or through contractual relationships with others, with the specific intent to cause
25 them to use the Accused Instrumentalities in a manner that infringes one or more claims of the
26 '298 Patent, including, for example, Claim 13 of the '298 Patent. Such steps by 8x8 included,
27 among other things, advising or directing customers, partners, personnel, contractors or end-users

1 to make or use the Accused Instrumentalities in an infringing manner; advertising and promoting
2 the use of the Accused Instrumentalities in an infringing manner; or distributing instructions that
3 guide users to use the Accused Instrumentalities in an infringing manner. 8x8 is performing these
4 steps, which constitute induced infringement with the knowledge of the '298 Patent and with the
5 knowledge that the induced acts constitute infringement. 8x8 is aware that the normal and
6 customary use of the Accused Instrumentalities by others would infringe the '298 Patent. 8x8's
7 inducement is ongoing.

8 40. 8x8 has also indirectly infringed by contributing to the infringement of the '298
9 Patent. 8x8 has contributed to the direct infringement of the '298 Patent by its customers, partners,
10 personnel, contractors, clients, and suppliers. The Accused Instrumentalities have special features
11 that are specially designed to be used in an infringing way and that have no substantial uses other
12 than ones that infringe one or more claims of the '298 Patent, including, for example, Claim 13 of
13 the '298 Patent. The special features include, for example, the devices and networking components
14 recited in Claim 13, including the interrelation between those devices and networking components,
15 that allow the claimed server to provide a list of extensions and for the user to select to view a
16 subset of the extensions. The special features constitute a material part of the invention of one or
17 more of the claims of the '298 Patent and are not staple articles of commerce suitable for
18 substantial non-infringing use. 8x8's contributory infringement is ongoing.

19 41. Furthermore, on information and belief, 8x8 has a policy or practice of not
20 reviewing the patents of others (including instructing its employees to not review the patents of
21 others), and thus has been willfully blind of Estech's patent rights.

22 42. 8x8's actions are at least objectively reckless as to the risk of infringing a valid
23 patent and this objective risk was either known or should have been known by 8x8.

24 43. 8x8's direct and indirect infringement of the '298 Patent is, has been, and continues
25 to be willful, intentional, deliberate, or in conscious disregard of Estech's rights under the patent.

26 44. Estech has been damaged as a result of the infringing conduct by 8x8 alleged above.
27 Thus, 8x8 is liable to Estech in an amount that compensates it for such infringements, which by
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1 law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court
2 under 35 U.S.C. § 284.

3 45. Estech has suffered irreparable harm, through its loss of market share and goodwill,
4 for which there is no adequate remedy at law. Estech has and will continue to suffer this harm by
5 virtue of 8x8's infringement of the '298 Patent. 8x8's actions have interfered with and will
6 interfere with Estech's ability to license technology. The balance of hardships favors Estech's
7 ability to commercialize its own ideas and technology. The public interest in allowing Estech to
8 enforce its right to exclude outweighs other public interests, which supports injunctive relief in
9 this case.

10 **COUNT II**

11 **INFRINGEMENT OF U.S. PATENT NO. 7,068,684**

12 46. Estech repeats and re-alleges the allegations in paragraphs 1-45 as though fully set
13 forth in their entirety.

14 47. Estech owns all substantial rights, interest, and title in and to the '684 Patent,
15 including the sole and exclusive right to prosecute this action and enforce the '684 Patent against
16 infringers, and to collect damages for all relevant times. The United States Patent and Trademark
17 Office duly issued the '684 Patent on June 27, 2006. A copy of the '684 Patent is attached as
18 Exhibit B.

19 48. The '684 Patent is titled "Quality of Service in a Voice Over IP Telephone System."
20 The '684 Patent describes information handling systems used to transmit voice using VoIP
21 technology. The information handling systems throttle the amount of data being transferred from
22 a workstation connected to the VoIP telephone.

23 49. The method claims of the '684 Patent are not directed to an abstract idea. For
24 example, claim 42 of the '684 Patent recites specific steps performed by a specific arrangement of
25 devices and networking components and operations performed by those components. Together,
26 those devices and networking components provide quality of service to audio information by
27 throttling the amount of data being transferred through a VoIP telephony device. Taken as a whole,

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1 the claimed inventions of the '684 Patent are not limited to well-understood, routine, or
2 conventional activity. Rather, the claimed inventions include inventive components that improve
3 upon the function and operation of information processing systems.

4 50. The written description of the '684 Patent describes in technical detail each of the
5 limitations of the method claims, allowing a skilled artisan to understand the scope of the method
6 claims and how the non-conventional and non-generic combination of claim limitations is patently
7 distinct from and improved upon what may have been considered conventional or generic in the
8 art at the time of the invention.

9 51. 8x8 has infringed the method claims of the '684 Patent by making, having made,
10 using, importing, providing, supplying, distributing, selling, or offering the Accused
11 Instrumentalities for sale.

12 52. The Accused Instrumentalities provide VoIP-based voice calling and data-
13 networking services to VoIP telephony devices.

14 53. The Accused Instrumentalities include VoIP servers such that audio information
15 for VoIP-based voice calls is communicated between at least VoIP telephony devices and VoIP
16 servers.

17 54. The Accused Instrumentalities include workstations (including, but not limited to,
18 for example, desktop computers, workstations, laptops, embedded devices, point-of-sale devices,
19 and mobile devices) that send and receive data from data servers (including, but not limited to, for
20 example, websites) that transfer data through VoIP telephony devices.

21 55. The Accused Instrumentalities sufficiently throttle data sent from workstations to
22 VoIP telephony devices to increase a rate of transfer of audio information during the
23 communication of audio information, the data throttling comprises reducing a future amount of
24 data from being transferred from the workstation if the amount of data exceeds a predetermined
25 threshold.

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1 56. As described above, 8x8 has directly infringed (literally or under the doctrine of
2 equivalents) one or more method claims, including at least Claim 42 of the '684 Patent. Estech
3 does not allege infringement of any non-method claims of the '684 patent.

4 57. Estech has been damaged as a result of the infringing conduct by 8x8 alleged above.
5 Thus, 8x8 is liable to Estech in an amount that adequately compensates it for such infringements,
6 which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by
7 this Court under 35 U.S.C. § 284.

8 58. Estech or its predecessors-in-interest have satisfied all statutory obligations
9 required to collect pre-filing damages for the full period allowed by law for infringement of the
10 '684 Patent.

11 **COUNT III**

12 **INFRINGEMENT OF U.S. PATENT NO. 7,123,699**

13 59. Estech repeats and re-alleges the allegations in paragraphs 1-58 as though fully set
14 forth in their entirety.

15 60. Estech owns all substantial rights, interest, and title in and to the '699 Patent,
16 including the sole and exclusive right to prosecute this action and enforce the '699 Patent against
17 infringers, and to collect damages for all relevant times. The United States Patent and Trademark
18 Office duly issued the '699 Patent on October 17, 2006. A copy of the '699 Patent is attached as
19 Exhibit C.

20 61. The '699 Patent is titled "Voice Mail in a Voice Over IP Telephone System." The
21 '699 Patent describes an information handling system for storing a voice mail message in a voice
22 mail box in a voice mail system within a first local area network (LAN). A user can access and
23 listen to the voice mail using a VoIP telecommunications device within a second LAN by
24 connecting to the first LAN via a wide-area network (WAN), such as the Internet.

25 62. The method claims of the '699 Patent are not directed to an abstract idea. For
26 example, claim 1 of the '699 Patent recites specific steps performed by a specific arrangement of
27 devices in a networking environment. Together those devices enable a user within a second LAN
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1 to access and listen to voice mail messages stored within a first LAN. Taken as a whole, the
2 claimed inventions of the '699 Patent are not limited to well-understood, routine, or conventional
3 activity. Rather, the claimed inventions include inventive components that improve upon the
4 functioning and operation of information processing systems.

5 63. The written description of the '699 Patent describes in technical detail each of the
6 limitations of the method claims, allowing a skilled artisan to understand the scope of the method
7 claims and how the non-conventional and non-generic combination of claim limitations is patently
8 distinct from and improved upon what may have been considered conventional or generic in the
9 art at the time of the invention.

10 64. 8x8 has infringed the method claims of the '699 Patent by making, having made,
11 using, importing, providing, supplying, distributing, selling, or offering the Accused
12 Instrumentalities for sale.

13 65. The Accused Instrumentalities operate under a routable protocol including, but not
14 limited to, for example, TCP/IP or UDP/IP.

15 66. The Accused Instrumentalities include VoIP servers that store a voice mail message
16 in a voice mail box in a voice mail system within a first LAN.

17 67. The Accused Instrumentalities include VoIP telephony devices coupled to the
18 second LAN that provide a sensory indication when the voice message is stored in the voice mail
19 box within the first LAN. The VoIP telephony devices allow a user to access the voice mail system
20 within the first LAN to listen to the voice message stored in the voice mail box. The VoIP
21 telephony devices allow a user to access the voice mail message stored in the voice mail box
22 provided by the VoIP Servers by using communication protocols, including, but not limited to, for
23 example, TCP/IP, UDP/IP, Session Initiation Protocol (SIP), Session Description Protocol (SDP),
24 Real-time Transport Protocol (RTP), and Real-time Transport Control Protocol (RTCP) protocols
25 to: (i) establish a channel between the first and second LANs over the WAN; (ii) couple an audio
26 path over the channel between the telecommunications device and the voice mail box; and (iii)

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1 stream voice data containing the voice message from the voice mail box to the telecommunications
2 device over the audio path.

3 68. The VoIP telephony devices and VoIP servers can establish a channel between the
4 first and second LANs over the WAN, wherein the establishing includes: (i) in response to an
5 input at VoIP telephony devices, sending a user mail box connection message from the second
6 LAN to the first LAN requesting a channel, wherein the user mail box connection message includes
7 an extension associated with VoIP telephony devices and an identification of the voice mail box;
8 (ii) assigning the channel by VoIP servers in the first LAN; and (iii) sending a connection
9 established message from VoIP servers in the first LAN to the second LAN.

10 69. As described above, 8x8 has directly infringed (literally or under the doctrine of
11 equivalents) one or more method claims, including at least Claim 1 of the '699 Patent. Estech
12 does not allege infringement of any non-method claims of the '699 patent.

13 70. Estech has been damaged as a result of the infringing conduct by 8x8 alleged above.
14 Thus, 8x8 is liable to Estech in an amount that adequately compensates it for such infringements,
15 which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by
16 this Court under 35 U.S.C. § 284.

17 71. Estech or its predecessors-in-interest have satisfied all statutory obligations
18 required to collect pre-filing damages for the full period allowed by law for infringement of the
19 '699 Patent.

20 **JURY DEMAND**

21 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Estech requests a trial by jury
22 on all issues triable by a jury.

23 **PRAYER FOR RELIEF**

24 Estech requests that the Court find in its favor and against 8x8, and that the Court grant
25 Estech the following relief:

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1 a. Judgment that one or more claims of the Estech Asserted Patents have been
2 infringed, either literally or under the doctrine of equivalents, by 8x8 or all others acting in concert
3 therewith;

4 b. A permanent injunction enjoining 8x8 and its officers, directors, agents, servants,
5 affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert
6 therewith from infringement of the '298 Patent; or, in the alternative, an award of a reasonable
7 ongoing royalty for future infringement of the '298 Patent by such entities;

8 c. Judgment that 8x8 accounts for and pays to Estech all damages to and costs incurred
9 by Estech because of 8x8's infringing activities and other conduct complained of herein;

10 d. Judgment that 8x8's infringement be found willful, and that the Court award treble
11 damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;

12 e. Pre-judgment and post-judgment interest on the damages caused by 8x8's
13 infringing activities and other conduct complained of herein;

14 f. That this Court declare this an exceptional case and award Estech its reasonable
15 attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

16
17 All other and further relief as the Court may deem just and proper under the circumstances.

18
19 Dated: April 26, 2024

Respectfully submitted,

/s/ Stephen R. Dartt

Stephen R. Dartt

California State Bar No. 247552

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**ATTORNEYS FOR ESTECH SYSTEMS IP,
LLC**

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