

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

AI-CORE TECHNOLOGIES, LLC,

Plaintiff,

v.

KEYENCE CORPORATION OF  
AMERICA,

Defendant.

Civil Action No. 2:24-cv-00438

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff AI-Core Technologies, LLC (“AI-Core” or “Plaintiff”) files this Original Complaint against Keyence Corporation Of America (“Keyence” or “Defendant”) 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:

**NATURE OF THE ACTION**

1. This is a patent infringement action to stop Defendant’s infringement of the following United States Patents (collectively, the “Asserted Patents”) issued by the United States Patent and Trademark Office (“USPTO”):

	<b>U.S. Patent No.</b>	<b>Title</b>	<b>Available At</b>
1	7,215,834	Configurable Image Processing Driver	<a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7215834/">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7215834/</a>
2	7,365,298	Image Sensor And Method For Manufacturing The Same	<a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7365298/">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7365298/</a>
3	7,623,036	Adjusting Data Tag Readers With Feed-Forward Data	<a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7623036/">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7623036/</a>
4	7,746,516	Image Scanning	<a href="https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7746516/">https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7746516/</a>

	<b>U.S. Patent No.</b>	<b>Title</b>	<b>Available At</b>
5	8,130,241	Graphics Items That Extend Outside A Background Perimeter	<a href="https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/8130241/">https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/8130241/</a>
6	8,610,742	Graphics Controls For Permitting Background Size Changes	<a href="https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/8610742/">https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/8610742/</a>
7	9,338,217	Method And Apparatus For Computing Within A Wide Area Network	<a href="https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/9338217/">https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/9338217/</a>

2. Plaintiff seeks injunctive relief and monetary damages.

### **PARTIES**

3. Plaintiff is a limited liability company formed under the laws of Texas with its registered office address at 17350 State Hwy 249, Ste. 220, Houston, Texas 77064.

4. Upon information and belief, Keyence is a corporation organized under the laws of the State of California with its principal place of business located at 500 Park Boulevard, Suite 200, Itasca, IL 60143.

5. Upon information and belief, Keyence may be served through its registered agent for service, Corporation Service Company, located at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

### **JURISDICTION AND VENUE**

6. AI-Core repeats and re-alleges the allegations in Paragraphs 1-5 as though fully set forth in their entirety.

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

8. Venue is proper against Defendant in this District pursuant to 28 U.S.C. § 1400(b) and

1391(c) because it has maintained established and regular places of business in this District and has committed acts of patent infringement in the District from those regular and established places of business. *See In re: Cray Inc.*, 871 F.3d 1355, 1362-1363 (Fed. Cir. 2017).

9. Defendant offers products and services, including through the use of Accused Products, and conducts business in this District.

10. Defendant is subject to this Court's specific and general personal jurisdiction under due process due at least to Defendant's substantial business in this judicial district, including: (i) at least a portion of the infringements alleged herein; (ii) regularly transacting, doing, and/or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this District; (iii) having an interest in, using or possessing real property in Texas and this District; (iv) and having and keeping personal property in Texas and in this District.

11. Specifically, Defendant intends to do and does business in, has committed acts of infringement in this District directly, and its employees, agents, and/or contractors located in this District use the products or services accused of infringement.

12. On information and belief, Defendant owns, operates, manages, conducts business, and directs and controls the operations and employees of facilities at various locations in this District, including, but not limited to, facilities at the following address: 2600 Network Blvd., Suite 350, Frisco, Texas 75034 (Collin County).

13. Defendant commits acts of infringement from its places of business in this District, including, but not limited to, use of the Accused Products and inducement of third parties to use the Accused Products.

### THE ACCUSED PRODUCTS

14. AI-Core repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

15. On information and belief, Defendant makes, uses, sells, offers for sale, imports, provides, supplies, and/or distributes the following products and services that infringe one or more claims of the Asserted Patents: (1) Keyence CV-X400 Series Intuitive Vision System; (2) Keyence SR-1000 series Autofocus 1D and 2D Code Reader; (3) Keyence SR-1000 Series Autofocus Reader & AutoID Network Navigator; (4) Keyence AutoID Network Navigator Software; (5) other substantially similar products and services offered in the past or the future, and (6) all of the prior models, iterations, releases, versions, generations, and prototypes of the foregoing, along with any associated hardware, software, applications, and functionality associated with those products and solutions (collectively, the “Accused Products”).

### COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,215,834

16. AI-Core repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

17. The USPTO duly issued the '834 patent on May 8, 2007, after full and fair examination of Application No. 10/165,716 which was filed on June 7, 2002. *See* '834 patent at 1. A Certificate of Correction was issued on September 11, 2007. *See id.* at 12.

18. AI-Core owns all substantial rights, interest, and title in and to the '834 patent, including the sole and exclusive right to prosecute this action and enforce the '834 patent against infringers and to collect damages for all relevant times.

19. The claims of the '834 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include

inventive components that improve upon the function and operation of image processing by an image capturing device.

20. The written description of the '834 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

21. Upon information and belief, Defendant has directly infringed and continues to directly infringe one or more claims of the '834 patent by providing, supplying, using, causing to be used, distributing, importing, selling, offering for sale, and/or internal and external testing the Accused Products.

22. Upon information and belief, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '834 patent, as exemplified in the claim chart attached hereto as **Exhibit A**.

23. Defendant has indirectly infringed and continues to indirectly infringe the '834 patent by inducing others to directly infringe the '834 patent. Defendant has induced and continues to induce customers and end-users, including, but not limited to, Defendant's customers, employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '834 patent by providing or requiring use of the Accused Products. Defendant has taken active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '834 patent, including, for example, claim 1. Such steps by Defendant have included, among other things, advising or directing customers, personnel, contractors, or end-users to use the Accused Products

in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; distributing instructions that guide users to use the Accused Products in an infringing manner; and/or instructional and technical support on its website. Defendant has been performing these steps, which constitute induced infringement with the knowledge of the '834 patent and with the knowledge that the induced acts constitute infringement. Defendant has been aware that the normal and customary use of the Accused Products by others would infringe the '834 patent. Defendant's inducement is ongoing.

24. Defendant has indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '834 patent. Defendant has contributed and continues to contribute to the direct infringement of the '834 patent by its customers, personnel, and contractors. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '834 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the '834 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

25. Defendant had knowledge of the '834 patent at least as of the date when it was notified of the filing of this action.

26. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of AI-Core's patent rights.

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

28. Defendant's infringement of the '834 patent is, has been, and continues to be willful,

intentional, deliberate, or in conscious disregard of AI-Core's rights under the patent.

29. AI-Core or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '834 patent.

30. AI-Core has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to AI-Core in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

31. AI-Core has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. AI-Core has and will continue to suffer this harm by virtue of Defendant's infringement of the '834 patent. Defendant's actions have interfered with and will interfere with AI-Core's ability to license technology. The balance of hardships favors AI-Core's ability to commercialize its own ideas and technology. The public interest in allowing AI-Core to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

## **COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,365,298**

32. AI-Core repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

33. The USPTO duly issued the '298 patent on April 29, 2008 after full and fair examination of Application No. 10/945,182 which was filed on September 20, 2004. *See* '298 patent at 1. A Certificate of Correction was issued on September 2, 2008. *See id.* at 10.

34. AI-Core owns all substantial rights, interest, and title in and to the '298 patent, including the sole and exclusive right to prosecute this action and enforce the '298 patent against infringers and to collect damages for all relevant times.

35. The claims of the '298 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of preexisting image sensors and methods for manufacturing the same.

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

37. Upon information and belief, Defendant has directly infringed and continues to directly infringe one or more claims of the '298 patent by providing, supplying, using, causing to be used, distributing, importing, selling, offering for sale, and/or internal and external testing the Accused Products.

38. Upon information and belief, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '298 patent, as exemplified in the claim chart attached hereto as **Exhibit B**.

39. Defendant has indirectly infringed and continues to indirectly infringe the '298 patent by inducing others to directly infringe the '298 patent. Defendant has induced and continues to induce customers and end-users, including, but not limited to, Defendant's customers, employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '298 patent by providing or requiring use of the Accused Products. Defendant has taken active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '298 patent,



including, for example, claim 1. Such steps by Defendant have included, among other things, advising or directing customers, personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; distributing instructions that guide users to use the Accused Products in an infringing manner; and/or instructional and technical support on its website. Defendant has been performing these steps, which constitute induced infringement with the knowledge of the '298 patent and with the knowledge that the induced acts constitute infringement. Defendant has been aware that the normal and customary use of the Accused Products by others would infringe the '298 patent. Defendant's inducement is ongoing.

40. Defendant has indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '298 patent. Defendant has contributed and continues to contribute to the direct infringement of the '298 patent by its customers, personnel, and contractors. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '298 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the '298 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

41. Defendant had knowledge of the '298 patent at least as of the date when it was notified of the filing of this action.

42. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of AI-Core's patent rights.

43. Defendant's actions are at least objectively reckless as to the risk of infringing a valid

patent and this objective risk was either known or should have been known by Defendant.

44. Defendant's infringement of the '298 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of AI-Core's rights under the patent.

45. AI-Core or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '298 patent.

46. AI-Core has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to AI-Core in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

47. AI-Core has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. AI-Core has and will continue to suffer this harm by virtue of Defendant's infringement of the '298 patent. Defendant's actions have interfered with and will interfere with AI-Core's ability to license technology. The balance of hardships favors AI-Core's ability to commercialize its own ideas and technology. The public interest in allowing AI-Core to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

### **COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,623,036**

48. AI-Core repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

49. The USPTO duly issued the '036 patent on November 24, 2009, after full and fair examination of Application No. 11/468,556 which was filed on August 30, 2006. *See* '036 patent at 1.

50. AI-Core owns all substantial rights, interest, and title in and to, the '036 patent

including the sole and exclusive right to prosecute this action and enforce the '036 patent against infringers and to collect damages for all relevant times.

51. The claims of the '036 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of adjusting data tag readers with feed-forward data.

52. The written description of the '036 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

53. Upon information and belief, Defendant has directly infringed and continues to directly infringe one or more claims of the '036 patent by providing, supplying, using, causing to be used, distributing, importing, selling, offering for sale, and/or internal and external testing the Accused Products.

54. Upon information and belief, Defendant has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, at least claim 15 of the '036 patent, as exemplified in the claim chart attached hereto as **Exhibit C**.

55. Defendant has indirectly infringed and continues to indirectly infringe the '036 patent by inducing others to directly infringe the '036 patent. Defendant has induced and continues to induce customers and end-users, including, but not limited to, Defendant's customers, employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '036 patent by providing or requiring use of the Accused Products. Defendant has taken active

steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '036 patent, including, for example, claim 15. Such steps by Defendant have included, among other things, advising or directing customers, personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; distributing instructions that guide users to use the Accused Products in an infringing manner; and/or instructional and technical support on its website. Defendant has been performing these steps, which constitute induced infringement with the knowledge of the '036 patent and with the knowledge that the induced acts constitute infringement. Defendant has been aware that the normal and customary use of the Accused Products by others would infringe the '036 patent. Defendant's inducement is ongoing.

56. Defendant has indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '036 patent. Defendant has contributed and continues to contribute to the direct infringement of the '036 patent by its customers, personnel, and contractors. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '036 patent, including, for example, claim 15. The special features constitute a material part of the invention of one or more of the claims of the '036 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

57. Defendant had knowledge of the '036 patent at least as of the date when it was notified of the filing of this action.

58. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of

others, and thus have been willfully blind of AI-Core's patent rights.

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

60. Defendant's infringement of the '036 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of AI-Core's rights under the patent.

61. AI-Core or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '036 patent.

62. AI-Core has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to AI-Core in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

63. AI-Core has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. AI-Core has and will continue to suffer this harm by virtue of Defendant's infringement of the '036 patent. Defendant's actions have interfered with and will interfere with AI-Core's ability to license technology. The balance of hardships favors AI-Core's ability to commercialize its own ideas and technology. The public interest in allowing AI-Core to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 7,746,516**

64. AI-Core repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

65. The USPTO duly issued the '516 patent on June 29, 2010 after full and fair examination of Application No. 11/512,668 which was filed on August 29, 2006. *See* '516 patent

at 1. A Certificate of Correction was issued on November 9, 2010. *See id.* at 7.

66. AI-Core owns all substantial rights, interest, and title in and to the '516 patent, including the sole and exclusive right to prosecute this action and enforce the '516 patent against infringers and to collect damages for all relevant times.

67. The claims of the '516 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation image scanning and outputting.

68. The written description of the '516 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

69. Upon information and belief, Defendant has directly infringed and continues to directly infringe one or more claims of the '516 patent by providing, supplying, using, causing to be used, distributing, importing, selling, offering for sale, and/or internal and external testing the Accused Products.

70. Upon information and belief, Defendant has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, at least claim 18 of the '516 patent, as exemplified in the claim chart attached hereto as **Exhibit D**.

71. Since at least the time of receiving the original complaint in this action, Defendant has indirectly infringed and continues to indirectly infringe the '516 patent by inducing others to directly infringe the '516 patent. Defendant has induced and continues to induce customers and

end-users, including, but not limited to, Defendant's customers, employees, partners, contractors, customers and/or potential customers, to directly infringe, either literally or under the doctrine of equivalents, the '516 patent by providing or requiring use of the Accused Products. Defendant has taken active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '516 patent, including, for example, claim 18. Such steps by Defendant have included, among other things, advising or directing customers, personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; distributing instructions that guide users to use the Accused Products in an infringing manner; and/or instructional and technical support on its website. Defendant has been performing these steps, which constitute induced infringement with the knowledge of the '516 patent and with the knowledge that the induced acts constitute infringement. Defendant has been aware that the normal and customary use of the Accused Products by others would infringe the '516 patent. Defendant's inducement is ongoing.

72. Defendant has indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '516 patent. Defendant has contributed and continues to contribute to the direct infringement of the '516 patent by its customers, personnel, and contractors. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '516 patent, including, for example, claim 18. The special features constitute a material part of the invention of one or more of the claims of the '516 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

73. Defendant had knowledge of the '516 patent at least as of the date when it was notified

of the filing of this action.

74. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus has been willfully blind of AI-Core's patent rights.

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

76. Defendant's direct infringement of the '516 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of AI-Core's rights under the patent.

77. AI-Core or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '516 patent.

78. AI-Core has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to AI-Core in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

79. AI-Core has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. AI-Core has and will continue to suffer this harm by virtue of Defendant's infringement of the '516 patent. Defendant's actions have interfered with and will interfere with AI-Core's ability to license technology. The balance of hardships favors AI-Core's ability to commercialize its own ideas and technology. The public interest in allowing AI-Core to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**COUNT V: INFRINGEMENT OF U.S. PATENT NO. 8,130,241**

80. AI-Core repeats and re-alleges the allegations in the Paragraphs above as though fully



set forth in their entirety.

81. The USPTO duly issued the '241 patent on March 6, 2012, after full and fair examination of Application No. 13/037,945 which was filed on March 1, 2011. *See* '241 patent at 1. A Certificate of Correction was issued on September 11, 2012. *See id.* at 19.

82. AI-Core owns all substantial rights, interest, and title in and to the '241 patent, including the sole and exclusive right to prosecute this action and enforce the '241 patent against infringers and to collect damages for all relevant times.

83. The claims of the '241 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of preexisting methods and systems for positioning, sizing, and usage of graphics items outside a background.

84. The written description of the '241 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

85. Upon information and belief, Defendant has directly infringed and continues to directly infringe one or more claims of the '241 patent by providing, supplying, using, causing to be used, distributing, importing, selling, offering for sale, and/or internal and external testing the Accused Products.

86. Upon information and belief, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '241 patent, as exemplified in the claim chart attached hereto as **Exhibit E**.

87. Defendant has indirectly infringed and continues to indirectly infringe the '241 patent by inducing others to directly infringe the '241 patent. Defendant has induced and continues to induce customers and end-users, including, but not limited to, Defendant's customers, employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '241 patent by providing or requiring use of the Accused Products. Defendant has taken active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '241 patent, including, for example, claim 1. Such steps by Defendant have included, among other things, advising or directing customers, personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; distributing instructions that guide users to use the Accused Products in an infringing manner; and/or instructional and technical support on its website. Defendant has been performing these steps, which constitute induced infringement with the knowledge of the '241 patent and with the knowledge that the induced acts constitute infringement. Defendant has been aware that the normal and customary use of the Accused Products by others would infringe the '241 patent. Defendant's inducement is ongoing.

88. Defendant has indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '241 patent. Defendant has contributed and continues to contribute to the direct infringement of the '241 patent by its customers, personnel, and contractors. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '241 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the '241 patent and are not staple articles of commerce

suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

89. Defendant had knowledge of the '241 patent at least as of the date when it was notified of the filing of this action.

90. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of AI-Core's patent rights.

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

92. Defendant's infringement of the '241 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of AI-Core's rights under the patent.

93. AI-Core or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '241 patent.

94. AI-Core has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to AI-Core in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

95. AI-Core has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. AI-Core has and will continue to suffer this harm by virtue of Defendant's infringement of the '241 patent. Defendant's actions have interfered with and will interfere with AI-Core's ability to license technology. The balance of hardships favors AI-Core's ability to commercialize its own ideas and technology. The public interest in allowing AI-Core to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 8,610,742**

96. AI-Core repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

97. The USPTO duly issued the '742 patent on December 17, 2013 after full and fair examination of Application No. 11/765,296 which was filed on June 19, 2007. *See* '742 patent at 1. A Certificate of Correction was issued on May 6, 2014.

98. AI-Core owns all substantial rights, interest, and title in and to the '742 patent, including the sole and exclusive right to prosecute this action and enforce the '742 patent against infringers and to collect damages for all relevant times.

99. The claims of the '742 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of backgrounds used with graphics-based user interfaces.

100. The written description of the '742 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

101. Upon information and belief, Defendant has directly infringed and continues to directly infringe one or more claims of the '742 patent by providing, supplying, using, causing to be used, distributing, importing, selling, offering for sale, and/or internal and external testing the Accused Products.

102. Upon information and belief, Defendant has directly infringed, either literally or under

the doctrine of equivalents, at least claim 14 of the '742 patent, as exemplified in the claim chart attached hereto as **Exhibit F**.

103. Defendant has indirectly infringed and continues to indirectly infringe the '742 patent by inducing others to directly infringe the '742 patent. Defendant has induced and continues to induce customers and end-users, including, but not limited to, Defendant's customers, employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '742 patent by providing or requiring use of the Accused Products. Defendant has taken active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '742 patent, including, for example, claim 14. Such steps by Defendant have included, among other things, advising or directing customers, personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; distributing instructions that guide users to use the Accused Products in an infringing manner; and/or instructional and technical support on its website. Defendant has been performing these steps, which constitute induced infringement with the knowledge of the '742 patent and with the knowledge that the induced acts constitute infringement. Defendant has been aware that the normal and customary use of the Accused Products by others would infringe the '742 patent. Defendant's inducement is ongoing.

104. Defendant has indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '742 patent. Defendant has contributed and continues to contribute to the direct infringement of the '742 patent by its customers, personnel, and contractors. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '742

patent, including, for example, claim 14. The special features constitute a material part of the invention of one or more of the claims of the '742 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

105. Defendant had knowledge of the '742 patent at least as of the date when it was notified of the filing of this action.

106. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of AI-Core's patent rights.

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

108. Defendant's infringement of the '742 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of AI-Core's rights under the patent.

109. AI-Core or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '742 patent.

110. AI-Core has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to AI-Core in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

111. AI-Core has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. AI-Core has and will continue to suffer this harm by virtue of Defendant's infringement of the '742 patent. Defendant's actions have interfered with and will interfere with AI-Core's ability to license technology. The balance of hardships favors AI-Core's ability to commercialize its own ideas and technology. The public interest in allowing

AI-Core to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**COUNT VII: INFRINGEMENT OF U.S. PATENT NO. 9,338,217**

112. AI-Core repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

113. The USPTO duly issued the '217 patent on May 10, 2016 after full and fair examination by the USPTO of Application No. 11/079,932 which was filed on March 14, 2005. *See* '217 patent at 1.

114. AI-Core owns all substantial rights, interest, and title in and to the '217 patent, including the sole and exclusive right to prosecute this action and enforce the '217 patent against infringers and to collect damages for all relevant times.

115. The claims of the '217 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of preexisting computer systems and computer functionality within a wide area network.

116. The written description of the '217 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

117. Upon information and belief, Defendant has directly infringed one or more claims of the '217 patent by providing, supplying, using, causing to be used, distributing, importing, selling, offering for sale, and/or internal and external testing the Accused Products.

118. Upon information and belief, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '217 patent, as exemplified in the claim chart attached hereto as **Exhibit G**.

119. AI-Core or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '217 patent.

120. AI-Core has been damaged as a result of the infringing conduct by Defendant alleged above. Defendant is liable to AI-Core in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

#### **JURY DEMAND**

121. AI-Core hereby requests a trial by jury on all issues so triable by right.

#### **PRAYER FOR RELIEF**

122. AI-Core requests that the Court find in its favor and against Defendant, and that the Court grant AI-Core the following relief:

- a. Judgment that one or more claims of each of the Asserted Patents has been infringed, either literally or under the doctrine of equivalents, by Defendant or others acting in concert therewith;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '834 patent, '298 patent, '036 patent, '516 patent, '241 patent, and '742 patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of the '834 patent, '298 patent, '036 patent, '516 patent, '241 patent, and '742 patent by such entities;



- c. Judgment that Defendant account for and pay to AI-Core all damages to and costs incurred by AI-Core because of Defendant's infringing activities and other conduct complained of herein;
- d. Judgment that Defendant's infringements of the '834 patent, '298 patent, '036 patent, '516 patent, '241 patent, and '742 patent be found willful, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- e. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- f. That this Court declare this an exceptional case and award AI-Core its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- g. All other and further relief as the Court may deem just and proper under the circumstances.

Dated: June 11, 2024

Respectfully submitted,

By: /s/ C. Matthew Rozier

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\*Admitted to the Eastern District of Texas

Exhibits

- A. Claim Chart for U.S. Patent No. 7,215,834
- B. Claim Chart for U.S. Patent No. 7,365,298
- C. Claim Chart for U.S. Patent No. 7,623,036
- D. Claim Chart for U.S. Patent No. 7,746,516
- E. Claim Chart for U.S. Patent No. 8,130,241
- F. Claim Chart for U.S. Patent No. 8,610,742
- G. Claim Chart for U.S. Patent No. 9,338,217

Attachments

- Civil Cover Sheet
- Proposed Summons