IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CTEXT IP LLC, Plaintiff, v. APPLE INC., Defendant.	)))) Civil Action No. 1:24-cv-8821)) **JURY TRIAL DEMANDED**))))

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff CText IP LLC files this Complaint against Defendant Apple Inc. for infringement of U.S. Patent No. 9,246,857 ("the '857 Patent") and U.S. Patent No. 10,009,304 ("the '304 Patent") (collectively, the "Asserted Patents").

THE PARTIES

1. Plaintiff CText IP LLC ("CText") is a Texas limited liability company located in Dallas, Texas.

2. Apple Inc. ("Apple") is a California corporation with its principal place of business in Cupertino, California. Apple does business in the State of New York and in the Southern District of New York.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq*., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285.

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this judicial district under 28 U.S.C. § 1400(b). Apple has committed acts of infringement in this district, including by selling iOS devices to consumers in

this District, and has regular and established places of business in this district, including at 11 Penn Plaza, New York, NY 10001; 767 Fifth Avenue, New York, NY 10153; 45 Grand Central Terminal, New York, NY 10017; and 401 W 14th Street, New York, NY 10014.

6. Apple is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the New York Long Arm Statute, due at least to its substantial business in this State and judicial district, including: (1) at least part of its infringing activities alleged herein; and (2) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to New York residents.

THE ASSERTED PATENTS AND TECHNOLOGY

7. CText is the sole and exclusive owner of all right, title, and interest in the Asserted Patents and holds the exclusive right to take all actions necessary to enforce its rights in, and to, the Asserted Patents, including the filing of this patent infringement lawsuit. Indeed, CText owns all substantial rights in the Asserted Patents, including the right to exclude others and to recover damages for all past, present, and future infringements.

U.S. Patent 9,246,857

8. The '857 Patent is entitled, "Method and System for Correlating Conversations in a Messaging Environment." The '857 Patent lawfully issued on January 26, 2016, and stems from U.S. Patent Application No. 14/581,178, which was filed on December 23, 2014 and claims priority to U.S. Provisional Application No. 61/920,177 (filed on December 23, 2013), U.S. Provisional Application No. 62/000,220 (filed May 19, 2014), and U.S. Provisional Application No. 62/061,308 (filed on October 8, 2014). A copy of the '857 Patent is attached hereto as Exhibit A.

9. The invention disclosed and claimed by the '857 Patent "relates to methods and systems for correlating conversations in a messaging environment, such as in a chat application for a mobile phone." Ex. A, 1:15-17. As used in the '857 Patent "[t]hese chats often form an extended dialogue between multiple parties, stretching across multiple conversation topics and extended periods of time. Accordingly, while a participant in such a dialogue may continue to submit chats responsive to earlier received chats, it is often unclear what earlier question or prompt the participant is answering or responding to." *Id.* at 1:26:32; *see also id.* at 1:33-57.

10. The inventors of the '857 Patent discerned that "[t]here is a need for a messaging method that allows parties conversing to follow multiple conversations exactly, even where those multiple conversations are intertwined and include questions, prompts, and answers that cross each other chronologically." *Id.* at 1:58-62. To that end, the '857 Patent describes and claims specific technological improvements to messaging environments in chat applications on devices such as mobile phones. *See e.g., id.* at 1:66-3:14. These improvements include, for example, allowing indications for active conversations (*see, e.g., id.* at 2:4-6), associating new messages received at a message entry location with active conversations (*see, e.g., id.* at 2:13-15); visual cue sharing by the messages in the active conversation (*see, e.g., id.* at 2:13-18); allowing conversational affiliations to be applied after messages are entered (*see, e.g., id.* at 2:13-18); indicating that different messages or conversations are active and applying different visual cues to them (*see, e.g., id.* at 2:23-33); applying visual elements to the message entry location to highlight the identity of the active conversation, wherein the visual cue is reflected in the visual elements (*see, e.g., id.* at 2:37-42); the visual cue may be a proximity from message to message (*see, e.g., id.* at 2:43-47); and applying the solutions across multiple interface devices, e.g., changes made at the first interface device, such as identification of active conversations and the affiliation of comments with

different conversations, are reflected at a second interface device using visual cues (*see, e.g., id.* at 2:48-55). These aspects of the invention were not well-understood, routine or conventional at the time of the invention and instead addressed the "need for a messaging method that allows parties conversing to follow multiple conversations exactly, even where those multiple conversations are intertwined and include questions, prompts, and answers that cross each other chronologically." *Id.* at 1:58-62.

11. Those improvements are reflected in the claims of the patent. Accordingly, the claims are not directed to an abstract idea or other ineligible subject matter, but instead are directed to key technical improvements to messaging environments and graphical user interfaces on digital communication devices. *See, e.g.,* claim 1, which includes limitations such as "receiving, at the first interface device, a first indication that the first message is part of an active conversation," "changing a visual element of the message entry location upon receipt of the first indication to match a first visual cue shared by messages associated with the active conversation," and "wherein the displaying of the first new message incorporates the first visual cue shared by messages associated with the active conversation"; claim 15 with similar limitations to claim 1; claim 2, which includes the limitation "wherein the first indication is generated by a tapping input at a touch sensitive display of the first interface device"; claim 16 with similar limitations to claim 2; claim 5, which includes the limitation, "defining, upon receiving the first indication, the first conversation as the active conversation, and defining the first new message as part of the first conversation, wherein the first visual cue is incorporated into any previously displayed messages that are part of the first conversation"; claim 6, which includes the limitation "receiving, at the first interface device, after displaying the first new message, a second indication that the second message is part of an active conversation; defining, upon receiving the second indication, the active

conversation as the second conversation exclusively; receiving a second new message at the message entry location; and displaying the second new message in the discussion interface at the first interface device; wherein the displaying of the second new message incorporates a second visual cue shared by messages associated with the second conversation"; claim 7, which includes the limitation "wherein the first and second new messages are displayed in the discussion interface in the chronological order in which they were received"; claim 8, which includes the limitation "changing a visual element of the message entry location upon receipt of the first indication to match the first visual cue, and upon receipt of the second indication, changing the visual element of the message entry location match the second visual cue, such that the visual element of the message entry location matches the defined active conversation"; and claim 14, which includes the limitation "wherein the first visual cue is in the form of proximity such that the first new message is displayed at a location within the discussion interface in closer proximity to the first message relative to proximity of the second message to the first message." As discussed above, these aspects of the claimed invention were not well-understood, routine or conventional at the time of the invention and instead addressed the "need for a messaging method that allows parties conversing to follow multiple conversations exactly, even where those multiple conversations are intertwined and include questions, prompts, and answers that cross each other chronologically." *Id.* at 1:58-62.

U.S. Patent 10,009,304

12. The '304 Patent is entitled, "Method and System for Correlating Conversations in a Messaging Environment." The '304 Patent lawfully issued on June 26, 2018, and stems from U.S. Patent Application No. 14/972,919, which was filed on December 17, 2015 and is a continuation of U.S. Patent Application No. 14,581,178 (filed on December 23, 2014), which

issued as the ’857 Patent. The ’304 Patent also claims priority to U.S. Provisional Application No. 61/920,177 (filed on December 23, 2013), U.S. Provisional Application No. 62/000,220 (filed May 19, 2014), and U.S. Provisional Application No. 62/061,308 (filed on October 8, 2014). A copy of the ’304 Patent is attached hereto as Exhibit B.

13. Because the ’304 Patent is a continuation of the ’857 Patent, their specifications describe the same shortcomings in the prior art, problems to be solved, and solutions. Like the ’857 Patent, the ’304 Patent includes claims that reflect those solutions. Those claims include claims 1 and 14 (with similar limitations to claims 1 and 15 of the ’857 Patent); claims 2 and 15 (with similar limitations to claim 2 and 16 of the ’857 Patent); claim 6 (with similar limitations to claim 5 of the ’857 Patent); claim 7 (with similar limitations to claim 6 of the ’857 Patent); claim 11, which includes the limitation “wherein the first visual cue is in the form of text associated with the first message and proximity to text associated with the first message such that after receiving the first indication, the visual element of the message entry location is changed to present text associated with the first message and, upon receiving the first new message, the first new message is displayed at a location within the discussion interface in closer proximity to the first message relative to proximity of the second message to the first message”; and claim 12, which includes the limitation “wherein the first visual cue is in the form of text associated with the first message such that after receiving the first indication, the visual element of the message entry location is changed to present text associated with the first message and, upon receiving the first new message, the first new message is displayed with text associated with the first message.” Thus, the claims of the ’304 Patent are not directed to an abstract idea or other ineligible subject matter, or well-understood, routine, or conventional, for the same reasons as discussed above for the ’857 Patent.

Summary

14. The claims of the Asserted Patents are directed to patent-eligible subject matter under 35 U.S.C. § 101. They are not directed to an abstract idea, and the technologies covered by the claims comprise systems and/or ordered combinations of features and functions that, at the time of invention, were not, alone or in combination, well-understood, routine, or conventional.

15. CText has complied with the requirements of 35 U.S.C. § 287. As discussed above, CText notified Apple of its infringements by letter dated January 5, 2023.

APPLE'S PRE-SUIT KNOWLEDGE OF ITS INFRINGEMENTS

16. On January 5, 2023, CText sent a letter to Apple, inviting Apple to take a license to the Asserted Patents. *See* Exhibit C. CText's letter included claim charts setting forth how Apple infringes certain claims of the Asserted Patents. Apple acknowledged receipt of CText's letter and claim charts but has refused to take a license to the Asserted Patents.

17. The Accused Products addressed in the Counts below include, but are not limited to, products identified in CText's letter to Apple. Apple's past and continuing sales of the Accused Products (i) willfully infringe the Asserted Patents and (ii) impermissibly usurp the significant benefits of CText's patented technologies without fair compensation.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 9,246,857)

18. CText incorporates the preceding paragraphs herein by reference.

19. This cause of action arises under the patent laws of the United States, and, in particular, 35 U.S.C. §§ 271, *et seq*.

20. CText is the owner of all substantial rights, title, and interest in and to the '857 Patent, including the right to exclude others and to enforce, sue, and recover damages for past, present, and future infringements.

21. The ’857 Patent is valid, enforceable, and was duly and legally issued by the United States Patent and Trademark Office on January 26, 2016, after full and fair examination.

Direct Infringement (35 U.S.C. § 271(a))

22. Apple directly infringes one or more claims of the ’857 Patent in this District and elsewhere in New York and the United States.

23. To this end, Apple directly infringes, either by itself or via its agent(s), at least claims 1, 2, 5-7 and 14-16 of the ’857 Patent as set forth under 35 U.S.C. § 271(a) by using (including through testing or demonstration), selling, offering to sell, and/or importing devices with iOS version 10 or later, including, but not limited to, Apple iPhone and iPad devices (collectively, the “Accused Products”). Attached hereto as Exhibit D, and incorporated herein by reference, is an exemplary claim mapping that details how Apple infringes claims 1, 2, 5-7 and 14-16 of the ’857 Patent.[1]

Indirect Infringement (Inducement – 35 U.S.C. § 271(b))

24. In addition and/or in the alternative to the direct infringements, Apple indirectly infringes one or more claims of the ’857 Patent by knowingly and intentionally inducing others, including its customers and/or other end users, to directly infringe the ’857 Patent.

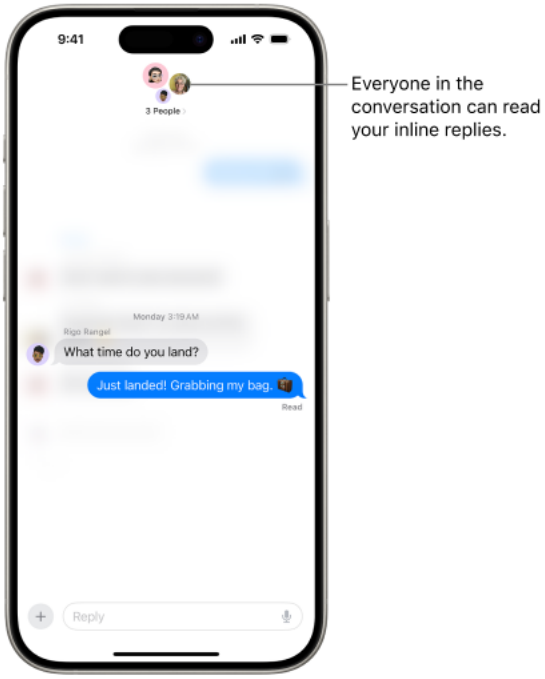
25. At a minimum, Apple has had knowledge of the ’857 Patent and its infringement at least since service of the original Complaint in the action. Apple also has knowledge of the ’857 Patent and its infringement since receiving correspondence from CText prior to the filing of the original Complaint, alerting Apple to its infringements.

[1] The claim chart attached hereto as Exhibit D is exemplary and provided only for notice purposes. Exhibit D should not be interpreted as limiting CText’s infringement theories or be considered an admission that any claim is representative.

26. Since receiving notice of its infringements, Apple has actively induced, and continues to actively induce, the direct infringements of its customers and/or other end users (e.g., as illustrated by Exhibit D) as set forth under U.S.C. § 271(b). Such inducements have been committed with the knowledge, or with willful blindness to the fact, that the acts induced constitute infringement of the '857 Patent. Indeed, Apple has intended to cause, continues to intend to cause, and has taken, and continues to take, affirmative steps to induce infringement by, among other things, creating and disseminating advertisements and instructive materials that promote the infringing use of the Accused Products, including marketing materials and user manuals (e.g., those available via https://support.apple.com/en-us/docs/iphone), that specifically teach and encourage customers and other end users to use the '857 Accused Products in an infringing manner. Examples of such instructive materials are shown below:

Reply inline to a specific message

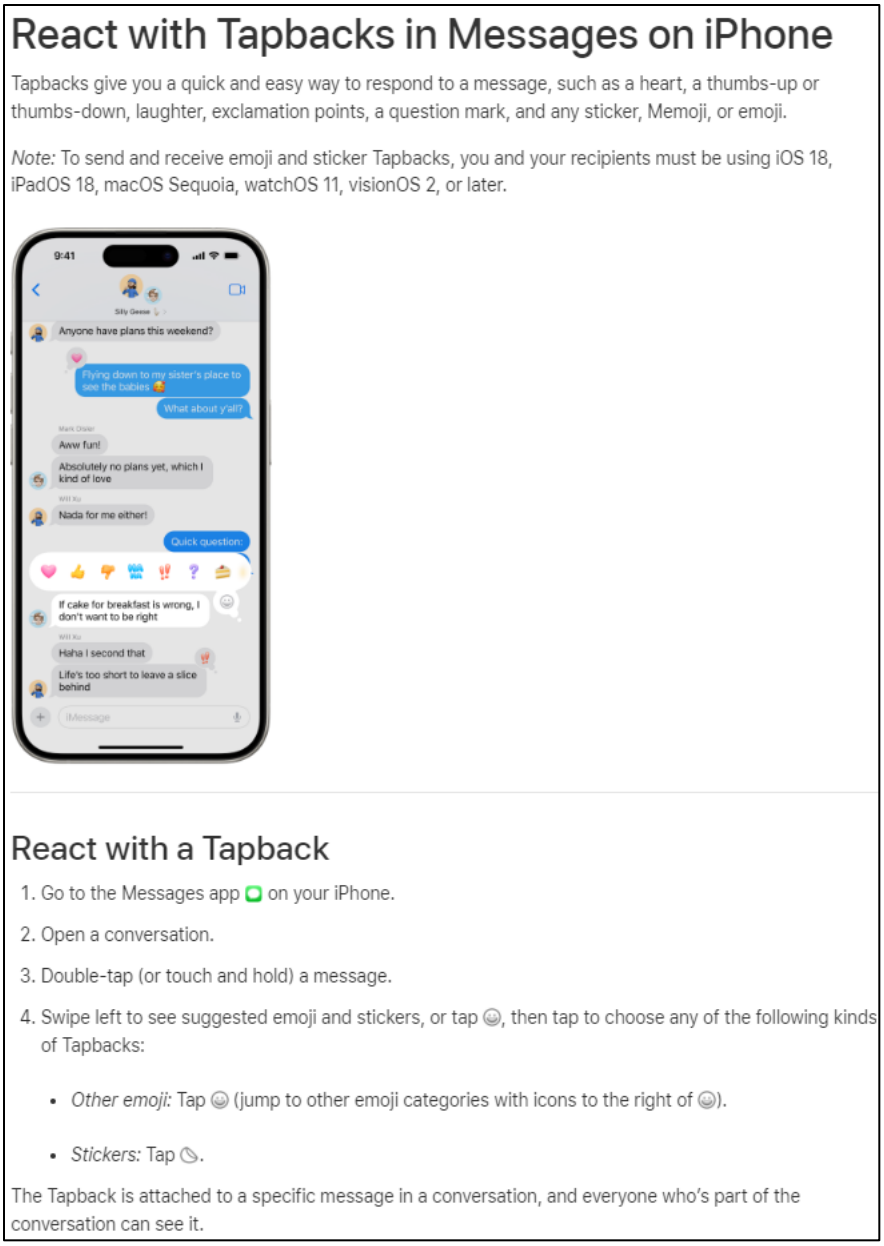
You can respond to a specific message inline. An inline reply quotes the message you're responding to. This keeps a busy conversation organized by clarifying which response relates to which message.



1. Go to the Messages app on your iPhone.
2. Swipe right on the message bubble that you want to reply to.
3. Enter your message, then tap .
4. To return to the main conversation, tap the blurred background.

Touch and hold a message to react with a Tapback, such as a thumbs-up or a heart.

https://support.apple.com/guide/iphone/send-and-reply-to-messages-iph82fb73ba3/18.0/ios/18.0



React with Tapbacks in Messages on iPhone

Tapbacks give you a quick and easy way to respond to a message, such as a heart, a thumbs-up or thumbs-down, laughter, exclamation points, a question mark, and any sticker, Memoji, or emoji.

Note: To send and receive emoji and sticker Tapbacks, you and your recipients must be using iOS 18, iPadOS 18, macOS Sequoia, watchOS 11, visionOS 2, or later.

React with a Tapback

1. Go to the Messages app on your iPhone.
2. Open a conversation.
3. Double-tap (or touch and hold) a message.
4. Swipe left to see suggested emoji and stickers, or tap, then tap to choose any of the following kinds of Tapbacks:
   - *Other emoji:* Tap (jump to other emoji categories with icons to the right of).
   - *Stickers:* Tap .

The Tapback is attached to a specific message in a conversation, and everyone who's part of the conversation can see it.

https://support.apple.com/guide/iphone/react-with-tapbacks-iph018d3c336/18.0/ios/18.0

By providing such instructions and support, Apple knows (and has known), or should know (and should have known), that its actions have actively induced, and continue to actively induce, infringement of the '857 Patent.

Damages

27. CText has been damaged as a result of Apple's infringing conduct described in this

Count. Apple is, thus, liable to CText in an amount that adequately compensates it for Apple's 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.

28. On information and belief, despite having knowledge of the '857 Patent and knowledge that it directly and/or indirectly infringes one or more claims of the '857 Patent, Apple has nevertheless continued its infringing conduct and has disregarded an objectively high likelihood of infringement. Apple's infringing activities relative to the '857 Patent have, thus, been, and continue to be, willful, wanton, and deliberate in disregard of CText's rights with respect to the '857 Patent, justifying enhanced damages under 35 U.S.C. § 284.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 10,009,304)

29. CText incorporates the preceding paragraphs herein by reference.

30. This cause of action arises under the patent laws of the United States, and, in particular, 35 U.S.C. §§ 271, *et seq*.

31. CText is the owner of all substantial rights, title, and interest in and to the '304 Patent, including the right to exclude others and to enforce, sue, and recover damages for past, present, and future infringements.

32. The '304 Patent is valid, enforceable, and was duly and legally issued by the United States Patent and Trademark Office on June 26, 2018, after full and fair examination.

Direct Infringement (35 U.S.C. § 271(a))

33. Apple directly infringes one or more claims of the '304 Patent in this District and elsewhere in New York and the United States.

34. To this end, Apple directly infringes, either by itself or via its agent(s), at least claims 1, 2, 6, 7, 11, 12, 14, and 15 of the '304 Patent as set forth under 35 U.S.C. § 271(a) by

using (including through testing or demonstration), selling, offering to sell, and/or importing devices with iOS version 10 or later, including, but not limited to, Apple iPhone and iPad devices (collectively, the "Accused Products"). Attached hereto as Exhibit E, and incorporated herein by reference, is an exemplary claim mapping that details how Apple infringes claims 1, 2, 6, 7, 11, 12, 14, and 15 of the '304 Patent.[2]

Indirect Infringement (Inducement – 35 U.S.C. § 271(b))

35. In addition and/or in the alternative to the direct infringements, Apple indirectly infringes one or more claims of the '304 Patent by knowingly and intentionally inducing others, including its customers and/or other end users, to directly infringe the '304 Patent.

36. At a minimum, Apple has had knowledge of the '304 Patent and its infringement at least since service of the original Complaint in the action. Apple also has knowledge of the '304 Patent and its infringement since receiving correspondence from CText prior to the filing of the original Complaint, alerting Apple to its infringements.

37. Since receiving notice of its infringements, Apple has actively induced, and continues to actively induce, the direct infringements of its customers and/or other end users (e.g., as illustrated by Exhibit E) as set forth under U.S.C. § 271(b). Such inducements have been committed with the knowledge, or with willful blindness to the fact, that the acts induced constitute infringement of the '304 Patent. Indeed, Apple has intended to cause, continues to intend to cause, and has taken, and continues to take, affirmative steps to induce infringement by, among other things, creating and disseminating advertisements and instructive materials that promote the infringing use of the Accused Products, including marketing materials and user manuals (e.g.,

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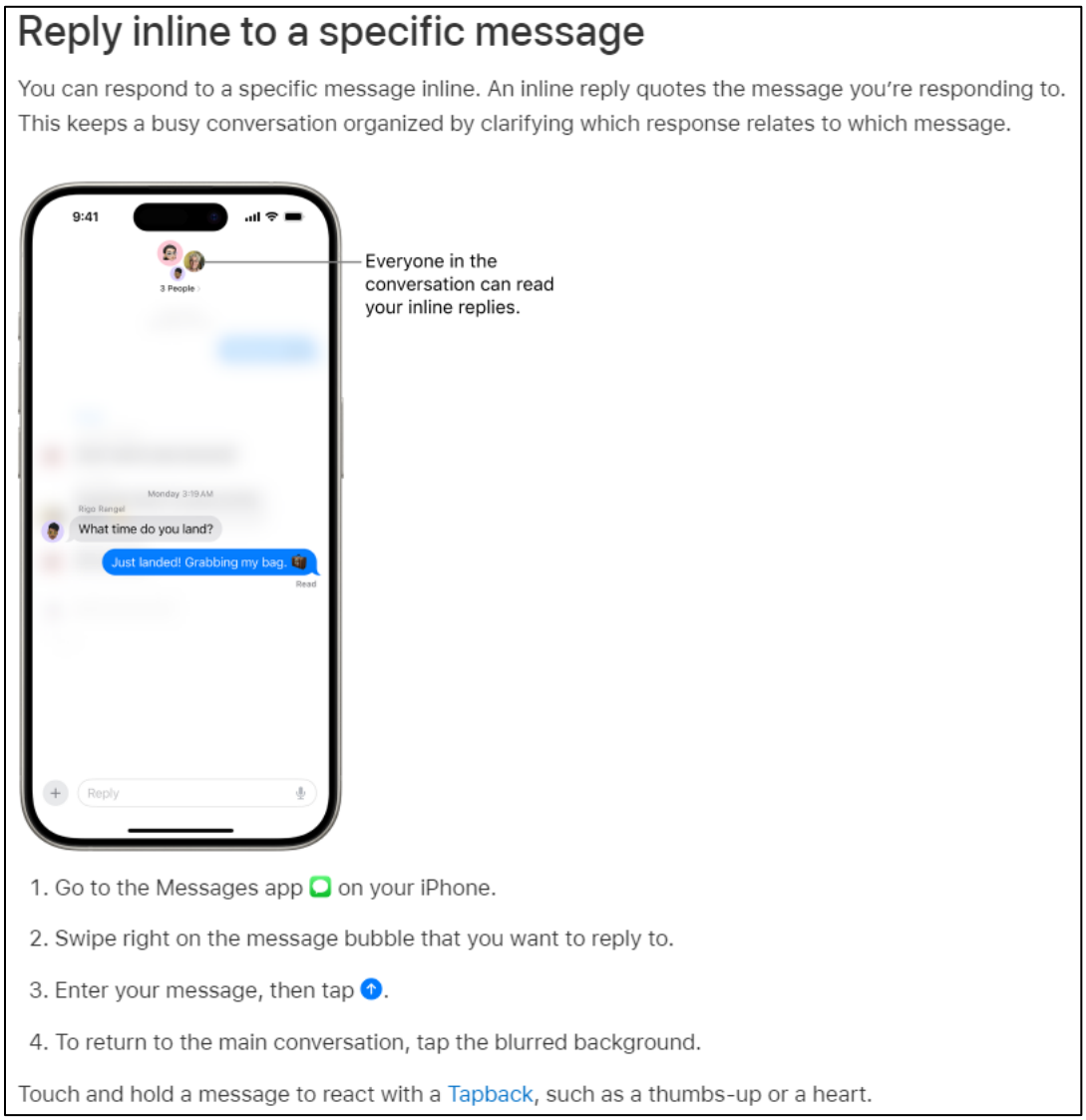
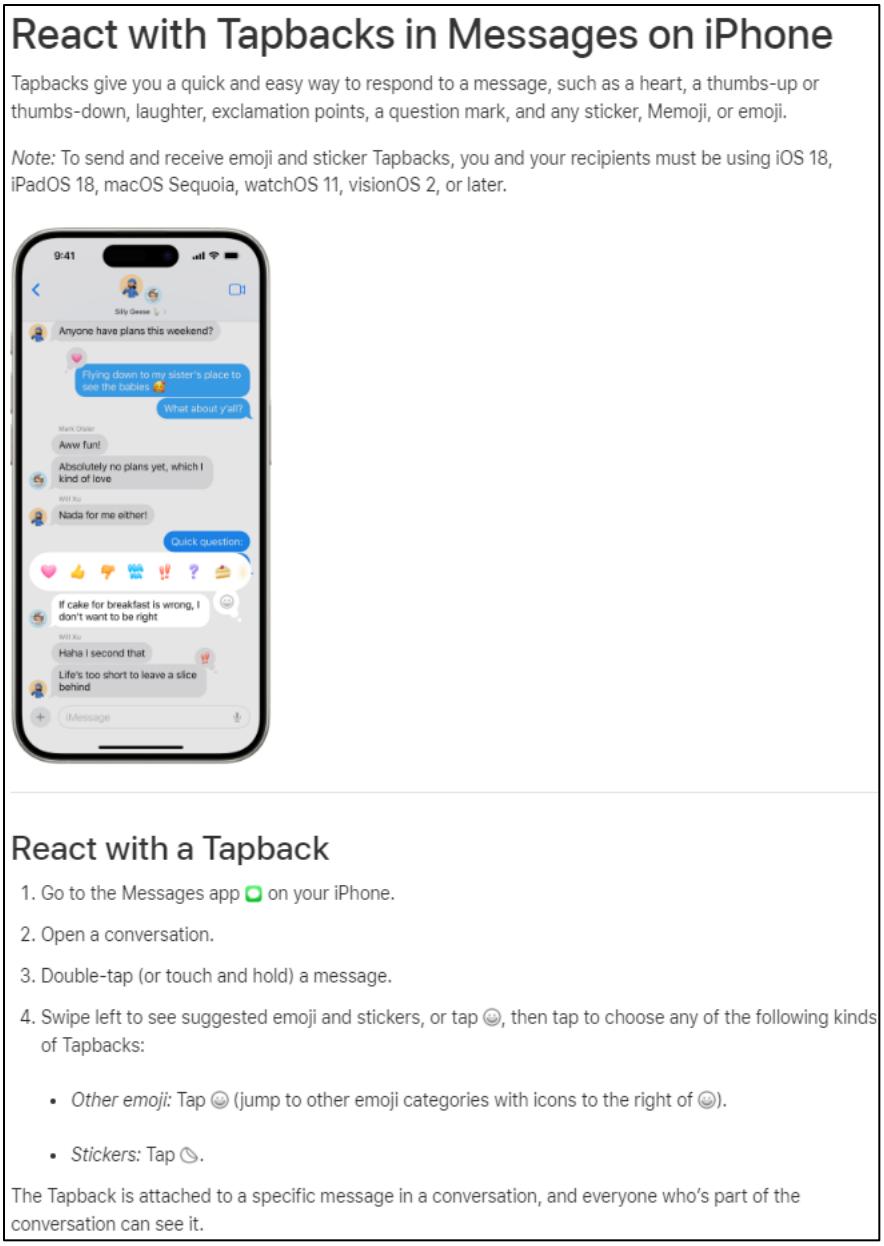
those available via https://support.apple.com/en-us/docs/iphone), that specifically teach and encourage customers and other end users to use the '304 Accused Products in an infringing manner. Examples of such instructive materials are shown below:



https://support.apple.com/guide/iphone/send-and-reply-to-messages-iph82fb73ba3/18.0/ios/18.0



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Note: To send and receive emoji and sticker Tapbacks, you and your recipients must be using iOS 18, iPadOS 18, macOS Sequoia, watchOS 11, visionOS 2, or later.

React with a Tapback

1. Go to the Messages app on your iPhone.
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The Tapback is attached to a specific message in a conversation, and everyone who's part of the conversation can see it.

https://support.apple.com/guide/iphone/react-with-tapbacks-iph018d3c336/18.0/ios/18.0

By providing such instructions and support, Apple knows (and has known), or should know (and should have known), that its actions have actively induced, and continue to actively induce, infringement of the '304 Patent.

Damages

38. CText has been damaged as a result of Apple's infringing conduct described in this

Count. Apple is, thus, liable to CText in an amount that adequately compensates it for Apple's 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.

39. On information and belief, despite having knowledge of the '304 Patent and knowledge that it directly and/or indirectly infringes one or more claims of the '304 Patent, Apple has nevertheless continued its infringing conduct and has disregarded an objectively high likelihood of infringement. Apple's infringing activities relative to the '304 Patent have, thus, been, and continue to be, willful, wanton, and deliberate in disregard of CText's rights with respect to the '304 Patent, justifying enhanced damages under 35 U.S.C. § 284.

CONCLUSION

40. CText is entitled to recover from Apple the damages sustained by CText as a result of Apple's wrongful acts and willful infringements in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court.

41. CText has incurred and will incur attorneys' fees, costs, and expenses in the prosecution of this action. The circumstances of this dispute may give rise to an exceptional case within the meaning of 35 U.S.C. § 285, and, in such case, CText is entitled to recover its reasonable and necessary attorneys' fees, costs, and expenses.

JURY DEMAND

42. CText hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

43. CText respectfully requests that the Court find in its favor and against Apple, and

that the Court grant CText the following relief:

(i) Judgment that one or more claims of the Asserted Patents have been infringed, either literally and/or under the doctrine of equivalents, by Apple;

(ii) Judgment that one or more claims of the Asserted Patents have been willfully infringed, either literally and/or under the doctrine of equivalents, by Apple;

(iii) Judgment that Apple account for and pay to CText all damages and costs incurred by CText because of Apple's infringements and other conduct complained of herein, including an accounting for any sales or damages not presented at trial;

(iv) Judgment that Apple account for and pay to CText a reasonable, ongoing, post-judgment royalty because of Apple's infringements, including continuing infringing activities, and other conduct complained of herein;

(v) Judgment that CText be granted pre-judgment and post-judgment interest on the damages caused by Apple's infringements and other conduct complained of herein;

(vi) Judgment that this case is exceptional under the provisions of 35 U.S.C. § 285 and award enhanced damages; and

(vii) Such other and further relief as the Court deems just and equitable.

Dated: November 20, 2024

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

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