

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

Lab Technology LLC,

Plaintiff,

v.

Amazon.com Services LLC,

Defendant.

Case No. 2:24-cv-00829-JRG-RSP

Patent Case

Jury Trial Demanded

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff Lab Technology LLC (“Plaintiff”), through its attorneys, complains of Amazon.com Services LLC (“Defendant”), and alleges the following:

PARTIES

2. Plaintiff Lab Technology LLC is a corporation organized and existing under the laws of New Mexico that maintains its principal place of business at 1209 Mountain Rd Pl NE STE n, Albuquerque, NM 87110.

3. Defendant Amazon.com Services LLC is a corporation organized and existing under the laws of Delaware that maintains an established place of business at 1649 W. Frankford Road, Carrollton, Texas.

JURISDICTION

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

5. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

VENUE

7. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has an established place of business in this District. In addition, Defendant has committed acts of patent infringement in this District, and Plaintiff has suffered harm in this district.

PATENT-IN-SUIT

8. Plaintiff is the assignee of all right, title and interest in United States Patent No. 8,498,388 (the “Patent-in-Suit”); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant.

THE ‘388 PATENT

9. The ‘388 Patent is entitled “Method and system for announcement,” and issued 2013-07-30. The application leading to the ‘388 Patent was filed on 2012-02-22. A true and correct copy of the ‘388 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

10. Prior to the inventions of the ‘388 Patent, existing methods for delivering audio announcements suffered from significant technical limitations and inefficiencies. As the specification explains, in conventional systems “a person dials a telephone number at a telephone

to connect to a machine and listens to a pre-recorded announcement” and “[f]or the user to listen to the announcement again, he/she has to dial the telephone number to connect to the machine again.” (‘388 Patent at 1:21-32). When updates were needed, “an operator records a new announcement in the machine” and users must dial in again to hear it. (*Id.* at 1:33-35).

11. Broadcasting systems faced similar technical constraints, as they could only deliver announcements “infrequently or at a mixed time, such as every hour by the hour, 6 times a day, or in the morning and evening hours.” (‘388 Patent at 1:37-53). To deliver multiple announcements or updates, “a broadcaster repeats the above process for each announcement, whether it is a repeat announcement, an updated announcement, or a new announcement.” (*Id.* at 1:48-50). These limitations of prior art methods created substantial inefficiencies and delays in delivering current information to users.

12. Even with the emergence of internet-based systems, technical problems persisted. Users had to “navigate[] a web page or multiple web pages, and select[] a textual or graphical representation of the announcement” each time they wanted to hear it. (‘388 Patent at 1:60-65). When announcements were updated, users needed to repeat this cumbersome navigation process.

13. The ‘388 Patent solved these technical problems through methods and systems employing an unconventional system architecture that implements automated identity matching and selective updating of announcement content. Rather than requiring complete re-recording or manual intervention, the invention enables granular updates through a novel dual-identity structure or method that allowed the intelligent determination of whether incoming announcements should update existing items or be added as new content.

14. This technical solution is captured in Claim 1’s specific steps of “receiving” an announcement items with unique item identities (the “first item identity” and “second item

identity”), the step of “determining by the telephone if the second item identity matches the first item identity,” and selectively updating audio data based on the matching via the step of “updating the first audio data with the second audio data by the telephone” “in response” to the determination. This approach represents a significant improvement over conventional systems and methods that required re-recording, repetitive user connections, or navigation through multiple web pages to access updated content.

15. The invention achieved technical improvements beyond simply automating existing processes by implementing a novel data architecture and processing system that fundamentally changed how announcement content is structured, managed, and delivered. Specifically, the invention’s package-based architecture with discrete announcement items, each having its own identity and audio components, enabled a technically more efficient approach to content management. Rather than storing announcements as monolithic audio files that required complete replacement when any portion needed updating—as was done in prior systems—the invention allowed for granular modifications at the individual item level while maintaining the integrity of the overall package. This technical architecture is reflected in the specification’s description of how “audio information includes an audio data type and audio data” (‘388 Patent at 2:13) and how the system can selectively “modify[] information for an announcement in announcement package” without disturbing other content. (‘388 Patent at 3:41-42). This, in turn, is reflected in the “first item identity,” “second item identity,” “determining” and “updating” steps of Claim 1. The invention resulted in technical efficiencies enabling targeted updates, reduced data transmission requirements since only modified items need to be sent rather than entire announcement packages, and more efficient use of system resources since the system can process updates at the most granular necessary level rather than requiring wholesale content

replacement. Contrary to the prior art, using the claimed methods and systems “audio announcements are delivered in an effective and timely manner.” (‘388 Patent at 2:19-20).

16. This technical improvement is further evidenced by the ability, using the claimed methods and systems, to determine when and how to update specific announcement content while maintaining overall service continuity—functionality that was not available in prior art systems that required wholesale re-recording or cumbersome content management. Through its specific arrangement of technical components and processing steps, the claimed invention represents an unconventional technological solution to long-standing problems in audio announcement delivery systems.

17. The claimed invention, including the method of Claim 1, was not and could have been performed in the human mind.

COUNT 1: INFRINGEMENT OF THE ‘388 PATENT

18. Plaintiff incorporates the above paragraphs herein by reference.

19. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the ‘388 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the “Exemplary Defendant Products”) that infringe at least the exemplary claims of the ‘388 Patent also identified in the charts incorporated into this Count below (the “Exemplary ‘388 Patent Claims”) literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the ‘388 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

20. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary '388 Patent Claims, by having its employees internally test and use these Exemplary Products.

21. **Actual Knowledge of Infringement.** The service of this Complaint, in conjunction with the attached claim charts and references cited, constitutes actual knowledge of infringement as alleged here.

22. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '388 Patent. On information and belief, Defendant has also continued to sell the Exemplary Defendant Products and distribute product literature and website materials inducing end users and others to use its products in the customary and intended manner that infringes the '388 Patent. See Exhibit 2 (extensively referencing these materials to demonstrate how they direct end users to commit patent infringement).

23. **Induced Infringement.** At least since being served by this Complaint and corresponding claim charts, Defendant has actively, knowingly, and intentionally continued to induce infringement of the '388 Patent, literally or by the doctrine of equivalents, by selling Exemplary Defendant Products to their customers for use in end-user products in a manner that infringes one or more claims of the '388 Patent.

24. Exhibit 2 includes charts comparing the Exemplary '388 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the '388 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary '388 Patent Claims.

25. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

26. Plaintiff is entitled to recover damages adequate to compensate for Defendant's infringement.

JURY DEMAND

27. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief:

- A. A judgment that the '388 Patent is valid and enforceable
- B. A judgment that Defendant has infringed directly and indirectly one or more claims of the '388 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for Defendant's continuing or future infringement, up until the date such judgment is entered with respect to the '388 Patent, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284;
- E. And, if necessary, to adequately compensate Plaintiff for Defendant's infringement, an accounting:
 - i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys fees against Defendant that it incurs in prosecuting this action;

- ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this action; and
- iii. that Plaintiff be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: February 4, 2025

Respectfully submitted,

/s/ Isaac Rabicoff
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**Counsel for Plaintiff
Lab Technology LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on all parties who have appeared in this case on February 4, 2025, via the Court's CM/ECF system.

/s/ Isaac Rabicoff
Isaac Rabicoff