IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SOFTEX LLC **Plaintiff,** **vs.** **DELL TECHNOLOGIES INC. AND DELL INC.** **Defendants.**	**Civil Action No. 1:22-cv-01309** **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Softex LLC ("Plaintiff") files this Complaint against Dell Technologies Inc. and Dell Inc. (collectively "Dell" or "Defendants") and alleges as follows:

PARTIES

1. Plaintiff Softex LLC is a Delaware limited liability company having its principal place of business at 9300 Jollyville Road, Suite 201, Austin, Texas 78759.

2. Softex LLC is the owner by assignment of U.S. Patent Nos. 7,590,837 ("the '837 Patent"), 8,516,235 ("the '235 Patent"), 8,145,892 ("the '892 Patent"), 8,287,603 ("the '603 Patent"), 8,506,649 ("the '649 Patent"), 8,137,410 ("the '410 Patent"), and 8,128,710 ("the '710 Patent") (collectively "the Asserted Patents").

3. Softex, Inc. is the original named assignee to the Asserted Patents. Softex, Inc. was founded in 1992 by Mahendra Bhansali and current CEO Apurva Bhansali with a mission to provide pioneering security-focused software products and solutions for computing devices. Softex, Inc. has established itself as one of the top security solution providers with disruptive products focused on persistent theft detection security, enterprise single sign on, identity and

access management, and data protection of self-encrypting drives. Softex, Inc. pioneered a class of theft prevention and recovery software that is embedded on Basic Input/Output System (BIOS) chips and/or non-viewable portions of hard disk drives at the point of manufacture, and Softex, Inc. holds many patents directly related to this technology. Softex, Inc.'s persistent theft detection security software, including "TheftGuard," competed for some time with products sold by Absolute Software Corp. and Absolute Software, Inc. (collectively "Absolute") that offered functionality that mirrored Softex, Inc.'s patented technology.

4. Defendant Dell Technologies Inc. is a corporation organized and existing under the laws of Delaware, having its principal place of business at One Dell Way, Round Rock, Texas, 78682. Defendant Dell Inc. is a corporation organized under the laws of the state of Delaware, having its principal place of business at One Dell Way, Round Rock, Texas, 78664. Dell is being served through its registered agent Corporation Service Company D/B/A+, which is located at 211 E. 7th Street, Suite 620, Austin, TX 78701.

5. On information and belief, Dell owns and controls the internet domains "dell.com" and "delltechnologies.com." Dell directly and/or indirectly develops, designs, manufactures, uses, distributes, markets, tests, offers to sell, and/or sells software that infringes the Asserted Patents in the United States, including in this district, and otherwise purposefully directs infringing activities to this District in connection with its software.

6. Dell has placed or contributed to placing infringing products such as its infringing software and computers utilizing Microsoft Windows' Find My Device (and similar technology) (collectively "Windows Functionality"), Absolute Home & Office, Absolute Computrace Persistence, Absolute LoJack, LoJack for Laptops, and Computrace software (collectively "Absolute Functionality") into the stream of commerce via an established distribution channel

knowing or understanding that such products would be sold and used in the United States, including in the Western District of Texas. On information and belief, Dell also has derived substantial revenues from infringing acts in the Western District of Texas, including from the sale and use of computers using infringing products like its infringing software and computers using Windows Functionality and Absolute Functionality.

7. Dell support materials provide details regarding how to use Find My Device. https://www.youtube.com/watch?v=RG_ffJOlIpM. In addition, "Dell trusts Absolute as a member of its security portfolio. *So it embeds Absolute in the firmware of every device that leaves the factory floor*." *See, e.g.*, https://www.absolute.com/partners/device-manufacturers/dell/ (emphasis added). As Dell explains:

> Absolute takes steps to either repair the application if it is not running properly, or to automatically reinstall the application if it has been removed from the endpoint. Absolute Visibility gives insights into each endpoint and provides information such as installed applications, hardware inventory, device usage, security posture such as encryption compliance and anti-virus application inventory and version information. Absolute Control allows admins to freeze or wipe a device remotely. It can also detect where the device was last detected geographically when it is turned on and can connect to the internet. These features give administrators a high-level view of the endpoints in their environment with the ability to perform multiple operations against the endpoint if needed. Absolute is controlled using policies that can be configured for different groups of endpoints in the organization. *Dell endpoints that are sold with Absolute contain a BIOS setting that allows the endpoint to automatically call out to the Absolute server and reinstall the Absolute agent if the endpoint is reimaged or if the user uninstalls the Absolute agent*.

https://www.dell.com/support/kbdoc/en-us/000130396/what-is-absolute.

8. Exemplary infringing products include, but are not limited to, the following products, which are collectively referred to as "Accused Products":

- Computers and devices that utilize the accused Windows Functionality, including computers and devices that utilize the Windows 10, Windows 10 IoT, Windows 10 Home, Windows 10 Pro, Windows 11, Windows 11 Pro, and Windows 11 Home operating systems.

- Dell's Android devices, including but not limited to the following Tablets: New Venue 10 7000 Series Android Tablet, Dell Venue 8 7000 Series Android Tablet, Dell Venue 7 Android Tablet, and Dell Venue 8 Android Tablet. *See, e.g.*, https://www.absolute.com/company/press-releases/2015/absolute-software-introduces-persistence-to-dell-android-devices/ ("Persistence by Absolute will be embedded in the firmware of Dell's Android devices at the factory.").

- Computers and devices (including those in development after the time of filing this Complaint) that utilize the accused Absolute Functionality including:

Desktops & Workstations	Models
Optiplex Desktop	3000, 3003, 3010, 3011 AIO, 3020, 3020M, 3030 AIO, 3040, 3046, 3050 AIO, 3050, 3060, 3070, 3080, 3090, 3240 AIO, 3280 AIO, 330, 360, 380, 380S, 390, 490, 580, 5000, 5040, 5050, 5055, 5060, 5070, 5080, 5090, 5250 AIO, 5260 AIO, 5270 AIO, 5480 AIO, 5490 AIO, 5491 AIO, 580S, 690, 7000, 7010, 7020, 7040, 7050, 7060, 7070, 7071, 7080, 7090, 7440, 7440 AIO, 745, 7450 AIO, 745c, 7460 AIO, 7470 AIO, 7480 AIO, 7490 AIO, 755, 760, 760S, 760U, 7760 AIO, 7770 AIO, 7780 AIO, 780, 780S, 780U, 790, 9010, 9010 AIO, 9020, 9020 AIO, 9020M, 9030, 9030 AIO, 960, 960S, 980, 980S, 990, FX100, FX130, FX170, XE D, XE S, XE2, XE3
Precision	T1600, T1650, T1700, 3240, 3260, T3400, 3420, 3430, 3431, 3440, 3450, T3500, 3530, 3540, 3550, 3551, 3560, 3561, 3541, T3600, T3610, 3620, 3630, 3640, 3650, 5400, 5500, 5530, 5540, 5550, 5560, T5600, T5610, 5750, 5760, 5810, 5820, 5820 X-Series, 7400, 7500, 7750, 7600, 7610, 7810, 7820, 7910, 7920
Precision Rack	R3930, R5400, R5500, R7610
G Series	G3 3500, G3 3579, G3 3590, G3 3779, G5 5000, G5 5090, G5 5500, G5 5505, G5 5579, G5 5587, G5 5590, G5 5779, G7 7500, G7 7588, G7 7590, G7 7700, G7 7790
XPS	27 7760 AIO, 8900, 8910, 8920, 8930, 8940, 8950

Notebooks & Tablets	Models

Alienware	Area-51M R2, Aurora R11, Aurora R12, Aurora R13, Aurora Ryzen, Aurora Ryzen R14, M11x, M15x, M17x, M18x, X15x, X17x
Inspiron	1010, 1011, 1012, 1018, 1090, 1110, 1120, 1121, 1122, 11z, 1200, 1210, 13, 1300, 130B, 1318, 13z, 14 N4050, 1420, 1440, 1464, 1470, 14R, 14z Ultrabook, 15, 1501, 1520, 1521, 1525, 1526, 1545, 1546, 1564, 1570, 15R, 15z Ultrabook, 17, 1720, 1721, 1745, 1750, 1764, 17R, 2200, 3000 2n1, 3000 Series, 3050, 3052, 3059, 3060, 3064, 3135, 3137, 3147, 3152, 3153, 3157, 3158, 3162, 3163, 3164, 3168, 3169, 3179, 3180, 3185, 3195 2n1, 3250, 3252, 3263, 3265, 3268, 3275, 3277, 3290 AIO, 3420, 3421, 3437, 3441, 3442, 3443, 3451, 3452, 3455, 3458, 3459, 3462, 3464 AIO, 3465, 3467, 3468, 3470, 3475, 3475 AIO, 3477 AIO, 3480 AIO, 3481, 3482, 3490, 3493, 3501, 3502, 3505, 3510, 3511, 3515, 3520, 3521, 3531, 3537, 3541, 3542, 3543, 3551, 3552, 3555, 3558, 3559, 3565, 3567, 3568, 3573, 3576, 3580, 3581, 3582, 3583, 3584, 3585, 3590, 3593, 3595, 3650, 3655, 3656, 3668, 3670, 3721, 3737, 3790, 3793, 3880, 3881, 3891, 5000 2n1, 5000 Series, 5310, 5323, 5348, 5368, 5370, 5378, 5379, 5390, 5391, 5400 2n1, 5401, 5410, 5410 2n1, 5420, 5421, 5423, 5425, 5435, 5437, 5442, 5447, 5448, 5451, 5452, 5455, 5457, 5458, 5459, 5468, 5481 2n1, 5480, 5482, 5485, 5490, 5490 2n1, 5491 2n1, 5493, 5494, 5498, 5501, 5510, 5515, 5518, 5520, 5521, 5523, 5525, 5535, 5537, 5542, 5543, 5545, 5547, 5548, 55755551, 5552, 5555, 5557, 5558, 5559, 5565, 5566, 5567, 5568, 5570, 5576, 5577, 5578, 5579, 5580, 5582, 5584, 5585, 5583, 5584, 5590, 5591 2n1, 5593, 5594, 5598, 5720, 5721, 5735, 5737, 5748, 5749, 5755, 5758, 5759, 5765, 5767, 5770, 6000, 630, 6400, 640M, 7000 Series, 700M, 710M, 7300 2n1, 7348, 7352, 7353, 7359, 7368, 7370, 7373, 7375, 7378, 7380, 7386, 7390 2n1, 7391, 7391 2n1, 7405 2n1, 7415, 7420, 7437, 7459, 7447, 7460, 7466, 7467, 7472, 7490, 7500 2n1, 7501, 7520, 7537, 7547, 7548, 7557, 7558, 7559, 7560, 7566, 7567, 7568, 7569, 7570, 7572, 7573, 7577, 7579, 7580, 7586, 7599, 7590, 7590 2n1, 7591, 7591 2n1, 7610, 7700 AIO, 7720, 7737, 7746, 7773, 7775, 7778, 7779, 7786, 7790 AIO, 7791 2n1, 9300, 9400, B120, B130, Duo Tablet, E1405, E1505, E1705, M101z, M102z 1122, M301Z, M4010, M4040, M4110, M5010, M5030, M5040, M5110, N3010, N301Z, N311Z
Latitude	10 Tablet, 110L, 12 Tablet Extreme 7214, 12 Tablet Rugged 7202, 120L, 13, 131L, 14 Rugged, 14 Rugged Extreme, 2100, 2110, 2120, 3120, 3150, 3160, 3180, 3189, 3190, 3190 2-In-1, 3300, 3301, 3310, 3310 2-in-1, 3311, 3320, 3330, 3340, 3350, 3379, 3380, 3390 2-In-1, 3400, 3410, 3420, 3440, 3450, 3460,

	3470, 3480, 3490, 3500, 3510, 3520, 3540, 3550, 3560, 3570, 3580, 3590, 4310, 5175, 5179, 5250, 5280, 5285, 5289, 5290, 5290 2-In-1, 4300, 5300, 5300 2-in-1, 5310, 5310 2-in-1, 5320, 5330, 5400, 5401, 5404, 5410, 5411, 5414, 5420, 5421, 5424, 5430, 5431,5450, 5480, 5480, 5488, 5490, 5491, 5495, 5500, 5501, 5510, 5511, 5520, 5521, 5530, 5531, 5550, 5580, 5580, 5590, 5591, 6410, 6410 ATG, 6430u, 6510, 7200 2-in-1, 7210 2n1, 7212, 7214, 7220, 7250, 7275, 7280, 7285, 7290, 7300, 7310, 7320,7320 Detachable Gen 12, 7330, 7350, 7370, 7380, 7389, 7389 2-in-1, 7390, 7390 2-In-1, 7400, 7400 2-in-1, 7404, 7410, 7414, 7420, 7424 7430, 7450, 7480, 7490, 7520, 7530, 9330, 9410, 9410 2n1, 9420, 9430, 9510, 9520, D410, D420, D430, D510, D520, D530, D531, D610, D620, D630, D630 XFR, D631, D810, D820, D830, E4200, E4300, E4310, E5000, E5250, E5270, E5400, E5410, E5414, E5420, E5430, E5440, E5450, E5460, E5470, E5470, E5500, E5510, E5520, E5520M, E5530, E5540, E5550, E5570, E6000, E6220, E6230, E6320, E6330, E6400, E6400 ATG, E6400 XFR, E6410, E6410 ATG, E6420, E6420 ATG, E6430, E6430 ATG, E6430S, E6430S, E6430u, E6440, E6500, E6510, E6520, E6530, E6540, E7214, E7240, E7250, E7270, E7414, E7440, E7450, E7470, ST Tablet, X1, XT, XT2, XT2 XFR, XT3 Tablet, Z, Z600
Latitude Rugged	5414 Rugged, 5420 Rugged, 5424 Rugged, 5430 Rugged, 7202 Rugged Tablet, 7204 Rugged Extreme, 7212 Rugged Extreme Tablet, 7214 Rugged Extreme Tablet, Latitude 7220 Rugged Extreme Tablet, 7330 Rugged, 7414 Rugged Extreme, 7424 Rugged Extreme
Netbook UMPC	Inspiron Duo Convertible, Inspiron Mini 10, Inspiron Mini 1010, Inspiron Mini 1011, Inspiron Mini 1012, Inspiron Mini 1018, Inspiron Mini 12, Inspiron Mini 9, Inspiron Mini 910, Latitude 2100, Latitude 2120
Precision	3510, 3520, 3530, 3540, 3550, 3541, 3551, 3560, 3561, 3571, 3620, 3630, 3650, 390, 3930, 490, 5510, 5520, 5530, 5530 2-In-1, 5540, 5550, 5560, 5720 All-In-One, 5750, 5760, 690, 5810, 5820, 7510, 7520, 7530, 7540, 7550, 7560, 7710, 7720, 7730, 7740, 7750, 7760, 7810, 7820, 7920, M20, M2300, M2400, M2800, M3800, M4300, M4400, M4500, M4600, M4700, M4800, M5520, M5530, M6300, M6400, M65, M6500, M6600, M6700, M6800, M70, M90
Studio	15, 16, 17

Venue Tablets	Venue 10 Pro Tablet, Venue 11 Pro Tablet, Venue 8 Pro Tablet
Vostro	1000, 1014, 1015, 1088, 1200, 1220, 1310, 1320, 1400, 1440, 1450, 1500, 1510, 1520, 1540, 1550, 1700, 1710, 1720, 2420, 2421, 2520, 2521, 3070, 3250, 3267, 3268, 3300, 3350, 3360, 3400, 3401, 3405, 3420, 3445, 3446, 3449, 3450, 3458, 3459, 3460, 3468, 3470, 3471, 3478, 3480, 3481, 3490, 3491,3500, 3501, 3510, 3511, 3515, 3546, 3549, 3550, 3555, 3558, 3559, 3560, 3561, 3562, 3565, 3568, 3578, 3580, 3581, 3583, 3590, 3591, 3650, 3650, 3653, 3660, 3667, 3668, 3669, 3670, 3671, 3681, 3700, 3750, 3888, 5090, 5310, 5390, 5391, 5401, 5402, 5410, 5459, 5460, 5468, 5470, 5471, 5480, 5481, 5490, 5501, 5510, 5560, 5568, 5581, 5590, 5880, 7500, 7510, 7570, 7580, 7590, A840, A860, A90, V130, V131
XPS	11 Ultrabook, 12 Ultrabook, 13 Ultrabook, 14 Ultrabook, 14z, 15, 15z, 720, M1210, M1330, M140, M1530, M170, M1710, M1730, M2010, XPS 12, XPS 13, XPS 15, XPS 17, XPS 17 3D, XPS 18, 12 9Q23, 12-9Q33, 13 7300, 13 7390, 13 7390 2-in-1,13 9300, 13 9305, 13 9310, 13 9310 2-in-1, 13 9343, 13 9350, 13 9360, 13 9365, 13 9370, 13 9380, 15 7590, 15 9500, 15 9510, 15 9530, 15 9550, 15 9560, 15 9570, 15 9575, 17 9700, 17 9710,

IoT （Internet of Things）	**Models**
Edge Gateway	3001, 3002, 3003, 5000, 5100

https://www.absolute.com/partners/device-compatibility/#dell.

9. Dell has actual knowledge of the Asserted Patents at least as early as the filing of this Complaint.

JURISDICTION AND VENUE

10. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. §271.

11. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

12. This Court has specific personal jurisdiction over Defendants pursuant to due process and/or the Texas Long Arm Statute, at least in part, because (i) Defendants have conducted and continue to conduct business in this judicial district and (ii) Softex LLC's causes of action arise, at least in part, from Dell's contacts with and activities in the state of Texas and this judicial district. Upon information and belief, each Defendant has committed acts of infringement within the state of Texas and this judicial district by, *inter alia*, directly and/or indirectly using, testing, selling, offering to sell, or importing products that infringe one or more claims of the Asserted Patents in this judicial district and/or importing accused products into this judicial district, including via the Internet, and inducing others to commit acts of patent infringement in this judicial district, and/or committing at least a portion of any other infringements alleged herein.

13. Defendants have committed acts within this district giving rise to this action, and have established sufficient minimum contacts with the state of Texas such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

14. Dell has placed or contributed to placing infringing products, including the Accused Products into the stream of commerce via an established distribution channel knowing or understanding that such products would be sold and used in the United States, including in the Western District of Texas. On information and belief, Dell also has derived substantial revenues from these infringing acts in the Western District of Texas.

15. Dell maintains a significant physical presence in this judicial district through its office at One Dell Way, Round Rock, Texas, 78664. On information and belief, Dell employs people in its Austin office to design, test, market, and sell the Accused Products, which infringe the Asserted Patents. On information and belief, employees in Dell's Round Rock office induce

customers with numerous physical operating locations in this judicial district to buy, use, test, and sell the Accused Products, which infringe the Asserted Patents.

16. Dell offers computers and devices with a variety of infringing security functionalities, including Absolute Functionality, Windows Functionality, and other software with similar infringing security functionality. Therefore, on information and belief, Dell has derived substantial revenues from its infringing acts in the state of Texas and this district.

17. In addition, on information and belief, Dell has, and continues to, knowingly induce infringement by others within the United States and this district by advertising, marketing, and directing products containing infringing functionality to consumers, customers, manufacturers, distributors, resellers, partners, and/or end users in the United States and by providing instructions, user manuals, advertising, and/or marketing materials that facilitate, direct, or encourage the use of infringing functionality with knowledge thereof. *See, e.g.*, https://www.youtube.com/watch?v=RG_ffJOlIpM (Dell Support encouraging customers to utilize Microsoft Find My Device); https://www.delltechnologies.com/asset/da-dk/products/security/technical-support/absolute-visibility-control-resilience-datasheet.pdf (encouraging customers to utilize Absolute Functionality); https://www.delltechnologies.com/asset/en-us/solutions/industry-solutions/briefs-summaries/endpoint-security-infographic.pdf; (encouraging customers to utilize Absolute Functionality); https://www.dell.com/support/kbdoc/en-us/000131897/how-to-download-and-install-absolute (encouraging customers to utilize Absolute Functionality).

18. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c), and 1400(b). Venue is proper for Dell Technologies Inc. and Dell Inc. because each (1) has a regular and established place of business in this judicial district, and (2) has committed and continues to

commit acts of patent infringement in this judicial district by, *inter alia*, directly and/or indirectly using, testing, selling, offering to sell, or importing products that infringe one or more claims of the Asserted Patents.

BACKGROUND

19. Founded in 1992, Softex, Inc. provides innovative security-focused software solutions to businesses and individuals around the globe. Shortly after its founding, Softex, Inc. was invited to become one of the only software developers authorized to work with Phoenix Technologies ("Phoenix") to develop BIOSs for computer manufacturers as an Independent Authorized Developer. Softex, Inc.'s relationship with Phoenix was especially significant because available space for the BIOS in a computer is extremely limited and, at the time, Phoenix had a virtual monopoly on the development of BIOSs for Original Equipment Manufacturers (OEM) of laptop and desktop computers. Through its independent work with BIOSs, Softex, Inc. gained unique insight that allowed it to conceptualize the pioneering inventive concepts in the Asserted Patents and to develop a persistent theft detection security technology that dramatically improved and indeed changed the face of the computer security industry.

20. Traditional software-based theft prevention and recovery systems were ineffective because the software components, which were stored on viewable components of hard drives, were easily tampered with and/or erased by thieves. Because the memory storing the BIOS is ordinarily incorporated into motherboards at the factory by OEMs, embedding persistent theft detection security software in the BIOS can drastically improve the possibility of recovering stolen or lost devices and preventing data theft because the BIOS cannot be tampered with or erased. Softex, Inc. pioneered the embedding of persistent theft detection security software into the BIOS and on hidden hard drive partitions, thus enabling computer security systems to do things that could not be accomplished prior to Softex, Inc.'s innovative solutions. Softex, Inc. filed patent applications

concerning these solutions and obtained some of the earliest patents in this field, including the Asserted Patents.

21. In the early 2000s, Softex, Inc. began promoting and marketing its proprietary persistent theft detection security technology to other software companies and OEMs. Phoenix was especially interested in the technology and asked for Softex, Inc.'s permission to demonstrate TheftGuard to OEM partners, including Dell. In May 2003, Phoenix and Absolute issued a joint press release announcing Phoenix's intent to install TheftGuard on OEM BIOSs. The press release stated, "TheftGuard is a new Core Managed Environment (cME) application that will run independent of the operating system, in the highly secure host protect area (HPA) of the hard drive" and that "TheftGuard is the first theft deterrent application that cannot be removed or replaced merely by installing another hard drive." More than a dozen news outlets covered the press release, including CNET and Business Week, calling TheftGuard a "great piece of software." Journalists also recognized the innovative nature of TheftGuard, reporting that "[s]ince TheftGuard [is] also in the BIOS, even if you remove the hard drive," Softex, Inc. would still be able to "track or disable the machine, or wipe the drive." News outlets also discussed TheftGuard's software component stored on non-visible portions of hard drives, reporting that even thieves who format hard drives are "foiled by TheftGuard's place in the [host protected] section of the hard drive, which is immune to simple reformatting tools."

22. Softex, Inc. transferred all rights, title, and interest in and to the Asserted Patents to Softex LLC on August 5, 2022. The assignment was recorded on August 9, 2022 at reel/frame: 060760/0082.

THE ASSERTED PATENTS

U.S. PATENT NO. 7,590,837

23. On September 15, 2009, United States Patent No. 7,590,837 (the "'837 Patent") entitled "Electronic Device Security and Tracking System and Method," was duly and legally issued by the United States Patent and Trademark office to inventors Apurva Mahendrakumar Bhansali, Manoj Kumar Jain, Shradha Dube, Gayathri Rangarajan, Mehul Ramjibhai Patel, Rayesh Kashinath Raikar, Kamal Mansukhlal Dhanani, Ranjit Kapila, Elza Abraham, and Thomas David Tucker. Softex LLC is the sole owner by assignment of the entire rights, title, and interest in and to the '837 Patent, including the rights to sue on and recover for any past infringement thereof. A true and correct copy of the '837 Patent is attached hereto as Exhibit A.

24. The '837 Patent pertains to systems for securing and tracking an electronic device. *See* Ex. A, 1:34-38. The '837 Patent discloses an electronic device security and tracking system and method (ESTSM). Such a system and method may comprise "a plurality of hardware, software and firmware components that cooperate to allow tracking, disabling, and other interaction with the stolen electronic device." *Id.*, 1:34-42. The systems and methods of the '837 Patent are designed, *inter alia*, to solve certain technical problems affecting users of electronic devices who wish to deter device and/or data theft. *Id.*, 1:12-30. In the absence of an ESTSM, like that disclosed in the '837 Patent, users of electronic devices were limited to preventing theft of devices and data by means of physical attachment to the user or immovable object, password protection schemes to discourage theft, or motion sensors or alarms placed on devices. *Id.*, 1:22-28. However, these means of preventing device or data theft "do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery." *Id.*, 1:28-30. Traditional software-based theft prevention and recovery systems were ineffective because the software components, which were stored on viewable components of hard drives, were easily

tampered with by thieves. *Id*., 18:34-37. Among other things, the systems of the '837 Patent dramatically increase the effectiveness of theft prevention by using a combination of a basic input/output system (BIOS) security component, a non-viewable security component, and an application component, working in conjunction with one another to provide a persistent theft detection security solution.

25. The '837 Patent claims are directed to patent-eligible, non-abstract ideas in that they provide technical solutions to at least the technical problems described above. The claims relate to a system that uses an ESTSM to deter electronic device theft and, if stolen or lost, empowering users to disable or take other administrative actions in relation to the stolen/lost device. "The ESTSM system may include an electronic device with three components and a server computer system. The three components may be an application component, a non-viewable component, and a Basic Input/Output System (BIOS) component. *Id*., 2:12-17. This system allows the application component to cause a stolen electronic device to send, to the server system, a message that contains location information for the electronic device. In one embodiment, the BIOS component ensures that the application cannot be tampered with, bypassed, or removed from the electronic device. *Id*., 17:62-64. The BIOS component "consists of a small piece of code that resides in the system BIOS ROM image located in a secure non-volatile area," and "[e]very time the electronic device boots up, the BIOS component will check the integrity of the ESTSM non-viewable component and application component programs and files, and restore the original programs and files, if they have been tampered with." *Id*., 17:64-18:8. The BIOS component ensures that the application component has "run properly on the previous device boot and will take action if it is determined that an attempt to bypass the application component has occurred." *Id*., 18:8-12. Thus, by utilizing the ESTSM disclosed in the '837 Patent, users can deter the theft of

their devices and thwart thieves who attempt to remove or alter the theft prevention and recovery software. The claimed inventions are directed to patent-eligible, non-abstract ideas because they improve the overall security of electronic devices that employ the inventions disclosed in the '837 Patent. Further, the systems claimed in the '837 Patent cannot be performed as mental steps by a human, nor do they represent the application of a generic computer to any well-known method of organizing human behavior.

26. The language of each of the claims, including Claim 1, is consistent with the inventive concepts described above, as found in the specification. For example, the electronic device security and tracking system of Claim 1 requires, among other things, "an application component to execute within an OS environment wherein said application component is configured to cause the electronic device to send, to the server system, a message that contains location information for the electronic device, and wherein said application component is configured to determine whether the electronic device has been reported stolen, based on information received from the server system," "a non-viewable security component in the electronic device … compris[ing] a validator module capable of determining whether the application component is present and … has been tampered with," "a non-volatile storage device comprising a secure area" and "a basic input/output security (BIOS) component stored in the secure area, the BIOS security component configured to check the integrity of the application component during a boot process for the electronic device." *Id.*, Claim 1. In addition, Claim 1 specifies further configurations for the BIOS component—namely that the BIOS component is configured to, e.g., determine whether the non-viewable security component has been tampered with, automatically cause the electronic device to restore the integrity of the application component in response to a negative integrity check for the application component, and prevent the electronic

device from booting the OS in response to receiving a notification that the electronic device has been reported stolen. *Id.* In addition, Claim 1 specifies further configurations for the application component: "the application component is configured to notify the BIOS security component that the electronic device has been reported stolen" and that the "application component is substantially distinct from the BIOS security component and the validator component." *Id.*

27. Claim 1 is directed to a specific technical improvement to the prior art problems addressed above. Claim 1 as whole is inventive and novel, as are at least each of the identified claim limitations that require an electronic device and security tracking system capable of providing a *persistent* theft detection security solution. *Id.*, 18:13-19:7. As of the priority date of the '837 Patent, the identified claim limitations that require a specific implementation for a *persistent* theft detection security solution (such as, e.g., the claimed application component, BIOS component and/or security component configurations) were not well-understood, routine or conventional. As of the priority date of the '837 Patent, traditional prior art security solutions included security such as password protection schemes, physical attachments, motion sensors or alarms. *Id.*, 1:13-27. "However, such techniques do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery." *Id.*, 1:27-30. The persistent theft detection security solution of Claim 1 provides a vast improvement over traditional prior art solutions because the security features remain in an area inaccessible to the user in the claimed invention at least because, e.g., the BIOS security component is configured to determine whether the non-viewable security component has been tampered with, causes the electronic device to restore the integrity of the application component in response to a negative integrity check, and prevents the electronic device from booting the OS in response to receiving a notification that the electronic device has been stolen.

28. As evidenced by the preceding paragraphs, the ’837 Patent claims are directed to a non-abstract improvement in computer functionality rather than the abstract idea of computer security at large. By reciting technical solutions that enable a computer security system to do things it could not do before, the ’837 Patent claims recite more than a mere result and provide an inventive arrangement for accomplishing a novel result.

U.S. PATENT NO. 8,506,649

29. On August 13, 2013, United States Patent No. 8,506,649 (the “’649 Patent”) entitled “Electronic Device Security and Tracking System and Method,” was duly and legally issued by the United States Patent and Trademark office to inventors Apurva Mahendrakumar Bhansali, Manoj Kumar Jain, Shradha Dube, Gayathri Rangarajan, Mehul Ramjibhai Patel, Rayesh Kashinath Raikar, Kamal Mansukhlal Dhanani, Ranjit Kapila, Elza Abraham, and Thomas David Tucker. Softex LLC is the sole owner by assignment of the entire rights, title, and interest in and to the ’649 Patent, including the rights to sue on and recover for any past infringement thereof. A true and correct copy of the ’649 Patent is attached hereto as Exhibit B.

30. The ’649 Patent pertains to devices, articles of manufacture, and methods for securing and tracking an electronic device, and discloses an electronic device security system and tracking system and method (“ESTSM”). *See* Ex. B, 1:34-40. Such systems and methods may comprise “a plurality of hardware, software and firmware components that cooperate to allow tracking, disabling, and other interaction with the stolen electronic device.” *Id.*, 1:38-40. The devices, articles of manufacture, and methods claimed in the ’649 Patent are designed, *inter alia*, to solve certain technical problems affecting users of mobile electronic devices who wish to deter device and/or data theft. In the absence of an ESTSM like that disclosed in the ’649 Patent, users of mobile electronic devices were limited to preventing theft of devices and data by means of

physical attachment to the user or immovable object, password protection schemes to discourage theft, or motion sensors or alarms placed on devices. *Id*., 1:24-29. However, these means of preventing device or data theft "do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery." *Id*., 1:30-32. Traditional software-based theft prevention and recovery systems were ineffective because the software components, which were stored on viewable components of hard drives, were easily tampered with by thieves. *Id*., 18:34-37. Among other things, the devices, articles of manufacture, and methods of the '649 Patent dramatically increase the effectiveness of stolen device data recovery by using a combination of a security application that utilizes code residing within a memory area that cannot be modified by the user.

31. The '649 Patent claims are directed to patent-eligible, non-abstract ideas in that they provide technical solutions to at least the technical problems described above. The claims relate to a mobile electronic device, an article of manufacture, and a method for providing security for a mobile electronic device. *Id.*, 1:57-62, 2:1-8. The mobile electronic device, article of manufacture, and method include/use an electronic device security and tracking system and method (ESTSM) application stored on a memory having a changeable area and a system area that is not changeable by a user. The ESTSM may reside, at least partially, on the system area of the memory. *Id.*, 3:44-60. For example, non-viewable components of the ESTSM may reside on a protected area of the memory and periodically communicate with security service. *Id.*, 19:8-44, 26:13-16. In response to the ESTSM receiving a device-loss notification, the ESTSM disables at least one user function of the mobile electronic device while still allowing the mobile electronic device to communicate with a security service and causes some data to be copied to a server. *Id.*, 2:16-37, 34:15-37. Thus, by utilizing the ESTSM disclosed in the '649 Patent, users can recover

data from stolen devices. The claimed inventions are directed to patent-eligible, non-abstract ideas because they improve the overall security of electronic devices that employ the inventions disclosed in the '649 Patent. Further, the device, methods and article of manufacture implementations claimed in the '649 Patent cannot be performed as mental steps by a human, nor do they represent the application of a generic computer to any well-known method of organizing human behavior.

32. The language of each of the claims, including Claim 1, is consistent with the inventive concepts described above and found in the specification. For example, the mobile electronic device of Claim 1 requires, among other things, a security application operable to perform operations "causing the mobile electronic device to periodically communicate with the security service," "accepting a notification at the mobile electronic device from the security service, wherein the notification comprises a message indicating that the owner of the mobile electronic device has reported a loss or requested disabling of the mobile electronic device," and "in response to receiving the notification, automatically disabling at least one user function of the mobile electronic device while still allowing the mobile electronic device to communicate with the security service," and "automatically causing at least some user data to be copied from the mobile electronic device to at least one of the servers" where "the security application utilizes code residing at least partially in the system area" that "cannot be modified by the user" and where "the security application receives the notification from at least one of the servers via the system area." *Id.*, Claim 1.

33. Claim 1 is directed to a specific technical solution to the prior art problems addressed above. Claim 1 as a whole is inventive and novel, as are at least each of the identified claim limitations that require that the mobile electronic device be capable of providing a *persistent*

theft detection security solution. As of the priority date of the '649 Patent, the identified claim limitations that require a specific implementation for a *persistent* theft detection security solution (such as, e.g., the claimed security application having code housed at least partially in the system area, which cannot be modified by a user and where the security application receives the notification from at least one of the servers via the system area that cannot be modified by a user) were not well-understood, routine or conventional. As of the priority date of the '649 Patent, traditional prior art security solutions included security such as password protection schemes, physical attachments, motion sensors or alarms. *Id.*, 1:15-32. "However, such techniques do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery." *Id.*, 1:30-32. The persistent theft detection security solution of Claim 1 provides a vast improvement over traditional prior art solutions because the security features remain in an area inaccessible to the user in the claimed invention at least because, e.g., the code for the security application is housed at least partially in the system area (which cannot be modified by a user) and, when the device is reported stolen or a request to disable is received (e.g., the device cannot be located), the security application receives the notification from at least one of the servers via the system area that cannot be modified by a user. Claim 1 additionally further improves traditional prior art security solutions because the claimed invention is operable to disable at least one user function while still communicating with the security service and automatically copy some user data from the mobile electronic device to at least one of the servers.

34. As evidenced by the preceding paragraphs, the '649 Patent claims are directed to a non-abstract improvement in computer functionality rather than the abstract idea of computer security at large. By reciting technical solutions that enable a computer security system to do

things it could not do before, the ’649 Patent claims recite more than a mere result and provide an inventive arrangement for accomplishing a novel result.

U.S. PATENT NO. 8,516,235

35. On August 20, 2013, United States Patent No. 8,516,235 (the “’235 Patent”) entitled “Basic Input/Output System Read Only Memory Image Integration System and Method,” was duly and legally issued by the United States Patent and Trademark office to inventors Apurva Mahendrakumar Bhansali, Manoj Kumar Jain, Shradha Dube, Gayathri Rangarajan, Mehul Ramjibhai Patel, Rayesh Kashinath Raikar, Kamal Mansukhlal Dhanani, Ranjit Kapila, Elza Abraham, and Thomas David Tucker. Softex LLC is the sole owner by assignment of the entire rights, title, and interest in and to the ’235 Patent, including the rights to sue on and recover for any past infringement thereof. A true and correct copy of the ’235 Patent is attached hereto as Exhibit C.

36. The’235 Patent pertains to systems, methods, and computer readable mediums for securing and tracking an electronic device. *See* Ex. C, 1:1-3. The ’235 Patent discloses an ESTSM. The ’235 Patent is designed, *inter alia*, to solve certain technical problems affecting users of electronic devices who wish to deter device and/or data theft. In the absence of an ESTSM like the systems, methods, and computer readable mediums disclosed in the ’235 Patent, users of electronic devices were limited to preventing theft of devices and data by means of physical attachment to the user or immovable object, password protection schemes to discourage theft, or motion sensors or alarms placed on devices. *Id*., 1:25-31. However these means of preventing device or data theft “do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery.” *Id*., 1:31-33. Traditional software-based theft prevention and recovery systems were ineffective because the software components, which were stored on

viewable components of hard drives, were easily tampered with by thieves. *Id*., 16:36-38. Among other things, the systems and methods of the ’235 Patent dramatically increase the effectiveness of theft prevention and recovery by installing components on non-viewable portions of an electronic device’s memory and BIOS.

37. The ’235 Patent claims are directed to patent-eligible, non-abstract ideas in that they provide technical solutions to at least the technical problems described above. The claims relate to the systems, methods, and computer readable mediums that include/use an ESTSM to deter electronic device theft and, if stolen or lost, empower users to disable or take other administrative actions in relation to the stolen/lost device. The ESTSM system may include an electronic device with three components. The three components may be an application component, a non-viewable component, and a BIOS component. *Id*., Fig. 47. The non-viewable component determines whether the application component is present and whether it has been tampered with. The BIOS component determines whether the non-viewable component is present and whether it has been tampered with, checks the integrity of the application component, and restores the application component’s integrity if it has been compromised. This arrangement allows for a persistent application component. In one embodiment, the BIOS component ensures that the application cannot be tampered with, bypassed, or removed from the electronic device. *Id*., 16:62-66. The BIOS component “consists of a small piece of code that resides in the system BIOS ROM image located in a secure non-volatile area,” and “[e]very time the electronic device boots up, the BIOS component will check the integrity of the ESTSM non-viewable component and application component programs and files, and restore the original programs and files, if they have been tampered with.” *Id*., 15:64-16:8. The BIOS component ensures that the application component has “run properly on the previous device boot and will take action if it is determined that an attempt

to bypass the application component has occurred." *Id.*, 16:8-12. Thus, by utilizing the ESTSM disclosed in the '235 Patent, users can deter the theft of their devices and thwart thieves who attempt to remove or alter the theft prevention and recovery software. The claimed inventions are directed to patent-eligible, non-abstract ideas because they improve the overall security of electronic devices that employ the inventions disclosed in the '235 Patent. Further, the systems, methods and computer readable mediums implementations claimed in the '235 Patent cannot be performed as mental steps by a human, nor do they represent the application of a generic computer to any well-known method of organizing human behavior.

38. The language of each of the claims, including Claim 8, is consistent with the inventive concepts described above, as found in the specification. For example, the system of Claim 8 includes, among other things, limitations requiring "a non-viewable component," "an application component connected to the non-viewable component" that is configured a particular way and "a Basic Input/Output System (BIOS) component connected to the non-viewable component" where the BIOS component is configured a specific way and where the "application component is substantially distinct from the BIOS component and the non-viewable component." *Id.*, Claim 8. In addition, "the BIOS component is configured to determine whether the non-viewable component is present," "determine whether the non-viewable component has been tampered with," "check integrity of the application component during a boot process for an electronic device," and "automatically cause the electronic device to restore the integrity of the application component in response to a negative integrity check of the application component." *Id.*, Claim 8. In addition, the "non-viewable component is configured to determine whether the application component is present and whether the application component has been tampered with." *Id.*, Claim 8.

39. Claim 8 is directed to a specific technical improvement to the prior art problems addressed above. Claim 8 as whole is inventive and novel, as are at least each of the identified claim limitations that require a system capable of providing a *persistent* theft detection security solution. As of the priority date of the ’235 Patent, the identified claim limitations that require a specific implementation for a persistent theft detection security solution (such as, e.g., the claimed BIOS component and non-viewable component configurations) were not well-understood, routine or conventional. As of the priority date of the ’235 Patent, traditional prior art security solutions included security such as password protection schemes, physical attachments, motion sensors or alarms. *Id.*, 1:16-33. “However, such techniques do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery.” *Id.*, 1:31-33. The persistent theft detection security solution of Claim 8 provides a vast improvement over traditional prior art solutions because the security features remain in an area in accessible to the user in the claimed invention at least because, e.g., the application component is substantially distinct from the BIOS component and the non-viewable component and, the BIOS security component is configured to determine whether the non-viewable security component is present and has been tampered with, check the integrity of the application component during a boot process for an electronic device, and cause the electronic device to automatically restore the integrity of the application component in response to a negative integrity check.

40. As evidenced by the preceding paragraph, the ’235 Patent claims are directed to a non-abstract improvement in computer functionality rather than the abstract idea of computer security at large. By reciting technical solutions that enable a computer security system to do things it could not do before, the ’235 Patent claims recite more than a mere result and provide an inventive arrangement for accomplishing a novel result.

U.S. PATENT NO. 8,145,892

41. On March, 27, 2012, United States Patent No. 8,145,892 (the "'892 Patent") entitled "Providing an Electronic Device Security and Tracking System and Method," was duly and legally issued by the United States Patent and Trademark office to inventors Apurva Mahendrakumar Bhansali, Manoj Kumar Jain, Shradha Dube, Gayathri Rangarajan, Mehul Ramjibhai Patel, Rayesh Kashinath Raikar, Kamal Mansukhlal Dhanani, Ranjit Kapila, Elza Abraham, and Thomas David Tucker. Softex LLC is the sole owner by assignment of the entire rights, title, and interest in and to the '892 Patent, including the rights to sue on and recover for any past infringement thereof. A true and correct copy of the '892 Patent is attached hereto as Exhibit D.

42. The '892 Patent pertains to systems, methods, devices and apparatuses for securing and tracking an electronic device. *See* Ex. D, 1:37-41. Such systems, methods, devices and apparatuses may comprise "a plurality of hardware, software and firmware components that cooperate to allow tracking, disabling, and other interaction with the stolen electronic device." *Id.*, 1:39-41. The '892 Patent is designed, *inter alia*, to solve certain technical problems affecting users of electronic devices who wish to deter device and/or data theft. In the absence of an ESTSM like the method disclosed in the '892 Patent, users of electronic devices were limited to preventing theft of devices and data by means of physical attachment to the user or immovable object, password protection schemes to discourage theft, or motion sensors or alarms placed on devices. *Id.*, 1:25-30. However these means of preventing device or data theft "do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery." *Id.*, 1:31-33. Traditional software-based theft prevention and recovery systems were ineffective because the software components, which were stored on viewable components of hard drives, were easily

tampered with by thieves. *Id*., 18:60-63. Among other things, systems and methods of the '892 Patent dramatically increases the effectiveness of theft prevention and recovery by installing components on non-viewable portions of an electronic device's memory and/or the BIOS.

43. The '892 Patent claims are directed to patent-eligible, non-abstract ideas in that they provide technical solutions to at least the technical problems described above. The claims relate to the use of an ESTSM to deter electronic device theft and, if stolen or lost, empowering users to disable or take other administrative actions in relation to the stolen/lost device. "The ESTSM system may include an electronic device with three components and a server computer system. The three components may be an application component, a non-viewable component, and a Basic Input/Output System (BIOS) component." *Id*., 2:17-21. This system allows the application component to cause a stolen electronic device to send, to the server system, a message that contains location information for the electronic device. In one embodiment, the BIOS component ensures that the application cannot be tampered with, bypassed, or removed from the electronic device. *Id*., 18:21-23. The BIOS component "consists of a small piece of code that resides in the system BIOS ROM image located in a secure non-volatile area," and "[e]very time the electronic device boots up, the BIOS component will check the integrity of the ESTSM non-viewable component and application component programs and files, and restore the original programs and files, if they have been tampered with." *Id*., 18:23-34. The BIOS component ensures that the application component has "run properly on the previous device boot and will take action if it is determined that an attempt to bypass the application component has occurred." *Id*., 18:34-38. Thus, by utilizing the ESTSM disclosed in the '892 Patent, users can deter the theft of their devices and thwart thieves who attempt to remove or alter the theft prevention and recovery software. The claimed inventions are directed to patent-eligible, non-abstract ideas because they

improve the overall security of electronic devices that employ systems and methods disclosed in the '892 Patent. Further, the systems, methods, devices and apparatuses claimed in the '892 Patent cannot be performed as mental steps by a human, nor do they represent the application of a generic computer to any well-known method of organizing human behavior. The language of each of the claims, including Claim 12, is consistent with the inventive concepts described above, as found in the specification. For example, the electronic device of Claim 12 requires, among other things, "a non-viewable component," an application component connected to the non-viewable component capable of communicating with the non-viewable component and operable to execute within the operating system environment, and "a Basic Input/Output System (BIOS) security component connected to the non-viewable component" where "the application component is substantially distinct from the BIOS component and the non-viewable component." *Id.*, Claim 12. In addition, Claim 12 requires that, "after the security service has been activated," the "non-viewable component is operable to determine whether the application component is present and whether the application component has been tampered with" and the BIOS security component is operable to "determine whether the non-viewable component is present and whether the non-viewable component has been tampered with," "check integrity of the application component during a boot process for an electronic device," and "automatically cause the electronic device to restore the integrity of the application component in response to a negative integrity check of the application component." *Id.*, Claim 12. In addition, Claim 12 requires that "the application component is substantially distinct from the BIOS component and the non-viewable component."

44. Claim 12 is directed to a specific technical improvement to the prior art problems addressed above. Claim 12 as whole is inventive and novel, as are the identified claim limitations that require an electronic device capable of providing a *persistent* theft detection security solution.

Id., 18:21-19:33. As of the priority date of the '892 Patent, the identified claim limitations that require a specific implementation for a persistent theft detection security solution (such as, the claimed BIOS security component and non-viewable component configurations) were not well-understood, routine or conventional. As of the priority date of the '892 Patent, traditional prior art security solutions included security such as password protection schemes, physical attachments, motion sensors or alarms. *Id.*, 1:16-33. "However, such techniques do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery." *Id.*, 1:31-33. The persistent theft detection security solution of Claim 12 provides a vast improvement over traditional prior art solutions because the security features remain in an area inaccessible to the user in the claimed invention at least because, e.g., the claimed configuration provides security and tracking for an electronic device with a non-viewable component configured to determine whether the application component is present and has been tampered with, and a BIOS security component configured to determine whether the non-viewable security component is present and has been tampered with, check the integrity of the application component during a boot process for the electronic device, and cause the electronic device to automatically restore the integrity of the application component in response to a negative integrity check all whether the application component is substantially distinct from the BIOS component and non-viewable component.

45. As evidenced by the preceding paragraph, the '892 Patent claims are directed to a non-abstract improvement in computer functionality rather than the abstract idea of computer security at large. By reciting technical solutions that enable a computer security system to do things it could not do before, the '892 Patent claims recite more than a mere result and provide an inventive arrangement for accomplishing a novel result.

U.S. PATENT NO. 8,137,410

46. On March 20, 2012, United States Patent No. 8,137,410 (the "'410 Patent") entitled "Electronic Device Disabling System and Method," was duly and legally issued by the United States Patent and Trademark office to inventors Apurva Mahendrakumar Bhansali, Manoj Kumar Jain, Shradha Dube, Gayathri Rangarajan, Mehul Ramjibhai Patel, Rayesh Kashinath Raikar, Kamal Mansukhlal Dhanani, Ranjit Kapila, Elza Abraham, and Thomas David Tucker. Softex LLC is the sole owner by assignment of the entire rights, title, and interest in and to the '410 Patent, including the rights to sue on and recover for any past infringement thereof. A true and correct copy of the '410 Patent is attached hereto as Exhibit E.

47. The '410 Patent pertains to apparatuses and methods for securing and tracking an electronic device. *See* Ex. E, 1:36-40. Such systems and methods may comprise "a plurality of hardware, software and firmware components that cooperate to allow tracking, disabling, and other interaction with the stolen electronic device." *Id*., 1:38-40. The '410 Patent is designed, *inter alia*, to solve certain technical problems affecting users of electronic devices who wish to prevent device and/or data theft. In the absence of an ESTSM like the method disclosed in the '410 Patent, users of electronic devices were limited to preventing theft of devices and data by means of physical attachment to the user or immovable object, password protection schemes to discourage theft, or motion sensors or alarms placed on devices. *Id*., 1:24-30. However these means of preventing device or data theft "do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery." *Id*., 1:30-32. Traditional software-based theft prevention and recovery systems were ineffective because the software components, which were stored on viewable components of hard drives, were easily tampered with by thieves. *Id*., 2:66-3:1. Among other things, apparatuses and methods of the '410 Patent dramatically increase the effectiveness

of theft prevention and recovery by installing components associated with an application for tracking and locating the electronic device on hidden partitions of the electronic device's memory.

48. The '410 Patent claims are directed to patent-eligible, non-abstract ideas in that they provide technical solutions to at least the technical problems described above. The claims relate to apparatuses and methods for providing device security. *Id.*, 1:57-62, 2:1-8. The apparatuses and methods include/use memory with a hidden partition and an application component associated with tracking and locating the electronic device/apparatus. *Id.*, 2:48-3:12, 18:29-19:44. In response to determining that the application component did not operate correctly in a power-up, restoring the application component from a backup fileset. *Id*. Thus, by utilizing the ESTSM disclosed in the '410 Patent, users track and locate lost or stolen devices and thieves cannot remove the persistent tracking and locating software. *Id.* The claimed inventions are directed to patent-eligible, non-abstract ideas because they improve the overall security of electronic devices that employ the inventions disclosed in the '410 Patent. Further, the device, methods and article of manufacture implementations claimed in the '410 Patent cannot be performed as mental steps by a human, nor do they represent the application of a generic computer to any well-known method of organizing human behavior.

49. The language of each of the claims, including Claim 8, is consistent with the inventive concepts described above, as found in the specification. For example, the apparatus of Claim 8 requires, among other things, a device capable of "automatically determining whether a hidden partition in the electronic device is valid," whether the "hidden partition and an application component [are] associated with tracking and locating the electronic device," and "wherein the hidden partition comprises a non-viewable component associated with tracking and locating the electronic device." *Id.*, Claim 8. In addition, Claim 8 further specifies that, in response to a

determination that hidden partition is valid, the apparatus is capable of "automatically loading the non-viewable component and transferring control to the non-viewable component." *Id.*, Claim 8. In addition, Claim 8 further specifies that non-viewable component is operable to "automatically determin[e] whether the application component correctly loaded during the last power-up of the electronic device" and "automatically restor[e] the application component from a backup fileset" in response to a negative determination. *Id.*, Claim 8.

50. Claim 8 is directed to a specific technical improvement to the prior art problems addressed above. Claim 8 as whole is inventive and novel, as are at least the identified claim limitations that require an apparatus capable of providing a *persistent* theft detection security solution. *Id.*, 2:48-3:12, 18:29-19:44. As of the priority date of the '410 Patent, the identified claim limitations that require a specific implementation for a persistent theft detection security solution (such as, e.g., the claimed configuration and capabilities of the hidden partition and non-viewable component) were not well-understood, routine or conventional. As of the priority date of the '410 Patent, traditional prior art security solutions included security such as password protection schemes, physical attachments, motion sensors or alarms. *Id.*, 1:15-32. "However, such techniques do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery." *Id.*, 1:30-32. The persistent theft detection security solution of Claim 8 provides a vast improvement over traditional prior art solutions because the security features remain in an area inaccessible to the user in the claimed invention at least because, e.g., the apparatus is having a hidden partition with a non-viewable component associated with tracking and locating the electronic device, where the apparatus is capable of determining whether a hidden partition is valid in the electronic device and, if valid, loading the non-viewable component and transferring control to the non-viewable component where the non-viewable component is

configured to automatically determine whether the application component operated correctly during the last power-up of the electronic device and, in response to a negative determination, automatically restoring the application component from a backup files set.

51. As evidenced by the preceding paragraph, the ’410 Patent claims are directed to a non-abstract improvement in computer functionality rather than the abstract idea of computer security at large. By reciting technical solutions that enable a computer security system to do things it could not do before, the ’410 Patent claims recite more than a mere result and provide an inventive arrangement for accomplishing a novel result.

U.S. PATENT NO. 8,287,603

52. On October 16, 2012, United States Patent No. 8,287,603 (the “’603 Patent”) entitled “Electronic Device With Protection From Unauthorized Utilization,” was duly and legally issued by the United States Patent and Trademark office to inventors Apurva Mahendrakumar Bhansali, Manoj Kumar Jain, Shradha Dube, Gayathri Rangarajan, Mehul Ramjibhai Patel, Rayesh Kashinath Raikar, Kamal Mansukhlal Dhanani, Ranjit Kapila, Elza Abraham, and Thomas David Tucker. Softex LLC is the sole owner by assignment of the entire rights, title, and interest in and to the ’603 Patent, including the rights to sue on and recover for any past infringement thereof. A true and correct copy of the ’603 Patent is attached hereto as Exhibit F.

53. The ’603 Patent pertains to electronic devices, articles of manufacture, and methods that prevent lost/stolen devices from booting. *See* Ex. F, 1:36-40. The electronic devices, articles of manufacture, and methods disclosed in the ’603 Patent may comprise “a plurality of hardware, software and firmware components that cooperate to allow tracking, disabling, and other interaction with the stolen electronic device.” *Id.*, 1:38-40. The ’603 Patent is designed, *inter alia*, to solve certain technical problems affecting users of electronic devices who wish to deter device

and/or data theft. In the absence of an ESTSM like the method disclosed in the '603 Patent, users of electronic devices were limited to preventing theft of devices and data by means of physical attachment to the user or immovable object, password protection schemes to discourage theft, or motion sensors or alarms placed on devices. *Id*., 1:24-30. However these means of preventing device or data theft "do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery." *Id*., 1:30-32. Traditional software-based theft prevention and recovery systems were ineffective because the software components, which were stored on viewable components of hard drives, were easily tampered with by thieves. *Id*., 2:66-3:1. Among other things, the invention disclosed in the '603 Patent dramatically increases the effectiveness of theft prevention and recovery by installing components on non-viewable portions of an electronic device's HDD and/or the BIOS.

54. The '603 Patent claims are directed to patent-eligible, non-abstract ideas in that they provide technical solutions to at least the technical problems described above. The claims relate to the use of an ESTSM to deter electronic device theft and, if stolen or lost, empowering users to disable or take other administrative actions in relation to the stolen/lost device. "The ESTSM system may include an electronic device with three components and a server computer system. The three components may be an application component, a non-viewable component and a Basic Input/Output System (BIOS) component." *Id*., 2:16-20. This system allows the application component to cause a stolen electronic device to send, to the server system, a message that contains location information for the electronic device. *Id*., 11:4-13. In one embodiment, the BIOS component ensures that the application cannot be tampered with, bypassed, or removed from the electronic device. *Id*., 18:13-15. The BIOS component "consists of a small piece of code that resides in the system BIOS ROM image located in a secure non-volatile area," and "[e]very time

the electronic device boots up, the BIOS component will check the integrity of the ESTSM non-viewable component and application component programs and files, and restore the original programs and files, if they have been tampered with." *Id*., 18:15-26. The BIOS component ensures that the application component has "run properly on the previous device boot and will take action if it is determined that an attempt to bypass the application component has occurred." *Id*., 18:26-30. Thus, by utilizing the ESTSM disclosed in the '603 Patent, users can deter theft of their devices and thwart thieves who attempt to remove or alter the theft prevention and recovery software. The claimed inventions are directed to patent-eligible, non-abstract ideas because they improve the overall security of electronic devices that employ the systems and methods disclosed in the '603 Patent. Further, the electronic device, articles of manufacture, and methods claimed in the '603 Patent cannot be performed as mental steps by a human, nor do they represent the application of a generic computer to any well-known method of organizing human behavior.

55. The language of each of the claims, including Claim 18, is consistent with the inventive concepts described above, as found in the specification. For example, Claim 18 requires, among other things, an electronic device capable of "executing an application component … configured to automatically ascertained whether the electronic device has been reported stolen based on information received from a server system," "automatically determining whether the application component is operating correctly," "in response to a determination that the application component is operating correctly, automatically providing a basic input/output system (BIOS) component of the electronic device with information indicating that the application component is operating correctly" and "during a subsequent boot process for the electronic device, automatically preventing the electronic device from completing the boot process if the BIOS component does

not find the information from the application component indicating that the application component was operating correctly." *Id.*, Claim 18.

56. Claim 18 is directed to a specific technical solution to the prior art problems addressed above. Claim 18 as whole is inventive and novel, as are at least the identified claim limitations that requiring that electronic device be capable of providing a persistent theft detection security solution. *Id.*, 18:13-19:27. As of the priority date of the '603 Patent, the identified limitations of Claim 18 that require a specific implementation for a persistent theft detection security solution (such as, executing the application component as claimed and automatically determining whether it is operating correctly, automatically providing a BIOS component with information it is operating correctly, and, during a subsequent boot process, preventing the electronic device from completing the boot process if the BIOS component does not find the required information from the application component) were not well-understood, routine or conventional. As of the priority date of the '603 Patent, traditional prior art security solutions included security such as password protection schemes, physical attachments, motion sensors or alarms. *Id.*, 1:15-32. "However, such techniques do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery." *Id.*, 1:30-32. The persistent theft detection security solution of Claim 18 provides a vast improvement over traditional prior art solutions because the security features remain in an area inaccessible to the user in the claimed invention at least because, e.g., the electronic device is provided with software for protecting the electronic device for unauthorized utilization where, in response to a determination that the application component is operating correctly, automatically providing the BIOS component with information indicating the application component is operating correctly and, during a subsequent boot process, preventing the electronic device from completing the boot process if the BIOS

component does not find the information from the application component indicating that the application component was operating correctly.

57. As evidenced by the preceding paragraph, the ’603 Patent claims are directed to a non-abstract improvement in computer functionality rather than the abstract idea of computer security at large. By reciting technical solutions that enable a computer security system to do things it could not do before, the ’603 Patent claims recite more than a mere result and provide an inventive arrangement for accomplishing a novel result.

U.S. PATENT NO. 8,128,710

58. On March 6, 2012, United States Patent No. 8,128,710 (the “’710 Patent”) entitled “Electronic Device Security System and Method,” was duly and legally issued by the United States Patent and Trademark office to inventors Apurva Mahendrakumar Bhansali, Manoj Kumar Jain, Shradha Dube, Gayathri Rangarajan, Mehul Ramjibhai Patel, Rayesh Kashinath Raikar, Kamal Mansukhlal Dhanani, Ranjit Kapila, Elza Abraham, and Thomas David Tucker. Softex LLC is the sole owner by assignment of the entire rights, title, and interest in and to the ’710 Patent, including the rights to sue on and recover for any past infringement thereof. A true and correct copy of the ’710 Patent is attached hereto as Exhibit G.

59. The’710 Patent pertains to systems, methods, and articles of manufacture for securing and tracking an electronic device. *See* Ex. G, 1:15-4:29. The ’710 Patent discloses an ESTSM. The ’710 Patent is designed, *inter alia*, to solve certain technical problems affecting users of electronic devices who wish to deter device and/or data theft. In the absence of an ESTSM like the systems, methods, and articles of manufacture disclosed in the ’710 Patent, users of electronic devices were limited to preventing theft of devices and data by means of physical attachment to the user or immovable object, password protection schemes to discourage theft, or

motion sensors or alarms placed on devices. *Id*., 1:24-32. However these means of preventing device or data theft "do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery." *Id*., 1:30-32. Traditional software-based theft prevention and recovery systems were ineffective because the software components, which were stored on viewable components of hard drives, were easily tampered with by thieves. *Id*., 19:2-4. Among other things, the systems and methods of the '710 Patent dramatically increase the effectiveness of theft prevention and recovery by installing components on non-viewable portions of an electronic device's memory and BIOS.

60. The '710 Patent claims are directed to patent-eligible, non-abstract ideas in that they provide technical solutions to at least the technical problems described above. The claims relate to the systems, methods, and articles of manufacture that include/use an ESTSM to deter electronic device theft and, if stolen or lost, empower users to disable or take other administrative actions in relation to the stolen/lost device. The ESTSM system may include an electronic device with three components. The three components may be an application component, a non-viewable component, and a BIOS component. *Id*., Fig. 47. The non-viewable component determines whether the application component is present and whether it has been tampered with. The BIOS component determines whether the non-viewable component is present and whether it has been tampered with, checks the integrity of the application component, and restores the application component's integrity if it has been compromised. This arrangement allows for a persistent application component. In one embodiment, the BIOS component ensures that the application cannot be tampered with, bypassed, or removed from the electronic device. *Id*., 19:28-30. The BIOS component "consists of a small piece of code that resides in the system BIOS ROM image located in a secure non-volatile area," and "[e]very time the electronic device boots up, the BIOS

component will check the integrity of the ESTSM non-viewable component and application component programs and files, and restore the original programs and files, if they have been tampered with." *Id.*, 18:29-46. The BIOS component ensures that the application component has "run properly on the previous device boot and will take action if it is determined that an attempt to bypass the application component has occurred." *Id*. Thus, by utilizing the ESTSM disclosed in the '710 Patent, users can deter the theft of their devices and thwart thieves who attempt to remove or alter the theft prevention and recovery software. And, in response to a theft, the user can wipe the non-volatile storage device to secure their data. *Id.*, 16:26-41; *see also id.*, 4:61-5:24, 9:9-15, 18:22-28, 24:15-22, 27:35-41. The claimed inventions are directed to patent-eligible, non-abstract ideas because they improve the overall security of electronic devices that employ the inventions disclosed in the '710 Patent. Further, the systems, methods and articles of manufacture implementations claimed in the '710 Patent cannot be performed as mental steps by a human, nor do they represent the application of a generic computer to any well-known method of organizing human behavior.

61. The language of each of the claims, including Claim 2, is consistent with the inventive concepts described above, as found in the specification. For example, the system of Claim 2 includes, among other things, limitations requiring "a non-viewable component," "an application component connected to the non-viewable component" that is configured a particular way and "a Basic Input/Output System (BIOS) component connected to the non-viewable component" where the BIOS component is configured a specific way and where the "application component is substantially distinct from the BIOS component and the non-viewable component." *Id.*, Claim 2. In addition, "the BIOS component is configured to determine whether the non-viewable component is present," "determine … whether the non-viewable component has been

tampered with," "check integrity of the application component during a boot process for the electronic device," and "automatically cause the electronic device to restore the integrity of the application component in response to a negative integrity check of the application component." *Id.*, Claim 2. In addition, the "non-viewable component is configured to determine whether the application component is present and whether the application component has been tampered with." *Id.*, Claim 2. The system is also operable to perform operations, such as "causing to be presented, by a device other than the electronic device, an option to confirm that the non-volatile storage device of the electronic device is to be erased; accepting, from the device other than the electronic device, input to confirm that the non-volatile storage device is to be erased; and after receiving the report that the electronic device has been stolen, causing the electronic device to erase the non-volatile storage device." *Id.*, Claim 2.

62. Claim 2 is directed to a specific technical improvement to the prior art problems addressed above. Claim 2 as whole is inventive and novel, as are at least each of the identified claim limitations that require a system capable of providing a *persistent* theft detection security solution with the ability to wipe data on a compromised device. As of the priority date of the '710 Patent, the identified claim limitations that require a specific implementation for a persistent theft detection security solution (such as, e.g., the claimed BIOS component and non-viewable component configurations alone or together with the ability to erase data from a stolen device) were not well-understood, routine or conventional. As of the priority date of the '710 Patent, traditional prior art security solutions included security such as password protection schemes, physical attachments, motion sensors or alarms. *Id.*, 1:16-32. "However, such techniques do not always prevent theft, are costly and once the electronic device is stolen, do not allow tracking or recovery." *Id.*, 1:30-32. The persistent theft detection security solution of Claim 2 provides a vast

improvement over traditional prior art solutions because the security features remain in an area in accessible to the user in the claimed invention at least because, e.g., the application component is substantially distinct from the BIOS component and the non-viewable component and, the BIOS security component is configured to determine whether the non-viewable security component is present and has been tampered with, check the integrity of the application component during a boot process for an electronic device, cause the electronic device to automatically restore the integrity of the application component in response to a negative integrity check, and cause the electronic device to erase the non-volatile storage device.

63. As evidenced by the preceding paragraph, the ’710 Patent claims are directed to a non-abstract improvement in computer functionality rather than the abstract idea of computer security at large. By reciting technical solutions that enable a computer security system to do things it could not do before, the ’710 Patent claims recite more than a mere result and provide an inventive arrangement for accomplishing a novel result.

DELL’s INFRINGING PRODUCTS AND SERVICES

64. Upon information and belief, Dell has infringed and continues to infringe one or more claims of the Asserted Patents, as shown below, by making, testing, using, offering to sell, and selling one or more infringing products including Windows Functionality and/or Absolute Functionality.

65. Windows Functionality: Dell computers with Microsoft Windows 10 and/or Windows 11 include Microsoft’s “Find My Device” a feature that helps a user locate their device if it is lost or stolen. This is described in Windows support materials as follows:

Find and lock a lost Windows device

Microsoft account, Windows 10, Microsoft account dashboard

Find My Device is a feature that can help you locate your Windows 10 device if it's lost or stolen. To use this feature, sign in to your device with a Microsoft account and make sure you're an administrator on it. This feature works when location is turned on for your device, even if other users on the device have turned off location settings for their apps. Any time you attempt to locate the device, users using the device will see a notification in the notification area.

- This setting works for any Windows device, such as a PC, laptop, Surface, or Surface Pen. It needs to be turned on before you can use it.
- You can't use it with a work or school account, and it doesn't work for iOS devices, Android devices, or Xbox One consoles. Here's what to do if your Xbox gets stolen.

Turn on Find my device

When you set up a new device, you can decide whether to turn on or turn off the Find my device setting. If you turned it off during setup and now want to turn it on, make sure your Windows device is connected to the internet, has enough battery power so it can send its location, and that you're signed in to the device using your Microsoft account.

1. On the device that you want to change, select **Start** > **Settings** > **Update & Security** > **Find my device**.
2. Select **Change** for the device you want to change.

https://support.microsoft.com/en-us/account-billing/find-and-lock-a-lost-windows-device-890bf25e-b8ba-d3fe-8253-e98a12f26316.

66. Dell Computers with this feature asks the administrator ("owner") to enable location tracking ["register the mobile electronic device with a security service"] so that when the device is stolen, the administrator can log into their account from a different computer to lock the stolen computer/send messages to the stolen computer/track the stolen computer. This security service resides at least in part on one or more servers. For example, Microsoft shows that a user

should "sign in to account.microsoft.com from another device" to view the location of the laptop that has Find My Device enabled, to lock the device, or to display a message on the laptop's screen.

> Microsoft's "Find My Device" feature is so much more than a simple device locator that it's like calling a "car" nothing more than just four tires and a steering wheel. The online service is a powerful PC manager in its own right, and arguably more effective in that regard than Windows itself.

https://www.pcworld.com/article/394201/microsofts-find-my-device-is-the-pc-management-tool-you-didnt-know-you-needed.html. When the administrator accesses their Microsoft account, the stolen computer reports its location. The location is shown by choosing the name of the device on the web portal. Thus, the Find My Device feature causes the mobile electronic device to automatically send the device's identifying information to the security server. The Find My Device service, when enabled, causes the mobile electronic device to periodically communicate with the security service when in a state other than being powered off. For example, it causes the mobile electronic device to periodically send its location to the security service. A Dell device with Find My Device enabled can accept a notification from the service comprising a message indicating that the owner of the device has requested disabling ("locking") the device. The mobile device is locked ("disabled") in response to receiving the message. But the device can still communicate with the Find My software, e.g., by continuing to share its location. The Find My Device service automatically causes at least some user data to be copied from the mobile electronic device to at least one of the servers. For example, an owner can view device details and location from the owner's Microsoft user account, and therefore the information, when sent to the server, is automatically paired with some user identifying data. Depending on administrative settings and user permissions, an operating system and file system, stored in non-volatile memory, either provide access to certain files (e.g., files stored in a changeable area) or restrict access to certain

files (e.g., files stored in a system area that cannot be modified by a user). Microsoft Find My Device is not changeable by a user and therefore resides at least partially in the system area. By segregating access and not allowing the user access to the administrator area, MSFT provides a system area that cannot be accessed by the user. Microsoft does not allow its device locking to be thwarted by allowing a thief to wipe the old system. When the device is locked, for example, a user cannot reset the device to remove the lock. *See, e.g.*, U.S. Patent No. 9,558,372, assigned to Microsoft.

67. Absolute Functionality: Absolute markets the Absolute Home & Office that it provides to Dell and that Dell offers to customers as a "persistent security solution that can track and recover stolen devices."

> **Absolute Home & Office is the only persistent security solution that can track and recover stolen devices, while also providing additional features to protect your personal information.**

https://homeoffice.absolute.com/.

68. Absolute Home & Office includes a component called Computrace (also called Absolute Persistence Technology) that is "embedded in the firmware and once activated will self-heal our software onto the device if we are removed."

> What is the difference between Absolute Home & Office and Computrace?
>
> **A: Computrace** (also called Absolute Persistence Technology) is one component of Absolute Home & Office and is available on compatible devices. This component is embedded in the firmware and once activated will self-heal our software onto the device if we are removed.
>
> For more information on Computrace compatibility, you may refer to our **BIOS & Firmware Compatibility Checker** page (https://www.absolute.com/partners/device-compatibility/). As this list is not exhaustive, we also recommend speaking directly to your device manufacturer if your device model is not listed.

https://homeoffice.absolute.com/support/faq/#toggle-id-2.

69. Absolute Home & Office includes services residing, at least in part, on a server, allowing a user to view a device's location on a map, remotely lock a device, and remotely delete some or all files from a device.

70. The Absolute Persistence component of Absolute Home & Office (also known as Computrace) is installed on the Accused Products during the manufacturing process.

What is Absolute Persistence?

Absolute's Persistence® is a patented security solution that provides a continuous, tamper-proof connection between devices, data, and the cloud-based Absolute console.

Through our partnerships with device manufacturers such as Dell, HP, Lenovo and others, Persistence is embedded in the firmware of computers, tablets, and smartphones at the factory, remaining dormant until the Absolute agent is installed. Installation initiates a call to the Absolute Monitoring Center, and Persistence is activated.

Once activated, the status of the Absolute agent or any third-party applications is continuously monitored and, if it is missing or damaged, a reinstallation will automatically occur. Persistence will survive attempts to disable it, even if the device is re-imaged, the hard drive is replaced, or the firmware is flashed.

https://www.absolute.com/platform/editions/.

COUNT 1
INFRINGEMENT OF U.S. PATENT NO. 7,590,837

71. Softex LLC realleges and incorporates by reference each and every allegation of Paragraphs 1-70 above as if fully set herein.

72. Dell has directly infringed, and continues to directly infringe, literally or under the doctrine of equivalents, at least independent claim 1 of the ’837 Patent by making, testing, using,

selling, and/or offering for sale Accused Products with Absolute Functionality in the United States, in violation of 35 U.S.C. § 271(a). *See* Ex. H.

73. The Accused Products, which incorporate Absolute Functionality, meet each and every element of at least Claim 1 of the'837 Patent, either literally or equivalently.

74. At least as of the date the Complaint was filed, Dell has indirectly infringed one or more claims thereof under 35 U.S.C. § 271(b) through the active inducement of direct infringement by intending to encourage, and in fact encouraging customers to activate Absolute Functionality into the Accused Products sold and used within the United States in an infringing manner that practiced the inventions of one or more claims of the '837 Patent, including at least Claim 1. Dell has actively induced such direct infringement through its contacts with customers thereby providing, *inter alia*, functionality, instructions, user manuals and other documentation and other assistance that have served to facilitate, promote, and cause customers to directly infringe at least Claim 1 of the '837 Patent, as described in Ex. H. Upon information and belief, Dell has performed the acts that constitute inducement of infringement with the knowledge or willful blindness that the resulting acts induced thereby would constitute direct infringement by customers.

75. As a direct and proximate consequence of Dell's infringement of the '837 Patent, Softex LLC has suffered damages in an amount not yet determined for which Softex LLC is entitled to relief.

COUNT 2
INFRINGEMENT OF U.S. PATENT NO. 8,506,649

76. Softex LLC realleges and incorporates by reference each and every allegation of Paragraphs 1-75 above as if fully set herein.

77. Dell has directly infringed, and continues to directly infringe, literally or under the doctrine of equivalents, at least independent claim 1 of the '649 Patent by making, testing, using,

selling, and/or offering for sale its devices with Windows Functionality in the United States, in violation of 35 U.S.C. §271(a). *See* Ex. I. Dell has also directly infringed, and continues to directly infringe, literally or under the doctrine of equivalents, at least independent claim 1 of the '649 Patent by making, testing, using, selling, and/or offering for sale its devices with Absolute Functionality in the United States, in violation of 35 U.S.C. § 271(a). *See* Ex. J.

78. The Accused Products, which incorporate Windows Functionality and separately incorporate Absolute Functionality, meet each and every element of at least Claim 1 of the'649 Patent, either literally or equivalently.

79. At least as of the date the Complaint was filed, Dell has indirectly infringed one or more claims thereof under 35 U.S.C. § 271(b) through the active inducement of direct infringement by intending to encourage, and in fact encouraging customers to enable Windows Functionality, and similar features, and/or encouraging customers to activate Absolute Functionality into the Accused Products sold and used within the United States in an infringing manner that practiced the inventions of one or more claims of the '649 Patent, including at least Claim 1. Dell has actively induced such direct infringement through its contacts with customers thereby providing, *inter alia*, functionality, instructions, user manuals and other documentation and other assistance that have served to facilitate, promote, and cause customers to directly infringe at least Claim 1 of the '649 Patent, as described in Exs. I, J. Upon information and belief, Dell has performed the acts that constitute inducement of infringement with the knowledge or willful blindness that the resulting acts induced thereby would constitute direct infringement by customers.

80. As a direct and proximate consequence of Dell's infringement of the '649 Patent, Softex LLC has suffered damages in an amount not yet determined for which Softex LLC is entitled to relief.

COUNT 3
INFRINGEMENT OF U.S. PATENT NO. 8,516,235

81. Softex LLC realleges and incorporates by reference each and every allegation of Paragraphs 1-80 above as if fully set herein.

82. Dell has directly infringed, and continues to directly infringe, literally or under the doctrine of equivalents, at least independent claim 8 of the ’235 Patent by making, testing, using, selling, and/or offering for sale Accused Products with Absolute Functionality in the United States, in violation of 35 U.S.C. § 271(a). *See* Ex. K.

83. The Accused Products, which incorporate Absolute Functionality, meet each and every element of at least Claim 8 of the’235 Patent, either literally or equivalently.

84. At least as of the date the Complaint was filed, Dell has indirectly infringed one or more claims thereof under 35 U.S.C. § 271(b) through the active inducement of direct infringement by intending to encourage, and in fact encouraging customers to activate Absolute Functionality into the Accused Products sold and used within the United States in an infringing manner that practiced the inventions of one or more claims of the ’235 Patent, including at least Claim 8. Dell has actively induced such direct infringement through its contacts with customers thereby providing, *inter alia*, functionality, instructions, user manuals and other documentation and other assistance that have served to facilitate, promote, and cause customers to directly infringe at least Claim 8 of the ’235 Patent, as described in Ex. K. Upon information and belief, Dell has performed the acts that constitute inducement of infringement with the knowledge or willful blindness that the resulting acts induced thereby would constitute direct infringement by customers.

85. As a direct and proximate consequence of Dell’s infringement of the ’235 Patent, Softex LLC has suffered damages in an amount not yet determined for which Softex LLC is entitled to relief.

COUNT 4
INFRINGEMENT OF U.S. PATENT NO. 8,145,892

86. Softex LLC realleges and incorporates by reference each and every allegation of Paragraphs 1-85 above as if fully set herein.

87. Dell has directly infringed, and continues to directly infringe, literally or under the doctrine of equivalents, at least independent claim 12 of the ’892 Patent by making, testing, using, selling, and/or offering for Accused Products with Absolute Functionality in the United States, in violation of 35 U.S.C. § 271(a). *See* Ex. L.

88. The Accused Products, which incorporate Absolute Functionality, meet each and every element of at least Claim 12 of the’892 Patent, either literally or equivalently.

89. At least as of the date the Complaint was filed, Dell has indirectly infringed one or more claims thereof under 35 U.S.C. § 271(b) through the active inducement of direct infringement by intending to encourage, and in fact encouraging customers to activate Absolute Functionality into the Accused Products sold and used within the United States in an infringing manner that practiced the inventions of one or more claims of the ’892 Patent, including at least Claim 12. Dell has actively induced such direct infringement through its contacts with customers thereby providing, *inter alia*, functionality, instructions, user manuals and other documentation and other assistance that have served to facilitate, promote, and cause customers to directly infringe at least Claim 12 of the ’892 Patent, as described in Ex. L. Upon information and belief, Dell has performed the acts that constitute inducement of infringement with the knowledge or willful blindness that the resulting acts induced thereby would constitute direct infringement by customers.

90. As a direct and proximate consequence of Dell's infringement of the '892 Patent, Softex LLC has suffered damages in an amount not yet determined for which Softex LLC is entitled to relief.

COUNT 5
INFRINGEMENT OF U.S. PATENT NO. 8,137,410

91. Softex LLC realleges and incorporates by reference each and every allegation of Paragraphs 1-90 above as if fully set herein.

92. Dell has directly infringed, and continues to directly infringe, literally or under the doctrine of equivalents, at least independent claim 8 of the '410 Patent by making, testing, using, selling, and/or offering for sale Accused Products with Absolute Functionality in the United States, in violation of 35 U.S.C. § 271(a). *See* Ex. M.

93. The Accused Products, which incorporate Absolute Functionality, meet each and every element of at least Claim 8 of the'410 Patent, either literally or equivalently.

94. At least as of the date the Complaint was filed, Dell has indirectly infringed one or more claims thereof under 35 U.S.C. § 271(b) through the active inducement of direct infringement by intending to encourage, and in fact encouraging customers to activate Absolute Functionality into the Accused Products sold and used within the United States in an infringing manner that practiced the inventions of one or more claims of the '410 Patent, including at least Claim 8. Dell has actively induced such direct infringement through its contacts with customers thereby providing, *inter alia*, functionality, instructions, user manuals and other documentation and other assistance that have served to facilitate, promote, and cause customers to directly infringe at least Claim 8 of the '410 Patent, as described in Ex. M. Upon information and belief, Dell has performed the acts that constitute inducement of infringement with the knowledge or willful

blindness that the resulting acts induced thereby would constitute direct infringement by customers.

95. As a direct and proximate consequence of Dell's infringement of the '410 Patent, Softex LLC has suffered damages in an amount not yet determined for which Softex LLC is entitled to relief.

COUNT 6
INFRINGEMENT OF U.S. PATENT NO. 8,287,603

96. Softex LLC realleges and incorporates by reference each and every allegation of Paragraphs 1-95 above as if fully set herein.

97. Dell has directly infringed, and continues to directly infringe, literally or under the doctrine of equivalents, at least independent claim 18 of the '603 Patent by making, testing, using, selling, and/or offering for sale Accused Products with Absolute Functionality in the United States, in violation of 35 U.S.C. § 271(a). *See* Ex. N.

98. The Accused Products, which incorporate Absolute Functionality, meet each and every element of at least Claim 18 of the'603 Patent, either literally or equivalently.

99. At least as of the date the Complaint was filed, Dell has indirectly infringed one or more claims thereof under 35 U.S.C. § 271(b) through the active inducement of direct infringement by intending to encourage, and in fact encouraging customers to activate Absolute Functionality into the Accused Products sold and used within the United States in an infringing manner that practiced the inventions of one or more claims of the '603 Patent, including at least Claim 18. Dell has actively induced such direct infringement through its contacts with customers thereby providing, *inter alia*, functionality, instructions, user manuals and other documentation and other assistance that have served to facilitate, promote, and cause customers to directly infringe at least Claim 18 of the '603 Patent, as described in Ex. N. Upon information and belief, Dell has

performed the acts that constitute inducement of infringement with the knowledge or willful blindness that the resulting acts induced thereby would constitute direct infringement by customers.

100. As a direct and proximate consequence of Dell's infringement of the '603 Patent, Softex LLC has suffered damages in an amount not yet determined for which Softex LLC is entitled to relief.

COUNT 7
INFRINGEMENT OF U.S. PATENT NO. 8,128,710

101. Softex LLC realleges and incorporates by reference each and every allegation of Paragraphs 1-100 above as if fully set herein.

102. Dell has directly infringed, and continues to directly infringe, literally or under the doctrine of equivalents, at least independent claim 2 of the '710 Patent by making, testing, using, selling, and/or offering for sale Accused Products with Absolute Functionality in the United States, in violation of 35 U.S.C. § 271(a). *See* Ex. O.

103. The Accused Products, which incorporate Absolute Functionality, meet each and every element of at least Claim 2 of the'710 Patent, either literally or equivalently.

104. At least as of the date the Complaint was filed, Dell has indirectly infringed one or more claims thereof under 35 U.S.C. § 271(b) through the active inducement of direct infringement by intending to encourage, and in fact encouraging customers to activate Absolute Functionality into the Accused Products sold and used within the United States in an infringing manner that practiced the inventions of one or more claims of the '710 Patent, including at least Claim 2. Dell has actively induced such direct infringement through its contacts with customers thereby providing, *inter alia*, functionality, instructions, user manuals and other documentation and other assistance that have served to facilitate, promote, and cause customers to directly infringe at least

Claim 2 of the '710 Patent, as described in Ex. O. Upon information and belief, Dell has performed the acts that constitute inducement of infringement with the knowledge or willful blindness that the resulting acts induced thereby would constitute direct infringement by customers.

105. As a direct and proximate consequence of Dell's infringement of the '710 Patent, Softex LLC has suffered damages in an amount not yet determined for which Softex LLC is entitled to relief.

DEMAND FOR JURY TRIAL

106. Plaintiff hereby demands a jury trial for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

A. Declare that Defendants has infringed, and continue to infringe, one or more claims of the Asserted Patents, contributed to the infringement of the Asserted Patents, and/or induced the infringement of the Asserted Patents;

B. Enter judgment that Defendants' acts of patent infringement are willful;

C. Award damages no less than a reasonable royalty to Plaintiff arising out of this infringement of the Asserted Patents, including enhanced damages for willful infringement pursuant to 35 U.S.C. § 284 and prejudgment and post-judgment interest, in an amount according to proof;

D. Award attorneys' fees to Plaintiff pursuant to 35 U.S.C. §§ 284 and 285 or as otherwise permitted by law;

E. Award Plaintiff the interest and costs incurred in this action; and

F. Grant Plaintiff such other and further relief, including equitable relief, as the Court deems just and proper.

Dated: December 14, 2022

Respectfully submitted,

MCKOOL SMITH, P.C.

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