**IN THE UNITED STATES DISTRICT COURT**
**FOR THE WESTERN DISTRICT OF TEXAS**
**MIDLAND-ODESSA DIVISION**

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| **MOBILE DATA TECHNOLOGIES LLC,**<br><br>Plaintiff,<br><br>v.<br><br>**META PLATFORMS, INC. AND META PLATFORMS TECHNOLOGIES, LLC,**<br><br>Defendants. | Civil Action No. 7:22-cv-00244<br><br>**COMPLAINT FOR PATENT INFRINGEMENT**<br><br>**JURY TRIAL DEMANDED** |

## COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Mobile Data Technologies LLC files this Complaint for Patent Infringement and Damages against Defendants Meta Platforms, Inc. and Meta Platforms Technologies, LLC and would respectfully show the Court as follows:

## PARTIES

1. Plaintiff Mobile Data Technologies LLC ("MDT" or "Plaintiff") is a Delaware limited liability company with its principal place of business at 1 Chisholm Trail Rd, Suite 450, Round Rock, TX 78681. MDT specializes in mobile technologies and social media solutions.

2. Defendant Meta Platforms, Inc. ("Meta Platforms") is a corporation organized under the laws of the State of Delaware with regular and established places of business in this District at least at the following: 607 West Third Street, Austin, Texas 78701; 400 West Sixth Street, Austin, Texas 78701; 11601 Alterra Parkway, Austin, Texas 78758; and 13011 McCallen Pass, Austin, Texas 78753. In addition, Meta is in the process of opening a $800 million (with a potential commitment of $2.5 billion or more) 900,000 square-foot data center in Temple, Texas in this District located on 393 acres at NW H.K. Dodgen Loop and Industrial Blvd. Meta Platforms

was formerly known as Facebook, Inc. Meta Platforms may be served with process by serving its registered agent, Corporation Service Company DBA CSC - Lawyers Incorporating Service Company at 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

3. Defendant Meta Platforms Technologies, LLC ("Meta Technologies") is a limited liability company organized under the laws of the State of Delaware with regular and established places of business in this District at least at the following: 607 West Third Street, Austin, Texas 78701; 400 West Sixth Street, Austin, Texas 78701; 11601 Alterra Parkway, Austin, Texas 78758; and 13011 McCallen Pass, Austin, Texas 78753. In addition, Meta is in the process of opening a $800 million (with a potential commitment of $2.5 billion or more) 900,000 square-foot data center in Temple, Texas in this District located on 393 acres at NW H.K. Dodgen Loop and Industrial Blvd. Meta Technologies is a wholly-owned subsidiary of Meta Platforms. Meta Technologies was formerly known as Facebook Technologies, LLC. Meta Technologies may be served with process by serving its registered agent, Corporation Service Company DBA CSC - Lawyers Incorporating Service Company at 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

4. On information and belief, Meta Platforms and Meta Technologies (collectively referred to as "Meta" or "Defendants") directly and/or indirectly develop, design, manufacture, distribute, market, offer to sell and/or sell infringing products and services in the United States, including in the Western District of Texas, and otherwise direct infringing activities to this District in connection with their products and services as set forth in this complaint. This includes but is not limited to Defendants offering their social media and advertising software known as Facebook which includes, but is not limited to the Facebook mobile app and in-app browser.

## JURISDICTION AND VENUE

5. This civil action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq*., including without limitation 35 U.S.C. §§ 271, 281, 283, 284, and 285. This is a patent infringement lawsuit over which this Court has subject matter jurisdiction under, *inter alia*, 28 U.S.C. §§ 1331, 1332, and 1338(a).

6. This Court has general and specific personal jurisdiction over Defendants because, directly or through intermediaries, Defendants have committed infringing acts within the District giving rise to this action and are present in and transact and conduct business in and with residents of this District and the State of Texas.

7. Plaintiff's causes of action arise, at least in part, from Defendants' contacts with and activities in this District and the State of Texas.

8. Defendants have committed acts of infringing the patents-in-suit, as later defined in this Complaint, within this District by making, using, selling, offering for sale, and/or importing in or into this District, products and methods infringing the patents-in-suit, including without limitation products and/or services made by practicing the claimed methods of the patents-in-suit.

9. Defendants, directly and through intermediaries, make, use, sell, offer for sale, import, ship, distribute, advertise, promote, and/or otherwise commercialize such infringing products into this District. Defendants regularly conduct and solicit business in, engage in other persistent courses of conduct in, and/or derive substantial revenue from goods and services provided to residents of this District. For example and without limitation, Meta currently maintains or has maintained a presence at the following addresses in the Western District of Texas: 607 West Third Street, Austin, Texas 78701; 400 West Sixth Street, Austin, Texas 78701; 11601 Alterra Parkway, Austin, Texas 78758; and 13011 McCallen Pass, Austin, Texas 78753. Further, Meta is

in the process of opening a $800 million (with a potential commitment of $2.5 billion or more) 900,000 square-foot data center in Temple, Texas in this District located on 393 acres at NW H.K. Dodgen Loop and Industrial Blvd. The construction of the facility is employing 1,250 workers onsite starting in the spring of 2022. The data center will support at least 100 Meta jobs in this District.

10. This Court has personal jurisdiction over Defendants pursuant to TEX. CIV. PRAC. & REM. CODE § 17.041 *et seq*.

11. Personal jurisdiction exists over Defendants because Defendants have minimum contacts with this forum as a result of business regularly conducted within the State of Texas and within this District, and, on information and belief, specifically as a result of, at least, committing the tort of patent infringement within Texas and this District.

12. This Court also has personal jurisdiction over Defendants, in part, because Defendants conduct continuous and systematic business in this District, including by providing infringing products and services to the residents of the Western District of Texas that Defendants knew would be used within this District, and by soliciting business from the residents of the Western District of Texas. Defendants are further subject to personal jurisdiction in this Court because, *inter alia*, Defendants own and operated regular and established places of business in the Western District of Texas. Further, Defendants' own website and advertising within this District, subject them to personal jurisdiction in this Court. Accordingly, this Court's jurisdiction over the Defendants comports with the constitutional standards of fair play and substantial justice and arises directly from the Defendants' purposeful minimum contacts with this District and the State of Texas. Also, Defendants have hired and are hiring in the Austin, Texas area and other places within this District, for positions that relate to and constitute infringement of the patents-in-suit. In

addition, multiple witnesses from Defendant's Austin, Texas offices will be required for trial, several non-exhaustive examples of which are listed later in this Complaint. Accordingly, this Court's jurisdiction over Defendants comports with the constitutional standards of fair play and substantial justice and arises directly from Defendants' purposeful minimum contacts with the State of Texas.

13. This Court also has personal jurisdiction over Defendants, because in addition to Defendants' own website and advertising within this District, Defendants have also made its infringing products and services available within this District and have advertised to residents within the District to hire employees to be located in and/or work from within this District.

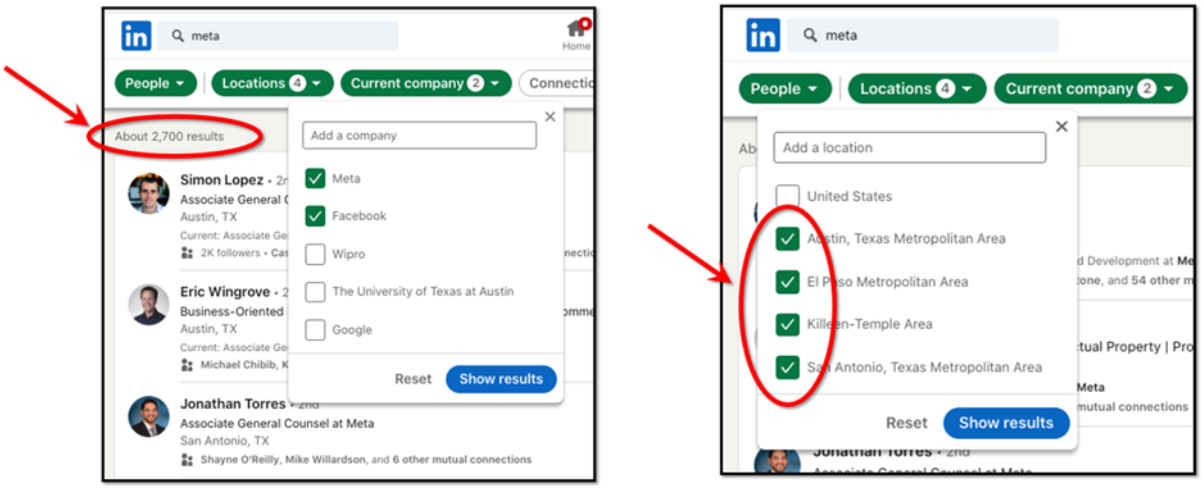
14. Venue is proper in this Court under 28 U.S.C. §§ 1391, and 1400(b). All allegations and support thereof regarding jurisdiction herein are hereby incorporated by reference for the purposes of venue.

15. Further, upon information and belief, Defendants have induced acts of infringement, and/or advertise, market, sell, and/or offer to sell products, including infringing products, in this District.

16. On information and belief, Defendants employ more than 2700 people in this District, many of whom are relevant to this litigation. A search on LinkedIn indicates that at least 2700 people represent that they are currently employed by Meta in this District as of the date of this Complaint:[1]

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1 https://www.linkedin.com/search/results/people/?currentCompany=%5B%2270909767%22%2C%222226401%22%2C%2278837439%22%2C%2210667%22%2C%2276987811%22%2C%22487488%22%5D&geoUrn=%5B%2290000232%22%2C%2290000381%22%2C%2290000724%22%2C%2290000064%22%5D&keywords=meta&origin=FACETED_SEARCH&sid=sj3 (last visited November 21, 2022).




17. According to public media, "Austin has grown to be Facebook's fourth-largest hub, with more than 2,000 employees in more than 100 of its teams."[2]

18. According to public sources, at least 2700 of Defendants' employees work in this District. Many of these employees are directly related to the subject matter in this lawsuit, including supporting important elements of Plaintiff's assertions in this matter as shown in the non-limiting examples later in this Complaint.

19. Even though Meta has recently announced layoffs, whereas "the company disclosed plans to jettison 2,564 jobs in the [San Francisco] Bay Area" consisting of "more than one-fifth of all the jobs the company intends to eliminate worldwide,"[3] only 222 Meta workers in Austin will lose their jobs in January 2023.[4] Indicating the importance of Austin and this District to Meta,

[2] https://www.statesman.com/story/business/2021/05/17/facebook-austin-leader-sees-opportunity-growth-central-texas-katherine-shappley/4931499001 (last visited November 21, 2022).
[3] https://www.siliconvalley.com/2022/11/14/facebook-meta-tech-jobs-economy-chops-jobs-area-layoff-menlo-park/ (last visited November 21, 2022).
[4] https://www.kxan.com/news/business/new-records-show-meta-laying-off-200-workers-in-austin/ (last visited November 21, 2022).

Meta's Austin layoffs constitute only 2% of the 11,000 employees that Meta is laying off compared to the more than 23% of Bay Area employees losing their jobs.[5] Katherine Shappley, head of Meta's Austin office, even in light of the layoffs, stated that "[Meta is] committed to Austin and look forward to growing here together."[6]

20. As recently as January 2022, Defendants announced an intention to specifically expand its operations in this District. On information and belief, this expansion specifically includes staff related to the Facebook social media and advertising application, program, and software.

21. On information and belief, on December 31, 2021 Meta signed a lease for 589,000 square feet across 33 floors (the entire commercial half) of Austin's tallest building, constituting the largest-ever lease in Downtown Austin.[7]

22. Meta is also in the process of building in this District an $800 million data center with a potential stated commitment to $2.5 billion in Temple, Texas reported to total 900,000 square feet and employ at least 100 people.[8] The data center construction is estimated to employ 1,250 local construction workers.[9]

23. Multiple Meta personnel located in this District are key fact witnesses in this litigation, and Plaintiff intends to call them to testify at trial.

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[5] *Id.*
[6] https://www.mysanantonio.com/business/article/meta-austin-office-17559188.php (last visited November 21, 2022).
[7] See https://www.kvue.com/article/money/economy/boomtown-2040/meta-facebook-largest-austin-tower-lease/269-f9284374-d11e-479d-9c15-a83a96db2f67 (last visited November 21, 2022).
[8] See https://www.statesman.com/story/business/2022/04/05/meta-facebook-parent-company-building-800-million-texas-data-center-create-jobs/9462964002/ (last visited November 21, 2022).
[9] *Id.*

24. Despite declaring a hiring freeze for certain verticals,[10] the Careers section of Meta's website as of the date of this Complaint indicates at least 30 jobs available in this District in either Austin or Temple.[11]

25. Further, according to LinkedIn's job site, 126 Meta jobs are available in Austin[12] including 21 onsite positions and 106 Meta jobs are available in Temple[13] including three onsite positions.

26. For example and without limitation, Ana Boza, Meta's Lead Intellectual Property Counsel, works in Meta's offices in this District.[14]

27. For example and without limitation, Katherine Shappley, Meta's Vice President, Commerce Business Group and Leader of the North America sales team, and the Head of Office for Facebook Austin, works in Meta's offices in this District.[15]

28. For example and without limitation, Steve Mills, Meta's Technical Lead, works in Meta's offices in this District.[16]

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[10] See https://www.theverge.com/2022/5/18/23125571/meta-hiring-freeze-commerce-messenger-kids-facebook-gaming (last visited November 21, 2022).
[11] See https://www.metacareers.com/jobs/?offices[0]=Austin%2C%20TX&offices[1]=Temple%2C%20TX (last visited November 21, 2022).
[12] https://www.linkedin.com/jobs/search/?currentJobId=3334434031&f_C=10667%2C76987811&geoId=90000064&keywords=meta&location=Austin%2C%20Texas%20Metropolitan%20Area&refresh=true&sortBy=R (last visited November 21, 2022).
[13] https://www.linkedin.com/jobs/search/?currentJobId=3227273092&distance=25&f_C=10667%2C76987811&geoId=103364699&keywords=meta&location=Temple%2C%20Texas%2C%20United%20States&refresh=true&sortBy=R (last visited November 21, 2022).
[14] See https://www.linkedin.com/in/anaboza/ (last visited November 22, 2022).
[15] See https://www.linkedin.com/in/katherineshappley/ (last visited November 21, 2022).
[16] See https://www.linkedin.com/in/stevemills1970/ (last visited November 22, 2022).

29. For example and without limitation, Laura McWhorter-Greenwald, Meta's Head of Global Emerging Talent Recruitment, works in Meta's offices in this District.[17]

30. For example and without limitation, Scott Eisen, Meta's Associate General Counsel for Intellectual Property and Content, works in Meta's offices in this District.[18]

31. For example and without limitation, Dessire Ekberg, Meta's Specialist, Intellectual Property Operations, works in Meta's offices in this District.[19]

32. For example and without limitation, Brian Fuller, Meta's Product Policy Manager, Consumer Product ("set the strategic policy vision for a number of Meta's products and work directly with product teams to implement that vision.") works in Meta's offices in this District.[20]

33. For example and without limitation, Mike Gagne, Meta's Global Director, Risk Management & Intelligence, works in Meta's offices in this District.[21]

34. For example and without limitation, Basia Tunkis, Meta's Global Head of Intellectual Property Operations works in Meta's offices in this District.[22]

35. For example and without limitation, Gigi Melrose, Meta's VP of Growth for Small Business Group works in Meta's offices in this District.[23]

36. For example and without limitation, Chris Pettey, Meta's Director of Engineering for Facebook works in Meta's offices in this District.[24]

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[17] See https://www.linkedin.com/in/laura-mcwhorter-greenwald-577565 (last visited November 22, 2022).
[18] See https://www.linkedin.com/in/scotteisen1/ (last visited November 22, 2022).
[19] See https://www.linkedin.com/in/dessir%C3%A9-ekberg-39178510a (last visited November 22, 2022).
[20] https://www.linkedin.com/in/brian-fuller-21ab735a/ (last visited November 21, 2022).
[21] https://www.linkedin.com/in/michaelrgagne/ (last visited November 21, 2022).
[22] https://www.linkedin.com/in/btunkis/ (last visited November 21, 2022).
[23] https://www.linkedin.com/in/gigi-melrose/ (last visited November 21, 2022).
[24] https://www.linkedin.com/in/chris-pettey-67259916/ (last visited November 21, 2022).

37. For example and without limitation, Jason Kim, Meta's Global Director of Data and Analytics works in Meta's offices in this District.[25]

38. For example and without limitation, Steven Gonzales, Meta's Director of Engineering works in Meta's offices in this District.[26]

39. For example and without limitation, Andrew Pottenger, Meta's Engineering Manager works in Meta's offices in this District.[27]

40. For example and without limitation, Usman Tanveer, Meta's Data Engineering Tech Lead works in Meta's offices in this District.[28]

41. For example and without limitation, Namaz Gurbanov, Meta's Technical Lead for Facebook managing "[c]reating [a] roadmap for the team that aligns with the strategic vision of the organization" works in Meta's offices in this District.[29]

42. For example and without limitation, Suba Vasudevan, Meta's Vice President for Business Integrity & Platform Ops (Meta/Facebook) works in Meta's offices in this District.[30]

43. For example and without limitation, A. Charles Thomas, Meta's Vice President for Data Science, Strategy and Operations (across Facebook, Instagram, Messenger, and WhatsApp) works in Meta's offices in this District.[31]

44. For example and without limitation, Andrew Martens, Meta's Manager for Product Management - Global Operations works in Meta's offices in this District.[32]

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[25] https://www.linkedin.com/in/jasonikim/ (last visited November 21, 2022).
[26] https://www.linkedin.com/in/steven-gonzales-1951b360/ (last visited November 21, 2022).
[27] https://www.linkedin.com/in/apottenger/ (last visited November 21, 2022).
[28] https://www.linkedin.com/in/utanveer/ (last visited November 21, 2022).
[29] https://www.linkedin.com/in/namazgurbanov/ (last visited November 21, 2022).
[30] https://www.linkedin.com/in/subavasudevan/ (last visited November 21, 2022).
[31] https://www.linkedin.com/in/acharlesthomas/ (last visited November 21, 2022).
[32] https://www.linkedin.com/in/andrew-martens-b34020138/ (last visited November 21, 2022).

45. For example and without limitation, Alessandra Motta, Meta's Strategic Partner Manager(AMER) for App Monetization works in Meta's offices in this District.[33]

46. For example and without limitation, Isabella L., Meta's Privacy & Policy Manager at Facebook works in Meta's offices in this District.[34]

47. For example and without limitation, Adebayo Ajibad, Meta's Staff Software Engineer, former Lead Software Engineer for Facebook, and Senior Software Engineer for Instagram who "was a huge part of building media tagging framework between creative studio and Instagram app that serve billions of people across the world" works in Meta's offices in this District.[35]

48. For example and without limitation, the above-named individuals have been integrally involved in the infringing products and/or services in this District, and therefore, Plaintiff intends to call them to testify at trial.

49. On information and belief, there are additional key witnesses in this District, who work on products or in subject matters related to the products that are relevant to the core accused social media functionalities, and Plaintiff intends to call at trial.

50. On information and belief, there are key witnesses who work in other divisions of Meta Platforms or Meta Technologies, including those who perform finance and marketing functions related to the accused social media functionalities, that are located in this District, and will be called as witnesses at trial for, among other things, the purposes of quantifying and substantiating damages in this case.

[33] https://www.linkedin.com/in/alessandra-motta-28280a15/ (last visited November 21, 2022).
[34] https://www.linkedin.com/in/isabella-l-993a8a7a/ (last visited November 21, 2022).
[35] https://www.linkedin.com/in/adebayo-ajibade-a2094a4a/ (last visited November 21, 2022).

51. On information and belief, there are key witnesses in this District who have first-hand knowledge regarding the Accused Instrumentalities including without limitation the accused social media functionalities and the valuation of the associated tangible and intellectual property.

52. On information and belief, there are key non-party witnesses, including without limitation former Meta employees, located in this District who have factual first-hand knowledge regarding the Accused Instrumentalities and other facts important for this litigation.

53. For example and without limitation, Michael Evans, formerly Data Analyst with Meta (now with Apple), lives and works in this District.[36]

54. For example and without limitation, Mark Roberts, formerly Meta's Lead Data Engineer (now with Indeed.com), lives and works in this District.[37]

55. For example and without limitation, Garnett Thompson, formerly Meta's Hardware Engineer (now Principal Systems Engineer for Microsoft), lives and works in this District.[38]

56. For example and without limitation, Jose R. Diaz Palacios, formerly Meta's Senior Software Engineer (now Senior Software Engineer for Upside), lives and works in this District.[39]

57. On information and belief, the majority of documents relevant to this litigation are accessible by Defendants through its offices in this District.

58. On information and belief, Meta maintains a data center in this District.

59. On information and belief, this data center hosts, among other things, information related to the Defendants' infringing social media applications and software.

[36] See https://www.linkedin.com/in/michael-evans-133b0850 (last visited November 21, 2022).
[37] https://www.linkedin.com/in/wizzat/ (last visited November 21, 2022).
[38] See https://www.linkedin.com/in/garnett-thompson-66717a1 (last visited November 21, 2022).
[39] See https://www.linkedin.com/in/jrdpalacios/ (last visited November 21, 2022).

60. Meta Platforms, under its prior corporate name, Facebook, Inc., has in past patent infringement actions agreed to venue in this District. For example, Meta Platforms sought an intra-district transfer from the Waco to Austin Division of this District and was denied. *See* Order Denying Motion to Transfer at 2, *USC IP Partnership, L.P. v. Facebook, Inc.*, No. 6-20-CV-00555-ADA, ECF No. 45 (W.D. Tex. Mar. 8, 2021).

## THE PATENTS-IN-SUIT

61. On July 29, 2014, United States Patent No. 8,793,336 B2 ("the '336 patent"), entitled "METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS" was duly and legally issued by the United States Patent and Trademark Office ("USPTO") to David Walker Harper, Jason James Sabella, and William Henry Munch. A true and correct copy of the '336 patent is attached hereto as **Exhibit A**.

62. The '336 patent claims patent-eligible subject matter and is valid and enforceable.

63. MDT is the exclusive owner by assignment of all rights, title, and interest in the '336 patent, including the right to bring this suit for injunctive relief and damages, and including the right to sue and recover all past, present, and future damages for infringement of the '336 patent.

64. Defendants do not have a license to the '336 patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '336 patent whatsoever.

65. On September 2, 2014, United States Patent No. 8,825,801 B2 ("the '801 patent"), entitled "METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS" was duly and legally issued by the USPTO to David Walker Harper, Jason James

Sabella, and William Henry Munch. A true and correct copy of the '801 patent is attached hereto as **Exhibit B**.

66. The '801 patent claims patent-eligible subject matter and is valid and enforceable.

67. MDT is the exclusive owner by assignment of all rights, title, and interest in the '801 patent, including the right to bring this suit for injunctive relief and damages, and including the right to sue and recover all past, present, and future damages for infringement of the '801 patent.

68. Defendants do not have a license to the '801 patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '801 patent whatsoever.

69. On May 12, 2015, United States Patent No. 9,032,039 B2 ("the '039 patent"), entitled "METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS" was duly and legally issued by the USPTO to David Walker Harper, Jason James Sabella, and William Henry Munch. A true and correct copy of the '039 patent is attached hereto as **Exhibit C**.

70. The '039 patent claims patent-eligible subject matter and is valid and enforceable.

71. MDT is the exclusive owner by assignment of all rights, title, and interest in the '039 patent, including the right to bring this suit for injunctive relief and damages, and including the right to sue and recover all past, present, and future damages for infringement of the '039 patent.

72. Defendants do not have a license to the '039 patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '039 patent whatsoever.

73. On April 11, 2017, United States Patent No. 9,619,578 B2 ("the '578 patent"), entitled "METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS" was duly and legally issued by the USPTO to David Walker Harper, Jason James Sabella, and William Henry Munch. A true and correct copy of the '578 patent is attached hereto as **Exhibit D**.

74. The '578 patent claims patent-eligible subject matter and is valid and enforceable.

75. MDT is the exclusive owner by assignment of all rights, title, and interest in the '578 patent, including the right to bring this suit for injunctive relief and damages, and including the right to sue and recover all past, present, and future damages for infringement of the '578 patent.

76. Defendants do not have a license to the '578 patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '578 patent whatsoever.

77. On March 20, 2018, United States Patent No. 9,922,348 B2 ("the '348 patent"), entitled "METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS" was duly and legally issued by the USPTO to David Walker Harper, Jason James Sabella, and William Henry Munch. A true and correct copy of the '348 patent is attached hereto as **Exhibit E**.

78. The '348 patent claims patent-eligible subject matter and is valid and enforceable.

79. MDT is the exclusive owner by assignment of all rights, title, and interest in the '348 patent, including the right to bring this suit for injunctive relief and damages, and including

the right to sue and recover all past, present, and future damages for infringement of the '348 patent.

80. Defendants do not have a license to the '348 patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '348 patent whatsoever.

81. On November 17, 2020, United States Patent No. 10,839,427 B2 ("the '427 patent"), entitled "METHOD, APPARATUS AND SYSTEM FOR MANAGEMENT OF INFORMATION CONTENT FOR ENHANCED ACCESSIBILITY OVER WIRELESS COMMUNICATION NETWORKS" was duly and legally issued by the USPTO to David Walker Harper, Jason James Sabella, and William Henry Munch. A true and correct copy of the '427 patent is attached hereto as **Exhibit F**.

82. The '427 patent claims patent-eligible subject matter and is valid and enforceable.

83. MDT is the exclusive owner by assignment of all rights, title, and interest in the '427 patent, including the right to bring this suit for injunctive relief and damages, and including the right to sue and recover all past, present, and future damages for infringement of the '427 patent.

84. Defendants do not have a license to the '427 patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '427 patent whatsoever.

85. The '336, '801, '039, '578, '348, and '427 patents are collectively referred to herein as the "MDT Patents" or the "patents-in-suit."

86. Plaintiff has fulfilled its obligations, if any, under 35 U.S.C. § 287.

## ACCUSED INSTRUMENTALITIES

87. Defendants manufacture, use, test, market, offer for sale, sell and/or import into the United States social media and advertising applications and software known as Facebook which

includes, but is not limited to the Facebook mobile app and in-app browser. These social media applications and software allow users to share user-created content with other users via mobile devices through a computerized network.

88. Hereafter, the term "Accused Instrumentalities" or "Accused Products" refers to all products manufactured, used, tested, imported, sold or offered to sell by or on behalf of Defendants practicing the patents-in-suit and all processes employed by Defendants that practice the patents-in-suit, consisting of at least Defendants' social media mobile applications and related software, including without limitation those made available under the Facebook brand.

**ALLEGATIONS RELATED TO INDIRECT INFRINGEMENT**

89. Defendants have knowingly (since at least the date of this Complaint) and intentionally actively aided, abetted and induced others to directly infringe each of the patents-in-suit (such as its customers in this District and throughout the United States).

90. Meta lists on its website, an instruction and step-by-step guide to end users explaining how to utilize the Facebook software under the "Help Center," and online, publicly accessible guide to utilizing the capabilities of the Facebook platform.

91. The "Help Center" includes, for example, a step-by-step guide on how to share photos on using the mobile device application along with the ability to "tag" photos with information.[40]

**FACTUAL ALLEGATIONS RELATED TO WILLFULNESS**

92. Defendants have knowingly (since at least the date of this Complaint) and intentionally actively aided, abetted, and induced others to directly infringe at least one claim of the patents in suit (such as its customers in this District and throughout the United States).

[40] https://www.facebook.com/help/mobile-touch/187741037945488

93. Defendants have been actively aware of the existence of the subject matter of the patents-in-suit. In and around 2010, a former entity brought an infringement suit against Facebook, Inc., the corporate predecessor of Defendants, asserting the U.S. Patent No. 7,599,983.

94. The '983 Patent is within the same family as the Patent-in-Suit and contains an identical disclosure to the Patent-in-Suit.

95. Thus from the prior litigation, Defendants were aware of the subject matter and disclosure of the current patents in suit at least six years prior to the bringing of this lawsuit.

**COUNT I**
**PATENT INFRINGEMENT OF THE '336 PATENT**

96. Plaintiff restates and realleges the preceding paragraphs of this Complaint.

97. Defendants have, under 35 U.S.C. § 271(a), directly infringed, and continue to directly infringe, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 15 of the '336 patent, by making, using, testing, selling, offering for sale and/or importing into the United States Defendants' Accused Instrumentalities.

98. Defendants also indirectly infringe the '336 patent by actively inducing the direct infringement by third parties under 35 U.S.C. § 271(b).

99. Defendants have knowingly (since at least the date of this Complaint) and intentionally actively aided, abetted and induced others to directly infringe at least one claim of the '336 patent (such as its customers in this District and throughout the United States).

100. Defendants continue to induce infringement of the '336 patent.

101. Defendants have contributorily infringed and are contributory infringers because, with knowledge of the '336 patent (since at least the date of this Complaint), they supply a material

part of a claimed combination, where the material part is not a staple article of commerce, and is incapable of substantial noninfringing use.

102. Defendants contribute to their customers' infringement because, with knowledge of the '336 patent, Defendants supply the technology that allows their customers to infringe the '336 patent.

103. Defendants have knowledge that their activities concerning the Accused Instrumentalities infringe one or more claims of the '336 patent.

104. Defendants' customers, such as consumers or end users, have actually infringed claims of the '336 patent by using the Accused Instrumentalities in a manner proscribed by Defendants, and as such, Defendants' customers are direct infringers.

105. On information and belief, Defendants will continue to encourage, aid, or otherwise cause third parties to import, sell, offer for sale, and use the Accused Instrumentalities (which are acts of direct infringement of the '336 patent) and Defendants have and will continue to encourage those acts with the specific intent to infringe one or more claims of the '336 patent.

106. Further, Defendants provide information and technical support to their customers, including promotional materials, product manuals, brochures, videos, demonstrations, and website materials encouraging its customers to purchase and instructing them to use Defendants' Accused Instrumentalities (which are acts of direct infringement of the '336 patent).

107. Alternatively, Defendants know and/or will know that there is a high probability that the importation, sale, offer for sale, and use of the Accused Instrumentalities constitutes direct infringement of the '336 patent but took deliberate actions to avoid learning of these facts.

108. On information and belief, Defendants' infringement of the '336 patent has been willful and merits increased damages.

109. On information and belief, Defendants have known that their activities concerning the Accused Instrumentalities infringed one or more claims of the '336 patent since at least the date of this Complaint.

110. On information and belief, Defendants have made no attempt to design around the claims of the '336 patent.

111. On information and belief, Defendants did not have a reasonable basis for believing that the claims of the '336 patent were invalid.

112. On information and belief, Defendants' Accused Instrumentalities are available to businesses and individuals throughout the United States and in the State of Texas, including in this District.

113. MDT has been damaged as the result of Defendants' willful infringement. Upon information and belief, Defendants will continue to infringe one or more claims of the '336 patent unless and until they are enjoined by this Court.

114. Defendants have caused and will continue to cause MDT irreparable injury and damage by infringing one or more claims of the '336 patent. MDT will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Defendants are enjoined from infringing the claims of the '336 patent.

115. The claim chart attached hereto as **Exhibit G** describes how the elements of an exemplary claim 1 from the '336 patent are infringed by the Accused Instrumentalities. This provides details regarding only one example of Defendants' infringement, and only as to a single patent claim, and Plaintiff reserves its right to provide greater detail and scope via its Preliminary and Final Infringement Contentions at the time required under this Court's scheduling order and local rules.

**COUNT II**
**PATENT INFRINGEMENT OF THE '801 PATENT**

116. Plaintiff restates and realleges the preceding paragraphs of this Complaint.

117. Defendants have, under 35 U.S.C. § 271(a), directly infringed, and continue to directly infringe, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 16 of the '801 patent, by making, using, testing, selling, offering for sale and/or importing into the United States Defendants' Accused Instrumentalities.

118. Defendants also indirectly infringe the '801 patent by actively inducing the direct infringement by third parties under 35 U.S.C. § 271(b).

119. Defendants have knowingly (since at least the date of this Complaint) and intentionally actively aided, abetted and induced others to directly infringe at least one claim of the '801 patent (such as its customers in this District and throughout the United States).

120. Defendants continue to induce infringement of the '801 patent.

121. Defendants have contributorily infringed and are contributory infringers because, with knowledge of the '801 patent (since at least the date of this Complaint), they supply a material part of a claimed combination, where the material part is not a staple article of commerce, and is incapable of substantial noninfringing use.

122. Defendants contribute to their customers' infringement because, with knowledge of the '801 patent, Defendants supply the technology that allows their customers to infringe the '801 patent.

123. Defendants have knowledge that their activities concerning the Accused Instrumentalities infringe one or more claims of the '801 patent.

124. Defendants' customers, such as consumers or end users, have actually infringed claims of the '801 patent by using the Accused Instrumentalities in a manner proscribed by Defendants, and as such, Defendants' customers are direct infringers.

125. On information and belief, Defendants will continue to encourage, aid, or otherwise cause third parties to import, sell, offer for sale, and use the Accused Instrumentalities (which are acts of direct infringement of the '801 patent) and Defendants have and will continue to encourage those acts with the specific intent to infringe one or more claims of the '801 patent.

126. Further, Defendants provide information and technical support to their customers, including promotional materials, product manuals, brochures, videos, demonstrations, and website materials encouraging its customers to purchase and instructing them to use Defendants' Accused Instrumentalities (which are acts of direct infringement of the '801 patent).

127. Alternatively, Defendants know and/or will know that there is a high probability that the importation, sale, offer for sale, and use of the Accused Instrumentalities constitutes direct infringement of the '801 patent but took deliberate actions to avoid learning of these facts.

128. On information and belief, Defendants' infringement of the '801 patent has been willful and merits increased damages.

129. On information and belief, Defendants have known that their activities concerning the Accused Instrumentalities infringed one or more claims of the '801 patent since at least the date of this Complaint.

130. On information and belief, Defendants have made no attempt to design around the claims of the '801 patent.

131. On information and belief, Defendants did not have a reasonable basis for believing that the claims of the '801 patent were invalid.

132. On information and belief, Defendants' Accused Instrumentalities are available to businesses and individuals throughout the United States and in the State of Texas, including in this District.

133. MDT has been damaged as the result of Defendants' willful infringement. Upon information and belief, Defendants will continue to infringe one or more claims of the '801 patent unless and until they are enjoined by this Court.

134. Defendants have caused and will continue to cause MDT irreparable injury and damage by infringing one or more claims of the '801 patent. MDT will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Defendants are enjoined from infringing the claims of the '801 patent.

135. The claim chart attached hereto as **Exhibit H** describes how the elements of an exemplary claim 25 from the '801 patent are infringed by the Accused Instrumentalities. This provides details regarding only one example of Defendants' infringement, and only as to a single patent claim, and Plaintiff reserves its right to provide greater detail and scope via its Preliminary and Final Infringement Contentions at the time required under this Court's scheduling order.

**COUNT III**
**PATENT INFRINGEMENT OF THE '039 PATENT**

136. Plaintiff restates and realleges the preceding paragraphs of this Complaint.

137. Defendants have, under 35 U.S.C. § 271(a), directly infringed, and continue to directly infringe, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 14 of the '039 patent, by making, using, testing, selling, offering for sale and/or importing into the United States Defendants' Accused Instrumentalities.

138. Defendants also indirectly infringe the '039 patent by actively inducing the direct infringement by third parties under 35 U.S.C. § 271(b).

139. Defendants have knowingly (since at least the date of this Complaint) and intentionally actively aided, abetted and induced others to directly infringe at least one claim of the '039 patent (such as its customers in this District and throughout the United States).

140. Defendants continue to induce infringement of the '039 patent.

141. Defendants have contributorily infringed and are contributory infringers because, with knowledge of the '039 patent (since at least the date of this Complaint), they supply a material part of a claimed combination, where the material part is not a staple article of commerce, and is incapable of substantial noninfringing use.

142. Defendants contribute to their customers' infringement because, with knowledge of the '039 patent, Defendants supply the technology that allows their customers to infringe the '039 patent.

143. Defendants have knowledge that their activities concerning the Accused Instrumentalities infringe one or more claims of the '039 patent.

144. Defendants' customers, such as consumers or end users, have actually infringed claims of the '039 patent by using the Accused Instrumentalities in a manner proscribed by Defendants, and as such, Defendants' customers are direct infringers.

145. On information and belief, Defendants will continue to encourage, aid, or otherwise cause third parties to import, sell, offer for sale, and use the Accused Instrumentalities (which are acts of direct infringement of the '039 patent) and Defendants have and will continue to encourage those acts with the specific intent to infringe one or more claims of the '039 patent.

146. Further, Defendants provide information and technical support to their customers, including product manuals, brochures, videos, demonstrations, and website materials encouraging its customers to purchase and instructing them to use Defendants' Accused Instrumentalities (which are acts of direct infringement of the '039 patent).

147. Alternatively, Defendants know and/or will know that there is a high probability that the importation, sale, offer for sale, and use of the Accused Instrumentalities constitutes direct infringement of the '039 patent but took deliberate actions to avoid learning of these facts.

148. On information and belief, Defendants' infringement of the '039 patent has been willful and merits increased damages.

149. On information and belief, Defendants have known that their activities concerning the Accused Instrumentalities infringed one or more claims of the '039 patent since at least the date of this Complaint.

150. On information and belief, Defendants have made no attempt to design around the claims of the '039 patent.

151. On information and belief, Defendants did not have a reasonable basis for believing that the claims of the '039 patent were invalid.

152. On information and belief, Defendants' Accused Instrumentalities are available to businesses and individuals throughout the United States and in the State of Texas, including in this District.

153. MDT has been damaged as the result of Defendants' willful infringement. Upon information and belief, Defendants will continue to infringe one or more claims of the '039 patent unless and until they are enjoined by this Court.

154. Defendants have caused and will continue to cause MDT irreparable injury and damage by infringing one or more claims of the '039 patent. MDT will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Defendants are enjoined from infringing the claims of the '039 patent.

155. The claim chart attached hereto as **Exhibit I** describes how the elements of an exemplary claim 19 from the '039 patent are infringed by the Accused Instrumentalities. This provides details regarding only one example of Defendants' infringement, and only as to a single patent claim, and Plaintiff reserves its right to provide greater detail and scope via its Preliminary and Final Infringement Contentions at the time required under this Court's scheduling order.

## COUNT IV
## PATENT INFRINGEMENT OF THE '578 PATENT

156. Plaintiff restates and realleges the preceding paragraphs of this Complaint.

157. Defendants have, under 35 U.S.C. § 271(a), directly infringed, and continue to directly infringe, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 14 of the '578 patent, by making, using, testing, selling, offering for sale and/or importing into the United States Defendants' Accused Instrumentalities.

158. Defendants also indirectly infringe the '578 patent by actively inducing the direct infringement by third parties under 35 U.S.C. § 271(b).

159. Defendants have knowingly (since at least the date of this Complaint) and intentionally actively aided, abetted and induced others to directly infringe at least one claim of the '578 patent (such as its customers in this District and throughout the United States).

160. Defendants continue to induce infringement of the '578 patent.

161. Defendants have contributorily infringed and are contributory infringers because, with knowledge of the '578 patent (since at least the date of this Complaint), they supply a material part of a claimed combination, where the material part is not a staple article of commerce, and is incapable of substantial noninfringing use.

162. Defendants contribute to their customers' infringement because, with knowledge of the '578 patent, Defendants supply the technology that allows their customers to infringe the '578 patent.

163. Defendants have knowledge that their activities concerning the Accused Instrumentalities infringe one or more claims of the '578 patent.

164. Defendants' customers, such as consumers or end users, have actually infringed claims of the '578 patent by using the Accused Instrumentalities in a manner proscribed by Defendants, and as such, Defendants' customers are direct infringers.

165. On information and belief, Defendants will continue to encourage, aid, or otherwise cause third parties to import, sell, offer for sale, and use the Accused Instrumentalities (which are acts of direct infringement of the '578 patent) and Defendants have and will continue to encourage those acts with the specific intent to infringe one or more claims of the '578 patent.

166. Further, Defendants provide information and technical support to their customers, including product manuals, brochures, videos, demonstrations, and website materials encouraging its customers to purchase and instructing them to use Defendants' Accused Instrumentalities (which are acts of direct infringement of the '578 patent).

167. Alternatively, Defendants know and/or will know that there is a high probability that the importation, sale, offer for sale, and use of the Accused Instrumentalities constitutes direct infringement of the '578 patent but took deliberate actions to avoid learning of these facts.

168. On information and belief, Defendants' infringement of the '578 patent has been willful and merits increased damages.

169. On information and belief, Defendants have known that their activities concerning the Accused Instrumentalities infringed one or more claims of the '578 patent since at least the date of this Complaint.

170. On information and belief, Defendants have made no attempt to design around the claims of the '578 patent.

171. On information and belief, Defendants did not have a reasonable basis for believing that the claims of the '578 patent were invalid.

172. On information and belief, Defendants' Accused Instrumentalities are available to businesses and individuals throughout the United States and in the State of Texas, including in this District.

173. MDT has been damaged as the result of Defendants' willful infringement. Upon information and belief, Defendants will continue to infringe one or more claims of the '578 patent unless and until they are enjoined by this Court.

174. Defendants have caused and will continue to cause MDT irreparable injury and damage by infringing one or more claims of the '578 patent. MDT will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Defendants are enjoined from infringing the claims of the '578 patent.

175. The claim chart attached hereto as **Exhibit J** describes how the elements of an exemplary claim 1 from the '578 patent are infringed by the Accused Instrumentalities. This provides details regarding only one example of Defendants' infringement, and only as to a single patent claim, and Plaintiff reserves its right to provide greater detail and scope via its Preliminary and Final Infringement Contentions at the time required under this Court's scheduling order.

## COUNT V
## PATENT INFRINGEMENT OF THE '348 PATENT

176. Plaintiff restates and realleges the preceding paragraphs of this Complaint.

177. Defendants have, under 35 U.S.C. § 271(a), directly infringed, and continue to directly infringe, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 8 of the '348 patent, by making, using, testing, selling, offering for sale and/or importing into the United States Defendants' Accused Instrumentalities.

178. Defendants also indirectly infringe the '348 patent by actively inducing the direct infringement by third parties under 35 U.S.C. § 271(b).

179. Defendants have knowingly (since at least the date of this Complaint) and intentionally actively aided, abetted and induced others to directly infringe at least one claim of the '348 patent (such as its customers in this District and throughout the United States).

180. Defendants continue to induce infringement of the '348 patent.

181. Defendants have contributorily infringed and are contributory infringers because, with knowledge of the '348 patent (since at least the date of this Complaint), they supply a material part of a claimed combination, where the material part is not a staple article of commerce, and is incapable of substantial noninfringing use.

182. Defendants contribute to their customers' infringement because, with knowledge of the '348 patent, Defendants supply the technology that allows their customers to infringe the '348 patent.

183. Defendants have knowledge that their activities concerning the Accused Instrumentalities infringe one or more claims of the '348 patent.

184. Defendants' customers, such as consumers or end users, have actually infringed claims of the '348 patent by using the Accused Instrumentalities in a manner proscribed by Defendants, and as such, Defendants' customers are direct infringers.

185. On information and belief, Defendants will continue to encourage, aid, or otherwise cause third parties to import, sell, offer for sale, and use the Accused Instrumentalities (which are acts of direct infringement of the '348 patent) and Defendants have and will continue to encourage those acts with the specific intent to infringe one or more claims of the '348 patent.

186. Further, Defendants provide information and technical support to their customers, including promotional materials, product manuals, brochures, videos, demonstrations, and website materials encouraging its customers to purchase and instructing them to use Defendants' Accused Instrumentalities (which are acts of direct infringement of the '348 patent).

187. Alternatively, Defendants know and/or will know that there is a high probability that the importation, sale, offer for sale, and use of the Accused Instrumentalities constitutes direct infringement of the '348 patent but took deliberate actions to avoid learning of these facts.

188. On information and belief, Defendants' infringement of the '348 patent has been willful and merits increased damages.

189. On information and belief, Defendants have known that their activities concerning the Accused Instrumentalities infringed one or more claims of the '348 patent since at least the date of this Complaint.

190. On information and belief, Defendants have made no attempt to design around the claims of the '348 patent.

191. On information and belief, Defendants did not have a reasonable basis for believing that the claims of the '348 patent were invalid.

192. On information and belief, Defendants' Accused Instrumentalities are available to businesses and individuals throughout the United States and in the State of Texas, including in this District.

193. MDT has been damaged as the result of Defendants' willful infringement. Upon information and belief, Defendants will continue to infringe one or more claims of the '348 patent unless and until they are enjoined by this Court.

194. Defendants have caused and will continue to cause MDT irreparable injury and damage by infringing one or more claims of the '348 patent. MDT will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Defendants are enjoined from infringing the claims of the '348 patent.

195. The claim chart attached hereto as **Exhibit K** describes how the elements of an exemplary claim 13 from the '348 patent are infringed by the Accused Instrumentalities. This provides details regarding only one example of Defendants' infringement, and only as to a single

patent claim, and Plaintiff reserves its right to provide greater detail and scope via its Preliminary and Final Infringement Contentions at the time required under this Court's scheduling order.

**COUNT VI**
**PATENT INFRINGEMENT OF THE '427 PATENT**

196. Plaintiff restates and realleges the preceding paragraphs of this Complaint.

197. Defendants have, under 35 U.S.C. § 271(a), directly infringed, and continue to directly infringe, literally and/or under the doctrine of equivalents, one or more claims, including without limitation at least claim 14 of the '427 patent, by making, using, testing, selling, offering for sale and/or importing into the United States Defendants' Accused Instrumentalities.

198. Defendants also indirectly infringe the '427 patent by actively inducing the direct infringement by third parties under 35 U.S.C. § 271(b).

199. Defendants have knowingly (since at least the date of this Complaint) and intentionally actively aided, abetted and induced others to directly infringe at least one claim of the '427 patent (such as its customers in this District and throughout the United States).

200. Defendants continue to induce infringement of the '427 patent.

201. Defendants have contributorily infringed and are contributory infringers because, with knowledge of the '427 patent (since at least the date of this Complaint), they supply a material part of a claimed combination, where the material part is not a staple article of commerce, and is incapable of substantial noninfringing use.

202. Defendants contribute to their customers' infringement because, with knowledge of the '427 patent, Defendants supply the technology that allows their customers to infringe the '427 patent.

203. Defendants have knowledge that their activities concerning the Accused Instrumentalities infringe one or more claims of the '427 patent.

204. Defendants' customers, such as consumers or end users, have actually infringed claims of the '427 patent by using the Accused Instrumentalities in a manner proscribed by Defendants, and as such, Defendants' customers are direct infringers.

205. On information and belief, Defendants will continue to encourage, aid, or otherwise cause third parties to import, sell, offer for sale, and use the Accused Instrumentalities (which are acts of direct infringement of the '427 patent) and Defendants have and will continue to encourage those acts with the specific intent to infringe one or more claims of the '427 patent.

206. Further, Defendants provide information and technical support to their customers, including promotional materials, product manuals, brochures, videos, demonstrations, and website materials encouraging its customers to purchase and instructing them to use Defendants' Accused Instrumentalities (which are acts of direct infringement of the '427 patent).

207. Alternatively, Defendants know and/or will know that there is a high probability that the importation, sale, offer for sale, and use of the Accused Instrumentalities constitutes direct infringement of the '427 patent but took deliberate actions to avoid learning of these facts.

208. On information and belief, Defendants' infringement of the '427 patent has been willful and merits increased damages.

209. On information and belief, Defendants have known that their activities concerning the Accused Instrumentalities infringed one or more claims of the '427 patent since at least the date of this Complaint.

210. On information and belief, Defendants have made no attempt to design around the claims of the '427 patent.

211. On information and belief, Defendants did not have a reasonable basis for believing that the claims of the '427 patent were invalid.

212. On information and belief, Defendants' Accused Instrumentalities are available to businesses and individuals throughout the United States and in the State of Texas, including in this District.

213. MDT has been damaged as the result of Defendants' willful infringement. Upon information and belief, Defendants will continue to infringe one or more claims of the '427 patent unless and until they are enjoined by this Court.

214. Defendants have caused and will continue to cause MDT irreparable injury and damage by infringing one or more claims of the '427 patent. MDT will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Defendants are enjoined from infringing the claims of the '427 patent.

215. The claim chart attached hereto as **Exhibit L** describes how the elements of an exemplary claim 1 from the '427 patent are infringed by the Accused Instrumentalities. This provides details regarding only one example of Defendants' infringement, and only as to a single patent claim, and Plaintiff reserves its right to provide greater detail and scope via its Preliminary and Final Infringement Contentions at the time required under this Court's scheduling order.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mobile Data Technologies LLC respectfully requests the following relief:

A. A judgment that Defendants have directly infringed either literally and/or under the doctrine of equivalents and continue to directly infringe the MDT Patents set forth in this Complaint;

B. A judgment that Defendants have actively induced infringement and continue to induce infringement of the MDT Patents set forth in this Complaint;

C. A judgment that Defendants have contributorily infringed and continue to contributorily infringe the MDT Patents set forth in this Complaint;

D. A judgment and order requiring Defendants to pay Plaintiff damages under 35 U.S.C. § 284, including treble damages for willful infringement as provided by 35 U.S.C. § 284, and supplemental damages for any continuing post-verdict infringement through entry of the final judgment with an accounting as needed;

E. A judgment that this is an exceptional case within the meaning of 35 U.S.C. § 285 and Plaintiff is therefore entitled to reasonable attorneys' fees;

F. A judgment and order requiring Defendants to pay Plaintiff pre-judgment and post-judgment interest on the damages awarded;

G. A judgment and order awarding a compulsory ongoing royalty;

H. A judgment and order awarding Plaintiff costs associated with bringing this action;

I. A judgment granting a preliminary and permanent injunction that restrains and enjoins Defendants, their officers, directors, divisions, employees, agents, servants, parents, subsidiaries, successors, assigns, and all those in privity, concert or participation with them from directly or indirectly infringing the MDT Patents; and

J. Such further relief as the Court deems just and equitable.

**JURY TRIAL DEMANDED**

Pursuant to FED. R. CIV. P. 38, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: November 23, 2022

Respectfully submitted,

By: /s/ Erick S. Robinson

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