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15 IN THE UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA

17 IFIXIT CORPORATION,
18
19 Plaintiff,
20
21 v.
22 LOCKET IP LLC,
23
24 Defendant.

25 Case No.
26 **COMPLAINT FOR DECLARATORY**
27 **JUDGMENT**
28 **DEMAND FOR JURY TRIAL**

19 Plaintiff iFixit Corporation (“*Plaintiff*” or “*iFixit*”), through its undersigned
20 counsel, hereby submits this Complaint for Declaratory Judgment against Defendant
21 Locket IP LLC (“*Defendant*” or “*Locket IP*”), as follows:

22 **NATURE OF THE ACTION**

23 1. This is an action for a declaratory judgment arising under the patent laws of
24 the United States, Title 35 of the United States Code. iFixit seeks declaratory judgment
25 that it does not infringe U.S. Patent No. 10,514,832 (“’832 Patent”), literally or under the
26 doctrine of equivalents, and that the ’832 Patent is invalid. This action arises from a real
27 and immediate controversy between iFixit and Locket IP regarding whether iFixit infringes
28 any claims of the ’832 Patent.

PARTIES

1
2 2. Plaintiff iFixit Corporation, is a California company organized and existing
3 under the laws of the State of California, with its principal place of business located in San
4 Luis Obispo, California. iFixit is, and at all relevant times was, authorized to transact
5 business in the State of California.

6 3. Upon information and belief, Defendant Locket IP LLC is a corporation
7 organized and existing under the laws of the State of Texas, with a principal place of
8 business located in Frisco, Texas.

9 4. Upon information and belief, Locket IP is the owner by assignment of all
10 rights, title and interest in and under the '832 Patent, entitled "Method for Locating Regions
11 of Interest in a User Interface," which is attached as Exhibit 1.

JURISDICTION AND VENUE

12
13 5. This action arises under the Federal Declaratory Judgment Act, 28 U.S.C. §
14 2201 *et seq.*, and under the patent laws of the United States, Title 35 of the United States
15 Code.

16 6. This Court has subject matter jurisdiction over the claims alleged in this action
17 pursuant to 28 U.S.C. §§ 1331, 1338(a), and 2201 because this action involves claims
18 arising under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, and under the
19 Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. Jurisdiction is also proper
20 because Locket IP is a citizen of a different state than iFixit.

21 7. Locket IP is subject to personal jurisdiction in this Court at least because
22 Locket IP engaged in actions in this District that form the basis of iFixit's claims against
23 Locket IP and that have created a real, live, immediate and justiciable case or controversy
24 between Locket IP and iFixit.

25 8. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because this is
26 the judicial district in which a substantial part of the events giving rise to the claim alleged
27 in this Complaint occurred.

28 9. For these reasons and the reasons set forth below, a substantial controversy

1 exists between the parties which is of sufficient immediacy and reality to warrant
2 declaratory relief.

3 **FACTUAL ALLEGATIONS**

4 10. iFixit is a collaborative effort amongst thousands of fixers, repair-seekers, and
5 translators that helps thousands of people repair their devices every day. iFixit is a how-to
6 website championing the right to repair movement by selling quality repair parts and
7 publishing free wiki online repair guides containing step-by-step instructions for repairing
8 and salvaging consumer electronics and gadgets. As a result of its continued success, iFixit
9 has become an industry recognized leader in the right to repair movement.

10 11. On May 30, 2022, Locket IP, through its counsel IP Edge LLC (“IP Edge”),
11 sent a letter and attached claim chart to iFixit addressed to Kyle Wiens, Chief Executive
12 Officer of iFixit (collectively the “Notice Letter”). A true and accurate copy of the Notice
13 Letter is attached hereto as Exhibit 2, and is incorporated herein in its entirety by reference.

14 12. In the Notice Letter, Locket IP asserts it is the purported owner of the ’832
15 Patent. However, there is no indication of Locket IP’s relation to the ’832 Patent. On its
16 face, the ’832 Patent owner is identified as “Thomson Licensing” of France.

17 13. In the Notice Letter, Locket IP (1) accuses iFixit of infringement of the ’832
18 Patent; (2) identifies iFixit’s website (“ifixit.com”) as an accused instrumentality; (3)
19 outlines alleged conduct attributable to iFixit and alleges that conduct to be infringing; (4)
20 provides a claim chart asserting Locket IP’s theory of iFixit’s infringement of the ’832
21 Patent; and (5) requests a response within two weeks of the aforementioned date of the
22 letter.

23 14. The Notice Letter and claim chart accuse iFixit of activities which Locket IP
24 alleges infringe the ’832 Patent, including “making, using, selling and/or offering for sale,
25 as well as instructing iFixit customers to use [ifixit.com].”

26 15. In the claim chart attached to the Notice Letter, Locket IP specifically
27 identifies ifixit.com (“iFixit Product”) as an accused instrumentality and accuses it of
28 infringing only Claim 1 of the ’832 Patent.

1 16. The Notice Letter sent by Locket IP is signed by its counsel, Mr. Gautham
2 Bodepudi of IP Edge. In the Notice Letter, Locket IP identifies IP Edge as its “licensing
3 advisor.”

4 17. IP Edge through its counsel Rowie Divicay has consistently sent email
5 reminders on June 12, July 19 and August 2, 2022, to iFixit requesting a response to the
6 Notice Letter.

7 18. Upon information and belief, Mr. Bodepudi and IP Edge are linked with
8 several non-practicing entities (“NPE”), e.g., patent trolls, that have acquired large
9 numbers of patent properties from companies with the intention of launching patent
10 infringement suits against companies. Upon information and belief, these patent trolls seek
11 quick settlements by creating risk and exploiting the exorbitant costs of litigation. As a
12 result, they are able to often extract, in aggregate, significant sums.

13 19. Upon information and belief, Mr. Bodepudi and IP Edge are linked with
14 several entities including, but not limited to, Magnolia Licensing LLC, Sunflower
15 Licensing LLC, Bataan Licensing LLC, Diatek Licensing LLC, Freetek Holdings LLC,
16 Triumph IP LLC, Array IP LLC, Hermes Licensing LLC, Kittleg Holdings LLC,
17 Longbeam Technologies LLC, Spiral IP LLC and Wiesblatt Licensing LLC. A true and
18 accurate copy of an August 10, 2021, RPX article discussing IP Edge and its several entities
19 is attached hereto as Exhibit 3, and is incorporated herein in its entirety by reference.

20 20. Several patents, including the ’832 Patent, were originally acquired by
21 Magnolia Licensing LLC from Thomson Licensing and subsequently transferred to Locket
22 IP. A true and accurate copy of the assignment history for the ’832 Patent as retrieved
23 from the Assignment Branch of the United States Patent and Trademark Office is attached
24 hereto as Exhibit 4, and is incorporated herein in its entirety by reference.

25 21. Upon information and belief, IP Edge and its associated entities, including
26 Locket IP, filed about 550 complaints in 2020 alone against 500 different defendants.
27 Upon information and belief, several of the patents that were acquired along with the ’832
28 Patent are the subject of numerous pending litigations in various jurisdictions throughout

1 the United States.

2 22. Upon information and belief, Locket IP has filed, at least, the following cases
3 in connection with enforcement of the '832 Patent: *Locket IP LLC v. TJX Companies, Inc.*,
4 6:22-cv-00549 (W.D. Tex. 2022); *Locket IP LLC v. Office Depot, LLC*, 6:22-cv-00552
5 (W.D. Tex. 2022); *Locket IP LLC v. Nordstrom, Inc.*, 6:22-cv-00548 (W.D. Tex. 2022);
6 *Locket IP LLC v. E-Advance, LLC*, 6:22-cv-00551 (W.D. Tex. 2022); *Locket IP LLC v.*
7 *Dollar General Corporation*, 6:22-cv-00550 (W.D. Tex. 2022); *Locket IP LLC v.*
8 *PetSmart, Inc.*, 6:22-cv-00714 (W.D. Tex. 2022); *Locket IP LLC v. Dick's Sporting Goods,*
9 *Inc.*, 6:22-cv-00713 (W.D. Tex. 2022); *Locket IP LLC v. Redfin Corporation*, 6:22-cv-
10 00715 (W.D. Tex. 2022); and *Locket IP LLC v. ZARA USA, Inc.*, 6:22-cv-00716 (W.D.
11 Tex. 2022). Upon information and belief, at least, the following declaratory judgment
12 actions have been filed against Locket IP in connection with the '832 Patent: *Hawaii Life*
13 *Real Estate Services, LLC v. Locket IP, LLC*, 1:22-cv-00080 (D. Haw. 2022) and *Bungalow*
14 *Living, Inc. v. Locket IP LLC*, 3:22-cv-04110 (N.D. Cal. 2022). Therefore, because Locket
15 IP and other third parties have at least filed several cases involving the '832 Patent, iFixit
16 has a reasonable apprehension of enforcement of the '832 Patent against it.

17 23. Upon information and belief, IP Edge and Locket IP's purpose of obtaining
18 the '832 Patent along with the other patents was to assert the patents against companies
19 such as iFixit to impair their ability to do business unless they hand over significant
20 licensing sums in response to Locket IP's predatory and baseless practices.

21 24. Upon information and belief, IP Edge provides substantive enforcement
22 counsel to its various associated entities including Locket IP.

23 25. Upon information and belief, Locket IP offers no products or services aside
24 from its licensing of the '832 Patent, and it exists solely for that purpose.

25 26. iFixit and Locket IP have a clear conflict of asserted rights against one
26 another, and an actual controversy exists between iFixit and Locket IP with respect to the
27 '832 Patent.

28 27. As a result of Locket IP's actions, iFixit has a reasonable apprehension of

1 enforcement of the '832 Patent against it. Therefore, iFixit files this action in order to
2 resolve an actual and justiciable controversy between itself and Locket IP hereto.

3 **The Subject Matter Claimed in the '832 Patent**

4 28. The '832 Patent is directed to the abstract idea of accessing and searching a
5 database of known television program display cards.

6 29. The purported invention, which is directed toward “a user interface that
7 displays a number of cards or windows”, allowing a user to “implement a command where
8 the user interface will automatically change the position of the displayed cards to show
9 regions of interest which are the parts of the cards that a user may have interest [sic] in”
10 and “cards which do not have regions of interest are removed from a display area and such
11 cards are replaced with new cards that do have regions of interest” is nothing more than a
12 routine business method of using a television guide to filter and sort out programming
13 based on user preferences.

14 30. Upon information and belief, the '832 Patent is directed to a known method
15 of organizing and displaying television programming data based on user preferences.

16 **COUNT I**

17 **Request for Declaratory Judgment of Non-Infringement of**

18 **U.S. Patent No. 10,514,832**

19 31. iFixit incorporates and realleges each allegation contained in prior paragraphs
20 of this Complaint, as though fully set forth herein.

21 32. There is an actual and justiciable controversy between iFixit and Locket IP
22 concerning infringement of the '832 Patent.

23 33. iFixit has not infringed and does not infringe either literally or under the
24 doctrine of equivalents any claim of the '832 Patent, including Claim 1 asserted by Locket
25 IP, directly, contributorily, or by inducement.

26 34. The iFixit Product does not, *inter alia*, generate a plurality of cards, nor
27 determine regions of interest within each of a plurality of cards nor enable a user to see at
28 least one region of interest included within each of a first group of a plurality of cards in

1 one display. The iFixit product also does not reposition a plurality of cards to remove cards
2 not included in a first group of plurality of cards from the display area. Thus, the iFixit
3 Product does not infringe asserted Claim 1 of the '832 Patent either literally or under the
4 doctrine of equivalents because it does not include one or more of at least the following
5 claim limitations of Claim 1, literally or under the doctrine of equivalents: “determining,
6 in response to a user command, regions of interest within each of a plurality of cards by
7 searching information indicating previous user preferences”, “updating for display the
8 plurality of cards to visibly show in a display area of a display device the at least one region
9 of interest of multiple cards included in a first group of the plurality of cards,” “wherein
10 said updating includes repositioning the plurality of cards to remove cards not included in
11 the first group from the display area” and “to visibly display the at least one region of
12 interest within all of the multiple cards included in the first group within the display area
13 of the display device.”

14 35. iFixit does not directly infringe asserted Claim 1 of the '832 Patent because it
15 does not perform each and every element of asserted Claim 1, for at least the reasons set
16 forth above with respect to no underlying direct infringement of Claim 1 of the '832 Patent.

17 36. iFixit does not actively induce its customers to infringe asserted Claim 1 of
18 the '832 Patent for at least the reasons stated above with respect to no underlying direct
19 infringement of Claim 1 of the '832 Patent.

20 37. iFixit does not actively contribute to its customers' infringement of Claim 1
21 of the '832 Patent for at least the reasons stated above with respect to no underlying
22 infringement of Claim 1 of the '832 Patent.

23 38. iFixit does not indirectly infringe asserted Claim 1 of the '832 Patent because
24 there is no underlying direct infringement of Claim 1 of the '832 Patent by its customers.

25 39. iFixit is entitled to a declaratory judgment that it does not directly or indirectly
26 infringe any claims of the '832 Patent, including asserted Claim 1, either literally or under
27 the doctrine of equivalents.

28 ///

COUNT II

Request for Declaratory Judgment of Invalidity of U.S. Patent No. 10,514,832

40. iFixit incorporates and realleges each allegation contained in prior paragraphs of this Complaint, as though fully set forth herein.

41. There is an actual and justiciable controversy between iFixit and Locket IP concerning validity of the '832 Patent.

42. The claims of the '832 Patent are invalid for failure to comply with one or more of the conditions of patentability under Title 35 of the United States Code and related judicial doctrines, including but not limited to 35 U.S.C. §§ 101, 102, 103, and/or 112.

43. The claims of the '832 Patent are invalid as anticipated under 35 U.S.C. § 102 and/or obvious under 35 U.S.C. § 103 in light of the relevant prior art that disclose each claim element of the '832 Patent prior to the effective filing date of the '832 Patent. For example, asserted Claim 1 of the '832 Patent is anticipated by U.S. Patent Publication No. 2012/0054794 A1 ("Kim"), U.S. Patent Publication No. 2012/0147055 A1 ("Pallakoff"), U.S. Patent Publication No. 2009/0259958 A1 ("Ban"), U.S. Patent Publication No. 2008/0122796 A1 ("Jobs"), and International Publication No. WO 2011/011120 A2 ("Shiplacoff"), each of which discloses each and every element of asserted Claim 1. To the extent asserted Claim 1 is not anticipated by any one of the references, Claim 1 is obvious over Kim to a person of ordinary skill in the art, or in the alternative, over any one of Pallakoff, Ban, Jobs or Shiplacoff in view of Kim. iFixit is not aware of any secondary considerations that could rebut this prima facie case of obviousness.

44. As yet another example, the claims of the '832 Patent are invalid for failing to comply with the requirements of 35 U.S.C. § 112(a) and (b). For example, asserted Claim 1 of the '832 Patent is indefinite under Section 112(a) and fails to meet the written description requirement under Section 112(b) because the limitation "the at least one region of interest of multiple cards" has no antecedent basis and is vague and ambiguous.

45. The claims of the '832 Patent are also invalid under 35 U.S.C. § 101. For example, the claims of the '832 Patent (including asserted Claim 1) are directed to the

1 abstract idea of selecting, sorting, and displaying television program information by user
2 interest or subject matter.

3 46. iFixit is entitled to a declaratory judgment that the claims of the '832 Patent,
4 including asserted Claim 1, are invalid under 35 U.S.C. §§ 101, 102, 103 and/or 112(a) and
5 (b).

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff respectfully requests that this Court enter a final judgment
8 in its favor and against Defendant as follows:

9 1. A declaratory judgment that iFixit has not infringed and does not infringe any
10 of the claims of the '832 Patent, including asserted Claim 1;

11 2. A declaratory judgment that the claims of the '832 Patent, including asserted
12 Claim 1, are invalid under 35 U.S.C. §§ 101, 102, 103 and/or 112(a) and (b);

13 3. Find this to be an exceptional case under 35 U.S.C. § 285, and award iFixit its
14 costs and reasonable attorneys' fees; and

15 4. Award iFixit such other relief as the Court may deem proper.

16 **DEMAND FOR JURY TRIAL**

17 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, iFixit hereby
18 demands a trial by jury on all issues that are triable of right to a jury in this action.

19 Date: New York, New York
20 August 12, 2022

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