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16 *Attorneys for Plaintiff*

17 MOTHERS OF MODERNIZATION LLC

18 **UNITED STATES DISTRICT COURT**

19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 MOTHERS OF MODERNIZATION  
21 LLC,

22 a California corporation,

23 *Plaintiff,*

24 v.

25 COREL CORPORATION,

26 a Canadian corporation,

27 *Defendant.*

Case No.: '23CV0722 BEN WVG

**COMPLAINT FOR PATENT  
INFRINGEMENT – 35 U.S.C. § 271**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Mothers of Modernization, LLC (“MOM”) hereby complains of  
2 Defendant Corel Corporation (“Corel”) and alleges as follows:

3 **NATURE OF THE ACTION**

4 1. This is an action for patent infringement under the patent laws of the United  
5 States, 35 U.S.C. § 271, *et seq.*

6 **THE PARTIES**

7 2. MOM is a California limited liability company with a mailing address at 5650  
8 El Camino Real, Suite 130, Carlsbad, CA 92008.

9 3. Upon information and belief, Corel is a corporation organized and existing  
10 under the laws of Canada, with a place of business at 1600 Carling Avenue, Ottawa, ON  
11 K1Z 8R7, Canada.

12 4. Upon information and belief, Corel sells, offers to sell, and/or uses products  
13 and services throughout the United States, including in this District, and introduces  
14 products and services into the stream of commerce that incorporate infringing technology,  
15 knowing they would be sold and/or used in this District and elsewhere in the United States.

16 **JURISDICTION AND VENUE**

17 5. This Court has original and exclusive subject matter jurisdiction over this  
18 action under 28 U.S.C. §§ 1331 and 1338(a) because MOM’s claims for patent  
19 infringement arise under the laws of the United States, including 35 U.S.C. § 271, *et seq.*

20 6. This Court has personal jurisdiction over Corel because Corel has a  
21 continuous, systematic, and substantial presence in this District; it regularly conducts  
22 business and solicits business within this District; has committed and continues to commit  
23 acts of patent infringement in this District, including, without limitation, by making, using,  
24 selling, and offering for sale Corel software to consumers in this District; and pursuant to  
25 F.R.C.P. 4(k)(2) because the claim arises under federal law, Corel is not subject to  
26 jurisdiction in any states’ courts of general jurisdiction, and the exercise of jurisdiction  
27 comports with due process. Corel purposefully directs activities at residents of this District;  
28 and places Corel software into the stream of commerce with knowledge that such products

1 would be purchased and used in California and this District, which forms a substantial part  
2 of the events giving rise to MOM’s claims.

3 7. Venue is proper in this District under 28 U.S.C. § 1391(b) and (c) because  
4 Corel is a foreign corporation, is subject to the Court’s personal jurisdiction with respect  
5 to this action, and venue is proper as to a foreign defendant in any district. Further, a  
6 substantial part of the events giving rise to Corel’s infringement occurred in this District.

7 **FACTUAL BACKGROUND**

8 8. Green Room Networks (“GRN”) was a small startup founded in 2010 in San  
9 Francisco, CA. GRN commercialized a comment notification system as an add-on to  
10 Dropbox’s file-sharing system called Groupiter. However, once Dropbox, Google Drive,  
11 Citrix, and numerous other cloud collaboration products added comment notifications as a  
12 built-in feature to their widely distributed and often free software, GRN could no longer  
13 maintain a financially viable business. As a result, GRN was forced to abandon operations  
14 and any expectation of return on its capital investment to commercialize its patented  
15 solution.

16 9. MOM was created to support the United States patent system’s proper  
17 functioning and to help innovators such as GRN achieve their constitutional right to  
18 exclusivity or a monetary reward for their protected technology and inventive labors. The  
19 Founding Fathers gave Congress the power “to Promote the Progress of Science and useful  
20 Arts” by giving an economic incentive to inventors. Constitution, Article I, Section 8,  
21 clause 8. That power, and the national patent laws that followed, have stimulated this  
22 country’s economy for more than 200 years.

23 10. To cure the widespread unauthorized use of GRN’s patented technology,  
24 MOM acquired the GRN patent portfolio and offers licenses on fair and reasonable fixed-  
25 payment terms without ongoing royalties. Several leading software companies have  
26 voluntarily taken a license without the need for litigation. Yet, numerous companies like  
27 Corel refuse to engage in licensing discussions and disregard MOM’s patent rights forcing  
28 it to invoke the protections provided to it by the United States Constitution.

1 11. Because MOM’s attempts at engaging Corel in licensing discussions have  
2 been refused, it remains blocked from curing Corel’s unauthorized infringement. The  
3 subject matter claimed in United States Patent No. 9,237,119 (the “’119 patent”) and  
4 United States Patent No. 9,830,332 (the “’332 patent”) (collectively referred to herein as  
5 the “Asserted Patents”) has become an essential collaboration tool, which Corel utilizes  
6 without authorization or compensation to its patent owner.

7 12. On January 12, 2016, the United States Patent and Trademark Office (“PTO”)  
8 duly and lawfully issued the ’119 patent entitled “File-Attendant Messaging.” A true and  
9 correct copy of the ’119 patent is attached hereto as **Exhibit 1**. The patent application that  
10 issued as the ’119 patent was initially filed on July 17, 2013, and claims priority to  
11 Provisional Application No. 61/672,292, filed on July 17, 2012. MOM owns all rights to  
12 the ’119 patent via an Assignment recorded at the PTO on September 8, 2021, at reel/frame  
13 057412/0330.

14 13. On November 17, 2017, the PTO duly and lawfully issued the ’332 patent  
15 entitled “File-Attendant Messaging.” A true and correct copy of the ’332 patent is attached  
16 hereto as **Exhibit 2**. The patent application that issued as the ’332 patent was initially filed  
17 on December 7, 2015, and claims priority to Provisional Application No. 61/672,292, filed  
18 on July 17, 2012. MOM owns all rights to the ’332 patent via an Assignment recorded at  
19 the PTO on September 8, 2021, at reel/frame 057412/0330.

20 14. Notably, during prosecution and in view of the requirements set forth under  
21 35 U.S.C. § 112, after the decision in *Alice Corp. Pty. Ltd. v. CLS. Bank Int’l*, 573 U.S.  
22 208, 212 (2014), and considering the U.S. Patent Office 2014 Interim Guidance on Patent  
23 Subject Matter Eligibility (2014 EIG) (including “Abstract idea examples”) and the July  
24 2015 update on subject matter eligibility (including the “index of eligibility examples” and  
25 “subject matter eligibility court decisions”) the Examiner particularly noticed that:

26  
27 None of the prior art of record teaches or fairly suggests all the claimed  
28 limitations, especially the limitations of in response to detecting  
creation of a data file, identifying [one or more] other computing

1 device[s] within the network system in which the data file creation is to  
2 be synchronized and prompting the user to specify a message to be  
3 communicated to the [one or more other] computing device[s] together  
4 with information that enables the data file creation to be synchronized  
within the other computer system.

5 *Notice of Allowance*, App. Serial No. 13/944,484 (September 8, 2015).

6 15. The Asserted Patents are governed by pre-AIA 35 U.S.C. §§102 and 103 (i.e.,  
7 the patents are first-to-invent patents). At the time of invention, it was significant that “file-  
8 attendant messaging is a tremendous step forward in collaborative data sharing, effecting  
9 communications naturally and intuitively in a way that preserves a meaningful and readily  
10 available history of file creation and revision.” ’119 patent at [2:47-51].

11 16. Corel’s CoreIDRAW software (the “Accused Product”) embodies the subject  
12 matter claimed in the Asserted Patents. For example, the Accused Product features content  
13 collaboration software that allows users to synchronize and share files. Users are given  
14 permission to modify shared files and are also notified about changes made by other users,  
15 for example, markups, edits, or comments added to the file. In addition, notifications may  
16 be transmitted in real-time when shared files are edited, along with any comments about  
17 the changes.

18 17. More specifically, CoreIDRAW implements an identical technique of  
19 “prompting a user of the first computing device to specify a message to be communicated  
20 to the one or more other computing devices in association with the data file  
21 creation/revision,” as found in claim 1 of the ’119 patent and as shown in the screenshots  
22 below.

23 18. Additionally, shown below, the CoreIDRAW browser GUI prompts a user to  
24 “Type here” immediately after a revision (red highlighting) is applied. This example  
25 embodies the claim language of “in response to detecting the data file creation/revision ...  
26 prompting a user of the first computing device to specify a message to be communicated  
27 to the one or more other computing devices in association with the data file  
28 creation/revision.”

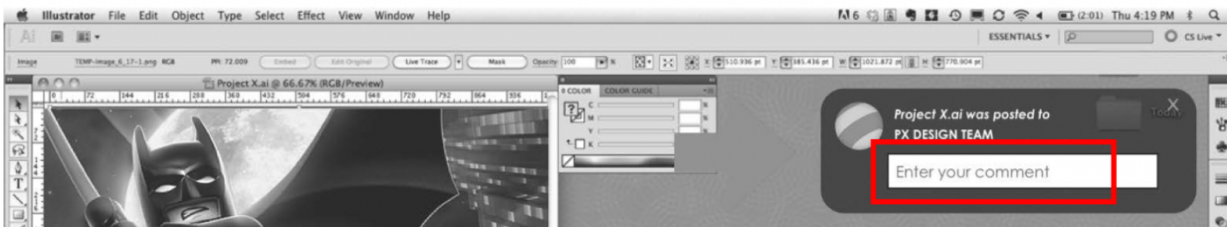


FIG. 1 of '119 patent

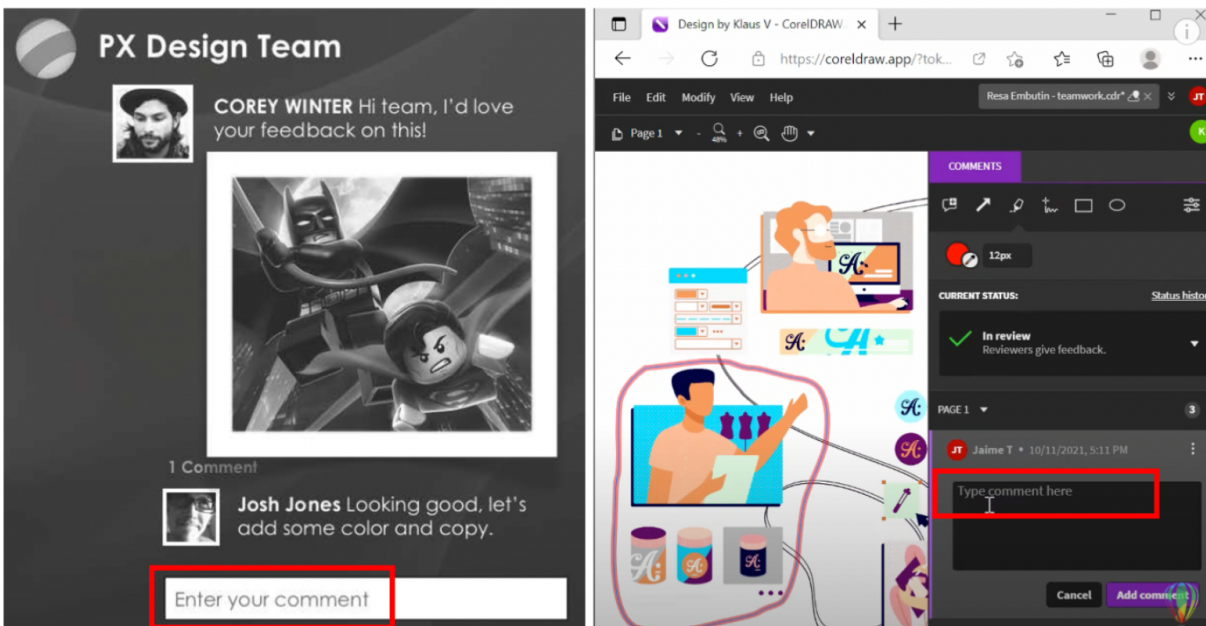


FIG. 2 of '119 patent

CorelDRAW Webinars

19. Upon information and belief, Corel is and has been making, using, selling, offering for sale, importing, and exporting the Accused Product with the Comments inspector feature at least as early March 2020. The CorelDRAW 2020 version (22) was released nearly 10 years after the July 2012 priority date of the Asserted Patents. Corel markets the subject matter of the Asserted Patents as a top feature of its CorelDRAW software. The Accused Product in various editions can be purchased directly at Corel's website coreldraw.com, or through numerous resellers. Corel touts "Join millions of users across thousands of global organizations who use CorelDRAW" and that its CorelDRAW software is "Trusted by millions – Check out reviews from satisfied graphics pros and design teams around the globe." Likewise, "Collaboration – Accelerate your creative process with a cloud-based collaboration workflow that offers a dramatically better way to connect with clients and colleagues on designs in real-time. Gather live comments and annotations from one or many contributors right within your CorelDRAW design file and

1 resolve feedback simultaneously.”

2 20. At least as early as March 3, 2022, Corel became aware of its infringement of  
3 the Asserted Patents. On March 3, 2022<sup>1</sup>, MOM’s undersigned counsel emailed a letter  
4 explaining Corel’s infringement of the Asserted Patents to Corel’s Chief Legal Officer,  
5 Ms. Connie Chen. The letter included exemplary claim charts evidencing Corel’s  
6 infringement of specific claims of the Asserted Patents. Corel did not respond.

7 21. On April 27, 2022, MOM’s undersigned counsel emailed Ms. Chen again. On  
8 October 30, 2022, Ms. Chen acknowledged receipt of the April 27<sup>th</sup> email and advised the  
9 undersigned counsel that Corel has retained outside counsel.

10 22. On November 1, 2022, the undersigned counsel followed up with Ms. Chen  
11 via email having not yet heard from Corel’s outside counsel.

12 23. On November 29, 2022, Corel’s outside counsel, Charhon Callahan Robson  
13 & Garza, PLLC responded via email alleging baseless contentions regarding the Asserted  
14 Patents. On January 12, 2023, the undersigned counsel emailed a letter rebutting Corel’s  
15 allegations. Yet, Corel did not respond. After multiple attempts at licensing the Asserted  
16 Patents, discussions have ceased.

17 24. Accordingly, court intervention is necessary to force Corel to address MOM’s  
18 patent rights.

19 **FIRST CLAIM FOR RELIEF**

20 **(Infringement of the ’119 patent)**

21 25. MOM repeats, realleges, and incorporates by reference the allegations  
22 contained in the previous paragraphs of this Complaint as though fully set forth herein.

23 26. Corel, by and through its agents, officers, directors, resellers, retailers,  
24 employees, and servants, has and is currently infringing the ’119 patent by making, using,  
25 offering to sell, selling, exporting from, and importing into the United States the Accused  
26 Product, which embodies claims set forth in the Asserted Patents.

27  
28  

---

<sup>1</sup> This letter was inadvertently dated March 4, 2022.

1           27. As shown in **Exhibit 3**, the Accused Product embodies each limitation of at  
2 least claims 1-9 of the '119 patent. The Accused Product is a cloud-based software suite  
3 that supports shared files and sends notifications to users when a shared file has been  
4 modified. It includes adding comments or annotations (“detecting creation/revision of a  
5 data file in a first computing device within the networked computing system”); posting a  
6 comment or sending a file link may indicate completion of a revision that is ready for  
7 review by other users (“creation/revision of a data file”); and the file and any changes are  
8 synchronized over the cloud and can be accessed by various devices. As such, the Accused  
9 Product implements “[a] method of enabling communications with respect to a  
10 synchronized data file within a networked computing system,” as recited in claim 1.  
11 Likewise, it incorporates a method that is implemented by a computer wherein “detecting  
12 creation/revision of a data file in a first computing device within the networked computing  
13 system,” as recited in claim 1.

14           28. For example, “using CorelDRAW in conjunction with CorelDRAW.app, you  
15 can collaborate on design projects with others, or any device.” In addition,  
16 CorelDRAW offers a workflow that lets you collaborate with  
17 colleagues and clients with ease.

18           Step 1: Upload your design created in CorelDRAW to the Cloud,  
19 Google Drive, or Microsoft 365; or capture your design ideas on the fly  
20 in CoreDRAW.app. Next, share a link with the stakeholders for review.  
21 For more information, see CorelDRAW.app, CorelDRAW, and Cloud.

22           Step 2: Reviewers open the design in CorelDRAW.app and add  
23 comments and annotations. You are notified when changes are made to  
24 the design. You can receive feedback in real time (live comments) as  
25 you are working on a design that is being reviewed. Any comments and  
26 markup added in CorelDRAW.app appear instantly in the file you have  
27 open in CorelDRAW.

28           Reviewers can also add their comments and suggestions to the file in  
CorelDRAW.

Step 3: Open the reviewed file in CorelDRAW and edit the file based



1 on the reviewers' comments. With the help of the Comments inspector,  
2 you can reply to comments to ask for clarification, resolve comments  
3 as well as add, hide, and delete them.

4 Step 4: Upload your revised design for further review or final approval.

5 In addition, "[a]ccelerate your creative process with a cloud-based collaboration workflow  
6 that offers a dramatically better way to connect with clients and colleagues on designs in  
7 real-time. Gather live comments and annotations from one or many contributors right  
8 within your CorelDRAW design file and resolve feedback simultaneously."

9 29. Consequently, Corel has directly infringed and continues to infringe the '119  
10 patent, either literally or under the doctrine of equivalents. Corel's infringing activities in  
11 the United States and this District include, among other things, making, using, selling, and  
12 offering for sale the Accused Product.

13 30. The infringement chart outlined in **Exhibit 3** sets forth MOM's current  
14 understanding of the Accused Product, which contains only information that Corel has  
15 made publicly available. The chart does not set forth all of MOM's infringement theories.  
16 The Accused Product also embodies other claims set forth in the '119 patent, which will  
17 be disclosed in forthcoming infringement contentions under this District's patent local  
18 rules. MOM reserves the right to amend or supplement its infringement theories upon more  
19 information becoming available through formal discovery and this Court's completing its  
20 claim construction proceedings.

21 31. Upon information and belief, Corel actively induces its customers to directly  
22 infringe the '119 patent by selling the Accused Product directly to consumers who then use  
23 MOM's claimed inventions without authorization. Particularly, through its installation  
24 guide and instruction manual, Corel provides those customers with instructions on how to  
25 operate the Accused Product in violation of the patented method claims of the '119 patent.  
26 For example, Corel requires its users to set permissions to share modified files, receive  
27 notifications regarding comments and changes in modified files, and synchronize files.  
28 Corel directs and controls its customers to perform all the steps recited in at least claims 1-  
9 of the '119 patent upon a user attempting to enjoy all the benefits of Corel's CorelDRAW

1 system. Corel profits and benefits from the use of the infringing CorelDRAW technology  
2 by, among other things, the direct sales of the CorelDRAW product. Corel knew or should  
3 have known that these actions would result in their customers' infringement.

4 32. Upon information and belief, Corel has been aware of its infringement of the  
5 '119 patent as early as March 3, 2022. Corel has made no effort to avoid infringement  
6 despite knowing that its actions were consciously wrongful and deliberate. Accordingly,  
7 Corel's infringement has been and continues to be willful, and this case is exceptional.

8 33. Upon information and belief, Corel has sold the Accused Product with  
9 collaborative messaging for shared files since at least March 2020. Corel's CorelDRAW  
10 starts at a minimum of \$129 per user and has over two and a half million users; therefore,  
11 Corel CorelDRAW generates at least approximately \$325.5M in annual revenue, and such  
12 sales expose Corel to millions in liability for its infringement of the Asserted Patents.

13 34. As a result of Corel's infringement of the '119 patent, MOM has suffered and  
14 will continue to suffer harm and injury, including monetary damages in an amount to be  
15 determined at trial, and is entitled to recovery of such as well as its attorneys' fees.

16 **SECOND CLAIM FOR RELIEF**

17 **(Infringement of the '332 patent)**

18 35. MOM repeats, realleges, and incorporates by reference the allegations  
19 contained in the previous paragraphs of this Complaint as though fully set forth herein.

20 36. Corel, by and through its agents, officers, directors, resellers, retailers,  
21 employees, and servants, has and is currently infringing the '332 patent by making, using,  
22 offering to sell, selling, exporting from, and importing into the United States the Accused  
23 Product, which embodies claims set forth in the Asserted Patents.

24 37. As shown in **Exhibit 4**, the Accused Product embodies each limitation of at  
25 least claims 1-11 of the '332 patent. The Accused Product is a cloud-based software suite  
26 that supports shared files and sends notifications to users when a shared file has been  
27 modified, including adding comments or annotations ("receiving... user input specifying a  
28 revision"); posting a comment or sending a file link may indicate completion of a revision

1 that is ready for review by other users (“user-input specifying closure”); and the file and  
2 any changes are synchronized over the cloud and can be accessed by various devices. As  
3 such, the Accused Product implements “[a] method of enabling communications with  
4 respect to a synchronized data file within a networked computing system,” as recited in  
5 claim 1. Likewise, it incorporates a method that is implemented by a computer wherein  
6 “receiving within [] a first computing device in the networked computing system, user  
7 input specifying a revision to a section of a data file and user-input specifying closure of  
8 the data file,” as recited in claim 1.

9 38. For example, “using CorelDRAW in conjunction with CorelDRAW.app, you  
10 can collaborate on design projects with others, or any device.” In addition,  
11 CorelDRAW offers a workflow that lets you collaborate with  
12 colleagues and clients with ease.

13 Step 1: Upload your design created in CorelDRAW to the Cloud,  
14 Google Drive, or Microsoft 365; or capture your design ideas on the fly  
15 in CoreDRAW.app. Next, share a link with the stakeholders for review.  
16 For more information, see CorelDRAW.app, CorelDRAW, and Cloud.

17 Step 2: Reviewers open the design in CorelDRAW.app and add  
18 comments and annotations. You are notified when changes are made to  
19 the design. You can receive feedback in real time (live comments) as  
20 you are working on a design that is being reviewed. Any comments and  
21 markup added in CorelDRAW.app appear instantly in the file you have  
22 open in CorelDRAW.

23 Reviewers can also add their comments and suggestions to the file in  
24 CorelDRAW.

25 Step 3: Open the reviewed file in CorelDRAW and edit the file based  
26 on the reviewers’ comments. With the help of the Comments inspector,  
27 you can reply to comments to ask for clarification, resolve comments  
28 as well as add, hide, and delete them.

Step 4: Upload your revised design for further review or final approval.

In addition, “[a]ccelerate your creative process with a cloud-based collaboration workflow  
that offers a dramatically better way to connect with clients and colleagues on designs in

1 real-time. Gather live comments and annotations from one or many contributors right  
2 within your CorelDRAW design file and resolve feedback simultaneously.”

3 39. Corel has directly infringed and continues to infringe the '332 patent, either  
4 literally or under the doctrine of equivalents. Corel's infringing activities in the United  
5 States and this District include, among other things, making, using, selling, and offering  
6 for sale the Accused Product.

7 40. The infringement chart outlined in **Exhibit 4** sets forth MOM's current  
8 understanding of the Accused Product, which contains only information that Corel has  
9 made publicly available. The chart does not set forth all of MOM's infringement theories.  
10 The Accused Product embodies other claims set forth in the '332 patent, which will be  
11 disclosed in forthcoming infringement contentions under this District's patent local rules.  
12 MOM reserves the right to amend or supplement its infringement theories upon more  
13 information becoming available through formal discovery and this Court's completing its  
14 claim construction proceedings.

15 41. Upon information and belief, Corel actively induces its customers to directly  
16 infringe the '332 patent by selling the Accused Product direct to consumers who then use  
17 MOM's claimed inventions without authorization. Particularly, through its installation  
18 guide and instruction manual, Corel provides those customers with instructions on how to  
19 operate the Accused Product in violation of the patented method claims of the '332 patent.  
20 For example, Corel requires its users to set permissions to share modified files, receive  
21 notifications regarding comments and changes in modified files, and synchronize files.  
22 Corel directs and controls its customers to perform all the steps recited in at least claims 1-  
23 5 and 9-13 of the '332 patent upon a user attempting to enjoy all the benefits of Corel's  
24 CorelDRAW system. Corel profits and benefits from the use of the infringing CorelDRAW  
25 technology by, among other things, the direct sales of the CorelDRAW product. Corel  
26 knew or should have known that these actions would result in their customers'  
27 infringement.

28 42. Upon information and belief, Corel has been aware of its infringement of the

1 '332 patent as early as March 3, 2022. Corel has made no effort to avoid infringement  
2 despite knowing that its actions were consciously wrongful and deliberate. Accordingly,  
3 Corel's infringement has been and continues to be willful, and this case is exceptional.

4 43. As a result of Corel's infringement of the '332 patent, MOM has suffered and  
5 will continue to suffer harm and injury, including monetary damages in an amount to be  
6 determined at trial, and is entitled to recovery of such as well as its attorneys' fees.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Mothers of Modernization prays for entry of judgment in its favor  
9 and against Corel as follows:

10 a) An Order adjudging Corel to have infringed the Asserted Patents under 35  
11 U.S.C. § 271;

12 b) An award to MOM of a reasonable royalty for Corel's unauthorized use, sale,  
13 export, import, and manufacture of the Accused Product, subject to proof at trial;

14 c) An Order adjudicating that this is an exceptional case;

15 d) An award to MOM of its attorneys' fees and treble damages under 35 U.S.C.  
16 § 285;

17 e) An award of pre-judgment and post-judgment interest and costs of this action  
18 against Corel; and

19 f) For such other and further relief as the Court deems just and proper.

20 Respectfully submitted,

21 Dated: April 19, 2023

22 By: /s/ Adam T. Turosky  
23 Trevor Q. Coddington  
24 Hollie J. Kucera  
25 Adam T. Turosky  
26 Insigne PC  
27 5650 El Camino Real, Suite 130  
28 Carlsbad, CA 92008

*Attorneys for Plaintiff*  
MOTHERS OF MODERNIZATION LLC

**DEMAND FOR A JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury of all issues so triable.

Respectfully submitted,

Dated: April 19, 2023

By: /s/ Adam T. Turosky  
Trevor Q. Coddington  
Hollie J. Kucera  
Adam T. Turosky  
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5650 El Camino Real, Suite 130  
Carlsbad, CA 92008  
  
*Attorneys for Plaintiff*  
MOTHERS OF MODERNIZATION LLC

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