

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BACKERTOP LICENSING LLC,

Plaintiff,

v.

LIGHTSPEED SOLUTIONS, LLC,

Defendant.

CIVIL ACTION NO.: 6:22-cv-1018

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action under the patent laws of the United States, Title 35 of the United States Code, for patent infringement in which Backertop Licensing LLC (“Backertop” or “Plaintiff”) makes the following allegations against Lightspeed Solutions, LLC (d.b.a. Lightspeed Systems) (“Lightspeed” or “Defendant”).

PARTIES

2. Plaintiff is a Texas limited liability company, having its primary office at 2100 14th St., Suite 107 (PMB 1044), Plano, TX 75074 located in Collin County, Texas – within the Eastern District of Texas.

3. Defendant is registered as a limited liability company in the state of Texas, with a principal place of business at 12013 Fitzhugh Rd., Austin, TX 78736. Defendant’s Registered Agent for service of process in Texas appears to be National Registered Agents, Inc., 1999 Bryan St., Suite 900, Dallas, TX 75201.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c), generally, and under 1400(b), specifically. Defendant has a regular and established place of business in this Judicial District, and Defendant has also committed acts of patent infringement in this Judicial District.

6. Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

7. Defendant has infringed, and does infringe, by operating, transacting, and conducting business within the Western District of Texas.

8. Defendant’s primary office in Austin, TX is a regular and established place of business in this Judicial District, and Defendant has committed acts of infringement within this District. Venue is therefore proper in this District under 28 U.S.C. § 1400(b).

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 9,332,385

9. Plaintiff is the owner by assignment of the valid and enforceable United States Patent No. 9,332,385 (“the ‘385 Patent”) entitled “Selectively Providing Content to Users Located Within a Virtual Perimeter” – including all rights to recover for past, present and future acts of infringement. The ‘385 Patent issued on May 3, 2016, and has a priority date of February 13, 2015. A true and correct copy of the ‘385 Patent is attached as Exhibit A.

10. Defendant produces, sells, and offers for sale, cloud based software systems and services – including, but not limited to, Defendant’s mobile device management systems and apps (“Lightspeed Systems”).



**Lightspeed Mobile
Device Management™**

What sets Lightspeed Mobile Device Management™ apart?

Multi-OS: Simplified, multi-OS device management. Comprehensive UI with powerful controls within an intuitive interface.

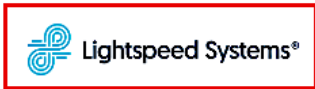
App Management: Push apps and manage app inventory from anywhere. Let users access approved apps. Easily recover and reassign apps.

Policy Restrictions: Ensure policy adherence over the air for WiFi, cameras, OS updates, and more.

11. More specifically, the Lightspeed Systems that Defendant directly makes, uses, sells and offers for sale, are the infringing instrumentalities (“Defendant’s Infringing Instrumentalities” or “Infringing Instrumentalities”).

12. The Defendant’s Infringing Instrumentalities operate based on wireless communication between a mobile device (e.g., student mobile device with the Lightspeed app installed) and at least one campus WiFi access point, to identify a present physical location of a mobile device (e.g., identifying mobile device is on campus).

- | | |
|----------------------------------|----------------------------------|
| ✓ Manage on and off-campus | ✓ Single app mode |
| ✓ iOS, Mac, Windows | ✓ Inventory reports |
| ✓ Device location | ✓ Wi-Fi auto-join Touchless wipe |
| ✓ Real-time dashboards & reports | ✓ Remote configuration |



Why Lightspeed Solutions

Purpose-built for managing devices off- and on-campus, Lightspeed MDM helps district IT administrators to securely manage devices, applications, and policies with real-time visibility and reporting.

[Lightspeed MDM > Policies](#)

Policies - How to Configure On-Campus Lightspeed Mobile Device Management Policies

Feb 25, 2022 · Knowledge

DETAILS

You can configure On-Campus Lightspeed Mobile Device Management policies that only manage devices when they are using your network. This can be particularly useful in bring your own device (BYOD) environments. You can configure On-Campus policies for the following policy types:

- Restrictions
- OS X
- Web Clips
- App Lock
- App Permissions
- App Configurations
- AirPlay
- AirPlay Security
- AirPrint
- Email Domains
- Web Domains
- Systems Rule
- System Managed
- System Control

13. The Defendant's Infringing Instrumentalities configure Wi-Fi profiles for student's mobile devices to automatically join campus networks. A policy message is communicated to a student's mobile device to disable certain apps and websites while on the campus.

Lightspeed MDM > Policies

Policies - Policy Management

Feb 25, 2022 · Knowledge

DETAILS

In Lightspeed Mobile Device Management, devices are controlled through the use of policies. With policies, you can

- Manage passcode behavior
- Set device restrictions such as use of cameras, access to the App Store
- Prevent Wallpapers being modified
- Lock a device to a specific app
- Manage mail and calendars
- Create web shortcuts and push them to devices for easy access to websites

Lightspeed MDM > Policies

Policies - How to Configure On-Campus Lightspeed Mobile Device Management Policies

Feb 25, 2022 · Knowledge

DETAILS

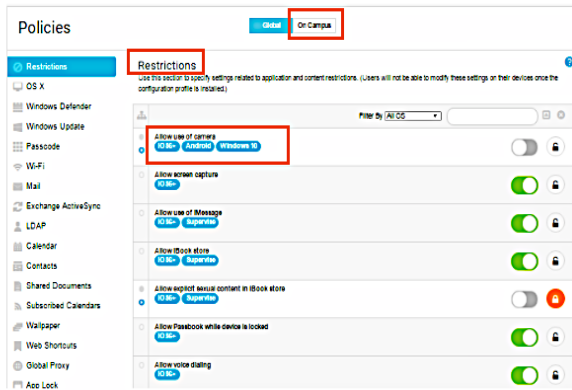
You can configure On-Campus Lightspeed Mobile Device Management policies that only manage devices when they are using your network. This can be particularly useful in bring your own device (BYOD) environments. You can configure On-Campus policies for the following policy types:

- Restrictions
- OS X
- Web Clips
- App Lock
- App Permissions
- App Configurations
- AirPlay
- AirPlay Security
- AirPrint
- Email Domains
- Web Domains
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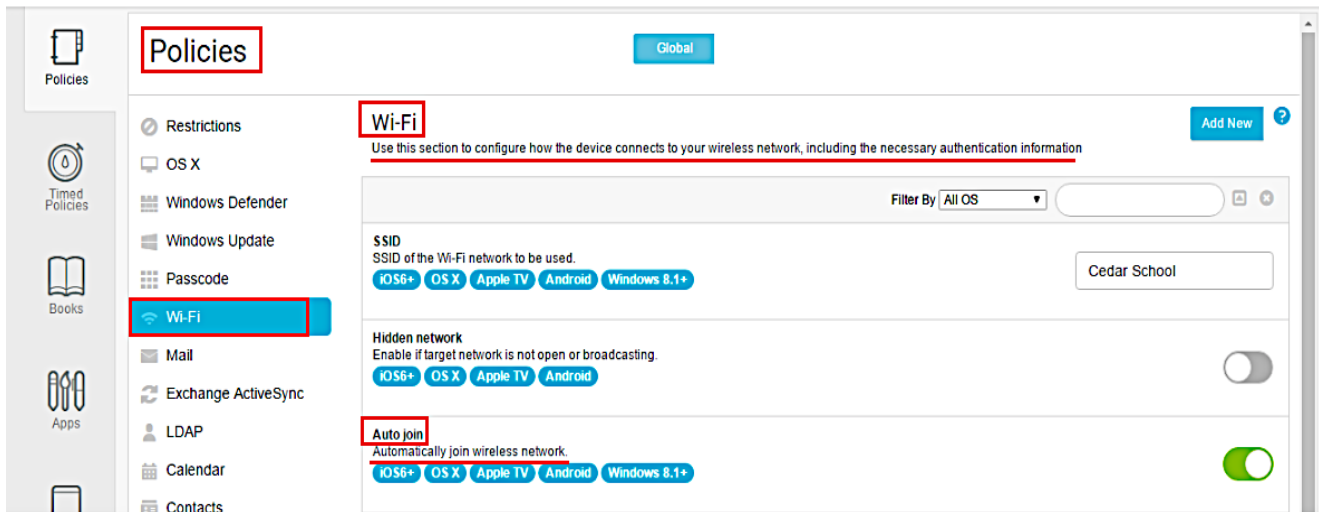
14. The Defendant's Infringing Instrumentalities create policies for Web-Content Filtering to restrict certain websites when the student is on the campus.

Configure the On-Campus Policy

Navigate to the district, school, or group where you want the policy applied to. Click the appropriate policy, which can be Restrictions, Web Clips, App Lock, AirPlay, AirPrint, Systems Rule, System Managed, or System Control. Click On-Campus.



15. The Defendant’s infringing instrumentalities receive communication from the user’s mobile device acknowledging the policy based configuration, which is required for access to, and maintained presence upon, the campus network or network resources.



Lightspeed MDM > Policies

Policies - How to Configure On-Campus Lightspeed Mobile Device Management Policies

Feb 25, 2022 - Knowledge

DETAILS

You can configure On-Campus Lightspeed Mobile Device Management policies that only manage devices when they are using your network. This can be particularly useful in bring your own device (BYOD) environments. You can configure On-Campus policies for the following policy types:

- [Restrictions](#)
- OS X
- Web Clips
- App Lock
- [App Permissions](#)
- App Configurations
- AirPlay
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- AirPrint
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- Web Domains
- Systems Rule
- System Managed
- System Control

16. The Defendant's Infringing Instrumentalities utilize memory on a mobile device by storing the program code for the Infringing Instrumentalities in that memory. That program code is then executed by a processor associated with the mobile device to operate as described herein.

17. Plaintiff herein restates and incorporates by reference paragraphs 10 – 16, above.

18. All recited elements of – at least – claims 1 and 8 of the '385 Patent are present within the structure and/or operation of Defendant's infringing instrumentalities.

19. Defendant's infringing instrumentalities comprise systems that identify a present physical location of a mobile device, based upon wireless communication between the mobile device and at least one beacon.

20. Defendant's infringing instrumentalities determine that the mobile device is located at a particular physical location.

21. Defendant's infringing instrumentalities communicate at least a first message to the mobile device, responsive to determining that the mobile device is located at the particular physical location.

22. Defendant's infringing instrumentalities communicate at least a first message to the mobile device that specifies at least one application to be disabled while the mobile device is present at the physical location.

23. Defendant's infringing instrumentalities receive a response to the first message from the mobile device, indicating that the at least one application is disabled.

24. Defendant's infringing instrumentalities authorize, using a processor, the mobile device to establish presence on a network maintained for the physical location, responsive to the response to the first message.

25. Defendant's infringing instrumentalities infringe – at least – claims 1 and 8 of the '385 Patent.

26. Defendant's infringing instrumentalities literally and directly infringe – at least – claims 1 and 8 of the '385 Patent.

27. Defendant's infringing instrumentalities perform or comprise all required elements of – at least – claims 1 and 8 of the '385 Patent.

28. In the alternative, Defendant's infringing instrumentalities infringe – at least – claims 1 and 8 of the '385 Patent under the doctrine of equivalents. Defendant's infringing instrumentalities perform substantially the same functions in substantially the same manner with substantially the same structures, obtaining substantially the same results, as the required elements of – at least – claims 1 and 8 of the '385 Patent. Any differences between Defendant's infringing instrumentalities and the claims of the '385 Patent are insubstantial.

29. All recited elements of – at least – claims 1 and 8 of the '385 Patent are present within, or performed by, Defendant's infringing instrumentalities.

30. Defendant's infringing instrumentalities, when used and/or operated in their intended manner or as designed, infringe – at least – claims 1 and 8 of the '385 Patent, and Defendant is therefore liable for infringement of the '385 Patent.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

- a. A judgment in favor of Plaintiff that Defendant has infringed the ‘385 Patent;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith, from infringement of the ‘385 Patent;
- c. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant’s infringement of the ‘385 Patent, as provided under 35 U.S.C. § 284;
- d. An award to Plaintiff for enhanced damages resulting from the knowing and deliberate nature of Defendant’s prohibited conduct with notice being made at least as early as the service date of this complaint, as provided under 35 U.S.C. § 284;
- e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys’ fees; and
- f. Any and all other relief to which Plaintiff may show itself to be entitled.

September 29, 2022

Respectfully Submitted,

By: /s/ Ronald W. Burns

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