

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

DIATEK LICENSING LLC,

Plaintiff,

v.

LEGO SYSTEM A/S,

Defendant.

CIVIL ACTION

NO. 6:22-cv-1019

**Jury Trial Demanded**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Diatek Licensing LLC (“Plaintiff”) files this Complaint for Patent Infringement against Defendant, and states as follows:

**THE PARTIES**

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Texas, having its principal office at 3571 Far West Blvd, #3406, Austin, TX 78731.
2. Defendant LEGO System A/S (“Defendant”) is a corporation organized under the laws of Denmark and having a place of business at Aastvej 1, DK-7190 Billund, Denmark.

**JURISDICTION AND VENUE**

3. This Court has exclusive subject matter jurisdiction over this case pursuant to 28 U.S.C. §§ 1331 and 1338(a) on the grounds that this 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, 284, and 285.
4. This Court has personal jurisdiction over Defendant, consistent with due process. On information and belief, Defendant has minimum contacts with the State of Texas, and Defendant has purposefully availed itself of the privileges of conducting business in the State of

Texas. On information and belief, Defendant has engaged in systematic and continuous business activities in this District. On information and belief, Defendant is registered to business in this State and has committed acts of patent infringement giving rise to this action within this District.

5. Venue is proper in this District under 28 U.S.C. § 1391(c) because Defendant is a foreign corporation.

### **FACTUAL BACKGROUND**

#### **U.S. Patent No. 7,079,752**

6. Plaintiff is the owner by assignment of all right, title, and interest in and to United States Patent No. 7,079,752, entitled “Process for Recording a Scrambled MPEG Stream” (“the ’752 patent”), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the USPTO.

7. A true and correct copy of the ’752 patent is attached hereto as Exhibit A. The ’752 patent is incorporated herein by reference.

8. A true and correct copy of the prosecution history for the ’752 patent is attached hereto as Exhibit B and is incorporated herein by reference.

9. The application that became the ’752 patent was filed on November 20, 2000.

10. The ’752 patent issued on July 18, 2006, after a full and fair examination by the USPTO.

11. The ’752 patent is, and is legally presumed to be, valid, enforceable and directed to patent-eligible subject matter.

12. The elements recited in the asserted claims of the ’752 patent were not well-understood, routine, or conventional when the application that became the ’752 patent was filed. The United States Patent & Trademark Office determined that the claims of the ’752 patent were allowable over the prior art of record after a full and fair examination.

13. The claims of the '752 patent, including claims 1 and 15, are directed to technical solutions to technical problems involved in allowing the use of trick mode when reading audio-video data recorded in scrambled form.

14. The '752 patent states that the field of the invention “relates to a process for recording on a recording medium, for example a hard disk, a scrambled audio video digital data stream, for example an MPEG type stream.” '752 patent at 1:6-9. The '752 patent further describes that the invention “also relates to the process for implementing the special mode or ‘trick mode’ function (fast forward, fast rewind, accelerated motion, slow motion, etc.) on the basis of the reading of data stored on a recording medium which consists in reading additional data from the recording medium which includes information required by the special mode and in then reading the data of the medium as a function of these additional data. These data are, for example, pointers to the start of images and to the types of images.” '752 patent at 6:34-42.

15. The '752 patent goes on to state that “[t]he storage of data in scrambled form is currently developing rapidly. For example, the audio video digital data transmitted in compressed and scrambled form are generally recorded in this form so as to control access to these data. They are therefore descrambled only when the corresponding images are viewed. Another example relates to the 1394 digital bus, solutions envisaged within the framework of the exploitation of this digital bus being the transmission of digital data in scrambled form and hence their storage in this form.” '752 patent at 1:13-22.

16. The '752 patent identifies a problem that existed in the art prior to the filing of the application leading to the issuance of the '752 patent: “A problem connected with this recording of digital video data streams in scrambled form relates to the exploitation of particular modes of reading or special modes referred to hereinafter as the ‘trick mode’, using the terminology of the

MPEG standard, this term encompassing among other things the following functions: fast forward, fast rewind, slow motion, accelerated motion, freeze frame. These functions actually require access and fast decoding of these recorded data, conditions which are difficult to make compatible with recording in scrambled mode.” ’752 patent at 1:23-32.

17. The ’752 patent also states that “[t]he aim of the invention is to alleviate the aforesaid drawbacks.” ’752 patent at 1:36-37.

18. The ’752 patent states that the subject of the invention that alleviates the aforesaid drawbacks involves “a process for recording, on a recording medium, a scrambled MPEG stream, characterized in that the scrambled data of the stream are, in parallel with their recording, descrambled so as to extract therefrom additional data corresponding to information required by at least one function of the special mode or ‘trick mode’ (fast forward, fast rewind, accelerated motion, slow motion, etc.) and in that these additional data are also recorded on the recording medium.” ’752 patent at 1:38-46. The ’752 patent also states that one embodiment of the invention involves “a recording medium, characterized in that it contains the data of a scrambled MPEG stream as well as additional data relating to the video data of the stream for the operation of the special mode or ‘trick mode’.” ’752 patent at 1:49-53.

19. The ’752 patent states that the additional data can be, for example, “the pointers and the size of images.” ’752 patent at 1:47-48.

20. The ’752 patent further describes the technical problem addressed by the technical solution provided by the disclosed and claimed invention: “By virtue of the invention, the information required by the special modes are directly exploitable without it being necessary to descramble the recorded data in order to retrieve or calculate this information, thus allowing a fast response to the commands of the operator.” ’752 patent at 2:21-25.

21. The '752 patent further describes the technical solution provided by the disclosed and claimed invention in this way: “The main advantage of the invention is that it allows the use of the trick mode when reading audio and video data recorded in scrambled form.” '752 patent at 2:26-28.

22. The '752 patent explains embodiments for performing the claimed method, including in the section of the '752 patent titled, “Detailed Description of the Preferred Embodiments.” *See, e.g.*, '752 patent at 2:30-40; 2:45-5:35; Figs. 1 & 2.

23. For example, Figures 1 and 2 of the '752 patent, along with the accompanying description in the specification, describe embodiments for practicing the disclosed and claimed invention. '752 patent at 2:30-40; 2:45-5:35; Figs. 1 & 2.

24. The '752 patent also describes additional embodiments of the disclosed invention. *See* '752 patent at 5:44-6:47.

25. For example, the '752 patent describes one embodiment for extracting information, “referred to as ancillary data or additional data, required for the operation of the ‘trick mode’. This information may, among other things, be the size of the images, the pointers defining the image starts, the image types, etc.” '752 patent at 3:14-20.

26. In accordance with this particular embodiment, the '752 patent describes that, “These data are organized so as to construct, during step **5**, a file accompanying the audio video file consisting of the recorded scrambled data relating to the partial stream. The next step **6** consists in recording this accompanying file on the medium. It may also involve the construction of a succession of files, the data relating to the ‘trick mode’ then being recorded in tandem with the recording of the scrambled data.” '752 patent at 3:20-28.

27. The claims of the '752 patent recite inventions claiming one or more of the inventive technical solutions disclosed in the '752 patent. For example, claim 1 of the '752 patent, by reciting the following steps, is directed to an inventive technical solution to a technical problem disclosed in the '752 patent:

1. A process for recording, on a recording medium, a scrambled digital video stream, implementing the following steps, in addition to the recording of the scrambled data:

descrambling of said scrambled data of said stream so as to extract therefrom additional data corresponding to information required by at least one function of the special mode or "trick mode" (fast forward, fast rewind, accelerated motion, slow motion, etc.); and

recording of these additional data on the recording medium.

28. As an additional example, claim 15 of the '752 patent, by reciting the following steps, is directed to an inventive technical solution to a technical problem disclosed in the '752 patent:

15. A process for decoding a scrambled MPEG stream recorded on a recording medium, for implementing a special mode ("trick mode"), comprising the following steps:

reading, from the recording medium, of additional data, other than the scrambled data of the MPEG stream, corresponding to information required by at least one function of the special mode or "trick mode" (fast forward, fast rewind, accelerated motion, slow motion, etc.),

reading, from the recording medium, of scrambled data of the MPEG stream which are determined as a function of the said additional data.

29. The claims of the '752 patent, including claims 1 and 15, were not well-understood, routine, or conventional activities known to the industry before the priority date of the '752 patent. Rather, the claims of the '752 patent, including claims 1 and 15, represent a significant advancement over the prior art. This is evidenced, for example, by the '752 patent's discussion of the problems in the art and the disclosed solutions to those problems, including the

passages quoted herein. It is also evidenced by the PTO's decision to allow the claims of the '752 patent. *See, e.g.*, Ex. B at March 9, 2006, Notice of Allowance.

30. The claims of the '752 patent, including claims 1 and 15 specifically, are not merely directed to the idea of data manipulation. Nor are the claims, including claims 1 and 15 specifically, merely directed to descrambling, extracting, recording, and transmitting video data through the use of a generic computer. This is evidenced by the language of the claims, including claim 1 (quoted above). For example, claim 1 recites, among other things, "descrambling of said scrambled data of said stream so as to extract therefrom additional data corresponding to information required by at least one function of the special mode or 'trick mode' (fast forward, fast rewind, accelerated motion, slow motion, etc.)." As further example, claim 15 recites, among other things, "reading, from the recording medium, of additional data, other than the scrambled data of the MPEG stream, corresponding to information required by at least one function of the special mode or "trick mode" (fast forward, fast rewind, accelerated motion, slow motion, etc.)."

31. The '752 patent teaches that the claimed invention addresses a technical shortcoming in the art, thereby permitting the exploitation of trick modes of operation, which require access and fast decoding of recorded data, compatible with recording in a scrambled mode. '752 patent at 1:23-37. Thus, the '752 patent claims particular technical solutions to address technical problems described in the '752 patent.

32. The inventions recited in the claims of the '752 patent, including claims 1 and 15 specifically, do not merely claim a fundamental practice of data manipulation and having it performed on a computer. As discussed above, the claims of the '752 patent, including claims 1 and 15 specifically, recite technical solutions permitting the use of trick modes of operation in connection with a scrambled digital video stream that were not used prior to the advent of

computers. The '752 patent expressly teaches that this solves a problem in the existing state of the technology. *See, e.g.*, '752 patent at 1:23-37.

33. The inventions recited in the claims of the '752 patent were not utilized prior to the advent of computers, or prior to the filing of the application leading to the '752 patent. Nor were the inventions recited in the '752 patent utilized by traditional VHS players. This is evidenced, for example, by the fact that the claims of the '752 patent were allowed by the U.S. Patent & Trademark Office after a full and fair examination. *See, e.g.*, Ex. B at March 9, 2006, Notice of Allowance.

34. The inventions recited in the claims of the '752 patent do not merely claim trick modes of operation. Rather, as discussed above, they claim a technical solution to technical problems encountered in attempting to provide trick modes of operation in conjunction with a scrambled digital video stream.

**U.S. Patent No. 8,195,828**

35. Plaintiff is the owner by assignment of all right, title, and interest in and to United States Patent No. 8,195,828, entitled "Method for Discontinuous Transmission, in Sections, of Data in a Network of Distributed Stations as well as a Network Subscriber Station as Requesting Appliance for Carrying Out a Method Such as This, and a Network Subscriber Station as a Source Appliance for Carrying Out a Method Such as This" ("the '828 patent"), including the right to sue for all past, present, and future infringement, which assignment was duly recorded in the USPTO.

36. A true and correct copy of the '828 patent is attached hereto as Exhibit C. The '828 patent is incorporated herein by reference.

37. The application that became the '828 patent was filed on November 12, 2004.



38. The '828 patent issued on June 5, 2012, after a full and fair examination by the USPTO.

39. A true and correct copy of the prosecution history for the '828 patent is attached hereto as Exhibit D and is incorporated herein by reference.

40. The '828 patent is, and is legally presumed to be, valid and enforceable and directed to eligible subject matter. The United States Patent & Trademark Office determined that the claims of the '828 patent were allowable over the prior art of record after a full and fair examination.

41. The elements recited in the asserted claims of the '828 patent were not well-understood, routine, or conventional when the application that became the '828 patent was filed.

42. The claims of the '828 patent, including claim 1, are directed to technical solutions to technical problems involving the implementation of trick modes in the transmission of data streams.

43. The '828 patent states that the disclosed “invention relates to the technical field of data transmission in a network of distributed stations, in particular in a so-called domestic network. In this case, the data is transmitted discontinuously, in sections.” '828 patent at 1:18-21.

44. The '828 patent further states that “A working group of the UPnP forum have worked out the UPnP-AV specification, which builds on the general UPnP specification and extends it, for application of the UPnP method to AV appliances. In order to transfer AV data (audio/video data) in a domestic network such as this between a so-called server (source appliance) and a so-called renderer appliance (destination appliance), the UPnP-AV specification stipulates that known transmission protocols should be used for transportation of the data. The so-called HTTP-GET method (HTTP stands for Hyper Text Transfer Protocol) and, in addition,

the so-called RTP method (RTP stands for Real Time Transport Protocol) are mentioned as known protocols in the specification. These two transport mechanisms are available when the network subscriber stations are linked to one another via Ethernet bus connections.” ’828 patent at 1:40-54.

45. The ’828 patent explains that “[t]he HTTP-GET method is based on the TCP method (Transmission Control Protocol), which is a basic connection-oriented transport protocol, in which protected data transmission (with error correction) takes place. The TCP method is in turn built on the Internet Protocol (IP). The HTTP-GET method was developed especially for the transmission of files (for example HTML web pages) from a web server to a web browser. In consequence, it is not adapted for real-time data transmission in sections, for example as occurs on transmitting audio or video data streams. On the other hand, the HTTP-GET method is widely used and is designed to be very simple for the application programmer, so that it is widely popular.” ’828 patent at 1:55-67.

46. The ’828 patent further explains that “The transport mechanism based on the HTTP-GET method is recommended for the transmission of AV data streams in the UPnP specification. The HTTP-GET method was intended primarily for requesting a resource which is available in the network, which in many cases is an existing file, and then to transmit this entirely in one piece to the destination appliances. In addition, the so-called chunked transfer encoding method was introduced in HTTP Version 1.1, as well, and this is intended to be used whenever a resource is to be transmitted whose overall length is not yet entirely known at the time when the transmission starts. In this case, the resource should be transmitted in sections but continuously (that is to say without any gaps).” ’828 patent at 2:12-24.

47. The '828 patent describes that the disclosed invention improves the state of the art regarding the HTTP-Get method by allowing it to be implemented with trick modes of operation: “Against the background of the described prior art, the object of the invention is to extend the transport mechanism based on the HTTP-GET method such that it is also possible to implement so-called trick modes in the transmission of data streams. Trick modes such as these include, for example in the case of AV data streams, fast forward (searching in the forward direction) and fast reverse (searching in the backward direction).” '828 patent at 2:28-35.

48. The '828 patent then describes a technical problem solved by the disclosed and claimed invention: “The invention solves this problem by defining additional parameters for the HTTP-GET method which, for example, relate to the playback speed and playback direction, as well as to the initial position for the playback process.” '828 patent at 2:35-38.

49. The '828 patent provides further detail regarding how it improves the technological state of the art as it existed prior to the invention disclosed and claimed in the '828 patent: “Normally, only individual data blocks are required for the playback process in trick modes such as these, for example only individual video frames are reproduced during a fast forward search through a video film, and other video frames between the reproduced frames are suppressed. Effectively, this therefore results in repeated jumping from one video frame N to a video frame N+X (forward) or N-X (reverse). In order to carry out this discontinuous transmission of the data in sections, it is possible to send out the new type of HTTP GET request with the additional parameters such as, playback speed and playback direction, as well as the initial position for the playback process. The source device sends the requested data sections for the requested trick mode back with a HTTP Get response.” '828 patent at 2:39-52.

50. The '828 patent further explains a technical benefit achieved by an invention disclosed and claimed in the '828 patent by stating the following: "This invention makes it possible to use the simple transport mechanism HTTP-GET for implementation of trick modes for real-time data transmission as well, in particular for AV data. This invention likewise makes it possible to implement so-called navigation commands which, for example, allow a deliberate jump to a position in the data stream which occurs at a specific time or later, for example 15 minutes later than the current playing time." '828 patent at 2:53-60.

51. The '828 patent also indicates a further technical improvement on the art provided by the disclosed and claimed invention, stating: "One advantageous embodiment of the invention is to use the chunked transfer encoding mode in the HTTP-GET method. Specifically, a data section to be reproduced is always transmitted as a chunk. Also, in this case, the data is not transmitted continuously, that is to say without gaps, and, instead, there are other areas which are omitted between the individual transmitted data sections, that is to say this represents discontinuous data transmission, in sections. The time position of each chunk can also be indicated in a commentary line." '828 patent at 2:63-3:6. The '828 patent teaches that this provides a technical benefit: "This has the advantage of having more time accuracy when the current trick mode is stopped or interrupted by a new type of trick mode request." '828 patent at 3:6-8.

52. The '828 patent discloses specific embodiments for performing the claimed method, including in the section of the '828 patent titled, "Detailed Description of the Invention." *See, e.g.*, '828 patent at 3:58-8:8; Figs. 1-8. This includes, for example, an exemplary format of an HTTP-GET request and response in accordance with the disclosed invention. '828 patent at Fig. 2; Fig. 5; 4:55-5:18; 6:13-35.

53. The claims of the '828 patent recite inventions claiming one or more of the technical solutions disclosed in the '828 patent, including claim 1, which is set forth below:

1. A method for discontinuous transmission, in sections, of encoded video data in a network of distributed appliances, the method comprising the following steps:

creation of an HTTP GET request for requesting a fast search operation of an original video stream, the request stating a playback speed parameter and an initial position and optionally at least one parameter selected from a group of parameters consisting of file name, file type, path, and playback direction;

transmission of the HTTP GET request to a source appliance; and

discontinuous transmission, in sections, of selected video frames of an original encoded video stream from the source appliance to a destination appliance in a HTTP response using an extended HTTP chunked transfer encoding mode, in which the selected encoded video frames for the fast search operation are transported in respective chunks, wherein each chunk includes one complete respective selected encoded video frame in a second part and information about a starting time, as located in the original encoded video stream, of the respective selected video frame in a first part, wherein the second part is different from the first part and the information about a starting time of the respective selected video frame being positioned in a commentary line of the first part.

54. The claims of the '828 patent, including claim 1, were not well-understood, routine, or conventional activities known to the industry before the priority date of the '828 patent. Rather, the claims of the '828 patent, including claim 1, represent a significant advancement over the prior art. This is evidenced, for example, by the '828 patent's discussion of the problems in the art and the disclosed solution to those problems, including the passages quoted herein. It is also evidenced by the PTO's decision to allow the claims of the '828 patent. Ex. D at Feb. 14, 2012, Notice of Allowance.

55. The claims of the '828 patent, including claim 1 specifically, are not merely directed to the idea of data manipulation. Nor are the claims, including claim 1 specifically, merely directed to descrambling, extracting, recording, and transmitting video data through the use of a generic computer. This is evidenced by the language of the claims, including claim 1 (quoted above). For example, claim 1 recites, among other things, "creation of an HTTP GET

request for requesting a fast search operation of an original video stream, the request stating a playback speed parameter and an initial position and optionally at least one parameter selected from a group of parameters consisting of file name, file type, path, and playback direction” and “discontinuous transmission, in sections, of selected video frames of an original encoded video stream from the source appliance to a destination appliance in a HTTP response using an extended HTTP chunked transfer encoding mode, in which the selected encoded video frames for the fast search operation are transported in respective chunks, wherein each chunk includes one complete respective selected encoded video frame in a second part and information about a starting time, as located in the original encoded video stream, of the respective selected video frame in a first part, wherein the second part is different from the first part and the information about a starting time of the respective selected video frame being positioned in a commentary line of the first part.”

56. The '828 patent teaches that the claimed inventions address a technical shortcoming in the art, thereby permitting the extension of “the transport mechanism based on the HTTP-GET method such that it is also possible to implement so-called trick modes in the transmission of data streams.” '828 patent at 2:28-32; *see also* '828 patent at 2:35-38 (“The invention solves this problem by defining additional parameters for the HTTP-GET method which, for example, relate to the playback speed and playback direction, as well as to the initial position for the playback process.”); 2:39-52; 2:53-60; and 2:63-3:8. Thus, the '828 patent claims particular technical solutions to address technical problems described in the '828 patent.

57. The inventions recited in the claims of the '828 patent, including claim 1 specifically, were not long-used prior to the advent of computers, including by VHS players or other prior-art technology. Nor do the inventions recited in the claims of the '828 patent,

including claim 1 specifically, merely claim a fundamental practice of data manipulation and having it performed on a computer. As discussed above, the claims of the '828 patent, including claim 1 specifically, recite technical solutions permitting the extension of “the transport mechanism based on the HTTP-GET method such that it is also possible to implement so-called trick modes in the transmission of data streams.” '828 patent at 2:28-32. The '828 patent expressly teaches that this solves a problem in the existing state of the technology. *See, e.g.*, '828 patent at 2:35-38; 2:53-60.

58. The inventions recited in the claims of the '828 patent were not utilized prior to the advent of computers, or prior to the filing of the application leading to the '828 patent. This is evidenced, for example, by the fact that the claims of the '828 patent were allowed by the U.S. Patent & Trademark Office after a full and fair examination. Ex. D at Feb. 14, 2012, Notice of Allowance.

59. The inventions recited in the claims of the '828 patent do not merely claim trick modes of operation. Rather, as discussed above, they claim a technical solution to technical problems, thereby permitting the extension of “the transport mechanism based on the HTTP-GET method such that it is also possible to implement so-called trick modes in the transmission of data streams.” '828 patent at 2:28-32.

60. Traditional VHS players do not involve a method for discontinuous transmission, in sections, of encoded video data in a network of distributed appliances. Rather, VHS, short for Video Home System, utilized analog video recording. Moreover, traditional VHS players did not practice the inventions recited in the claims of the '828 patent. Indeed, a traditional VHS player did not practice any element of claim 1 of the '828 patent. One viewer communicating to another about rewinding a movie 15 seconds or fast-forwarding at a specific speed does not practice any

element of claim 1 of the '828 patent. Selecting either rewind or fast forward and adjusting speed on a controller of a VHS player did not practice any element of claim 1 of the '828 patent (much less all elements). Off-the-shelf technology prior to the invention recited in the '828 patent was not capable of practicing claim 1 of the '828 patent. Sending a fast-forward command or rewind command to a traditional VHS player did not require a file name, the details of an appliance or host, or the start time.

**COUNT I – INFRINGEMENT OF THE '752 PATENT**

61. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

62. Defendant has been and is now making, using, selling, offering for sale, and/or importing products and/or services that incorporate one or more of the inventions claimed in the '752 patent.

63. For example, Defendant infringes at least claim 15 of the '752 patent, either literally or under the doctrine of equivalents, in connection with its utilization of HLS for delivery of content, including to customers and viewers of lego.com, as detailed in the preliminary claim chart attached hereto as Exhibit E and incorporated herein by reference.

64. Defendant's infringing activities are and have been without authority or license under the '752 patent.

65. Plaintiff has been damaged by Defendant's infringement of the '752 patent, and Plaintiff is entitled to recover damages for Defendant's infringement, which damages cannot be less than a reasonable royalty.

**COUNT II – INFRINGEMENT OF THE '828 PATENT**

66. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.



67. Defendant has been and is now making, using, selling, offering for sale, and/or importing products and/or services that incorporate one or more of the inventions claimed in the '828 patent.

68. For example, Defendant infringes at least claim 1 of the '828 patent, either literally or under the doctrine of equivalents, in connection with its utilization of HLS for delivery of content, including to customers and viewers of lego.com, as detailed in the preliminary claim chart attached hereto as Exhibit F and incorporated herein by reference.

69. Defendant's infringing activities are and have been without authority or license under the '828 patent.

70. Plaintiff has been, and continues to be, damaged by Defendant's infringement of the '828 patent, and Plaintiff is entitled to recover damages for Defendant's infringement, which damages cannot be less than a reasonable royalty.

**JURY DEMAND**

Plaintiff demands a trial by jury of all issues so triable.

**PRAYER FOR RELIEF**

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. Entry of judgment that Defendant has infringed one or more claims of the '752 patent,
- B. Entry of judgment that Defendant has infringed one or more claims of the '828 patent,
- C. Damages in an amount to be determined at trial for Defendant's infringement, which amount cannot be less than a reasonable royalty,
- D. Pre-judgment and post-judgment interest on the damages assessed, and

- E. That the Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and expenses in accordance with 35 U.S.C. § 285, and
- F. Such other and further relief, both at law and in equity, to which Plaintiff may be entitled and which the Court deems just and proper.

This 30th day of September, 2022.

/s/ Cortney S. Alexander

Cortney S. Alexander

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