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8 *Attorneys for Plaintiff*
WYOMING INTELLECTUAL
9 PROPERTY HOLDINGS, LLC

10
11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 WYOMING INTELLECTUAL
14 PROPERTY HOLDINGS LLC,
15 a Wyoming limited liability company,

16 Plaintiff

17 v.
18

19 BLAST MOTION, INC.,
20 a California corporation.

21 Defendant.
22

Case No.: **'23CV1489 H WVG**

**PLAINTIFF'S ORIGINAL
COMPLAINT FOR PATENT
INFRINGEMENT**

(35 U.S.C. § 271)

JURY TRIAL DEMANDED

23
24 Wyoming Intellectual Property Holdings, LLC (“Wyoming”) files this First
25 Original Complaint and demand for jury trial seeking relief from patent infringement
26 of the claims of U.S. Patent 9,384,671 (“the ‘671 patent”) (referred to as the “Patent-
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28

1 in-Suit”) by Blast Motion, Inc. (“Blast”).

2
3 **I. THE PARTIES**

4 1. Plaintiff Wyoming Intellectual Property Holdings, LLC., is a Wyoming
5 LLC with its principal place of business located in Cheyenne, Wyoming.

6 2. On information and belief, Blast is a corporation existing under the laws
7 of the State of California, with a regular and established place of business located at
8 5803 Newton Dr., Ste D, Carlsbad, CA 92008. On information and belief, Blast sells
9 and offers to sell products and services throughout California, including in this
10 judicial district, and introduces products and services that perform infringing methods
11 or processes into the stream of commerce knowing that they would be sold in
12 California and this judicial district. Blast may be served through its registered agent,
13 Jason Sorenson, 1780 La Costa Meadows Dr., Ste 101, San Marcos, California 92078,
14 or anywhere they may be found.
15

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18 **II. JURISDICTION AND VENUE**

19 3. This Court has original subject-matter jurisdiction over the entire action
20 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff’s claim arises under an
21 Act of Congress relating to patents, namely, 35 U.S.C. § 271.
22

23 4. This Court has personal jurisdiction over Defendant because: (i) Defendant is
24 present within or has minimum contacts within the State of California and this judicial
25 district; (ii) Defendant has purposefully availed itself of the privileges of conducting
26 business in the State of California and in this judicial district; and (iii) Plaintiff’s cause
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1 of action arises directly from Defendant’s business contacts and other activities in the
2 State of California and in this judicial district.

3
4 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).
5 Defendant has committed acts of infringement and has a regular and established place
6 of business in this District. Further, venue is proper because Defendant conducts
7 substantial business in this forum, directly or through intermediaries, including: (i) at
8 least a portion of the infringements alleged herein; and (ii) regularly doing or
9 soliciting business, engaging in other persistent courses of conduct and/or deriving
10 substantial revenue from goods and services provided to individuals in California and
11 this District.
12
13

14 **III. INFRINGEMENT - Infringement of the ‘671 Patent**

15
16 6. On July 5, 2016, U.S. Patent No. 9,384,671 (“the ‘671 patent”, included as
17 Attachment A) entitled “Instruction Production” was duly and legally issued by the
18 U.S. Patent and Trademark Office. Wyoming owns the ‘671 patent by assignment.
19

20 7. The ‘671 patent relates to a system to identify an action of a user as compared
21 to the standard action.
22

23 8. Blast maintains, operates, and administers a system to analyze a user’s action,
24 a golf swing, and then compare the user’s action to a standard action that infringes
25 one or more claims of the ‘671 patent, including one or more of claims 1 - 20, literally
26 or under the doctrine of equivalents. Defendant put the inventions claimed by the ‘671
27 Patent into service (i.e., used them); but for Defendant’s actions, the claimed-
28

1 inventions embodiments involving Defendant's products and services would never
2 have been put into service. Defendant's acts complained of herein caused those
3 claimed-invention embodiments as a whole to perform, and Defendant's procurement
4 of monetary and commercial benefit from it.
5

6 9. Support for the allegations of infringement may be found in the preliminary
7 table attached as Exhibit B. These allegations of infringement are preliminary and are
8 therefore subject to change.
9

10 10. Blast has and continues to induce infringement. Blast has actively encouraged
11 or instructed others (e.g., its customers and/or the customers of its related companies),
12 and continues to do so, on how to use its products and services (e.g., organizing
13 unstructured data sets by priority) such as to cause infringement of one or more of
14 claims 1 – 20 of the '671 patent, literally or under the doctrine of equivalents.
15 Moreover, Blast has known of the '671 patent and the technology underlying it from
16 at least the filing date of the lawsuit.¹ For clarity, direct infringement is previously
17 alleged in this complaint.
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21 11. Blast has and continues to contributorily infringe. Blast has actively
22 encouraged or instructed others (e.g., its customers and/or the customers of its related
23 companies), and continues to do so, on how to use its products and services (e.g.,
24 organizing unstructured data sets by priority) and related services such as to cause
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27 _____
28 ¹ Plaintiff reserves the right to amend if discovery reveals an earlier date of
knowledge.

1 infringement of one or more of claims 1 – 20 of the ‘671 patent, literally or under the
2 doctrine of equivalents. Further, there are no substantial noninfringing uses for
3 Defendant’s products and services. Moreover, Blast has known of the ‘671 patent
4 and the technology underlying it from at least the filing date of the lawsuit.² For
5 clarity, direct infringement is previously alleged in this complaint.
6
7

8 12. Blast has caused and will continue to cause Wyoming damage by direct and
9 indirect infringement of (including inducing infringement of) the claims of the ‘671
10 patent.
11

12 **IV. PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff prays for relief as follows:
14

- 15 a. enter judgment that Defendant has infringed the claims of the ‘671 patent;
- 16 b. award Plaintiff damages in an amount sufficient to compensate it for
17 Defendant’s infringement of the Patent-in-Suit in an amount no less than a
18 reasonable royalty or lost profits, together with pre-judgment and post-
19 judgment interest and costs under 35 U.S.C. § 284;
- 20 c. award Plaintiff an accounting for acts of infringement not presented at trial and
21 an award by the Court of additional damage for any such acts of infringement;
22
- 23 d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award Plaintiff
24 its attorneys’ fees, expenses, and costs incurred in this action;
25
26

27 _____
28 ² Plaintiff reserves the right to amend if discovery reveals an earlier date of
knowledge.

- 1 e. declare Defendant's infringement to be willful and treble the damages,
2 including attorneys' fees, expenses, and costs incurred in this action and an
3 increase in the damage award pursuant to 35 U.S.C. § 284;
4
5 f. a decree addressing future infringement that either (if) awards a permanent
6 injunction enjoining Defendant and its agents, servants, employees, affiliates,
7 divisions, and subsidiaries, and those in association with Defendant from
8 infringing the claims of the Patents-in-Suit, or (ii) awards damages for future
9 infringement in lieu of an injunction in an amount consistent with the fact that
10 for future infringement the Defendant will be an adjudicated infringer of a valid
11 patent, and trebles that amount in view of the fact that the future infringement
12 will be willful as a matter of law; and
13
14 g. award Plaintiff such other and further relief as this Court deems just and proper.
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16 Dated: August 14, 2023

Respectfully submitted,

RAMEY LLP

/s/ Susan S.Q. Kalra _____

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DEMAND FOR JURY TRIAL

Plaintiff hereby requests a trial by jury on issues so triable by right.

Dated: August 14, 2023

Respectfully submitted,

RAMEY LLP

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