

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

Case No.: 9:23-cv-81367

CLASS TECHNOLOGIES INC.,

Plaintiff,

JURY TRIAL DEMANDED

v.

AK MEETING IP LLC,

Defendant.

_____ /

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff Class Technologies Inc. (“Class”) brings this action against Defendant AK Meeting IP, LLC (“AK Meeting”) and respectfully pleads as follows:

NATURE OF THE ACTION

1. This is an action arising under the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.* and the patent laws of the United States, 35 U.S.C. § 1 *et seq.* Class requests a declaratory judgment of non-infringement of one or more claims of U.S. Patent No. 8,627,211 (the “’211 patent”).

RELATED CASE

2. At least one related case is pending in this District. AK Meeting has sued Anthology Inc. (“Anthology”) for infringement of the ’211 patent in *AK Meeting IP, LLC v. Anthology, Inc.*, No. 9:23-cv-81243-AMC (S.D. Fla. Filed Sept. 9, 2023) (the “Anthology Action”). The Anthology Action is pending before the Honorable Aileen M. Cannon. Upon information and belief, the complaint and summons were served on Anthology on October 3, 2023. In the Anthology Action, AK Meeting accuses the software product Class Collaborate

(“Collaborate”), formerly known as Blackboard Collaborate, of infringing the ’211 patent. Class’s Complaint in this action alleges that Collaborate does *not* infringe the ’211 patent.

THE PARTIES

3. Class is a Delaware corporation with its principal place of business at 1717 N Street, N.W., Washington, D.C. 20036.

4. Upon information and belief, based upon its allegation in the Anthology Action, AK Meeting is a Texas limited liability company with its principal place of business at 5900 Balcones Drive, Suite 100, Austin, Texas 78731.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202.

6. AK Meeting is subject to personal jurisdiction in Florida because AK Meeting filed the Anthology Action alleging infringement of the ’221 patent by Collaborate in the Southern District of Florida.

7. Venue is proper in the Southern District of Florida pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim occurred here: AK Meeting filed the Anthology Action alleging infringement of the ’221 patent by Collaborate.

GENERAL ALLEGATIONS

8. AK Meeting alleges that it owns, by assignment, the ’211 patent, entitled “Method, Apparatus, System, Medium, and Signals for Supporting Pointer Display in a Multi-Party Communication,” which issued on January 7, 2014. The ’211 patent is attached as Exhibit 1

9. On September 9, 2023, AK Meeting filed the Anthology Action in this Court. In its complaint in the Anthology Action, AK Meeting alleges that Anthology “maintains, operates,

and administers systems, apparatus, and methods for multi-party communications between client computers in a computer network that infringe one or more of claims 1-150 of the '211 patent, literally or under the doctrine of equivalents.”

10. Exhibit B to AK Meeting’s complaint in the Anthology Action is a chart purporting to support AK Meeting’s allegations of infringement of “exemplary claim 1” of the ’221 patent (the “Claim Chart”). The Claim Chart is entitled “Patent Claims Analysis of” the ’221 patent “against Anthology Blackboard.” Presumably, “Anthology Blackboard” refers to Blackboard Inc. (“Blackboard”). Blackboard is an educational software company that was acquired by Anthology in 2021. The Claim Chart is attached as Exhibit 2 to this Complaint.

11. The Claim Chart purports to establish infringement of the ’221 patent by Collaborate.

12. Collaborate is owned by Class and licensed to customers by Class, not by Anthology or Blackboard. In short, AK Meeting sued the wrong party—although, to be clear, AK Meeting’s claims would be meritless against any party.

13. AK Meeting’s decision to sue Anthology is especially puzzling because AK Meeting *knows* that Class—not Anthology or Blackboard—owns Collaborate. Indeed, the Claim Chart quotes a Class June 30, 2022 press release as stating: “Class Technologies, Inc., a leader in synchronous virtual learning, today announced it has closed on the acquisition of Blackboard Collaborate. Prior to the acquisition by Class, Blackboard Collaborate was part of the Anthology product suite, following Anthology’s merger with Blackboard last year.” The Claim Chart includes images of Class’s logo. The Claim Chart includes links to and screenshots from Class’s website. The Claim Charts includes what purports to be pictures of Class’s product.

14. AK Meeting's complaint in the Anthology Action alleges that acts taken by Anthology directly infringe, infringe by inducement, and contributorily infringe the '211 patent. To whatever extent the acts complained of occur at all, however, they are acts by Class, not Anthology.

15. Regardless of the ownership of Collaborate, Collaborate does not infringe any valid claim of the '211 patent.

16. Class does not infringe any valid claim of the '211 patent, directly or indirectly.

**COUNT I:
NON-INFRINGEMENT OF THE '211 PATENT**

17. Class incorporates the foregoing paragraphs as if separately set forth herein.

18. There is an actual controversy within the meaning of 28 U.S.C. §§ 2201 and 2202 between Class and AK Meeting concerning the infringement of claims of the '211 patent that requires a declaration of rights by this Court.

19. Class has not infringed one or more claims of the '211 patent.

20. Class is entitled to a declaration that it has not infringed one or more claims of the '211 patent.

DEMAND FOR JURY TRIAL

21. Class demands a trial by jury on all issues so triable.

REQUESTED RELIEF

Class respectfully requests that this Court:

a. Issue a declaratory judgment of non-infringement as to one or more claims of the '211 patent.

b. Find this case exceptional under 35 U.S.C. § 285 and award Class its attorney's fees and costs.

- c. Award Class its costs pursuant to 28 U.S.C. § 1920; and
- d. Grant Class other such relief as the Court deems just and proper.

Respectfully submitted,

/s/ Cristina Villarroel

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