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20 Attorneys for Plaintiff Squaregles LLC

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA**

23 SQUAREGLES LLC,
24
25 Plaintiff,

26 v.

27 LALTITUDE LLC,
28 Defendant.

Case No. 2:23-cv-09751

**COMPLAINT FOR PATENT
INFRINGEMENT; JURY TRIAL
REQUESTED**

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COMPLAINT

Plaintiff Squaregles LLC (“Plaintiff”), for its Complaint against Defendant Laltitude LLC (“Defendant”), states as follows:

Parties

1. Plaintiff is incorporated under the laws of Illinois having a principal place of business in Highland Park, Illinois.

2. Defendant is incorporated under the laws of California having a principal place of business in Hacienda Heights, California.

Jurisdiction and Venue

3. This is an action for patent infringement under 35 U.S.C. § 271. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. The Court has personal jurisdiction over Defendant in that Defendant is a California corporation with its principal place of business located in Hacienda Heights, California.

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

Factual Background

6. Plaintiff and Defendant are direct competitors: both companies offer toy building kits comprised of magnetic building tiles.

7. Plaintiff’s toy building kits—Squaregles—are a successful recent innovation in the industry due to their unique composition and design.

8. Many toy building kits allow children to create replicas of specific structures by including materials that are printed or shaped to correspond closely to the original structure, or a child’s typical interpretation thereof. These kits do not provide an easily changeable, customizable, or adjustable structure for children to build. As such, these kits may limit or inhibit a child’s creative play.

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1 15. The ‘896 Patent claims the benefit of and priority to Provisional
2 Application No. 61/901,876, filed November 8, 2013; U.S. Patent Application No.
3 14/022,793, filed September 10, 2013, now U.S. Patent No. 9,314,707; PCT Patent
4 Application No. PCT/US2014/054902, filed on September 10, 2014; and U.S.
5 Patent Application No. 15/066,141, filed March 10, 2016, now the ‘896 Patent.

6 16. Plaintiff is the owner of the ‘896 Patent and holds all rights to sue for
7 past, present, and future infringement of the ‘896 Patent.

8 *B. U.S. Patent No. 10,918,963*

9 17. On February 16, 2021, the United States Patent and Trademark Office
10 duly and legally issued U.S. Patent No. 10,918,963 (“the ‘963 Patent”), entitled
11 “Magnetic Building Tiles.” A copy of the ‘963 Patent is attached as Exhibit B.

12 18. The ‘963 Patent claims the benefit of and priority to Provisional
13 Application No. 61/901,876, filed November 8, 2013; U.S. Patent Application No.
14 14/022,793, filed September 10, 2013, now U.S. Patent No. 9,314,707; PCT Patent
15 Application No. PCT/US2014/054902, filed on September 10, 2014; U.S. Patent
16 Application No. 15/066,141, filed March 10, 2016, now the ‘896 Patent; and U.S.
17 Patent Application No. 16/270,269, filed February 7, 2019, now the ‘963 Patent.

18 19. Plaintiff is the owner of the ‘963 Patent and holds all rights to sue for
19 past, present, and future infringement of the ‘963 Patent.

20 *C. Subject Matter of the ‘896 Patent and the ‘963 Patent*

21 20. The ‘896 Patent and the ‘963 Patent (collectively, the “Asserted
22 Patents”) pertain to a toy building kit or system comprised of magnetic building
23 tiles. The magnetic building tiles are magnetically connectable with one another
24 and are comprised of a frame and a removable insert, as seen in the figures below.
25 Figure 93 of the ‘963 Patent depicts one potential embodiment of the claimed
26 frame and removable insert.

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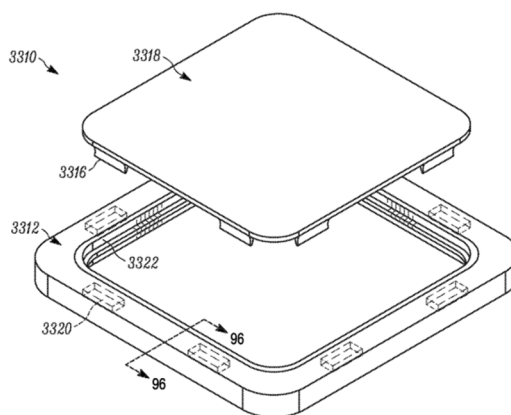


FIG. 93

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11 21. In one configuration, the tile insert and frame generally form a square
12 when viewed from the front, as seen in the figure above. In other configurations
13 (*see e.g.*, Figures 100 and 103 of the '963 Patent below), the building tiles may
14 form triangular, rectangular, oval, or other shapes.

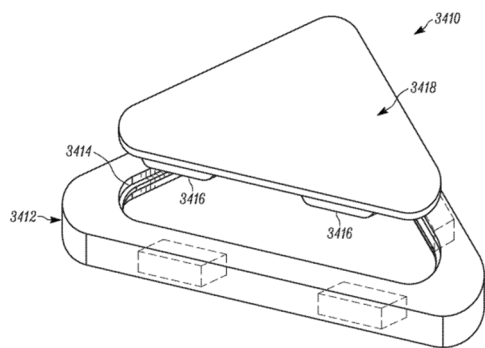


FIG. 100

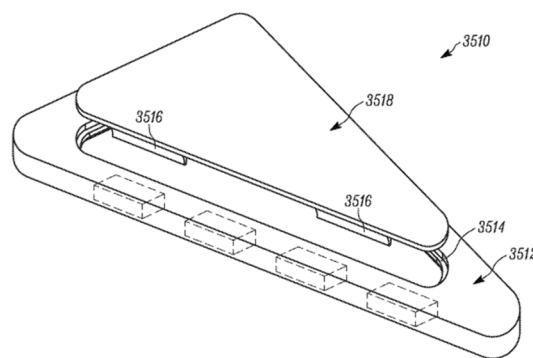
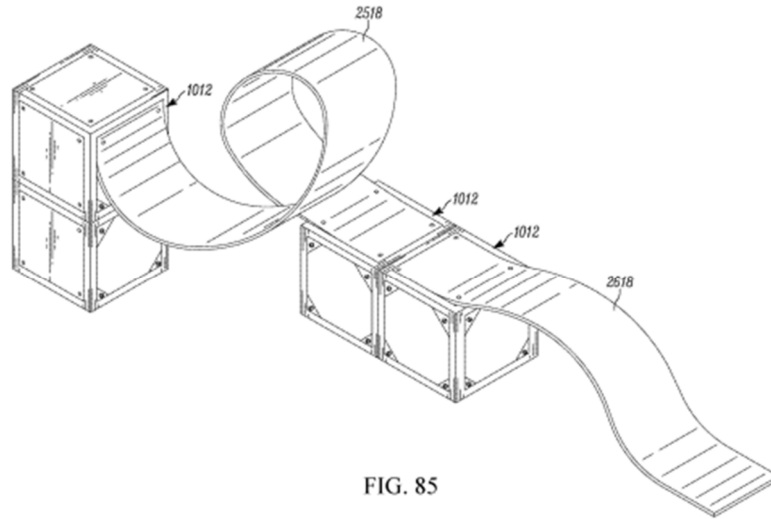


FIG. 103

23 22. To provide a user with the ability to customize the tiles, the kit allows
24 the user to easily add and remove or attach and detach the inserts from the frames
25 such that the inserts are interchangeable, allowing the user to create tiles with
26 different appearances.

27 23. In addition, the magnetic tiles may be connected to one another to
28 build a structure (*see e.g.*, Figure 85 of the '963 Patent below), such as a

1 playhouse, teepee, theater, castle, car, boat, farm stand, kitchen, elephant, floor
2 puzzle, racetrack, ball run, maze, train track, or mural, to note a few of the endless
3 options.



15 24. The toy building kit also includes three-dimensional architectural,
16 design, or building elements or panels. These elements include, among others,
17 architectural elements such as bay windows, tunnels, turrets (*see e.g.* Figures 125
18 of the '963 Patent below), tent or tent supports, towers, bridges, and castle
19 sections; elements resembling features of animals, furniture, robots, food or
20 kitchen-themed supplies, decorations, vehicles, and superheroes; and connection
21 elements (*see e.g.*, Figures 126 and 129 of the '963 Patent below) that permit the
22 user to design a maze, ball run, or toy car racetrack with the panels.

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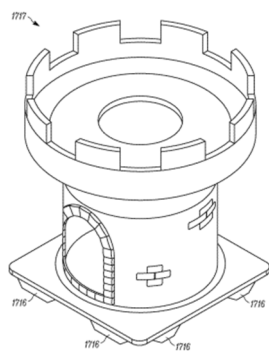


FIG. 125

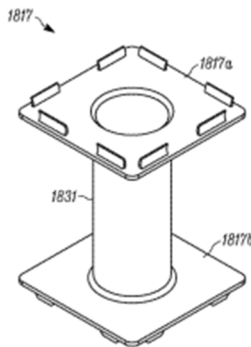


FIG. 126

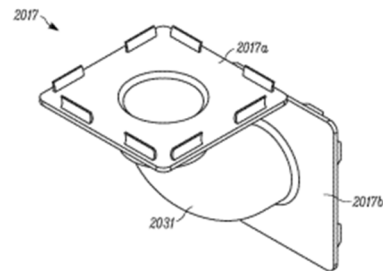


FIG. 128

Defendant's Infringing Products

25. Defendant has made, used, sold, or offered for sale PicassoTiles, which consist of magnetic building tiles and non-magnetic building panels that can be used to make toy buildings and other toy structures. Defendant's PicassoTiles are available in numerous configurations.

26. For example, the Infringing Products include, but are not limited to, PicassoTiles' "Marble Run" building sets, which allow users to build ball runs from flat magnetic building tiles and three-dimensional, non-magnetic building panels. Examples of the Infringing Products are shown below:¹

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¹ PicassoTiles' current "Marble Run" collection can be found on PicassoTiles' website at <https://www.picassotiles.com/collections/marble-run>. There are currently 11 full building sets (the Infringing Products), two "expansion" sets, and three sets of "marbles" (toy balls). Plaintiff identifies that at least each of the full building sets within PicassoTiles' current "Marble Run" collection infringe the Asserted Patents, but reserves the right to identify further Infringing Products through discovery.

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PicassoTiles® 70pc Marble Run Building Blocks PTG70



PicassoTiles® 150 Pieces Marble Run Building Blocks PTG150



PicassoTiles 108pc 2-in-1 Magnetic Marble Run Set & Racing Track...

Defendant’s Infringement of the ‘896 Patent and the ‘963 Patent

27. The Infringing Products are designed to allow users to build ball runs by attaching three-dimensional (such as curved) panels to platforms comprised of flat magnetic building tiles.

28. Claim 1 of the ‘896 Patent recites:

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1 A building system comprising:

2 a plurality of magnetically-connectable frames that include magnetic
3 elements to enable each frame to be magnetically attracted to another frame,
4 at least two frames including an outer frame wall, a first wall, a second wall
5 opposite to the first wall, and an interior frame wall encasing the magnetic
6 elements within the frames, the first and second walls connecting the outer
7 frame wall and the interior frame wall;

8 the at least two frames further including a protuberance centrally disposed
9 along the interior frame wall, the protuberance having a predetermined
10 height and being disposed a distance from first and second walls thereby
11 forming a first and a second shelf, the first shelf facing the first wall and
12 defining a first inset distance between the first shelf and the first wall and a
13 second inset distance between the second shelf facing the second wall, the
14 first and second inset distances being approximately equal;

15 a plurality of interchangeable panels, each of the panels having a thickness
16 and being capable of being releasably and stably mounted in one of the
17 frames to form a building tile, at least two panels including a panel face and
18 a rear panel wall opposite the panel face, the rear panel wall having at least
19 one flange with curvature angled toward an edge of the panel, the curvature
20 configured to mate with the protuberance on the frame from either the first
21 wall or the second wall of the frame;

22 wherein each of the panels can be placed in a position of stable equilibrium
23 within either of the two frames or removed therefrom simply by manually
24 applying pressure to the panels and frames without disassembling or
25 permanently deforming any part of either the frame or the panel and without
26 the use of tools.

27 29. Claim 1 of the '963 Patent recites:

28 A building system comprising:

a magnetic frame that includes:

at least one linear segment with an elongate planar tile body having a first
planar face and a second planar face with a side edge extending
therebetween;

1 magnetic elements disposed in the at least one linear segment to enable
2 the side edge of the magnetic frame to be magnetically attracted to a side
3 edge of another frame via a first connection mechanism; and
4 connecting structure thereon; and

5 a non-magnetic, discrete three-dimensional panel having:
6 a planar body;

7 one or more connectors extending from the planar body, the connectors
8 configured to engage the connecting structure of the magnetic frame to
9 thereby couple the non-magnetic three-dimensional panel to the magnetic
10 frame via a second connection mechanism that is distinct from the first
11 connection mechanism; and

12 three-dimensional structure extending from the planar body, wherein the
13 three-dimensional structure extending from the planar body is angled
14 from the planar body or includes curvature relative to the planar body to
15 facilitate movement of objects therethrough or thereover.

16 30. Claim 23 of the '963 Patent recites:

17 A building system comprising:

18 a plurality of magnetically-connectable frames that include a flat elongate
19 tile body with magnetic elements therein to enable a side edge of one of the
20 plurality of magnetically-connectable frames to be magnetically attracted to a
21 side edge of another frame;

22 a plurality of interchangeable non-magnetic three-dimensional panels
23 configured to engage at least two of the plurality of magnetically-
24 connectable frames via a friction-fit connection, the non-magnetic three-
25 dimensional panels comprising:

26 a first panel section including at least one projection configured to
27 engage a corresponding geometry on a first of the at least of the plurality
28 of magnetically-connectable frames;

a second panel section including at least one projection configured to
engage a corresponding geometry on a second of the at least two of the
plurality of magnetically-connectable frames; and

1 a center section, the center section having an arcuate surface extending
2 between the first panel section and the second panel section to permit an
3 object to advance through the first and second panel sections across the
4 arcuate surface;

5 wherein the at least one projection of the first and the second panel
6 sections and the corresponding geometry of the magnetically-connectable
7 frames are arranged such that the non-magnetic three-dimensional panels
8 are attachable to a front face and a rear face of the magnetically
9 connectable frames, and when the non-magnetic three-dimensional panel
10 and the at least two of the plurality of magnetically-connectable frames
11 are in an assembled configuration, an object may advance over or
12 through the at least two of the plurality of magnetically-connectable
13 frames and the three-dimensional panel mated thereto.

14 31. Claim 40 of the '963 Patent recites:

15 A building system comprising:

16 a plurality of magnetized tiles, at least one magnetized tile with a flat
17 elongate tile body comprising:

18 a first planar face;

19 a second planar face;

20 a central opening extending from the first planar face to the second planar
21 face to enable movement of objects through the magnetized tile; and

22 a plurality of friction fit connections associated with the first and second
23 planar face; and

24 a plurality of non-magnetic interchangeable attachments, the non-magnetic
25 interchangeable attachments comprising:

26 a main body having a tubular surface;

27 at least one end having a flat surface that can be secured to a first one of
28 the plurality of magnetized tiles; and

1 corresponding geometry configured to engage the plurality of friction fit
2 connections on the magnetized tiles;

3 wherein the plurality of friction fit connections and corresponding geometry
4 include a plurality of projections and openings arranged such that the non-
5 magnetic interchangeable attachments are couplable to the first planar face
6 and the second planar face of the plurality of magnetized tiles.

7 32. Defendant markets the Infringing Products as allowing users to create
8 multi-layer three-dimensional toy ball runs using distinctive building tiles and
9 panels. *See, e.g.*, Exhibits C, D, and E. Defendant also markets the Infringing
10 Products as allowing users to run balls (which Defendant calls “marbles”) through
11 or over the paths of the ball runs. *See, e.g., id.*

12 33. Each Infringing Product is a building system comprised of flat
13 magnetic building tiles and three-dimensional, non-magnetic building panels.



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Magnetic Building Tiles



Non-Magnetic Building Panels

22 34. Each Infringing Product contains what Defendant calls “Magnetic
23 Square Track Tiles.” Each Magnetic Square Track Tile is comprised of two flat
24 faces with a side edge between them.

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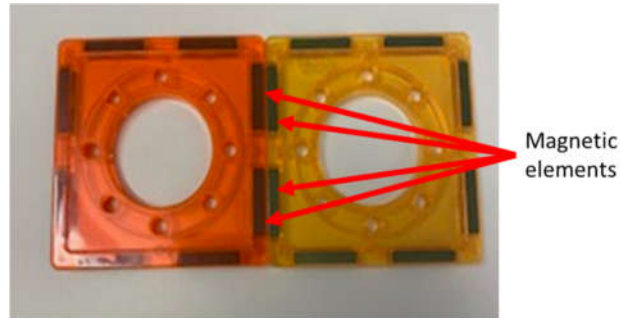
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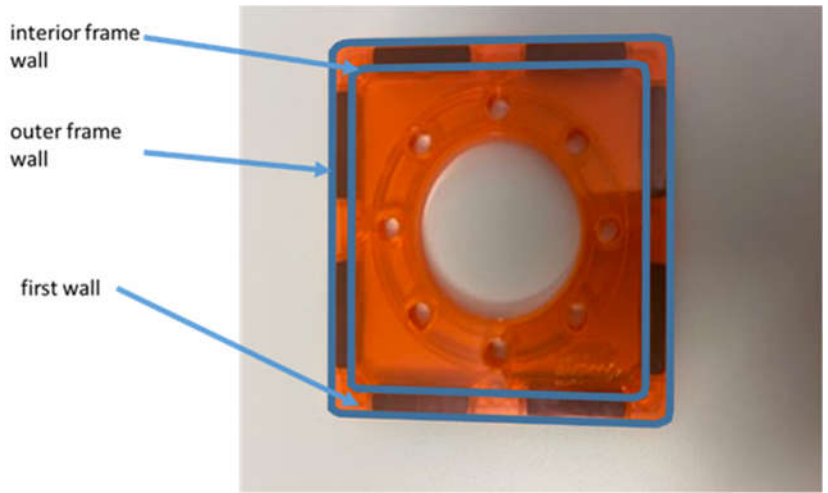
35. Along the perimeter of each Magnetic Square Track Tile is a border containing magnetic elements, allowing the tile's side edge to be connected to another tile's side edge via magnetism.



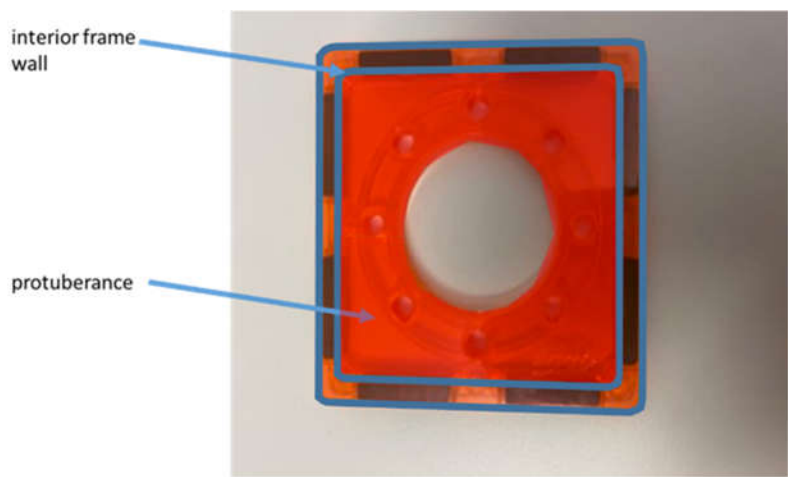
36. In the 108pc 2-in-1 Magnetic Marble Run Set & Racing Track Set PTG108, each Magnetic Square Track Tile is also frictionally supportable within the grooves of one or more accompanying "Square Track Race Tiles" and "Rectangular Race Track Tiles."



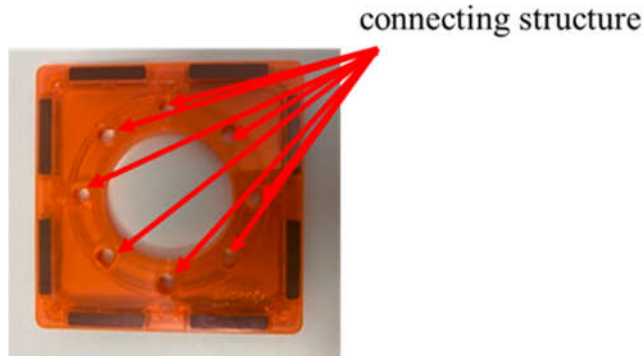
1 37. Each Magnetic Square Track Tile has an outer frame wall (the
2 exterior edge of the tile) and an interior frame wall (the interior side of the border
3 containing the magnetic elements). The outer frame wall and the interior frame
4 wall are connected by a first wall (the surface of the border on each face of the
5 tile).



14 38. Each face of the Magnetic Square Track Tile includes a recessed
15 section to the interior of the interior frame wall. The recessed section is centrally
16 disposed along the interior frame wall at a predetermined depth, thereby forming a
17 shelf. From a cross sectional perspective, the recessed section protrudes from the
18 interior frame wall of the Magnetic Square Track Tile.



1 39. Each Magnetic Square Track Tile has connecting structure (friction
2 holes) for connecting the tile via friction fit to one or more accompanying three-
3 dimensional, non-magnetic building panels.



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11 40. Each Infringing Product has a variety of three-dimensional, non-
12 magnetic building panels that are separate from and designed to connect with the
13 Magnetic Square Track Tiles. The variety of building panels includes quarter
14 round turns, u-turns, slopes, and slides, all of which are designed to allow balls to
15 run therethrough or thereover.

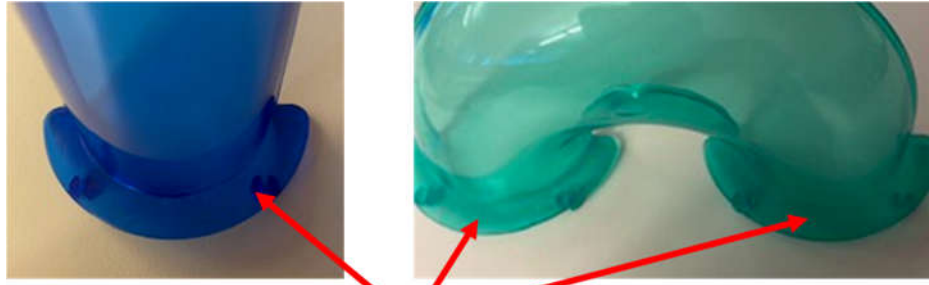


25 41. The quarter round turn, u-turn, tunnel, and slide panels each have a
26 flat surface at each end that forms a panel face.

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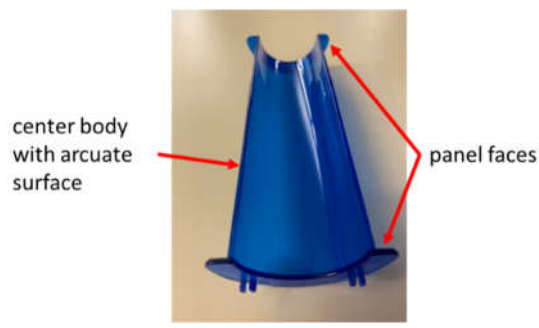
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panel faces

42. The quarter round turn, u-turn, tunnel, and slide panels each have a center body that extends between the panel faces. The center body has an arcuate surface which is designed to allow balls to run therethrough or thereover.



43. The quarter round turn, u-turn, tunnel, and slide panels have a rear panel wall opposite the panel face.

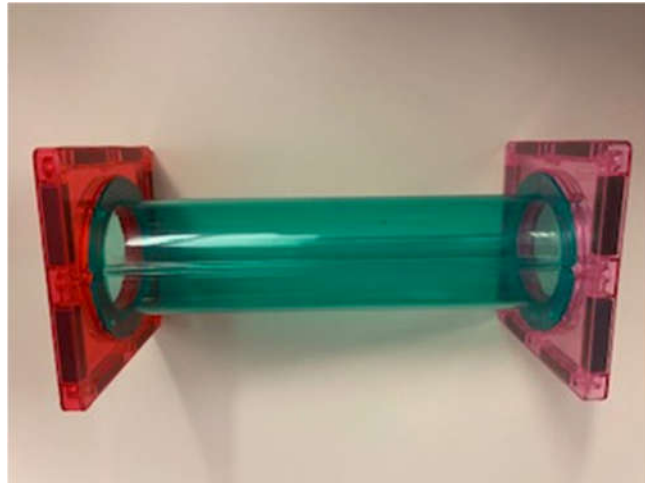
44. The rear panel wall has flanges with outward facing dimples, which create a curvature on the surface of the flanges that is angled toward the outer edge of the panel.



1 45. The rear panel wall is configured to connect the panel to the recessed
2 section and friction holes of one or more Magnetic Square Track Tiles.



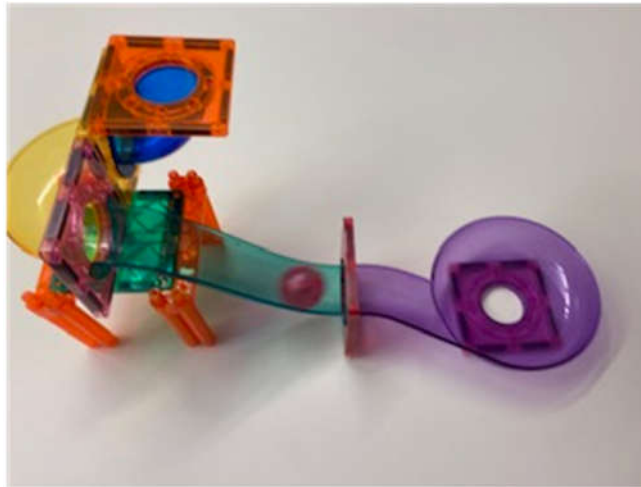
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11 46. The quarter round turn, u-turn, funnel, slope, and slide panels can be
12 used in pairs to form enclosed tubes.



21 47. When each end of a three-dimensional, non-magnetic building panel
22 is connected to a Magnetic Square Track Tile, a ball can go through the two tiles
23 and through or over the panel.

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48. The building panels can be connected to or removed from the Magnetic Square Track Tiles by manually applying pressure, without disassembling or deforming either the panels or the tiles.

49. The building panels are interchangeable with one another in terms of their ability to connect to the Magnetic Square Track Tiles.

50. The Infringing Products infringe at least claim 1 of the ‘896 Patent and claims 1, 23, and 40 of the ‘963 Patent.

Defendant’s Willful Infringement

A. The ‘896 Patent

51. Plaintiff’s ‘896 Patent issued on April 16, 2019. The ‘896 Patent is based on U.S. Patent Application No. 15/066,141 (the “‘896 Application”), filed on March 10, 2016. The ‘896 Application was published as U.S. Pat. Pub. No. US2016/0184727 (the “‘896 Publication”) on June 30, 2016.

52. The ‘896 Application was filed as a continuation-in-part of U.S. Patent Application No. 14/022,793 (the “‘896 Parent Application”) filed on September 10, 2013 (now Patent No. 9,314,707 or the “‘896 Parent Patent”) and PCT Application No. PCT/US2014/054902 filed on September 10, 2014 (which

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1 itself is a continuation-in-part of the ‘896 Parent Application).² The ‘896 Parent
2 Application was published as U.S. Pat. Pub. No. US2015/0072587 (the “‘896
3 Parent Publication”) on March 3, 2013.

4 *B. The ‘963 Patent*

5 53. Plaintiff’s ‘963 Patent issued on February 16, 2021. The ‘963 Patent is
6 based on U.S. Patent Application No. 16/270,269 (the “‘963 Application”), filed
7 on February 7, 2019 as a continuation of the ‘896 Application. The ‘963
8 Application was published as U.S. Pat. Pub. No. US2019/0209940 (the “‘963
9 Publication”) on July 11, 2019.³

10 *C. Defendant Was Made Aware of the ‘896 Patent and ‘963 Patent*
11 *During Prosecution of Its Own Patents*

12 54. Defendant is an assignee of U.S. Design Patent No. D784,938—which
13 issued on April 25, 2017. *See* Exhibit F.

14 55. Plaintiff’s ‘896 Parent Patent was cited by the patent examiner during
15 the prosecution of Defendant’s U.S. Design Patent No. D784,938.

16 56. Defendant was made aware of the ‘896 Parent Patent by the United
17 States Patent and Trademark Office (“USPTO”) during the prosecution of U.S.
18 Design Patent No. D784,938.

19 57. Defendant is an assignee of U.S. Design Patent No. D789,312—which
20 issued on June 13, 2017. *See* Exhibit G.

21 58. Plaintiff’s ‘896 Parent Patent was cited by the patent examiner during
22 the prosecution of U.S. Design Patent No. D789,312.

23 59. Defendant was made aware of the ‘896 Parent Patent during the
24 prosecution of U.S. Design Patent No. D789,312.

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26
27 ² The ‘896 Patent also claims the benefit of and priority to Provisional Application
28 No. 61/901,876, filed on November 8, 2013.

³ The ‘963 Patent also claims the benefit of and priority to Provisional Application
No. 61/901,876, filed on November 8, 2013.

1 60. Defendant is an assignee of U.S. Design Patent No. D929,505—which
2 granted on August 31, 2021. *See* Exhibit H.

3 61. The ‘896 Publication and ‘896 Parent Publication were cited by the
4 USPTO patent examiner during the prosecution of U.S. Design Patent No.
5 D929,505.

6 62. Defendant was made aware of the ‘896 Publication and ‘896 Parent
7 Publication during the prosecution of U.S. Design Patent No. D929,505.

8 63. On information and belief, Defendant was made aware of patents and
9 patent applications within the family of the ‘896 Patent and ‘963 Patent, no later
10 than August 31, 2021.

11 64. On information and belief, Defendant was aware of the ‘896 Patent
12 and ‘963 Patent, no later than August 31, 2021.

13 65. On information and belief, Defendant was aware of the ‘896 Patent
14 and ‘963 Patent prior to the filing date of this lawsuit.

15 66. On information and belief, Defendant was made aware of patents and
16 patent applications within the family of the ‘896 Patent and ‘963 Patent, no later
17 than June 13, 2017.

18 67. On information and belief, Defendant was made aware of patents and
19 patent applications within the family of the ‘896 Patent and ‘963 Patent, no later
20 than April 25, 2017.

21 68. On information and belief, Defendant monitored the patent
22 applications within the family of the ‘896 and ‘963 Patent prior to August 31,
23 2021.

24 69. On information and belief, Defendant monitored the patent
25 applications within the family of the ‘896 and ‘963 Patent—and was on notice of
26 the issued ‘896 and ‘963 Patents—prior to the filing date of this lawsuit.

27 70. On information and belief, Defendant was on notice of one or more of
28 the '896 and '963 Patents prior to the filing date of this lawsuit.

1 *D. Plaintiff Marks Its Products Pursuant to 35 U.S.C. § 287*

2 71. Plaintiff began marketing its Squaregles in June 2020, when the
3 Squaregles website went live and made its first sale in November 2021.

4 72. Since the time Squaregles were first sold, Squaregles has marked its
5 product packaging with the ‘896 Patent pursuant to 35 U.S.C. § 287.

6 73. As additional patents were issued to Squaregles, it added those
7 patents—including the ‘963 Patent—to its product marking pursuant to 35 U.S.C.
8 § 287.

9 *E. Defendant Sells Infringing Products with Knowledge of the Asserted*
10 *Patents*

11 74. On information and belief, by the time Defendant introduced the
12 Infringing Products to the market, several patent applications to which the ‘896
13 Patent and the ‘963 Patent claim priority were published and publicly available.

14 75. The Infringing Products are within the scope of multiple claims of the
15 ‘896 and ‘963 Patents.

16 76. The Infringing Products were introduced to or remained on the market
17 after the April 16, 2019 issue date of the ‘896 Patent and the February 16, 2021
18 issue date of the ‘963 Patent.

19 77. Defendant continues to market and sell the Infringing Products to this
20 day.

21 78. On information and belief, when Defendant developed the Infringing
22 Products, Defendant was aware of Plaintiff’s patent applications from which the
23 ‘896 Patent and the ‘963 Patent claim priority, Plaintiff’s patent applications from
24 which the ‘896 Patent and the ‘963 Patent issued, or the ‘896 Patent and the ‘963
25 Patent themselves.

26 79. Defendant has knowledge of the ‘896 Patent and the ‘963 Patent at
27 least as of the date when it was notified of the filing of this action.

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1 80. Defendant's knowledge of the '896 Patent, the '963 Patent, and
2 Plaintiff's related patent applications, as well as its continued sale of the Infringing
3 Products, makes its infringement deliberate and intentional.

4 **COUNT I: Infringement of U.S. Patent No. 10,258,896**

5 81. Plaintiff incorporates by reference Paragraphs 1 through 80 above, as
6 if fully set forth herein.

7 82. The Infringing Products infringe at least claim 1 of the '896 Patent.

8 83. Defendant directly infringes, literally or under the doctrine of
9 equivalents, at least claim 1 of the '896 Patent under 35 U.S.C. § 271(a) by
10 making, using, selling, or offering for sale the Infringing Products within the
11 United States.

12 84. Defendant acted with knowledge of the '896 Patent despite an
13 objectively high likelihood that its actions constituted infringement of at least one
14 valid and enforceable claim of the '896 Patent, and Defendant knew or should have
15 known that its actions constituted an unjustifiably high risk of infringement of at
16 least one valid and enforceable claim of the '896 Patent.

17 85. Defendant's infringement of the '896 Patent has been knowing,
18 willful, deliberate, and intentional.

19 86. Defendant's infringement and behavior was egregious, wanton,
20 malicious, and in bad faith.

21 87. As a direct and proximate result of Defendant's acts of infringement,
22 Plaintiff has suffered and continues to suffer damages and irreparable harm.

23 88. Plaintiff is without an adequate remedy at law and will be irreparably
24 harmed if the Court does not enter an order enjoining Defendant from infringing
25 the '896 Patent.

26 **COUNT II: Infringement of U.S. Patent No. 10,918,963**

27 89. Plaintiff incorporates by reference Paragraphs 1 through 88 above, as
28 if fully set forth herein.

1 with any of them from directly or indirectly infringing any claim of U.S. Patent No.
2 10,258,896 and U.S. Patent No. 10,918,963;

3 D. Awarding compensatory damages to Plaintiff under 35 U.S.C. § 284;

4 E. Trebling the damage award under 35 U.S.C. § 284;

5 F. Awarding Plaintiff pre-judgment and post-judgment interest;

6 G. Finding this to be an exceptional case under 35 U.S.C. § 285 and
7 awarding Plaintiff its reasonable attorneys' fees and expenses in this action;

8 H. Awarding Plaintiff its costs in this action; and


9 I. Awarding such other and further relief as the Court deems just and
10 proper.

11 **Jury Demand**

12 Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands
13 a trial by jury of all issues so triable.

14 Dated: November 16, 2023

Respectfully Submitted,

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16 By:  _____

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