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13 *Attorneys for Plaintiff*
Mesa Digital, LLC

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **SOUTHERN DIVISION**

17
18 MESA DIGITAL, LLC, a New
Mexico Corporation,
19
20 Plaintiff,
21 v.
22 GETAC, INC., a California
Corporation,
23
24 Defendant.

Case No.: 8:23-cv-02146

**PLAINTIFF’S COMPLAINT FOR
PATENT INFRINGEMENT**

(35 U.S.C. § 271)

JURY TRIAL DEMANDED

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27 Plaintiff Mesa Digital, LLC files this Original Complaint and demand for jury
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1 trial seeking relief from patent infringement of the claims of 9,031,537 (“the ‘537
2 patent”) (referred to as the “Patent-in-Suit”) by GeTac, Inc., (“Defendant” or
3 “GeTac”).
4

5 **I. THE PARTIES**

6 1. Mesa Digital, LLC is a New Mexico limited liability company with its
7 principal place of business located in Albuquerque, New Mexico.
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9 2. On information and belief, GeTac is a company organized and existing under
10 the laws of California with a principal place of business located at 15495 Sand Canyon
11 Avenue, Ste 350, Irvine, CA 92618. Defendant can be served through its registered
12 agent, Cogency Global, Inc., 1325 J Street, Suite 1550, Sacramento, California 95814.
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14 3. On information and belief, Defendant sells and offers to sell products and
15 services throughout California, including in this judicial district, introduces products
16 and services that perform infringing methods or processes into the stream of
17 commerce knowing that they would be sold in California and this judicial district, and
18 otherwise directs infringing activities to this judicial district in connection with its
19 products and services.
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22 **II. JURISDICTION AND VENUE**

23 4. This Court has original subject-matter jurisdiction over the entire action
24 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff’s claim arises under an
25 Act of Congress relating to patents, namely, 35 U.S.C. § 271.
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1 5. This Court has personal jurisdiction over Defendant because: (i) Defendant is
2 present within or has minimum contacts within the State of California and this judicial
3 district; (ii) Defendant has purposefully availed itself of the privileges of conducting
4 business in the State of California and in this judicial district; and (iii) Plaintiff’s cause
5 of action arises directly from Defendant’s business contacts and other activities in the
6 State of California and in this judicial district.
7
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9 6. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).
10 Defendant has committed acts of infringement and has a regular and established place
11 of business in this District. Further, venue is proper because Defendant conducts
12 substantial business in this forum, directly or through intermediaries, including: (i) at
13 least a portion of the infringements alleged herein; and (ii) regularly doing or
14 soliciting business, engaging in other persistent courses of conduct and/or deriving
15 substantial revenue from goods and services provided to individuals in California and
16 this District.
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20 **III. INFRINGEMENT**

21 **A. Infringement of the ‘537 Patent**

22 7. On May 12, 2015, U.S. Patent No. 9,031,537 (“the ‘537 patent” (included as
23 Exhibit A, the contents of which are fully incorporated by reference)) entitled
24 “Electronic wireless handheld multimedia device” was duly and legally issued by the
25 U.S. Patent and Trademark Office. Plaintiff owns the ‘537 patent by assignment.
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1 8. The ‘537 patent relates to novel and improved electronic wireless hand held
2 media devices including a microprocessor and more than one wireless transceiver
3
4 modules enabling wireless communication over a variety of standards, including
5 Cellular (e.g., GSM, CDMA, GPRS, 3G), 802.11 (i.e., WLAN), and short range (e.g.,
6 Bluetooth, infrared, RFID), for the retrieval, processing and delivery of multimedia
7
8 data to/from remote data resources (i.e., Internet, servers).

9 9. Defendant maintained, operated, manufactured, sold, offered for sale, and
10 imported electronic wireless hand held media devices including a microprocessor and
11
12 more than one wireless transceiver modules enabling wireless communications over
13 a variety of standards, including Cellular (e.g., GSM, CDMA, GPRS, 3G), 802.11
14 (e.g., WLAN), and short range (i.g. Bluetooth, infrared, RFID), for the retrieval,
15
16 processing and delivery of multimedia data to/from remote data resources (i.e.,
17 Internet, servers) that infringe one or more claims of the ‘537 Patent, including one
18
19 or more of claims 1-37, literally or under the doctrine of equivalents. Defendants put
20
21 the inventions claimed by the ‘537 Patent into service (i.e., used them); but for
22
23 Defendant’s actions, the claimed-inventions embodiments involving Defendant’s
24
25 products and services would never have been put into service. Defendant’s acts
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27 complained of herein caused those claimed-invention embodiments as a whole to
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perform, and Defendant’s procurement of monetary and commercial benefit from it.

1 10.Support for the allegations of infringement may be found in the following
2 exemplary table included as Exhibit B. These allegations of infringement are
3 preliminary and are therefore subject to change.
4

5 11.Defendant has caused Plaintiff damage by direct infringement of the claims of
6 the ‘537 patent.¹
7

8 12.Defendant has and continues to induce infringement. Defendant has actively
9 encouraged or instructed others (e.g., its customers and/or the customers of its related
10 companies), and continues to do so, on how to use its products and services including
11 electronic wireless hand held media devices including a microprocessor and more
12 than one wireless transceiver modules enabling wireless communications over a
13 variety of standards, including Cellular (e.g., GSM, CDMA, GPRS, 3G), 802.11 (e.g.,
14 WLAN), and short range (i.g. Bluetooth, infrared, RFID), for the retrieval, processing
15 and delivery of multimedia data to/from remote data resources (i.e., Internet, servers)
16 such as to cause infringement of one or more of claims 1-37 of the ‘537 patent,
17 literally or under the doctrine of equivalents. Moreover, Defendant has known of the
18 ‘537 patent and the technology underlying it from at least the filing date of the
19 lawsuit.² For clarity, direct infringement is previously alleged in this complaint.
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24 13.Defendant has and continues to contributorily infringe. Defendant has actively
25 encouraged or instructed others (e.g., its customers and/or the customers of its related
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1 companies), and continues to do so, on how to use its products and services including
2 electronic wireless hand held media devices including a microprocessor and more
3 than one wireless transceiver modules enabling wireless communications over a
4 variety of standards, including Cellular (e.g., GSM, CDMA, GPRS, 3G), 802.11 (e.g.,
5 WLAN), and short range (i.g. Bluetooth, infrared, RFID), for the retrieval, processing
6 and delivery of multimedia data to/from remote data resources (i.e., Internet, servers)
7 such as to cause infringement of one or more of claims 1-37 of the '537 patent,
8 literally or under the doctrine of equivalents. Further, there are no substantial non-
9 infringing uses for Defendant's products and services. Moreover, Defendant has
10 known of the '537 patent and the technology underlying it from at least the filing date
11 of the lawsuit.³ For clarity, direct infringement is previously alleged in this complaint.

12 14. Defendant has caused and will continue to cause Plaintiff damage by direct and
13 indirect infringement of (including inducing infringement of) the claims of the '537
14 patent.

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20 **IV. JURY DEMAND**

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

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23 **V. PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff prays for relief as follows:

- 25 a. enter judgment that Defendant has infringed the claims of the '537 patent;

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27
28 ³ Plaintiff reserves the right to amend and add inducement pre-suit if discovery reveals an earlier date of knowledge.

- 1 b. award Plaintiff damages in an amount sufficient to compensate it for
2 Defendant's infringement, in an amount no less than a reasonable royalty or
3 lost profits, together with pre-judgment and post-judgment interest and costs
4 under 35 U.S.C. § 284;
5
6 c. award Plaintiff an accounting for acts of infringement not presented at trial and
7 an award by the Court of additional damage for any such acts of infringement;
8
9 and,

10 award Plaintiff such other and further relief as this Court deems just and proper.
11

12
13 Dated: November 17, 2023

Respectfully submitted,

14 **RAMEY LLP**

15 /s/ Susan S.Q. Kalra

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DEMAND FOR JURY TRIAL

VDPP, LLC hereby requests a trial by jury on issues so triable by right.

Dated: November 17, 2023

Respectfully submitted,

RAMEY LLP

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