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9 *Attorneys for Plaintiff*  
10 WFR IP LLC,

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN JOSE DIVISION**

14 WFR IP, LLC,  
15 Plaintiff,  
16 v.

17 ALIBABA GROUP (U.S.) INC.  
18 Defendant,

Case No.: 5:24-cv-02179

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

**(35 U.S.C. § 271)**

**JURY TRIAL DEMANDED**

21 **PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**  
22

23 WFR IP, LLC (“Plaintiff” or “WFR”) files this Original Complaint and demand  
24 for jury trial seeking relief from patent infringement of the claims of U.S. Patent No.  
25 7,505,793 (“the ’793 patent”) (referred to as the “Patent-in-Suit”) by AliBaba Group  
26 (U.S.) Inc. (“Defendant” or “AliBaba”).  
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1       **I.       THE PARTIES**

2           1. WFR IP LLC is a Texas limited liability corporation with its principal place of  
3 business located in Travis County, Texas.

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5           2. On information and belief, Defendant is a corporation organized and existing  
6 under the laws of the State of Delaware. On information and belief, Defendant has an  
7 established place of business in this District at 525 Almanor Ave, 4<sup>th</sup> Floor,  
8 Sunnyvale, CA, 94085. Defendant can be served with process through their registered  
9 agent, CT Corporation System, at 330 N Brand Blvd., Glendale, CA, 91203, at its  
10 place of business, or anywhere else it may be found.  
11  
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13       **II.       JURISDICTION AND VENUE**

14           3. This Court has original subject-matter jurisdiction over the entire action  
15 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff’s claim arises under an  
16 Act of Congress relating to patents, namely, 35 U.S.C. § 271.  
17

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

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

1 of business in this District. Further, venue is proper because Defendant conducts  
2 substantial business in this forum, directly or through intermediaries, including: (i) at  
3 least a portion of the infringements alleged herein; and (ii) regularly doing or  
4 soliciting business, engaging in other persistent courses of conduct and/or deriving  
5 substantial revenue from goods and services provided to individuals in California and  
6 this District.  
7  
8

9 **III. INFRINGEMENT OF THE '793 PATENT**

10 6. On March 17, 2009, U.S. Patent No. 7,505,793 (“the ’793 patent”, included as  
11 **Exhibit A**) entitled “Data Sharing Using Distributed Cache In A Network Of  
12 Heterogeneous Computers” was duly and legally issued by the U.S. Patent and  
13 Trademark Office. Plaintiff owns the ’793 patent by assignment.  
14

15 7. The ’793 patent relates to novel and improved apparatuses and systems of  
16 wireless earpiece and wearable piece assemblies.  
17

18 8. Defendant has, under 35 U.S.C. §271(a), directly infringed, and continues to  
19 directly infringe, literally and/or under the doctrine of equivalents, one or more  
20 claims, including without limitation one or more of claims 5, 6, 8-11, and 15-19 of  
21 the ’793 Patent, by making, using, testing, selling, offering for sale and/or importing  
22 into the United States Defendant’s Accused Products.  
23

24 9. On information and belief, Defendant’s infringement of the ’793 Patent has  
25 been willful and merits increased damages.  
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1 10. On information and belief, Defendant has made no attempt to design around  
2 the claims of the '793 Patent.

3  
4 11. On information and belief, Defendant did not have a reasonable basis for  
5 believing that the claims of the '793 Patent were invalid.

6  
7 12. On information and belief, Defendant's Accused Products are available to  
8 businesses and individuals throughout the United States and in the State of New York,  
9 including in this District.

10 13. Plaintiff has been damaged as the result of Defendant's infringement.

11  
12 14. The claim chart attached hereto as **Exhibit B** describes how the elements of an  
13 exemplary claim from the '793 Patent are infringed by the Accused Products. This  
14 provides details regarding only one example of Defendant's infringement, and only  
15 as to a single patent claim. These allegations of infringement are preliminary and are  
16 therefore subject to change. The accused instrumentality is a wireless headset.

17  
18 15. On information and belief, Defendant makes, uses, offers for sale, and sells  
19 wireless earpiece and wearable piece products and services through its website and  
20 other sources that infringe one or more of claims 5, 6, 8-11, and 15-19 of the '793  
21 patent, literally or under the doctrine of equivalents. Defendant put the inventions  
22 claimed by the '793 patent into service (i.e., used them); but for Defendant's actions,  
23 the claimed-inventions embodiments involving Defendant's products and services  
24 would never have been put into service. Defendant's acts complained of herein  
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1 caused those claimed-invention embodiments as a whole to perform, and Defendant's  
2 procurement of monetary and commercial benefit from it.

3  
4 16. Defendant has and continues to induce infringement. Defendant has actively  
5 encouraged or instructed others (e.g., its customers and/or the customers of its related  
6 companies), and continue to do so, on how to use its products and services (e.g., use  
7 its wireless earpiece and wearable piece assemblies) and related products and services  
8 such as to cause infringement of one or more of claims 5, 6, 8-11, and 15-19 of the  
9 '793 patent, literally or under the doctrine of equivalents. Moreover, Defendant has  
10 known of the '793 patent and the technology underlying it from at least the filing date  
11 of the lawsuit.<sup>1</sup> For clarity, direct infringement is previously alleged in this complaint.  
12  
13

14 17. Defendant has and continues to contributorily infringe. Defendant has actively  
15 encouraged or instructed others (e.g., its customers and/or the customers of its related  
16 companies), and continue to do so, on how to use its products and services (e.g., use  
17 its wireless earpiece and wearable piece assemblies) and related products and services  
18 such as to cause infringement of one or more of claims 5, 6, 8-11, and 15-19 of the  
19 '793 patent, literally or under the doctrine of equivalents. Further, there are no  
20 substantial non-infringing uses for Defendant's products and services. Moreover,  
21 Defendant has known of the '793 patent and the technology underlying it from at least  
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27 \_\_\_\_\_  
28 <sup>1</sup> Plaintiff reserves the right to amend if discovery reveals an earlier date of  
knowledge.

1 the filing date of the lawsuit.<sup>2</sup> For clarity, direct infringement is previously alleged in  
2 this complaint.

3  
4 18. Defendant has caused and will continue to cause Plaintiff damage by direct and  
5 indirect infringement of (including inducing infringement and contributory  
6 infringement) the claims of the '793 patent.

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8 **IV. CONDITIONS PRECEDENT**

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10 19. Plaintiff is a non-practicing entity, with no products to mark. Plaintiff has plead  
11 all statutory requirements to obtain pre-suit damages. Further, all conditions precedent  
12 for recovery are met.

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15 **V. JURY DEMAND**

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

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19 **VI. PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays for relief as follows:

- 21  
22 a. enter judgment that Defendant has infringed the claims of the '793 patent;  
23 b. award Plaintiff damages in an amount sufficient to compensate it for  
24 Defendant's infringement of the Patent-in-Suit in an amount no less than a  
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27  
28 <sup>2</sup> Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

- 1 reasonable royalty or lost profits, together with pre-judgment and post-  
2 judgment interest and costs under 35 U.S.C. § 284;
- 3
- 4 c. award Plaintiff an accounting for acts of infringement not presented at trial and  
5 an award by the Court of additional damage for any such acts of infringement;
- 6 d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award Plaintiff  
7 its attorneys’ fees, expenses, and costs incurred in this action;
- 8
- 9 e. declare Defendant’s infringement to be willful and treble the damages,  
10 including attorneys’ fees, expenses, and costs incurred in this action and an  
11 increase in the damage award pursuant to 35 U.S.C. § 284;
- 12
- 13 f. a decree addressing future infringement that either (if) awards a permanent  
14 injunction enjoining Defendant and their agents, servants, employees,  
15 affiliates, divisions, and subsidiaries, and those in association with Defendant  
16 from infringing the claims of the Patents-in-Suit, or (ii) awards damages for  
17 future infringement in lieu of an injunction in an amount consistent with the  
18 fact that for future infringement the Defendant will be an adjudicated infringer  
19 of a valid patent, and trebles that amount in view of the fact that the future  
20 infringement will be willful as a matter of law; and
- 21
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- 24 g. award Plaintiff such other and further relief as this Court deems just and proper.
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26 Dated: March 22, 2024

Respectfully submitted,

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28 RAMEY LLP

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