

United States District Court  
Northern District of California

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16 Attorneys for Estech Systems IP, LLC

17 **IN THE UNITED STATES DISTRICT COURT**  
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

20 ESTECH SYSTEMS IP, LLC,

21 Plaintiff,

22 v.

23 ZULTYS, INC.,

24 Defendant.

CASE NO. 3:24-cv-2529

**COMPLAINT**

DEMAND FOR JURY TRIAL

25 Plaintiff Estech Systems IP, LLC (“Estech”) files this original complaint against Zultys,  
26 Inc. (“Zultys”) alleging, based on its own knowledge as to itself and its own actions, and based on  
27 information and belief as to all other matters, as follows:

28 **PARTIES**

1. Estech Systems IP, LLC is a Texas corporation, with its principal place of business  
at 3701 East Plano Parkway, Suite 300, Plano, Texas 75074.

1 2. Defendant Zultys, Inc. is a corporation organized and existing under the laws of the  
2 state of Delaware, with, on information and belief, its principal place of business at 785 Lucerne  
3 Drive, Sunnyvale, California 94085 USA.

4 **JURISDICTION AND VENUE**

5 3. This is an action for infringement of United States patents arising under 35 U.S.C.  
6 §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action  
7 under 28 U.S.C. § 1331 and § 1338(a).

8 4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400(b) and 1391(b-c), for  
9 at least the reason that Zultys is has its principal place of business in the Northern District of  
10 California.

11 5. Defendant Zultys, Inc. is subject to this Court’s specific and general personal  
12 jurisdiction due at least to Zultys’s substantial business in this forum, including (i) at least a portion  
13 of the infringements alleged herein; (ii) maintaining a regular and established place of business in  
14 the district; and/or (iii) regularly doing or soliciting business, engaging in other persistent courses  
15 of conduct, and/or deriving substantial revenue from goods and services provided to individuals  
16 in California and in this district.

17 6. Specifically, Zultys intends to and does business in California, directly or through  
18 intermediaries and offer their products and/or services, including those accused herein of  
19 infringement, to customers and potential customers located in California, including in the Northern  
20 District of California.

21 7. Zultys maintains at least one regular and established place of business in this  
22 district, including at 785 Lucerne Drive, Sunnyvale, California 94085 USA.

23 **THE TECHNOLOGY**

24 8. Estech is an affiliate of Estech Systems, Inc. (“ESI”) which for more than 30 years  
25 has been a leading U.S.-based provider of end-to-end business phone solutions. ESI’s Network  
26 Operations Center is located in Plano, Texas.

1           9.           Since 1987, ESI has sold more than 400,000 solutions to its customers, working  
2 with more than 1,500 certified partners nationwide. Its customers include small and large  
3 businesses across the country.

4           10.          Recognizing that business doesn't get done without communication, ESI provides  
5 powerful products that are easy and simple to use. ESI's products are engineered to make  
6 intelligent technology that is intuitive and user-friendly, empowers employee productivity, and  
7 fuels customer satisfaction.

8           11.          ESI's technology is American-engineered. From its Plano, Texas headquarters,  
9 ESI provides a full solutions portfolio of modern business phone systems, including Cloud,  
10 Hybrid, Pure IP, and SIP dial tone products. Given ESI's end-to-end product offerings, its  
11 customers are empowered to choose the product features they need and want.

12          12.          ESI's products include the most integrated cloud PBX in the market—the award-  
13 winning ESI Cloud PBX; Voice over IP (VoIP) products and systems; and on-premises products.  
14 A cloud-based PBX is a sophisticated telephone exchange system that uses a cloud infrastructure  
15 to provide communication services, such as telephony services.

16          13.          VoIP transmits and receives voice communications over data networks, such as the  
17 Internet or private networks, using the Internet Protocol (IP).

18          14.          VoIP systems offer several advantages over traditional phone systems including,  
19 but not limited to, lower cost and more efficient network management.

20          15.          VoIP systems also enable integration of additional communication services.

21          16.          ESI cloud-based VoIP products have handled billions of call minutes.

22          17.          ESI also provides U.S.-based, best-in-class technical support for its customers.

23          18.          The patents-in-suit, U.S. Patent Nos. 8,391,298 (the "'298 Patent"), 7,068,684 (the  
24 "'684 Patent"), and 7,123,699 (the "'699 Patent") (collectively, the "Estech Asserted Patents"),  
25 are generally directed to systems and methods for providing robust, feature-rich communications  
26 systems including, but not limited to, VoIP telephony and additional communication services that  
27 can be integrated with a VoIP telephony system.

1 19. The Estech Asserted Patents have been widely licensed in relevant industries,  
2 including 21 different license agreements consummated to date, including with Cisco Systems,  
3 Microsoft, Mitel, and Avaya.

4 20. Products and services of or provided by Cisco, Microsoft, Avaya, Mitel,  
5 RingCentral, 3CX, or their Affiliates, including any portions thereof, alone or in combination with  
6 one or more other products, services, processes, or other items, are not alleged to satisfy, in whole  
7 or in part, any element or a step of any claim in the Estech Asserted Patents.

8 **THE ACCUSED INSTRUMENTALITIES**

9 21. On information and belief, Zultys has and continues to at least design, make,  
10 manufacture, sell, or offer to sell communication equipment and services and system-design  
11 services, including but not limited to, for example, Zultys telephony devices (e.g., Z 21i IP Phone,  
12 Z 22G IP Phone, Z 23GE IP Phone, ZIP 45G IP Phone, ZIP 47GE IP Phone, ZIP 49GA IP Phone),  
13 Zultys software telephony products (e.g., Zultys Mobile App, Zultys Desktop Unified  
14 Communications Client, Zultys Advanced Communicator (“ZAC”), Zultys browser-based Web  
15 Advanced Communicator, Mobile Zultys Advanced Communicator, Zultys Flex Communicator,  
16 Zultys Salesforce.com Communicator, Zultys Outlook Communicator), Zultys VoIP telephony  
17 servers and services (e.g., Zultys Business Phone System, Zultys Business Communications  
18 Systems, Zultys Cloud Services, Zultys Unified Communications Platform, Zultys Integrated  
19 Contact Center, Zultys MXnetwork, MXvirtual), Zultys telephony network hardware (e.g., MX-  
20 E/MX-E+/MX-E++, MX-SE II, MG2, MG4, MG8, MG32, MG48) and products and services that  
21 incorporate the same or similar technology, that employ VoIP to perform various functions  
22 including, but not limited to, voice calling, voicemail, directory services, quality of service, and  
23 others using multiple components including, but not limited to, for example, hubs, switches,  
24 routers, session border controllers, servers and the like, and the software for operating such  
25 components (“Zultys Products and Services”).  
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1 22. Upon information and belief, Zultys designs telecommunication and information  
2 handling systems for its customers by incorporating the Zultys Products and Services into their  
3 customers' existing network infrastructure.

4 23. Upon information and belief, the telecommunication and information handling  
5 systems made for, sold and/or offered for sale to customers by Zultys and the telecommunication  
6 and information handling systems used by Zultys employees provide at least one or more of the  
7 following functionalities: (i) the ability to make VoIP-based voice calls using its VoIP telephony  
8 devices; (ii) the ability to store voice mail messages; (iii) the ability to allow access to the voice  
9 mail messages using VoIP telephony devices; and (iv) the ability to provide directory services,  
10 which include, but are not limited to, for example, providing directory information to a user or  
11 VoIP telephony device, including, but not limited to, for example, providing a list of  
12 telecommunications extensions through VoIP telephony devices.

13 24. When this Complaint references "Accused Instrumentalities," it is referring to the  
14 telecommunications and information handling systems Zultys offers to sell, sells, and makes for  
15 its customers as well as the systems its employees use that are referenced in paragraphs 21-23  
16 above and are incorporated herein by reference.

17 **COUNT I**

18 **INFRINGEMENT OF U.S. PATENT NO. 8,391,298**

19 25. Estech repeats and re-alleges the allegations in paragraphs 1-24 as though fully set  
20 forth in their entirety.

21 26. Estech owns all substantial rights, interest, and title in and to the '298 Patent,  
22 including the sole and exclusive right to prosecute this action and enforce the '298 Patent against  
23 infringers, and to collect damages for all relevant times. The United States Patent and Trademark  
24 Office duly issued the '298 Patent on March 5, 2013. A copy of the '298 Patent is attached as  
25 Exhibit A.

26 27. The '298 Patent is titled "Phone Directory in a Voice Over IP Telephone System."  
27 The '298 Patent describes information processing systems that store a list of phone numbers,  
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1 integrated with a VoIP telephony system, to provide those phone numbers to the user of a VoIP  
2 telephone. The user can use that list to dial the telephone number of another user associated with  
3 the VoIP telephony system.

4 28. The claims of the '298 Patent are not directed to an abstract idea. For example,  
5 claim 13 of the '298 Patent recites a specific arrangement of devices and networking components.  
6 Together those devices and networking components enable a user of a first telecommunications  
7 device to observe a list of a plurality of telecommunications extensions. The list of extensions is  
8 stored in a server within a specific networking configuration, and the user can select to view a  
9 subset of the extensions. Taken as a whole, the claimed inventions of the '298 Patent are not  
10 limited to well-understood, routine, or conventional activity. Rather, the claimed inventions  
11 include inventive components that improve upon the functioning and operation of information  
12 processing systems.

13 29. The written description of the '298 Patent describes in technical detail each of the  
14 limitations of the claims, allowing a skilled artisan to understand the scope of the claims and how  
15 the non-conventional and non-generic combination of claim limitations is patently distinct from  
16 and improved upon what may have been considered conventional or generic in the art at the time  
17 of the invention.

18 30. Zultys has infringed the '298 Patent by at least making, having made, using,  
19 importing, providing, supplying, distributing, selling, or offering the Accused Instrumentalities for  
20 sale.

21 31. The Accused Instrumentalities provide VoIP-based voice calling and data-  
22 networking services to VoIP telephony devices.

23 32. The Accused Instrumentalities use first, second, and third LANs that are coupled  
24 with a WAN.

25 33. The Accused Instrumentalities include VoIP telephony devices connected to LANs,  
26 the VoIP telephony devices having telecommunications extensions associated therewith, the  
27 telecommunications extensions being coupled to the second and third LANs.

1           34.       The VoIP telephony devices include circuitry (i) enabling users of VoIP telephony  
2 devices to observe a list of telecommunications extensions; (ii) to automatically call one of the  
3 telecommunications extensions in response to a user selecting one of the telecommunications  
4 extensions from the list; and (iii) enabling the user to select between observing the list of  
5 telecommunications extensions coupled to the second LAN or the third LAN.

6           35.       The Accused Instrumentalities include servers in the second LAN that store  
7 telecommunications extensions accessed across the WAN.

8           36.       As described above, Zultys has directly infringed (literally or under the doctrine of  
9 equivalents) at least Claim 13 of the '298 Patent. Zultys's infringement in this regard is ongoing.

10          37.       Estech has been damaged as a result of the infringing conduct by Zultys alleged  
11 above. Thus, Zultys is liable to Estech in an amount that compensates it for such infringements,  
12 which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by  
13 this Court under 35 U.S.C. § 284.

14          38.       Estech or its predecessors-in-interest have satisfied all statutory obligations  
15 required to collect pre-filing damages for the full period allowed by law for infringement of the  
16 '298 Patent.

17          39.       Zultys has also indirectly infringed the '298 Patent by inducing others to directly  
18 infringe the '298 Patent. Zultys has induced end-users, including Zultys's customers, partners,  
19 personnel, clients, and contractors, to directly infringe (literally or under the doctrine of  
20 equivalents) the '298 Patent by making and using the Accused Instrumentalities. Zultys took  
21 active steps, directly or through contractual relationships with others, with the specific intent to  
22 cause them to use the Accused Instrumentalities in a manner that infringes one or more claims of  
23 the '298 Patent, including, for example, Claim 13 of the '298 Patent. Such steps by Zultys  
24 included, among other things, advising or directing customers, partners, personnel, contractors or  
25 end-users to make or use the Accused Instrumentalities in an infringing manner; advertising and  
26 promoting the use of the Accused Instrumentalities in an infringing manner; or distributing  
27 instructions that guide users to use the Accused Instrumentalities in an infringing manner. Zultys  
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1 is performing these steps, which constitute induced infringement with the knowledge of the '298  
2 Patent and with the knowledge that the induced acts constitute infringement. Zultys is aware that  
3 the normal and customary use of the Accused Instrumentalities by others would infringe the '298  
4 Patent. Zultys's inducement is ongoing.

5 40. Zultys has also indirectly infringed by contributing to the infringement of the '298  
6 Patent. Zultys has contributed to the direct infringement of the '298 Patent by its customers,  
7 partners, personnel, contractors, clients, and suppliers. The Accused Instrumentalities have special  
8 features that are specially designed to be used in an infringing way and that have no substantial  
9 uses other than ones that infringe one or more claims of the '298 Patent, including, for example,  
10 Claim 13 of the '298 Patent. The special features include, for example, the devices and networking  
11 components recited in Claim 13, including the interrelation between those devices and networking  
12 components, that allow the claimed server to provide a list of extensions and for the user to select  
13 to view a subset of the extensions. The special features constitute a material part of the invention  
14 of one or more of the claims of the '298 Patent and are not staple articles of commerce suitable for  
15 substantial non-infringing use. Zultys's contributory infringement is ongoing.

16 41. Furthermore, on information and belief, Zultys has a policy or practice of not  
17 reviewing the patents of others (including instructing its employees to not review the patents of  
18 others), and thus has been willfully blind of Estech's patent rights.

19 42. Zultys's actions are at least objectively reckless as to the risk of infringing a valid  
20 patent and this objective risk was either known or should have been known by Zultys.

21 43. Zultys's direct and indirect infringement of the '298 Patent is, has been, and  
22 continues to be willful, intentional, deliberate, or in conscious disregard of Estech's rights under  
23 the patent.

24 44. Estech has been damaged as a result of the infringing conduct by Zultys alleged  
25 above. Thus, Zultys is liable to Estech in an amount that compensates it for such infringements,  
26 which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by  
27 this Court under 35 U.S.C. § 284.



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1 45. Estech has suffered irreparable harm, through its loss of market share and goodwill,  
2 for which there is no adequate remedy at law. Estech has and will continue to suffer this harm by  
3 virtue of Zultys's infringement of the '298 Patent. Zultys's actions have interfered with and will  
4 interfere with Estech's ability to license technology. The balance of hardships favors Estech's  
5 ability to commercialize its own ideas and technology. The public interest in allowing Estech to  
6 enforce its right to exclude outweighs other public interests, which supports injunctive relief in  
7 this case.

8 **COUNT II**

9 **INFRINGEMENT OF U.S. PATENT NO. 7,068,684**

10 46. Estech repeats and re-alleges the allegations in paragraphs 1-45 as though fully set  
11 forth in their entirety.

12 47. Estech owns all substantial rights, interest, and title in and to the '684 Patent,  
13 including the sole and exclusive right to prosecute this action and enforce the '684 Patent against  
14 infringers, and to collect damages for all relevant times. The United States Patent and Trademark  
15 Office duly issued the '684 Patent on June 27, 2006. A copy of the '684 Patent is attached as  
16 Exhibit B.

17 48. The '684 Patent is titled "Quality of Service in a Voice Over IP Telephone System."  
18 The '684 Patent describes information handling systems used to transmit voice using VoIP  
19 technology. The information handling systems throttle the amount of data being transferred from  
20 a workstation connected to the VoIP telephone.

21 49. The method claims of the '684 Patent are not directed to an abstract idea. For  
22 example, claim 42 of the '684 Patent recites specific steps performed by a specific arrangement of  
23 devices and networking components and operations performed by those components. Together,  
24 those devices and networking components provide quality of service to audio information by  
25 throttling the amount of data being transferred through a VoIP telephony device. Taken as a whole,  
26 the claimed inventions of the '684 Patent are not limited to well-understood, routine, or  
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1 conventional activity. Rather, the claimed inventions include inventive components that improve  
2 upon the function and operation of information processing systems.

3 50. The written description of the '684 Patent describes in technical detail each of the  
4 limitations of the method claims, allowing a skilled artisan to understand the scope of the method  
5 claims and how the non-conventional and non-generic combination of claim limitations is patently  
6 distinct from and improved upon what may have been considered conventional or generic in the  
7 art at the time of the invention.

8 51. Zultys has infringed the method claims of the '684 Patent by making, having made,  
9 using, importing, providing, supplying, distributing, selling, or offering the Accused  
10 Instrumentalities for sale.

11 52. The Accused Instrumentalities provide VoIP-based voice calling and data-  
12 networking services to VoIP telephony devices.

13 53. The Accused Instrumentalities include VoIP servers such that audio information  
14 for VoIP-based voice calls is communicated between at least VoIP telephony devices and VoIP  
15 servers.

16 54. The Accused Instrumentalities include workstations (including, but not limited to,  
17 for example, desktop computers, workstations, laptops, embedded devices, point-of-sale devices,  
18 and mobile devices) that send and receive data from data servers (including, but not limited to, for  
19 example, websites) that transfer data through VoIP telephony devices.

20 55. The Accused Instrumentalities sufficiently throttle data sent from workstations to  
21 VoIP telephony devices to increase a rate of transfer of audio information during the  
22 communication of audio information, the data throttling comprises reducing a future amount of  
23 data from being transferred from the workstation if the amount of data exceeds a predetermined  
24 threshold.

25 56. As described above, Zultys has directly infringed (literally or under the doctrine of  
26 equivalents) one or more method claims, including at least Claim 42 of the '684 Patent. Estech  
27 does not allege infringement of any non-method claims of the '684 patent.

1 57. Estech has been damaged as a result of the infringing conduct by Zultys alleged  
2 above. Thus, Zultys is liable to Estech in an amount that adequately compensates it for such  
3 infringements, which by law cannot be less than a reasonable royalty, together with interest and  
4 costs as fixed by this Court under 35 U.S.C. § 284.

5 58. Estech or its predecessors-in-interest have satisfied all statutory obligations  
6 required to collect pre-filing damages for the full period allowed by law for infringement of the  
7 '684 Patent.

8 **COUNT III**

9 **INFRINGEMENT OF U.S. PATENT NO. 7,123,699**

10 59. Estech repeats and re-alleges the allegations in paragraphs 1-58 as though fully set  
11 forth in their entirety.

12 60. Estech owns all substantial rights, interest, and title in and to the '699 Patent,  
13 including the sole and exclusive right to prosecute this action and enforce the '699 Patent against  
14 infringers, and to collect damages for all relevant times. The United States Patent and Trademark  
15 Office duly issued the '699 Patent on October 17, 2006. A copy of the '699 Patent is attached as  
16 Exhibit C.

17 61. The '699 Patent is titled "Voice Mail in a Voice Over IP Telephone System." The  
18 '699 Patent describes an information handling system for storing a voice mail message in a voice  
19 mail box in a voice mail system within a first local area network (LAN). A user can access and  
20 listen to the voice mail using a VoIP telecommunications device within a second LAN by  
21 connecting to the first LAN via a wide-area network (WAN), such as the Internet.

22 62. The method claims of the '699 Patent are not directed to an abstract idea. For  
23 example, claim 1 of the '699 Patent recites specific steps performed by a specific arrangement of  
24 devices in a networking environment. Together those devices enable a user within a second LAN  
25 to access and listen to voice mail messages stored within a first LAN. Taken as a whole, the  
26 claimed inventions of the '699 Patent are not limited to well-understood, routine, or conventional  
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1 activity. Rather, the claimed inventions include inventive components that improve upon the  
2 functioning and operation of information processing systems.

3 63. The written description of the '699 Patent describes in technical detail each of the  
4 limitations of the method claims, allowing a skilled artisan to understand the scope of the method  
5 claims and how the non-conventional and non-generic combination of claim limitations is patently  
6 distinct from and improved upon what may have been considered conventional or generic in the  
7 art at the time of the invention.

8 64. Zultys has infringed the method claims of the '699 Patent by making, having made,  
9 using, importing, providing, supplying, distributing, selling, or offering the Accused  
10 Instrumentalities for sale.

11 65. The Accused Instrumentalities operate under a routable protocol including, but not  
12 limited to, for example, TCP/IP or UDP/IP.

13 66. The Accused Instrumentalities include VoIP servers that store a voice mail message  
14 in a voice mail box in a voice mail system within a first LAN.

15 67. The Accused Instrumentalities include VoIP telephony devices coupled to the  
16 second LAN that provide a sensory indication when the voice message is stored in the voice mail  
17 box within the first LAN. The VoIP telephony devices allow a user to access the voice mail system  
18 within the first LAN to listen to the voice message stored in the voice mail box. The VoIP  
19 telephony devices allow a user to access the voice mail message stored in the voice mail box  
20 provided by the VoIP Servers by using communication protocols, including, but not limited to, for  
21 example, TCP/IP, UDP/IP, Session Initiation Protocol (SIP), Session Description Protocol (SDP),  
22 Real-time Transport Protocol (RTP), and Real-time Transport Control Protocol (RTCP) protocols  
23 to: (i) establish a channel between the first and second LANs over the WAN; (ii) couple an audio  
24 path over the channel between the telecommunications device and the voice mail box; and (iii)  
25 stream voice data containing the voice message from the voice mail box to the telecommunications  
26 device over the audio path.

1 68. The VoIP telephony devices and VoIP servers can establish a channel between the  
2 first and second LANs over the WAN, wherein the establishing includes: (i) in response to an  
3 input at VoIP telephony devices, sending a user mail box connection message from the second  
4 LAN to the first LAN requesting a channel, wherein the user mail box connection message includes  
5 an extension associated with VoIP telephony devices and an identification of the voice mail box;  
6 (ii) assigning the channel by VoIP servers in the first LAN; and (iii) sending a connection  
7 established message from VoIP servers in the first LAN to the second LAN.

8 69. As described above, Zultys has directly infringed (literally or under the doctrine of  
9 equivalents) one or more method claims, including at least Claim 1 of the '699 Patent. Estech  
10 does not allege infringement of any non-method claims of the '699 patent.

11 70. Estech has been damaged as a result of the infringing conduct by Zultys alleged  
12 above. Thus, Zultys is liable to Estech in an amount that adequately compensates it for such  
13 infringements, which by law cannot be less than a reasonable royalty, together with interest and  
14 costs as fixed by this Court under 35 U.S.C. § 284.

15 71. Estech or its predecessors-in-interest have satisfied all statutory obligations  
16 required to collect pre-filing damages for the full period allowed by law for infringement of the  
17 '699 Patent.

18 **JURY DEMAND**

19 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Estech requests a trial by jury  
20 on all issues triable by a jury.

21 **PRAYER FOR RELIEF**

22 Estech requests that the Court find in its favor and against Zultys, and that the Court grant  
23 Estech the following relief:

24 a. Judgment that one or more claims of the Estech Asserted Patents have been  
25 infringed, either literally or under the doctrine of equivalents, by Zultys or all others acting in  
26 concert therewith;

1           b.       A permanent injunction enjoining Zultys and its officers, directors, agents, servants,  
2 affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert  
3 therewith from infringement of the '298 Patent; or, in the alternative, an award of a reasonable  
4 ongoing royalty for future infringement of the '298 Patent by such entities;

5           c.       Judgment that Zultys accounts for and pays to Estech all damages to and costs  
6 incurred by Estech because of Zultys's infringing activities and other conduct complained of  
7 herein;

8           d.       Judgment that Zultys's infringement be found willful, and that the Court award  
9 treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;

10          e.       Pre-judgment and post-judgment interest on the damages caused by Zultys's  
11 infringing activities and other conduct complained of herein;

12          f.       That this Court declare this an exceptional case and award Estech its reasonable  
13 attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

14  
15               All other and further relief as the Court may deem just and proper under the circumstances.

16  
17 Dated: April 26, 2024

Respectfully submitted,

*/s/ Stephen R. Dartt*

Stephen R. Dartt

California State Bar No. 247552

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**ATTORNEYS FOR ESTECH SYSTEMS IP,  
LLC**

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