

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MOTION OFFENSE, LLC,

Plaintiff

v.

SPROUTS FARMERS MARKET, INC.
and SPROUTS FARMERS MARKET
TEXAS, LP d/b/a SPROUTS FARMERS
MARKET,

Defendants.

Civil Action No.: 6:19-cv-417

JURY TRIAL DEMANDED

PATENT CASE

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Motion Offense, LLC (“Plaintiff”), files this Complaint against Defendants Sprouts Farmers Market, Inc. and Sprouts Farmers Market Texas, LP d/b/a Sprouts Farmers Market (collectively “Defendants”), seeking damages and other relief for patent infringement, and alleges with knowledge to its own acts, and on information and belief as to other matters, as follows:

PARTIES

1. Plaintiff is a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at 211 W. Tyler Street, Longview, Texas 75601.

2. Defendant Sprouts Farmers Market, Inc. is a Delaware Corporation with regular and established physical places of business within this judicial district, and its principal place of business at 5455 East High Street, Suite 111, Phoenix, Arizona 85054.

3. Defendant Sprouts Farmers Market Texas, LP d/b/a Sprouts Farmers Market is a Texas Limited Partnership with regular and established physical places of business within this judicial district, having its principal place of business at 211 East 7th Street, Suite 620, Austin, Texas 78701. Sprouts Farmers Market Texas, LP may be served by serving its registered agent Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company at 211 East 7th Street, Suite 620, Austin, Texas 78701.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, 35 U.S.C. §101, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1338(a).

5. Venue is proper in this judicial district under 28 U.S.C. §1400(b). Defendants maintain regular and established physical places of business within this judicial district, including but not limited to stores located at: (i) 4006 S. Lamar Blvd., Suite 400, Austin, TX 78704; (ii) 10225 Research Blvd., Austin, TX 78759; and (iii) 6920 Manchaca Rd., Austin, TX 78745. On information and belief, from and within this District, Defendants have committed acts of infringement at issue in this case.

6. Defendants are subject to this Court’s specific and general personal jurisdiction pursuant to due process or the Texas Long Arm Statute, due at least to Defendants’ substantial business in this forum, including: (i) business related to infringing acts as alleged herein; or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this district. Within this state, Defendants have committed, and continue to commit, acts of patent infringement as alleged herein. In addition, Defendants have derived revenues from its infringing acts occurring within the Western District of Texas. Further, Defendants are subject to the Court’s general

jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities within Texas and within the Western District of Texas. Further, Defendants are subject to the Court's personal jurisdiction at least due to its sale of products or services within Texas and within the Western District of Texas. Defendants have committed such purposeful acts or transactions in Texas such that they reasonably should know and expect that they could be haled into this Court because of such activity.

THE PATENTS IN SUIT

7. The United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 10,013,158 ("the '158 Patent") entitled "Methods, Systems, and Computer Program Products for Sharing a Data Object in a Data Store Via a Communication" to Robert Paul Morris on July 3, 2018. A true and correct copy of the '158 Patent is attached hereto as Exhibit A.

8. The USPTO duly and legally issued United States Patent No. 10,021,052 ("the '052 Patent") entitled "Methods, Systems, and Computer Program Products for Processing a Data Object Identification Request in a Communication" to Robert Paul Morris on July 10, 2018. A true and correct copy of the '052 Patent is attached hereto as Exhibit B.

9. Plaintiff is the assignee of all right, title, and interest to both the '158 Patent and the '052 Patent ("the Patents-in-Suit"). Accordingly, Plaintiff has standing to bring the instant suit to enforce its rights under the patent laws of the United States, including the right to collect damages for past infringement.

10. Upon information and belief, Defendants and their employees use Dropbox Business (the "Accused Product") for, among other things, sharing and storing data. *See*

<https://www.dropbox.com/business/solutions/retail>. Defendants infringe the Patents-in-Suit at least through using the Accused Product.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 10,013,158)

11. Plaintiff incorporates herein the above paragraphs by reference.
12. The '158 Patent is presumed valid.
13. The '158 Patent describes and claims systems and methods which make data sharing more rapid and efficient by allowing for the “sharing [of] a data object in a data store via a communication.” '158 Patent, Ex. A at 2:2-3.
14. Among the specific technologic improvements to devices and methods for making data sharing more rapid and efficient, the '158 Patent describes systems and methods for including in a “message” to a user “a mount descriptor that identifies a data object in a second data store.” *See, e.g.*, '158 Patent, Ex. A at 20:55-64 (“[A] system for sharing a data object in a data store via a communication includes means for receiving, by a first communications agent in a first execution environment according to a first communication protocol via a network from a second communications agent in a second execution environment, a first message, in a communication and addressed to a first user represented by the first communications agent, that includes a mount descriptor that identifies a data object in a second data store in the second execution environment.”); *Id.* at 24:67-25:5 (“[A] system for sharing a data object in a data store via a communication includes means for creating, based on the mount descriptor, a representation of the data object at the location, wherein accessing the representation includes accessing the data object from the second data store.”); 24:58-62 (“Mount UI element **642c** allows the user to instruct

execution environment **401** of the first node **502** to attach and/or otherwise mount a representation of a data object, identified in a mount descriptor at a location in the data store of execution environment **401** of first node **502**.”). Figure 7 of the '158 Patent, reproduced below, illustrates an exemplary data and execution flow for sharing a data object in a data store via a communication according to an aspect of the subject matter described in the '158 Patent:

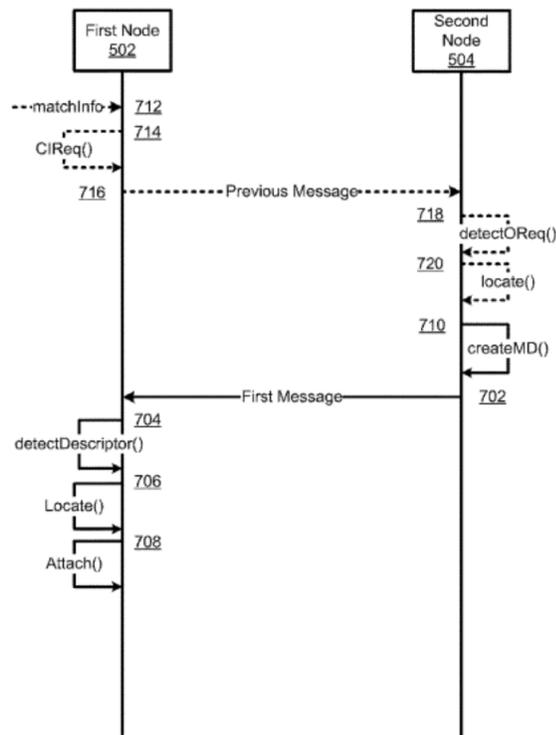


FIG. 7

'158 Patent, Ex. A, Fig. 7.

15. The '158 Patent describes elements and combinations that were not well-understood, routine, or conventional to a skilled artisan in the relevant field. *See, e.g.*, '158 Patent, Ex. A at 44:21–27 (one or more processors to execute the instructions to “cause, at a first node, display of at least one first interface with a first user interface element, utilizing first hypertext markup language-equipped code that is sent via at least one network”); *see also, e.g., id.* at 20:55-

64 (describing “a system for sharing a data object in a data store via a communication includes means for receiving, by a first communications agent in a first execution environment according to a first communication protocol via a network from a second communications agent in a second execution environment, a first message, in a communication and addressed to a first user represented by the first communications agent, that includes a mount descriptor that identifies a data object in a second data store in the second execution environment.”); *Id.* at 24:67-25:5 (“[A] system for sharing a data object in a data store via a communication includes means for creating, based on the mount descriptor, a representation of the data object at the location, wherein accessing the representation includes accessing the data object from the second data store.”); 24:58-62 (“Mount UI element **642c** allows the user to instruct execution environment **401** of the first node **502** to attach and/or otherwise mount a representation of a data object, identified in a mount descriptor at a location in the data store of execution environment **401** of first node **502**.”).

16. The claims of the '158 Patent are not directed to a method of organizing human activity, nor are they directed to a fundamental economic practice long prevalent in our system of commerce. *See, e.g.*, '158 Patent, Ex. A at 44:21–27 (one or more processors to execute the instructions to “cause, at a first node, display of at least one first interface with a first user interface element, utilizing first hypertext markup language-equipped code that is sent via at least one network”); *see also, e.g., id.* at 20:55-64 (describing “a system for sharing a data object in a data store via a communication includes means for receiving, by a first communications agent in a first execution environment according to a first communication protocol via a network from a second communications agent in a second execution environment, a first message, in a communication and addressed to a first user represented by the first communications agent, that includes a mount descriptor that identifies a data object in a second data store in the second execution

environment.”); *Id.* at 24:67-25:5 (“[A] system for sharing a data object in a data store via a communication includes means for creating, based on the mount descriptor, a representation of the data object at the location, wherein accessing the representation includes accessing the data object from the second data store.”); 24:58-62 (“Mount UI element **642c** allows the user to instruct execution environment **401** of the first node **502** to attach and/or otherwise mount a representation of a data object, identified in a mount descriptor at a location in the data store of execution environment **401** of first node **502**.”).

17. Through the use (including without limitation testing) of the Accused Product, Defendants have infringed and continue to infringe at least Claim 3 of the ’158 Patent. Exhibit C, attached hereto, includes a claim chart that shows how each and every element of Claim 3 of the ’158 Patent is found in the Accused Product.

18. The Accused Product and other information included in the attached preliminary claim chart, *see* Exhibit C, are non-limiting examples that were identified based on publicly available information, and Plaintiff reserves its right to identify additional infringing activities, products and services, including, for example, on the basis of information obtained during discovery.

19. Defendants have infringed, and continue to infringe, at least one claim of the ’158 Patent (*e.g.*, Claim 3) in the United States by using (including without limitation testing) the Accused Product in violation of 35 U.S.C. §271(a). *See, e.g.*, Preliminary Claim Chart (Exhibit C).

20. Plaintiff has been damaged by Defendants’ infringement of the ’158 Patent.

21. Defendants have had actual knowledge of the ’158 Patent since at least the service of this Complaint.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 10,021,052)

22. Plaintiff incorporates herein the above paragraphs by reference.

23. The '052 Patent is presumed valid.

24. The '052 Patent describes and claims systems and methods which make data sharing more rapid and efficient by allowing for the “processing [of] a data object identification request in a communication.” '052 Patent, Ex. B at 2:2-3.

25. Among the specific technologic improvements to devices and methods for making data sharing more rapid and efficient, the '052 Patent describes systems and methods for “including a data object identification request” in a “message.” *See, e.g.*, '052 Patent, Ex. B at 27:48-56 (“[A] system for processing a data object identification request in a communication includes means for sending, according to a first communications protocol via a network in a communication to a second communications agent in a second execution environment representing a second user, a first message including a data object identification request based on the data object matching criterion, wherein the first message is addressed to the second user.”); *see also, e.g., Id.* at 27:27-35; Claim 10. Figure 7 of the '052 Patent, reproduced below, illustrates an exemplary data and execution flow for processing a data object identification request in a communication according to an aspect of the subject matter described in the '052 Patent:

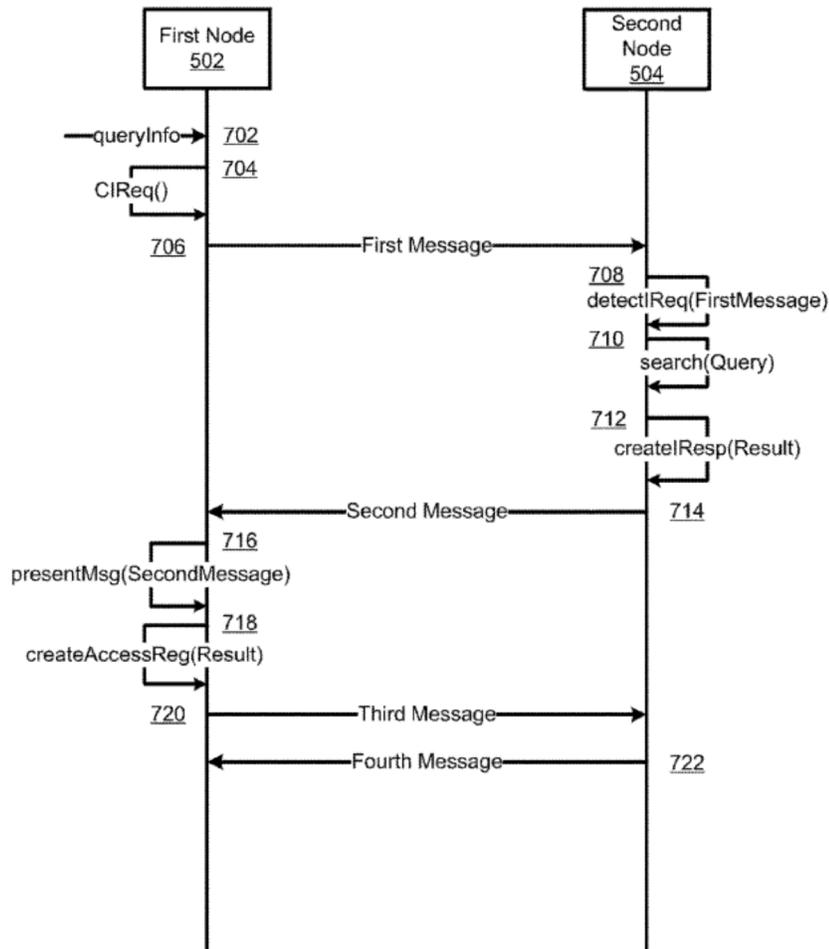


FIG. 7

'052 Patent, Ex. B, Fig. 7; *see also, e.g., Id.* at 40:9-16 (“[A] system for processing a data object identification request in a communication includes means for generating, in response to detecting the data object identification request, a data object identification response that identifies a data object in a second data store in the second execution environment, wherein the data object is identified by processing the data object identification request.”); 30:40-47 (“receiving, by the first communications agent in response to sending the data object identification request in the first message, a second message that includes a data object identification response that identifies a data

object in a second data store in the second execution environment, wherein the second message is addressed to the first user and the data object is not received in the second message.”).

26. The claimed elements and claimed combinations were not well-understood, routine, and conventional to a skilled artisan in the relevant field. *See, e.g.*, '052 Patent, Ex. B at 53:7–16 (one or more processors execute the instructions to “cause, at a first node, display of at least one first interface with a first user interface element and a second user interface element, utilizing first hypertext markup language-equipped code that is sent via at least one network, the at least one first interface for use in creating a file request requesting at least one file”); *see also, e.g., id.* at 30:40-47 (“receiving, by the first communications agent in response to sending the data object identification request in the first message, a second message that includes a data object identification response that identifies a data object in a second data store in the second execution environment, wherein the second message is addressed to the first user and the data object is not received in the second message.”).

27. The '052 Patent claims a system and method of sharing data that is more rapid and efficient than traditional methods of sharing data, which relied on conventional elements and combinations. For example, “[t]o request an attachment, a user typically sends the request as voice and/or text data in a voice and/or text message heard and/or read by another user. The other user must interpret the request and find a file or other data object that seems to match the request. The other user in many cases locates a ‘matching’ resource using a program or application other than the communications agent that received the request.” '052 Patent, Ex. B at 1:56-65.

28. The claims of the '052 Patent are not directed to a method of organizing human activity, nor are they directed to a fundamental economic practice long prevalent in our system of commerce. *See, e.g.*, '052 Patent, Ex. B at 53:44–56 (“cause, at a first node, display of at least one

first interface with a first user interface element and a second user interface element, utilizing first hypertext markup language-equipped code that is sent via at least one network, the at least one first interface for use in creating a file request requesting at least one file”); *see also, e.g., id.* at 27:48–56 (describing “a system for processing a data object identification request in a communication includes means for sending, according to a first communications protocol via a network in a communication to a second communications agent in a second execution environment representing a second user, a first message including a data object identification request based on the data object matching criterion, wherein the first message is addressed to the second user.”); 30:40-47 (“receiving, by the first communications agent in response to sending the data object identification request in the first message, a second message that includes a data object identification response that identifies a data object in a second data store in the second execution environment, wherein the second message is addressed to the first user and the data object is not received in the second message.”).

29. Through the use (including without limitation testing) of the Accused Product, Defendants have infringed and continue to infringe at least Claims 10 and 12 of the '052 Patent. Exhibits D and E, attached hereto, include claim charts that show how each and every element of Claims 10 and 12 of the '052 Patent are found in the Accused Product.

30. The Accused Product and other information included in the attached preliminary claim charts, *see* Exhibits D and E, are non-limiting examples that were identified based on publicly available information, and Plaintiff reserves its right to identify additional infringing activities, products and services, including, for example, on the basis of information obtained during discovery.

31. Defendants have infringed, and continue to infringe, at least one claim of the '052 Patent (*e.g.*, Claims 10 and 12) in the United States by using (including without limitation testing) the Accused Product in violation of 35 U.S.C. §271(a). *See, e.g.*, Preliminary Claim Charts (Exhibits D and E).

32. Plaintiff has been damaged by Defendants' infringement of the '052 Patent.

33. Defendants have had actual knowledge of the '052 Patent since at least the service of this Complaint.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Enter judgment that Defendants have infringed one or more claims of the '158 Patent literally or under the doctrine of equivalents;
- B. Enter judgment that Defendants have infringed one or more claims of the '052 Patent literally or under the doctrine of equivalents;
- C. Award Plaintiff past and future damages, to be paid by Defendants, in an amount no less than a reasonable royalty and adequate to compensate Plaintiff for such past and future damages, together with pre-judgment and post-judgment interest for Defendants' infringement of the '158 Patent and the '052 Patent through the date that such judgment is entered in accordance with 35 U.S.C. §284, and increase such award by up to three times the amount found or assessed in accordance with 35 U.S.C. §284;
- D. Declare this case exceptional pursuant to 35 U.S.C. §285; and
- E. Award Plaintiff its costs, disbursements, attorneys' fees, and such further and additional relief as is deemed appropriate by this Court.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: July 12, 2019

Respectfully submitted,

By: /s/ _____

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