

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

**ORTIZ & ASSOCIATES CONSULTING,
LLC,**
Plaintiff,

v.

BROTHER MOBILE SOLUTIONS, INC.,
Defendant

Civil Action No. 1:24-cv-01198

JURY TRIAL DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Ortiz & Associates Consulting, LLC (“Ortiz”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 9,549,285 (“the ‘285 patent”) (referred to as the “Patent-in-Suit”) by Brother Mobile Solutions., Inc. (“Defendant”).

I. THE PARTIES

1. Plaintiff Ortiz is a New Mexico Limited Liability Company with its principal place of business located in Albuquerque, NM.

2. On information and belief, Defendant is a corporation existing under the laws of the State of Delaware, with a regular and established place of business located at 11030 CirclePoint Road, Suite 100, Westminster, Colorado 80020-2775. On information and belief, DEFENDANT sells and offers to sell products and services throughout Colorado, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Colorado and this judicial district. Defendant can be served with process through their registered agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808, at its place of business, or anywhere else it may be found.

II. JURISDICTION AND VENUE

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

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Colorado and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Colorado and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Colorado and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Colorado and this District.

III. INFRINGEMENT

A. Infringement of the '285 Patent

6. On January 17, 2017, U.S. Patent No. 9,549,285 ("the '285 patent", attached as Exhibit A) entitled "Systems, Methods and Apparatuses for Brokering Data Between Wireless Devices, Servers and Data Rendering Devices" was duly and legally issued by the U.S. Patent and Trademark Office. Ortiz owns the '285 patent by assignment.

7. The '285 patent relates to a novel and improved system for secure communication over a

public network.

8. DEFENDANT maintained, operated, and administered systems and servers, that infringed one or more claims of the '285 patent, including one or more of claims 1-13, literally or under the doctrine of equivalents.¹ Defendant put the inventions claimed by the '285 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the following preliminary table attached as Exhibit B. These allegations of infringement are preliminary and are therefore subject to change. These charts are amended from Plaintiff's charts submitted with its original petition.

10. Defendant has caused Plaintiff damage by direct infringement of the claims of the '285 patent.² Defendant has known of the '285 patent from at least November 12, 2021, the filing date of a prior lawsuit.

IV. CONDITIONS PRECEDENT

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

V. JURY DEMAND

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

¹ Plaintiff reserves the right to amend to add claims for indirect infringement, including inducement and contributory, and/or willful infringement, to the extent fact discovery shows DEFENDANT's pre-expiration knowledge of the patent.

² Plaintiff reserves the right to amend to add claims for indirect infringement, including inducement and contributory, and/or willful infringement, to the extent fact discovery shows DEFENDANT's pre-expiration knowledge of the patent.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '285 patent;
- b. award Plaintiff damages in an amount sufficient to compensate it for Defendant's infringement of the '285 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award Plaintiff an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award Plaintiff its attorneys' fees, expenses, and costs incurred in this action; and,
- e. award Plaintiff such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey LLP

/s/ William P. Ramey, III

William P. Ramey, III

Texas Bar No. 24027643

5020 Montrose Blvd., Suite 800

Houston, Texas 77006

(713) 426-3923 (telephone)

(832) 900-4941 (fax)

wramey@rameyfirm.com

Attorneys for Ortiz & Associates Consulting, LLC