

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

BILLJCO, LLC

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 6:21-cv-528

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff BillJCo, LLC (“BillJCo” or “Plaintiff”), by its undersigned counsel, for its Complaint against defendant Apple, Inc. (“Apple” or “Defendant”), states as follows:

I. NATURE OF THE ACTION

1. This is a civil action arising under the patent laws of the United States, 35 U.S.C. §1 et seq., including 35 U.S.C. §271, based on Apple’s unauthorized and willful infringing manufacture, use, sale, offering for sale, and/or importation of methods and products incorporating BillJCo’s patented inventions.

2. BillJCo is owner of all right, title, and interest in and to multiple United States patents and patent applications including United States Patent Nos. 8,566,839 (the ‘839 Patent); 8,639,267 (the ‘267 Patent); 8,761,804 (the ‘804 Patent); 9,088,868 (the ‘868 Patent); 10,292,011 (the ‘011 Patent); 10,477,994 (the ‘994 Patent) (collectively, “the Patents-in-Suit”).

3. Apple manufactures, provides, sells, offers for sale, imports, and/or distributes products and services which directly infringe the Patents-in-Suit. The Patents-in-Suit represent

BillJCo.'s significant investment into the Bluetooth Low Energy ("BLE") beacon technology space.

II. THE PARTIES

4. Plaintiff BillJCo, LLC is a Texas limited liability corporation with its principal place of business located at 1704 Katherine Court, Flower Mound, TX 75022. Mr. Bill Johnson ("Mr. Johnson") is the sole member of BillJCo and is the inventor of the Patents-in-Suit and related patents in the patent portfolio.

5. Defendant Apple, Inc. is a California corporation, with several offices and retail locations located in Austin, Texas including regular and established places of business at 12545 Riata Vista Circle, Austin, Texas 78727, 2901 S. Capital of Texas Hwy, Austin, Texas 78746, and at 3121 Palm Way, Austin, Texas 78758.

6. On information and belief, Apple is in the process of establishing a second headquarters to be located at 6900 W. Parmer Lane, Austin, TX 78729.

7. Apple can be served with process through its registered agent CT Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 7520.

III. JURISDICTION AND VENUE

8. This is an action for patent infringement, which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§ 271, 281, 282, 284, and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

9. The Court has personal jurisdiction over Apple because it has committed acts giving rise to this action within Texas and within this judicial district. Apple also regularly does business or solicits business in this District and in Texas, engages in other persistent course of conduct and derives substantial revenue from products and/or services provided in this District

and in Texas, and has purposefully established substantial, systematic and continuous contacts with this District and should reasonably expect to be sued in a court in this District.

10. For example, Apple has a regular and established place of business in the State of Texas and in this District, including an office located at 12545 Riata Vista Circle, Austin, Texas 78727, and is in the process of building out its second worldwide headquarters at 6900 W. Parmer Lane, Austin, TX 78729, including construction of a hotel. Apple also operates retail stores in this District, conducts business with customers residing in this District, and offers support service to customers in this District and Texas.

11. Apple has committed acts of patent infringement in this District and elsewhere in Texas.

12. Apple continues to grow its presence in this District, further cementing its ties to this District. Apple operates a website and various advertising campaigns that solicit sales of the infringing products by consumers in the District and in Texas. Apple has entered into partnerships with numerous resellers and distributors to sell and offer for sale the Accused Products to consumers in this District, both online and in stores, and offers support services to customers in this District.

13. On information and belief, Apple operates brick-and-mortar retail establishments (“Apple Stores”) at Barton Creek Square, Austin, Texas and at Apple Domain Northside, Austin, Texas.

14. Each of these Apple Store locations offer for sale and sell Apple products, including Apple iPhone products and Apple iPad products, which are configured and conformed to practice and implement the iBeacon protocol and specification.

15. On information and belief, the Best Buy store at 4627 S. Jack Kultgen Expy., Waco, TX 76706 also sells Apple products including Apple iPhone products and Apple iPad products.

16. Apple is registered to do business in Texas and maintains an agent authorized to receive service of process within Texas. Given these contacts, the Court's exercise of jurisdiction over Apple will not offend traditional notions of fair play and substantial justice.

17. Venue is proper in the Western District of Texas under 28 U.S.C. §§1391 and 1400(b) because Apple has an established place of business in this District, including at 12545 Riata Vista Circle, Austin, Texas 78727, has committed acts within this District giving rise to this action and resulting in the derivation of substantial revenue from goods and services provided to customers in Texas, and Apple continues to conduct business in this District, including one or more acts of selling, using, importing, and/or offering for sale infringing goods and/or performing support service to Apple's customers in this District.

18. Venue is also convenient as BillJCo is a registered Texas Limited Liability Company located in Texas. Similarly, BillJCo member and inventor of the Patents-in-Suit, Mr. Johnson, lives and resides in Texas. As such, various evidence and sources of proof relating to the Patents-in-Suit and this case also are located in and reside in Texas.

IV. FACTUAL ALLEGATIONS

BillJCo's Technology and Patents-in-Suit

19. Beacon technology generally relates to a class of BLE hardware transmitters that broadcast, among other things, their identifier to nearby electronic devices where different information can be received, processed, analyzed, and ultimately presented to a user to, for example, enhance a user's or customer's experience.

20. The BillJCo patent portfolio includes thirty-three (33) issued and enforceable United States patents (“the Patent Portfolio”) directed to the beacon technology ecosystem which have resulted from the innovation, ingenuity, and work of BillJCo member and inventor William J. Johnson. The Patent Portfolio claims an earliest priority date of March 14, 2008.

21. The Patents-in-Suit are part of the Patent Portfolio and relate to specific and particularized inventions for, and associated with, this beacon technology and the related protocols and specifications which facilitate and enable aspects of the beacon technology ecosystem including devices capable of implementing beacon standards and specifications, manufacturers of beacon transmitting devices, application developers, and beacon deployers. In particular, the Patents-in-Suit also teach and disclose – among other things – systems and methods for broadcasting and beacons related identifiers, applications, and location information for use within the beacon ecosystem.

22. On October 22, 2013, the ‘839 Patent entitled “System and Method for Automated Content Presentation Objects” was duly and legally issued by the United States Patent and Trademark Office. A true and accurate copy of the ‘839 Patent is attached hereto as Exhibit A.

23. On January 28, 2014, the ‘267 Patent entitled “System and Method for Location Based Exchanges of Data Facilitating Distributed Locational Applications” was duly and legally issued by the United States Patent and Trademark Office. A true and accurate copy of the ‘267 Patent is attached hereto as Exhibit B.

24. On June 24, 2014, the ‘804 Patent entitled “System and Method for Location Based Exchanges of Data Facilitating Distributed Locational Applications” was duly and legally

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