

**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-00528-ADA

**JURY TRIAL DEMANDED**

**DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S  
CLAIMS OF WILLFUL INFRINGEMENT AS TO EACH PATENTS-IN-SUIT AND  
PLAINTIFF'S CLAIMS OF INDIRECT INFRINGEMENT  
AS TO EACH PATENTS-IN-SUIT**

**TABLE OF CONTENTS**

I.	Introduction.....	1
II.	Legal Standard .....	1
III.	Argument .....	2
A.	BillJCo's Willful Infringement Claims Should Be Dismissed .....	2
1.	BillJCo's Allegations of Pre-Suit Knowledge Are Insufficient.....	2
2.	No "Egregious" Conduct Is Alleged.....	4
B.	The Asserted Patents Indirect Infringement Claim Should Be Dismissed .....	5
1.	BillJCo's Pre-Suit Knowledge Allegations Fail to Plausibly State a Claim of Indirect Infringement .....	5
2.	BillJCo Also Fails to Plead Specific Intent to Cause Induced Infringement.....	6
3.	BillJCo's Generic Allegations of Contributory Infringement are Deficient.....	9
IV.	Conclusion .....	10

## **TABLE OF AUTHORITIES**

### **CASES**

<i>Addiction and Detoxification Inst. L.L.C. v. Carpenter,</i> 620 F. App'x 934 (Fed. Cir. 2015) ....	6, 7
<i>Affinity Labs of Texas, LLC v. Toyota Motor N. Am.,</i> No. W:13-cv-365, 2014 WL 2892285 (W.D. Tex. May 12, 2014) ....	8, 9
<i>Artrip v. Ball Corp.,</i> 735 F. App'x 708 (Fed. Cir. 2018) ....	5
<i>Ashcroft v. Iqbal,</i> 556 U.S. 662 (2009)....	1, 3, 9
<i>Bell Atl. Corp. v. Twombly,</i> 550 U.S. 544 (2007)....	1, 5
<i>Blackberry Ltd. v. Nokia Corp.,</i> No. 17-cv-155-RGA, 2018 WL 1401330 (D. Del. Mar. 20, 2018) ....	9, 10
<i>Commil USA, LLC v. Cisco Sys., Inc.,</i> 575 U.S. 632 (2015)....	5, 6
<i>Dynamic Data Techs., LLC v. Amlogic Holdings Ltd.,</i> No. 19-1239-CFC, 2020 WL 4365809 (D. Del. July 30, 2020) ....	3
<i>Fluidigm Corp. v. IONpath, Inc.,</i> No. C 19-05639 WHA, 2020 WL 408988 (N.D. Cal. Jan. 24, 2020)....	4
<i>Fujitsu Ltd. v. Netgear Inc.,</i> 620 F.3d 1321 (Fed. Cir. 2010)....	9
<i>Google LLC v. Princeps Interface Techs. LLC,</i> No. 19-CV-06566-EMC, 2020 WL 1478352 (N.D. Cal. Mar. 26, 2020)....	4
<i>Halo Elecs., Inc. v. Pulse Elecs., Inc.,</i> 136 S. Ct. 1923 (2016)....	3, 4, 5
<i>Ikorongo Texas LLC v. LG Elecs. Inc. et al.,</i> No. 6:20-cv-257-ADA (W.D. Tex.), Dkt. 78 (March 31, 2021) ....	8
<i>In re Bill of Lading Transmission and Processing Sys. Patent Litig.,</i> 681 F.3d 1323 (Fed. Cir. 2012)....	10
<i>Iron Oak Techs., LLC v. Acer Am. Corp. et al.,</i> 6:17-cv-00143, Dkt. 18 (W.D. Tex. Nov. 28, 2017)....	9

..

<i>Iron Oak Techs., LLC v. Dell, Inc.</i> , No. 1:17-CV-999-RP, 2018 WL 1631396 (W.D. Tex. Apr. 4, 2018) .....	9
<i>Joao Control &amp; Monitoring Sys., LLC v. Protect Am., Inc.</i> , No. 1:14-cv-134-LY, 2015 WL 3513151 (W.D. Tex. Mar. 24, 2015) .....	6
<i>M&amp;C Innovations, LLC v. Igloo Prods. Corp.</i> , No. 4:17-cv-2372, 2018 WL 4620713 (S.D. Tex. July 31, 2018) .....	5
<i>Med. Components, Inc. v. Osiris Med., Inc.</i> , No. 15-cv-305, 2016 WL 7638155 (W.D. Tex. July 12, 2016) .....	1
<i>Meetrix IP, LLC v. Cisco Sys., Inc.</i> , No. 1:18-cv-309-LY, 2018 WL 8261315 (W.D. Tex. Nov. 30, 2018) .....	5
<i>Memory Integrity, LLC v. Intel Corp.</i> , 144 F. Supp. 3d 1185 (D. Or. 2015) .....	7
<i>Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd.</i> , 545 U.S. 913 (2005) .....	7
<i>Michigan Motor Techs. LLC v. Volkswagen Aktiengesellschaft</i> , 472 F.Supp.3d 377 (E.D. Mich. 2020) .....	2, 4, 7
<i>MONEC Holding AG v. Motorola Mobility, Inc.</i> , 897 F. Supp. 2d 225 (D. Del. 2012) .....	6
<i>Parity Networks, LLC v. Cisco Sys., Inc.</i> , No. 6:19-CV-00207-ADA, 2019 WL 3940952 (W.D. Tex. July 26, 2019) .....	2
<i>Ruby Sands LLC v. Am. Nat'l Bank of Tex.</i> , No. 2:15-cv-1955, 2016 WL 3542430 (E.D. Tex. June 28, 2016) .....	1
<i>State Indus., Inc. v. A.O. Smith Corp.</i> , 751 F.2d 1226 (Fed. Cir. 1985) .....	2
<i>Takeda Pharm. U.S.A., Inc. v. West-Ward Pharm. Corp.</i> , 785 F.3d 625 (Fed. Cir. 2015) .....	8, 9
<i>U.S. Philips Corp. v. Iwasaki Elec. Co.</i> , 505 F.3d 1371 (Fed. Cir. 2007) .....	2
<i>Unwired Planet, LLC v. Apple Inc.</i> , No. 13-cv-04134-VC, 2017 U.S. Dist. LEXIS 20935 (N.D. Cal. Feb. 14, 2017) .....	3
<b>STATUTES</b>	
35 U.S.C. §271(b) .....	10
...	

**OTHER AUTHORITIES**

Federal Rule of Civil Procedure 84 .....	1
Federal Rule of Civil Procedure 8 .....	1

# Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

### API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

### LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

### FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

### E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.