

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

FALL LINE PATENTS, LLC,

Plaintiff,

v.

STARBUCKS CORPORATION,

Defendant.

CIVIL ACTION NO. 6:18-cv-411

ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Fall Line Patents, LLC (“Fall Line” or “Plaintiff”) files this original complaint against Starbucks Corporation (“Starbucks” or “Defendant”), alleging, based on its own knowledge as to itself and its own actions and based on information and belief as to all other matters, as follows:

PARTIES

1. Fall Line is a limited liability company formed under the laws of the State of Oklahoma, with its principal place of business at 2121 South Yorktown, #1103, Tulsa, Oklahoma, 74114.

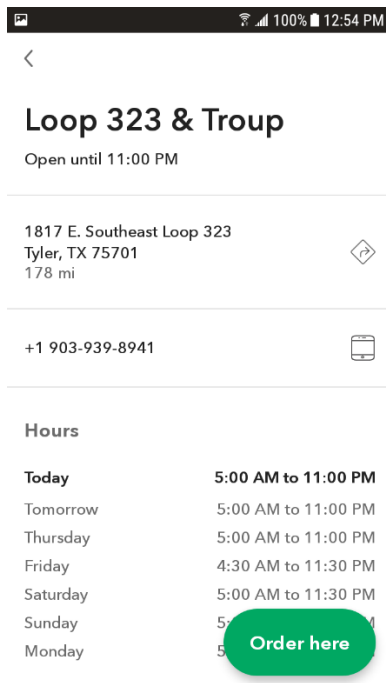
2. Defendant Starbucks Corporation is a corporation organized under the laws of the State of Washington. It can be served with process by serving its registered agent: Corporation Service Company dba CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

JURISDICTION AND VENUE

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

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Defendant has transacted business in this district and has committed, by itself or in concert with others, acts of patent infringement in this district. For example, Starbucks makes, has made, uses, imports, provides, supplies, distributes, sells, or offers to sell the Starbucks Mobile App, as set forth below.

5. In addition, Starbucks maintains a regular and established place of business in this district through numerous stores located in this district such as, for example, at 1817 E. Southeast Loop 323, Tyler, Texas 75701 and at 6205 Coit Road, Suite 352, Plano, Texas 75024. Further, and for example, Starbucks uses the Starbucks Mobile App to direct customers to, and receive orders from customers for, stores located in this district that are owned and/or operated by Starbucks:



Source: Screenshot of Starbucks Mobile Android App operating on Samsung Galaxy S5 smartphone

6. Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to Defendant’s substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and/or (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 Texas and in this district.

THE TECHNOLOGY

7. The patent-in-suit, U.S. Patent No. 9,454,748 (“the ‘748 Patent”), titled “System and Method for Data Management,” teaches methods for managing and collecting data from a remote computing device. Specifically, the invention addresses the need to collect location-specific information on a variety of hardware and software platforms without the need to create separate and individualized software for each of the numerous manufacturers of remote

computing devices. The inventor of the '748 Patent, as well as its parent applications and patents, developed systems and methods to enable developers to create a single application that could function on numerous models of remote computing devices, without the need to create separate software for each model, as was often required in the prior art.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,454,748

8. On September 27, 2016, the '748 Patent was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "System and Method for Data Management."

9. Fall Line is the owner of the '748 Patent, with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the '748 Patent against infringers, and to collect damages for all relevant times.

10. Defendant made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale apps that include the infringing features ("accused products"). The accused products include apps that can be used on a variety of remote computing devices and gather and transmit location-specific information. Defendant's accused products include, for example, its Starbucks mobile app:



(Source: <https://www.starbucks.com/coffeehouse/mobile-apps>)

11. By doing so, Defendant has directly infringed (literally and/or under the doctrine of equivalents) at least Claim 1 of the '748 Patent. Defendant's infringement in this regard is ongoing.

12. Starbucks has infringed the '748 Patent by making, having made, using, importing, providing, supplying, distributing, selling, or offering for sale systems utilizing a method for managing data.

13. The accused products include creating a questionnaire comprising a series of questions customized for a location.

14. The accused products include a questionnaire including at least one question requesting GPS coordinates.

15. The accused products include tokenizing said questionnaire, thereby producing a plurality of device indifferent tokens representing said questionnaire.

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