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12
 13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 **TJTM TECHNOLOGIES, LLC,**

16 Plaintiff,

17 v.

18 **VERIZON COMMUNICATIONS, INC.,**

19 Defendant.

Case No. _____

**COMPLAINT FOR
 PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

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1 Plaintiff **TJTM Technologies, LLC** (“TJTM”), brings this action against **Verizon**
2 **Communications, Inc.** (“Verizon”) to stop it from using TJTM’s patented technology in cell
3 phones sold by it without permission. TJTM seeks damages and injunctive relief. On
4 information and belief, it alleges as follows:

5 **I. NATURE OF THE ACTION**

6 1. This is a civil action for patent infringement under 35 U.S.C. § 1 et seq.

7 2. On February 17, 2015, the United States Patent and Trademark Office (“USPTO”)
8 issued U.S. Patent No. 8,958,853, entitled “Mobile Device Inactive Mode and Inactive Mode
9 Verification” to its inventor (the “’853 Patent”). This describes the “OFF MODE” application. A
10 true and correct copy of the ‘853 Patent is attached hereto as **Exhibit A**.

11 3. The inventor of the ‘853 patent is an engineer, inventor and restaurateur. TJTM is
12 the legal owner of the ‘853 patent by assignment. The Managing Member of TJTM is the wife
13 of the inventor, Dr. Connie Morris, who practices dentistry in South San Francisco.

14 4. The “OFF MODE” application was invented in 2010. The inventor was concerned
15 that drivers were increasingly distracted by incoming calls and text messages while driving,
16 which creates a public safety hazard. The “OFF MODE” application allows users to block
17 telephone calls, text messages, and other notifications while driving and otherwise, gives them
18 the option of issuing automated replies to senders or callers informing them that the driver is
19 temporarily unavailable, and then provides a log of missed communications when “OFF MODE”
20 is turned off. “OFF MODE” increases highway safety by diminishing the urge to use one’s cell
21 phone while driving. This allows drivers to focus solely on the road and traffic.

22 5. TJTM had a software engineer build the “OFF MODE” application. It was
23 available for downloading in 2013 on Google Play and their business website. Since then, it has
24 been downloaded more than 61,000 times.

25 6. “OFF MODE” was the first application of its kind and the inventor was issued the
26 ‘853 patent.

27 ///

28 ///

1 7. Verizon has infringed and continues to infringe one or more claims of the ‘853
2 Patent by offering a “Driving Mode” feature in the Messages (“Message+”) app on cellular
3 telephones to millions of consumers throughout the world. To the extent that this is not pre-
4 loaded onto the phones, Verizon offers directions to its customers on how they can download the
5 software. Verizon’s “Driving Mode” mirrors the claims of the ‘853 patent.

6 8. Verizon had to know about the ‘853 patent and the “OFF MODE” app when it first
7 adopted the “Driving Mode” feature for cellular phones sold by it. Instead of licensing the ‘853
8 patent for a reasonable royalty, however, Verizon took TJTM’s invention and paid no
9 compensation for it. On information and belief, Verizon gambled that TJTM could not afford to
10 litigate its claims under the ‘853 patent. This lawsuit followed, and seeks, among other things,
11 monetary damages and injunctive relief.

12 **II. THE PARTIES**

13 9. Plaintiff **TJTM Technologies, LLC**, is a California limited liability company
14 with its principal place of business in San Francisco, California. Dr. Connie Morris is its
15 Managing Member.

16 10. Defendant **Verizon Communications, Inc.** is a corporation that does business all
17 over the United States and internationally.

18 **III. JURISDICTION**

19 11. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 (Federal
20 question) and 1338 (a) (any act of Congress relating to patents and trademarks.).

21 12. This Court has personal jurisdiction because Verizon operates and resides in this
22 District. It has more locations in California than any other state. The patented technology is used
23 while driving an automobile. There are more automobiles used in California than any other state.
24 It employs hundreds of people in offices in San Francisco, San Jose, and Walnut Creek. It has
25 over 200 licensed franchisees (“authorized retailers”) and its own stores in the District who,
26 among other things, sell the infringing phones for Verizon. One such company-owned store is
27 located at 768 Market Street in San Francisco. There are 6,426 Verizon Wireless locations in the
28 United States as of February 22, 2022. The state with the most number of Verizon Wireless

1 locations in the US is California, with 528 locations, which is 8% of all Verizon Wireless
2 locations in America. On information and belief, selling cellular phones is one of the
3 requirements of an authorized dealer. This Court also has personal jurisdiction as Verizon has
4 committed and induced acts of patent infringement and has regularly and systematically
5 conducted and solicited business in this District by and through, at a minimum, its sales, and
6 offers for sale of Verizon products and services, and other contractual arrangements with Verizon
7 customers, and it and its authorized dealers sell Verizon products and services, including the
8 infringing phones, are located in and/or doing business within this District.

9 **IV. VENUE AND INTRA-DISTRICT ASSIGNMENT**

10 13. Venue is proper in this District under 28 U.S.C. § 1391(b) and (c) and 1400 (b).
11 Pursuant to Local Rule 3-2(c), intellectual property actions are assigned on a District-wide basis.

12 14. There were two previous cases in this District involving the same patent, *SMTM*
13 *Technology, LLC, v. Apple, Inc.*, Case No. 4:19-cv-08133-YGR and *TJTM Technologies, LLC. v.*
14 *Samsung Electronics America, Inc.*, 4:21-cv-05500-YGR. Both of these settled prior to trial.¹
15 Because both were assigned to the Hon. Yvonne Gonzalez Rogers, in the interest of judicial
16 economy this case should be assigned to her because it is a related case.

17 **V. FACTUAL ALLEGATIONS**

18 **A. THE PATENT CREATES A NOVEL APPLICATION TO SHUT OFF CELL** 19 **PHONE NOTIFICATIONS WHILE DRIVING**

20 15. In 2010, Dr. Morris and her children were complaining that her husband was
21 always on or checking his phone while he was driving. As a result, the “OFF MODE” was
22 developed for a breakthrough application for cell phones. It was clear that there were an
23 increasing number of automobile accidents caused by driver distraction due to cell phone use.
24 Automobile accidents caused by distracted driving were on the rise and had become as serious a
25 public safety problem as driving while intoxicated. As many as 25% of all automobile accidents
26 – millions of crashes – were caused by texting and driving. Many drivers are aware of the risks

27 ¹ To the extent that Verizon has sold any phones made by Apple or Samsung, they are
28 expressly excluded from the claims in this Complaint.

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