

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

AMERICAN PATENTS LLC,

Plaintiff,

v.

XEROX CORPORATION and DAHILL  
OFFICE TECHNOLOGY CORPORATION  
D/B/A XEROX BUSINESS SOLUTIONS  
SOUTHWEST,

Defendants.

CIVIL ACTION NO. 6:21-cv-638

ORIGINAL COMPLAINT FOR  
PATENT INFRINGEMENT

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff American Patents LLC (“American Patents” or “Plaintiff”) files this original complaint against Defendants Xerox Corporation and Dahill Office Technology Corporation d/b/a Xerox Business Solutions Southwest (collectively, “Xerox”), 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. American Patents is a limited liability company formed under the laws of the State of Texas, with its principal place of business at 2325 Oak Alley, Tyler, Texas, 75703.
2. Xerox Corporation is a corporation duly organized and existing under the laws of New York. Xerox Corporation may be served through its registered agent Prentice Hall Corporation System at 211 E. 7th St., Ste. 620, Austin, Texas 78701.
3. Dahill Office Technology Corporation d/b/a Xerox Business Solutions Southwest is a corporation organized and existing under the laws of Texas. Dahill Office Technology

Corporation d/b/a Xerox Business Solutions Southwest may be served through its registered agent CT Corporation System at 1999 Bryan St., Ste. 900, Dallas, Texas 75201.

4. The Defendants identified in paragraphs 2-3 above (collectively, “Xerox”) lead and are part of an interrelated group of companies which together comprise one of the world’s largest manufacturers of copiers and printers, including under the Xerox brand.

5. The Xerox defendants named above and their affiliates are part of the same corporate structure and distribution chain for the making, importing, offering to sell, selling, and using of the accused devices in the United States, including in the State of Texas generally and this judicial district in particular.

6. The Xerox defendants named above and their affiliates share the same management, common ownership, advertising platforms, facilities, distribution chains and platforms, and accused product lines and products involving related technologies.

7. The Xerox defendants named above and their affiliates regularly contract with customers regarding equipment or services that will be provided by their affiliates on their behalf.

8. Thus, the Xerox defendants named above and their affiliates operate as a unitary business venture and are jointly and severally liable for the acts of patent infringement alleged herein.

#### **JURISDICTION AND VENUE**

9. This is an action for infringement of United States patents 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).

10. This Court has personal jurisdiction over Xerox pursuant to due process and/or the Texas Long Arm Statute because, *inter alia*, (i) Xerox has done and continues to do business

in Texas; (ii) Xerox has committed and continues to commit acts of patent infringement in the State of Texas, including making, using, offering to sell, and/or selling accused products in Texas, and/or importing accused products into Texas, including by Internet sales and sales via retail and wholesale stores, inducing others to commit acts of patent infringement in Texas, and/or committing a least a portion of any other infringements alleged herein; and (iii) Xerox is registered to do business in Texas.

11. Venue is proper in this district as to Defendant Dahill Office Technology Corporation d/b/a Xerox Business Solutions Southwest under 28 U.S.C. § 1400(b) at least because Dahill Office Technology Corporation d/b/a Xerox Business Solutions Southwest resides in this District. Dahill Office Technology Corporation d/b/a Xerox Business Solutions Southwest is a Texas corporation with headquarters in San Antonio.

12. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b). Venue is further proper because Xerox has committed and continues to commit acts of patent infringement in this district, including making, using, offering to sell, and/or selling accused products in this district, and/or importing accused products into this district, including by Internet sales and sales via retail and wholesale stores, inducing others to commit acts of patent infringement in Texas, and/or committing at least a portion of any other infringements alleged herein in this district. Xerox admittedly has a lease property located at 6838 Austin Center Blvd, Austin, Texas 78731 and has regular and established places of business in this district, including at least at 8200 IH 10 W, Suite #400, San Antonio, TX 78230, 17280 Green Mountain Road, San Antonio, Texas 78247 and at 901 S. Mopac Expressway, Building 2, Suite 595, Austin, Texas 78746, as shown in the below screenshots:

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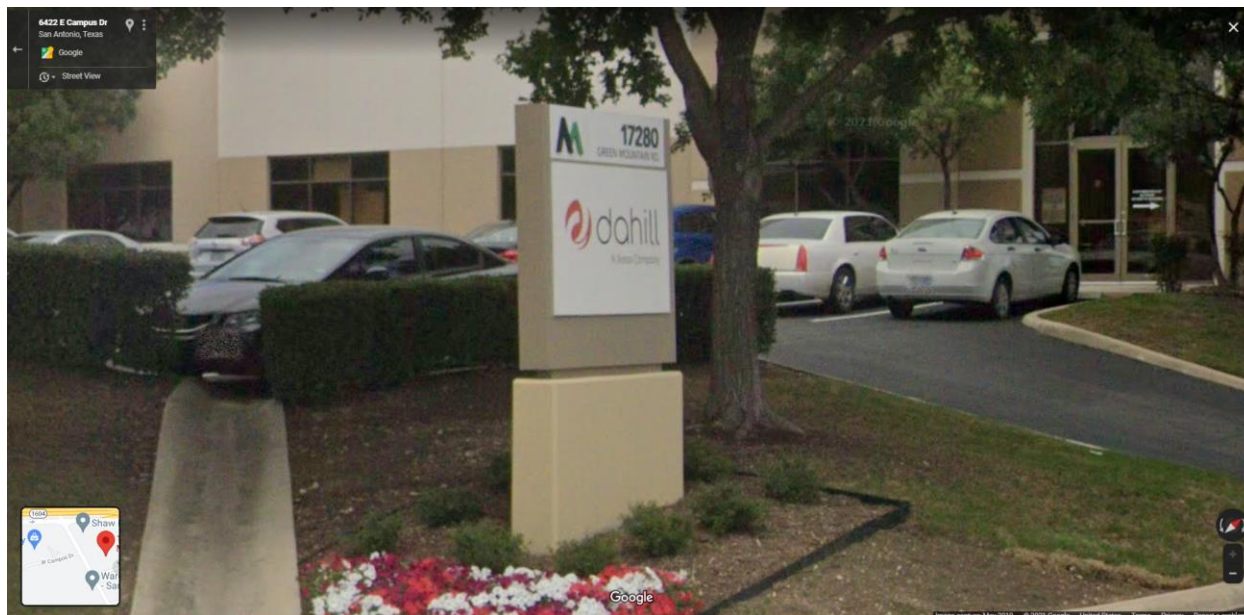
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(Source: <https://southwest.xeroxbusinesssolutions.com>)



(Source: screenshot from Google Maps Street View)

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(Source: screenshot from Bexar County Appraisal District website)



(Source: screenshot from Google Maps Street View)

## BACKGROUND

13. The patents-in-suit generally pertain to communications networks and other technology used in “smart” devices such as smartphones, smart TVs, and smart appliances. The technology disclosed by the patents was developed by personnel at Georgia Institute of Technology (“Georgia Tech”) and Nokia Corporation (“Nokia”).

14. Georgia Tech is a leading public research university located in Atlanta, Georgia. Founded in 1885, Georgia Tech is often ranked as one of the top ten public universities in the United States. The patents from Georgia Tech (“the Mody patents”) were developed by a

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