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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **DIVISION**

11 **ROTHSCHILD PATENT IMAGING LLC,**

12 Plaintiff,

13 v.

14 **GNOME FOUNDATION**

15 Defendant.

PATENT

Case No. _____

**ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT
AGAINST GNOME FOUNDATION**

DEMAND FOR JURY TRIAL

16 Plaintiff Rothschild Patent Imaging LLC (“Plaintiff” or “RPI”) files this original
17 Complaint against Gnome Foundation (“Defendant” or “Gnome”) for infringement of United
18 States Patent No. 9,936,086 (“the ‘086 Patent”).

19 **PARTIES AND JURISDICTION**

20 1. This is an action for patent infringement under Title 35 of the United States
21 Code. Plaintiff is seeking injunctive relief as well as damages.

22 2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal
23 Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising
24 under the United States patent statutes.

25 3. Plaintiff is a Texas limited liability company having a virtual office with an
26 address at 1400 Preston Rd., Suite 400, Plano, TX 75093.

27 4. On information and belief, Defendant is a California nonprofit with a place of
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1 business at #117 21 Orinda Way C, Orinda, CA 94563. On information and belief, Defendant
2 may be served through its agent, National Registered Agents, Inc., at 818 West Seventh St.,
3 Ste. 930, Los Angeles, CA 90017.

4 5. On information and belief, this Court has personal jurisdiction over Defendant
5 because Defendant has committed, and continues to commit, acts of infringement in this
6 District, has conducted business in this District, and/or has engaged in continuous and
7 systematic activities in this District.

8 6. On information and belief, Defendant's instrumentalities that are alleged herein
9 to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

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11 **VENUE**

12 7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because
13 Defendant is deemed to reside in this District.

14
15 **COUNT I**
16 **(INFRINGEMENT OF UNITED STATES PATENT NO. 9,936,086)**

17 8. Paragraphs 1-7 are incorporated herein.

18 9. This cause of action arises under the patent laws of the United States and, in
19 particular, under 35 U.S.C. §§ 271, et seq.

20 10. Plaintiff is the owner by assignment of the '086 Patent with sole rights to enforce
21 the '086 patent and sue infringers.

22 11. A copy of the '086 Patent, titled "Wireless Image Distribution System and
23 Method," is attached hereto as Exhibit A.

24 12. The '086 Patent is valid, enforceable, and was duly issued in full compliance with
25 Title 35 of the United States Code.

26 13. On information and belief, Defendant has infringed and continues to infringe one
27 or more claims (at least by having its employees, or someone under Defendant's control, test the
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1 accused product), including at least Claim 4 of the ‘086 Patent by making, using, importing,
 2 selling, and/or offering for sale network storage systems including hardware, software and
 3 firmware, covered by at least Claim 4 of the ‘086 Patent.

4 14. On information and belief, Defendant sells, offers to sell, and/or uses network
 5 storage systems and methods including, without limitation, the Gnome Shotwell platform, and
 6 any similar products (“Product”), which infringe at least Claim 4 of the ‘086 Patent.
 7

8 15. The Product uses an image capturing device to perform a method. The Product
 9 imports and filters photographic images from cameras, allowing users to organize the photos and
 10 share them on social media. Certain aspects of this element are illustrated in the screenshots
 11 below, and/or the screenshots provided in connection with other elements discussed herein.
 12

<p>Running Shotwell Find Shotwell in the Applications menu, or have it start automatically when you plug in a camera.</p>	<p>Importing from a camera Copy photos from a digital camera.</p>
<p>Tagging photos Organize photos by labelling them.</p>	<p>Publishing to the Web Publish photos to Facebook, Flickr, Picasa Web Albums, or other sites.</p>

13 <http://yorba.org/shotwell/help/>

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 18 16. The Product practices receiving a plurality of images. For example, the Product
 19 provides for the importation of images from a camera. Certain aspects of this element are
 20 illustrated in the screenshots below, and/or the screenshots provided in connection with other
 21 elements discussed herein.
 22

<p>Importing Photos</p>	
<p>Importing from F-Spot Shotwell can import all your photos and tags from the F-Spot photo manager.</p>	<p>Importing from a memory card Import photos from a digital camera's memory card.</p>
<p>Importing from a camera Copy photos from a digital camera.</p>	<p>Importing from your hard disk Import photos that are already saved on your computer.</p>

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 27 <http://yorba.org/shotwell/help/>
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17. The Product practices filtering the plurality of photographic images using a transfer criterion, wherein the transfer criterion is a subject identification of a respective image within the plurality of images. For example, the Product enables a user to organize a photo collection the basis of topics (such as events, group photos, etc.) and also organizes the photos on the basis of a particular individual. Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.

Organizing Photos

Events

Group photos together that were taken at the same time.
Learn how to rename, merge, and sort events.

Flagging photos

Flag photos to mark them as special or to work with them as a set.

Ratings

Give photos a rating between 1 and 5 stars. You can reject bad photos, hiding them from view.

Removing and deleting photos

Remove photos from the library, or delete them from your computer entirely.

Searching

Find photos and videos in your collection by a variety of criteria.

Tagging photos

Organize photos by labelling them.

Titles

Give titles to your photos.

<http://yorba.org/shotwell/help/>

18. The subject identification is based on a topic, theme or individual shown in the image. For example, the topic or theme may be an event, or group photo, or a particular individual.

19. The Product practices transmitting, via a wireless transmitter and to a second image capturing device, the filtered plurality of photographic images. For example, the Product offers a number of ways to wirelessly share photos online such as through social media. Certain aspects of this element are illustrated in the screenshots below, and/or the screenshots provided in connection with other elements discussed herein.

1 **Sharing Photos**

2 **Exporting photos**

3 Copy photos out of Shotwell so you can put them
4 somewhere else.

4 **Printing**

5 Click File ▶ Print. For more printing options, select the Page
6 Setup tab in the Print dialog.

6 **Publishing to the Web**

7 Publish photos to Facebook, Flickr, Picasa Web Albums, or
8 other sites.

Sending photos

Send photos via email, instant messaging or in other ways.

Set a desktop background or slideshow

Set your desktop background to a single photo or to a
slideshow of photos.

Slideshows

Watch a slideshow of your photos.

8 <http://yorba.org/shotwell/help/>

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10 20. Defendant’s actions complained of herein will continue unless Defendant is
11 enjoined by this court.

12 21. Defendant’s actions complained of herein are causing irreparable harm and
13 monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined
14 and restrained by this Court.

15 22. Plaintiff is in compliance with 35 U.S.C. § 287.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff asks the Court to:

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20 (a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted
21 herein;

22 (b) Enter an Order Enjoining Defendant, its agents, officers, servants, employees,
23 attorneys, and all persons in active concert or participation with Defendant who receive notice of
24 the order from further infringement of United States Patent No. 9,936,086 (or, in the alternative,
25 awarding Plaintiff a running royalty from the time of judgment going forward);

26
27 (c) Award Plaintiff damages resulting from Defendant’s infringement in accordance
28 with 35 U.S.C. § 284;

1 (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

2 (e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled
3 under law or equity.

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6 August 28, 2019

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