

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RAPHAEL THOMPSON,)	
)	
Plaintiff,)	
v.)	Civil Action No. 3:18-cv-003324
)	
BLACKBERRY LIMITED, and)	
BLACKBERRY CORPORATION,)	
)	JURY TRIAL DEMANDED
Defendants.)	
_____)	

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement under 35 U.S.C. § 271, *et seq.*, in which Plaintiff Raphael Thompson (“Thompson”), makes the following allegations against Defendants BlackBerry Limited and BlackBerry Corporation (collectively “BlackBerry”):

Parties

1. Plaintiff Thompson is an individual residing in Sharpsburg, Georgia.
2. Thompson is the inventor and owner of United States Patent Nos. 8,868,053 (the “053 Patent”) and 9,473,629 (the “629 Patent”), collectively referred to herein as the “Patents-in-Suit. Thompson owns all rights to recover for all past, present, and future infringement, including past damages with respect to the Patents-In-Suit. True and correct copies of the 053 Patent and 629 Patent are attached hereto as **Exhibit A** and **Exhibit B**, respectively.
3. On information and belief, Defendant BlackBerry Limited (formerly Research In Motion Limited) is a Canadian corporation with its principle place of business at 2200 University Ave. E. Waterloo, Ontario Canada N2K 0A7. BlackBerry Limited can be served process on the

following addresses: 2200 University Ave. E. Waterloo, Ontario Canada N2K 0A7 or 3001 Bishop Drive, Suite 400 San Ramon, California, USA 94583.

4. On information and belief, Defendant BlackBerry Corporation (formerly Research In Motion Corporation) is a Delaware corporation with its principal place of business located at 5030 Riverside Drive Suite 100, Irving, Texas, United States 75039, in this judicial district. BlackBerry Corporation. BlackBerry Corporation is a wholly owned subsidiary of BlackBerry Limited. BlackBerry Corporation can be served with process through its registered service agent, Corporate Creations Network Inc. at 2425 W Loop South #200, Houston, Texas 77027.

5. BlackBerry manufactures, uses, imports into the United States, sells and/or offers for sale in the United States mobile devices under its brand “BlackBerry” in this district and around the United States, including the mobile devices accused of patent infringement herein.

Nature of the Action

6. This is a civil action for the infringement of the 053 Patent and 629 Patent.

Jurisdiction and Venue

7. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 *et seq.*

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b). BlackBerry maintains a regular and established place of business in this District, has transacted business in this District, and committed acts of patent infringement in this District.

9. BlackBerry is subject to this Court’s specific and general personal jurisdiction pursuant to due process, due at least to their substantial business in this forum, including (i)

certain of the infringements alleged herein; and (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 Patents-in-Suit

10. The 053 Patent lawfully issued on October 21, 2014, and claims priority to Provisional Application No. 60/913,263, filed on April 20, 2007. The 053 Patent is titled “Communication Delivery Filter for Mobile Device.”

11. The 053 Patent is valid and enforceable.

12. The 629 Patent lawfully issued on October 18, 2016. It is a continuation the U.S. Patent Application that led to the 053 Patent. The 629 also claims priority to Provisional Application No. 60/913,263, filed on April 20, 2007. The 629 Patent is titled “Communication Delivery Filter for Mobile Device.”

13. The 629 Patent is valid and enforceable.

14. Raphael Thompson is the sole inventor in each of the Patents-in-Suit.

15. The Patents-in-Suit are directed to methods, and devices for various embodiments of a Nighttime Mode for cellular phones. Nighttime Mode allows may allow users to use their phones during nighttime hours without receiving unwanted calls or messages. For example, the Patents-in-Suit describe a “communication reception notification inhibitor” that may be enabled or disabled to carry out the functionality described in the 053 Patent. When enabled, this functionality includes causing a mobile device to inhibit a communication reception notification that would be presented during normal processing. Moreover, the Patents-in-Suit describe the use of an exempt communication characteristic associated with a potential communication originator.

16. The claims of the Patents-in-Suit encompass novel and non-obvious technology that was neither well-understood, routine nor conventional to a skilled artisan at the time of the invention. Such novel technology includes, but is not limited to, the enabling/disabling of a message reception notification inhibitor, the use of an exempt message characteristic, the capability to circumvent default operations of a mobile device, and the combination thereof.

17. The specification describes embodiments directed to the Nighttime Mode as follows:

For example, you may wish to only receive your spouse's cell phone call during the Nighttime mode. You select his/her number from the address book to be Nighttime mode exempt. During the following night with the Nighttime mode turned on, your phone will only operate normal for your spouse's call and for all other callers the phone remains silent 112. A cell phone user may select as many or as few numbers to be Nighttime mode exempt.

Exhibit A at col. 3, lines 39-46; see also **Exhibit B** at col. 3, lines 46-54.

18. Prior to the time of invention, cell phones were designed to include several capabilities including text messaging, mobile applications, voice calls, alarm clocks, configurable ring tones, *etc.* Therefore, the trend at the time was to make the mobile devices a tool for providing alerts and improving the flow of communication to other individuals.

19. The Patents-in-Suit recognized the need to counteract this trend by providing methods and systems to selectively filter communications, particularly during nighttime. The Patents-in-Suit state, "Therefore, there has become a need for a method for a selectable Nighttime Mode that would stop notification of all incoming calls and messages, with the exception of those from a contact that have been predetermined as important (or Nighttime Mode exempt). The present invention process provides a unique, smart, and novel solution to the problem discussed." **Exhibit A** at col. 1, lines 45-51; see also **Exhibit B** at col. 1, lines 49-55.

20. The fact that the technology claimed in the 053 Patent and the 629 Patent is not routine, generic or conventional is illustrated by the fact that years after the April 2007 priority date of these patents, other companies in the industry were creating nearly identical technology to that of the 053 Patent and 629 Patent, and representing to the U.S. Patent and Trademark Office that their “inventions” were, in fact, patentable (i.e., novel and non-obvious). They certainly would not have spent their time, money and effort attempting to patent technology that was merely conventional, routine or generic at the time.

21. For example, Defendant BlackBerry Limited obtained U.S. Patent No. 8,553,502 titled “Electronic Device and Method Providing Improved Bedtime Mode of Operation” (“the 502 Patent”). A true and correct copy of the 502 Patent is attached hereto as **Exhibit C**. The 502 Patent claims a priority date of May 2008, which is after the time of invention of the Patents-in-Suit.

22. According to the Abstract of the 502 Patent, “[t]he BEDTIME mode comprises a number of features that are conducive to sleep by performing operations that minimize distractions to a user, and all such operations are initiated by execution of the BEDTIME mode routine.” **Exhibit C** at p.1, Abstract. Moreover, the 502 Patent explains that it allows the user to configure a mobile device “to be non-distracting to a user during the times of bedtime or sleep” by “suspending one or more types of alerts.” **Exhibit C** at col. 7, lines 43-59.

23. By way of further example, Google Inc. filed a patent application in October 12, 2007 (after the time of invention of the Patents-in-Suit) that led to U.S. Patent No. 8,385,884 (“the 884 Patent”). A true and correct copy of the 884 Patent is attached hereto as **Exhibit D**. The 884 Patent describes a “do not disturb (DND) mode for telephonic devices, in which the DND mode is automatically deactivated after a time increment has elapsed.” **Exhibit D** at

Abstract. Specifically, a “user of a mobile device such as a cellular telephone may block intrusions for a time period by providing a “do not disturb’ command to his or her device.”

Exhibit D at col. 1, lines 21-22. Moreover, the 884 Patent claims the activation and deactivation of the DND mode as part of the invention.

24. Similarly, Microsoft Corporation filed a patent application in October 2008 (after the time of invention of the Patents-in-Suit) that led to U.S. Patent No. 7,996,476 (“the 476 Patent”). A true and correct copy of the 476 Patent is attached hereto as **Exhibit E**. The 476 is titled “Do Not Disturb Filter For Electronic Messages.” The 476 Patent explains, “[i]n particular, through the use of the DND filter presented herein, the interruptions caused by the delivery of new electronic messages, such as e-mail messages, instant messages, and SMS messages, can be eliminated while still allowing a user to read previously received messages and to compose and send new messages.” **Exhibit E** at col. 1, lines 46-53. Part of the claimed invention of the 476 Patent requires “suppressing notification that an electronic message has been received.” **Exhibit E** at col. 10, lines 59-62.

Count 1: Infringement of U.S. Patent No. 8,868,053 by BlackBerry

25. Thompson herein incorporates the contents of the preceding paragraphs as if restated fully herein.

26. BlackBerry makes, uses, sells, offers for sale, and/or imports mobile devices that include a “Do Not Disturb” (DND) mode. Use of the mobile devices accused of infringement herein includes, but is not limited to considerable testing of the features and functions of the mobile devices at issue herein, as well as operation of the devices in conjunction with the creation of user manuals and other materials describing the features and functions at issue, and

the use of the mobile devices, including the features and functions at issue, by BlackBerry employees.

27. The following BlackBerry mobile devices include the DND mode: PRIV, DTEK50, and DTEK60. These mobile devices that include the DND mode are referred to herein as the “Accused Instrumentalities.”

28. The functionality, operation, and capabilities of the DND mode in the Accused Instrumentalities is described in **Exhibit F**, **Exhibit G**, **Exhibit H** and, **Exhibit I**.

29. **Exhibit F** is true and correct copy of the website <http://helpblog.blackberry.com/2016/04/blackberry-10-to-priv-guide-part-i/> as of October 3, 2018. **Exhibit F** provides general information about the DND mode of the Accused Instrumentalities, and more particularly to PRIV.

30. **Exhibit G** is true and correct copy of the website https://videotron.tmx.ca/en/topic/blackberry_dtek50/using_do_not_disturb.html#step=3 as of October 3, 2018. **Exhibit G** provides general information about the DND mode of the Accused Instrumentalities, and more particularly to DTEK50.

31. **Exhibit H** is true and correct copy of the website <https://help.blackberry.com/en/dtek50/current/help/thc1426618098970.html> as of October 3, 2018. **Exhibit H** provides general information about an exempt message characteristic of the Accused Instrumentalities, and more particularly to DTEK50.

32. **Exhibit I** is true and correct copy of the website <https://help.blackberry.com/en/dtek60/current/help/sound.html> as of October 3, 2018. **Exhibit I** provides general information about the DND mode of the Accused Instrumentalities, and more particularly to DTEK60.

33. Each of the Accused Instrumentalities infringes at least Claim 1 of the 053 Patent as follows [with claim language underlined]:

a. To the extent the preamble is limiting, using the Accused Instrumentality performs a method implemented within a mobile device for inhibiting the message notification of a particular message received at the mobile device. The Accused Instrumentalities include a DND mode which allows a user to inhibit the message notifications of a particular message (*e.g.*, a phone call) received at the mobile device.

b. Use of the Accused Instrumentalities performs the step of receiving at least one exempt message characteristic, the at least one exempt message characteristic comprising information that identifies one or more telephone numbers as exempt message characteristics, the exempt message characteristics being received at the user interface of the mobile device wherein the mobile device includes the storage of a plurality of telephone numbers and the step of receiving information further comprises receiving a selection of one or more telephone numbers from the plurality of telephone numbers already stored within the mobile device. The Accused Instrumentalities include a user interface (*e.g.*, a touch screen), that receives user input in the form of one or more selections of an exempt message characteristic (*e.g.*, a phone number, a user associated with a phone number). Specifically, a user specifies a “star” to identify exempt phone numbers. The user makes this selection among a plurality of contacts having associated stored in the mobile device’s memory. The following is a screenshot showing how a user navigates a user interface to exempt starred contacts:

Add a contact to your favorites in the Phone app



1. In the Phone app, on the  tab, tap a contact.
2. Tap  .

Exhibit H at 1. Thereafter, the user may navigate the user interface to implement DND mode using the exempt message characteristic

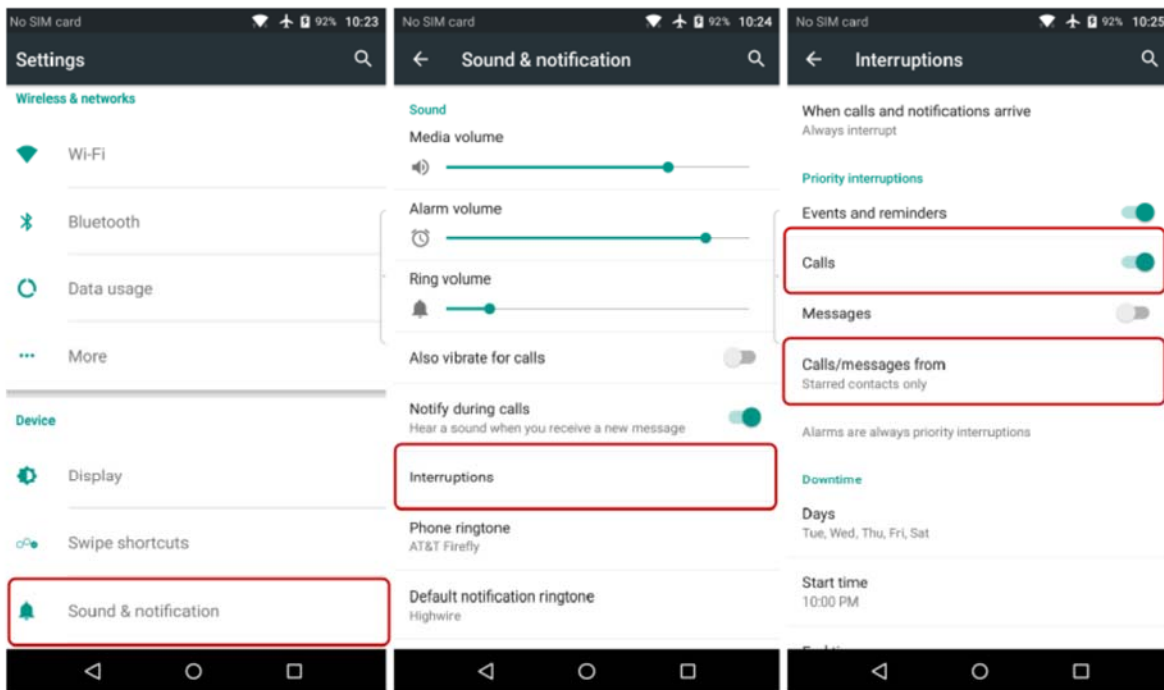


Exhibit F at 3. As shown above, a user selects exempting calls from “starred contacts only.”

c. Use of the Accused Instrumentalities also performs the step of enabling a message reception notification inhibitor in response to detecting certain user actuations at the user interface, the message reception notification inhibitor being implemented entirely within the mobile device, to be active such that message notifications for any messages received at the

mobile device are by default inhibited. As shown below, the Accused Instrumentalities support a DND mode that, by default, inhibits all phone calls from being received while the DND is enabled. See **Exhibit F** at 3 (shown above).

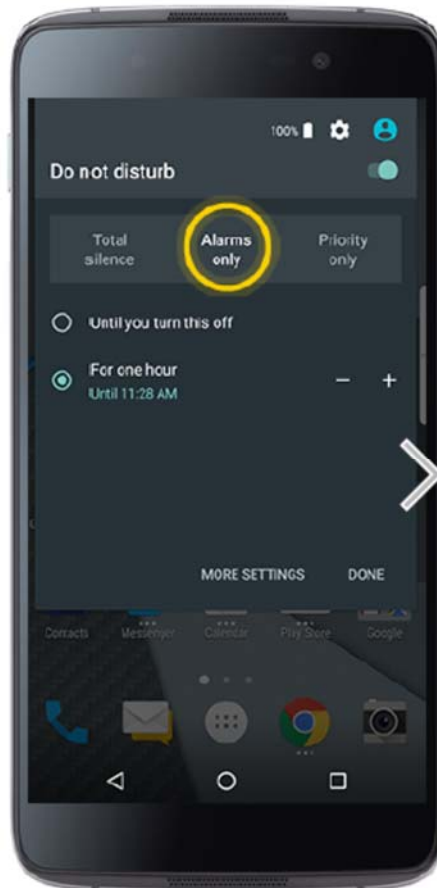


Exhibit G at 1.

Turn on do not disturb


1. Swipe down from the top of the screen once using two fingers, or twice using one finger.
2. Tap .
3. Tap **Total silence**, **Alarms only**, or **Priority only**.

Exhibit I at 1.

d. Use of the Accused Instrumentalities performs the step of, while the message reception notification inhibitor is enabled: receiving messages at the mobile device, the messages being directed to the mobile device and at least one such message comprising a voice call. As shown above in element [c], the Accused Instrumentalities inhibit (*e.g.*, silence) all phone calls and other messages received by the Accused Instrumentalities, by default, when in DND mode.

e. Use of the Accused Instrumentalities performs the step of, while the message reception notification inhibitor is enabled, the mobile device examining the received message to determine if the received message includes the exempt message characteristic; the mobile device bypassing the message reception notification inhibitor and applying normal processing of the received message only if the exempt message characteristic is identified in the received message; and as a default, inhibiting the message reception notification for the received message if the exempt message characteristic is absent and the message is a voice call and sending the voice call to voice mail. As shown above, a user of the Accused Instrumentalities specifies a “Priority Only” option as part of DND mode. See **Exhibit G** at 1 and **Exhibit I** at 1. There, the user selects enabling the receipt of calls from “starred contacts only.” **Exhibit F** at 3. When DND is enabled, the mobile device bypasses the message reception notification inhibitor for starred contacts, thereby allowing a user to receive phone calls from starred contacts while in DND mode. In addition, when the called is not a starred contact, the phone call is inhibited such that it is silenced and sent to voicemail. See **Exhibit F** at 3 stating “After completing these steps, switch to Priority notification profile and you will receive audible alerts only when someone calls you.” Moreover, when the Priority Interruptions is set to “Starred contacts only,” only calls from starred contacts will be bypassed.

Switch to Phone calls only

This is one of my favorite features, as I can turn off all phone calls, or only allow specific contacts to call me. In my case, these are family members that I've marked as a 'favorite' by tapping the star icon. Here's how to enable **Phone Calls Only**:

Exhibit F at 2.

f. Use of the Accused Instrumentalities also performs the step of disabling the message reception notification inhibitor, implemented entirely within the mobile device such that normal processing of the received message is applied to all messages. When DND mode is disabled, the normal operation proceeds to allow all phone calls to be uninhibited.

34. To the extent that the foregoing analysis demonstrating infringement of at least Claim 1 of the 053 Patent on an element-by-element basis does not meet any particular element of Claim 1 of the 053 Patent literally, each of the Accused Instrumentalities infringes under the Doctrine of Equivalents, as it performs substantially the same function in substantially the same way to get substantially the same result as the claimed technology.

35. On October 9, 2018, Plaintiff sent a letter to BlackBerry providing notice of the 053 Patent and the basis for its claims of infringement thereof. On information and belief, BlackBerry received this letter on October 11, 2018. Subsequently, BlackBerry's continuing efforts to sell and market each of the Accused Instrumentalities, combined with its provision of instruction materials and customer service related to the features and functions which give rise to infringement of the 053 Patent, demonstrate that BlackBerry is also inducing further infringement of the 053 Patent on the part of the consumers who purchase and use each of the Accused Instrumentalities.

36. BlackBerry has induced infringement, and continues to induce infringement, of one or more claims of the 053 Patent under 35 U.S.C. § 271(b). With knowledge of the 053 Patent since at least as early as October 11, 2018, BlackBerry has actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce, infringement of the 053 Patent by selling or otherwise supplying the Accused Instrumentalities with the knowledge and intent that third parties, such as its customers, will use it in the United States for the purpose of infringing the 053 Patent; and with the knowledge and intent to encourage and facilitate said infringement through the dissemination of the Accused Instrumentalities and/or the creation and dissemination of documentation and technical information related to the Accused Instrumentalities which encourage said infringement.

37. With knowledge of the 053 Patent since at least as early as October 11, 2018, BlackBerry has also contributed to said infringement by third parties, including the BlackBerry's customers, and continues to contribute to infringement by third parties, including BlackBerry's customers, of one or more claims of the 053 Patent under 35 U.S.C. § 271(c), by selling and/or offering for sale in the United States the Accused Instrumentalities knowing that those products constitute a material part of the inventions of the 053 Patent, knowing that those products are especially made or adapted to infringe the 053 Patent, and knowing that those products are not staple articles of commerce suitable for substantial noninfringing use.

38. As a result of the continuing infringement of the 053 Patent, Plaintiff has suffered damages, and is entitled, at a minimum, to recover a reasonable royalty from BlackBerry to compensate for the infringement.

Count 2: Infringement of U.S. Patent No. 9,473,629 By BlackBerry

39. Thompson herein incorporates the contents of the preceding paragraphs as if restated fully herein.

40. BlackBerry makes, uses, sells, offers for sale, and/or imports mobile devices that include a “Do Not Disturb” (DND) mode. Use of the mobile devices accused of infringement herein includes, but is not limited to considerable testing of the features and functions of the mobile devices at issue herein, as well as operation of the devices in conjunction with the creation of user manuals and other materials describing the features and functions at issue, and the use of the mobile devices, including the features and functions at issue, by BlackBerry employees.

41. The following BlackBerry mobile devices include the DND mode: PRIV, DTEK50, and DTEK60.

42. Each of the Accused Instrumentalities infringes at least Claim 11 of the 629 Patent as follows [with claim language underlined]:

a. To the extent the preamble is limiting, each of the Accused Instrumentalities is a mobile device for processing received communications in one of a plurality of modes. As discussed below, the Accused Instrumentalities are cell phones that permit a normal mode of operation and a DND mode of operation.

b. The Accused Instrumentalities each include a module, operating entirely within the mobile device, configured to enable a first mode of operation that, in response to receiving a communication initiation at the mobile device, operates by applying normal processing of the communication initiation such that the mobile device provides a user-indicator of such communication initiation reception. Each of the Accused Instrumentalities include a module

such as, for example, a phone application working in conjunction with the DND software program, which execute on the mobile device.

Add a contact to your favorites in the Phone app



1. In the Phone app, on the  tab, tap a contact.
2. Tap  .

Exhibit H at 1. The graphic above shows the functionality of the phone application, which allows a user to prioritize some contacts among a group of contacts stored on the phone. The graphic below, shows the functionality of the DND software that may be configured to filter in “Starred contacts only” as part of the DND mode.


1. Swipe down from the top of the screen once with two fingers, or twice with one finger
2. Tap  **Settings > Sound & notification**
3. Tap **Interruptions**
4. Below **Priority Interruptions**, turn on **Calls** and select one of the following within **Calls/Messages** from:
 - **Anyone**
 - **Starred contacts only**
 - **Contacts only**

Exhibit F at 2. The module of the Accused Instrumentalities enables a first mode of operation (e.g., normal mode with DND mode disabled). Under the normal mode where DND is disabled, the module permits any user to call the phone, thereby producing a user-indicator of such communication initiation reception (e.g., the playing of a ring tone upon receipt of any phone call).

c. Each of the Accused Instrumentalities includes a module that is configured to enable a second mode of operation that, in response to receiving a communication initiation at the mobile device, operates such that the mobile device as a default, inhibits the provision of the user-indicator for the communication initiation unless the communication initiation includes at least one user selectable exempt characteristic. The module of the Accused Instrumentalities enables a second mode of operation (*e.g.*, DND mode enabled). A user may initiate communication to enable the second mode by, for example, “tapping Do Not Disturb” or actuating the volume button.

Turn on Do Not Disturb

For times when you don't want to be disturbed, take advantage of the **Do Not Disturb** function.

To place your device on **Do Not Disturb** mode, press the **Volume Up** or **Volume Down** key followed by tapping **Do Not Disturb**.

Exhibit F at 3; see also **Exhibit G** at 1 (stating “Tap Do Not Disturb”).

Turn on do not disturb

1. Swipe down from the top of the screen once using two fingers, or twice using one finger.

2. Tap .

3. Tap **Total silence**, **Alarms only**, or **Priority only**.


Exhibit I at 1.

d. The Accused Instrumentalities each include a user interface for detecting user interactions and based on the user interactions, interacting with the mobile device to selectively enable operation of the mobile device in the first mode in response to first user interactions and

second mode of operation in response to second user interactions and to enable the selection of exempt characteristics. The Accused Instrumentalities include a user interface (e.g., a touch screen, a volume button). The user interface detects different interactions to enable the normal mode of operation or to enable the DND mode. **Exhibit I** at 1 describing a tap interaction; *see also* **Exhibit F** at 2 describing a tap interaction and volume button interaction to enable/disable DND mode. In addition, a user may interact with the user interface (e.g., touch screen) to enable the selection of exempt characteristics (e.g., selecting to “star” a contact). *See* **Exhibit H** at 1.

e. In the Accused Instrumentalities, the exempt characteristics comprise the identification of a potential communication originator and is selected from a plurality of originator identifications stored within the mobile device. As shown below, a user may select a contact associated with a phone number to “star” the contact, where the contact is selected from a plurality of contacts stored in the mobile device.

Add a contact to your favorites in the Phone app

1. In the Phone app, on the  tab, tap a contact.

2. Tap  .

Exhibit H at 1. As explained above, starred contacts are exempted from DND mode with the appropriate priority setting.

43. To the extent any aspect of Accused Instrumentalities does not meet an element of Claim 11 of the 629 Patent literally, the Accused Instrumentalities each infringes under the Doctrine of Equivalents as it performs substantially the same function in substantially the same way to get substantially the same result as the claimed technology.

44. On October 9, 2018, Plaintiff sent a letter to BlackBerry providing notice of the 629 Patent and the basis for its claims of infringement thereof. On information and belief, BlackBerry received this letter on October 11, 2018. Subsequently, BlackBerry's continuing efforts to sell and market each of the Accused Instrumentalities, combined with its provision of instruction materials and customer service related to the features and functions which give rise to infringement of the 629 Patent, demonstrate that BlackBerry is also inducing further infringement of the 629 Patent on the part of the consumers who purchase and use each of the Accused Instrumentalities.

45. BlackBerry has induced infringement, and continues to induce infringement, of one or more claims of the 629 Patent under 35 U.S.C. § 271(b). With knowledge of the 629 Patent since at least as early as October 11, 2018, BlackBerry has actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce, infringement of the 629 Patent by selling or otherwise supplying the Accused Instrumentalities with the knowledge and intent that third parties, such as its customers, will use it in the United States for the purpose of infringing the 629 Patent; and with the knowledge and intent to encourage and facilitate said infringement through the dissemination of the Accused Instrumentalities and/or the creation and dissemination of documentation and technical information related to the Accused Instrumentalities which encourage said infringement.

46. With knowledge of the 629 Patent since at least as early as October 11, 2018, BlackBerry has also contributed to said infringement by third parties, including the BlackBerry's customers, and continues to contribute to infringement by third parties, including BlackBerry's customers, of one or more claims of the 629 Patent under 35 U.S.C. § 271(c), by selling and/or offering for sale in the United States the Accused Instrumentalities knowing that those products

constitute a material part of the inventions of the 629 Patent, knowing that those products are especially made or adapted to infringe the 629 Patent, and knowing that those products are not staple articles of commerce suitable for substantial noninfringing use.

47. As a result of the continuing infringement of the 629 Patent, Plaintiff has suffered damages, and is entitled, at a minimum, to recover a reasonable royalty from BlackBerry to compensate for the infringement.

Prayer for Relief

Wherefore, Thompson respectfully requests that this Court enter judgment against BlackBerry as follows:

- a) The Accused Instrumentalities as utilized by BlackBerry infringes the 053 Patent, literally or, alternatively, under the Doctrine of Equivalents;
- b) The Accused Instrumentalities as utilized by BlackBerry infringes the 629 Patent, literally or, alternatively, under the Doctrine of Equivalents;
- c) Thompson is entitled to its damages resulting from these infringements in the amount that is no lower than a reasonable royalty, together with prejudgment and post-judgment interest thereon;
- d) Thompson be awarded an accounting for any post-verdict infringement;
- e) The Court declare this case to be exceptional and award Thompson his reasonable fees, costs and expenses;
- f) The Court grant Thompson such other and additional relief as the Court determines to be just and proper.

Demand for Jury Trial

Thompson hereby demands a trial by jury on all claims and issues so triable.

Dated: December 18, 2018

Respectfully submitted,

/s/ Ed Nelson III

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