

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA**

**DIGITAL VERIFICATION SYSTEMS,
LLC,**

Plaintiff,

vs.

FORMSTACK, LLC,

Defendant.

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Case No: 1:21-cv-1067

PATENT CASE

COMPLAINT

Plaintiff Digital Verification Systems, LLC (“Plaintiff” or “DVS”) files this Complaint against Formstack, LLC (“Defendant” or “Formstack”) for infringement of United States Patent No. 9,054,860 (hereinafter “the ‘860 Patent”).

PARTIES AND JURISDICTION

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

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

3. Plaintiff is a Texas limited liability company located at 1 East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301.

4. On information and belief, Defendant is a California limited liability company with its principal office located at 11671 Lantern Road, Suite 300, Fishers, IN, 46038. On information and belief, Defendant may be served through its registered agent, Matt Gard, of the

same address.

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

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

VENUE

7. On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 9,054,860)**

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

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

10. Plaintiff is the owner by assignment of the '860 Patent with sole rights to enforce the '860 Patent and sue infringers.

11. A copy of the '860 Patent, titled "Digital Verified Identification System and Method," is attached hereto as Exhibit A.

12. The '860 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe

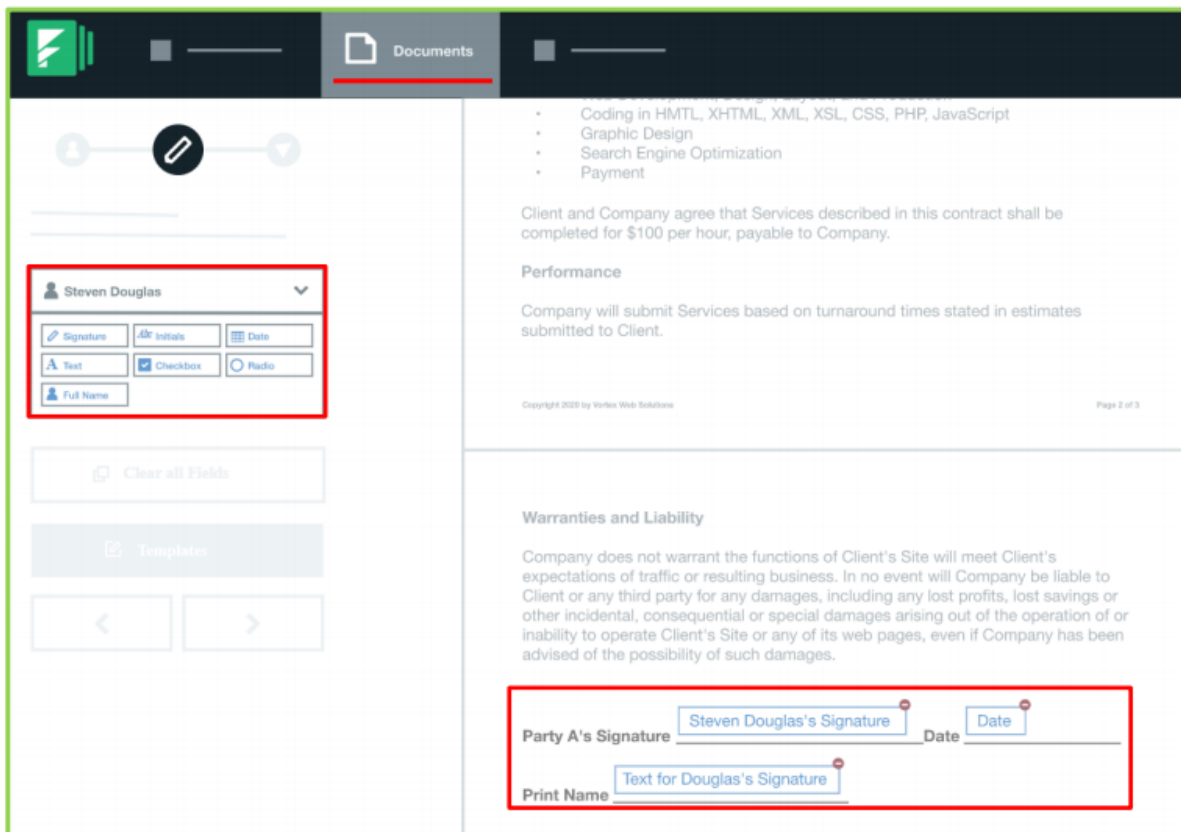
one or more claims, including at least Claim 1, of the ‘860 Patent by making, using (at least by having its employees, or someone under Defendant's control, test the accused Product), importing, selling, and/or offering for sale associated hardware and/or software for digital signature services (e.g., Formstack Sign), and any similar products and/or services (“Product”) covered by at least Claim 1 of the ‘860 Patent. Defendant has infringed and continues to infringe the ‘860 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

14. The Product provides a system for e-signing digital documents. The Product provides for digitally verifying the identification of a signer. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source: <https://www.formstack.com/products/sign>

15. The Product includes at least one digital identification module structured to be associated with at least one entity. For example, the Product provides a module (e.g., creation of an e-signature module for a user) to be associated with at least one entity (i.e., a user who needs to create an e-signature). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source: <https://www.formstack.com/features/digital-signature-security>

HOW IT WORKS

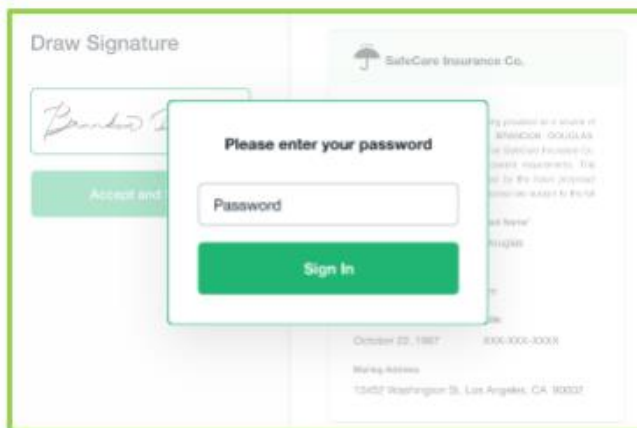
Collect secure eSignatures in three easy steps

Step 1: Upload your document to Formstack Sign.

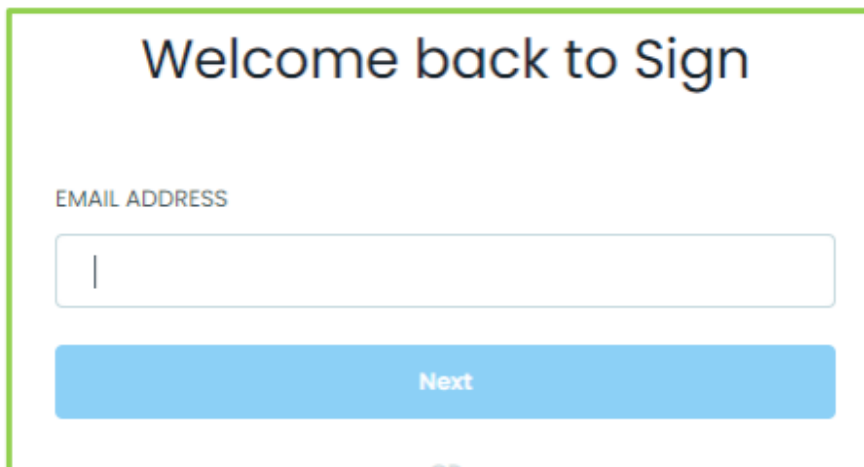
Step 2: Add signature and approval participants to your document, and insert signature fields where needed. Send to participants for secure signing.

Step 3: Send to participants via email or text, and set up email reminders so they don't forget. Then, receive a full audit log once the document has been signed.

Source: <https://www.formstack.com/features/digital-signature-security>



Source: <https://www.formstack.com/sign/features>



Source: https://admin.formstack.com/login?login_challenge=1b812f2216459eb5eee6b63c905a70

16. The Product includes a module generating assembly structured to receive at least one verification data element corresponding to the at least one entity and create said at least one digital identification module. For example, the Product includes a module generating assembly structured to receive at least one verification data element corresponding to at least one entity (e.g., a user has a unique login ID and password for accessing and verifying the account for e-signing the documents). The module generating assembly is also structured to create the at least one digital identification module (e.g., creating an e-signature of a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Documents

Steven Douglas

Signature Initials Date

Text Checkbox Radio

Full Name

Clear all Fields

Templates

Party A's Signature Date

Print Name

Coding in HTML, XHTML, XML, XSL, CSS, PHP, JavaScript

Graphic Design

Search Engine Optimization

Payment

Client and Company agree that Services described in this contract shall be completed for \$100 per hour, payable to Company.

Performance

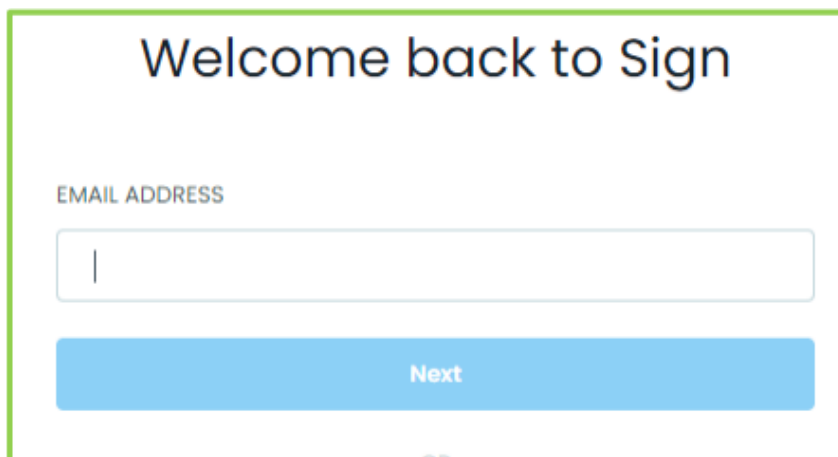
Company will submit Services based on turnaround times stated in estimates submitted to Client.

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Warranties and Liability

Company does not warrant the functions of Client's Site will meet Client's expectations of traffic or resulting business. In no event will Company be liable to Client or any third party for any damages, including any lost profits, lost savings or other incidental, consequential or special damages arising out of the operation of or inability to operate Client's Site or any of its web pages, even if Company has been advised of the possibility of such damages.

Source: <https://www.formstack.com/features/digital-signature-security>



>Welcome back to Sign

EMAIL ADDRESS

Next

Source: https://admin.formstack.com/login?login_challenge=1b812f2f2216459eb5eee6b63c905a70



AvionHealth

Brandon Douglas

Scranton PA 18053

Brandon Douglas

Source: <https://www.formstack.com/sign/features>

17. The at least one digital identification module is disposable within at least one electronic file. (e.g., a user can store the e-signature within a document such as a “Bill of Landing” or in a PDF, Word doc, image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Collect digital signatures anywhere

Simplify your document workflows with Formstack Sign, a digital signature automation solution that lets you gather and eSign documents on any device.

Source: <https://www.formstack.com/products/sign>

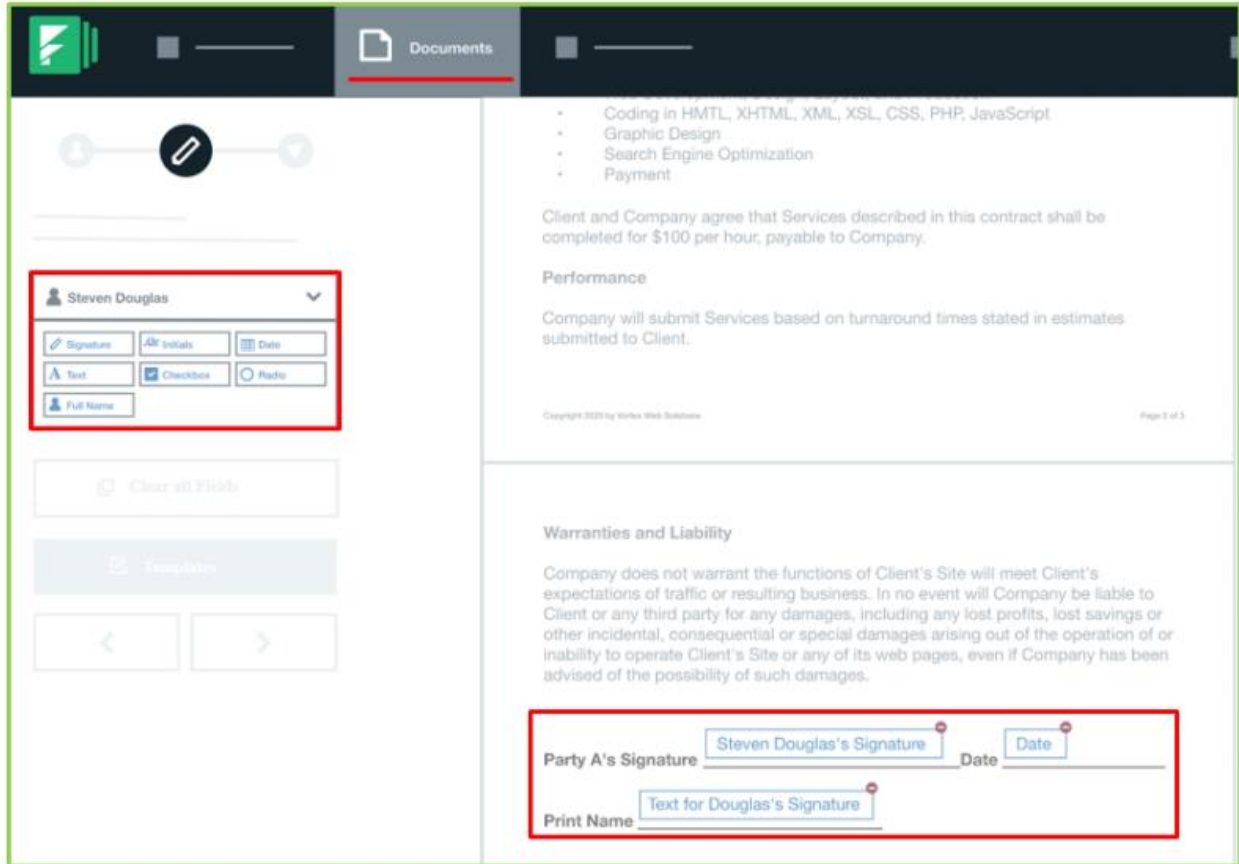
AvionHealth

Brandon Douglas

Scranton PA 18053

Brandon Douglas

Source: <https://www.formstack.com/sign/features>



Source: <https://www.formstack.com/features/digital-signature-security>

18. The at least one digital identification module includes at least one primary component structured to at least partially associate the digital identification module with the at least one entity. For example, an e-signature of a user is associated with user information including user name, date, etc. to at least partially associate the digital identification module with the at least one entity (e.g., an e-signature is associated with a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

The screenshot displays a digital document viewer interface. At the top, there is a dark navigation bar with a green logo on the left and a 'Documents' tab in the center. Below the navigation bar, the document content is split into two columns. The left column contains a signature form for 'Steven Douglas'. This form includes a dropdown menu for the name, a 'Clear all Fields' button, a 'Templates' button, and navigation arrows. A red box highlights the signature form's input fields, which include: 'Signature', 'Initials', 'Date', 'Text', 'Checkbox', 'Radio', and 'Full Name'. The right column contains the contract text. It lists services: 'Coding in HTML, XHTML, XML, XSL, CSS, PHP, JavaScript', 'Graphic Design', 'Search Engine Optimization', and 'Payment'. It states: 'Client and Company agree that Services described in this contract shall be completed for \$100 per hour, payable to Company.' Below this is a 'Performance' section stating: 'Company will submit Services based on turnaround times stated in estimates submitted to Client.' At the bottom of the right column, there is a 'Warranties and Liability' section. A red box highlights the signature and name fields at the bottom of the document, which include: 'Party A's Signature' with a text input containing 'Steven Douglas's Signature', a 'Date' field with a 'Date' input, and 'Print Name' with a text input containing 'Text for Douglas's Signature'.

Source: <https://www.formstack.com/features/digital-signature-security>

The screenshot shows a form titled "AvionHealth". It contains several input fields: "Brandon" and "Douglas" in the first row, "Scranton", "PA", and "18053" in the second row. Below these fields is a large green box containing a handwritten signature "Brandon Douglas" with a mouse cursor pointing to the end of the signature.

Source: <https://www.formstack.com/sign/features>

HOW IT WORKS

Collect secure eSignatures in three easy steps

Step 1: Upload your document to Formstack Sign.

Step 2: Add signature and approval participants to your document, and insert signature fields where needed. Send to participants for secure signing.

Step 3: Send to participants via email or text, and set up email reminders so they don't forget. Then, receive a full audit log once the document has been signed.

Source: <https://www.formstack.com/features/digital-signature-security>

The screenshot shows a login form titled "Welcome back to Sign". It features an "EMAIL ADDRESS" label above a text input field. Below the input field is a blue button labeled "Next".

Source: https://admin.formstack.com/login?login_challenge=1b812f2f2216459eb5eee6b63c905a70

19. The at least one digital identification module is cooperatively structured to be

embedded within only a single electronic file. For example, the module (e-signature) is stored within a single file (such as a PDF, Word doc, or image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

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

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

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

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

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,054,860 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

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

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

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

Dated: April 29, 2021

Respectfully submitted,

/s/ Francis R Niper

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Indianapolis, IN 46204

ATTORNEYS FOR PLAINTIFF