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5 *Attorney(s) for Plaintiff Digital Verification Systems, LLC*

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

9 DIGITAL VERIFICATION SYSTEMS,
10 LLC,

11 *Plaintiff,*

12 v.

13 KING STREET LABS, LLC d/b/a
14 FORMSWIFT,

15 *Defendant.*

CASE NO.: 3:21-cv-03211

PATENT CASE

16
17
18 **COMPLAINT**

19 Plaintiff Digital Verification Systems, LLC (“Plaintiff” or “DVS”) files this
20 Complaint against King Street Labs, LLC d/b/a FormSwift. (“Defendant” or
21 “FormSwift”) for infringement of United States Patent No. 9,054,860 (hereinafter
22 “the ‘860 Patent”).

23 **PARTIES AND JURISDICTION**

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

26 2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331
27 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent
28

1 infringement arising under the United States patent statutes.

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

4 4. On information and belief, Defendant is an Oregon limited liability
5 company with its principal office located at 2370 Market Street, Suite 103 #443, San
6 Francisco, CA 94114. On information and belief, Defendant may be served through
7 its registered agent, David Becker, 22 Margrave Pl, 8 San Francisco CA 94133.

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

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

15 **VENUE**

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

20 **COUNT I**

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

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

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

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

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

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

3 13. Upon information and belief, Defendant has infringed and continues to
4 infringe one or more claims, including at least Claim 1, of the '860 Patent by making,
5 using (at least by having its employees, or someone under Defendant's control, test
6 the accused Product), importing, selling, and/or offering for sale associated hardware
7 and/or software for digital signature services (e.g., FormSwift), and any similar
8 products and/or services ("Product") covered by at least Claim 1 of the '860 Patent.
9 Defendant has infringed and continues to infringe the '860 patent either directly or
10 through acts of contributory infringement or inducement in violation of 35 U.S.C. §
11 271.

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

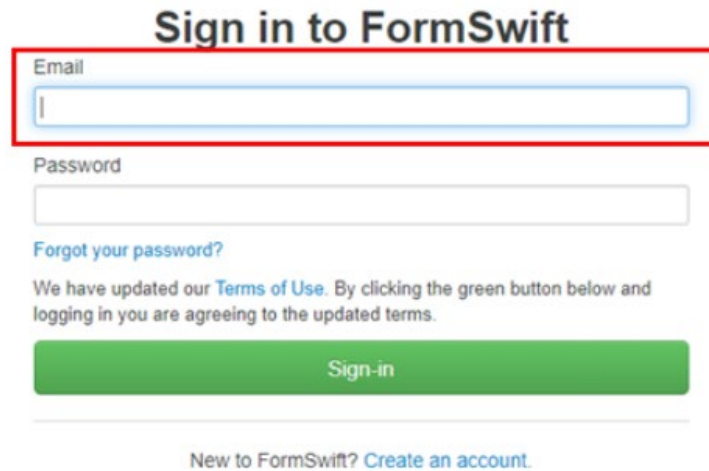
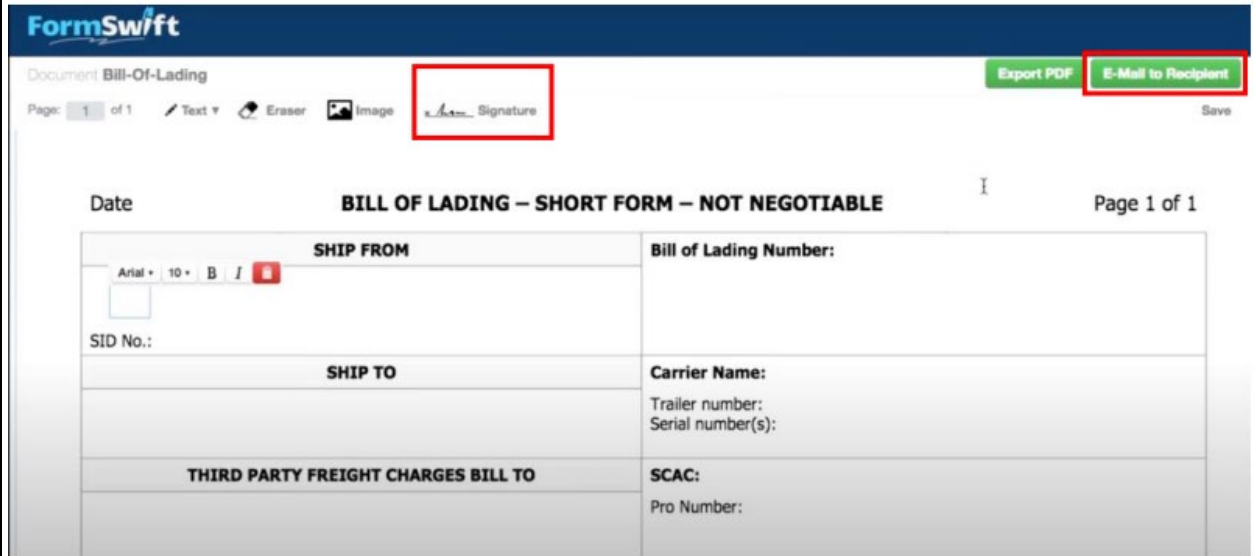


25 Source: <https://youtu.be/kr7-cpbmMKE>

26

27 15. The Product includes at least one digital identification module structured
28 to be associated with at least one entity. For example, the Product provides a module

1 (e.g., creation of an e-signature module for a user) to be associated with at least one
 2 entity (i.e., a user who needs to create an e-signature). Certain aspects of this element
 3 are illustrated in the screenshot(s) below and/or in those provided in connection with
 4 other allegations herein.

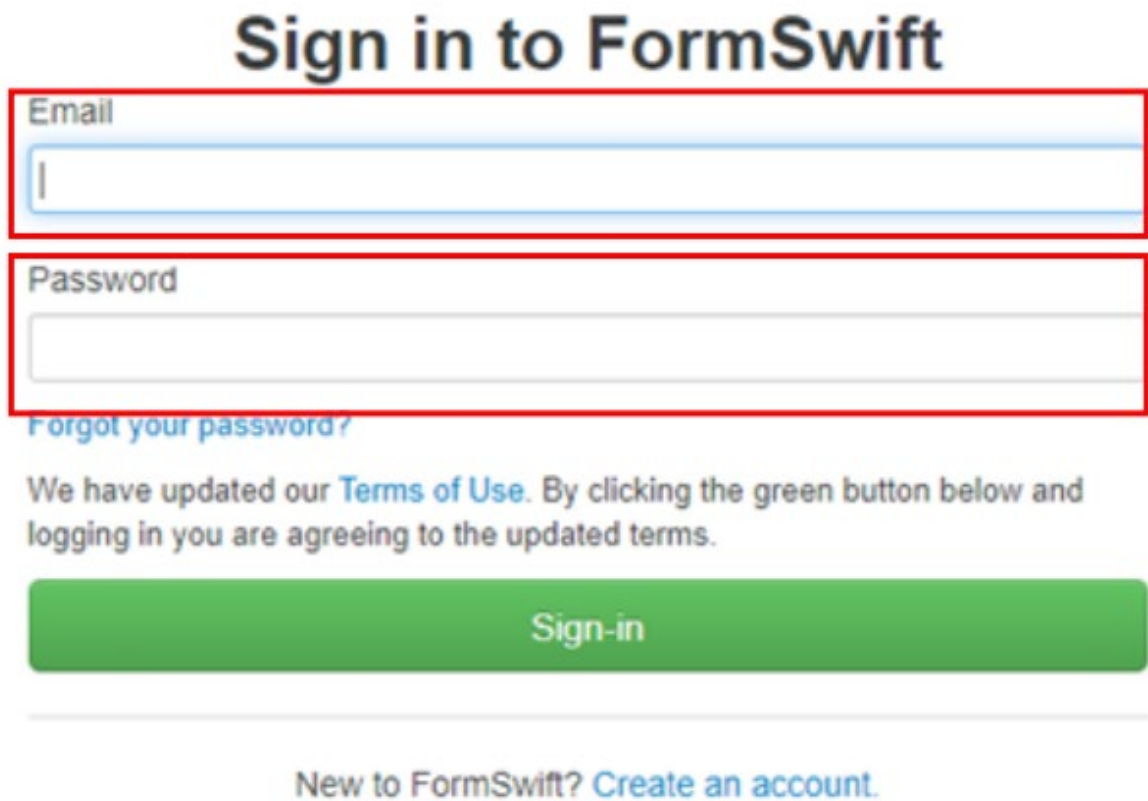


22 Source: <https://formswift.com/signIn.php>

23 Source: <https://youtu.be/nz85BE9nmKk>

24
 25 16. The Product includes a module generating assembly structured to receive
 26 at least one verification data element corresponding to the at least one entity and create
 27 said at least one digital identification module. For example, the Product includes a
 28 module generating assembly structured to receive at least one verification data

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



1 **FormSwift**

2 Document **Bill-Of-Lading** Export PDF **E-Mail to Recipient**

3 Page: 1 of 1 Text Eraser Image **Signature** Save

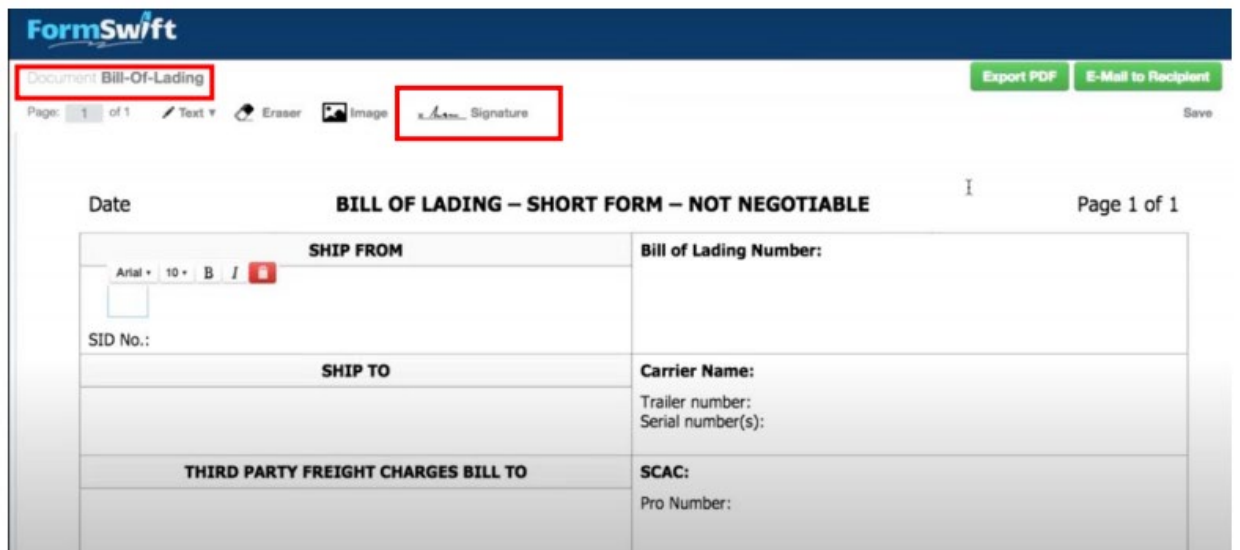
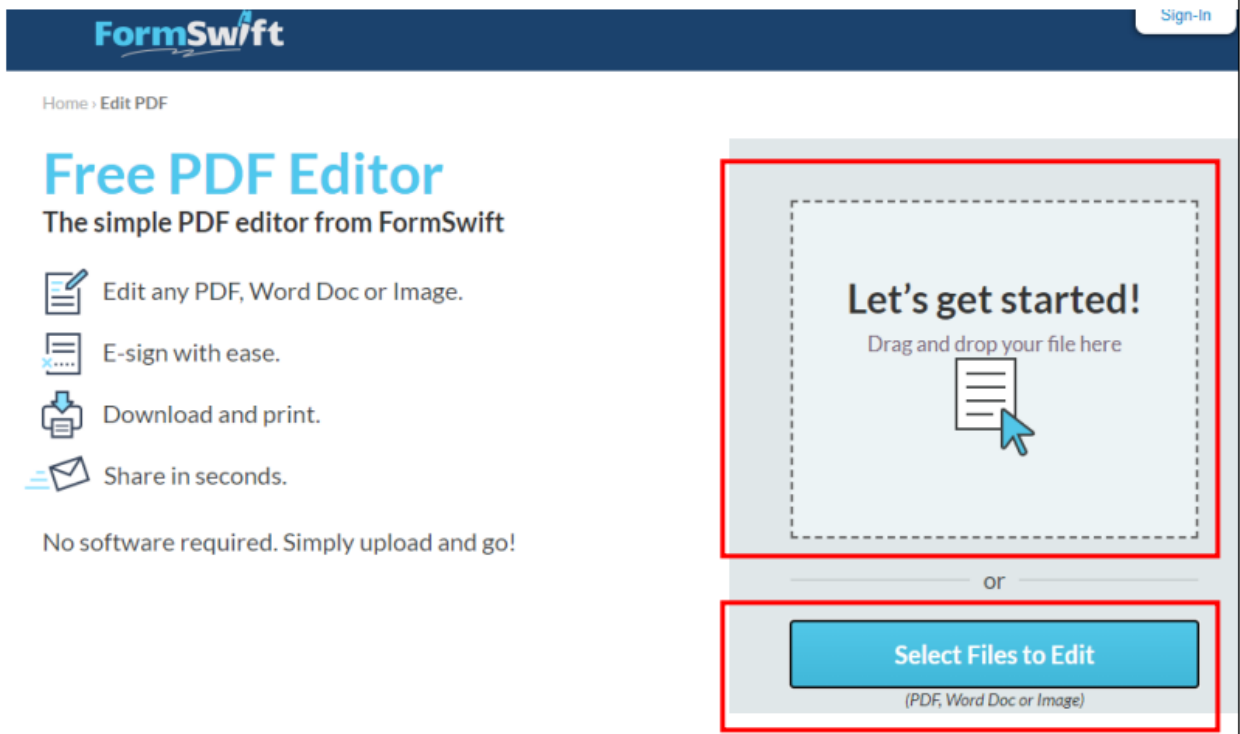
4 Date **BILL OF LADING – SHORT FORM – NOT NEGOTIABLE** Page 1 of 1

<p>5 SHIP FROM</p> <p>Arial 10 B I</p> <p>SID No.:</p>	<p>Bill of Lading Number:</p>
<p>6 SHIP TO</p>	<p>Carrier Name:</p> <p>Trailer number:</p> <p>Serial number(s):</p>
<p>7 THIRD PARTY FREIGHT CHARGES BILL TO</p>	<p>SCAC:</p> <p>Pro Number:</p>

10 Source: <https://formswift.com/signIn.php>

11 Source: <https://youtu.be/nz85BE9nmKk>

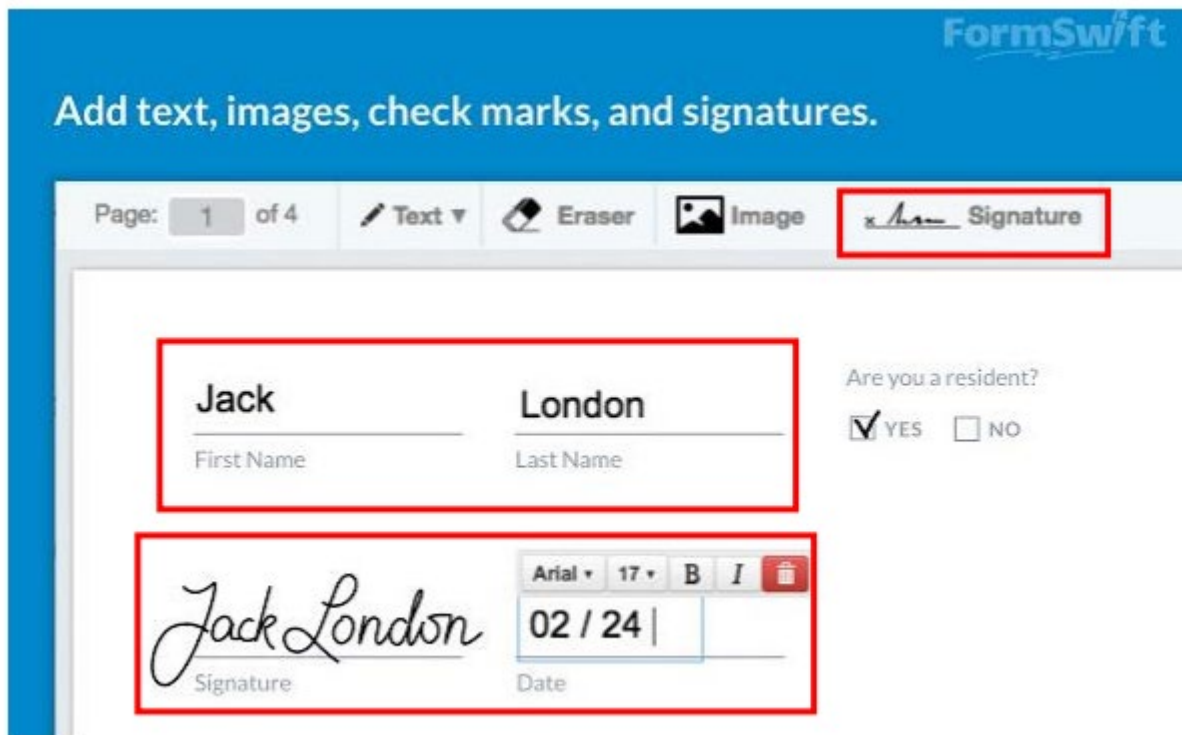
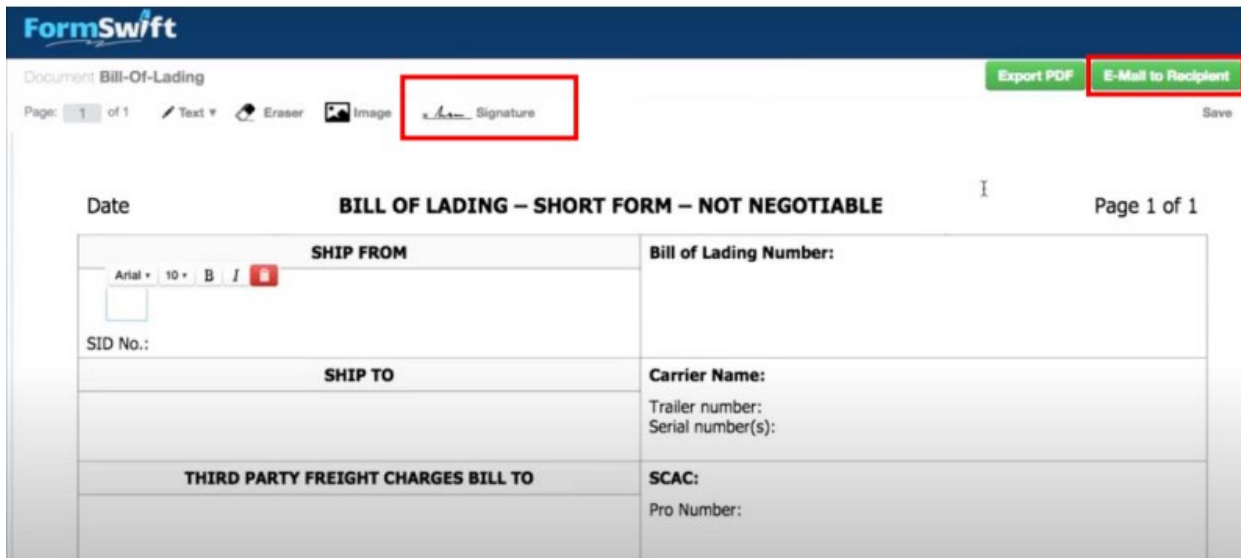
12 17. The at least one digital identification module is disposable within at least
 13 one electronic file. (e.g., a user can store the e-signature within a document such as
 14 a “Bill of Landing” or in a PDF, Word doc, image file, etc.). Certain aspects of this
 15 element are illustrated in the screenshot(s)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



Source: <https://formswift.com/edit-pdf>
 Source: <https://youtu.be/nz85BE9nmKk>

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

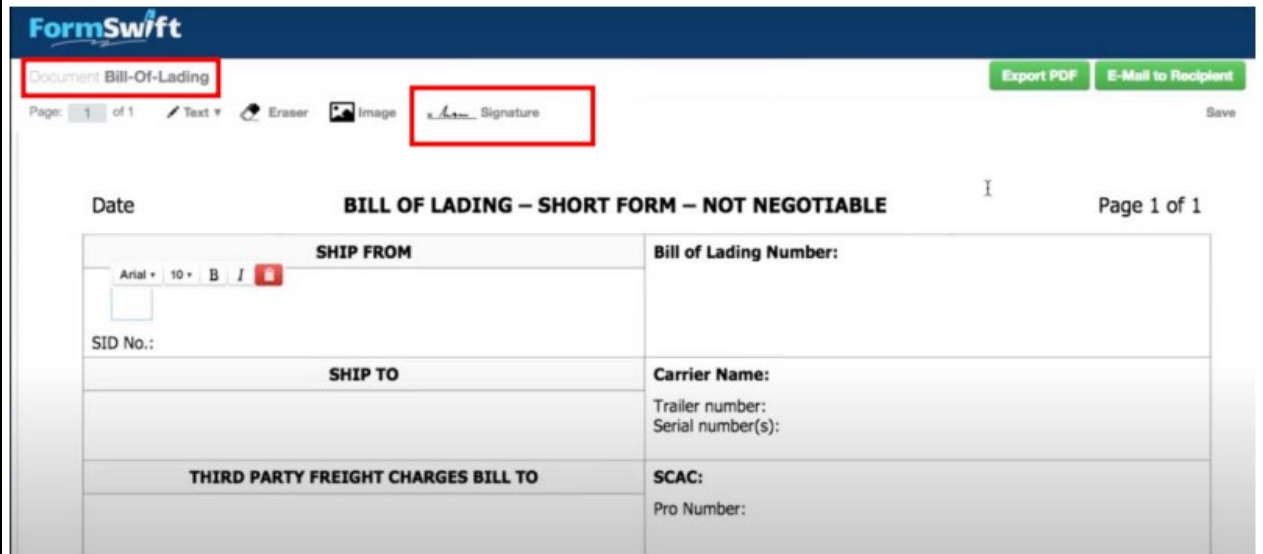
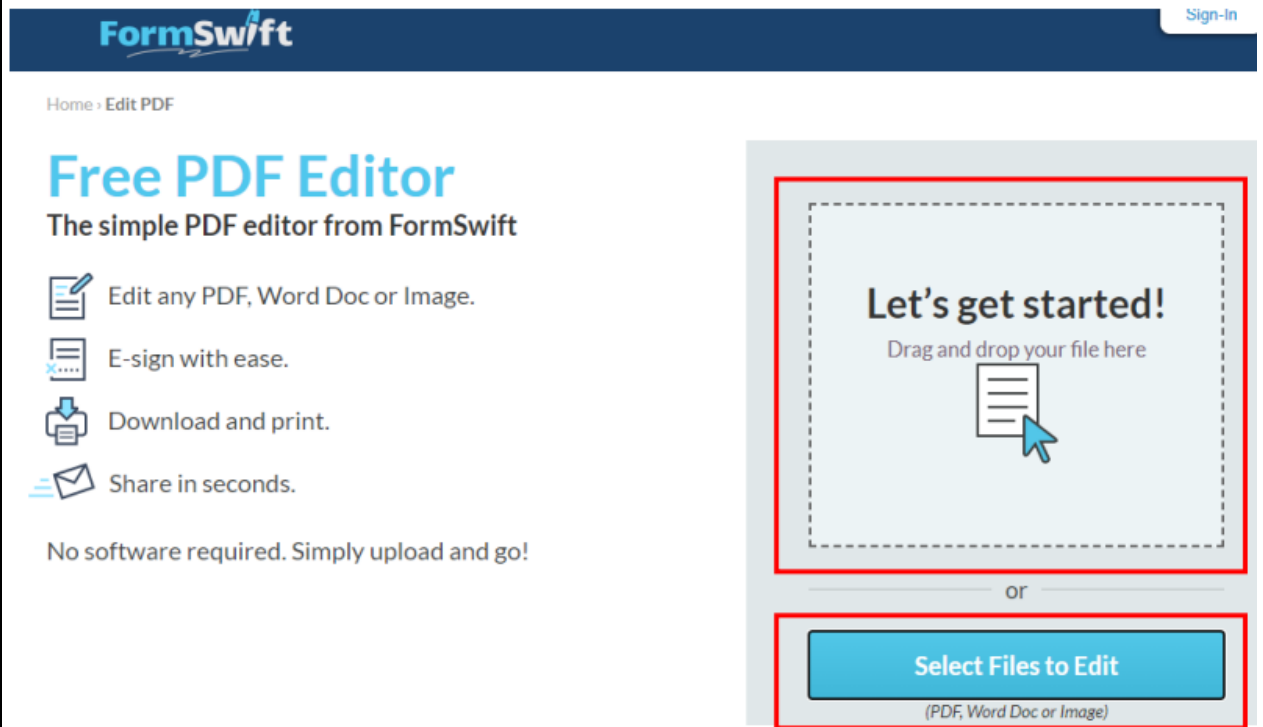
1 digital identification module with the at least one entity (e.g., an e-signature is
 2 associated with a user). Certain aspects of this element are illustrated in the
 3 screenshot(s) below and/or in those provided in connection with other allegations
 4 herein.



27 Source: <https://youtu.be/nz85BE9nmKk>

28 Source: <https://chrome.google.com/webstore/detail/formswift-pdf-editorconve/bdfcnmeidppjeaggnmidamkiddikdib>

1 19. The at least one digital identification module is cooperatively structured
 2 to be embedded within only a single electronic file. For example, the module (e-
 3 signature) is stored within a single file (such as a PDF, Word doc, or image file, etc.).
 4 Certain aspects of this element are illustrated in the screenshot(s) below and/or in
 5 those provided in connection with other allegations herein.



1 Source: <https://formswift.com/edit-pdf>

2 Source: <https://youtu.be/nz85BE9nmKk>

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

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

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

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff asks the Court to:

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

13 (b) Enter an Order enjoining Defendant, its agents, officers, servants,
14 employees, attorneys, and all persons in active concert or participation with Defendant
15 who receive notice of the order from further infringement of United States Patent No.
16 9,054,860 (or, in the alternative, awarding Plaintiff a running royalty from the time of
17 judgment going forward);

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

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

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

23
24 Dated: April 30, 2021

Respectfully submitted,

25 /s/ Stephen M. Lobbin

26 **Attorney(s) for Plaintiff Digital Verification**
27 **Systems, LLC**
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