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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

DIGITAL VERIFICATION SYSTEMS, LLC,	§	
Plaintiff,	§	**Case No:**
vs.	§	**ORIGINAL COMPLAINT**
TRUSTIFI, LLC,	§	
Defendant.	§	

COMPLAINT

Plaintiff Digital Verification Systems, LLC ("Plaintiff" or "DVS") files this Complaint against Trustifi, LLC ("Defendant" or "Trustifi") 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 with an address of 1 East Broward

Boulevard, Suite 700, Fort Lauderdale, FL 33301.

4. On information and belief, Defendant is a Delaware limited liability company with its principal office located at 6543 S. Las Vegas Blvd., Las Vegas, NV 89119. On information and belief, Defendant may be served through its registered agent, Resident Agents Inc., 8 The Green, Ste R, Dover, DE 19901.

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 a resident of 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.

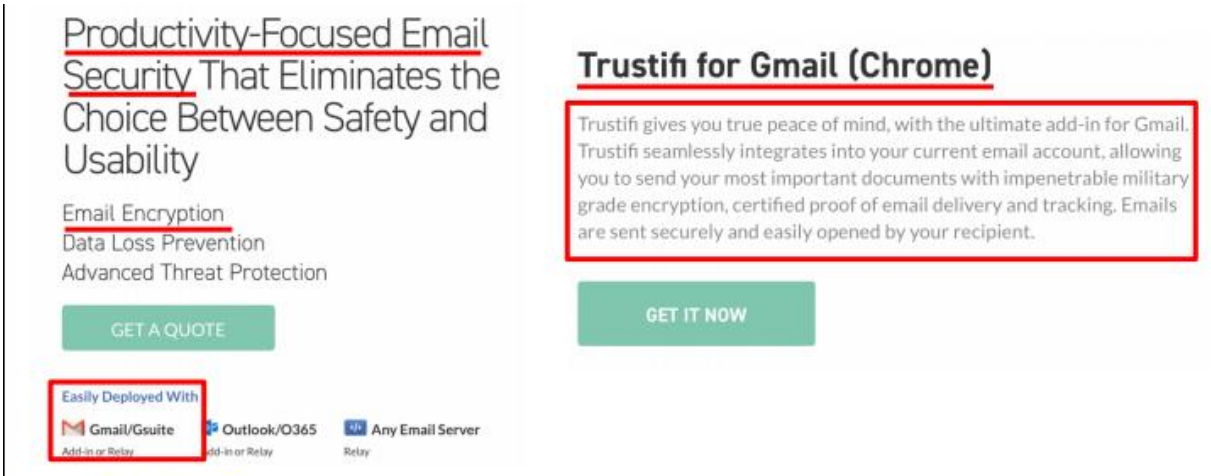
11. A copy of the '860 Patent, titled "Digital Verified Identification System and

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., Trustifi), 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 encrypting email. The Product provides for digitally verifying the identification of a sender. 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://trustifi.com

Source: https://trustifi.com/apps/

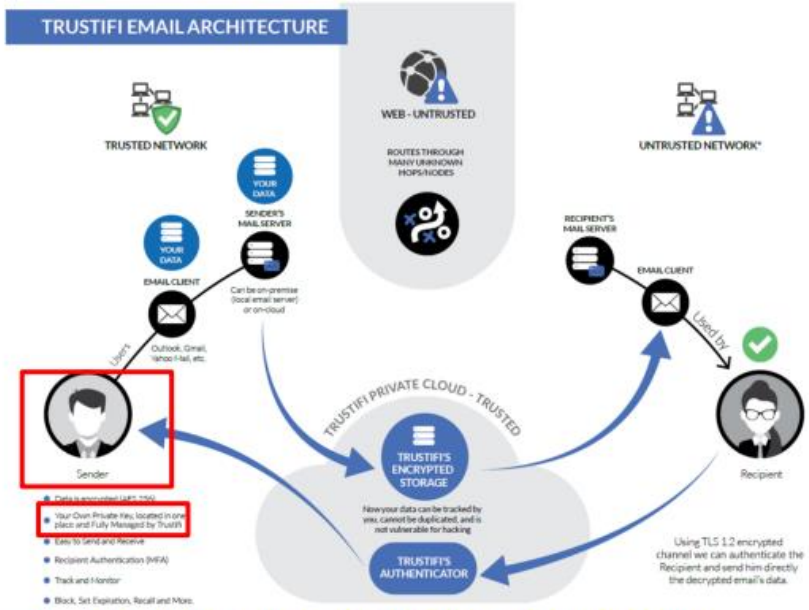
15. The Product includes at least one digital identification module structured to be associated with at least one entity. For example, the Product provides a module (e.g., user's private key) to be associated with at least one entity (i.e., a user who needs to send an encrypted email). Certain aspects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

The Trustifi Solution

To provide trackability, encryption, and email security in a single platofrm is the kind of challenge that requires a tremendous amount of resources, knowledge, and time. Trustifi's secure e-mail architecture provides a simple yet very secure solution for all of the challenges explained above.

The e-mail message from your trusted network of on-premise or cloud-based e-mail servers travels to Trustifi's secure virtual private cloud storage which is fully encrypted with AES-256 encryption algorithm. The encryption key is your own private key which is stored and managed by Trustifi. Now your data can not be duplicated, hacked, or modified and you can track what is happening with your message.

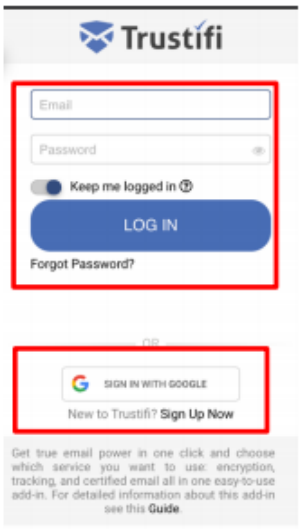
Trustifi sends a notification message to the recipient about the message you sent to the receiver. The recipient authenticates itself via a secure channel, encrypted by TLS 1.2 and after successful authentication, Trustifi sends your full decrypted message to the recipient. Secure, traceable, confirmed, compliant e-mail delivery: Done.



Source: https://www.simplemailprotection.com/whitepaper.asp

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 (e.g., sign-up page/software) structured to receive at least one verification data element (e.g., user signs up with a unique login ID and password) corresponding to at least one entity. The

module generating assembly is also structured to create the at least one digital identification module (e.g., creating a user private key). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

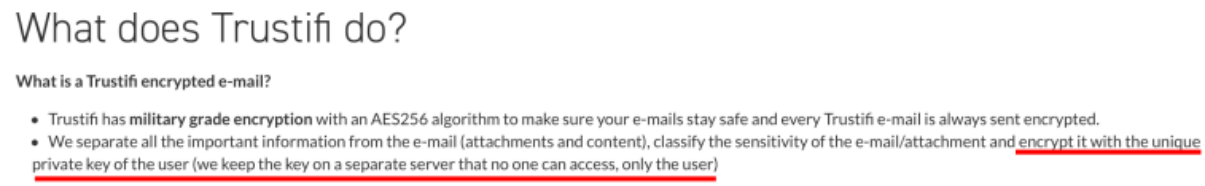


Source: Actual product usage

How to get started:
1. Install the Trustifi add-in on your Gmail and Login
2. Sign up directly from the Addon or at https://app.trustifi.com to get your free plan
3. Verify your email address (by clicking on the link within the email we'll send you)
4. When composing a new mail, open the Trustifi task pane (look for the Trustifi icon)
6. Add/Select recipients, choose protection methods from the task pane and click Apply.
7. Write your email, add any attachments (for extra privacy - add the attachments directly to the task pane), and send!
8. Comeback to a previously sent email, open the Trustifi task pane to view the email's reports for Tracking, Controlling, Recall, Postmark, Encrypted Reply and more.

Source: Link

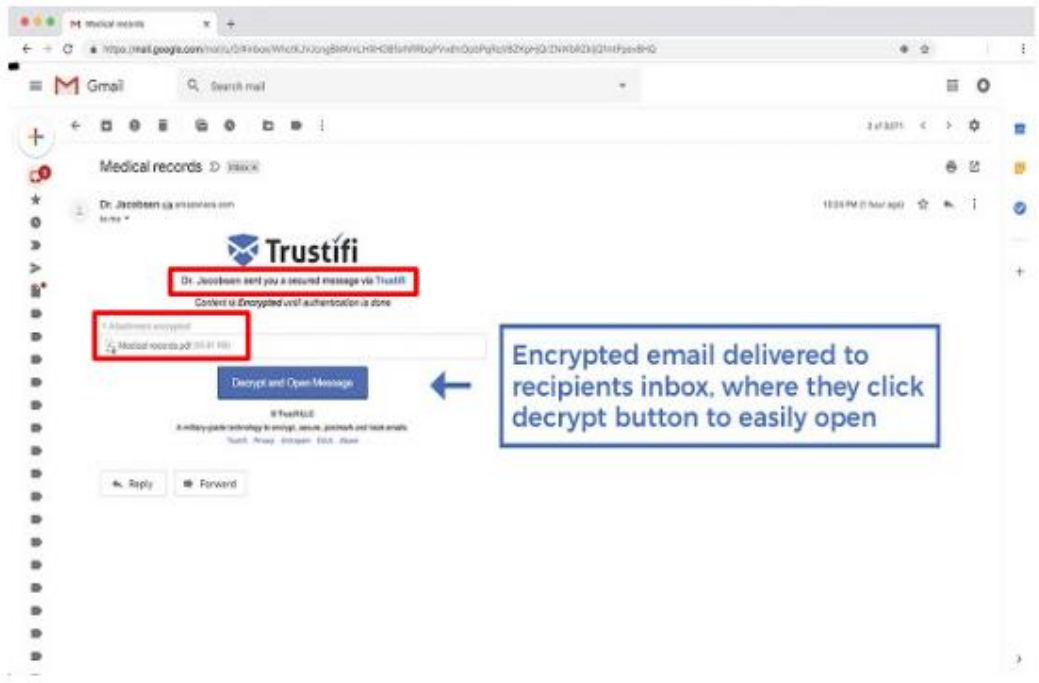
17. The at least one digital identification module is disposable within at least one electronic file. (e.g., the private key is stored in a file and can be part of the content of, or an attachment to, an email). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source: https://trustifi.com/docs/general/frequently-asked-questions/

18. The at least one digital identification module includes at least one primary component structured (e.g., a metadata encrypted text) to at least partially associate the digital identification module with the at least one entity (e.g., the user who sent the encrypted email).

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://chrome.google.com/webstore/detail/trustifi/nkjiffgankhjcemjlikehngfajkdgfgd

19. The at least one digital identification module is cooperatively structured to be embedded within only a single electronic file. For example, the module (private key) is stored within a single file (such as a document, email, attachment, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

What does Trustifi do?

What is a Trustifi encrypted e-mail?

- Trustifi has **military grade encryption** with an AES256 algorithm to make sure your e-mails stay safe and every Trustifi e-mail is always sent encrypted.
- We separate all the important information from the e-mail (attachments and content), classify the sensitivity of the e-mail/attachment and encrypt it with the unique private key of the user (we keep the key on a separate server that no one can access, only the user)

Source: https://trustifi.com/docs/general/frequently-asked-questions/

Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html

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: August 10, 2021.

Respectfully submitted,

/s/Keith D. Routsong, Esq.

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