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10 Attorneys for Plaintiff
BLACK HILLS MEDIA LLC

11

12

UNITED STATES DISTRICT COURT

13

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

14

15

BLACK HILLS MEDIA LLC,

CASE NO.

16

Plaintiff,

Assigned for all purposes to

17

vs.

**COMPLAINT FOR PATENT
INFRINGEMENT**

18

SONOS, INC.,

JURY TRIAL DEMANDED

19

Defendant.

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1 Plaintiff Black Hills Media, LLC (“Black Hills” or “Plaintiff”), for its
2 Complaint against Defendant Sonos, Inc. (“Defendant”), states and alleges as
3 follows:
4

5 **THE PARTIES**

6 1. Plaintiff Black Hills Media, LLC, is a Delaware limited liability
7 company having its principal place of business at 1000 N. West St., Suite 1200,
8 Wilmington, Delaware 19801.

9 2. Upon information and belief, Defendant Sonos, Inc., is a Delaware
10 corporation with its principal place of business at 223 E. De La Guerra Street, Santa
11 Barbara, California 93101.
12

13 **JURISDICTION AND VENUE**

14 3. This is an action for patent infringement under the patent laws of the
15 United States, Title 35, United States Code, specifically §§ 271 and 281-285. This
16 Court has subject matter jurisdiction under Title 28 United States Code §§ 1331 and
17 1338(a).

18 4. Venue is properly within the district under Title 28 United States Code
19 §§ 1391(b) and (c) and 1400(b). On information and belief, Defendant has
20 purposely transacted business involving their accused products in this judicial
21 district, has committed acts of direct and/or indirect infringement in this judicial
22 district and continues to commit acts of infringement in this district.
23

24 **BACKGROUND**

25 5. Black Hills owns all of the rights and interests in United States Patent
26 Nos. 8,045,952 (“the ‘952 Patent”); 8,050,652 (“the ‘652 Patent”); 6,985,694 (“the
27 ‘694 Patent”); 7,742,740 (“the ‘740 Patent”); 6,757,517 (“the ‘517 Patent”);
28 7,236,739 (“the ‘739 Patent”); 6,826,283 (“the ‘283 Patent”); 8,028,323 (“the ‘323

1 Patent”); 6,108,686 (“the ‘686 Patent”); 8,230,099 (“the ‘099 Patent”); and
2 8,214,873 (“the ‘873 Patent”) (collectively, the “Patents in Suit”).

3 6. The ‘952 Patent entitled “Method and Device for Obtaining Playlist
4 Content Over a Network” was duly and legally issued by the United States Patent
5 and Trademark Office on October 25, 2011, after full and fair examination. A copy
6 of the ‘952 Patent is attached as Exhibit A.

7 7. The ‘652 Patent entitled “Method and Device for an Internet Radio
8 Capable of Obtaining Playlist Content From a Content Server” was duly and legally
9 issued by the United States Patent and Trademark Office on November 1, 2011,
10 after full and fair examination. A copy of the ‘652 Patent is attached as Exhibit B.

11 8. The ‘694 Patent entitled “Method and System for Providing an Audio
12 Element Cache in a Customized Personal Radio Broadcast” was duly and legally
13 issued by the United States Patent and Trademark Office on January 10, 2006, after
14 full and fair examination. A copy of the ‘694 Patent is attached as Exhibit C.

15 9. The ‘740 Patent entitled “Audio Player Device for Synchronous
16 Playback of Audio Signals With a Compatible Device” was duly and legally issued
17 by the United States Patent and Trademark Office on June 22, 2010, after full and
18 fair examination. A copy of the ‘740 Patent is attached as Exhibit D.

19 10. The ‘517 Patent entitled “Apparatus and Method for Coordinated
20 Music Playback in Wireless Ad-Hoc Networks” was duly and legally issued by the
21 United States Patent and Trademark Office on June 29, 2004, after full and fair
22 examination. A copy of the ‘517 Patent is attached as Exhibit E.

23 11. The ‘739 Patent entitled “Apparatus and Method for Coordinated
24 Music Playback in Wireless Ad-Hoc Networks” was duly and legally issued by the
25 United States Patent and Trademark Office on June 26, 2007, after full and fair
26 examination. A copy of the ‘739 Patent is attached as Exhibit F.

27 12. The ‘283 Patent entitled “Method and System for Allowing Multiple
28 Nodes in a Small Environment to Play Audio Signals Independent of Other Nodes”

1 was duly and legally issued by the United States Patent and Trademark Office on
2 November 30, 2004. A copy of the '283 Patent is attached as Exhibit G.

3 13. The '323 Patent entitled "Method and System for Employing a First
4 Device to Direct a Networked Audio Device to Obtain a Media Item" was duly and
5 legally issued by the United States Patent and Trademark Office on September 27,
6 2011. A copy of the '323 Patent is attached as Exhibit H.

7 14. The '686 Patent entitled "Agent-Based On-Line Information Retrieval
8 and Viewing System" was duly and legally issued by the United States Patent and
9 Trademark Office on August 22, 2000. A copy of the '686 Patent is attached as
10 Exhibit I.

11 15. The '099 Patent entitled "System and Method for Sharing Playlists"
12 was duly and legally issued by the United States Patent and Trademark Office on
13 July 24, 2012. A copy of the '686 Patent is attached as Exhibit J.

14 16. The '873 Patent entitled "Method, System, and Computer-Readable
15 Medium for Employing a First Device to Direct a Networked Audio Device to
16 Render a Playlist" was duly and legally issued by the United States Patent and
17 Trademark Office on July 3, 2012. A copy of the '873 Patent is attached as Exhibit
18 K.

19 17. Defendant sells and distributes, including upon information and belief
20 within the Central District of California, at least the following networked audio
21 devices: Play:5, Play:3, Play 1, Bridge, Connect:Amp, Connect, 2x Play:5, 2x
22 Play:3, Sonos Control, Controller 100, Controller 200, ZonePlayer S5, ZoneBridge
23 BR 100, ZonePlayer 80, ZonePlayer 90, ZonePlayer 100, ZonePlayer 120,
24 Sonos:Sub and Playbar.

1 COUNT I

2 INFRINGEMENT OF THE '952 PATENT

3 18. Plaintiff incorporates each of the preceding paragraphs 1 - 17 as if
4 fully set forth herein.

5 19. Defendant is directly or indirectly infringing at least claims 1 and 9 of
6 the '952 Patent literally, or under the doctrine of equivalents, by importing into the
7 United States, or making, using, selling, or offering for sale in the United States,
8 including the Central District of California, products embodying the patented
9 inventions claimed in the '952 Patent without authority, including but not limited to
10 the products identified in preceding paragraph 17, or by contributing to or inducing
11 infringement of the '952 Patent by a third party.

12 20. Upon information and belief, after becoming aware of the '952 Patent
13 and its infringement thereof, Defendant has intended, and continues to intend, to
14 induce third party infringement of the '952 Patent and has knowledge that the
15 inducing acts would cause infringement or has been willfully blind to the possibility
16 that its inducing acts would cause infringement.

17 21. Black Hills made Defendant aware of the '952 Patent through
18 discussions with Defendant's counsel shortly after May 22, 2012. Additionally,
19 upon information and belief, Defendant has been aware of, and continues to be
20 aware of, the '952 Patent since at least October 4, 2012, when Black Hills and
21 Defendant filed a Joint Stipulation to Extend Time for Sonos to Answer, Move or
22 Otherwise Respond to Black Hills' First Amended Complaint in action 2:13-cv-
23 06062. Furthermore, on January 11, 2013 Defendant filed its Motion to Dismiss, or
24 in the Alternative for a More Definite Statement Under Fed. R. Civ. P. 12(e) in the
25 aforementioned action, evidencing its knowledge of the '952 Patent. On January
26 23, 2013, Defendant further confirmed its knowledge of the '952 Patent by filing its
27 Motion to Transfer to United States District Court for the Central District of
28 California in the aforementioned action. Subsequently, on July 26, 2013,

1 Defendant answered Black Hills' First Amended Complaint in the aforementioned
2 action. Finally, Defendant was provided a copy of Black Hills' proposed Second
3 Amended Complaint in the aforementioned action alleging infringement of *inter*
4 *alia* the '952 Patent on July 25, 2013.

5 22. Defendant's inducement of infringement of the '952 Patent includes,
6 but is not limited to, actively encouraging and instructing third parties to use
7 Defendant's products in ways that infringe the '952 Patent. Defendant ships the
8 accused products with pre-loaded streaming services (including Internet music
9 subscription services) and/or provides advertising and detailed instructions (i.e.,
10 teaching) to third parties (e.g., at the Defendant's website and/or in product manuals
11 and supplements) on how to obtain and use streaming services and other functions
12 with the accused products. Users of Defendant's products, therefore, will infringe
13 the '952 Patent.

14 23. Examples of such advertising and detailed instructions can be found in
15 the following links to the Defendant's website and the attached Exhibit L:

- 16 • <http://www.sonos.com/music>
- 17 • [http://web.archive.org/web/20120829220759/http://blog.sonos.com/m](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
18 [usic-on-sonos/thumbs-up-for-pandora-one/](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
- 19 •
- 20 • [https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/ses](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
21 [sion/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
22
- 23 • <http://www.sonos.com/support/onlineuserguide/en/>
- 24 • [http://itunes.apple.com/us/app/sonos-controller-for-](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)
25 [iphone/id293523031?mt=8.](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)

26 The links above show the Defendant encouraging and instructing its customers how
27 to add additional functionality to the purchased devices by obtaining and using
28

1 applications that make the user of the device a direct infringer of claims of the '952
2 Patent.

3 24. Defendant knew that its encouragement and instructions to third
4 parties results in infringement of the '952 Patent. Defendant is thus liable for
5 inducing infringement of the '952 Patent pursuant to 35 U.S.C. § 271(b).

6 25. The infringement by the Defendant of the '952 Patent has injured
7 Black Hills and will cause Black Hills added irreparable injury and damage in the
8 future unless Defendant is enjoined from infringing the '952 Patent.

9
10 **COUNT II**

11 **INFRINGEMENT OF THE '652 PATENT**

12 26. Plaintiff incorporates each of the preceding paragraphs 1 - 25 as if
13 fully set forth herein.

14 27. Defendant is directly or indirectly infringing at least claims 1, 21, 42,
15 and 63 of the '652 Patent literally, or under the doctrine of equivalents, by
16 importing into the United States, or making, using, selling, or offering for sale in
17 the United States, including the Central District of California, products embodying
18 the patented inventions claimed in the '652 Patent without authority, including but
19 not limited to the products identified in preceding paragraph 17, or by contributing
20 to or inducing infringement of the '652 Patent by a third party.

21 28. Upon information and belief, after becoming aware of the '652 Patent
22 and its infringement thereof, Defendant has intended, and continues to intend, to
23 induce third party infringement of the '652 Patent and has knowledge that the
24 inducing acts would cause infringement or has been willfully blind to the possibility
25 that its inducing acts would cause infringement.

26 29. Black Hills made Defendant aware of the '652 Patent through
27 discussions with Defendant's counsel shortly after May 22, 2012. Additionally,
28 upon information and belief, Defendant has been aware of, and continues to be

1 aware of, the '652 Patent since at least October 4, 2012, when Black Hills and
2 Defendant filed a Joint Stipulation to Extend Time for Sonos to Answer, Move or
3 Otherwise Respond to Black Hills' First Amended Complaint in action 2:13-cv-
4 06062. Furthermore, on January 11, 2013 Defendant filed its Motion to Dismiss, or
5 in the Alternative for a More Definite Statement Under Fed. R. Civ. P. 12(e) in the
6 aforementioned action, evidencing its knowledge of the '652 Patent. On January
7 23, 2013, Defendant further confirmed its knowledge of the '652 Patent by filing its
8 Motion to Transfer to United States District Court for the Central District of
9 California in the aforementioned action. Subsequently, on July 26, 2013,
10 Defendant answered Black Hills' First Amended Complaint in the aforementioned
11 action. Finally, Defendant was provided a copy of Black Hills' proposed Second
12 Amended Complaint in the aforementioned action alleging infringement of *inter*
13 *alia* the '652 Patent on July 25, 2013.

14 30. Defendant's inducement of infringement of the '652 Patent includes,
15 but is not limited to, actively encouraging and instructing third parties to use
16 Defendant's products in ways that infringe the '652 Patent. Defendant ships the
17 accused products with pre-loaded streaming services (including Internet music
18 subscription services) and/or provides advertising and detailed instructions (i.e.,
19 teaching) to third parties (e.g., at the Defendant's website and/or in product manuals
20 and supplements) on how to obtain and use streaming services and other functions
21 with the accused products. Users of Defendant's products, therefore, will infringe
22 the '652 Patent.

23 31. Examples of such advertising and detailed instructions can be found in
24 the following links to the Defendant's website and the attached Exhibit L:

- 25 • <http://www.sonos.com/music>
- 26 • [http://web.archive.org/web/20120829220759/http://blog.sonos.com/m](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
27 [usic-on-sonos/thumbs-up-for-pandora-one/](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)

- 1 • https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D
- 2
- 3 • <http://www.sonos.com/support/onlineuserguide/en/>
- 4
- 5 • <http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8>.

6 The links above show the Defendant encouraging and instructing its customers how
7 to add additional functionality to the purchased devices by obtaining and using
8 applications that make the user of the device a direct infringer of claims of the '652
9 Patent.

10 32. Defendant knew that its encouragement and instructions to third
11 parties results in infringement of the '652 Patent. Defendant is thus liable for
12 inducing infringement of the '652 Patent pursuant to 35 U.S.C. § 271(b).

13 33. The infringement by the Defendant of the '652 Patent has injured
14 Black Hills and will cause Black Hills added irreparable injury and damage in the
15 future unless Defendant is enjoined from infringing the '652 Patent.

16 17 **COUNT III**

18 **INFRINGEMENT OF THE '694 PATENT**

19 34. Plaintiff incorporates each of the preceding paragraphs 1 - 33 as if
20 fully set forth herein.

21 35. Defendant is directly or indirectly infringing at least claim 1 of the
22 '694 Patent literally, or under the doctrine of equivalents, by importing into the
23 United States, or making, using, selling, or offering for sale in the United States,
24 including the Central District of California, products embodying the patented
25 inventions claimed in the '694 Patent without authority, including but not limited to
26 the products identified in preceding paragraph 17, or by contributing to or inducing
27 infringement of the '694 Patent by a third party.
28

1 36. Upon information and belief, after becoming aware of the '694 Patent
2 and its infringement thereof, Defendant has intended, and continues to intend, to
3 induce third party infringement of the '694 Patent and has knowledge that the
4 inducing acts would cause infringement or has been willfully blind to the possibility
5 that its inducing acts would cause infringement.

6 37. Black Hills made Defendant aware of the '694 Patent through
7 discussions with Defendant's counsel shortly after May 22, 2012. Additionally,
8 upon information and belief, Defendant has been aware of, and continues to be
9 aware of, the '694 Patent since at least October 4, 2012, when Black Hills and
10 Defendant filed a Joint Stipulation to Extend Time for Sonos to Answer, Move or
11 Otherwise Respond to Black Hills' First Amended Complaint in action 2:13-cv-
12 06062. Furthermore, on January 11, 2013 Defendant filed its Motion to Dismiss, or
13 in the Alternative for a More Definite Statement Under Fed. R. Civ. P. 12(e) in the
14 aforementioned action, evidencing its knowledge of the '694 Patent. On January
15 23, 2013, Defendant further confirmed its knowledge of the '694 Patent by filing its
16 Motion to Transfer to United States District Court for the Central District of
17 California in the aforementioned action. Subsequently, on July 26, 2013,
18 Defendant answered Black Hills' First Amended Complaint in the aforementioned
19 action. Finally, Defendant was provided a copy of Black Hills' proposed Second
20 Amended Complaint in the aforementioned action alleging infringement of *inter*
21 *alia* the '694 Patent on July 25, 2013.

22 38. Defendant's inducement of infringement of the '694 Patent includes,
23 but is not limited to, actively encouraging and instructing third parties to use
24 Defendant's products in ways that infringe the '694 Patent. Defendant ships the
25 accused products with pre-loaded streaming services (including Internet music
26 subscription services) and/or provides advertising and detailed instructions (i.e.,
27 teaching) to third parties (e.g., at the Defendant's website and/or in product manuals
28 and supplements) on how to obtain and use streaming services and other functions

1 with the accused products. Users of Defendant's products, therefore, will infringe
2 the '694 Patent.

3 39. Examples of such advertising and detailed instructions can be found in
4 the following links to the Defendant's website and the attached Exhibit L:

- 5 • <http://www.sonos.com/music>
- 6 • [http://web.archive.org/web/20120829220759/http://blog.sonos.com/m
7 usic-on-sonos/thumbs-up-for-pandora-one/](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
- 8 • [https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/ses
9 sion/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
- 10 • <http://www.sonos.com/support/onlineuserguide/en/>
- 11 • [http://itunes.apple.com/us/app/sonos-controller-for-
12 iphone/id293523031?mt=8.](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)

13 The links above show the Defendant encouraging and instructing its customers how
14 to add additional functionality to the purchased devices by obtaining and using
15 applications that make the user of the device a direct infringer of claims of the '694
16 Patent.

17 40. Defendant knew that its encouragement and instructions to third
18 parties results in infringement of the '694 Patent. Defendant is thus liable for
19 inducing infringement of the '694 Patent pursuant to 35 U.S.C. § 271(b).

20 41. The infringement by the Defendant of the '694 Patent has injured
21 Black Hills and will cause Black Hills added irreparable injury and damage in the
22 future unless Defendant is enjoined from infringing the '694 Patent.

23 24 **COUNT IV**

25 **INFRINGEMENT OF THE '740 PATENT**

26 42. Plaintiff incorporates each of the preceding paragraphs 1 - 41 as if
27 fully set forth herein.

28

1 43. Defendant is directly or indirectly infringing at least claim 1 of the
2 '740 Patent literally, or under the doctrine of equivalents, by importing into the
3 United States, or making, using, selling, or offering for sale in the United States,
4 including the Central District of California, products embodying the patented
5 inventions claimed in the '740 Patent without authority, including but not limited to
6 the products identified in preceding paragraph 17, or by contributing to or inducing
7 infringement of the '740 Patent by a third party.

8 44. Upon information and belief, after becoming aware of the '740 Patent
9 and its infringement thereof, Defendant has intended, and continues to intend, to
10 induce third party infringement of the '740 Patent and has knowledge that the
11 inducing acts would cause infringement or has been willfully blind to the possibility
12 that its inducing acts would cause infringement.

13 45. Black Hills made Defendant aware of the '740 Patent through
14 discussions with Defendant's counsel shortly after May 22, 2012. Additionally,
15 upon information and belief, Defendant has been aware of, and continues to be
16 aware of, the '740 Patent since at least October 4, 2012, when Black Hills and
17 Defendant filed a Joint Stipulation to Extend Time for Sonos to Answer, Move or
18 Otherwise Respond to Black Hills' First Amended Complaint in action 2:13-cv-
19 06062. Furthermore, on January 11, 2013 Defendant filed its Motion to Dismiss, or
20 in the Alternative for a More Definite Statement Under Fed. R. Civ. P. 12(e) in the
21 aforementioned action, evidencing its knowledge of the '740 Patent. On January
22 23, 2013, Defendant further confirmed its knowledge of the '740 Patent by filing its
23 Motion to Transfer to United States District Court for the Central District of
24 California in the aforementioned action. Subsequently, on July 26, 2013,
25 Defendant answered Black Hills' First Amended Complaint in the aforementioned
26 action. Finally, Defendant was provided a copy of Black Hills' proposed Second
27 Amended Complaint in the aforementioned action alleging infringement of *inter*
28 *alia* the '740 Patent on July 25, 2013.

1 46. Defendant's inducement of infringement of the '740 Patent includes,
2 but is not limited to, actively encouraging and instructing third parties to use
3 Defendant's products in ways that infringe the '740 Patent. Defendant ships the
4 accused products with pre-loaded software and services (including Internet music
5 subscription services) and/or provides advertising and detailed instructions (i.e.,
6 teaching) to third parties (e.g., at the Defendant's website and/or in product manuals
7 and supplements) on how to obtain and use streaming services and other functions
8 with the accused products. Users of Defendant's products, therefore, will infringe
9 the '740 Patent.

10 47. Examples of such advertising and detailed instructions can be found in
11 the following links to the Defendant's website and the attached Exhibit L:

- 12 • <http://www.sonos.com/music>
- 13 • [http://web.archive.org/web/20120829220759/http://blog.sonos.com/m](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
14 [usic-on-sonos/thumbs-up-for-pandora-one/](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
- 15 • [https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/ses](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
16 [sion/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
- 17 • <http://www.sonos.com/support/onlineuserguide/en/>
- 18 • [http://itunes.apple.com/us/app/sonos-controller-for-](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)
19 [iphone/id293523031?mt=8.](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)

20 The links above show the Defendant encouraging and instructing their customers
21 how to add additional functionality to the purchased devices by obtaining and using
22 applications that make the user of the device a direct infringer of claims of the '740
23 Patent.

24 48. Defendant knew that its encouragement and instructions to third
25 parties results in infringement of the '740 Patent. Defendant is thus liable for
26 inducing infringement of the '740 Patent pursuant to 35 U.S.C. § 271(b).

1 aforementioned action, evidencing its knowledge of the ‘517 Patent. On January
2 23, 2013, Defendant further confirmed its knowledge of the ‘517 Patent by filing its
3 Motion to Transfer to United States District Court for the Central District of
4 California in the aforementioned action. Subsequently, on July 26, 2013,
5 Defendant answered Black Hills’ First Amended Complaint in the aforementioned
6 action. Finally, Defendant was provided a copy of Black Hills’ proposed Second
7 Amended Complaint in the aforementioned action alleging infringement of *inter*
8 *alia* the ‘517 Patent on July 25, 2013.

9 54. Defendant’s inducement of infringement of the ‘517 Patent includes,
10 but is not limited to, actively encouraging and instructing third parties to use
11 Defendant’s products in ways that infringe the ‘517 Patent. Defendant ships the
12 accused products with pre-loaded streaming services (including Internet music
13 subscription services) and/or provides advertising and detailed instructions (i.e.,
14 teaching) to third parties (e.g., at the Defendant’s website and/or in product manuals
15 and supplements) on how to obtain and use streaming services and other functions
16 with the accused products. Users of Defendant’s products, therefore, will infringe
17 the ‘517 Patent.

18 55. Examples of such advertising and detailed instructions can be found in
19 the following links to the Defendant’s website and the attached Exhibit L:

- 20 • <http://www.sonos.com/music>
- 21 • [http://web.archive.org/web/20120829220759/http://blog.sonos.com/m](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
22 *usic-on-sonos/thumbs-up-for-pandora-one/*
- 23 • [https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/ses](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
24 *sion/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D*
- 25 • <http://www.sonos.com/support/onlineuserguide/en/>
- 26 • [http://itunes.apple.com/us/app/sonos-controller-for-](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)
27 *iphone/id293523031?mt=8.*

1 The links above show the Defendant encouraging and instructing its customers how
2 to add additional functionality to the purchased devices by obtaining and using
3 applications that make the user of the device a direct infringer of claims of the '517
4 Patent.

5 56. Defendant knew that its encouragement and instructions to third
6 parties results in infringement of the '517 Patent. Defendant is thus liable for
7 inducing infringement of the '517 Patent pursuant to 35 U.S.C. § 271(b).

8 57. Further, Defendant contributed to third party infringement of the '517
9 Patent since the accused products do not have substantial non-infringing uses and
10 the accused products are designed to operate together when in synchronous mode.
11 The synchronous operation of the Defendant's products is a material part of the
12 invention claimed in the '517 Patent.

13 58. The infringement by the Defendant of the '517 Patent has injured
14 Black Hills and will cause Black Hills added irreparable injury and damage in the
15 future unless Defendant is enjoined from infringing the '517 Patent.

16 17 **COUNT VI**

18 **INFRINGEMENT OF THE '739 PATENT**

19 59. Plaintiff incorporates each of the preceding paragraphs 1 - 58 as if
20 fully set forth herein.

21 60. Defendant is directly or indirectly infringing at least claims 2 and 9 of
22 the '739 Patent literally, or under the doctrine of equivalents, by importing into the
23 United States, or making, using, selling, or offering for sale in the United States,
24 including the Central District of California, products embodying the patented
25 inventions claimed in the '739 Patent without authority, including but not limited to
26 the products identified in preceding paragraph 17, or by contributing to or inducing
27 infringement of the '739 Patent by a third party.

1 61. Upon information and belief, after becoming aware of the '739 Patent
2 and its infringement thereof, Defendant has intended, and continues to intend, to
3 induce third party infringement of the '739 Patent and has knowledge that the
4 inducing acts would cause infringement or has been willfully blind to the possibility
5 that its inducing acts would cause infringement.

6 62. Black Hills made Defendant aware of the '739 Patent through
7 discussions with Defendant's counsel shortly after May 22, 2012. Additionally,
8 upon information and belief, Defendant has been aware of, and continues to be
9 aware of, the '739 Patent since at least October 4, 2012, when Black Hills and
10 Defendant filed a Joint Stipulation to Extend Time for Sonos to Answer, Move or
11 Otherwise Respond to Black Hills' First Amended Complaint in action 2:13-cv-
12 06062. Furthermore, on January 11, 2013 Defendant filed its Motion to Dismiss, or
13 in the Alternative for a More Definite Statement Under Fed. R. Civ. P. 12(e) in the
14 aforementioned action, evidencing its knowledge of the '739 Patent. On January
15 23, 2013, Defendant further confirmed its knowledge of the '739 Patent by filing its
16 Motion to Transfer to United States District Court for the Central District of
17 California in the aforementioned action. Subsequently, on July 26, 2013,
18 Defendant answered Black Hills' First Amended Complaint in the aforementioned
19 action. Finally, Defendant was provided a copy of Black Hills' proposed Second
20 Amended Complaint in the aforementioned action alleging infringement of *inter*
21 *alia* the '739 Patent on July 25, 2013.

22 63. Defendant's inducement of infringement of the '739 Patent includes,
23 but is not limited to, actively encouraging and instructing third parties to use
24 Defendant's products in ways that infringe the '739 Patent. Defendant ships the
25 accused products with pre-loaded software and services (including Internet music
26 subscription services) and/or provides advertising and detailed instructions (i.e.,
27 teaching) to third parties (e.g., at the Defendant's website and/or in product manuals
28 and supplements) on how to obtain and use streaming services and other functions

1 with the accused products. Users of Defendant's products, therefore, will infringe
2 the '739 Patent.

3 64. Examples of such advertising and detailed instructions can be found in
4 the following links to the Defendant's website and the attached Exhibit L:

- 5 • <http://www.sonos.com/music>
- 6 • [http://web.archive.org/web/20120829220759/http://blog.sonos.com/m](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
7 [usic-on-sonos/thumbs-up-for-pandora-one/](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
- 8 • [https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/ses](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
9 [sion/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
- 10 • <http://www.sonos.com/support/onlineuserguide/en/>
- 11 • [http://itunes.apple.com/us/app/sonos-controller-for-](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)
12 [iphone/id293523031?mt=8.](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)

13 The links above show the Defendant encouraging and instructing its customers how
14 to add additional functionality to the purchased devices by obtaining and using
15 applications that make the user of the device a direct infringer of claims of the '739
16 Patent.

17 65. Defendant knew that its encouragement and instructions to third
18 parties results in infringement of the '739 Patent. Defendant is thus liable for
19 inducing infringement of the '739 Patent pursuant to 35 U.S.C. § 271(b).

20 66. Further, Defendant contributed to third party infringement of the '739
21 Patent since the accused products do not have substantial non-infringing uses. The
22 accused products are designed to operate together when in synchronous mode. The
23 synchronous operation of the Defendant's products is a material part of the
24 invention claimed in the '739 Patent.

25 67. The infringement by the Defendant of the '739 Patent has injured
26 Black Hills and will cause Black Hills added irreparable injury and damage in the
27 future unless Defendant is enjoined from infringing the '739 Patent.
28

1 COUNT VII

2 INFRINGEMENT OF THE '283 PATENT

3 68. Plaintiff incorporates each of the preceding paragraphs 1 - 67 as if
4 fully set forth herein.

5 69. Defendant is directly or indirectly infringing at least claim 6 of the
6 '283 Patent literally, or under the doctrine of equivalents, by importing into the
7 United States, or making, using, selling, or offering for sale in the United States,
8 including the Central District of California, products embodying the patented
9 inventions claimed in the '283 Patent without authority, including but not limited to
10 the products identified in preceding paragraph 17, or by contributing to or inducing
11 infringement of the '283 Patent by a third party.

12 70. Upon information and belief, after becoming aware of the '283 Patent
13 and its infringement thereof, Defendant has intended, and continues to intend, to
14 induce third party infringement of the '283 Patent and has knowledge that the
15 inducing acts would cause infringement or has been willfully blind to the possibility
16 that its inducing acts would cause infringement.

17 71. Black Hills made Defendant aware of the '283 Patent through
18 discussions with Defendant's counsel shortly after May 22, 2012. Additionally,
19 upon information and belief, Defendant has been aware of, and continues to be
20 aware of, the '283 Patent since at least October 4, 2012, when Black Hills and
21 Defendant filed a Joint Stipulation to Extend Time for Sonos to Answer, Move or
22 Otherwise Respond to Black Hills' First Amended Complaint in action 2:13-cv-
23 06062. Furthermore, on January 11, 2013, Defendant filed its Motion to Dismiss,
24 or in the Alternative for a More Definite Statement Under Fed. R. Civ. P. 12(e) in
25 the aforementioned action, evidencing its knowledge of the '283 Patent. On
26 January 23, 2013, Defendant further confirmed its knowledge of the '283 Patent by
27 filing its Motion to Transfer to United States District Court for the Central District
28 of California in the aforementioned action. Subsequently, on July 26, 2013,

1 Defendant answered Black Hills' First Amended Complaint in the aforementioned
2 action. Finally, Defendant was provided a copy of Black Hills' proposed Second
3 Amended Complaint in the aforementioned action alleging infringement of *inter*
4 *alia* the '283 Patent on July 25, 2013.

5 72. Defendant's inducement of infringement of the '283 Patent includes,
6 but is not limited to, actively encouraging and instructing third parties to use
7 Defendant's products in ways that infringe the '283 Patent. Defendant ships the
8 accused products with pre-loaded software and services (including Internet music
9 subscription services) and/or provides advertising and detailed instructions (i.e.,
10 teaching) to third parties (e.g., at the Defendant's website and/or in product manuals
11 and supplements) on how to obtain and use streaming services and other functions
12 with the accused products. Users of Defendant's products, therefore, will infringe
13 the '283 Patent.

14 73. Examples of such advertising and detailed instructions can be found in
15 the following links to the Defendant's website and the attached Exhibit L:

- 16 • <http://www.sonos.com/music>
- 17 • [http://web.archive.org/web/20120829220759/http://blog.sonos.com/m](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
18 [usic-on-sonos/thumbs-up-for-pandora-one/](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
- 19 • [https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/ses](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
20 [sion/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
- 21 • <http://www.sonos.com/support/onlineuserguide/en/>
- 22 • [http://itunes.apple.com/us/app/sonos-controller-for-](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)
23 [iphone/id293523031?mt=8.](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)

24 The links above show the Defendant encouraging and instructing their customers
25 how to add additional functionality to the purchased devices by obtaining and using
26 applications that make the user of the device a direct infringer of claims of the '283
27 Patent.

1 Otherwise Respond to Black Hills' First Amended Complaint in action 2:13-cv-
2 06062. Furthermore, on January 11, 2013 Defendant filed its Motion to Dismiss, or
3 in the Alternative for a More Definite Statement Under Fed. R. Civ. P. 12(e) in the
4 aforementioned action, evidencing its knowledge of the '323 Patent. On January
5 23, 2013, Defendant further confirmed its knowledge of the '323 Patent by filing its
6 Motion to Transfer to United States District Court for the Central District of
7 California in the aforementioned action. Subsequently, on July 26, 2013,
8 Defendant answered Black Hills' First Amended Complaint in the aforementioned
9 action. Finally, Defendant was provided a copy of Black Hills' proposed Second
10 Amended Complaint in the aforementioned action alleging infringement of *inter*
11 *alia* the '323 Patent on July 25, 2013.

12 80. Defendant's inducement of infringement of the '323 Patent includes,
13 but is not limited to, actively encouraging and instructing third parties to use
14 Defendant's products in ways that infringe the '323 Patent. Defendant ships the
15 accused products with pre-loaded software and services (including Internet music
16 subscription services) and/or provides advertising and detailed instructions (i.e.,
17 teaching) to third parties (e.g., at the Defendant's website and/or in product manuals
18 and supplements) on how to obtain and use streaming services and other functions
19 with the accused products. Users of Defendant's products, therefore, will infringe
20 the '323 Patent.

21 81. Examples of such advertising and detailed instructions can be found in
22 the following links to the Defendant's website and the attached Exhibit L:

- 23 • <http://www.sonos.com/music>
- 24 • [http://web.archive.org/web/20120829220759/http://blog.sonos.com/m
25 usic-on-sonos/thumbs-up-for-pandora-one/](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
- 26 • [https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/ses
27 sion/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
- 28 • <http://www.sonos.com/support/onlineuserguide/en/>

1 inducing acts would cause infringement or has been willfully blind to the possibility
2 that its inducing acts would cause infringement.

3 87. Upon information and belief, Defendant has been aware of, and
4 continues to be aware of, the '686 Patent since at least October 4, 2012, when Black
5 Hills and Defendant filed a Joint Stipulation to Extend Time for Sonos to Answer,
6 Move or Otherwise Respond to Black Hills' First Amended Complaint in action
7 2:13-cv-06062. In addition, on January 11, 2013 Defendant filed its Motion to
8 Dismiss, or in the Alternative for a More Definite Statement Under Fed. R. Civ. P.
9 12(e) in the aforementioned action, evidencing its knowledge of the '686 Patent.
10 On January 23, 2013, Defendant further confirmed its knowledge of the '686 Patent
11 by filing its Motion to Transfer to United States District Court for the Central
12 District of California in the aforementioned action. Subsequently, on July 26, 2013,
13 Defendant answered Black Hills' First Amended Complaint in the aforementioned
14 action. Finally, Defendant was provided a copy of Black Hills' proposed Second
15 Amended Complaint in the aforementioned action alleging infringement of *inter*
16 *alia* the '686 Patent on July 25, 2013.

17 88. Defendant's inducement of infringement of the '686 Patent includes,
18 but is not limited to, actively encouraging and instructing third parties to use
19 Defendant's products in ways that infringe the '686 Patent. Defendant ships the
20 accused products with pre-loaded streaming services (including Internet music
21 subscription services) and/or provides advertising and detailed instructions (i.e.,
22 teaching) to third parties (e.g., at the Defendant's website and/or in product manuals
23 and supplements) on how to obtain and use streaming services and other functions
24 with the accused products. Users of Defendant's products, therefore, will infringe
25 the '686 Patent.

26 89. Examples of such advertising and detailed instructions can be found in
27 the following links to the Defendant's website and the attached Exhibit L:

- 28 • <http://www.sonos.com/music>

1 the products identified in preceding paragraph 17, or by contributing to or inducing
2 infringement of the '099 Patent by a third party.

3 94. Upon information and belief, after becoming aware of the '099 Patent
4 and its infringement thereof, Defendant has intended, and continues to intend, to
5 induce third party infringement of the '099 Patent and has knowledge that the
6 inducing acts would cause infringement or has been willfully blind to the possibility
7 that its inducing acts would cause infringement.

8 95. Upon information and belief, Defendant has been aware of, and
9 continues to be aware of, the '099 Patent since at least October 4, 2012, when Black
10 Hills and Defendant filed a Joint Stipulation to Extend Time for Sonos to Answer,
11 Move or Otherwise Respond to Black Hills' First Amended Complaint in action
12 2:13-cv-06062. In addition, on January 11, 2013 Defendant filed its Motion to
13 Dismiss, or in the Alternative for a More Definite Statement Under Fed. R. Civ. P.
14 12(e) in the aforementioned action, evidencing its knowledge of the '099 Patent.
15 On January 23, 2013, Defendant further confirmed its knowledge of the '099 Patent
16 by filing its Motion to Transfer to United States District Court for the Central
17 District of California. Subsequently, on July 26, 2013, Defendant answered Black
18 Hills' First Amended Complaint in the aforementioned action. Finally, Defendant
19 was provided a copy of Black Hills' proposed Second Amended Complaint in the
20 aforementioned action alleging infringement of *inter alia* the '099 Patent on July
21 25, 2013.

22 96. Defendant's inducement of infringement of the '099 Patent includes,
23 but is not limited to, actively encouraging and instructing third parties to use
24 Defendant's products in ways that infringe the '099 Patent. Defendant ships the
25 accused products with pre-loaded software and services (including Internet music
26 subscription services) and/or provides advertising and detailed instructions (i.e.,
27 teaching) to third parties (e.g., at the Defendant's website and/or in product manuals
28 and supplements) on how to obtain and use streaming services and other functions

1 with the accused products. Users of Defendant's products, therefore, will infringe
2 the '099 Patent.

3 97. Examples of such advertising and detailed instructions can be found in
4 the following links to the Defendant's website and the attached Exhibit L:

- 5 • <http://www.sonos.com/music>
- 6 • [http://web.archive.org/web/20120829220759/http://blog.sonos.com/m
7 usic-on-sonos/thumbs-up-for-pandora-one/](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
- 8 • [https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/ses
9 sion/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
- 10 • <http://www.sonos.com/support/onlineuserguide/en/>
- 11 • [http://itunes.apple.com/us/app/sonos-controller-for-
12 iphone/id293523031?mt=8.](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)

13 The links above show the Defendant encouraging and instructing its customers how
14 to add additional functionality to the purchased devices by obtaining and using
15 applications that make the user of the device a direct infringer of claims of the '099
16 Patent.

17 98. Defendant knew that its encouragement and instructions to third
18 parties results in infringement of the '099 Patent. Defendant is thus liable for
19 inducing infringement of the '099 Patent pursuant to 35 U.S.C. § 271(b).

20 99. The infringement by the Defendant of the '099 Patent has injured
21 Black Hills and will cause Black Hills added irreparable injury and damage in the
22 future unless Defendant is enjoined from infringing the '099 Patent.

23 24 **COUNT XI**

25 **INFRINGEMENT OF THE '873 PATENT**

26 100. Plaintiff incorporates each of the preceding paragraphs 1 - 99 as if
27 fully set forth herein.

28

1 101. Defendant is directly or indirectly infringing at least claims 1, 20, and
2 29 of the '873 Patent literally, or under the doctrine of equivalents, by importing
3 into the United States, or making, using, selling, or offering for sale in the United
4 States, including the Central District of California, products embodying the
5 patented inventions claimed in the '873 Patent without authority, including but not
6 limited to the products identified in preceding paragraph 17, or by contributing to or
7 inducing infringement of the '873 Patent by a third party.

8 102. Upon information and belief, after becoming aware of the '873 Patent
9 and its infringement thereof, Defendant has intended, and continues to intend, to
10 induce third party infringement of the '873 Patent and has knowledge that the
11 inducing acts would cause infringement or has been willfully blind to the possibility
12 that its inducing acts would cause infringement.

13 103. Upon information and belief, Defendant has been aware of, and
14 continues to be aware of, the '873 Patent since at least October 4, 2012, when Black
15 Hills and Defendant filed a Joint Stipulation to Extend Time for Sonos to Answer,
16 Move or Otherwise Respond to Black Hills' First Amended Complaint in action
17 2:13-cv-06062. In addition, on January 11, 2013 Defendant filed its Motion to
18 Dismiss, or in the Alternative for a More Definite Statement Under Fed. R. Civ. P.
19 12(e) in the aforementioned action, evidencing its knowledge of the '873 Patent.
20 On January 23, 2013, Defendant further confirmed its knowledge of the '873 Patent
21 by filing its Motion to Transfer to United States District Court for the Central
22 District of California in the aforementioned action. Subsequently, on July 26, 2013,
23 Defendant answered Black Hills' First Amended Complaint in the aforementioned
24 action. Finally, Defendant was provided a copy of Black Hills' proposed Second
25 Amended Complaint in the aforementioned action alleging infringement of *inter*
26 *alia* the '873 Patent on July 25, 2013.

27 104. Defendant's inducement of infringement of the '873 Patent includes,
28 but is not limited to, actively encouraging and instructing third parties to use

1 Defendant's products in ways that infringe the '873 Patent. Defendant ships the
2 accused products with pre-loaded software and services (including Internet music
3 subscription services) and/or provides advertising and detailed instructions (i.e.,
4 teaching) to third parties (e.g., at the Defendant's website and/or in product manuals
5 and supplements) on how to obtain and use streaming services and other functions
6 with the accused products. Users of Defendant's products, therefore, will infringe
7 the '873 Patent.

8 105. Examples of such advertising and detailed instructions can be found in
9 the following links to the Defendant's website and the attached Exhibit L:

- 10 • <http://www.sonos.com/music>
- 11 • [http://web.archive.org/web/20120829220759/http://blog.sonos.com/m](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
12 [usic-on-sonos/thumbs-up-for-pandora-one/](http://web.archive.org/web/20120829220759/http://blog.sonos.com/music-on-sonos/thumbs-up-for-pandora-one/)
- 13 • [https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/ses](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
14 [sion/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D](https://sonos.custhelp.com/app/answers/detail/a_id/64/kw/Pandora/session/L3RpbWUvMTM3NDcxNTgwNy9zaWQveTNVRSoyd2w%3D)
- 15 • <http://www.sonos.com/support/onlineuserguide/en/>
- 16 • [http://itunes.apple.com/us/app/sonos-controller-for-](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)
17 [iphone/id293523031?mt=8.](http://itunes.apple.com/us/app/sonos-controller-for-iphone/id293523031?mt=8)

18 The links above show the Defendant encouraging and instructing its customers how
19 to add additional functionality to the purchased devices by obtaining and using
20 applications that make the user of the device a direct infringer of claims of the '873
21 Patent.

22 106. Defendant knew that its encouragement and instructions to third
23 parties results in infringement of the '873 Patent. Defendant is thus liable for
24 inducing infringement of the '873 Patent pursuant to 35 U.S.C. § 271(b).

25 107. The infringement by the Defendant of the '873 Patent has injured
26 Black Hills and will cause Black Hills added irreparable injury and damage in the
27 future unless Defendant is enjoined from infringing the '873 Patent.
28

DEMANDS FOR RELIEF

WHEREFORE, Black Hills respectfully requests that judgment be entered in its favor and against Defendant as follows:

a. That Defendant has directly and/or indirectly infringed the '952, '652, '694, '740, '517, '739, '283, '323, '686, '099, and '873 Patents;

b. That Defendant and their respective agents, servants, officers, directors, employees, and all persons acting in concert with them, directly or indirectly, be temporarily and permanently enjoined from infringement of the '952, '652, '694, '740, '517, '739, '283, '323, '686, '099, and '873 Patents;

c. That Defendant be ordered to account for and pay to Black Hills the damages to which Black Hills is entitled as a consequence of the infringement of the '952, '652, '694, '740, '517, '739, '283, '323, '686, '099, and '873 Patents, together with pre-judgment interest and costs;

d. That a post-judgment equitable accounting of damages be ordered for the period of infringement of the '952, '652, '694, '740, '517, '739, '283, '323, '686, '099, and '873 Patents;

e. That all other damages permitted by Title 35 United States Code § 284 be awarded;

f. That Black Hills be awarded its costs and attorneys' fees; and

g. That Black Hills be awarded such other and further relief as the Court may deem just and equitable.

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