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10 Attorneys for Plaintiff  
BLACK HILLS MEDIA LLC  
11  
12

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
15

16 BLACK HILLS MEDIA LLC,

17 Plaintiff,

18 vs.

19 PIONEER ELECTRONICS (USA)  
20 INC.; PIONEER CORPORATION

21 Defendant.  
22  
23  
24  
25  
26  
27  
28

CASE NO.

Assigned for all purposes to

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

1 Plaintiff Black Hills Media, LLC (“Black Hills” or “Plaintiff”), for its  
2 Complaint against Pioneer Corporation and Pioneer Electronics (USA) Inc.  
3 (“Defendants”), states and alleges as 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 Pioneer Corporation is a  
10 Japanese corporation with its principal place of business at 1-1 Shin-ogura, Saiwai-  
11 ku, Kawasaki-shi, Kanagawa 212-0031, Japan.

12 3. Upon information and belief, Defendant Pioneer Electronics (USA)  
13 Inc. is a Delaware corporation with its principal place of business at 2265 E. 220<sup>th</sup>  
14 Street, Long Beach, California 90810.  
15

16 **JURISDICTION AND VENUE**

17 4. This is an action for patent infringement under the patent laws of the  
18 United States, Title 35, United States Code, specifically §§ 271 and 281-285. This  
19 Court has subject matter jurisdiction under Title 28 United States Code §§ 1331 and  
20 1338(a).

21 5. Venue is properly within the district under Title 28 United States Code  
22 §§ 1391(b) and (c) and 1400(b). On information and belief, Defendants have  
23 purposely transacted business involving their accused products in this judicial  
24 district, have committed acts of direct and/or indirect infringement in this judicial  
25 district and continue to commit acts of infringement in this district.  
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**BACKGROUND**

1  
2 6. Black Hills owns all of the rights and interests in United States Patent  
3 Nos. 8,045,952 (“the ‘952 Patent”); 8,050,652 (“the ‘652 Patent”); 6,985,694 (“the  
4 ‘694 Patent”); 6,108,686 (“the ‘686 Patent”); 8,230,099 (“the ‘099 Patent”);  
5 8,214,873 (“the ‘873 Patent”); and 8,458,356 (“the ‘356 Patent”) (collectively, the  
6 “Patents in Suit”).

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

11 8. The ‘652 Patent entitled “Method and Device for an Internet Radio  
12 Capable of Obtaining a Playlist Content From a Content Server” was duly and  
13 legally issued by the United States Patent and Trademark Office on November 1,  
14 2011, after full and fair examination. A copy of the ‘652 Patent is attached as  
15 Exhibit B.

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

20 10. The ‘686 Patent entitled “Agent-Based On-Line Information Retrieval  
21 and Viewing System” was duly and legally issued by the United States Patent and  
22 Trademark Office on August 22, 2000. A copy of the ‘686 Patent is attached as  
23 Exhibit D.

24 11. The ‘099 Patent entitled “System and Method for Sharing Playlists”  
25 was duly and legally issued by the United States Patent and Trademark Office on  
26 July 24, 2012. A copy of the ‘099 Patent is attached as Exhibit E.

27 12. The ‘873 Patent entitled “Method, System, and Computer-Readable  
28 Medium for Employing a First Device to Direct a Networked Audio Device to

1 Render a Playlist” was duly and legally issued by the United States Patent and  
2 Trademark Office on July 3, 2012. A copy of the ‘873 Patent is attached as Exhibit  
3 F.

4 13. The ‘356 Patent entitled “System and Method for Sharing Playlists”  
5 was duly and legally issued by the United States Patent and Trademark Office on  
6 June 4, 2013. A copy of the ‘356 Patent is attached as Exhibit G.

7 14. Defendants sell and distribute, including upon information and belief  
8 within the Central District of California, at least the following AV receivers, AV  
9 receivers-Elite line, networked Blu-ray players, and home theater systems: VSX-  
10 1122-K, VSX-1121-K, VSX-1022-K, VSX-1021-K, VSX-822-K, VSX-920-K,  
11 VSX-921-K, VSX-60, VSX-53, VSX-52, VSX-51, VSX-50, VSX-42, SC-68, SC-  
12 67, SC-65, SC-63, SC-61, SC-57, SC-55, BDP-430, BDP-330, BDP-140, BDP-  
13 53FD, BDP-43FD, BDP-33FD, BDP-52FD, BDP-41FD, BDP-31FD, BDP-150,  
14 SC-1222-K, SC-1522-K, HTZ-BD32, and HTZ-BD51 (the “accused products”).  
15

16 **COUNT I**

17 **INFRINGEMENT OF THE ‘952 PATENT**

18 15. Plaintiff incorporates each of the preceding paragraphs 1 - 14 as if  
19 fully set forth herein.

20 16. Defendants are directly or indirectly infringing at least claim 9 of the  
21 ‘952 Patent literally, or under the doctrine of equivalents, by importing into the  
22 United States, and/or making, using, selling, or offering for sale in the United  
23 States, including the Central District of California, products embodying the  
24 patented inventions claimed in the ‘952 Patent without authority, including but not  
25 limited to the products identified in preceding paragraph 14, or by contributing to or  
26 inducing infringement of the ‘952 Patent by a third party.

27 17. Upon information and belief, after becoming aware of the ‘952 Patent  
28 and their infringement thereof, Defendants have intended, and continue to intend, to

1 induce third party infringement of the '952 Patent and have knowledge that the  
2 inducing acts would cause infringement or have been willfully blind to the  
3 possibility that their inducing acts would cause infringement.

4 18. Black Hills made Defendants aware of the '952 Patent through  
5 discussions with Defendants' counsel shortly after May 22, 2012. Additionally,  
6 upon information and belief, Defendants have been aware of, and continue to be  
7 aware of, the '952 Patent since at least September 12, 2012, and September 14,  
8 2012 respectively, when Black Hills served on Defendants its First Amended  
9 Complaint in action 2:13-cv-05980 alleging Defendants infringe the '952 Patent.  
10 Furthermore, on December 21, 2012 Defendants filed their Answer to Black Hills  
11 First Amended Complaint in the aforementioned action, evidencing their  
12 knowledge of the '952 Patent. Subsequently, on August 2, 2013, Defendants filed  
13 their Motion for Judgment on the Pleadings in the aforementioned action,  
14 acknowledging their knowledge of the '952 Patent. Finally, Defendants were  
15 provided a copy of Black Hills' proposed Second Amended Complaint in the  
16 aforementioned action alleging infringement of *inter alia* the '952 Patent on  
17 October 10, 2013.

18 19. Defendants' inducement of infringement of the '952 Patent includes,  
19 but is not limited to, actively encouraging and instructing third parties to use  
20 Defendants' products in ways that infringe the '952 Patent. Defendants ship the  
21 accused products with pre-loaded streaming services (including Internet music  
22 subscription services) and/or provides advertising and detailed instructions (i.e.,  
23 teaching) to third parties (e.g., at the Defendants' website and/or in product manuals  
24 and supplements) on how to obtain and use streaming services and other functions  
25 with the accused products. Users of Defendants' products, therefore, will infringe  
26 the '952 Patent.

27 20. Examples of such instructions can be found in the following link to the  
28 Defendants' website and the attached Exhibit H:

- 1 • <http://www.pioneerelectronics.com/PUSA/Home/AV->
- 2 Receivers/Elite+Receivers/SC-57. (See the “Overview” and
- 3 “Specifications” tabs. Under the “Specifications” tab, expand “Handheld
- 4 and Internet.”)
- 5 • <http://itunes.apple.com/us/app/iconrolav2/id418081365?mt=8>
- 6 • <http://itunes.apple.com/us/app/iconrolav2012/id499185618?mt=8>

7 The links above show the Defendants encouraging and instructing their customers  
8 how to add additional functionality to the purchased devices by obtaining and using  
9 applications that make the user of the device a direct infringer of claims of the ‘952  
10 Patent.

11 21. Defendants knew that their encouragement and instructions to third  
12 parties results in infringement of the ‘952 Patent. Defendants are thus liable for  
13 inducing infringement of the ‘952 Patent pursuant to 35 U.S.C. 271(b).

14 22. The infringement by the Defendants of the ‘952 Patent has injured  
15 Black Hills and will cause Black Hills added irreparable injury and damage in the  
16 future unless Defendants are enjoined from infringing the ‘952 Patent.

17  
18

## COUNT II

### INFRINGEMENT OF THE ‘652 PATENT

19  
20 23. Plaintiff incorporates each of the preceding paragraphs 1 - 22 as if  
21 fully set forth herein.

22 24. Defendants are directly or indirectly infringing at least claims 1, 21,  
23 42, and 63 of the ‘652 Patent literally, or under the doctrine of equivalents, by  
24 importing into the United States, and/or making, using, selling, or offering for sale  
25 in the United States, including the Central district of California, products  
26 embodying the patented inventions claimed in the ‘652 Patent without authority,  
27 including but not limited to the products identified in preceding paragraph 14, or by  
28 contributing to or inducing infringement of the ‘652 Patent by a third party.

1           25. Upon information and belief, after becoming aware of the '652 Patent  
2 and their infringement thereof, Defendants have intended, and continue to intend, to  
3 induce third party infringement of the '652 Patent and have knowledge that the  
4 inducing acts would cause infringement or have been willfully blind to the  
5 possibility that their inducing acts would cause infringement.

6           26. Black Hills made Defendants aware of the '652 Patent through  
7 discussions with Defendants' counsel shortly after May 22, 2012. Additionally,  
8 upon information and belief, Defendants have been aware of, and continue to be  
9 aware of, the '652 Patent since at least September 12, 2012, and September 14,  
10 2012 respectively, when Black Hills served on Defendants its First Amended  
11 Complaint in action 2:13-cv-05980 alleging Defendants infringe the '652 Patent.  
12 Furthermore, on December 21, 2012 Defendants filed their Answer to Black Hills'  
13 First Amended Complaint in the aforementioned action, evidencing their  
14 knowledge of the '652 Patent. Subsequently, on August 2, 2013, Defendants filed  
15 their Motion for Judgment on the Pleadings in the aforementioned action  
16 acknowledging their knowledge of the '652 Patent. Finally, Defendants were  
17 provided a copy of Black Hills' proposed Second Amended Complaint in the  
18 aforementioned action alleging infringement of *inter alia* the '652 Patent on  
19 October 10, 2013.

20           27. Defendants' inducement of infringement of the '652 Patent includes,  
21 but is not limited to, actively encouraging and instructing third parties to use  
22 Defendants' products in ways that infringe the '652 Patent. Defendants ship the  
23 accused products with pre-loaded streaming services (including Internet music  
24 subscription services) and/or provide advertising and detailed instructions (i.e.,  
25 teaching) to third parties (e.g., at the Defendants' website and/or in product manuals  
26 or supplements) on how to obtain and use streaming services and other functions  
27 with the accused products. Users of Defendants' products, therefore, will infringe  
28 the '652 Patent.

1 28. Examples of such instructions can be found in the following link to the  
2 Defendants’ website and the attached Exhibit H:

- 3 • <http://www.pioneerelectronics.com/PUSA/Home/AV->
- 4 [Receivers/Elite+Receivers/SC-57.](http://www.pioneerelectronics.com/PUSA/Home/AV-) (See the “Overview” and
- 5 “Specifications” tabs. Under the “Specifications” tab, expand “Handheld
- 6 and Internet.”)
- 7 • <http://itunes.apple.com/us/app/icontrlav2/id418081365?mt=8>
- 8 • <http://itunes.apple.com/us/app/icontrlav2012/id499185618?mt=8>

9 The links above show the Defendants encouraging and instructing their customers  
10 how to add additional functionality to the purchased devices by obtaining and using  
11 applications that make the user of the device a direct infringer of claims of the ‘652  
12 Patent.

13 29. Defendants knew that their encouragement and instructions to third  
14 parties results in infringement of the ‘652 Patent. Defendants are thus liable for  
15 inducing infringement of the ‘652 Patent pursuant to 35 U.S.C. 271(b).

16 30. The infringement by the Defendants of the ‘652 Patent has injured  
17 Black Hills and will cause Black Hills added irreparable injury and damage in the  
18 future unless Defendants are enjoined from infringing the ‘652 Patent.

19  
20 **COUNT III**

21 **INFRINGEMENT OF THE ‘694 PATENT**

22 31. Plaintiff incorporates each of the preceding paragraphs 1 - 30 as if  
23 fully set forth herein.

24 32. Defendants are directly or indirectly infringing at least claim 1 of the  
25 ‘694 Patent literally, or under the doctrine of equivalents, by importing into the  
26 United States, and/or making, using, selling, or offering for sale in the United  
27 States, including the Central District of California, products embodying the  
28 patented inventions claimed in the ‘694 Patent without authority, including but not



1 limited to the products identified in preceding paragraph 14, or by contributing to or  
2 inducing infringement of the '694 Patent by a third party.

3 33. Upon information and belief, after becoming aware of the '694 Patent  
4 and their infringement thereof, Defendants have intended, and continue to intend, to  
5 induce third party infringement of the '694 Patent and have knowledge that the  
6 inducing acts would cause infringement or have been willfully blind to the  
7 possibility that their inducing acts would cause infringement.

8 34. Black Hills made Defendants aware of the '694 Patent through  
9 discussions with Defendants' counsel shortly after May 22, 2012. Additionally,  
10 upon information and belief, Defendants have been aware of, and continue to be  
11 aware of, the '694 Patent since at least September 12, 2012, and September 14,  
12 2012 respectively, when Black Hills served on Defendants its First Amended  
13 Complaint in action 2:13-cv-05980 alleging Defendants infringe the '694 Patent.  
14 Furthermore, on December 21, 2012 Defendants filed their Answer to Black Hills'  
15 First Amended Complaint in the aforementioned action, evidencing their  
16 knowledge of the '694 Patent. Subsequently, on August 2, 2013, Defendants filed  
17 their Motion for Judgment on the Pleadings in the aforementioned action  
18 acknowledging their knowledge of the '694 Patent. Finally, Defendants were  
19 provided a copy of Black Hills' proposed Second Amended Complaint in the  
20 aforementioned action alleging infringement of *inter alia* the '694 Patent on  
21 October 10, 2013.

22 35. Defendants' inducement of infringement of the '694 Patent includes,  
23 but is not limited to, actively encouraging and instructing third parties to use  
24 Defendants' products in ways that infringe the '694 Patent. Defendants ship 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 Defendants' products, therefore, will infringe  
2 the '694 Patent.

3 36. Examples of such instructions can be found in the following link to the  
4 Defendants' website and the attached Exhibit H:

- 5 • <http://www.pioneerelectronics.com/PUSA/Home/AV->  
6 [Receivers/Elite+Receivers/SC-57](http://www.pioneerelectronics.com/PUSA/Home/AV-). (See the "Overview" and  
7 "Specifications" tabs. Under the "Specifications" tab, expand "Handheld  
8 and Internet.")
- 9 • <http://itunes.apple.com/us/app/iconrolav2/id418081365?mt=8>
- 10 • <http://itunes.apple.com/us/app/iconrolav2012/id499185618?mt=8>

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

15 37. Defendants knew that their encouragement and instructions to third  
16 parties results in infringement of the '694 Patent. Defendants are thus liable for  
17 inducing infringement of the '694 Patent pursuant to 35 U.S.C. 271(b).

18 38. The infringement by the Defendants of the '694 Patent has injured  
19 Black Hills and will cause Black Hills added irreparable injury and damage in the  
20 future unless Defendants are enjoined from infringing the '694 Patent.

21  
22 **COUNT IV**

23 **INFRINGEMENT OF THE '686 PATENT**

24 39. Plaintiff incorporates each of the preceding paragraphs 1 - 38 as if  
25 fully set forth herein.

26 40. Defendants are directly or indirectly infringing at least claims 1, 20,  
27 and 29 of the '686 Patent literally, or under the doctrine of equivalents, by  
28 importing into the United States, and/or making, using, selling, or offering for sale

1 in the United States, including the Central District of California, products  
2 embodying the patented inventions claimed in the '686 Patent without authority,  
3 including but not limited to the products identified in preceding paragraph 14, or by  
4 contributing to or inducing infringement of the '686 Patent by a third party.

5 41. Upon information and belief, after becoming aware of the '686 Patent  
6 and its infringement thereof, Defendants have intended, and continued to intend, to  
7 induce third party infringement of the '686 Patent and have knowledge that the  
8 inducing acts would cause infringement or have been willfully blind to the  
9 possibility that their inducing acts would cause infringement.

10 42. Upon information and belief, Defendants have been aware of, and  
11 continue to be aware of, the '686 Patent since at least September 12, 2012, and  
12 September 14, 2012 respectively, when Black Hills served on Defendants its First  
13 Amended Complaint in action 2:13-cv-05980 alleging Defendants infringe the '686  
14 Patent. In addition, on December 21, 2012 Defendants filed their Answer to Black  
15 Hills' First Amended Complaint in the aforementioned action, evidencing their  
16 knowledge of the '686 Patent. Subsequently, on August 2, 2013, Defendants filed  
17 their Motion for Judgment on the Pleadings in the aforementioned action  
18 acknowledging their knowledge of the '686 Patent. Finally, Defendants were  
19 provided a copy of Black Hills' proposed Second Amended Complaint in the  
20 aforementioned action alleging infringement of *inter alia* the '686 Patent on  
21 October 10, 2013.

22 43. Defendants' inducement of infringement of the '686 Patent includes,  
23 but is not limited to, actively encouraging and instructing third parties to use  
24 Defendants' products in ways that infringe the '686 Patent. Defendants ship the  
25 accused products with pre-loaded streaming services (including Internet music  
26 subscription services) and/or provide advertising and detailed instructions (i.e.,  
27 teaching) to third parties (e.g., at the Defendants' 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 Defendants' products, therefore, will infringe  
2 the '686 Patent.

3 44. Examples of such instructions can be found in the following link to the  
4 Defendants' website and the attached Exhibit H:

- 5 • <http://www.pioneerelectronics.com/PUSA/Home/AV->  
6 [Receivers/Elite+Receivers/SC-57](http://www.pioneerelectronics.com/PUSA/Home/AV-). (See the "Overview" and  
7 "Specifications" tabs. Under the "Specifications" tab, expand "Handheld  
8 and Internet.")
- 9 • <http://itunes.apple.com/us/app/iconrolav2/id418081365?mt=8>
- 10 • <http://itunes.apple.com/us/app/iconrolav2012/id499185618?mt=8>

11 The links above show the Defendants encouraging and instructing their customers  
12 how to add additional functionality to the purchased devices by obtaining and using  
13 applications that make the user of the device a direct infringer of claims of the '686  
14 Patent.

15 45. Defendants knew that their encouragement and instructions to third  
16 parties results in infringement of the '686 Patent. Defendants are thus liable for  
17 inducing infringement of the '686 Patent pursuant to 35 U.S.C. § 271(b).

18 46. The infringement by the Defendants of the '686 Patent has injured  
19 Black Hills and will cause Black Hills added irreparable injury and damage in the  
20 future unless Defendants are enjoined from infringing the '686 Patent.

21  
22 **COUNT V**

23 **INFRINGEMENT OF THE '099 PATENT**

24 47. Plaintiff incorporates each of the preceding paragraphs 1 - 46 as if  
25 fully set forth herein.

26 48. Defendants are directly or indirectly infringing at least claims 11 and  
27 12 of the '099 Patent literally, or under the doctrine of equivalents, by importing  
28 into the United States, and/or making, using, selling, or offering for sale in the

1 United States, including the Central District of California, products embodying the  
2 patented inventions claimed in the '099 Patent without authority, including but not  
3 limited to the products identified in preceding paragraph 14, or by contributing to or  
4 inducing infringement of the '099 Patent by a third party.

5 49. Upon information and belief, after becoming aware of the '099 Patent  
6 and its infringement thereof, Defendants have intended, and continue to intend, to  
7 induce third party infringement of the '099 Patent and have knowledge that the  
8 inducing acts would cause infringement or has been willfully blind to the possibility  
9 that their inducing acts would cause infringement.

10 50. Upon information and belief, Defendants have been aware of, and  
11 continue to be aware of, the '099 Patent since at least September 12, 2012, and  
12 September 14, 2012 respectively, when Black Hills served on Defendants its First  
13 Amended Complaint in action 2:13-cv-05980 alleging Defendants infringe the '099  
14 Patent. In addition, on December 21, 2012 Defendants filed their Answer to Black  
15 Hills' First Amended Complaint in the aforementioned action, evidencing their  
16 knowledge of the '099 Patent. Subsequently, on August 2, 2013, Defendants filed  
17 their Motion for Judgment on the Pleadings in the aforementioned action  
18 acknowledging their knowledge of the '099 Patent. Finally, Defendants were  
19 provided a copy of Black Hills' proposed Second Amended Complaint in the  
20 aforementioned action alleging infringement of *inter alia* the '099 Patent on  
21 October 10, 2013.

22 51. Defendants' inducement of infringement of the '099 Patent includes,  
23 but is not limited to, actively encouraging and instructing third parties to use  
24 Defendants' products in ways that infringe the '099 Patent. Defendants ship 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 Defendants' 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 Defendants' products, therefore, will infringe  
2 the '099 Patent.

3 52. Examples of such instructions can be found in the following link to the  
4 Defendants' website and the attached Exhibit H:

- 5 • <http://www.pioneerelectronics.com/PUSA/Home/AV->  
6 [Receivers/Elite+Receivers/SC-57](http://www.pioneerelectronics.com/PUSA/Home/AV-). (See the "Overview" and  
7 "Specifications" tabs. Under the "Specifications" tab, expand "Handheld  
8 and Internet.")
- 9 • <http://itunes.apple.com/us/app/iconrolav2/id418081365?mt=8>
- 10 • <http://itunes.apple.com/us/app/iconrolav2012/id499185618?mt=8>

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

15 53. Defendants knew that their encouragement and instructions to third  
16 parties results in infringement of the '099 Patent. Defendants are thus liable for  
17 inducing infringement of the '099 Patent pursuant to 35 U.S.C. § 271(b).

18 54. The infringement by the Defendants of the '099 Patent has injured  
19 Black Hills and will cause Black Hills added irreparable injury and damage in the  
20 future unless Defendants are enjoined from infringing the '099 Patent.

21  
22 **COUNT VI**

23 **INFRINGEMENT OF THE '873 PATENT**

24 55. Plaintiff incorporates each of the preceding paragraphs 1 - 54 as if  
25 fully set forth herein.

26 56. Defendants are directly or indirectly infringing at least claim 1 of the  
27 '873 Patent literally, or under the doctrine of equivalents, by importing into the  
28 United States, and/or making, using, selling, or offering for sale in the United

1 States, including the Central District of California, products embodying the  
2 patented inventions claimed in the '873 Patent without authority, including but not  
3 limited to the products identified in preceding paragraph 14, or by contributing to or  
4 inducing infringement of the '873 Patent by a third party.

5 57. Upon information and belief, after becoming aware of the '873 Patent  
6 and their infringement thereof, Defendants have intended, and continues to intend,  
7 to induce third party infringement of the '873 Patent and have knowledge that the  
8 inducing acts would cause infringement or has been willfully blind to the possibility  
9 that its inducing acts would cause infringement.

10 58. Upon information and belief, Defendants have been aware of, and  
11 continue to be aware of, the '873 Patent since at least September 12, 2012, and  
12 September 14, 2012 respectively, when Black Hills served on Defendants its First  
13 Amended Complaint in action 2:13-cv-05980 alleging Defendants infringe the '873  
14 Patent. In addition, on December 21, 2012 Defendants filed their Answer to Black  
15 Hills' First Amended Complaint in the aforementioned action, evidencing their  
16 knowledge of the '873 Patent. Subsequently, on August 2, 2013, Defendants filed  
17 their Motion for Judgment on the Pleadings in the aforementioned action  
18 acknowledging their knowledge of the '873 Patent. Finally, Defendants were  
19 provided a copy of Black Hills' proposed Second Amended Complaint in the  
20 aforementioned action alleging infringement of *inter alia* the '873 Patent on  
21 October 10, 2013.

22 59. Defendants' inducement of infringement of the '873 Patent includes,  
23 but is not limited to, actively encouraging and instructing third parties to use  
24 Defendants' products in ways that infringe the '873 Patent. Defendants ship the  
25 accused products with pre-loaded software and services (including Internet music  
26 subscription services) and/or provide advertising and detailed instructions (i.e.,  
27 teaching) to third parties (e.g., at the Defendants' 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 Defendants' products, therefore, will infringe  
2 the '873 Patent.

3 60. Examples of such instructions can be found in the following link to the  
4 Defendants' website and the attached Exhibit H:

- 5 • <http://www.pioneerelectronics.com/PUSA/Home/AV->  
6 [Receivers/Elite+Receivers/SC-57](http://www.pioneerelectronics.com/PUSA/Home/AV-). (See the "Overview" and  
7 "Specifications" tabs. Under the "Specifications" tab, expand "Handheld  
8 and Internet.")
- 9 • <http://itunes.apple.com/us/app/iconrolav2/id418081365?mt=8>
- 10 • <http://itunes.apple.com/us/app/iconrolav2012/id499185618?mt=8>

11 The links above show the Defendants' encouraging and instructing their customers  
12 how to add additional functionality to the purchased devices by obtaining and using  
13 applications that make the user of the device a direct infringer of claims of the '873  
14 Patent.

15 61. Defendants knew that their encouragement and instructions to third  
16 parties results in infringement of the '873 Patent. Defendants are thus liable for  
17 inducing infringement of the '873 Patent pursuant to 35 U.S.C. 271(b).

18 62. The infringement by the Defendants of the '873 Patent has injured  
19 Black Hills and will cause Black Hills added irreparable injury and damage in the  
20 future unless Defendants are enjoined from infringing the '873 Patent.

21  
22 **COUNT VII**

23 **INFRINGEMENT OF THE '356 PATENT**

24 63. Plaintiff incorporates each of the preceding paragraphs 1 - 62 as if  
25 fully set forth herein.

26 64. Defendants are directly or indirectly infringing at least claim 1 of the  
27 '356 Patent literally, or under the doctrine of equivalents, by importing into the  
28 United States, and/or making, using, selling, or offering for sale in the United



1 States, including the Central District of California, products embodying the  
2 patented inventions claimed in the '356 Patent without authority, including but not  
3 limited to the products identified in preceding paragraph 14 or by contributing to or  
4 inducing infringement of the '356 Patent by a third party.

5 65. Upon information and belief, after becoming aware of the '356 Patent  
6 and their infringement thereof, Defendants have intended, and continue to intend, to  
7 induce third party infringement of the '356 Patent and have knowledge that the  
8 inducing acts would cause infringement or have been willfully blind to the  
9 possibility that its inducing acts would cause infringement.

10 66. Upon information and belief, Defendants are aware of the '356 Patent  
11 since at the earliest, June 4, 2013, and at the latest October 10, 2013. Defendants  
12 were sued for patent infringement of the '873 Patent on May 22, 2012 in action  
13 2:13-cv-05980, and served with such Complaint on September 12, 2012 and  
14 September 14, 2012 respectively. The '356 Patent is related to the '873 Patent.  
15 Thus, upon information and belief, Defendants would have been aware of the '356  
16 Patent after it issued on June 4, 2013. Alternatively, Defendants received a copy of  
17 the proposed Second Amended Complaint in the aforementioned action on October  
18 10, 2013 via email, therefore, have been aware of the '356 Patent since at the latest  
19 that date. Additionally, on October 10, 2013 Defendants received a copy of the  
20 Second Amended Complaint in the aforementioned action via the Central District  
21 of California's Electronic Court Filing system.

22 67. Defendants' inducement of infringement of the '356 Patent includes,  
23 but is not limited to, actively encouraging and instructing third parties to use  
24 Defendants' products in ways that infringe the '356 Patent. Defendants ship the  
25 accused products with pre-loaded software and services (including Internet music  
26 subscription services) and/or provide advertising and detailed instructions (i.e.,  
27 teaching) to third parties (e.g., at the Defendants' 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 Defendants' products, therefore, will infringe  
2 the '356 Patent.

3 68. Examples of such advertising and detailed instructions can be found in  
4 the following links to the Defendants' website and the attached Exhibit H:

- 5 • <http://www.pioneerelectronics.com/PUSA/Home/AV->  
6 [Receivers/Elite+Receivers/SC-57.](http://www.pioneerelectronics.com/PUSA/Home/AV-) (See the "Overview" and  
7 "Specifications" tabs. Under the "Specifications" tab, expand "Handheld  
8 and Internet.")
- 9 • <http://itunes.apple.com/us/app/iconrolav2/id418081365?mt=8>
- 10 • <http://itunes.apple.com/us/app/iconrolav2012/id499185618?mt=8>

11 The links above show the Defendants encouraging and instructing their customers  
12 how to add additional functionality to the purchased devices by obtaining and using  
13 applications that make the user of the device a direct infringer of claims of the '356  
14 Patent.

15 69. Defendant knew that its encouragement and instructions to third  
16 parties results in infringement of the '356 Patent. Defendants are thus liable for  
17 inducing infringement of the '356 Patent pursuant to 35 U.S.C. § 271(b).

18 70. The infringement by the Defendant of the '356 Patent has injured  
19 Black Hills and will cause Black Hills added irreparable injury and damage in the  
20 future unless Defendant is enjoined from infringing the '356 Patent.

21  
22 **DEMANDS FOR RELIEF**

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

- 25 a. That Defendants have directly and/or indirectly infringed the '952,  
26 '652, '694, '686, '099, '873, and '356 Patents;
- 27 b. That Defendants and their respective agents, servants, officers,  
28 directors, employees, and all persons acting in concert with them, directly or

