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19 Attorneys for Plaintiff
SILVER STATE INTELLECTUAL TECHNOLOGIES, INC.

20 **IN THE UNITED STATES DISTRICT COURT**
21 **FOR THE DISTRICT OF NEVADA**

22 SILVER STATE INTELLECTUAL) Case No. 2:14-cv-00662-RCJ-VCF
TECHNOLOGIES, INC., a Nevada)
23 corporation,) **AMENDED COMPLAINT FOR**
) **PATENT INFRINGEMENT**
24 Plaintiff,)
v.)
25)
GOOGLE INC., a Delaware corporation,) **DEMAND FOR JURY TRIAL**
26 MOTOROLA MOBILITY LLC, a Delaware)
limited liability company, and WAZE INC., a)
27 Delaware corporation,)
)
28 Defendants.)

1 **AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff SILVER STATE INTELLECTUAL TECHNOLOGIES, INC., by and
3 through its undersigned attorneys, hereby complains of Defendants GOOGLE INC.,
4 MOTOROLA MOBILITY LLC, and WAZE INC. for infringement of the United States
5 Patents identified herein, and alleges as follows:

6 **JURISDICTION AND VENUE**

7 1. This is an action for patent infringement arising under the patent laws of the
8 United States, Title 35, United States Code, and more particularly 35 U.S.C. §§ 271 and 281.

9 2. This Court has jurisdiction over the subject matter of this action pursuant to
10 28 U.S.C. §§ 1331 and 1338(a).

11 3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c),
12 and 1400(b).

13 **THE PARTIES**

14 4. Plaintiff SILVER STATE INTELLECTUAL TECHNOLOGIES, INC.
15 (hereinafter, “SILVER STATE”) is a Nevada corporation with its principal place of business
16 at 9811 Charleston Blvd., #2-787, Las Vegas, Nevada 89117.

17 5. SILVER STATE is the owner by assignment of United States Patent No.
18 6,525,768, entitled POSITIONAL CAMERA AND GPS DATA INTERCHANGE DEVICE,
19 duly and lawfully issued on February 25, 2003 (“the ’768 patent”), attached hereto as Exhibit A;
20 United States Patent No. 6,529,824, entitled PERSONAL COMMUNICATION SYSTEM
21 FOR COMMUNICATING VOICE DATA POSITIONING INFORMATION, duly and
22 lawfully issued on March 4, 2003 (“the ’824 patent”), attached hereto as Exhibit B; United
23 States Patent No. 7,475,057, entitled SYSTEM AND METHOD FOR USER NAVIGATION,
24 duly and lawfully issued on January 6, 2009 (“the ’057 patent”), attached hereto as Exhibit C;
25 United States Patent No. 7,650,234, entitled TECHNIQUE FOR EFFECTIVE NAVIGATION
26 BASED ON USER PREFERENCES, duly and lawfully issued on January 19, 2010 (“the ’234
27 patent”), attached hereto as Exhibit D; United States Patent No. 8,538,498, entitled
28 TECHNIQUE FOR EFFECTIVE COMMUNICATIONS WITH, AND PROVISION OF

1 GLOBAL POSITIONING SYSTEM (GPS) BASED ADVERTISING INFORMATION TO,
2 AUTOMOBILES, duly and lawfully issued on September 17, 2013 (“the ’498 patent”), attached
3 hereto as Exhibit E; and United States Patent No. 8,700,312, entitled PERSONAL
4 COMMUNICATION SYSTEM TO SEND AND RECEIVE VOICE DATA POSITIONING
5 INFORMATION, duly and lawfully issued on April 15, 2014 (“the ’312 patent”), attached
6 hereto as Exhibit F; among other patents and pending patent applications.

7 6. Upon information and belief, Defendant GOOGLE INC. (hereinafter,
8 “GOOGLE”) is a Delaware corporation with its principal place of business at 1600
9 Amphitheatre Parkway, Mountain View, California 94043.

10 7. Upon information and belief, Defendant MOTOROLA MOBILITY LLC
11 (hereinafter “MOTOROLA”) is a Delaware limited liability company with its principal place
12 of business at 600 North US Highway 45, Libertyville, Illinois 60048, and a wholly-owned
13 subsidiary of GOOGLE.

14 8. Upon information and belief, Defendant WAZE INC. (hereinafter, “WAZE”) is
15 a Delaware corporation with its principal place of business at 1600 Amphitheatre Parkway,
16 Mountain View, California 94043, and a wholly-owned subsidiary of GOOGLE.

17 9. Upon information and belief, GOOGLE, MOTOROLA, and WAZE do
18 business in this judicial district and have committed acts of infringement in this judicial
19 district.

20 10. Upon information and belief, Defendant GOOGLE makes, uses, offers for
21 sale, sells and/or imports into the United States certain mobile digital devices, such as
22 smartphones and tablets, including without limitation GOOGLE’s Nexus brand smartphones
23 and tablets (hereinafter collectively, the “Nexus Devices”), and associated systems, that
24 SILVER STATE alleges infringe the ’768 patent, the ’824 patent, the ’234 patent, and the ’498
25 patent, as alleged further herein, and GOOGLE Glass, that SILVER STATE alleges infringes
26 the ’312 patent, as alleged further herein.

27 11. Upon information and belief, Defendant MOTOROLA makes, uses, offers for
28 sale, sells and/or imports into the United States certain mobile digital devices, such as

1 smartphones and tablets, including without limitation MOTOROLA's Atrix, Cliq, Defy,
2 Droid, Electrify, Moto, and Photon brand smartphones, and Xoom and XyBoard brand tablets
3 (hereinafter collectively, the "Motorola Devices"), that SILVER STATE alleges infringe the
4 '768 patent, the '234 patent, and the '498 patent, as alleged further herein.

5 12. Upon information and belief, GOOGLE, at least as of the date of this
6 Complaint providing notice of the alleged infringement, induces and contributes to others,
7 including other manufacturers and users of mobile digital devices, to make, use, offer for sale,
8 sell and/or import into the United States certain mobile digital devices, such as smartphones
9 and tablets, including devices using the GOOGLE Android operating system and certain
10 GOOGLE mobile applications, that SILVER STATE alleges infringe the '768 patent, the '234
11 patent, and the '498 patent, as alleged further herein.

12 13. Upon information and belief, WAZE, at least as of the date of this Complaint
13 providing notice of the alleged infringement, induces and contributes to others, including
14 users of certain mobile digital devices, such as smartphones and tablets, including devices
15 using the GOOGLE Android operation system, to use them in a manner that SILVER STATE
16 alleges infringes the '057 patent, as alleged further herein.

17 14. Upon information and belief, joinder of GOOGLE, MOTOROLA, and WAZE
18 in this action is proper under 35 U.S.C. § 299 because MOTOROLA and WAZE are wholly-
19 owned subsidiaries of GOOGLE, and because GOOGLE provides MOTOROLA and WAZE
20 with the Android operating system and certain applications such as GOOGLE Maps that are
21 used in conjunction with the WAZE application in GOOGLE and MOTOROLA devices
22 alleged to infringe herein, which allegations are asserted against the Defendants jointly,
23 severally, or in the alternative and arise, at least in part, out of the same series of transactions
24 or occurrences relating to Defendants' manufacture, use, sale, offer for sale, and importation
25 of one or more of the same accused devices, the infringement allegations arise at least in part
26 from Defendants' collective activities with respect to one or more of the accused products,
27 and questions of fact common to Defendants will arise in the action, including questions
28 relating to the structure and operation of one or more of the accused products, the

1 Defendants' infringing acts, and, on information and belief, the defenses and counterclaims
2 Defendants may assert herein.

3
4 **FIRST CLAIM FOR RELIEF**
5 **INFRINGEMENT OF U.S. PATENT NO. 6,525,768**
6 **(Against GOOGLE and MOTOROLA)**

7 15. SILVER STATE realleges and incorporates herein by reference the allegations
8 stated in paragraphs 1–14 of this Complaint.

9 16. Upon information and belief, in violation of 35 U.S.C. § 271(a), GOOGLE has
10 directly infringed and is continuing to directly infringe one or more claims of the '768 patent,
11 including, without limitation, direct infringement of Claim 2 of the '768 patent, by making,
12 using, offering for sale and selling in the United States, and by importing into the United
13 States, without authority, certain mobile digital devices, including GOOGLE's Nexus
14 Devices that include a camera and one or more versions of the GOOGLE Android operating
15 system and the GOOGLE Photos mobile application.

16 17. Upon information and belief, in violation of 35 U.S.C. § 271(a), MOTOROLA
17 has directly infringed and is continuing to directly infringe one or more claims of the '768
18 patent, including, without limitation, direct infringement of Claim 2 of the '768 patent, by
19 making, using, offering for sale and selling in the United States, and by importing into the
20 United States, without authority, certain mobile digital devices, including the Motorola
21 Devices that include a camera and one or more versions of the GOOGLE Android operating
22 system and the GOOGLE Photos mobile application.

23 18. Upon information and belief, in violation of 35 U.S.C. § 271(b), GOOGLE,
24 upon notice of the April 30, 2014 Complaint and the infringement alleged therein, has been
25 inducing infringement, and shall continue to induce infringement of one or more claims of the
26 '768 patent, including, without limitation, infringement of Claim 2 of the '768 patent, by
27 inducing others, including other manufacturers of mobile digital devices containing one or
28 more versions of the GOOGLE Android operating system and the GOOGLE Photos mobile

1 application, to make, use, offer for sale, and sell in the United States, and to import into the
2 United States the claimed device of the '768 patent.

3 19. For example, upon information and belief, in violation of 35 U.S.C. § 271(b),
4 GOOGLE, upon notice of the April 30, 2014 Complaint and the infringement alleged therein,
5 has been knowingly encouraging direct infringement of the '768 patent by other
6 manufacturers of mobile digital devices by providing options or instructions to include the
7 GOOGLE Android operating system with the GOOGLE Photos application in their mobile
8 digital devices that infringe, at least, Claim 2 of the '768 patent, and by promoting the
9 adoption and use of the GOOGLE Android operating system with the GOOGLE Photos
10 application specifically designed to operate on mobile digital devices to practice the invention
11 of the '768 patent through GOOGLE's partnerships with other manufacturers of mobile
12 digital devices such as the Open Handset Alliance (hereinafter, "the OHA"), and through
13 GOOGLE's use of one or more versions of the Mobile Application Distribution Agreement
14 (hereinafter, "the MADA") entered into with other manufacturers of mobile digital devices
15 which, among other things, (a) requires distribution by the other manufacturers of certain
16 GOOGLE mobile applications in their mobile digital devices, (b) controls the features and
17 functionalities of the GOOGLE mobile applications, and (c) requires the other manufacturers
18 to submit proposed mobile digital devices prior to introduction for testing and approval by
19 GOOGLE.

20 20. Upon information and belief, in violation of 35 U.S.C. § 271(c), GOOGLE,
21 upon notice of the April 30, 2014 Complaint and the infringement alleged therein, has been
22 contributorily infringing, and shall continue to contributorily infringe, one or more claims of
23 the '768 patent by providing other manufacturers of mobile digital devices options and
24 instructions to make, use, offer for sale, and sell in the United States, and to import into the
25 United States mobile digital devices containing a camera and one or more versions of the
26 GOOGLE Android operating system with the pre-installed GOOGLE Photos application that
27 infringe, at least, Claim 2 of the '768 patent.

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1 21. For example, upon information and belief, in violation of 35 U.S.C. § 271(c),
2 GOOGLE, upon notice of the April 30, 2014 Complaint and the infringement alleged therein,
3 has been knowingly contributorily infringing at least Claim 2 of the '768 patent by providing
4 other manufacturers of mobile digital devices with one or more versions of the GOOGLE
5 Android operating system with the pre-installed GOOGLE Photos application, having the
6 infringing features and functionality, constituting a material part of the claimed device of
7 Claim 2, knowing the same to be especially made or especially adapted for a mobile digital
8 device in an infringement of the '768 patent, and not a staple article or commodity of
9 commerce suitable for substantial non-infringing use absent combination with a mobile
10 digital device.

11 22. As a direct and proximate result of GOOGLE's and MOTOROLA's
12 infringement of the '768 patent, SILVER STATE has been and continues to be damaged in an
13 amount to be determined at trial.

14 **SECOND CLAIM FOR RELIEF**
15 **INFRINGEMENT OF U.S. PATENT NO. 6,529,824**
16 **(Against GOOGLE)**

17 23. SILVER STATE realleges and incorporates herein by reference the allegations
18 stated in paragraphs 1–14 of this Complaint.

19 24. Upon information and belief, in violation of 35 U.S.C. § 271(a), GOOGLE has
20 directly infringed and is continuing to directly infringe one or more claims of the '824 patent,
21 including, without limitation, direct infringement of Claims 1 and 8 of the '824 patent in
22 connection with the making and using in the United States GOOGLE's one or more data
23 centers and related components and systems, including servers and transceivers, that store
24 data, communicate with, and provide data to mobile digital devices containing one or more
25 versions of the GOOGLE Android operating system and the GOOGLE Maps application,
26 including GOOGLE's Nexus Devices, the Motorola Devices, and the mobile digital devices
27 supplied by other manufacturers.

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1 patent, and not a staple article or commodity of commerce suitable for substantial non-
2 infringing use.

3 30. As a direct and proximate result of WAZE's infringement of the '057 patent,
4 SILVER STATE shall continue to be damaged in an amount to be determined at trial.

5 **FOURTH CLAIM FOR RELIEF**

6 **INFRINGEMENT OF U.S. PATENT NO. 7,650,234**

7 **(Against GOOGLE)**

8 31. SILVER STATE realleges and incorporates herein by reference the allegations
9 stated in paragraphs 1–14 of this Complaint.

10 32. Upon information and belief, in violation of 35 U.S.C. § 271(a), GOOGLE has
11 directly infringed and is continuing to directly infringe one or more claims of the '234 patent,
12 including, without limitation, direct infringement of Claim 17 the '234 patent in connection
13 with the making and using in the United States GOOGLE's one or more data centers and
14 related components and systems, including servers and transceivers, that store data,
15 communicate with, and provide data, including traffic data and routing information, to mobile
16 digital devices containing one or more versions of the GOOGLE Android operating system
17 and the GOOGLE Maps application, including GOOGLE's Nexus Devices, the Motorola
18 Devices, and the mobile digital devices supplied by other manufacturers.

19 33. As a direct and proximate result of GOOGLE's infringement of the '234
20 patent, SILVER STATE has been and continues to be damaged in an amount to be
21 determined at trial.

22 **FIFTH CLAIM FOR RELIEF**

23 **INFRINGEMENT OF U.S. PATENT NO. 8,538,498**

24 **(Against GOOGLE and MOTOROLA)**

25 34. SILVER STATE realleges and incorporates herein by reference the allegations
26 stated in paragraphs 1–14 of this Complaint.

27 35. Upon information and belief, in violation of 35 U.S.C. § 271(a), GOOGLE has
28 directly infringed and is continuing to directly infringe one or more claims of the '498 patent,

1 including, without limitation, direct infringement of Claim 13 of the '498 patent, by making,
2 using, offering for sale and selling in the United States, and by importing into the United
3 States, without authority, certain mobile digital devices, including GOOGLE's Nexus
4 Devices and that include one or more versions of the GOOGLE Android operating system
5 and the GOOGLE Maps application, and by using or testing the mobile digital devices
6 supplied by other manufacturers that include one or more versions of the GOOGLE Android
7 operating system and the GOOGLE Maps application as required by the terms of the MADA.

8 36. Upon information and belief, in violation of 35 U.S.C. § 271(a), MOTOROLA
9 has directly infringed and is continuing to directly infringe one or more claims of the '498
10 patent, including, without limitation, direct infringement of Claim 13 of the '498 patent, by
11 making, using, offering for sale and selling in the United States, and by importing into the
12 United States, without authority, certain mobile digital devices, including the Motorola
13 Devices that include one or more versions of the GOOGLE Android operating system and the
14 GOOGLE Maps application.

15 37. Upon information and belief, in violation of 35 U.S.C. § 271(b), GOOGLE,
16 upon notice of the April 30, 2014 Complaint and the infringement alleged therein, has been
17 inducing infringement, and shall continue to induce infringement of one or more claims of the
18 '498 patent including, without limitation, infringement of Claim 13 of the '498 patent, by
19 inducing others, including other manufacturers and users of mobile digital devices containing
20 one or more versions of the GOOGLE Android operating system and the GOOGLE Maps
21 application, to infringe the '498 patent.

22 38. For example, upon information and belief, in violation of 35 U.S.C. § 271(b),
23 GOOGLE, upon notice of the April 30, 2014 Complaint and the infringement alleged therein,
24 has been knowingly encouraging other manufacturers of mobile digital devices to make, use,
25 offer for sale, and sell in the United States, and import into the United States the claimed
26 device of the '498 patent by providing options or instructions to include the GOOGLE
27 Android operating system and the GOOGLE Maps application in their mobile digital devices
28 that infringe, at least, Claim 13 of the '498 patent, and by promoting the adoption and use of

1 the GOOGLE Android operating system and the GOOGLE Maps application specifically
2 designed to operate on mobile digital devices to practice the invention of the '498 patent
3 through GOOGLE's partnerships with other manufacturers of mobile digital devices such as
4 the OHA, and through GOOGLE's use of one or more versions of the MADA with other
5 manufacturers of mobile digital devices which, among other things, (a) requires distribution
6 by the other manufacturers of certain GOOGLE mobile applications in their mobile digital
7 devices, (b) controls the features and functionalities of the GOOGLE mobile applications, and
8 (c) requires the other manufacturers to submit proposed mobile digital devices prior to
9 introduction for testing and approval by GOOGLE.

10 39. Additionally, upon information and belief, in violation of 35 U.S.C. § 271(b),
11 GOOGLE, upon notice of the April 30, 2014 Complaint and the infringement alleged therein,
12 has been knowingly encouraging users of mobile digital devices to use in the United States
13 the claimed device of the '498 patent by continuing to promote the GOOGLE Android
14 operating system and the GOOGLE Maps application to other manufacturers of mobile
15 digital devices, and by providing to users one or more versions of the GOOGLE Android
16 operating system, and options or instructions to use these devices in a manner that constitutes
17 infringement, at least, of Claim 13 of the '498 patent.

18 40. Upon information and belief, in violation of 35 U.S.C. § 271(c), GOOGLE,
19 upon notice of the April 30, 2014 Complaint and the infringement alleged herein, has been
20 contributorily infringing, and shall continue to contributorily infringe, one or more claims of
21 the '498 patent by providing other manufacturers of mobile digital devices options and
22 instructions to make, use, offer for sale, and sell in the United States, and to import into the
23 United States mobile digital devices containing one or more versions of the GOOGLE
24 Android operating system and the GOOGLE Maps application that infringe, at least, Claim
25 13 of the '498 patent.

26 41. For example, upon information and belief, in violation of 35 U.S.C. § 271(c),
27 GOOGLE, upon notice of the April 30, 2014 Complaint and the infringement alleged herein,
28 has been knowingly contributorily infringing at least Claim 13 of the '498 patent by

1 providing other manufacturers of mobile digital devices with one or more versions of the
2 GOOGLE Android operating system and GOOGLE Maps application, having the infringing
3 features and functionality, constituting a material part of the claimed device of Claim 13,
4 knowing the same to be especially made or especially adapted for a mobile digital device in
5 an infringement of the '498 patent, and not a staple article or commodity of commerce
6 suitable for substantial non-infringing use absent combination with a mobile digital device.

7 42. As a direct and proximate result of GOOGLE's and MOTOROLA's
8 infringement of the '498 patent, SILVER STATE has been and continues to be damaged in an
9 amount to be determined at trial.

10 **SIXTH CLAIM FOR RELIEF**

11 **INFRINGEMENT OF U.S. PATENT NO. 8,700,312**

12 **(Against GOOGLE)**

13 43. SILVER STATE realleges and incorporates herein by reference the allegations
14 stated in paragraphs 1–14 of this Complaint.

15 44. Upon information and belief, in violation of 35 U.S.C. § 271(a), GOOGLE has
16 directly infringed and is continuing to directly infringe one or more claims of the '312 patent,
17 including, without limitation, direct infringement of Claim 1 of the '312 patent, by making,
18 using, offering for sale and selling in the United States, and by importing into the United
19 States, without authority, certain mobile digital devices including a projection system,
20 including one or more versions of the GOOGLE Glass device.

21 45. As a direct and proximate result of GOOGLE's infringement of the '312
22 patent, SILVER STATE has been and continues to be damaged in an amount to be
23 determined at trial.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff SILVER STATE prays for judgment in its favor against
26 Defendants GOOGLE, MOTOROLA, and WAZE for the following relief:

27 A. For an Order adjudging GOOGLE to have infringed the '768 patent, the '824
28 patent, the '234 patent, the '498 patent, and/or the '312 patent, under 35 U.S.C. § 271;

1 B. For an Order adjudging MOTOROLA to have infringed the '768 patent, and/or
2 the '498 patent under 35 U.S.C. § 271;

3 C. For an Order adjudging WAZE to have infringed the '057 patent under 35 U.S.C.
4 § 271;

5 D. That the Court award SILVER STATE recovery of damages to compensate it for
6 GOOGLE's infringement of SILVER STATE's patents, pursuant to 35 U.S.C. § 284;

7 E. That the Court award SILVER STATE recovery of damages to compensate it for
8 MOTOROLA's infringement of SILVER STATE's patents, pursuant to 35 U.S.C. § 284;

9 F. That the Court award SILVER STATE recovery of damages to compensate it for
10 WAZE's infringement of SILVER STATE's patents, pursuant to 35 U.S.C. § 284;

11 G. That the Court order GOOGLE to pay supplemental damages to SILVER
12 STATE, including, without limitation, pre-judgment and post-judgment interest, and costs of
13 suit herein pursuant to 35 U.S.C. § 284;

14 H. That the Court order MOTOROLA to pay supplemental damages to SILVER
15 STATE, including, without limitation, pre-judgment and post-judgment interest, and costs of
16 suit herein pursuant to 35 U.S.C. § 284;

17 I. That the Court order WAZE to pay supplemental damages to SILVER STATE,
18 including, without limitation, pre-judgment and post-judgment interest, and costs of suit herein
19 pursuant to 35 U.S.C. § 284; and

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1 J. That SILVER STATE have such other and further relief as this Court may deem
2 just and proper.

3 Respectfully submitted,
4 KNOBBE, MARTENS, OLSON & BEAR, LLP

5
6 Dated: September 12, 2014

7 By: /s/ Frederick S. Berretta
8 Frederick S. Berretta (*pro hac vice*)
9 Marko R. Zoretic (*pro hac vice*)
10 Ioanna S. Bouris (*pro hac vice*)

11 and
12 WEIDE & MILLER, LTD.

13 R. Scott Weide
14 F. Christopher Austin

15 Attorneys for Plaintiff
16 SILVER STATE INTELLECTUAL
17 TECHNOLOGIES, INC.
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DEMAND FOR TRIAL BY JURY

Plaintiff SILVER STATE hereby demands a trial by jury on all issues so triable.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 12, 2014

By: /s/ Frederick S. Berretta
Frederick S. Berretta (*pro hac vice*)
Marko R. Zoretic (*pro hac vice*)
Ioanna S. Bouris (*pro hac vice*)

and
WEIDE & MILLER, LTD.
R. Scott Weide
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SILVER STATE INTELLECTUAL
TECHNOLOGIES, INC.

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