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15 ALBERT C. JONES

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALBERT C. JONES,
Plaintiff,

v.

APPLE INC., ASUSTeK COMPUTER,
INC., ASUS COMPUTER
INTERNATIONAL, INC., GOOGLE,
INC., LG ELECTRONICS, INC., LG
ELECTRONICS U.S.A.
INC., LG ELECTRONICS
MOBILECOMM U.S.A. INC.,
MOTOROLA MOBILITY LLC,
PEBBLE TECHNOLOGY CORP.,
SONY CORPORATION, SONY
MOBILE COMMUNICATIONS AB,
AND SONY MOBILE
COMMUNICATIONS
(USA), INC.

Defendants.

Case No. 4:16-cv-714

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff Albert C. Jones (“Jones” or “Plaintiff”), files this Complaint against Apple, Inc.,
2 ASUSTeK Computer, Inc., ASUS Computer International, Inc., Google, Inc., LG Electronics,
3 Inc., LG Electronics U.S.A., Inc., LG Electronics MobileComm U.S.A. Inc., Motorola Mobility
4 LLC, Pebble Technology Corp. Sony Mobile Communications AB, and Sony Mobile
5 Communications (USA) Inc., (collectively “Defendants”), for infringement of U.S. Patent No.
6 6,606,506 (“the ’506 patent”), and hereby alleges as follows:

7 **I. THE PARTIES**

8 1. Plaintiff Albert C. Jones is an individual residing in Charlotte, North Carolina, and
9 owner of the ’506 patent.

10 2. Defendant Apple, Inc. (“Apple”) is a California corporation with its principal place
11 of business at 1 Infinite Loop, Cupertino, California 95014.

12 3. Upon information and belief, Defendant ASUSTeK Computer, Inc. (“ASUSTeK”)
13 is a corporation organized under the laws of Taiwan and its principal place of business is 15, Li-Te
14 Road, Beitou District, Taipei, Taiwan.

15 4. Upon information and belief, Defendant ASUS Computer International Inc.
16 (“ACI”) is a corporation organized under the laws of California and its principal place of business
17 is 800 Corporate Way, Fremont, CA 94539, (collectively, ASUSTeK and ACI are referred to as
18 the “ASUS Defendants.”)

19 5. Upon information and belief, Defendant Google, Inc. (“Google”) is a corporation
20 organized under the laws of the state of Delaware with its principal place of business at 1600
21 Amphitheatre Parkway, Mountain View, California 94043.

22 6. Upon information and belief, Defendant LG Electronics, Inc. (“LGE”) is a South
23 Korean corporation with its principal place of business located at LG Twin Towers, 20 Yeouido-
24 dong, Yeongdeungpo-gu, Seoul 150-721, South Korea.

25 7. Upon information and belief, Defendant LG Electronics U.S.A., Inc. (“LGE USA”)
26 is a Delaware corporation with its principal place of business at 1000 Sylvan Avenue, England
27 Cliffs, New Jersey 07632.

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1 8. Upon information and belief, Defendant LG Electronics MobileComm U.S.A., Inc.
2 (“LG Mobile”) is a California corporation having its principal place of business at 10225 Willow
3 Creek Road, San Diego, CA 92131. Upon information and belief, LG Mobile is a wholly owned
4 subsidiary of LGE USA and operates in concert with LGE and LGE USA in selling and marketing
5 wearable devices, mobile phone devices and wired and wireless headphones in this District and
6 elsewhere in the United States. Collectively, LGE, LGE USA and LG Mobile are referred to as
7 the “LG Defendants.”

8 9. Upon information and belief, Defendant Motorola Mobility LLC (“Motorola”) is a
9 limited liability company organized under the laws of Delaware, with its principal place of
10 business at 600 N US Highway 45, Libertyville, Illinois.

11 10. Defendant Pebble Technology, Corp., dba Pebble Devices Corp. (“Pebble”) is a
12 Delaware Corporation with its principal place of business at 925 Alma Street, Palo Alto,
13 California 94301.

14 11. Upon information and belief, Sony Corporation (“Sony”) is a corporation organized
15 under the laws of Japan and its principal place of business is 1-7-1 Konan, Minato-ku, Tokyo 108-
16 0075, Japan.

17 12. Upon information and belief, Sony Mobile Communications AB (“SMC AB”) is a
18 corporation organized under the laws of Sweden and its principal place of business is located at
19 Solvegatan 51, 223 62 Lund, Sweden (mailing address) and Mobilvagen 4, 221 88 Lund, Sweden
20 (visiting address). Upon information and belief, Sony Mobile Communications AB is a wholly
21 owned subsidiary of Sony Corporation.

22 13. Sony Mobile Communications (USA), Inc. (“SMC USA”) is a corporation
23 organized under the laws of Delaware and its principal place business is 3333 Piedmont Rd Ne
24 #600 Atlanta, GA, 30305. Upon information and belief, SMC USA is a wholly owned subsidiary
25 of Sony Corporation. Collectively, Sony, SMC AB, and SMC USA shall be referred to as the
26 “Sony Defendants.”

1 **II. JURISDICTION AND VENUE**

2 14. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§
3 1331 and 1338(a), as an action arising under an Act of Congress relating to patents, 35 U.S.C. §§ 1
4 et seq.

5 15. This Court has personal jurisdiction over Apple because Apple is subject to this
6 Court's specific and general personal jurisdiction pursuant to due process and/or California Code
7 of Civil Procedure 410.10, because Apple has its principal place of business within this judicial
8 district, and conducts substantial and ongoing business in this State and judicial district. Apple,
9 directly and/or through third-party designers and/or manufacturers, designs, tests, manufactures
10 and/or assembles products that are and have been offered for sale, sold, purchased, and used
11 within the state of California. In addition, Apple, directly and/or through its distribution networks,
12 regularly places its products within the stream of commerce, with the knowledge and/or
13 understanding that such products will be sold in California. Apple, on information and belief, is
14 committing at least part of the infringing activities alleged herein within California and this
15 judicial district, is regularly and systematically doing business and soliciting business within
16 California and this judicial district, and is deriving substantial revenue from goods sold and
17 services provided to California residents and within this judicial district, including, but not limited
18 to, goods and services subject to the infringement claims alleged herein. Thus, Apple has
19 purposefully availed itself of the benefits of the state of California and the exercise of jurisdiction
20 would not offend traditional notions of fair play and substantial justice.

21 16. Venue as to Apple is proper in this district pursuant to 28 U.S.C. §§ 1391(b),
22 1391(c), and 1400(b) because, among other things, Apple is subject to personal jurisdiction in this
23 judicial district, has its principal place of business in this district, has regularly conducted business
24 in this judicial district, certain acts complained of herein occurred in this judicial district, including
25 the alleged acts of infringement, and a substantial part of the acts giving rise to the allegations of
26 this Complaint occurred in this judicial district.

27 17. This Court has personal jurisdiction over the ASUS Defendants because the ASUS
28 Defendants have established minimum contacts with the forum state of California pursuant to due

1 process and/or California Code of Civil Procedure 410.10, because the ASUS Defendants, directly
2 and/or through third-party designers and manufacturers, design, test, manufacture and/or assemble
3 products that are and have been offered for sale, sold, purchased, and used within the state of
4 California. On information and belief, the ASUS Defendants have entered into contracts with
5 other named Defendants within this judicial district concerning, at least, the accused products
6 described herein. In addition, the ASUS Defendants, directly and/or through their distribution
7 networks, regularly place their products within the stream of commerce, with the knowledge
8 and/or understanding that such products will be sold in California, and within this judicial district.
9 The ASUS Defendants are committing at least part of the infringing activities alleged herein
10 within California and this judicial district, are regularly and systematically doing business and
11 soliciting business within California and this judicial district, and are deriving substantial revenue
12 from goods sold and services provided to California residents and within this judicial district,
13 including, but not limited to, goods and services subject to the infringement claims alleged herein.
14 Thus, the ASUS Defendants have purposefully availed themselves of the benefits of the state of
15 California and the exercise of jurisdiction would not offend traditional notions of fair play and
16 substantial justice.

17 18. Venue as to the ASUS Defendants is proper in this district pursuant to 28 U.S.C. §§
18 1391(b), 1391(c), and 1400(b) because, among other things, the ASUS Defendants are subject to
19 personal jurisdiction in this judicial district, they have regularly conducted business in this judicial
20 district, certain acts complained of herein occurred within this judicial district, including without
21 limitation entering into contracts with at least other named Defendants in this judicial district
22 concerning the accused products alleged herein, and a substantial part of the acts giving rise to the
23 infringement allegations of this Complaint occurred in this judicial district, and at least ACI has its
24 principal place of business within this judicial district, and the Oakland division of this district.

25 19. This Court has personal jurisdiction over Google because Google is subject to this
26 Court's specific and general personal jurisdiction pursuant to due process and/or California Code
27 of Civil Procedure 410.10, because Google has its principal place of business within this judicial
28 district, and conducts substantial and ongoing business in this State and judicial district. Further,

1 Google, directly and/or through third-party designers and/or manufacturers, designs, tests,
2 manufactures and/or assembles products that are and have been offered for sale, sold, purchased,
3 and used within the state of California. In addition, Google, directly and/or through its
4 distribution networks, regularly places its products and/or all other products that utilize and/or run
5 the Android and Android Wear operating system within the stream of commerce with the
6 knowledge and/or understanding that such products will be sold and/or used in California.
7 Google, on information and belief, is committing at least part of the infringing activities alleged
8 herein within California and this judicial district, is regularly and systematically doing business
9 and soliciting business within California and this judicial district, and is deriving substantial
10 revenue from goods sold and services provided to California residents and within this judicial
11 district, including, but not limited to, goods and services subject to the infringement claims alleged
12 herein. Thus, Google has purposefully availed itself of the benefits of the state of California and
13 the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

14 20. Venue as to Google is proper in this district pursuant to 28 U.S.C. §§ 1391(b),
15 1391(c), and 1400(b) because, among other things, Google is subject to personal jurisdiction in
16 this judicial district, has its principal place of business within this district, regularly conducts
17 business in this judicial district, certain acts complained of herein occurred in this judicial district,
18 and a substantial part of the acts giving rise to the allegations of this Complaint occurred in this
19 judicial district, including, but not limited to, acts of infringement and entering into contracts with
20 other named Defendants in this judicial district concerning the accused products identified herein.

21 21. This Court has personal jurisdiction over the LG Defendants because the LG
22 Defendants have established minimum contacts with the forum state of California pursuant to due
23 process and/or California Code of Civil Procedure 410.10, because the LG Defendants, directly
24 and/or through third-party designers and manufacturers, design, test, manufacture and/or assemble
25 products that are and have been offered for sale, sold, purchased, and used within the state of
26 California. The LG Defendants have entered into contracts with other named Defendants within
27 this judicial district concerning, at least, the accused products described herein. In addition, the
28 LG Defendants, directly and/or through their distribution networks, regularly place their products

1 within the stream of commerce, with the knowledge and/or understanding that such products will
2 be sold in California, and within this judicial district. The LG Defendants are committing at least
3 part of the infringing activities alleged herein within California and this judicial district, are
4 regularly and systematically doing business and soliciting business within California and this
5 judicial district, and are deriving substantial revenue from goods sold and services provided to
6 California residents and within this judicial district, including, but not limited to, goods and
7 services subject to the infringement claims alleged herein. Thus, the LG Defendants have
8 purposefully availed themselves of the benefits of the state of California and the exercise of
9 jurisdiction would not offend traditional notions of fair play and substantial justice.

10 22. Venue as to the LG Defendants is proper in this district pursuant to 28 U.S.C. §§
11 1391(b), 1391(c), and 1400(b) because, among other things, the LG Defendants are subject to
12 personal jurisdiction in this judicial district, they have regularly conducted business in this judicial
13 district, certain acts complained of herein occurred in this judicial district, including, but not
14 limited to, entering into contracts with at least other named Defendants within this judicial district
15 concerning the accused products defined herein, and a substantial part of the acts giving rise to the
16 infringement allegations of this Complaint occurred in this judicial district.

17 23. This Court has personal jurisdiction over Motorola because Motorola has
18 established minimum contacts with the forum state of California pursuant to due process and/or
19 California Code of Civil Procedure 410.10, because Motorola, directly and/or through third-party
20 designers and manufacturers, designs, tests, manufactures and/or assembles products that are and
21 have been offered for sale, sold, purchased, and used within the state of California. Motorola has
22 entered into contracts with other named Defendants within this judicial district concerning, at
23 least, the accused products described herein. In addition, Motorola, directly and/or through its
24 distribution networks, regularly place its products within the stream of commerce, with the
25 knowledge and/or understanding that such products will be sold in California, and within this
26 judicial district. Motorola is committing at least part of the infringing activities alleged herein
27 within California and this judicial district, is regularly and systematically doing business and
28 soliciting business within California and this judicial district, and is deriving substantial revenue

1 from goods sold and services provided to California residents and within this judicial district,
2 including, but not limited to, goods and services subject to the infringement claims alleged herein.
3 Thus, Motorola has purposefully availed itself of the benefits of the state of California and the
4 exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

5 24. Venue as to Motorola is proper in this district pursuant to 28 U.S.C. §§ 1391(b),
6 1391(c), and 1400(b) because, among other things, Motorola is subject to personal jurisdiction in
7 this judicial district, it has regularly conducted business in this judicial district, certain acts
8 complained of herein occurred in this judicial district, including, but not limited to, entering into
9 contracts with at least other named Defendants within this judicial district concerning the accused
10 products defined herein, and a substantial part of the acts giving rise to the infringement
11 allegations of this Complaint occurred in this judicial district.

12 25. This Court has personal jurisdiction over Pebble because Pebble is subject to this
13 Court's specific and general personal jurisdiction pursuant to due process and/or California Code
14 of Civil Procedure 410.10, because Pebble has its principal place of business within this judicial
15 district, and conducts substantial and ongoing business in this State and judicial district. Further,
16 Pebble, directly and/or through third-party designers and/or manufacturers, designs, tests,
17 manufactures or assembles products that are and have been offered for sale, sold, purchased, and
18 used within the state of California. Pebble has entered into contracts with other named Defendants
19 within this judicial district concerning, at least, the accused products described herein. In addition,
20 Pebble, directly and/or through its distribution networks, regularly places its products within the
21 stream of commerce, with the knowledge and/or understanding that such products will be sold in
22 California. Pebble is committing at least part of the infringing activities alleged herein within
23 California and this judicial district, is regularly and systematically doing business and soliciting
24 business within California and this judicial district, and is deriving substantial revenue from goods
25 sold and services provided to California residents and within this judicial district, including, but
26 not limited to, goods and services subject to the infringement claims alleged herein. Thus, Pebble
27 has purposefully availed itself of the benefits of the state of California and the exercise of
28 jurisdiction would not offend traditional notions of fair play and substantial justice.

1 26. Venue as to Pebble is proper in this district pursuant to 28 U.S.C. §§ 1391(b),
2 1391(c), and 1400(b) because, among other things, Pebble is subject to personal jurisdiction in this
3 judicial district, has its principal place of business within this district, has regularly conducted
4 business in this judicial district, certain acts complained of herein occurred in this judicial district,
5 including entering into contracts with at least other named Defendants within this judicial district
6 concerning the accused products defined herein, and a substantial part of the acts giving rise to the
7 infringement allegations of this Complaint occurred in this judicial district.

8 27. This Court has personal jurisdiction over the Sony Defendants because the Sony
9 Defendants have established minimum contacts with the forum state of California pursuant to due
10 process and/or California Code of Civil Procedure 410.10, because Sony Defendants, directly
11 and/or through third-party designers and manufacturers, design, test, manufacture and/or assemble
12 products that are and have been offered for sale, sold, purchased, and used within the state of
13 California. Sony Defendants have entered into contracts with other named Defendants within this
14 judicial district concerning, at least, the accused products described herein. In addition, Sony
15 Defendants, directly and/or through their distribution networks, regularly place their products
16 within the stream of commerce, with the knowledge and/or understanding that such products will
17 be sold in California, and within this judicial district. The Sony Defendants are committing at
18 least part of the infringing activities alleged herein within California and this judicial district, are
19 regularly and systematically doing business and soliciting business within California and this
20 judicial district, and are deriving substantial revenue from goods sold and services provided to
21 California residents and within this judicial district, including, but not limited to, goods and
22 services subject to the infringement claims alleged herein. Thus, the Sony Defendants have
23 purposefully availed themselves of the benefits of the state of California and the exercise of
24 jurisdiction would not offend traditional notions of fair play and substantial justice.

25 28. Venue as to the Sony Defendants is proper in this district pursuant to 28 U.S.C. §§
26 1391(b), 1391(c), and 1400(b) because, among other things, the Sony Defendants are subject to
27 personal jurisdiction in this judicial district, they have regularly conducted business in this judicial
28 district, certain acts complained of herein occurred in this judicial district, including entering into

1 contracts with at least other named Defendants within this judicial district concerning the accused
2 products defined herein, and a substantial part of the acts giving rise to the infringement
3 allegations of this Complaint occurred in this judicial district.

4 29. Pursuant to Civil Local Rule 3-2(c), assignment would be proper in the Oakland
5 division because, *inter alia*, at least one of the Defendants resides and/or operates within
6 Fremont, California and all Defendants regularly conduct business in this division of the judicial
7 district, certain infringing acts complained of herein occurred in this division of the judicial
8 district, and a substantial part of the acts giving rise to the allegations of this Complaint occurred
9 in the Oakland division of the judicial district.

10 **III. THE ASSERTED PATENT**

11 30. On August 12, 2003, the United States Patent and Trademark Office (“USPTO”)
12 duly and legally issued U.S. Patent No. 6,606,506 (“the ’506 patent”), to Mr. Albert C. Jones
13 entitled “Personal Entertainment and Communication Device,” which matured from Application
14 No. 09/444,331 filed on November 19, 1999 and provisional application No. 60/109,100 filed on
15 November 19, 1998. A true and correct copy of the ’506 patent is attached as Exhibit A.

16 31. Jones is the owner of the ’506 patent with all substantive rights in and to the patent,
17 including the sole and exclusive right to prosecute this action and enforce the ’506 patent against
18 infringers, and to collect damages.

19 **IV. COUNT 1 – INFRINGEMENT OF THE ’506 PATENT BY APPLE**

20 32. Jones incorporates by reference the allegations in each of the following paragraphs
21 1-2, 10, 14-16, 25-26, and 29-31 as if fully set forth herein.

22 33. The ’506 patent is valid and enforceable.

23 34. In violation of 35 U.S.C. § 271, Apple has infringed and continues to infringe the
24 ’506 patent in this judicial district and elsewhere in the United States, both literally and/or under
25 the doctrine of equivalents. Apple has infringed and continues to infringe through the
26 manufacture, use, offer for sale, sale, and/or importation of a system of products, associated
27 software, and components sold through the Apple store and third party retailers, and the Watch
28

1 App software interface and the wireless headphone App software interface available for sale on
2 the Apple App store.

3 35. The “Apple Accused System” is a personal entertainment and communication
4 system comprised of three components: a headset portion, a remote unit worn as a watch, and a
5 control/display portion.

6 36. The “Apple Accused Watch” includes at least the following exemplary products:
7 Apple Watch, and the Android Accused Smart Watch Products that interoperate with the Apple
8 Accused Mobile Devices and Apple Accused Headsets.

9 37. The “Apple Accused Mobile Devices” include, but are not limited to the following
10 exemplary devices: all Apple iPhones running iOS 7.2 or later, including, but not limited to the
11 iPhone 4S, iPhone 5, iPhone 5c, iPhone 5s, iPhone 6 or iPhone 6 Plus, which are compatible with
12 the Apple Accused Watch, and the Apple Accused Headset.

13 38. The “Apple Accused Headsets” include the following exemplary products: Apple
14 EarPods, Apple In-Ear Headphones, Beats Solo2 On-Ear Headphones, Beats Solo2 Wireless
15 Headphones, Beats Powerbeats 2 Wireless In-Ear Headphones, Beats Tour2 In-Ear Headphones,
16 urBeats In-Ear Headphones, Beats Tour In-Ear Headphones, Beats Studio Wireless Over-Ear
17 Headphones, Beats Studio Over-Ear Headphones, Beats Mixr High-Performance Headphones,
18 Beats Pro Over-Ear Headphones, as well as all wired and wireless headsets that comprise a pair of
19 amplified speakers, a transceiver, a microphone, and the capability to provide at least digitally
20 encoded music to the pair of amplified speakers which are compatible with and/or are capable of
21 connecting with the Apple Watch and/or the Apple Accused Mobile Devices, including but not
22 limited to the iPhone 4S, iPhone 5, iPhone 5c, iPhone 5s, iPhone 6 or iPhone 6 Plus running iOS
23 7.2 and later.

24 39. Apple’s infringement has been willful.

25 40. The Apple Accused system, including the Apple Accused Watch, the Apple
26 Accused Mobile Devices and the Apple Accused Headset, directly infringes literally and/or under
27 the doctrine of equivalents at least independent claim 1 of the ’506 patent, and dependent claims 2,
28 3, 4, 5, 8, 9, 12, and 13.

1 41. With respect to the headset component of the Apple Accused System, the Apple
2 Accused Headsets contain, at least, a pair of amplified speakers, a microphone, at least a receiver
3 for receiving wireless and/or cellular signals, and the hardware and software to provide at least
4 digitally encoded music to the amplified speakers.

5 42. With respect to the remote unit watch component of the system, the Apple Accused
6 Watch is a remote unit worn as a watch wherein the Apple Accused Watch includes control
7 functions and at least a transmitter for transmitting control signals, directly and/or indirectly, to the
8 receiver within the Apple Accused Headsets for controlling at least the digitally encoded music.

9 43. With respect to the control/display component of the system, the Apple Accused
10 Mobile Devices are communicably linked to the Apple Accused Headsets. The control/display
11 component includes a cellular communication transceiver for sending and receiving cellular
12 communications signals directly and/or indirectly between the Accused Apple Watch and/or the
13 Accused Apple Headset, hardware and/or software for selecting and routing system input signals,
14 such as, without limitation, the digitally encoded music, the cellular communication signals and
15 the system component signals for the Apple Accused Mobile Devices system components. The
16 hardware and/or software for selecting and routing system input signals within the Apple Accused
17 Mobile Devices are connected, directly and/or indirectly, to the cellular transceiver, the hardware
18 and/or software for providing digitally encoded music, the microphone and pair of amplified
19 speakers within the headphone component of the system, and a user interface for selecting and
20 routing system input signals. The Apple Accused Mobile Devices also include power sources for
21 providing power to at least the cellular communication transceiver, the hardware and/or software
22 for selecting and routing system input signals, and the hardware and/or software for providing
23 digitally encoded music.

24 44. On January 22, 2014, Jones sent a letter to Apple notifying Apple of the '506
25 patent, and Apple's potential infringement of the '506 patent. On information and belief, Apple
26 has been on notice of the '506 Patent since at least as early as January 2014.

27 45. At least as early as January 22, 2014 and as late as the service of this Complaint,
28 Apple has contributorily infringed and/or actively induced infringement of the '506 patent

1 (literally and/or under the doctrine of equivalents) and/or will contributorily infringe and/or
2 actively induce infringement of the '506 patent (literally and/or under the doctrine of equivalents)
3 in violation of 35 U.S.C. § 271(b)-(c), with knowledge of and/or willful blindness to the existence
4 of the '506 patent, with specific intent to contributorily infringe and/or to induce infringement, and
5 with knowledge or willful blindness that the intended acts would constitute patent infringement.

6 46. On information and belief, the Apple Accused System—the Apple Accused Watch,
7 the Apple Accused Mobile Devices, and the Apple Accused Headset, each sold and/or offered for
8 sale by Apple—are not alone or in combination a staple article of commerce, but are individually a
9 component of a patented combination, and material to practicing the invention in the claims of the
10 '506 patent, and have no substantial non-infringing uses. Apple has contributed to the direct
11 infringement of the '506 patent by the end users of the Apple Accused System. These products
12 are sold directly to customers and used by customers in a manner that infringes the '506 patent,
13 including, but not limited to, by way of utilizing the Apple Accused Watch as a remote device to
14 control, without limitation, the telephone features, the media features, and the text features of the
15 Apple Accused Mobile Devices and utilizing the Apple Accused Watch to control, without
16 limitation, the media playback features, and the volume and microphone features for media
17 playback and mobile phone calls heard through the Apple Accused headsets. Apple's contributory
18 infringement is ongoing, and willful.

19 47. Apple's indirect infringement by inducement will occur by Apple engaging in at
20 least the following activities directly and/or through the contractual relationship with others:
21 designing and manufacturing the Apple Accused System, individually, and their components
22 specifically for sale and use in the United States, including California, selling and offering to sell
23 the Apple Accused System, individually, and their components in the United States or importing
24 these devices and their components into the United States, including California, through
25 promotional and instructional manuals, materials, websites (including support information, video
26 instructions, tutorials, and frequently asked questions that direct customers to use the devices in an
27 infringing manner), establishing representatives at third party retailers, activities relating to
28 utilizing the Watch as a remote control unit for mobile phones and wireless headphones, and by

1 providing access to and encouraging use of the Watch App and headphone Apps, and promoting
2 the use of third-party applications. This induces the end users to use the Apple Accused System in
3 a manner that infringes the '506 patent. Apple's inducement is ongoing, and willful.

4 48. Jones has been damaged as a result of Apple's infringing conduct described in this
5 Count. Apple is, thus, liable to Jones in an amount that adequately compensates Jones for Apple's
6 infringement, which, by law, cannot be less than a reasonable royalty, together with interest and
7 costs as fixed by this Court under 35 U.S.C. § 284.

8 **V. COUNT 2 – INFRINGEMENT OF THE '506 PATENT BY THE ASUS DEFENDANTS**

9 49. Jones incorporates by reference the allegations in the following paragraphs 1, 3-4,
10 14, 17-18, 29-31 as if fully set forth herein.

11 50. The '506 patent is valid and enforceable.

12 51. In violation of 35 U.S.C. § 271, the ASUS Defendants have infringed and continue
13 to infringe the '506 patent in this judicial district and elsewhere in the United States, both literally
14 and/or under the doctrine of equivalents. The ASUS Defendants have infringed and continue to
15 infringe through the manufacture, use, offer for sale, sale, and/or importation of a system of
16 products, associated software, and components sold through online and retail stores, and the
17 ZenWatch Manager App software interface and the headphone App software interface available
18 for sale at least on the Google Play store.

19 52. The "ASUS Accused System" is a personal entertainment and communication
20 system comprised of three components: a headset portion, a remote unit worn as a watch, and a
21 control/display portion.

22 53. The "ASUS Accused Watch" includes at least the following exemplary products:
23 ASUS ZenWatch W1500Q and ASUS ZenWatch2 W1501Q, and the Google Accused Watch that
24 interoperate with the ASUS Accused Mobile Devices, and the Apple Accused Mobile Devices,
25 including the iPhone 5 and later running iOS 9 and later, and the ASUS Accused Headsets.

26 54. The "ASUS Accused Mobile Devices" includes all ASUS mobile phones and
27 devices running Android 4.3 or later, including, but not limited to the following exemplary
28

1 devices: ZenFone and PadFone, and at least the following Apple Accused Mobile Devices: iPhone
2 5 and later running iOS 9.0 and later.

3 55. The “ASUS Accused Headsets” include the following exemplary products:
4 Cerberus, Strix DSP, Strix Pro, Strix 7.1, CineVibe, as well as all wired and wireless headsets that
5 comprise a pair of amplified speakers, a transceiver, a microphone, and the capability to provide at
6 least digitally encoded music to the pair of amplified speakers which are compatible with and/or
7 are capable of connecting with ASUS Accused Watch and/or the ASUS Accused Mobile Devices,
8 including the Apple Accused Mobile Devices, including the iPhone 5 or later running iOS 9.0 or
9 later.

10 56. The ASUS Defendants’ infringement has been willful.

11 57. The ASUS Accused System, including the ASUS Accused Watch, the ASUS
12 Accused Mobile Devices and the ASUS Accused Headset, directly infringes literally and/or under
13 the doctrine of equivalents at least independent claim 1 of the ’506 patent, and dependent claims 2,
14 3, 4, 5, 8, 9, 12, and 13.

15 58. With respect to the headset component of the ASUS Accused System, the ASUS
16 Accused Headsets contain, at least, a pair of amplified speakers, a microphone, at least a receiver
17 for receiving wireless and/or cellular signals, and the hardware and/or software to provide at least
18 digitally encoded music to the amplified speakers.

19 59. With respect to the remote unit watch component of the system, the ASUS Accused
20 Watch is a remote unit worn as a watch wherein the ASUS Accused Watch includes control
21 functions and at least a transmitter for transmitting control signals, directly and/or indirectly, to the
22 receiver within the ASUS Accused Headsets for controlling at least the digitally encoded music.

23 60. With respect to the control/display component of the system, the ASUS Accused
24 Mobile Devices are communicably linked to the ASUS Accused Headsets. The control/display
25 component includes a cellular communication transceiver for sending and receiving cellular
26 communications signals directly and/or indirectly between the Accused ASUS Watch and/or the
27 Accused ASUS Headset, hardware and/or software for selecting and routing system input signals,
28 such as, without limitation, the digitally encoded music, the cellular communication signals and

1 the system component signals for the ASUS Accused Mobile Devices system components. The
2 hardware and/or software for selecting and routing system input signals within the ASUS Accused
3 Mobile Devices are connected, directly and/or indirectly, to the cellular transceiver, the hardware
4 and software for providing digitally encoded music, the microphone and pair of amplified
5 speakers within the headphone component of the system, and a user interface for selecting and
6 routing system input signals. The ASUS Accused Mobile Devices also include power sources for
7 providing power to at least the cellular communication transceiver, the hardware and/or software
8 for selecting and routing system input signals, and the hardware and/or software for providing
9 digitally encoded music.

10 61. At least as late as the service of this Complaint, the ASUS Defendants have
11 contributorily infringed and/or actively induced infringement of the '506 patent (literally and/or
12 under the doctrine of equivalents) and/or will contributorily infringe and/or actively induce
13 infringement of the '506 patent (literally and/or under the doctrine of equivalents) in violation of
14 35 U.S.C. § 271(b)-(c), with knowledge of and/or willful blindness to the existence of the '506
15 patent, with specific intent to contributorily infringe and/or to induce infringement, and with
16 knowledge or willful blindness that the intended acts would constitute patent infringement.

17 62. The ASUS Accused System—the ASUS Accused Watch, the ASUS Accused
18 Mobile Devices, and the ASUS Accused Headset, each sold and/or offered for sale by the ASUS
19 Defendants—are not alone or in combination staple articles of commerce, but are individually
20 components of a patented combination, and material to practicing the invention in the claims of
21 the '506 patent, and have no substantial non-infringing uses. The ASUS Defendants have
22 contributed to the direct infringement of the '506 patent by the end users of the ASUS Accused
23 System. These products are sold directly to customers and used by customers in a manner that
24 infringes the '506 patent by way of utilizing the ASUS Accused Watch as a remote device to
25 control, without limitation, the telephone features, the media features, and the text features of the
26 ASUS Accused Mobile Devices and utilizing the ASUS Accused Watch to control, without
27 limitation, the media playback features, and the volume and microphone features for media
28

1 playback and mobile phone calls heard through the ASUS Accused headsets. The ASUS
2 Defendants' contributory infringement is ongoing, and willful.

3 63. The ASUS Defendants' indirect infringement by inducement has occurred and/or
4 will occur by the ASUS Defendants engaging in at least the following activities directly and/or
5 through the contractual relationship with others: designing and manufacturing the ASUS Accused
6 System, individually, and their components specifically for sale and use in the United States,
7 including California, selling and offering to sell the ASUS Accused System, individually, and
8 their components in the United States or importing these devices and their components into the
9 United States, including California, through promotional and instructional manuals, materials,
10 websites (including support information, video instructions, tutorials, and frequently asked
11 questions that direct customers to use the devices in an infringing manner), activities relating to
12 utilizing the Watch as a remote control unit for mobile phones and headphones, and by providing
13 access to and encouraging use of the ZenWatch Manager App and headphone Apps, and
14 promoting the use of other third-party applications. This induces the end users to use the ASUS
15 Accused System in a manner that infringes the '506 patent. The ASUS Defendants' inducement is
16 ongoing, and willful.

17 64. Jones has been damaged as a result of the ASUS Defendants' infringing conduct
18 described in this Count. The ASUS Defendants are, thus, liable to Jones in an amount that
19 adequately compensates Jones for the ASUS Defendants' infringement, which, by law, cannot be
20 less than a reasonable royalty, together with interest and costs as fixed by this Court under 35
21 U.S.C. § 284.

22 **VI. COUNT 3 – INFRINGEMENT OF THE '506 PATENT BY GOOGLE**

23 65. Jones incorporates by reference the allegations in each of the following paragraphs
24 1, 3-14, 17-31, 48-63, and 80-147 as if fully set forth herein.

25 66. The '506 patent is valid and enforceable.

26 67. In violation of 35 U.S.C. § 271, Google has infringed and continues to infringe the
27 '506 patent in this judicial district and elsewhere in the United States, both literally and/or under
28 the doctrine of equivalents. Google has infringed and continues to infringe through the

1 manufacture, use, offer for sale, sale, and/or importation of a system of products, associated
2 software, and components sold through the Google store and other related stores, and the Android
3 Wear software interface and the headphone App software interface available for sale on the
4 Google Play store.

5 68. The “Google Accused System” is a personal entertainment and communication
6 system comprised of three components: a headset portion, a remote unit worn as a watch, and a
7 control/display portion.

8 69. The “Google Accused Watch” includes all smartwatch devices running Android
9 Wear operating systems, including but not limited to the following exemplary products offered for
10 sale on Google Store: Moto 360 Sport, Moto 360 for Women, Moto 360 2nd Generation, Sony
11 Smart Watch 3, LG Watch Urbane, ASUS ZenWatch 2, Huawei Watch, and Fossil Q Founder, as
12 well as all other smart watches running on the Android Wear operating system.

13 70. The “Google Accused Mobile Devices” include: all mobile devices and tablets
14 running Android 4.3 and later, including, but not limited to, the following exemplary products
15 offered for sale on Google Store: Nexus 6P and Nexus 5X, as well as all other mobile devices
16 running Android 4.3 and later, including but not limited to: the ASUS Accused Mobile Devices,
17 the LG Accused Mobile Devices, the Motorola Accused Mobile Devices, and the Sony Accused
18 Mobile Devices.

19 71. The “Google Accused Headsets” include all wired and wireless headsets that
20 comprise a pair of amplified speakers, a transceiver, a microphone, and the capability to provide at
21 least digitally encoded music to the pair of amplified speakers that are compatible with and/or are
22 capable of connecting with Google Accused Mobile Devices and Google Accused Smart Watche,
23 including but not limited to the following exemplary products: Apple Accused Headsets, ASUS
24 Accused Headsets; LG Accused Headsets, Motorola Accused Headsets, Pebble Accused Headsets,
25 and Sony Accused Headsets.

26 72. Google’s infringement has been willful.

27 73. The Google Accused System, including the Google Accused Watch, the Google
28 Accused Mobile Devices and the Google Accused Headset, directly infringes literally and/or

1 under the doctrine of equivalents at least independent claim 1 of the '506 patent, and dependent
2 claims 2, 3, 4, 5, 8, 9, 12, and 13.

3 74. With respect to the headset component of the Google Accused System, the Google
4 Accused Headsets contains, at least, a pair of amplified speakers, a microphone, at least a receiver
5 for receiving wireless and/or cellular signals, and the hardware and/or software to provide at least
6 digitally encoded music to the amplified speakers.

7 75. With respect to the remote unit watch component of the system, the Google
8 Accused Watch is a remote unit worn as a watch wherein the Google Accused Watch includes
9 control functions and at least a transmitter for transmitting control signals, directly and/or
10 indirectly, to the receiver within the Google Accused Headsets for controlling at least the digitally
11 encoded music.

12 76. With respect to the control/display component of the system, the Google Accused
13 Mobile Devices are communicably linked to the Google Accused Headsets. The control/display
14 component includes a cellular communication transceiver for sending and receiving cellular
15 communications signals directly and/or indirectly between the Google Accused Watch and Google
16 Accused Headset, hardware and/or software for selecting and routing system input signals, such
17 as, without limitation, the digitally encoded music, the cellular communication signals and the
18 system component signals for the Google Accused Mobile Devices system components. The
19 hardware and/or software for selecting and routing system input signals within the Google
20 Accused Mobile Devices are connected, directly and/or indirectly, to the cellular transceiver, the
21 hardware and/or software for providing digitally encoded music, the microphone and pair of
22 amplified speakers within the headphone component of the system, and a user interface for
23 selecting and routing system input signals. The Google Accused Mobile Devices also include
24 power sources for providing power to at least the cellular communication transceiver, the
25 hardware and/or software for selecting and routing system input signals, and the hardware and/or
26 software for providing digitally encoded music.

27 77. At least as late as the service of this Complaint, Google has contributorily infringed
28 and/or actively induced infringement of the '506 patent (literally and/or under the doctrine of

1 equivalents) and/or will contributorily infringe and/or actively induce infringement of the '506
2 patent (literally and/or under the doctrine of equivalents) in violation of 35 U.S.C. § 271(b)-(c),
3 with knowledge of and/or willful blindness to the existence of the '506 patent, with specific intent
4 to contributorily infringe and/or to induce infringement, and with knowledge or willful blindness
5 that the intended acts would constitute patent infringement.

6 78. The Google Accused System—the Google Accused Watch, the Google Accused
7 Mobile Devices, and the Google Accused Headset, each sold and/or offered for sale by Google—
8 are not alone or in combination staple articles of commerce, but are individually components of a
9 patented combination, and material to practicing the invention in the claims of the '506 patent, and
10 have no substantial non-infringing uses. Google has contributed to the direct infringement of the
11 '506 patent, including, but not limited to, by the end users of the Google Accused System. These
12 products are sold directly to customers and used by customers in a manner that infringes the '506
13 patent by way of utilizing the Google Accused Watch as a remote device to control, without
14 limitation, the telephone features, the media features, and the text features of the Google Accused
15 Mobile Devices and utilizing the Google Accused Watch to control, without limitation, the media
16 playback features, and the volume and microphone features for media playback and mobile phone
17 calls heard through the Google Accused headsets. Google's contributory infringement is ongoing,
18 and willful.

19 79. Google's indirect infringement by inducement will occur by Google engaging in at
20 least the following activities directly and/or through the contractual relationship with others:
21 designing and manufacturing the Google Accused System, individually, and its components
22 specifically for sale and use in the United States, including California, selling and offering to sell
23 the Google Accused System, individually, and its components in the United States or importing
24 these devices and their components into the United States, including California, through
25 promotional and instructional manuals, materials, websites (including support information, video
26 instructions, tutorials, and frequently asked questions that direct customers to use the devices in an
27 infringing manner), activities relating to utilizing the Watch as a remote control unit for mobile
28 phones and wireless headphones, and by providing access to and encouraging use of the Android

1 Wear Apps and headphone Apps, and promoting the use of third-party applications. This induces
2 the end users to use the Google Accused System in a manner that infringes the '506 patent.
3 Google's inducement is ongoing, and willful.

4 80. Jones has been damaged as a result of Google's infringing conduct described in this
5 Count. Google is, thus, liable to Jones in an amount that adequately compensates Jones for
6 Google's infringement, which, by law, cannot be less than a reasonable royalty, together with
7 interest and costs as fixed by this Court under 35 U.S.C. § 284.

8 **VII. COUNT 4 – INFRINGEMENT OF THE '506 PATENT BY THE LG DEFENDANTS**

9 81. Jones incorporates by reference the allegations in each of the following paragraphs
10 1, 6-8, 14, 21-22, and 29-31 as if fully set forth herein.

11 82. The '506 patent is valid and enforceable.

12 83. In violation of 35 U.S.C. § 271, the LG Defendants have infringed and continue to
13 infringe the '506 patent in this judicial district and elsewhere in the United States, both literally
14 and/or under the doctrine of equivalents. The LG Defendants have infringed and continue to
15 infringe through the manufacture, use, offer for sale, sale, and/or importation of a system of
16 products, associated software, and components sold through online stores and directly to retail
17 stores in the United States, and the LG Watch Manager App software interface and the wireless
18 headphone App software interface available for sale on the Google Play store.

19 84. The "LG Accused System" is a personal entertainment and communication system
20 comprised of three components: a headset portion, a remote unit worn as a watch, and a
21 control/display portion.

22 85. The "LG Accused Watch" includes all LG Smart watch series running Android
23 Wear operating systems, including, but not limited to, the following exemplary devices: LG
24 Watch Urbane Luxe W150 luxe, LG Watch Urbane Silver W150, LG Watch Urbane Gold W150
25 Gold, G Watch R W110, G Watch W100, and G Watch W100 White.

26 86. The "LG Accused Mobile Devices" includes all mobile devices running Android
27 4.3 and later, including but not limited to the following exemplary LG devices: LG G Flex2, LG
28

1 V10, LG G3, LG G4, as well as the Accused Android Devices, and with limited functionality all
2 Apple Accused Mobile Devices running iOS 8.2 and later.

3 87. The “LG Accused Headsets” include all wired and wireless Headsets that comprise
4 a pair of amplified speakers, a transceiver, a microphone, and the capability to provide at least
5 digitally encoded music to the pair of amplified speakers which are compatible with and/or are
6 capable of connecting with LG Accused Mobile Devices and LG Accused Watch, including, but
7 not limited to, the following exemplary products: LG Tone HBS-700, LG Tone HBS-700, LG
8 Tone Ultra, LG Tone Pro, LG Tone+, LG Gruve, the Accused Android Headsets, and linking with
9 Apple Accused Mobile Devices running iOS 8.2 and later.

10 88. The LG Defendants’ infringement has been willful.

11 89. The LG Accused System, including the LG Accused Watch, the LG Accused
12 Mobile Devices and the LG Accused Headset, directly infringes literally and/or under the doctrine
13 of equivalents at least independent claim 1 of the ‘506 patent, and dependent claims 2, 3, 4, 5, 8, 9,
14 12, and 13.

15 90. With respect to the wireless headset component of the LG Accused System, the LG
16 Accused Headsets contain, at least, a pair of amplified speakers, a microphone, at least a receiver
17 for receiving wireless and/or cellular signals, and the hardware and/or software to provide at least
18 digitally encoded music to the amplified speakers.

19 91. With respect to the remote unit watch component of the system, the LG Accused
20 Watch is a remote unit worn as a watch wherein the LG Accused Watch includes control functions
21 and at least a transmitter for transmitting control signals, directly and/or indirectly, to the receiver
22 within the LG Accused Headsets for controlling at least the digitally encoded music.

23 92. With respect to the control/display component of the system, the LG Accused
24 Mobile Devices are communicably linked to the LG Accused Headsets. The control/display
25 component includes a cellular communication transceiver for sending and receiving cellular
26 communications signals directly and/or indirectly between the LG Accused Watch and LG
27 Accused Headsets, hardware and/or related software for selecting and routing system input
28 signals, such as, without limitation, the digitally encoded music, the cellular communication

1 signals and the system component signals for the LG Accused Mobile Devices system
2 components. The hardware and/or software for selecting and routing system input signals within
3 the LG Accused Mobile Devices are connected, directly and/or indirectly, to the cellular
4 transceiver, the hardware and/or software for providing digitally encoded music, the microphone
5 and pair of amplified speakers within the headphone component of the system, and a user interface
6 for selecting and routing system input signals. The LG Accused Mobile Devices also include
7 power sources for providing power to at least the cellular communication transceiver, the
8 hardware and/or software for selecting and routing system input signals, and the hardware and/or
9 software for providing digitally encoded music.

10 93. On January 22, 2014, Jones sent a letter to the LG Defendants notifying the LG
11 Defendants of the '506 patent, and the LG Defendants' potential infringement of the '506 patent.
12 On information and belief, the LG Defendants have been on notice of the '506 patent since at least
13 January 2014.

14 94. At least as early as January 22, 2014 and as late as the service of this Complaint,
15 the LG Defendants have contributorily infringed and/or actively induced infringement of the '506
16 patent (literally and/or under the doctrine of equivalents) and/or will contributorily infringe and/or
17 actively induce infringement of the '506 patent (literally and/or under the doctrine of equivalents)
18 in violation of 35 U.S.C. § 271(b)-(c), with knowledge of and/or willful blindness to the existence
19 of the '506 patent, with specific intent to contributorily infringe and/or to induce infringement, and
20 with knowledge or willful blindness that the intended acts would constitute patent infringement.

21 95. The LG Accused System—the LG Accused Watch, the LG Accused Mobile
22 Devices, and the LG Accused Headset, each sold and/or offered for sale by the LG Defendants—
23 are not alone or in combination staple articles of commerce, but are individually components of a
24 patented combination, and material to practicing the invention in the claims of the '506 patent, and
25 have no substantial non-infringing uses. The LG Defendants have contributed to the direct
26 infringement of the '506 patent by the end users of the LG Accused System. These products are
27 sold directly to customers and used by customers in a manner that infringes the '506 patent,
28 including, but not limited to, by way of utilizing the LG Accused Watch as a remote device to

1 control, without limitation, the telephone features, the media features, and the text features of the
2 LG Accused Mobile Devices and utilizing the LG Accused Watch to control, without limitation,
3 the media playback features, and the volume and microphone features for media playback and
4 mobile phone calls heard through the LG Accused headsets. LG's contributory infringement is
5 ongoing, and willful.

6 96. The LG Defendants' indirect infringement by inducement will occur by the LG
7 Defendants engaging in at least the following activities directly and/or through the contractual
8 relationship with others: designing and manufacturing the LG Accused System, individually, and
9 their components specifically for sale and use in the United States, including California, selling
10 and offering to sell the LG Accused System, individually, and their components in the United
11 States or importing these devices and their components into the United States, including
12 California, through promotional and instructional manuals, materials, websites (including support
13 information, video instructions, tutorials, and frequently asked questions that direct customers to
14 use the devices in an infringing manner), activities relating to utilizing the LG Accused Watch as a
15 remote control unit for mobile phones and wireless headphones, and by providing access to and
16 encouraging use of, at least, the LG Watch Manager App and headphone App, and promoting the
17 use of third-party applications. This induces the end users to use the LG Accused System in a
18 manner that infringes the '506 patent. LG's inducement is ongoing, and willful.

19 97. Jones has been damaged as a result of the LG Defendants' infringing conduct
20 described in this Count. The LG Defendants are, thus, liable to Jones in an amount that
21 adequately compensates Jones for the LG Defendants' infringement, which, by law, cannot be less
22 than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. §
23 284.

24 **VIII. COUNT 5 – INFRINGEMENT OF THE '506 PATENT BY MOTOROLA**

25 98. Jones incorporates by reference the allegations in each of the following paragraphs
26 1, 9, 14, 23-24, and 29-31 as if fully set forth herein.

27 99. The '506 patent is valid and enforceable.

1 100. In violation of 35 U.S.C. § 271, Motorola has infringed and continues to infringe
2 the '506 patent in this judicial district and elsewhere in the United States, both literally and/or
3 under the doctrine of equivalents. Motorola has infringed and continues to infringe through the
4 manufacture, use, offer for sale, sale, and/or importation of a system of products, associated
5 software, and components sold through online stores and directly to stores and customers in the
6 United States, and the Android Wear App software interface and the wireless headphone App
7 software interface.

8 101. The “Motorola Accused System” is a personal entertainment and communication
9 system comprised of three components: a headset portion, a remote unit worn as a watch, and a
10 control/display portion.

11 102. The “Motorola Accused Watch” includes all Motorola smart watch series running
12 Android Wear operating systems, including, but not limited to, the following exemplary devices:
13 Moto360 1st Generation, Moto360 2nd Generation, and Moto360 Sport.

14 103. The “Motorola Accused Mobile Devices” include all mobile devices running
15 Android 4.3 and later, including but not limited to the following exemplary Motorola devices:
16 Moto X Series, Moto G series, Moto E series, and Nexus series, as well as the Accused Android
17 Mobile Devices, and with limited functionality all Apple Accused Mobile Devices running iOS
18 8.2 and later, including but not limited to the following exemplary models: iPhone 5, iPhone 5c,
19 iPhone 5s, iPhone 6, and iPhone 6 plus.

20 104. The “Motorola Accused Headsets” include all wired and wireless Headsets that
21 comprise a pair of amplified speakers, a transceiver, a microphone, and the capability to provide at
22 least digitally encoded music to the pair of amplified speakers which are compatible with and/or
23 are capable of connecting with Motorola Accused Mobile Devices and Motorola Accused Watch,
24 including, but not limited to, the following exemplary products: Motorola S11-HD Wireless
25 Stereo Headphones, Moto Pulse, Moto Surround, and linking with Apple Accused Mobile Devices
26 running iOS 8.2 and later.

27 105. Motorola’s infringement has been willful.
28

1 106. The Motorola Accused System, including the Motorola Accused Watch, the
2 Motorola Accused Mobile Devices and the Motorola Accused Headset, directly infringes literally
3 and/or under the doctrine of equivalents at least independent claim 1 of the '506 patent, and
4 dependent claims 2, 3, 4, 5, 8, 9, 12, and 13.

5 107. With respect to the headset component of the Motorola Accused System, the
6 Motorola Accused Headsets contain, at least, a pair of amplified speakers, a microphone, at least a
7 receiver for receiving wireless and/or cellular signals, and the hardware and/or software to provide
8 at least digitally encoded music to the amplified speakers.

9 108. With respect to the remote unit watch component of the system, the Motorola
10 Accused Watch is a remote unit worn as a watch wherein the Motorola Accused Watch includes
11 control functions and at least a transmitter for transmitting control signals, directly and/or
12 indirectly, to the receiver within the Motorola Accused Headsets for controlling at least the
13 digitally encoded music.

14 109. With respect to the control/display component of the system, the Motorola Accused
15 Mobile Devices are communicably linked to the Motorola Accused Headsets. The control/display
16 component includes a cellular communication transceiver for sending and receiving cellular
17 communications signals directly and/or indirectly between the Motorola Accused Watch and
18 Motorola Accused Headset, hardware and/or software for selecting and routing system input
19 signals, such as, without limitation, the digitally encoded music, the cellular communication
20 signals and the system component signals for the Motorola Accused Mobile Devices system
21 components. The hardware and/or software for selecting and routing system input signals within
22 the Motorola Accused Mobile Devices are connected, directly and/or indirectly, to the cellular
23 transceiver, the hardware and/or software for providing digitally encoded music, the microphone
24 and pair of amplified speakers within the headphone component of the system, and a user interface
25 for selecting and routing system input signals. The Motorola Accused Mobile Devices also
26 include power sources for providing power to at least the cellular communication transceiver, the
27 hardware and/or software for selecting and routing system input signals, and the hardware and/or
28 software for providing digitally encoded music.

1 110. Motorola has been on notice of the '506 patent prior to the date of filing this
2 Complaint. Furthermore, Motorola is the assignee of multiple patents that cite to the '506 patent,
3 and therefore Motorola has had knowledge of the '506 patent since at least September 2002. *See*
4 *generally* U.S. Patent 7,146,187, filed September 17, 2002 and U.S. Patent 7,174,168, filed July
5 16, 2004.

6 111. At least as late as the service of this Complaint, Motorola has contributorily
7 infringed and/or actively induced infringement of the '506 patent (literally and/or under the
8 doctrine of equivalents) and/or will contributorily infringe and/or actively induce infringement of
9 the '506 patent (literally and/or under the doctrine of equivalents) in violation of 35 U.S.C. §
10 271(b)-(c), with knowledge of and/or willful blindness to the existence of the '506 patent, with
11 specific intent to contributorily infringe and/or to induce infringement, and with knowledge or
12 willful blindness that the intended acts would constitute patent infringement.

13 112. The Motorola Accused System—the Motorola Accused Watch, the Motorola
14 Accused Mobile Devices, and the Motorola Accused Headset, each sold and/or offered for sale by
15 Motorola—are not alone or in combination staple articles of commerce, but are individually
16 components of a patented combination, and material to practicing the invention in the claims of
17 the '506 patent, and have no substantial non-infringing uses. Motorola has contributed to the
18 direct infringement of the '506 patent, including, but not limited to, by the end users of the
19 Motorola Accused System. These products are sold directly to customers and used by customers
20 in a manner that infringes the '506 patent by way of utilizing the Motorola Accused Watch as a
21 remote device to control, without limitation, the telephone features, the media features, and the
22 text features of the Motorola Accused Mobile Devices and utilizing the Motorola Accused Watch
23 to control, without limitation, the media playback features, and the volume and microphone
24 features for media playback and mobile phone calls heard through the Motorola Accused headsets.
25 Motorola's contributory infringement is ongoing, and willful.

26 113. Motorola's indirect infringement by inducement will occur by Motorola engaging
27 in at least the following activities directly and/or through the contractual relationship with others:
28 designing and manufacturing the Motorola Accused System, individually, and their components

1 specifically for sale and use in the United States, including California, selling and offering to sell
2 the Motorola Accused System, individually, and their components in the United States or
3 importing these devices and their components into the United States, including California, through
4 promotional and instructional manuals, materials, websites (including support information, video
5 instructions, tutorials, and frequently asked questions that direct customers to use the devices in an
6 infringing manner), activities relating to utilizing the Motorola Accused Watch as a remote control
7 unit for mobile phones and wireless headphones, and by providing access to and encouraging use
8 of the Android Wear App and headphone App, and promoting the use of third-party applications.
9 This induces the end users to use the Motorola Accused System in a manner that infringes the '506
10 patent. Motorola's inducement is ongoing, and willful.

11 114. Jones has been damaged as a result of Motorola's infringing conduct described in
12 this Count. Motorola is, thus, liable to Jones in an amount that adequately compensates Jones for
13 Motorola's infringement, which, by law, cannot be less than a reasonable royalty, together with
14 interest and costs as fixed by this Court under 35 U.S.C. § 284.

15 **IX. COUNT 6 – INFRINGEMENT OF THE '506 PATENT BY PEBBLE**

16 115. Jones incorporates by reference the allegations in each of the following paragraphs
17 1, 10, 14, 25-26, and 29-31 as if fully set forth herein.

18 116. The '506 patent is valid and enforceable.

19 117. In violation of 35 U.S.C. § 271, Pebble has infringed and continues to infringe the
20 '506 patent in this judicial district and elsewhere in the United States, both literally and/or under
21 the doctrine of equivalents. Pebble has infringed and continues to infringe through the
22 manufacture, use, offer for sale, sale, and/or importation of a system of products, associated
23 software, and components sold through online web stores, such as Pebble.com and Amazon, retail
24 stores, including, but not limited to, AT&T, Best Buy, and the Pebble Accused Watch App
25 software interface and the wireless headphone App software interface available for sale on the
26 Apple App store and the Google Play store.

27
28

1 118. The “Pebble Accused System” is a personal entertainment and communication
2 system comprised of three components: a headset portion, a remote unit worn as a watch, and a
3 control/display portion.

4 119. The “Pebble Accused Watch” includes all Pebble Smartwatch series running RTOS
5 and compatible with Android and iOS operating systems, including, but not limited to, the
6 following exemplary devices: Pebble Time Round 14mm, Pebble Time Round 20mm, Pebble
7 Time Steel, Pebble Time, Pebble Classic, Pebble Steel, and Pebble Time Round 38.5mm.

8 120. The “Pebble Accused Mobile Devices” include Apple mobile devices running iOS
9 8 and above, including the following exemplary mobile devices: iPhone 4S and later, as well as all
10 mobile devices running Android 4.0 and later, including, but not limited to, the Google Accused
11 Mobile Devices.

12 121. The “Pebble Accused Headsets” include all wired and wireless headsets that
13 comprise a pair of amplified speakers, a transceiver, a microphone, and the capability to provide at
14 least digitally encoded music to the pair of amplified speakers which are compatible with and/or
15 are capable of connecting with at least the Google Accused Mobile Devices, the Google Accused
16 Headsets, the Apple Accused Mobile Devices and the Apple Accused Headsets, which are in turn
17 capable of connecting with the Accused Pebble Smartwatch.

18 122. Pebble’s infringement has been willful.

19 123. The Pebble Accused System, including the Pebble Accused Watch, the Pebble
20 Accused Mobile Devices and the Pebble Accused Headset, directly infringes literally and/or under
21 the doctrine of equivalents at least independent claim 1 of the ’506 patent, and dependent claims 2,
22 3, 4, 5, 8, 9, 12, and 13.

23 124. With respect to the headset component of the Pebble Accused System, the Pebble
24 Accused Headsets contain, at least, a pair of amplified speakers, a microphone, at least a receiver
25 for receiving wireless and/or cellular signals, and the hardware and/or software to provide at least
26 digitally encoded music to the amplified speakers.

27 125. With respect to the remote unit watch component of the system, the Pebble
28 Accused Watch is a remote unit worn as a watch wherein the Pebble Accused Watch includes

1 control functions and at least a transmitter for transmitting control signals, directly and/or
2 indirectly, to the receiver within the Pebble Accused Headsets for controlling at least the digitally
3 encoded music.

4 126. With respect to the control/display component of the system, the Pebble Accused
5 Mobile Devices are communicably linked to the Pebble Accused Headsets. The control/display
6 component includes a cellular communication transceiver for sending and receiving cellular
7 communications signals directly and/or indirectly between the Pebble Accused Watch and Pebble
8 Accused Headset, hardware and/or software for selecting and routing system input signals, such
9 as, without limitation, the digitally encoded music, the cellular communication signals and the
10 system component signals for the Pebble Accused Mobile Devices system components. The
11 hardware and/or software for selecting and routing system input signals within the Pebble Accused
12 Mobile Devices are connected, directly and/or indirectly, to the cellular transceiver, the hardware
13 and/or software for providing digitally encoded music, the microphone and pair of amplified
14 speakers within the headphone component of the system, and a user interface for selecting and
15 routing system input signals. The Pebble Accused Mobile Devices also include power sources for
16 providing power to at least the cellular communication transceiver, the hardware and/or software
17 for selecting and routing system input signals, and the hardware and/or software for providing
18 digitally encoded music.

19 127. At least as late as the service of this Complaint, Pebble has contributorily infringed
20 and/or actively induced infringement of the '506 patent (literally and/or under the doctrine of
21 equivalents) and/or will contributorily infringe and/or actively induce infringement of the '506
22 patent (literally and/or under the doctrine of equivalents) in violation of 35 U.S.C. § 271(b)-(c),
23 with knowledge of and/or willful blindness to the existence of the '506 patent, with specific intent
24 to contributorily infringe and/or to induce infringement, and with knowledge or willful blindness
25 that the intended acts would constitute patent infringement.

26 128. The Pebble Accused System—the Pebble Accused Watch, the Pebble Accused
27 Mobile Devices, and the Pebble Accused Headset, each sold and/or offered for sale by Pebble—
28 are not alone or in combination a staple article of commerce, but are individually a component of a

1 patented combination, and material to practicing the invention in the claims of the '506 patent, and
2 have no substantial non-infringing uses. Pebble has contributed to the direct infringement of the
3 '506 patent by the end users of the Pebble Accused System. These products are sold directly to
4 customers and used by customers in a manner that infringes the '506 patent, including, without
5 limitation, by way of utilizing the Pebble Accused Watch as a remote device to control, without
6 limitation, the telephone features, the media features, and the text features of the Pebble Accused
7 Mobile Devices and utilizing the Pebble Accused Watch to control, without limitation, the media
8 playback features, and the volume and microphone features for media playback and mobile phone
9 calls heard through the Pebble Accused headsets. Pebble's contributory infringement is ongoing,
10 and willful.

11 129. Pebble's indirect infringement by inducement will occur by Pebble engaging in at
12 least the following activities directly and/or through the contractual relationship with others:
13 designing and manufacturing the Pebble Accused System, individually, and their components
14 specifically for sale and use in the United States, including California, selling and offering to sell
15 the Pebble Accused System, individually, and their components in the United States or importing
16 these devices and their components into the United States, including California, through
17 promotional and instructional manuals, materials, websites (including support information, video
18 instructions, tutorials, and frequently asked questions that direct customers to use the devices in an
19 infringing manner), activities relating to utilizing the Pebble Accused Watch as a remote control
20 unit for mobile phones and wireless headphones, and by providing access to and encouraging use
21 of the Accused Pebble Watch App and headphone Apps on both Android and iOS operating
22 systems, and promoting the use of third-party applications. This induces the end users to use the
23 Pebble Accused System in a manner that infringes the '506 patent. Pebble's inducement is
24 ongoing, and willful.

25 130. Jones has been damaged as a result of Pebble's infringing conduct described in this
26 Count. Pebble is, thus, liable to Jones in an amount that adequately compensates Jones for
27 Pebble's infringement, which, by law, cannot be less than a reasonable royalty, together with
28 interest and costs as fixed by this Court under 35 U.S.C. § 284

1 **X. COUNT 7 – INFRINGEMENT OF THE '506 PATENT BY THE SONY DEFENDANTS**

2 131. Jones incorporates by reference the allegations in each of the following paragraphs
3 1, 11-14, and 27-31 as if fully set forth herein.

4 132. The '506 patent is valid and enforceable.

5 133. In violation of 35 U.S.C. § 271, the Sony Defendants have infringed and continue
6 to infringe the '506 patent in this judicial district and elsewhere in the United States, both literally
7 and/or under the doctrine of equivalents. The Sony Defendants have infringed and continue to
8 infringe through the manufacture, use, offer for sale, sale, and/or importation of a system of
9 products, associated software, and components sold through the online web stores, including, but
10 not limited to the Google store, and the SmartWatch App and/or SmartWatch 2 App software
11 interface and the wireless headphone App software interface.

12 134. The “Sony Accused System” is a personal entertainment and communication
13 system comprised of three components: a headset portion, a remote unit worn as a watch, and a
14 control/display portion.

15 135. The “Sony Accused Watch” includes all Sony Smartwatch series running Android
16 Wear operating system, including, but not limited to, the following exemplary devices: Sony
17 Watch3 SWR50B, Sonywatch3 SWR50, Sony Smartwatch2 SW2, and Sony Smartwatch.

18 136. The “Sony Accused Mobile Devices” include all mobile devices and tablets
19 running Android 4.0 and/or 4.3 and later, including but not limited to the following exemplary
20 Sony devices: Xperia z5 Compact, Xperia Z5, Xperia Z3+, Xperia C4, Xperia M4 Aqua, Xperia
21 Z3 T-Mobile, Xperia Z3, Xperia Z3v Verizon, and the Xperia Z4 Tablet.

22 137. The “Sony Accused Headsets” include all wired and wireless headsets that
23 comprise a pair of amplified speakers, a transceiver, a microphone, and the capability to provide at
24 least digitally encoded music to the pair of amplified speakers which are compatible with and/or
25 are capable of connecting with Sony Accused Mobile Devices and Sony Accused Watch,
26 including, but not limited to, the following exemplary products: MDR10RBT BT-Headphones and
27 MDF1RBT-BT Headphones.

28 138. The Sony Defendants’ infringement has been willful.

1 139. The Sony Accused System, including the Sony Accused Watch, the Sony Accused
2 Mobile Devices and the Sony Accused Headset, directly infringes literally and/or under the
3 doctrine of equivalents at least independent claim 1 of the '506 patent, and dependent claims 2, 3,
4 4, 5, 8, 9, 12, and 13.

5 140. With respect to the headset component of the Sony Accused System, the Sony
6 Accused Headsets contain, at least, a pair of amplified speakers, a microphone, at least a receiver
7 for receiving wireless and/or cellular signals, and the hardware and software to provide at least
8 digitally encoded music to the amplified speakers.

9 141. With respect to the remote unit watch component of the system, the Sony Accused
10 Watch is a remote unit worn as a watch wherein the Sony Accused Watch includes control
11 functions and at least a transmitter for transmitting control signals, directly and/or indirectly, to the
12 receiver within the Sony Accused Headsets for controlling at least the digitally encoded music.

13 142. With respect to the control/display component of the system, the Sony Accused
14 Mobile Devices are communicably linked to the Sony Accused Headsets. The control/display
15 component includes a cellular communication transceiver for sending and receiving cellular
16 communications signals directly and/or indirectly between the Sony Accused Watch and the Sony
17 Accused Headset, hardware and/or software for selecting and routing system input signals, such
18 as, without limitation, the digitally encoded music, the cellular communication signals and the
19 system component signals for the Sony Accused Mobile Devices system components. The
20 hardware and/or software for selecting and routing system input signals within the Sony Accused
21 Mobile Devices are connected, directly and/or indirectly, to the cellular transceiver, the hardware
22 and/or software for providing digitally encoded music, the microphone and pair of amplified
23 speakers within the headphone component of the system, and a user interface for selecting and
24 routing system input signals. The Sony Accused Mobile Devices also include power sources for
25 providing power to at least the cellular communication transceiver, the hardware and/or software
26 for selecting and routing system input signals, and the hardware and/or software for providing
27 digitally encoded music.

28

1 143. The Sony Defendants have been on notice of the '506 patent prior to the filing of
2 this Complaint.

3 144. At least as late as the service of this Complaint, the Sony Defendants have
4 contributorily infringed and/or actively induced infringement of the '506 patent (literally and/or
5 under the doctrine of equivalents) and/or will contributorily infringe and/or actively induce
6 infringement of the '506 patent (literally and/or under the doctrine of equivalents) in violation of
7 35 U.S.C. § 271(b)-(c), with knowledge of and/or willful blindness to the existence of the '506
8 patent, with specific intent to contributorily infringe and/or to induce infringement, and with
9 knowledge or willful blindness that the intended acts would constitute patent infringement.

10 145. The Sony Accused System - the Sony Accused Watch, the Sony Accused Mobile
11 Devices, and the Sony Accused Headset, each sold and/or offered for sale by the Sony Defendants
12 - are not alone or in combination a staple article of commerce, but are individually a component of
13 a patented combination, and material to practicing the invention in the claims of the '506 patent,
14 and have no substantial non-infringing uses. The Sony Defendants have contributed to the direct
15 infringement of the '506 patent by the end users of the Sony Accused System. These products are
16 sold directly to customers and used by customers in a manner that infringes the '506 patent,
17 including without limitation, by way of utilizing the Sony Accused Watch as a remote device to
18 control, without limitation, the telephone features, the media features, and the text features of the
19 Sony Accused Mobile Devices and utilizing the Sony Accused Watch to control, without
20 limitation, the media playback features, and the volume and microphone features for media
21 playback and mobile phone calls heard through the Sony Accused headsets. The Sony
22 Defendants' contributory infringement is ongoing, and willful.

23 146. The Sony Defendants' indirect infringement by inducement will occur by the Sony
24 Defendants engaging in at least the following activities directly and/or through the contractual
25 relationship with others: designing and manufacturing the Sony Accused System, individually, and
26 their components specifically for sale and use in the United States, including California, selling
27 and offering to sell the Sony Accused System, individually, and their components in the United
28 States or importing these devices and their components into the United States, including

1 California, through promotional and instructional manuals, materials, websites (including support
2 information, video instructions, tutorials, and frequently asked questions that direct customers to
3 use the devices in an infringing manner), activities relating to utilizing the Sony Accused Watch as
4 a remote control unit for mobile phones and wireless headphones, and by providing access to and
5 encouraging use of the SmartWatch App and headphone App, and promoting the use of third-party
6 applications. This induces the end users to use the Sony Accused System in a manner that
7 infringes the '506 patent. Sony Defendants' inducement is ongoing, and willful.

8 147. Jones has been damaged as a result of the Sony Defendants' infringing conduct
9 described in this Count. The Sony Defendants are, thus, liable to Jones in an amount that
10 adequately compensates Jones for the Sony Defendants' infringement, which, by law, cannot be
11 less than a reasonable royalty, together with interest and costs as fixed by this Court under 35
12 U.S.C. § 284

13 **DEMAND FOR JURY TRIAL**

14 Jones demands, pursuant to Federal Rule of Civil Procedure 38, a trial by jury on all issues
15 so triable.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, in addition to the relief requested elsewhere herein, Jones requests that:

18 A. This Court find that Defendants have infringed the '506 patent;

19 B. Jones be awarded all damages adequate to compensate him for Defendants' infringement
20 of the '506 patent, such damages to be determined by a jury and an accounting, if necessary, to
21 adequately compensate Jones for the infringement;

22 C. The damages awarded to Jones be trebled, including pre-judgment and post-judgment
23 interest;

24 D. This case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that
25 Jones be awarded his attorney fees, costs and expenses incurred in connection with this case; and

26 E. Jones be awarded such other relief as this Court deems just and proper.
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Dated: February 11, 2016

MZF LAW FIRM, PLLC

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