

1 DAVIDA BROOK (275370)
dbrook@susmangodfrey.com
2 MENG XI (280099)
mxi@susmangodfrey.com
3 SUSMAN GODFREY L.L.P.
1901 Avenue of the Stars, Suite 950
4 Los Angeles, CA 90067
Telephone (310) 789-3100
5 Facsimile (310) 789-3150

6 ROBERT RIVERA, JR. (TX 16958030) (*pro hac vice* to be filed)
rrivera@susmangodfrey.com
7 JOSEPH S. GRINSTEIN (TX 24002188) (*pro hac vice* to be filed)
jgrinstein@susmangodfrey.com
8 SUSMAN GODFREY L.L.P.
1000 Louisiana, Suite 5100
9 Houston, Texas 77002-5096
Telephone (713) 651-9366
10 Facsimile (713) 654-6666

11 Attorneys for Plaintiff Vaporstream, Inc.

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**

16 VAPORSTREAM, INC.,
17 Plaintiff,
18 vs.
19 SNAP INC. d/b/a SNAPCHAT, INC.,
20 Defendant.
21

Case No. 2:17-cv-220

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

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1 Plaintiff Vaporstream, Inc. (“Vaporstream”) files this Complaint for patent
2 infringement against Defendant Snap Inc., which does business in California as
3 Snapchat, Inc. (“Snap” or “Defendant”), and alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is an action under the patent laws of the United States, 35 U.S.C.
6 §§ 1, *et seq.*, for infringement by Snap of certain claims of U.S. Patent Nos.
7 8,886,739; 8,935,351; 9,306,885; 9,306,886; 9,313,155; 9,313,156; 9,313,157;
8 9,338,111; and 9,413,711 (collectively referred to as the “Patents-in-Suit”).

9 **THE PARTIES**

10 2. Vaporstream is a corporation duly organized and existing under the
11 laws of Delaware, having its principal place of business at 223 West Jackson
12 Boulevard, Suite 1104, Chicago, Illinois 60606.

13 3. Vaporstream is the assignee and owner of the Patents-in-Suit.

14 4. On information and belief, Snap is a corporation duly organized and
15 existing under the laws of Delaware, having its principal place of business at 63
16 Market Street, Venice, California 90291, and with a registered agent at 2710
17 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833. Snap does
18 business in California as Snapchat, Inc.

19 5. Snap is a social media and technology company. Among other things,
20 Snap develops and maintains a mobile messaging application called Snapchat,
21 currently used by more than 150 million daily active users. Snap also develops and
22 manufactures wearable technology called Spectacles, a pair of smartglasses that
23 connects to a user’s Snapchat account and records video.

24 **JURISDICTION AND VENUE**

25 6. This Court has subject matter jurisdiction pursuant to 28 U.S.C.
26 §§ 1331 and 1338(a).

27 7. This Court has personal jurisdiction over Snap because, *inter alia*,
28 upon information and belief, (i) Snap has its principal place of business in Venice,

1 California; (ii) Snap has done and continues to do business in California; and (iii)
2 Snap has committed and continues to commit acts of patent infringement in the
3 State of California, including by making, using, offering to sell, and/or selling
4 accused products and services in California, and/or inducing others to commit acts
5 of patent infringement in this District.

6 8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b),
7 1391(c), and 1400(b) because, *inter alia*, upon information and belief, (i) Snap has
8 its principal place of business in Venice, California; (ii) Snap has done and
9 continues to do business in California; and (iii) Snap has committed and continues
10 to commit acts of patent infringement in the State of California, including by
11 making, using, offering to sell, and/or selling accused products and services in
12 California, and/or inducing others to commit acts of patent infringement in this
13 District.

14 PATENTS-IN-SUIT

15 9. On, November 11, 2014, the United States Patent and Trademark
16 Office duly and lawfully issued U.S. Patent No. 8,886,739 (the “’739 Patent”),
17 entitled “Electronic Message Content And Header Restrictive Send Device
18 Handling System And Method.” A true and correct copy of the ’739 Patent is
19 attached hereto as Exhibit A.

20 10. On January 13, 2015, the United States Patent and Trademark Office
21 duly and lawfully issued United States Patent No. 8,935,351 (the “’351 Patent”),
22 entitled “Electronic Message Content And Header Restrictive Recipient Handling
23 System And Method.” A true and correct copy of the ’351 Patent is attached hereto
24 as Exhibit B.

25 11. On April 5, 2016, the United States Patent and Trademark Office duly
26 and lawfully issued United States Patent No. 9,306,885 (the “’885 Patent”), entitled
27 “Electronic Message Send Device Handling System And Method With Media
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1 Component And Header Information Separation.” A true and correct copy of the
2 ’885 Patent is attached hereto as Exhibit C.

3 12. On April 5, 2016, the United States Patent and Trademark Office duly
4 and lawfully issued United States Patent No. 9,306,886 (the “’886 Patent”), entitled
5 “Electronic Message Recipient Handling System And Method With Separated
6 Display Of Message Content And Header Information.” A true and correct copy of
7 the ’886 Patent is attached hereto as Exhibit D.

8 13. On April 12, 2016, the United States Patent and Trademark Office
9 duly and lawfully issued United States Patent No. 9,313,155 (the “’155 Patent”),
10 entitled “Electronic Message Send Device Handling System And Method With
11 Separation Of Message Content And Header Information.” A true and correct copy
12 of the ’155 Patent is attached hereto as Exhibit E.

13 14. On April 12, 2016, the United States Patent and Trademark Office
14 duly and lawfully issued United States Patent No. 9,313,156 (the “’156 Patent”),
15 entitled “Electronic Message Send Device Handling System and Method With
16 Separated Display And Transmission Of Message Content And Header
17 Information.” A true and correct copy of the ’156 Patent is attached hereto as
18 Exhibit F.

19 15. On April 12, 2016, the United States Patent and Trademark Office
20 duly and lawfully issued United States Patent No. 9,313,157 (the “’157 Patent”),
21 entitled “Electronic Message Recipient Handling System And Method With
22 Separation Of Message Content And Header Information.” A true and correct copy
23 of the ’157 Patent is attached hereto as Exhibit G.

24 16. On May 10, 2016, the United States Patent and Trademark Office duly
25 and lawfully issued United States Patent No. 9,338,811 (the “’811 Patent”), entitled
26 “Electronic Message Recipient Handling System And Method With Media
27 Component And Header Information Separation.” A true and correct copy of the
28 ’811 Patent is attached hereto as Exhibit H.

1 17. On August 9, 2016, the United States Patent and Trademark Office
2 duly and lawfully issued United States Patent No. 9,413,711 (the “’711 Patent”),
3 entitled “Electronic Message Recipient Handling System And Method With
4 Separation Of Message Content And Header Information.” A true and correct copy
5 of the ’711 Patent is attached hereto as Exhibit I.

6 18. The Patents-in-Suit generally relate to electronic messaging systems
7 and methods with reduced traceability.

8 19. Vaporstream owns all right, title, and interest in and to the Patents-in-
9 Suit and possesses all rights of recovery.

10 **DEFENDANT AND THE ACCUSED PRODUCT**

11 20. Upon information and belief, including based on Snap’s services and
12 products identified on Snap’s website and in its mobile application, Snap makes,
13 uses, offers to sell, and/or sells in the United States, and/or import into the United
14 States, application products and services that practice the inventions disclosed in
15 the Patents-in-Suit, including, but not limited to, the mobile messaging application
16 known as Snapchat (“Snapchat App”).

17 21. Upon information and belief, Snap actively and knowingly directs,
18 causes, induces, and encourages others, including, but not limited to, its software
19 developers, customers, advertisers, end users, and app users to make, use, sell,
20 and/or offer to sell in the United States, and/or import into the United States,
21 application products and services that practice the inventions disclosed in the
22 Patents-in-Suit, including, but not limited to, the Snapchat App, by, among other
23 things, providing instructions and technical assistance relating to the installation,
24 download, set up, use, operation, and maintenance of said Snapchat App.

25 **NOTICE OF INFRINGEMENT**

26 22. Defendant has notice of the Patents-in-Suit at least as of the date of
27 this Complaint.

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**FIRST CAUSE OF ACTION
(INFRINGEMENT OF THE '739 PATENT)**

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3 23. Vaporstream incorporates the preceding paragraphs as if fully set forth
4 herein.

5 24. The '739 Patent generally relates to the field of an electronic
6 messaging system and method with reduced traceability. The asserted claims of the
7 '739 Patent recite novel systems and methods for providing separate displays on a
8 sender's device for the display of (a) a message content and (b) a recipient address
9 corresponding to the message content, such that: (a) and (b) are not displayed at the
10 same time; are transmitted separately from the sender's device; and (a) is not
11 accessible on the sender's device after a component of (a) is transmitted from the
12 device to a server.

13 25. Snap infringes the '739 Patent by making, using, selling, and/or
14 offering for sale in the United States, and/or importing into the United States,
15 application products and services that meet the elements of the asserted claims. By
16 way of a non-limiting example, the Snapchat App practices the inventions disclosed
17 in the '739 Patent because at launch, it provides (a) a first display that allows a user
18 to take a photo or video and to associate the photo or video with an electronic
19 message (together comprising a "snap"), and (b) a second display for the selection
20 of one or more recipient addresses for the snap. The Snapchat App does not display
21 (a) and (b) at the same time; allows them to be transmitted separately from the user
22 device; and ensures that the snap is not accessible from the user device after it has
23 been transmitted to one or more servers owned or maintained by Defendant.

24 26. Upon information and belief, Snap has infringed at least claims 1, 4-8,
25 and 10 of the '739 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,
26 offering to sell, and/or selling in the United States, and/or importing into the United
27 States the Snapchat App. Upon information and belief, Snap's infringement
28 pursuant to 35 U.S.C. § 271(a) is ongoing.

1 27. Upon information and belief, since having notice of the '739 Patent,
2 Snap has induced infringement of at least claims 1, 4-8, and 10 of the '739 Patent
3 pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing, directing,
4 causing, and encouraging others, including, but not limited to, its software
5 developers, customers, advertisers, end users, and app users to make, use, sell,
6 and/or offer to sell in the United States, and/or import into the United States,
7 application products and services that practice the inventions disclosed in the '739
8 Patent, by, among other things, providing instructions and technical assistance
9 relating to the installation, download, set up, use, operation, and maintenance of the
10 Snapchat App.

11 28. In one example, Snap has induced infringement of the above-identified
12 claims by providing its software developers, customers, advertisers, end users, and
13 app users with the Snapchat App, knowing and/or intending that, when used as
14 intended, the Snapchat App meets the elements of the asserted claims. In another
15 example, Snap has induced infringement of the above-identified claims of the '739
16 Patent by knowingly and/or willfully providing instructions and technical assistance
17 that explain, instruct, direct, cause, and encourage its software developers,
18 customers, advertisers, end users, and app users to download or install the Snapchat
19 App from a mobile application store and to run and use the Snapchat App, thereby
20 activating its infringing functionalities.

21 29. Upon information and belief, Snap committed the foregoing infringing
22 activities without license from Vaporstream and with notice of the '739 Patent.

23 30. Snap knew the '739 Patent existed while committing the foregoing
24 infringing acts, thereby willfully, wantonly, and deliberately infringing the '739
25 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35
26 U.S.C. § 284 because of Snap's willful infringement of the '739 Patent.

27 31. The acts of infringement by Snap have been with the knowledge of the
28 '739 Patent and are willful, wanton, and deliberate, thus rendering this action

1 “exceptional” within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to
2 its reasonable attorney’s fees and litigation expenses.

3 32. The acts of infringement by Snap will continue unless enjoined by this
4 Court.

5 33. Vaporstream has been and will continue to be irreparably harmed and
6 damaged by Snap’s infringement of the ’739 Patent and has no adequate remedy at
7 law.

8 **SECOND CAUSE OF ACTION**
9 **(INFRINGEMENT OF THE ’351 PATENT)**

10 34. Vaporstream incorporates the preceding paragraphs as if fully set forth
11 herein.

12 35. The ’351 Patent generally relates to the field of an electronic
13 messaging system and method with reduced traceability. The asserted claims of the
14 ’351 Patent recite novel systems and methods for providing separate displays on a
15 recipient user device for the separate display of (a) the header information of an
16 electronic message and (b) a message content (including a media component), such
17 that: (a) and (b) are not displayed at the same time; the display of (b) does not
18 display a sender’s username associated with (a); and (b) is no longer available to a
19 recipient user after being displayed.

20 36. Snap infringes the ’351 Patent by making, using, selling, and/or
21 offering for sale in the United States, and/or importing into the United States,
22 application products and services that meet the elements of the asserted claims. By
23 way of a non-limiting example, the Snapchat App practices the inventions disclosed
24 in the ’351 Patent because upon accepting a snap at a recipient user device, it
25 separately displays on the recipient user device: (a) a notification of an unread
26 message from a sender along with the sender’s username, and (b) a snap. The
27 Snapchat App does not display the sender’s username and the snap at the same
28

1 time, and once displayed for a predetermined amount of time, the snap is no longer
2 available to the recipient user on the recipient user device.

3 37. Upon information and belief, Snap has infringed at least claims 1, 3–7,
4 9, 11, and 12 of the '351 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,
5 offering to sell, and/or selling in the United States, and/or importing into the United
6 States the Snapchat App. Upon information and belief, Snap's infringement
7 pursuant to 35 U.S.C. § 271(a) is ongoing.

8 38. Upon information and belief, since having notice of the '351 Patent,
9 Snap has induced infringement of at least claims 1, 3–7, 9, 11, and 12 of the '351
10 Patent pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing,
11 directing, causing, and encouraging others, including, but not limited to, its
12 software developers, customers, advertisers, end users, and app users to make, use,
13 sell, and/or offer to sell in the United States, and/or import into the United States,
14 application products and services that practice the inventions disclosed in the '351
15 Patent, by, among other things, providing instructions and technical assistance
16 relating to the installation, download, set up, use, operation, and maintenance of the
17 Snapchat App.

18 39. In one example, Snap has induced infringement of the above-identified
19 claims by providing its software developers, customers, advertisers, end users, and
20 app users with the Snapchat App, knowing and/or intending that, when used as
21 intended, the Snapchat App meets the elements of the asserted claims. In another
22 example, Snap has induced infringement of the above-identified claims of the '351
23 Patent by knowingly and/or willfully providing instructions and technical assistance
24 that explain, instruct, direct, cause, and encourage its software developers,
25 customers, advertisers, end users, and app users to download or install the Snapchat
26 App from a mobile application store and to run and use the Snapchat App, thereby
27 activating its infringing functionalities.

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1 47. Snap infringes the '885 Patent by making, using, selling, and/or
2 offering for sale in the United States, and/or importing into the United States,
3 application products and services that meet the elements of the asserted claims. By
4 way of a non-limiting example, the Snapchat App practices the inventions disclosed
5 in the '885 Patent by enabling the association, separate display, separate
6 transmission, and relation of a message content with a recipient identifier by
7 Snapchat servers. Each snap includes an identifier of a recipient and a message
8 content. At the sending user device, the Snapchat App associates a message content
9 with the electronic message via a first display and separately associates an identifier
10 of a recipient with the electronic message via a second display. The two displays
11 are kept separate at a sending Snapchat App user device so that a single-screen
12 capture of both is prevented. The message content and the recipient identifier are
13 then separately transmitted with the snap to the Snapchat server. On information
14 and belief, the Snapchat server assigns an identifier to correlate a snap with the
15 recipient's username so that they may be related to each other at a later time.

16 48. Upon information and belief, Snap has infringed at least claims 1 and
17 5–10 of the '885 Patent, pursuant to 35 U.S.C. § 271(a), by making, using, offering
18 to sell, and/or selling in the United States, and/or importing into the United States
19 the Snapchat App. Upon information and belief, Snap's infringement pursuant to
20 35 U.S.C. § 271(a) is ongoing.

21 49. Upon information and belief, since having notice of the '885 Patent,
22 Snap has induced infringement of at least claims 1 and 5–10 of the '885 Patent
23 pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing, directing,
24 causing, and encouraging others, including, but not limited to, its software
25 developers, customers, advertisers, end users, and app users to make, use, sell,
26 and/or offer to sell in the United States, and/or import into the United States,
27 application products and services that practice the inventions disclosed in the '885
28 Patent, by, among other things, providing instructions and technical assistance

1 relating to the installation, download, set up, use, operation, and maintenance of the
2 Snapchat App.

3 50. In one example, Snap has induced infringement of the above-identified
4 claims by providing its software developers, customers, advertisers, end users, and
5 app users with the Snapchat App, knowing and/or intending that, when used as
6 intended, the Snapchat App meets the elements of the asserted claims. In another
7 example, Snap has induced infringement of the above-identified claims of the '885
8 Patent by knowingly and/or willfully providing instructions and technical assistance
9 that explain, instruct, direct, cause, and encourage its software developers,
10 customers, advertisers, end users, and app users to download or install the Snapchat
11 App from a mobile application store and to run and use the Snapchat App, thereby
12 activating its infringing functionalities.

13 51. Upon information and belief, Snap committed the foregoing infringing
14 activities without license from Vaporstream and with notice of the '885 Patent.

15 52. Snap knew the '885 Patent existed while committing the foregoing
16 infringing acts, thereby willfully, wantonly, and deliberately infringing the '885
17 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35
18 U.S.C. § 284 because of Snap's willful infringement of the '885 Patent.

19 53. The acts of infringement by Snap have been with the knowledge of the
20 '885 Patent and are willful, wanton, and deliberate, thus rendering this action
21 "exceptional" within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to
22 its reasonable attorney's fees and litigation expenses.

23 54. The acts of infringement by Snap will continue unless enjoined by this
24 Court.

25 55. Vaporstream has been and will continue to be irreparably harmed and
26 damaged by Snap's infringement of the '885 Patent and has no adequate remedy at
27 law.
28

1 **FOURTH CAUSE OF ACTION**
2 **(INFRINGEMENT OF THE '886 PATENT)**

3 56. Vaporstream incorporates the preceding paragraphs as if fully set forth
4 herein.

5 57. The '886 Patent generally relates to the field of an electronic
6 messaging system and method with reduced traceability. The asserted claims of the
7 '886 Patent recite novel systems and methods for providing separate displays on a
8 recipient user device for separately displaying: (a) the header information of an
9 electronic message and (b) a message content (including a media component), such
10 that (a) and (b) are not displayed at the same time; a single-screen capture of both
11 (a) and (b) is prevented; and (a) and (b) are related to each other using a correlation.

12 58. Snap infringes the '886 Patent by making, using, selling, and/or
13 offering for sale in the United States, and/or importing into the United States,
14 application products and services that meet the elements of the asserted claims. By
15 way of a non-limiting example, the Snapchat App practices the inventions disclosed
16 in the '886 Patent because upon accepting a snap at a recipient user device, it
17 separately displays on the recipient user device: (a) a notification of an unread
18 message from a sender along with the sender's username in a first display, and (b) a
19 snap in a second display. On information and belief, the Snapchat server assigns an
20 identifier to correlate a snap with the sender's username. The Snapchat App does
21 not display the snap and the sender's username at the same time, thereby preventing
22 a single-screen capture of both.

23 59. Upon information and belief, Snap has infringed at least claims 1–6
24 and 8–13 of the '886 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,
25 offering to sell, and/or selling in the United States, and/or importing into the United
26 States the Snapchat App. Upon information and belief, Snapchat's infringement
27 pursuant to 35 U.S.C. § 271(a) is ongoing.
28

1 60. Upon information and belief, since having notice of the '886 Patent,
2 Snapchat has induced infringement of at least claims 1–6 and 8–13 of the '886
3 Patent pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing,
4 directing, causing, and encouraging others, including, but not limited to, its
5 software developers, customers, advertisers, end users, and app users to make, use,
6 sell, and/or offer to sell in the United States, and/or import into the United States,
7 application products and services that practice the inventions disclosed in the '886
8 Patent, by, among other things, providing instructions and technical assistance
9 relating to the installation, download, set up, use, operation, and maintenance of the
10 Snapchat App.

11 61. In one example, Snap has induced infringement of the above-identified
12 claims by providing its software developers, customers, advertisers, end users, and
13 app users with the Snapchat App, knowing and/or intending that, when used as
14 intended, the Snapchat App meets the elements of the asserted claims. In another
15 example, Snap has induced infringement of the above-identified claims of the '886
16 Patent by knowingly and/or willfully providing instructions and technical assistance
17 that explain, instruct, direct, cause, and encourage its software developers,
18 customers, advertisers, end users, and app users to download or install the Snapchat
19 App from a mobile application store and to run and use the Snapchat App, thereby
20 activating its infringing functionalities.

21 62. Upon information and belief, Snap committed the foregoing infringing
22 activities without license from Vaporstream and with notice of the '886 Patent.

23 63. Snap knew the '886 Patent existed while committing the foregoing
24 infringing acts, thereby willfully, wantonly, and deliberately infringing the '886
25 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35
26 U.S.C. § 284 because of Snap's willful infringement of the '886 Patent.

27 64. The acts of infringement by Snap have been with the knowledge of the
28 '886 Patent and are willful, wanton, and deliberate, thus rendering this action

1 “exceptional” within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to
2 its reasonable attorney’s fees and litigation expenses.

3 65. The acts of infringement by Snap will continue unless enjoined by this
4 Court.

5 66. Vaporstream has been and will continue to be irreparably harmed and
6 damaged by Snap’s infringement of the ’886 Patent and has no adequate remedy at
7 law.

8 **FIFTH CAUSE OF ACTION**
9 **(INFRINGEMENT OF THE ’155 PATENT)**

10 67. Vaporstream incorporates the preceding paragraphs as if fully set forth
11 herein.

12 68. The ’155 Patent generally relates to the field of an electronic
13 messaging system and method with reduced traceability. The asserted claims of the
14 ’155 Patent recite novel systems and methods for providing separate displays on a
15 sender’s device for the separate display of: (a) an electronic message including a
16 message content including a media component and (b) a header information that
17 corresponds to the message content including a media component, such that the
18 message content including a media component is associated with the electronic
19 message via a first display. The disclosed systems and methods further specify that
20 the identifier of a recipient is associated with the electronic message via a second
21 display and that (a) and (b) are not displayed at the same time.

22 69. Snap infringes the ’155 Patent by making, using, selling, and/or
23 offering for sale in the United States, and/or importing into the United States,
24 application products and services that meet the elements of the asserted claims. By
25 way of a non-limiting example, the Snapchat App practices the inventions disclosed
26 in the ’155 Patent because at launch, it provides (a) a first display that allows a user
27 to take a snap, and (b) a second display for the selection of one or more recipient
28

1 usernames for the snap. The Snapchat App associates the snap with a recipient
2 username but does not display a snap with a recipient username at the same time.

3 70. Upon information and belief, Snap has infringed at least claims 1–6
4 and 9–13 of the '155 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,
5 offering to sell, and/or selling in the United States, and/or importing into the United
6 States the Snapchat App. Upon information and belief, Snap's infringement
7 pursuant to 35 U.S.C. § 271(a) is ongoing.

8 71. Upon information and belief, since having notice of the '155 Patent,
9 Snap has induced infringement of at least claims 1–6 and 9–13 of the '155 Patent
10 pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing, directing,
11 causing, and encouraging others, including, but not limited to, its software
12 developers, customers, advertisers, end users, and app users to make, use, sell,
13 and/or offer to sell in the United States, and/or import into the United States,
14 application products and services that practice the inventions disclosed in the '155
15 Patent, by, among other things, providing instructions and technical assistance
16 relating to the installation, download, set up, use, operation, and maintenance of the
17 Snapchat App.

18 72. In one example, Snap has induced infringement of the above-identified
19 claims by providing its software developers, customers, advertisers, end users, and
20 app users with the Snapchat App, knowing and/or intending that, when used as
21 intended, the Snapchat App meets the elements of the asserted claims. In another
22 example, Snap has induced infringement of the above-identified claims of the '155
23 Patent by knowingly and/or willfully providing instructions and technical assistance
24 that explain, instruct, direct, cause, and encourage its software developers,
25 customers, advertisers, end users, and app users to download or install the Snapchat
26 App from a mobile application store and to run and use the Snapchat App, thereby
27 activating its infringing functionalities.

28

1 73. Upon information and belief, Snap committed the foregoing infringing
2 activities without license from Vaporstream and with notice of the '155 Patent.

3 74. Snap knew the '155 Patent existed while committing the foregoing
4 infringing acts, thereby willfully, wantonly, and deliberately infringing the '155
5 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35
6 U.S.C. § 284 because of Snap's willful infringement of the '155 Patent.

7 75. The acts of infringement by Snap have been with the knowledge of the
8 '155 Patent and are willful, wanton, and deliberate, thus rendering this action
9 "exceptional" within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to
10 its reasonable attorney's fees and litigation expenses.

11 76. The acts of infringement by Snap will continue unless enjoined by this
12 Court.

13 77. Vaporstream has been and will continue to be irreparably harmed and
14 damaged by Snap's infringement of the '155 Patent and has no adequate remedy at
15 law.

16 **SIXTH CAUSE OF ACTION**
17 **(INFRINGEMENT OF THE '156 PATENT)**

18 78. Vaporstream incorporates the preceding paragraphs as if fully set forth
19 herein.

20 79. The '156 Patent generally relates to the field of an electronic
21 messaging system and method with reduced traceability. The asserted claims of the
22 '156 Patent recite novel systems and methods for associating (a) a message content
23 (including a media component) with an electronic message at a sending user device;
24 associating (b) an identifier of a recipient with the electronic message at a sending
25 user device; separately displaying (a) and (b) at a sending user device so that a
26 single-screen capture of both (a) and (b) is prevented; and separately transmitting
27 (a) and (b) to a server in a way that allows the (a) message content and the (b)
28 recipient identifier to be related to each other at a later time by the server.

1 80. Snap infringes the '156 Patent by making, using, selling, and/or
2 offering for sale in the United States, and/or importing into the United States,
3 application products and services that meet the elements of the asserted claims. By
4 way of a non-limiting example, the Snapchat App practices the inventions disclosed
5 in the '156 Patent because it enables the association, separate transmission, and
6 relation of a message content with a recipient identifier by the Snapchat server.
7 Each snap includes an identifier of a recipient and a message content. The
8 Snapchat App first associates a message content with the electronic message via a
9 first display at a sending user device and separately associates an identifier of a
10 recipient with the electronic message via a second display at the sending user
11 device. The two displays are kept separate at a sending Snapchat App user device
12 so that a single-screen capture of both is prevented. Then, the message content and
13 the recipient identifier are separately transmitted with the snap to the Snapchat
14 server. On information and belief, the Snapchat server assigns an identifier to
15 correlate a snap with the recipient's username so that they may be related to each
16 other at a later time.

17 81. Upon information and belief, Snap has infringed at least claims 1–3
18 and 6–11 of the '156 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,
19 offering to sell, and/or selling in the United States, and/or importing into the United
20 States the Snapchat App. Upon information and belief, Snap's infringement
21 pursuant to 35 U.S.C. § 271(a) is ongoing.

22 82. Upon information and belief, since having notice of the '156 Patent,
23 Snap has induced infringement of at least claims 1–3 and 6–11 of the '156 Patent
24 pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing, directing,
25 causing, and encouraging others, including, but not limited to, its software
26 developers, customers, advertisers, end users, and app users to make, use, sell,
27 and/or offer to sell in the United States, and/or import into the United States,
28 application products and services that practice the inventions disclosed in the '156

1 Patent, by, among other things, providing instructions and technical assistance
2 relating to the installation, download, set up, use, operation, and maintenance of the
3 Snapchat App.

4 83. In one example, Snap has induced infringement of the above-identified
5 claims by providing its software developers, customers, advertisers, end users, and
6 app users with the Snapchat App, knowing and/or intending that, when used as
7 intended, the Snapchat App meets the elements of the asserted claims. In another
8 example, Snap has induced infringement of the above-identified claims of the '156
9 Patent by knowingly and/or willfully providing instructions and technical assistance
10 that explain, instruct, direct, cause, and encourage its software developers,
11 customers, advertisers, end users, and app users to download or install the Snapchat
12 App from a mobile application store and to run and use the Snapchat App, thereby
13 activating its infringing functionalities.

14 84. Upon information and belief, Snap committed the foregoing infringing
15 activities without license from Vaporstream and with notice of the '156 Patent.

16 85. Snap knew the '156 Patent existed while committing the foregoing
17 infringing acts, thereby willfully, wantonly, and deliberately infringing the '156
18 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35
19 U.S.C. § 284 because of Snap's willful infringement of the '156 Patent.

20 86. The acts of infringement by Snap have been with the knowledge of the
21 '156 Patent and are willful, wanton, and deliberate, thus rendering this action
22 "exceptional" within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to
23 its reasonable attorney's fees and litigation expenses.

24 87. The acts of infringement by Snap will continue unless enjoined by this
25 Court.

26 88. Vaporstream has been and will continue to be irreparably harmed and
27 damaged by Snap's infringement of the '156 Patent and has no adequate remedy at
28 law.

**SEVENTH CAUSE OF ACTION
(INFRINGEMENT OF THE '157 PATENT)**

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3 89. Vaporstream incorporates the preceding paragraphs as if fully set forth
4 herein.

5 90. The '157 Patent generally relates to the field of an electronic
6 messaging system and method with reduced traceability. The asserted claims of the
7 '157 Patent recite novel systems and methods for providing separate displays on a
8 recipient user device for the separate display of: (a) header information of an
9 electronic message in a first display and (b) a message content (including a media
10 component) of the electronic message in a second display, such that the second
11 display via the recipient user device does not include a display of the header
12 information, and a single-screen capture of the header information and the media
13 component is prevented.

14 91. Snap infringes the '157 Patent by making, using, selling, and/or
15 offering for sale in the United States, and/or importing into the United States,
16 application products and services that meet the elements of the asserted claims. By
17 way of a non-limiting example, the Snapchat App practices the inventions disclosed
18 in the '157 Patent because upon receiving a snap at a recipient user device, it
19 separately displays on the recipient user device: (a) a notification of an unread
20 message from a sender along with the sender's username in a first display, and (b) a
21 snap in a separate second display. The Snapchat App does not display the sender's
22 username with the snap so that a single-screen capture of the sender's username and
23 the snap is prevented.

24 92. Upon information and belief, Snap has infringed at least claims 1-7
25 and 10 of the '157 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,
26 offering to sell, and/or selling in the United States, and/or importing into the United
27 States the Snapchat App. Upon information and belief, Snap's infringement
28 pursuant to 35 U.S.C. § 271(a) is ongoing.

1 93. Upon information and belief, since having notice of the '157 Patent,
2 Snap has induced infringement of at least claims 1–7 and 10 of the '157 Patent
3 pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing, directing,
4 causing, and encouraging others, including, but not limited to, its software
5 developers, customers, advertisers, end users, and app users to make, use, sell,
6 and/or offer to sell in the United States, and/or import into the United States,
7 application products and services that practice the inventions disclosed in the '157
8 Patent, by, among other things, providing instructions and technical assistance
9 relating to the installation, download, set up, use, operation, and maintenance of the
10 Snapchat App.

11 94. In one example, Snap has induced infringement of the above-identified
12 claims by providing its software developers, customers, advertisers, end users, and
13 app users with the Snapchat App, knowing and/or intending that, when used as
14 intended, the Snapchat App meets the elements of the asserted claims. In another
15 example, Snap has induced infringement of the above-identified claims of the '157
16 Patent by knowingly and/or willfully providing instructions and technical assistance
17 that explain, instruct, direct, cause, and encourage its software developers,
18 customers, advertisers, end users, and app users to download or install the Snapchat
19 App from a mobile application store and to run and use the Snapchat App, thereby
20 activating its infringing functionalities.

21 95. Upon information and belief, Snap committed the foregoing infringing
22 activities without license from Vaporstream and with notice of the '157 Patent.

23 96. Snap knew the '157 Patent existed while committing the foregoing
24 infringing acts, thereby willfully, wantonly, and deliberately infringing the '157
25 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35
26 U.S.C. § 284 because of Snap's willful infringement of the '157 Patent.

27 97. The acts of infringement by Snap have been with the knowledge of the
28 '157 Patent and are willful, wanton, and deliberate, thus rendering this action

1 “exceptional” within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to
2 its reasonable attorney’s fees and litigation expenses.

3 98. The acts of infringement by Snap will continue unless enjoined by this
4 Court.

5 99. Vaporstream has been and will continue to be irreparably harmed and
6 damaged by Snap’s infringement of the ’157 Patent and has no adequate remedy at
7 law.

8 **EIGHTH CAUSE OF ACTION**
9 **(INFRINGEMENT OF THE ’111 PATENT)**

10 100. Vaporstream incorporates the preceding paragraphs as if fully set forth
11 herein.

12 101. The ’111 Patent generally relates to the field of an electronic
13 messaging system and method with reduced traceability. The asserted claims of the
14 ’111 Patent recite novel systems and methods for: associating (a) a message content
15 (including a media component) with an electronic message at a sending user device;
16 associating (b) an identifier of a recipient with the electronic message at a sending
17 user device; separately displaying (a) and (b) at a sending user device so that a
18 single-screen capture of both (a) and (b) is prevented; and separately transmitting
19 (a) and (b) to a server in a way that allows the (a) message content and the (b)
20 recipient identifier to be related to each other at a later time by the server.

21 102. Snap infringes the ’111 Patent by making, using, selling, and/or
22 offering for sale in the United States, and/or importing into the United States,
23 application products and services that meet the elements of the asserted claims. By
24 way of a non-limiting example, the Snapchat App practices the inventions disclosed
25 in the ’111 Patent because it enables the association, separate transmission, and
26 relation of a message content with a recipient identifier by the Snapchat server.
27 Each snap includes an identifier of a recipient and a message content. The
28 Snapchat App first associates a message content with the electronic message via a

1 first display at a sending user device and separately associates an identifier of a
2 recipient with the electronic message via a second display at the sending user
3 device. The two displays are kept separate at a sending Snapchat App user device
4 so that a single-screen capture of both is prevented. Then, the message content and
5 the recipient identifier are separately transmitted with the snap to the Snapchat
6 server. On information and belief, the Snapchat server assigns an identifier to
7 correlate a snap with the recipient's username so that they may be related to each
8 other at a later time.

9 103. Upon information and belief, Snap has infringed at least claims 1, 2,
10 4–6, and 8–12 of the '111 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,
11 offering to sell, and/or selling in the United States, and/or importing into the United
12 States the Snapchat App. Upon information and belief, Snap's infringement
13 pursuant to 35 U.S.C. § 271(a) is ongoing.

14 104. Upon information and belief, since having notice of the '111 Patent,
15 Snap has induced infringement of at least claims 1, 2, 4–6, and 8–12 of the '111
16 Patent pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing,
17 directing, causing, and encouraging others, including, but not limited to, its
18 software developers, customers, advertisers, end users, and app users to make, use,
19 sell, and/or offer to sell in the United States, and/or import into the United States,
20 application products and services that practice the inventions disclosed in the '111
21 Patent, by, among other things, providing instructions and technical assistance
22 relating to the installation, download, set up, use, operation, and maintenance of the
23 Snapchat App.

24 105. In one example, Snap has induced infringement of the above-identified
25 claims by providing its software developers, customers, advertisers, end users, and
26 app users with the Snapchat App, knowing and/or intending that, when used as
27 intended, the Snapchat App meets the elements of the asserted claims. In another
28 example, Snap has induced infringement of the above-identified claims of the '111

1 Patent by knowingly and/or willfully providing instructions and technical assistance
2 that explain, instruct, direct, cause, and encourage its software developers,
3 customers, advertisers, end users, and app users to download or install the Snapchat
4 App from a mobile application store and to run and use the Snapchat App, thereby
5 activating its infringing functionalities.

6 106. Upon information and belief, Snap committed the foregoing infringing
7 activities without license from Vaporstream and with notice of the '111 Patent.

8 107. Snap knew the '111 Patent existed while committing the foregoing
9 infringing acts, thereby willfully, wantonly, and deliberately infringing the '111
10 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35
11 U.S.C. § 284 because of Snap's willful infringement of the '111 Patent.

12 108. The acts of infringement by Snap have been with the knowledge of the
13 '111 Patent and are willful, wanton, and deliberate, thus rendering this action
14 "exceptional" within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to
15 its reasonable attorney's fees and litigation expenses.

16 109. The acts of infringement by Snap will continue unless enjoined by this
17 Court.

18 110. Vaporstream has been and will continue to be irreparably harmed and
19 damaged by Snap's infringement of the '111 Patent and has no adequate remedy at
20 law.

21 **NINTH CAUSE OF ACTION**
22 **(INFRINGEMENT OF THE '711 PATENT)**

23 111. Vaporstream incorporates the preceding paragraphs as if fully set forth
24 herein.

25 112. The '711 Patent generally relates to the field of an electronic
26 messaging system and method with reduced traceability. The asserted claims of the
27 '711 Patent recite novel systems and methods for: associating (a) a message content
28 (including a media component) with an electronic message at a sending user device

1 at a first display; associating (b) an identifier of a recipient with the electronic
2 message at a sending user device at a second display; separately displaying (a) and
3 (b) at a sending user device so that a single-screen capture of both (a) and (b) is
4 prevented; and separately transmitting (a) and (b) to a server in a way that allows
5 the (a) message content and the (b) recipient identifier to be related to each other at
6 a later time by the server. Further, the asserted claims of the '885 Patent also cite
7 novel systems and methods for associating (c) a third display presenting the
8 identifier of a sending user at the recipient user device; associating (d) a fourth
9 display presenting the media component at the recipient user device; separately
10 displaying (c) and (d) at a recipient user device so that a single-screen capture of
11 both (c) and (d) is prevented; and separately receiving (c) and (d) at a server in a
12 way that allows the (c) recipient identifier and the (d) media component to be
13 related to each other at a later time by the server.

14 113. Snap infringes the '711 Patent by making, using, selling, and/or
15 offering for sale in the United States, and/or importing into the United States,
16 application products and services that meet the elements of the asserted claims. By
17 way of a non-limiting example, the Snapchat App practices the inventions disclosed
18 in the '711 Patent by enabling the association, separate display, separate
19 transmission, and relation of a message content with a recipient identifier by
20 Snapchat servers. Each snap includes an identifier of a recipient and a message
21 content. At the sending user device, the Snapchat App associates a snap via a first
22 display and separately associates an identifier of a recipient with the electronic
23 message via a second display. The two displays are kept separate at a sending
24 Snapchat App user device so that a single-screen capture of both is prevented. The
25 message content and the recipient identifier are then separately transmitted with the
26 snap to the Snapchat server. On information and belief, the Snapchat server assigns
27 an identifier to correlate a snap with the recipient's username so that they may be
28 related to each other at a later time.

1 114. On information and belief, the Snapchat App also practices the
2 inventions disclosed in the '711 Patent by enabling the association, separate
3 display, separate receipt, and relation of a snap with a sender identifier by Snapchat
4 servers. At the recipient user device, the Snapchat App presents the sender
5 identifier or username via a third display and separately presents a snap via a fourth
6 display. The two displays are kept separate at a recipient Snapchat App user device
7 so that a single-screen capture of both is prevented. On information and belief, the
8 sender's username and the snap are also received separately by the Snapchat server,
9 but the Snapchat server assigns an identifier to correlate the sender's username and
10 the snap so that they may be related to each other at a later time.

11 115. Upon information and belief, Snap has infringed at least claims 1–17
12 of the '711 Patent, pursuant to 35 U.S.C. § 271(a), by making, using, offering to
13 sell, and/or selling in the United States, and/or importing into the United States the
14 Snapchat App. Upon information and belief, Snap's infringement pursuant to 35
15 U.S.C. § 271(a) is ongoing.

16 116. Upon information and belief, since having notice of the '711 Patent,
17 Snap has induced infringement of at least claims 1–17 of the '711 Patent pursuant
18 to 35 U.S.C. § 271(b) by actively and knowingly inducing, directing, causing, and
19 encouraging others, including, but not limited to, its software developers,
20 customers, advertisers, end users, and app users to make, use, sell, and/or offer to
21 sell in the United States, and/or import into the United States, application products
22 and services that practice the inventions disclosed in the '711 Patent, by, among
23 other things, providing instructions and technical assistance relating to the
24 installation, download, set up, use, operation, and maintenance of the Snapchat
25 App.

26 117. In one example, Snap has induced infringement of the above-identified
27 claims by providing its software developers, customers, advertisers, end users, and
28 app users with the Snapchat App, knowing and/or intending that, when used as

1 intended, the Snapchat App meets the elements of the asserted claims. In another
2 example, Snap has induced infringement of the above-identified claims of the '711
3 Patent by knowingly and/or willfully providing instructions and technical assistance
4 that explain, instruct, direct, cause, and encourage its software developers,
5 customers, advertisers, end users, and app users to download or install the Snapchat
6 App from a mobile application store and to run and use the Snapchat App, thereby
7 activating its infringing functionalities.

8 118. Upon information and belief, Snap committed the foregoing infringing
9 activities without license from Vaporstream and with notice of the '711 Patent.

10 119. Snap knew the '711 Patent existed while committing the foregoing
11 infringing acts, thereby willfully, wantonly, and deliberately infringing the '711
12 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35
13 U.S.C. § 284 because of Snap's willful infringement of the '711 Patent.

14 120. The acts of infringement by Snap have been with the knowledge of the
15 '711 Patent and are willful, wanton, and deliberate, thus rendering this action
16 "exceptional" within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to
17 its reasonable attorney's fees and litigation expenses.

18 121. The acts of infringement by Snap will continue unless enjoined by this
19 Court.

20 122. Vaporstream has been and will continue to be irreparably harmed and
21 damaged by Snap's infringement of the '711 Patent and has no adequate remedy at
22 law.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff Vaporstream prays for judgment in its favor and
25 against Defendant Snap and specifically for the following relief:

26 (a) Entry of judgment in favor of Vaporstream and against Snap on all
27 counts;

28 (b) Entry of judgment that Snap has infringed the Patents-in-Suit;

1 (c) Entry of judgment that Snap’s infringement of the Patents-in-Suit has
2 been willful;

3 (d) An order permanently enjoining Snap, together with its officers,
4 directors, agents, servants, employees, those acting in privity with them, and upon
5 those persons in active concert or participation with them, from infringing the
6 Patents-in-Suit;

7 (e) An award of compensatory damages adequate to compensate
8 Vaporstream for Snap’s infringement of the Patents-in-Suit, in no event less than a
9 reasonable royalty, in an amount according to proof and trebled as a result of willful
10 infringement as provided by 35 U.S.C. § 284;

11 (f) An award of reasonable fees for expert witnesses and attorneys
12 pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;

13 (g) Pre-judgment and post-judgment interest on Vaporstream’s award, in
14 an amount according to proof;

15 (h) Vaporstream’s costs; and

16 (i) All such other and further costs and relief as the Court deems just and
17 proper.

18
19 Dated: January 10, 2017

DAVIDA BROOK
MENG XI
ROBERT RIVERA, JR. (PHV to be filed)
JOSEPH S. GRINSTEIN (PHV to be filed)
SUSMAN GODFREY L.L.P.

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23 By: 
24 Meng Xi
Attorneys for Plaintiff Vaporstream, Inc.

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DEMAND FOR JURY TRIAL

Vaporstream demands a trial by jury on all issues triable in this action pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: January 10, 2017

DAVIDA BROOK
MENG XI
ROBERT RIVERA, JR. (*PHV to be filed*)
JOSEPH S. GRINSTEIN (*PHV to be filed*)
SUSMAN GODFREY L.L.P.

By:



Meng Xi
Attorneys for Plaintiff Vaporstream, Inc.