IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

BLUE SKY NETWORKS, LLC,	§	
	§	
Plaintiff	§	
	§	
v.	§	**CIV. A. NO. 1:17-CV-00452**
	§	
	§	
LENOVO GROUP, LTD.;	§	**JURY TRIAL REQUESTED**
LENOVO (UNITED STATES) INC.;	§	
LENOVO HOLDING COMPANY, INC.; and	§	
MOTOROLA MOBILITY LLC,	§	
	§	
Defendants	§	

BLUE SKY NETWORKS, LLC'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Blue Sky Networks, LLC files this Original Complaint against Lenovo Group, Ltd., Lenovo (United States) Inc., Lenovo Holding Company, Inc., and Motorola Mobility LLC (collectively, "Defendants" or "Motorola") for infringement of U.S. Patent Nos. 6,088,398 (the "'398 Patent"); 6,484,027 (the "'027 Patent"); 6,865,372 (the "'372 Patent"); 7,693,542 (the "'542 Patent"); 7,885,684 (the "'684 Patent"); 8,019,381 (the "'381 Patent"); 8,265,691 (the "'691 Patent"); 8,346,169 (the "'169 Patent").

THE PARTIES

1. Plaintiff and patent owner Blue Sky Networks, LLC ("Blue Sky") is a Texas limited liability company with its headquarters and principal place of business at 1400 Preston Road, Suite 475, Plano, Texas 75093.

LENOVO

2. Lenovo Group, Ltd. is a company incorporated under the laws of the People's Republic of China and having a principal place of business at No. 6 Chuang Ye Road, Haidian District, Beijing, China 100085. Lenovo Group may be served through its domestic entities or by process under the Hague Convention.

3. Lenovo Group, Ltd. directly and/or indirectly owns and controls Lenovo (United States) Inc., Lenovo Holding Company, Inc., and Motorola Mobility LLC.

4. Lenovo (United States) Inc., is a Delaware corporation with a principal place of business at 1009 Think Place, Morrisville, North Carolina 27560. Lenovo (United States) Inc. may be served with process via its registered agent, The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

5. Lenovo Holding Company, Inc., is a Delaware corporation with its principal place of business at 1009 Think Place, Morrisville, North Carolina 27560. Lenovo Holdings Company, Inc. may be served with process via its registered agent, The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

MOTOROLA MOBILITY

6. Motorola Mobility LLC is a Delaware corporation with a principal place of business at 6500 River Place Blvd. #7, Austin, Texas 78730-1119. Motorola Mobility LLC

may be served with process via its registered agent, The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

7. After Motorola divided its consumer and enterprise product lines into Motorola Mobility and Motorola Solutions, Google acquired Motorola Mobility.

8. In 2014, Google sold Motorola Mobility to Lenovo.

9. In connection with the sale to Lenovo, Google granted Lenovo a license to the Motorola Mobility patents acquired from Motorola.

10. After acquiring Motorola Mobility, Lenovo merged the smartphone and personal communication device product lines and, for a time, used the "Moto by Lenovo" branding to refer to Lenovo/Motorola products.

JURISDICTION AND VENUE

11. This is a patent suit brought under the United States Patent Act, namely 35 U.S.C. §§ 271, 281, and 284-285, among other laws. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

12. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because defendants have done business in this district, committed acts of infringement in this district, and continue to commit infringing acts in this district.

13. Defendants do business from their office in this district, selling and delivering accused products into this judicial district, advertising products for sale to potential customers in this district, and instructing end users how to use the accused products in this judicial district. Defendants have committed acts of infringement in this judicial district and have purposely transacted business in this judicial district involving

the accused products.

14. Defendants market Bluetooth-enabled and LTE-compliant mobile phones, tablets, PCs, and wearables direct to consumers via their websites (http://www3.lenovo.com/us/en/ and https://www.motorola.com/us/home) and through mobile network operators and retail outlets including Verizon, Best Buy, Walmart, and Amazon.com.

15. Defendants are subject to this Court's specific and general personal jurisdiction because they reside in this judicial district and, alternatively, pursuant to due process and/or the Texas Long-Arm Statute, due at least to their substantial business in this State and judicial district, including at least committing infringing acts and regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

BLUE SKY PATENTS

16. Blue Sky is the owner by assignment of all right, title, and interest in and to the following "Asserted Patents":

- U.S. Patent No. 6,088,398 (the "'398 Patent");
- U.S. Patent No. 6,484,027 (the "'027 Patent");
- U.S. Patent No. 6,865,372 (the "'372 Patent");
- U.S. Patent No. 7,693,542 (the "'542 Patent");
- U.S. Patent No. 7,885,684 (the "'684 Patent");
- U.S. Patent No. 8,019,381 (the "'381 Patent");

- U.S. Patent No. 8,265,691 (the "'691 Patent"); and
- U.S. Patent No. 8,346,169 (the "'169 Patent").

17. Blue Sky possesses all rights of recovery under the Asserted Patents.

The '398 OFDM Patent

18. Mattias Wahlqvist, Roger Larsson, and Christer Östberg invented the claimed subject matter of the '398 Patent while working for Telia Research, a technology research arm of Telia Company AB, which dates to 1853 and is the largest mobile network operator in Sweden.

19. The '398 Patent, as its title indicates, relates to "Orthogonal Frequency Division Multiplex Systems." OFDM is a modulation format used in many of the latest wireless telecommunication systems and standards including LTE.

20. By using closely spaced carrier signals, OFDM signals are capable of high data rates. A related advantage of OFDM is minimization of interference between closely spaced carriers due to their orthogonality.

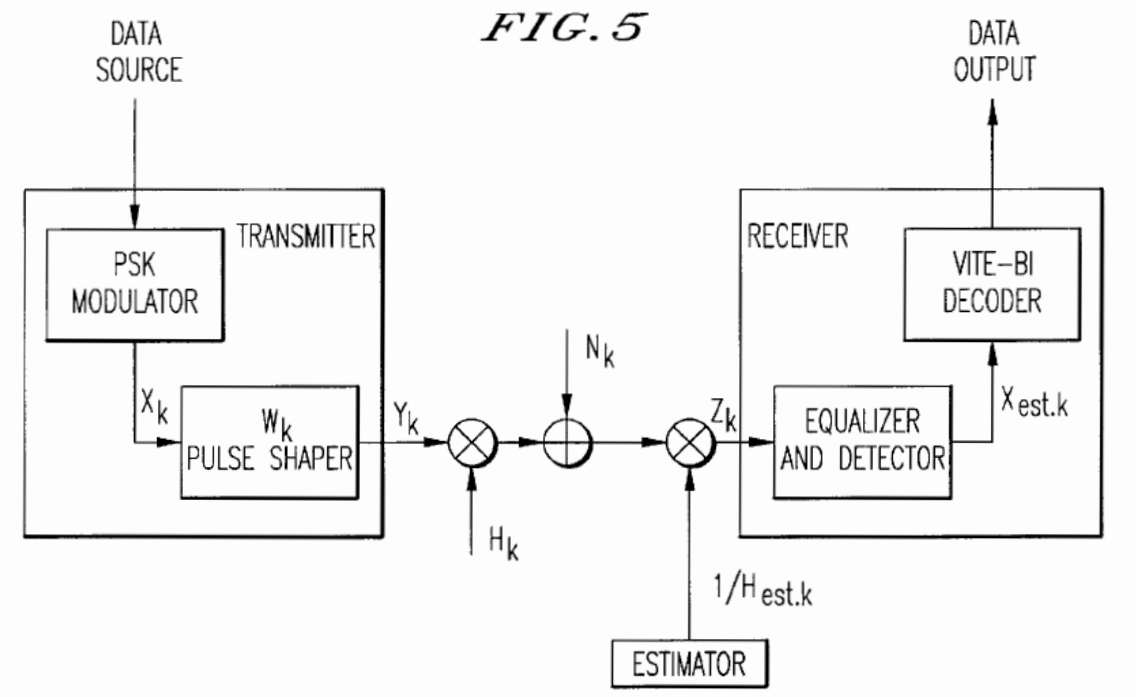
21. In OFDM systems, the signal is pulse-shaped to suppress side lobes in order to reduce guard bands and the space between carriers.

22. Recognizing the fact that pulse shaping breaks orthogonality and results in inter-symbol interference (ISI), the inventors introduced equalization to compensate for ISI.

23. In allowing the claims of the '398 Patent, the Examiner noted the absence in the prior art of "the receiver for the OFDM signals subjected to pulse shaping and every other subcarrier omitted, which receiver can recover data at a rate better than one-half the

rate of an ordinary OFDM receiver with half the subcarriers absent due to an equalizer and the reduction of guard bands."

24. Figure 5 from the '398 Patent depicts schematically an OFDM system employing the claimed subject matter:



25. In operation, receivers in mobile devices utilizing OFDM modulation and implementing the claimed subject matter equalize channels to maintain orthogonality so the received signal can be correctly decoded.

26. The United States Patent and Trademark Office issued the '398 Patent on July 11, 2000, after a complete examination and upon finding the claimed subject matter novel and the application meeting all requirements for patentability.

27. The '398 Patent is valid and enforceable.

28. A copy of the '398 Patent is attached at Exhibit A.

The Enhanced Handset Patents

29. Dan Mauney, Marc Sullivan, Charles Green, and Steve Harbin invented the claimed subject matter of the '027, '372, '542, '684, '381, '691, and '169 Patents (the "Enhanced Handset Patents") while working for SBC Technology Resources, Inc. in Austin, Texas. SBC Technology Resources, later renamed SBC Laboratories in 2003, was the research and development arm of SBC Communications Inc., which acquired AT&T in 2005.

30. The Enhanced Handset Patents, titled "Enhanced Wireless Handset, Including Direct Handset-to-Handset Communication Mode, were duly and legally issued by the United States Patent and Trademark Office after full and complete examinations of each.

31. The Patent Examiner found each set of allowed claims to recite patentable subject matter and each respective application meeting all requirements for patentability.

32. In allowing the claims of the '381 Patent, for example, the Examiner found that "[n]one of the cited prior art of record teaches an apparatus and method for short-range wireless communication between an object and an apparatus comprising transmitting step and detecting step as specified in claims (i.e., claims 17 and 37)."

33. The Asserted Patents are directed to wireless handset and mobile devices for operation on a wireless network (e.g., a cellular, PCS, or WiFi network) and wireless short-range direct communication with other wireless handsets (i.e., direct handset-to-handset communication), paging devices, and other communication devices.

34. To facilitate set-up, the Asserted Patents describe find features (e.g., that

assist a handset operator in determining what objects, including other handset users, are located within the handset's operating range), memory for maintaining a list of available devices for communicating via the short-range wireless network, and short-range messaging.

35. In operation, handsets described in the Asserted Patents scan, find, register, and communicate with available devices and may present to a user a list from which the user may select devices to pair with a handset to enable two-way communication via the short-range wireless network independent of a cellular or other wireless network.

36. The Asserted Patents further describe how embodying handsets may simultaneously communicate on short range wireless network(s) and a wide-area wireless network such as cellular or PCS systems.

A. United States Patent No. 6,484,027

37. The United States Patent and Trademark Office issued the '027 Patent on November 19, 2002, after a complete examination and upon finding the claimed subject matter novel and the application meeting all requirements for patentability.

38. The '027 Patent is valid and enforceable.

39. A copy of the '027 Patent is attached at Exhibit B.

B. United States Patent No. 6,865,372

40. The United States Patent and Trademark Office issued the '372 Patent on March 8, 2005, after a complete examination and upon finding the claimed subject matter novel and the application meeting all requirements for patentability.

41. The '372 Patent issued from a division of application No. 09/094,600 from

which the ’027 Patent issued.

42. The ’372 Patent is valid and enforceable.

43. A copy of the ’372 Patent is attached at Exhibit C.

C. United States Patent No. 7,693,542

44. The United States Patent and Trademark Office issued the ’542 Patent on April 6, 2010, after a complete examination and upon finding the claimed subject matter novel and the application meeting all requirements for patentability.

45. The ’372 Patent issued from a continuation of the application that issued as the ’372 Patent, which was a division of application No. 09/094,600 from which the ’027 Patent issued.

46. The ’542 Patent is valid and enforceable.

47. A copy of the ’542 Patent is attached at Exhibit D.

D. United States Patent No. 7,885,684

48. The United States Patent and Trademark Office issued the ’684 Patent on February 8, 2011, after a complete examination and upon finding the claimed subject matter novel and the application meeting all requirements for patentability.

49. The ’684 Patent issued from a continuation of the application that issued as the ’542 Patent and is, therefore, related to the ’372 and ’027 Patents.

50. The ’684 Patent is valid and enforceable.

51. A copy of the ’684 Patent is attached at Exhibit E.

E. United States Patent No. 8,019,381

52. The United States Patent and Trademark Office issued the ’381 Patent on

September 13, 2011, after a complete examination and upon finding the claimed subject matter novel and the application meeting all requirements for patentability.

53. The ’381 Patent issued from a continuation of the application that issued as the ’684 Patent and is, therefore, related to the ’372, ’027, and ’542 Patents.

54. The ’381 Patent is valid and enforceable.

55. A copy of the ’381 Patent is attached at Exhibit F.

F. United States Patent No. 8,265,691

56. The United States Patent and Trademark Office issued the ’691 Patent on September 11, 2012, after a complete examination and upon finding the claimed subject matter novel and the application meeting all requirements for patentability.

57. The ’691 Patent issued from a continuation of the application that issued as the ’381 Patent and is, therefore, related to the ’372, ’027,’542, and ’684 Patents.

58. The ’691 Patent is valid and enforceable.

59. A copy of the ’691 Patent is attached at Exhibit G.

G. United States Patent No. 8,346,169

60. The United States Patent and Trademark Office issued the ’169 Patent on January 1, 2013, after a complete examination and upon finding the claimed subject matter novel and the application meeting all requirements for patentability.

61. The ’169 Patent is related to the other Asserted Patents.

62. The ’169 Patent is valid and enforceable.

63. A copy of the ’169 Patent is attached at Exhibit H.

LENOVO PRODUCTS

64. Lenovo makes, imports, sells, offers to sell, distributes, licenses, markets and uses wireless handsets (i.e., mobile phones), tablets, wearables, personal computers, and other wireless electronic devices that comply with LTE and/or Bluetooth technical standards.

65. Lenovo LTE-compliant devices, including smartphones such as the Vibe, Phab, Phab 2, and Phab 2 Pro, laptops such as Lenovo's Flex, X Series and T Series, wearables, and tablets such as the Yoga book, Miix, and Thinkpad Tablet series infringe the '398 OFDM Patent.

66. Lenovo LTE-compliant devices rely on OFDM.

67. Lenovo LTE-compliant devices have receivers that contain an equalizer to compensate for sources of frequency offset between the transmitter and receiver in the device.

68. In the Lenovo LTE-compliant devices, a receiver equalizes and synchronizes the signal to ensure the frequency offset is within a permissible error range.

69. Lenovo Bluetooth devices include smartphones such as the Vibe, Phab, Phab 2 and Phab 2 Pro, laptops such as Lenovo's Flex, X Series and T Series, wearables, and tablets such as the Yoga book, Miix, and Thinkpad Tablet series. Lenovo Bluetooth-enabled devices practice the Enhanced Handset Patents.

70. Lenovo Bluetooth-enabled electronic devices include hardware, software, radios and associated communication hardware for performing identification, pairing, and communication via short-range wireless networking protocols. Generally, Lenovo

products feature Bluetooth short-range wireless functionality for practicing the claims of the Enhanced Handset Patents.

71. Accused Lenovo Bluetooth-enabled devices are wireless handsets with enhanced operating features including the ability to locate other devices within range.

72. In normal operation, the accused Lenovo devices initiate a find feature to discover any Bluetooth enabled devices (e.g., peripherals, wearables, phones, computers, etc.) within range of the Accused Phone.

73. In an accused Lenovo device using Bluetooth BR/EDR, the device enters the page sub-state to determine whether available devices are within range, and the Accused Phone may transmit a train of page messages until a response is received from a potential target device.

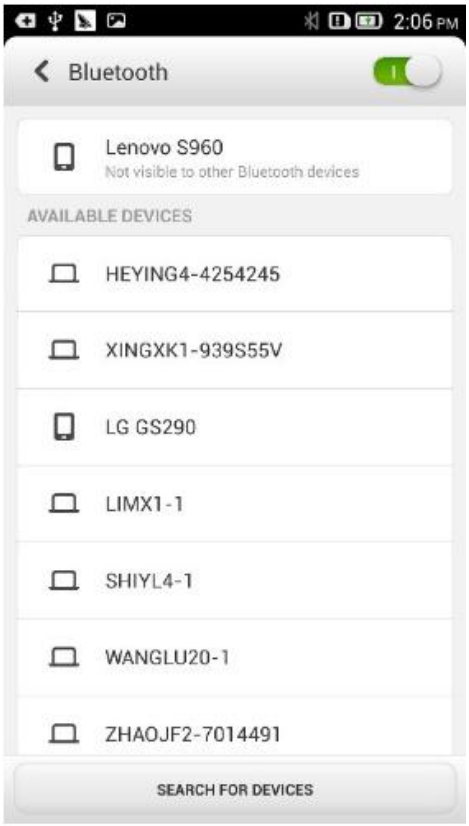
74. An accused device, in turn, detects any response messages from available Bluetooth devices (e.g., a Bluetooth headset or speaker). The device collects and stores information received within the inquiry response messages and uses that information to compile a list of discovered or available Bluetooth devices.

75. When a connectable device receives a page request on its page scan channel from an accused Lenovo Bluetooth device, it enters into a sequence of exchanges with the accused device, which enters into a master response routine.

76. A link key is created and exchanged during the pairing process. Once the accused device is paired with a connectable device, higher level initialization procedures are invoked to update a stored list of paired devices.

77. In normal operation, accused Lenovo Bluetooth-enabled devices list

"available" devices detected to be within range.

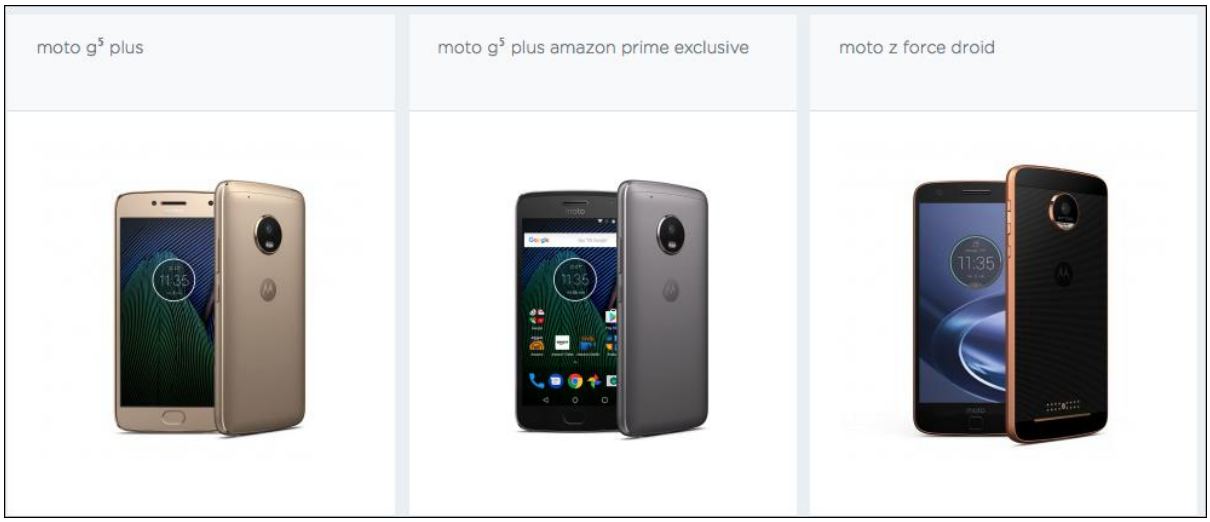


MOTOROLA PRODUCTS

78. Motorola Mobility makes, imports, sells, offers to sell, distributes, markets, licenses, and uses wireless handsets (i.e., mobile phones), tablets, wearables, personal computers, and other wireless electronic devices.

79. Motorola wireless handsets include at least the following: moto g^5 series (e.g., moto g^5 plus, moto g^5 plus amazon prime exclusive), moto z (e.g., moto z droid, moto z, moto z play, moto z play droid), moto g4 series (e.g., moto g4 plus, moto g4, moto g4 amazon prime exclusive, moto g4 play, moto g4 play amazon prime exclusive), moto x series (e.g., moto x pure edition), moto g3 series (e.g., moto g3), droid turbo 2, and droid maxx 2 (the "Accused Motorola Phones").

80. Pictured below are images from Motorola's website showing the moto g5 plus, moto g5 plus amazon prime exclusive, and moto z force droid wireless handsets.



See https://www.motorola.com/us/products/moto-smartphones

81. Infringing tablets include the Motorola Xoom and Ellipsis.

82. Motorola wearables also feature wireless connectivity and communication functionality. Infringing Motorola wearables including the Moto360 watch.

83. Accused Motorola Phones, Tablets and PCs, and wearables, and Motorola electronic devices having similar connectivity and communication functionality include hardware, software, radios and associated communication hardware for performing identification, pairing, and communication via short-range wireless networking protocols. Generally, Motorola features Bluetooth short-range wireless functionality for practicing the claims of the Asserted Patents.

84. Motorola markets LTE-compliant laptops, tablets, and smartphones that rely on OFDM.

85. Infringing Motorola LTE-compliant devices have receivers that contain an

equalizer to compensate for sources of frequency offset between the transmitter and receiver in the device. The receiver equalizes and synchronizes the signal to ensure the frequency offset is within a permissible error range.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,088,398

86. Blue Sky incorporates by reference paragraphs 1-85 and re-alleges them as if stated here.

87. Defendants directly infringe at least claim 13 of the ’398 Patent by making, selling, offering for sale, importing, using, and licensing LTE-compliant electronic devices identified above and throughout this complaint that include functionality as described herein.

88. Defendants’ LTE-compliant electronic devices embody claim 13 of the ’398 Patent and are designed and intended to operate on OFDM systems as recited, for example, in claim 1.

89. Defendants’ LTE-compliant devices include receivers with equalizers that compensate for loss of orthogonality caused by pulse shaping.

90. By this Complaint, Defendants are on notice of the infringing LTE-compliant products, features, and how end users of the Accused LTE-compliant devices operate them on LTE networks and use the claimed apparatus.

91. In addition to directly infringing the ’398 Patent, Defendants are now indirectly infringing the ’398 Patent by inducing and/or contributing to infringement by, among other things, making using, licensing, selling, offering for sale, and/or importing

the Lenovo and Motorola LTE-compliant accused products. Users of the LTE-compliant accused products are direct infringers of the '398 Patent.

92. Defendants advertise and promote LTE-compliant products on their websites.

93. Defendants instruct end users to use LTE-complaint device communication systems to send and receive OFDM data.

94. Defendants test LTE-compliant devices to ensure interoperability and compliance with the LTE standard.

95. Defendants' LTE-compliant devices perform synchronization procedures including Cell Search by which the device acquires time and frequency synchronization with a base station in the cell.

96. An equalizer in the Defendants' LTE-compliant devices corrects frequency error to ensure orthogonality so the received signal is correctly decoded.

97. Defendants encourage, aid, and direct end users of their LTE-compliant devices to use and operate them on LTE networks.

98. Defendants make, use, license, sell, offer to sell, and promote LTE-compliant accused products with the specific intent that end users and customers use them in an infringing manner.

99. Defendants sell and offer to sell LTE-compliant devices for use in practicing the '398 Patent, and the accused devices are material to practicing one or more claims of the '398 Patent. The LTE features have no substantial non-infringing uses and are known to Defendants to be especially made or adapted for use infringing the '398 Patent by

including the aforementioned hardware and software that operates in compliance with the LTE standard.

100. Defendants' infringing conduct has damaged Blue Sky Networks. Defendants are liable to Blue Sky Networks in an amount that adequately compensates it for Defendants' infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 6,484,027

101. Blue Sky incorporates by reference paragraphs 1-100 and re-alleges them as if stated here.

102. Defendants directly infringe at least claims 5, 6, 7, and 8 of the '027 Patent by using, making, selling, offering for sale, licensing, and/or importing Bluetooth-enabled mobile devices having functionality described herein that embody the claims of the '027 Patent including representative claim 5.

103. The Accused Products include enhanced operating features including the ability to locate other devices within range.

104. In normal operation, the Accused Products initiate a find feature to discover any Bluetooth enabled devices (e.g., peripherals, phones, computers, etc.) within range of the Accused Product.

105. In an Accused Product using Bluetooth BR/EDR, the device enters the page sub-state to determine whether available devices are within range, and the Accused Product may transmit a train of page messages until a response is received from a potential target

device.

106. An Accused Product, in turn, detects any response messages from available Bluetooth devices (e.g., a Bluetooth headset or speaker). The Accused Product collects and stores information received within the inquiry response messages and uses that information to compile a list of discovered or available Bluetooth devices.

107. When a connectable device receives a page request on its page scan channel from an Accused Product, it enters into a sequence of exchanges with the handset, which enters into a master response routine.

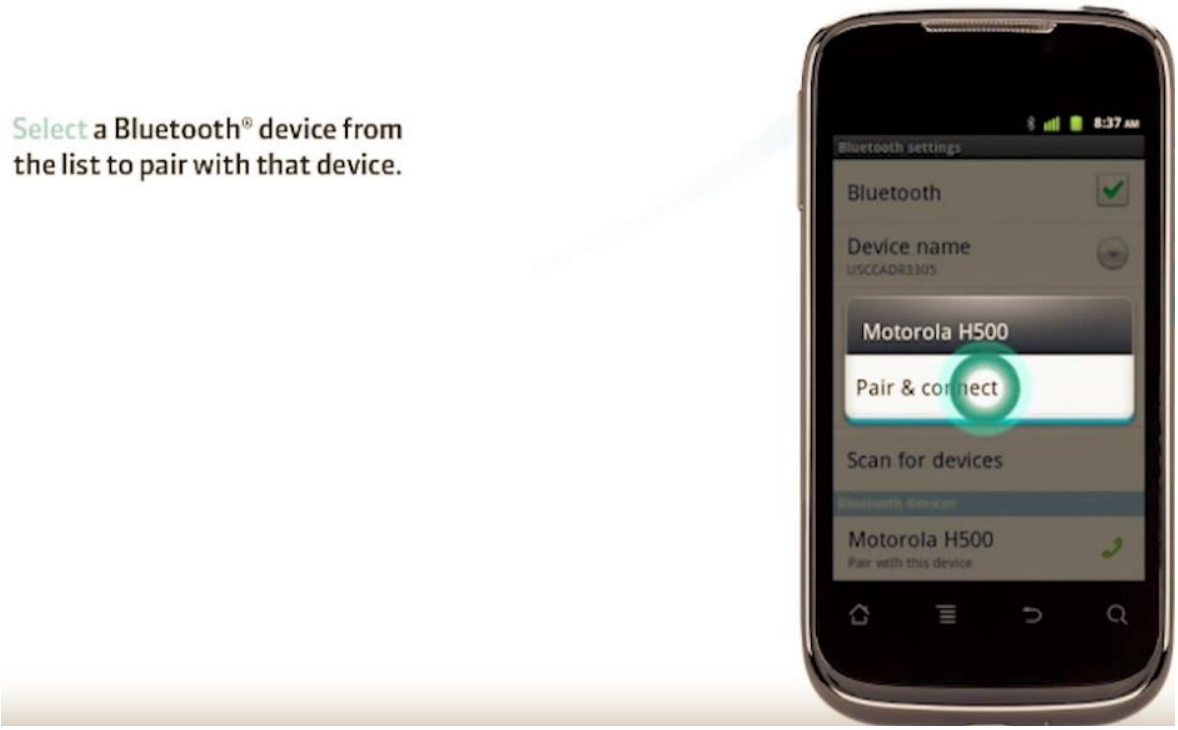
108. The pairing process is used to generate a link key that is exchanged and used for authentication purposes during subsequent Bluetooth connections between the devices. Once the device is connected, it is designated as a "paired" device.

109. Once an Accused Product is paired with a connectable device, higher level initialization procedures are invoked to update a stored list of paired devices.

110. An Accused Product lists "available" devices that are detected to be within range.

111. The user selects an "available" device for connection.

112. The screenshot below shows the Motorola Ascend II in normal "pairing" operation:



113. In addition to directly infringing the '027 Patent, Defendants are now and have been indirectly infringing the '027 Patent by inducing and/or contributing to infringement by, among other things, making using, licensing, selling, offering for sale, and/or importing the Lenovo and Motorola Bluetooth-compliant accused products. Users of the accused products are direct infringers of the '027 Patent.

114. Defendants have known about the '027 Patent for over a decade. In January 2006 the Patent Examiner referenced as prior art and relied upon the disclosure in Blue Sky's '027 patent in rejecting claims during examination of Motorola's patent application no. 10/108,116.

115. Defendants have been and are now on notice of the infringing products, features, and how end users of the Accused Products operate them to perform the claimed methods and use the invention.

116. Defendants instruct end users to use the Accused Products' Bluetooth capability to infringe the asserted claims.

Setting Up Bluetooth

"Pairing" a Bluetooth device to your system is easy to do. Here's how to get it set up on a Windows 8.1 system:

First, be sure your Bluetooth-enabled device is turned on and ready for your computer to recognize it. You may want to check your manufacturer's website for tips on how to make it "discoverable."

Next, be sure your computer's Bluetooth is turned on:

1. Swipe in from the right edge of your screen
2. Go to **Settings**, then **Change PC settings**
3. Tap or click **PC and devices**, then **Bluetooth**
4. Turn **Bluetooth** on
5. Wait while Windows searches for Bluetooth enabled devices

If you place your Bluetooth-enabled device next to your PC or tablet, a connection should be established fairly quickly. Simply tap or click the device you want and follow instructions on your screen to finish pairing it.

http://blog.lenovo.com/en/blog/how-to-use-bluetooth-technology

117. Defendants encourage, aid, and direct end users of the Accused Products to use and operate them, consistent with Defendants' instructions, to perform the asserted method claims.

118. Defendants make, use, license, sell, offer to sell, and promote Bluetooth-enabled accused products with the specific intent that end users and customers use them in

an infringing manner.

119. Defendants sell and offer to sell Bluetooth-enabled devices for use in practicing the ’027 Patent, and the accused devices are material to practicing one or more claims of the ’027 Patent. The Bluetooth pairing features have no substantial non-infringing uses and are known to Defendants to be especially made or adapted for use infringing the ’027 Patent by including the aforementioned hardware and software that operates in compliance with the Bluetooth technical standard and embody the ’027 Patent.

120. Defendants' infringing conduct has damaged Blue Sky Networks. Defendants are liable to Blue Sky Networks in an amount that adequately compensates it for Defendants' infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 6,865,372

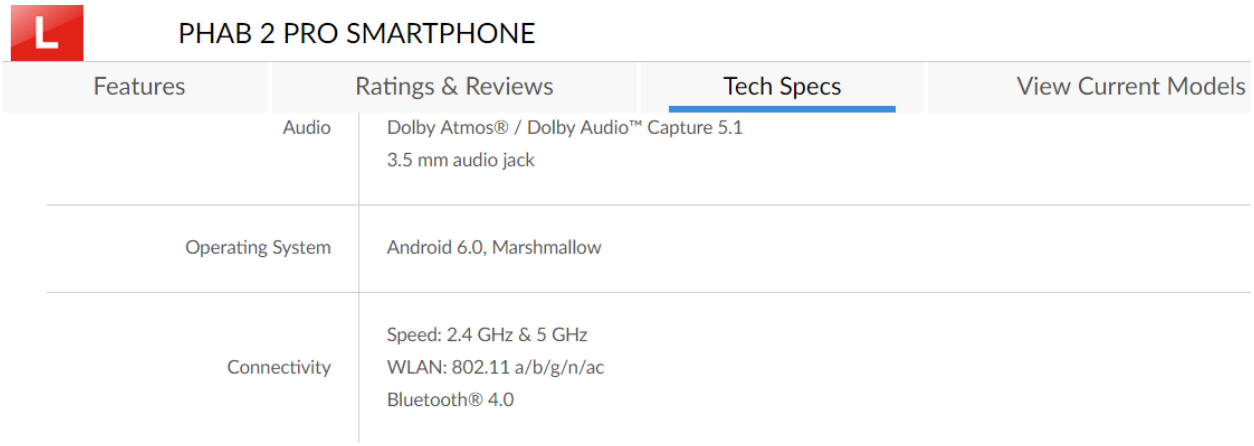
121. Blue Sky incorporates by reference paragraphs 1-120 and re-alleges them as if stated here.

122. Defendants directly infringe at least claims 1, 3, 6, 8, 11, 13, 16, and 18 of the ’372 Patent.

123. Defendants make, use, sell, offer for sale, license, and import mobile devices that embody the claims of the ‘372 Patent including representative claim 1.

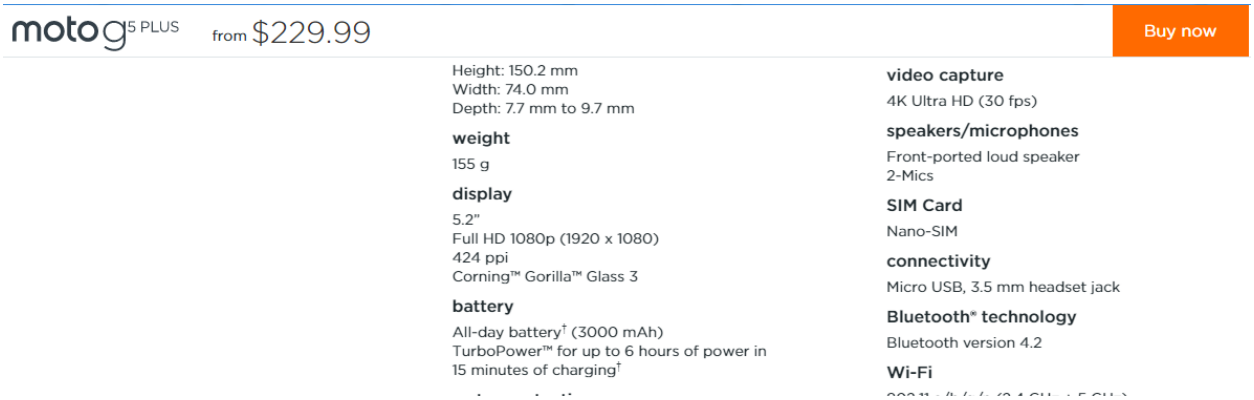
124. Defendants’ Accused Phones and other Bluetooth-enabled electronic devices communicate with peripherals using relevant short-range technologies including but not limited to Bluetooth BR/EDR.

125. The Lenovo Phab 2 Pro, for example, features Bluetooth 4.0.



http://www3.lenovo.com/us/en/smart-devices/-lenovo-smartphones/phab-series/Lenovo-Phab-2-Pro/p/WMD00000220

126. The Motorola G5 Plus, for example, features Bluetooth v.4.2.



https://www.motorola.com/us/products/moto-g-plus?gclid=CIyC5t_r6tMCFUW1wAodv_UAaw&dclid=COT6quDr6tMCFVaQaQodIO4Dyw

127. The Phab 2 Pro and G5 Plus are capable of performing a Bluetooth Device Discovery procedure for retrieving the Bluetooth device address, clock, class-of-device field, and used page scan mode from discoverable devices located nearby.

128. In accordance with recitations of claim 1 of the 372 Patent, accused Bluetooth products are enabled to pair or communicate with at least two distinct Bluetooth peripherals using two frequency channels.

129. Accused Products receive an identifier (e.g., name) from each paired (or

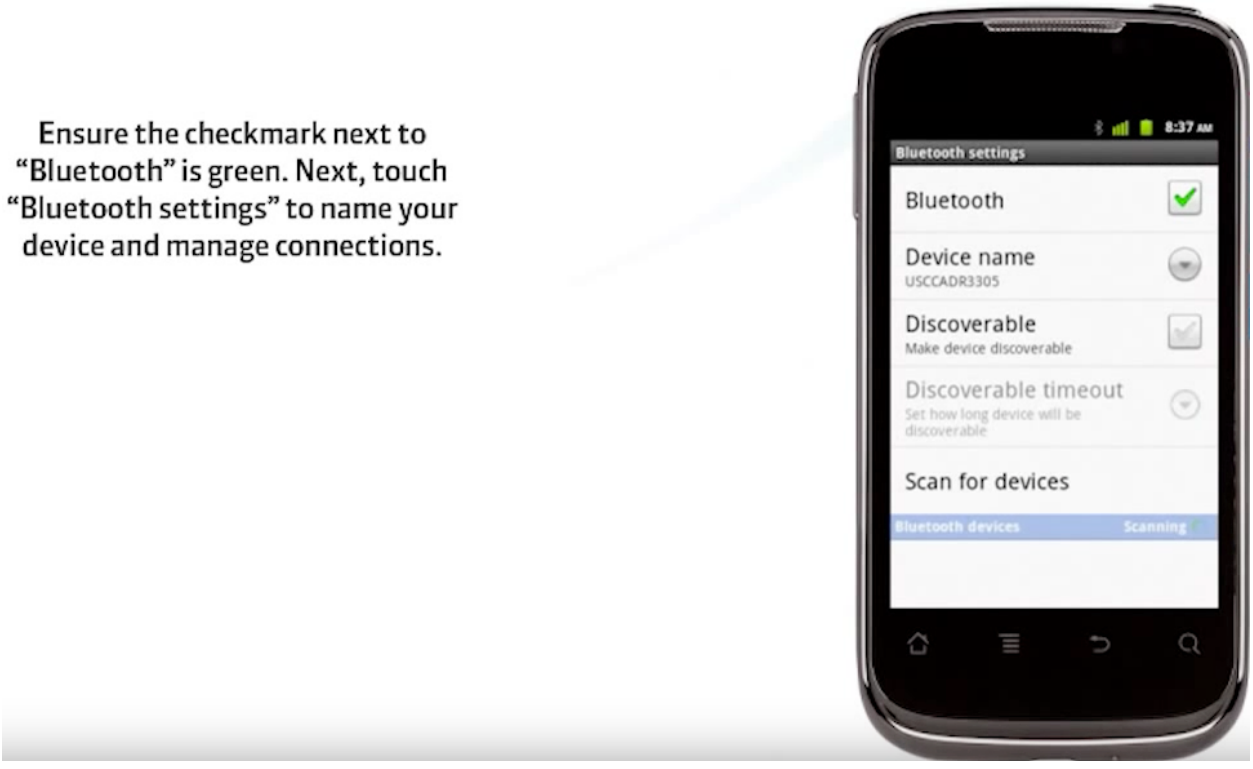
available) peripheral and display the identifier in a list of paired or available devices.

130. Accused Products contain short-range wireless transmitters for short-range communications.

131. Accused Products enter into the inquiry substate and transmit inquiry messages (e.g., inquiry data packets) as part of the discovery and pairing process with nearby compatible Bluetooth devices (e.g., wireless headset, Bluetooth speaker, etc.).

132. An Accused Product that embodies at least claim 1 of the '372 Patent consecutively transmits, to two Bluetooth peripherals, inquiry messages over at least two frequency channels. Based upon Bluetooth protocols, the Accused Product may determine the frequency channels by an inquiry hopping sequence.

133. The screenshot below shows a Motorola phone scanning for available devices:



134. If discoverable, the peripherals receive the inquiry messages and, in turn, generate responses. Accordingly, an Accused Product contains a receiver to receive the inquiry response messages from Bluetooth peripherals within range.

135. According to Bluetooth protocols, a peripheral's response message may contain information including device address, clock, class of device, and device name for each respective peripheral.

136. After receiving the response messages, an Accused Product dynamically creates and updates a list of detected peripherals within range. The list includes identifiers (e.g., names) for detected (e.g., available or paired) objects. The list includes the first object identifier and the second object identifier (e.g., two device names) for cases in which inquiry packets are sent over two frequency channels to two separate peripherals, and the two peripherals send response data packets including corresponding object identifiers (e.g., a device name for each peripheral).

137. In addition to directly infringing the '372 Patent, Defendants are now and have been indirectly infringing the '372 Patent by inducing and/or contributing to infringement by, among other things, making using, licensing, selling, offering for sale, and/or importing the Lenovo and Motorola Bluetooth-enabled accused products. Users of the accused products are direct infringers of the '372 Patent.

138. Defendants have known about the '372 Patent for over a decade. In February 2006 the Patent Examiner referenced as prior art and relied upon the disclosure in Blue Sky's '372 patent in rejecting claims during examination of Motorola's patent application no. 10/696,042.

139. Defendants have been and are now on notice of the infringing products, features, and how end users of the Accused Products operate them to perform the claimed methods and use the claimed apparatuses.

140. Defendants instruct end users to use the Accused Products' Bluetooth capability to infringe the asserted claims.

Setting Up Bluetooth

"Pairing" a Bluetooth device to your system is easy to do. Here's how to get it set up on a Windows 8.1 system:

First, be sure your Bluetooth-enabled device is turned on and ready for your computer to recognize it. You may want to check your manufacturer's website for tips on how to make it "discoverable."

Next, be sure your computer's Bluetooth is turned on:

1. Swipe in from the right edge of your screen
2. Go to **Settings**, then **Change PC settings**
3. Tap or click **PC and devices**, then **Bluetooth**
4. Turn **Bluetooth** on
5. Wait while Windows searches for Bluetooth enabled devices

If you place your Bluetooth-enabled device next to your PC or tablet, a connection should be established fairly quickly. Simply tap or click the device you want and follow instructions on your screen to finish pairing it.

http://blog.lenovo.com/en/blog/how-to-use-bluetooth-technology

141. Defendants encourage, aid, and direct end users of the Accused Products to use and operate them, consistent with Defendants' instructions, to perform the asserted

method claims and use the invention.

142. Defendants make, use, license, sell, offer to sell, and promote Bluetooth-enabled accused products with the specific intent that end users and customers use them in an infringing manner.

143. Defendants sell and offer to sell Bluetooth-enabled devices for use in practicing the ’372 Patent, and the accused devices are material to practicing one or more claims of the ’372 Patent. The Bluetooth pairing features have no substantial non-infringing uses and are known to Defendants to be especially made or adapted for use infringing the ’372 Patent by including the aforementioned hardware and software that operates in compliance with the Bluetooth technical standard and embody the ’372 Patent.

144. Defendants’ infringing conduct has damaged Blue Sky Networks. Defendants are liable to Blue Sky Networks in an amount that adequately compensates it for Defendants' infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 7,693,542

145. Blue Sky incorporates by reference paragraphs 1-144 and re-alleges them as if stated here.

146. Defendants directly infringe at least claims 1, 2, 3, 8, 9, 10, 11, 12, 17, and 18 of the ’542 Patent.

147. Defendants make, use, sell, offer for sale, license, and import mobile phones and other electronic devices that embody the claims of the ’542 Patent including

representative claim 10.

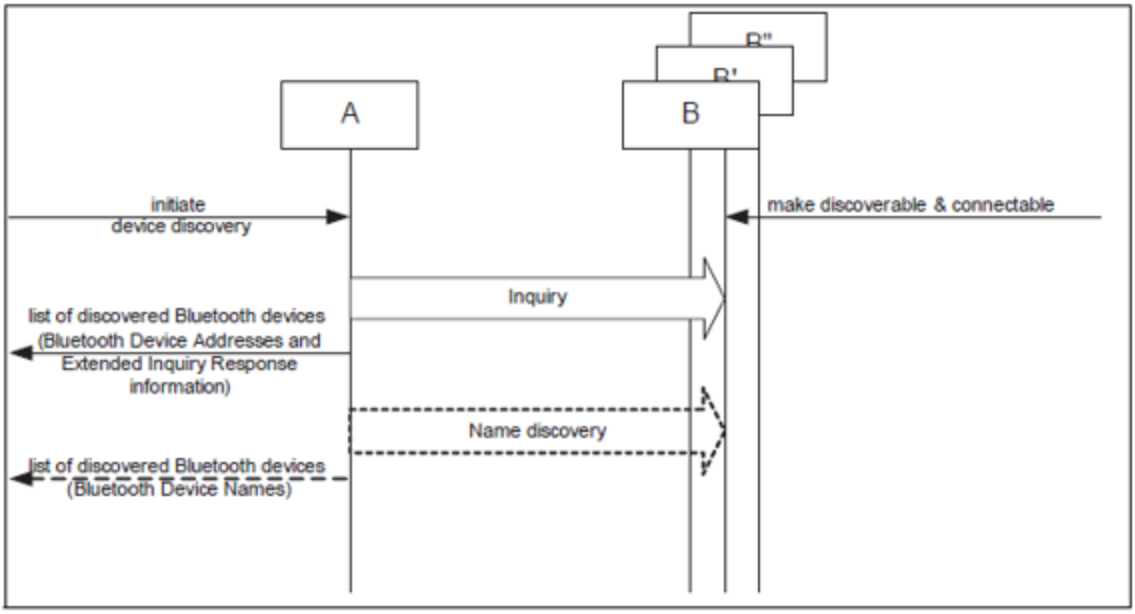
148. Accused Products communicate with peripherals using relevant short-range technologies including but not limited to Bluetooth Basic Rate/Enhanced Data Rate (BR/EDR).

149. In accordance with claim 10, an accused Bluetooth-enabled device is enabled to pair with third-party peripherals over a first network (e.g., a Bluetooth network) while the phone/device maintains a telephone call over a second network (e.g., cellular network).

150. By way of example, in one scenario an Accused Product that is conducting a call over a 4G, 3G, LTE, or Wi-Fi network sends a query message (e.g., an inquiry data packet) to a Bluetooth peripheral (e.g., a hands-free headset) to determine whether the peripheral is present and within range. If the peripheral is in a discoverable mode (e.g., general discoverable mode), the Accused Product receives a response (e.g., inquiry response message) from the Bluetooth peripheral.

151. In the Accused Products, two discoverability modes are defined: limited discoverable mode and general discoverable mode.

152. The following diagram illustrates the discovery procedure carried out by the Accused Products:



153. The Accused Product's response may include the peripheral's name, address, clock information, or class of device.

154. After receiving a response from a peripheral, the device generates and displays a list of discovered devices.

155. The list of available, discovered devices is displayed to the user of the device via the user interface.

156. In addition to directly infringing the '542 Patent, Defendants are now indirectly infringing the '542 Patent by inducing and/or contributing to infringement by, among other things, making using, licensing, selling, offering for sale, and/or importing the Lenovo and Motorola Bluetooth-enabled accused products. Users of the accused products are direct infringers of the '542 Patent.

157. Defendants are now on notice of the infringing products, features, and how end users of the Accused Products operate them to perform the claimed methods and use

the claimed apparatuses.

158. Defendants instruct end users to use the Accused Products' Bluetooth capability to infringe the asserted claims.

Setting Up Bluetooth

"Pairing" a Bluetooth device to your system is easy to do. Here's how to get it set up on a Windows 8.1 system:

First, be sure your Bluetooth-enabled device is turned on and ready for your computer to recognize it. You may want to check your manufacturer's website for tips on how to make it "discoverable."

Next, be sure your computer's Bluetooth is turned on:

1. Swipe in from the right edge of your screen
2. Go to **Settings**, then **Change PC settings**
3. Tap or click **PC and devices**, then **Bluetooth**
4. Turn **Bluetooth** on
5. Wait while Windows searches for Bluetooth enabled devices

If you place your Bluetooth-enabled device next to your PC or tablet, a connection should be established fairly quickly. Simply tap or click the device you want and follow instructions on your screen to finish pairing it.

http://blog.lenovo.com/en/blog/how-to-use-bluetooth-technology

159. Defendants encourage, aid, and direct end users of the Accused Products to use and operate them, consistent with Defendants' instructions, to perform the asserted method claims.

160. Defendants make, use, license, sell, offer to sell, and promote Bluetooth-

enabled accused products with the specific intent that end users and customers use them in an infringing manner.

161. Defendants sell and offer to sell Bluetooth-enabled devices for use in practicing the ’542 Patent, and the accused devices are material to practicing one or more claims of the ’542 Patent. The Bluetooth pairing features have no substantial non-infringing uses and are known to Defendants to be especially made or adapted for use infringing the ’542 Patent by including the aforementioned hardware and software that operates in compliance with the Bluetooth technical standard and embody the ’542 Patent.

162. Defendants’ infringing conduct has damaged Blue Sky Networks. Defendants are liable to Blue Sky Networks in an amount that adequately compensates it for Defendants' infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT V
INFRINGEMENT OF U.S. PATENT NO. 7,885,684

163. Blue Sky incorporates by reference paragraphs 1-162 and re-alleges them as if stated here.

164. Defendants directly infringe at least claims 1, 2, 3, 8, 9, 10, 14, 15, 16, 17, 18, 19, 24,25,26,29, 30, 31, and 32 of the ’684 Patent.

165. Defendants make, use, sell, offer for sale, license and import mobile phones and other Bluetooth-enabled devices that embody the claims of the ’684 Patent including representative claim 17.

166. Accused Products communicate with peripherals using relevant short-range

technologies including but not limited to Bluetooth Basic Rate/Enhanced Data Rate (BR/EDR).

167. In accordance with claim 17, Accused Products have a transceiver configured to transmit inquiry messages to identify available communication devices.

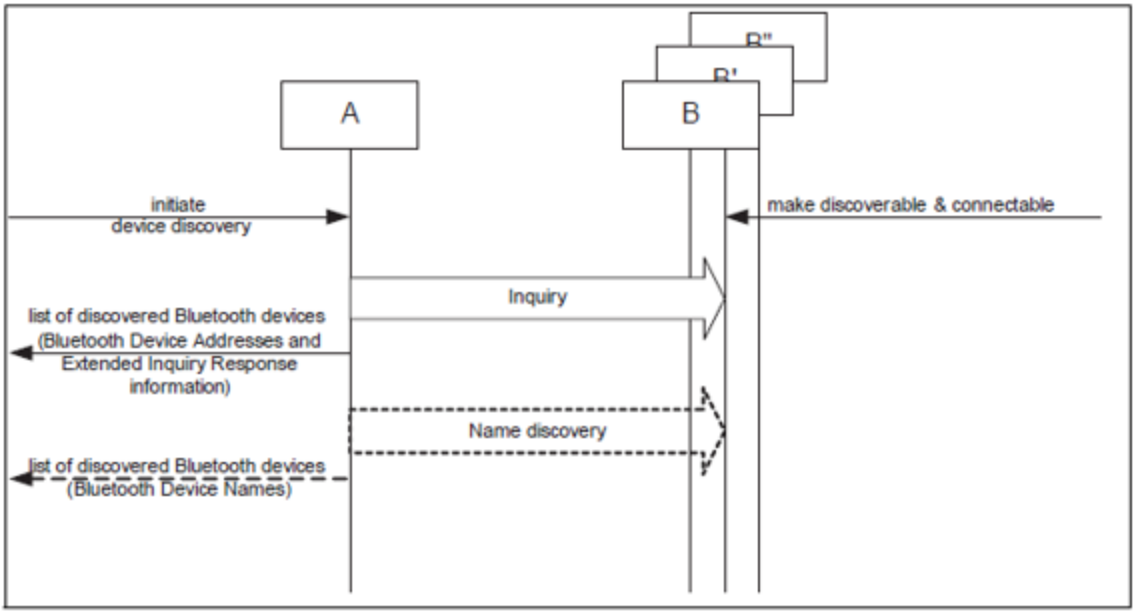
168. Accused Products are enabled to pair with third-party peripherals over a first network (e.g., a Bluetooth network) while the phone maintains a telephone call over a second network (e.g., cellular network).

169. Accused products receive responses from available communication devices and generate a list of them that is displayed to the user.

170. By way of example, in one scenario a smartphone that is conducting a call over a 4G, 3G, LTE, or Wi-Fi network sends a query message (e.g., an inquiry data packet) to a Bluetooth peripheral (e.g., a hands-free headset) to determine whether the peripheral is present and within range. If the peripheral is in a discoverable mode (e.g., general discoverable mode), the smartphone receives a response (e.g., inquiry response message) from the Bluetooth peripheral.

171. In the Accused Products, two discoverability modes are defined: limited discoverable mode and general discoverable mode.

172. The following diagram illustrates the discovery procedure carried out by the Accused Products:



173. A list of available, discovered devices is displayed to the user via the user interface.

174. In addition to directly infringing the ’684 Patent, Defendants are now indirectly infringing the ’684 Patent by inducing and/or contributing to infringement by, among other things, making using, licensing, selling, offering for sale, and/or importing the Lenovo and Motorola Bluetooth-enabled accused products. Users of the accused products are direct infringers of the ’684 Patent.

175. Defendants are now on notice of the infringing products, features, and how end users of the Accused Products operate them to perform the claimed methods and use the claimed apparatuses.

176. Defendants instruct end users to use the Accused Products’ Bluetooth capability to infringe the asserted claims.

Setting Up Bluetooth

"Pairing" a Bluetooth device to your system is easy to do. Here's how to get it set up on a Windows 8.1 system:

First, be sure your Bluetooth-enabled device is turned on and ready for your computer to recognize it. You may want to check your manufacturer's website for tips on how to make it "discoverable."

Next, be sure your computer's Bluetooth is turned on:

1. Swipe in from the right edge of your screen
2. Go to **Settings**, then **Change PC settings**
3. Tap or click **PC and devices**, then **Bluetooth**
4. Turn **Bluetooth** on
5. Wait while Windows searches for Bluetooth enabled devices

If you place your Bluetooth-enabled device next to your PC or tablet, a connection should be established fairly quickly. Simply tap or click the device you want and follow instructions on your screen to finish pairing it.

http://blog.lenovo.com/en/blog/how-to-use-bluetooth-technology

177. Defendants encourage, aid, and direct end users of the Accused Products to use and operate them, consistent with Defendants' instructions, to perform the asserted method claims.

178. Defendants make, use, license, sell, offer to sell, and promote Bluetooth-enabled accused products with the specific intent that end users and customers use them and their Bluetooth capability in an infringing manner.

179. Defendants sell and offer to sell Bluetooth-enabled devices for use in

practicing the ’684 Patent, and the accused devices are material to practicing one or more claims of the ’684 Patent. The Bluetooth pairing features described herein have no substantial non-infringing uses and are known to Defendants to be especially made or adapted for use infringing the ’684 Patent by including the aforementioned hardware and software that operates in compliance with the Bluetooth technical standard and embody the ’684 Patent.

180. Defendants' infringing conduct has damaged Blue Sky Networks. Defendants are liable to Blue Sky Networks in an amount that adequately compensates it for Defendants’ infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT VI
INFRINGEMENT OF U.S. PATENT NO. 8,019,381

181. Blue Sky incorporates by reference paragraphs 1-180 and re-alleges them as if stated here.

182. Defendants directly infringe at least claims 1, 2, 3, 4, 6, 11, 12, 13, 16, 20, 21, 22, 23, 24, 26, 31, 32, 33, 36, 39, and 40 of the ’381 Patent.

183. Defendants make, use, sell, offer for sale, license, and import mobile phones and other Bluetooth-enabled electronic devices that embody the asserted claims of the ’381 Patent including representative claim 21.

184. Defendants’ Accused Products communicate with peripherals using relevant short-range technologies including but not limited to Bluetooth BR/EDR. In accordance with claim 21, an Accused Product is enabled to pair with third-party peripherals over a

first network (e.g., a Bluetooth network) while the phone maintains a communication over a second network (e.g., Wi-Fi network or cellular network).

185. For example, an accused Motorola/Lenovo smartphone pairs with a Bluetooth-enabled headset while conducting a voice call, data download, data upload, or synchronization over a Wi-Fi or cellular (e.g., 3G, 4G, LTE) network.

186. In normal operation, the accused phones transmit an inquiry message (e.g., an inquiry data packet) to a Bluetooth peripheral (e.g., a hands-free headset) to determine whether the peripheral is within range.

187. If the peripheral is in a discoverable mode (e.g., general discoverable mode), the accused phone receives a response (e.g., inquiry response message) from the Bluetooth peripheral.

188. In some cases, the response includes the peripheral's name, address, clock information, and class of device. After receiving a response from a peripheral, the phone generates and displays a list of discovered or available devices.

189. In addition to directly infringing the '381 Patent, Defendants are now indirectly infringing the '381 Patent by inducing and/or contributing to infringement by, among other things, making using, licensing, selling, offering for sale, and/or importing the Lenovo and Motorola Bluetooth-enabled accused products. Users of the accused products are direct infringers of the '381 Patent.

190. Defendants are now on notice of the infringing products, features, and how end users of the Accused Products operate them to perform the claimed methods and use the claimed apparatuses.

191. Defendants instruct end users to use the Accused Products' Bluetooth and voice calling capabilities to infringe the asserted claims.

Setting Up Bluetooth

"Pairing" a Bluetooth device to your system is easy to do. Here's how to get it set up on a Windows 8.1 system:

First, be sure your Bluetooth-enabled device is turned on and ready for your computer to recognize it. You may want to check your manufacturer's website for tips on how to make it "discoverable."

Next, be sure your computer's Bluetooth is turned on:

1. Swipe in from the right edge of your screen
2. Go to **Settings**, then **Change PC settings**
3. Tap or click **PC and devices**, then **Bluetooth**
4. Turn **Bluetooth** on
5. Wait while Windows searches for Bluetooth enabled devices

If you place your Bluetooth-enabled device next to your PC or tablet, a connection should be established fairly quickly. Simply tap or click the device you want and follow instructions on your screen to finish pairing it.

http://blog.lenovo.com/en/blog/how-to-use-bluetooth-technology

192. Defendants encourage, aid, and direct end users of the Accused Products to use and operate them, consistent with Defendants' instructions, to perform the asserted method claims.

193. Defendants instruct and encourage end users to use the phone's Bluetooth capability to make voice calls with Bluetooth headsets to which voice communications in

the form of digital data are conveyed.to infringe the asserted claims.

194. Instructions are provided by Defendants to end users through their online support sites and forums.

195. Defendants make, use, license, sell, offer to sell, and promote Bluetooth-enabled accused products with the specific intent that end users and customers use them and their Bluetooth capability in an infringing manner.

196. Defendants sell and offer to sell Bluetooth-enabled devices for use in practicing the ’381 Patent, and the accused devices are material to practicing one or more claims of the ’381 Patent. The Bluetooth pairing and voice call features have no substantial non-infringing uses and are known to Defendants to be especially made or adapted for use infringing the ’381 Patent by including the aforementioned hardware and software that operates in compliance with the Bluetooth technical standard and embody the ’381 Patent.

197. Defendants’ infringing conduct has damaged Blue Sky Networks. Defendants are liable to Blue Sky Networks in an amount that adequately compensates it for Defendants’ infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT VII
INFRINGEMENT OF U.S. PATENT NO. 8,265,691

198. Blue Sky incorporates by reference paragraphs 1-197 and re-alleges them as if stated here.

199. Defendants directly infringe at least claims 1, 2, 3, 7, 8, 11, 12, 13, 17, and 18 of the ’691 Patent by making, selling, using, offering for sale, importing, and licensing

mobile phones and Bluetooth-enabled electronic devices that embody the asserted claims of the ’691 Patent including representative claim 11.

200. Accused devices communicate with peripherals using relevant short-range technologies including but not limited to Bluetooth BR/EDR using transceivers in the accused devices.

201. In normal operation, the accused devices transmit an inquiry message (e.g., an inquiry data packet) to a Bluetooth peripheral (e.g., a hands-free headset) to determine whether the peripheral is within range.

202. If the peripheral is in a discoverable mode (e.g., general discoverable mode), the accused device receives a response (e.g., inquiry response message) from the Bluetooth peripheral.

203. After receiving a response from a peripheral, an accused device generates and displays a list of discovered or available devices.

204. Once paired, accused devices operate in the connected state and exchange messages over one of two channels reserved for communication between them.

205. The physical channel is subdivided into time units known as slots, and data is transmitted between Bluetooth devices in packets positioned in these slots.

206. Other BR/EDR physical channels are used for discovering other Bluetooth devices.

207. In order to support multiple concurrent communication sessions, accused devices use time division multiplexing between channels.

208. In addition to directly infringing the ’691 Patent, Defendants are now

indirectly infringing the ’691 Patent by inducing and/or contributing to infringement by, among other things, making using, licensing, selling, offering for sale, and/or importing the Lenovo and Motorola Bluetooth-enabled accused products. Users of the accused products are direct infringers of the ’691 Patent.

209. Defendants are now on notice of the infringing products, features, and how end users of the Accused Products operate them to perform the claimed methods and use the claimed apparatuses.

210. Defendants instruct end users to use the Accused Products’ Bluetooth and voice calling capabilities to infringe the asserted claims.

Setting Up Bluetooth

"Pairing" a Bluetooth device to your system is easy to do. Here's how to get it set up on a Windows 8.1 system:

First, be sure your Bluetooth-enabled device is turned on and ready for your computer to recognize it. You may want to check your manufacturer's website for tips on how to make it "discoverable."

Next, be sure your computer's Bluetooth is turned on:

1. Swipe in from the right edge of your screen
2. Go to **Settings**, then **Change PC settings**
3. Tap or click **PC and devices**, then **Bluetooth**
4. Turn **Bluetooth** on
5. Wait while Windows searches for Bluetooth enabled devices

If you place your Bluetooth-enabled device next to your PC or tablet, a connection should be established fairly quickly. Simply tap or click the device you want and follow instructions on your screen to finish pairing it.

http://blog.lenovo.com/en/blog/how-to-use-bluetooth-technology

211. Defendants encourage, aid, and direct end users of the Accused Products to use and operate them, consistent with Defendants' instructions, to perform the asserted method claims.

212. Defendants instruct and encourage end users to use the phone's Bluetooth capability to make voice calls with Bluetooth headsets to which voice communications in the form of digital data are conveyed.to infringe the asserted claims.

213. Defendants provide instructions to end users through their online support

sites and forums.

214. Defendants make, use, license, sell, offer to sell, and promote Bluetooth-enabled accused products with the specific intent that end users and customers use them and their Bluetooth capability in an infringing manner.

215. Defendants sell and offer to sell Bluetooth-enabled devices for use in practicing the ’691 Patent, and the accused devices are material to practicing one or more claims of the ’691 Patent. The Bluetooth pairing and voice call features have no substantial non-infringing uses and are known to Defendants to be especially made or adapted for use infringing the ’691 Patent by including the aforementioned hardware and software that operates in compliance with the Bluetooth technical standard and embody the ’691 Patent.

216. Defendants’ infringing conduct has damaged Blue Sky Networks. Defendants are liable to Blue Sky Networks in an amount that adequately compensates it for Defendants’ infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT VIII
INFRINGEMENT OF U.S. PATENT NO. 8,346,169

217. Blue Sky incorporates by reference paragraphs 1-216 and re-alleges them as if stated here.

218. Defendants directly infringe at least claims 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, and 15 of the ‘169 Patent by making, using, selling, offering for sale, importing, and licensing mobile phones and other Bluetooth-enabled devices that embody the claims of the ’169 Patent including representative claim 8.

219. Accused devices communicate using relevant short-range technologies including but not limited to Bluetooth Basic Rate/Enhanced Data Rate (BR/EDR).

220. In accordance with recitations of claim 8, accused devices pair with third-party peripherals and add selected peripherals to a list of paired devices stored on the device.

221. By way of example, in one scenario a user presses and temporarily holds a button (e.g., the call control/power button on a Bluetooth headset) to initiate pairing with an accused phone. In response, the accused phone receives a pair request message (e.g., a paging message request) over a channel shared with other Bluetooth devices (e.g., a time-division multiplexed channel). In response to the pair request, the phone prompts a user to add the Bluetooth peripheral to a list of authorized devices. If the user approves pairing the phone with the peripheral, the user selects on the phone interface to accept the pair request and add the peripheral to a list of authorized devices.

222. In addition to directly infringing the ’169 Patent, Defendants are now indirectly infringing the ’169 Patent by inducing and/or contributing to infringement by, among other things, making using, licensing, selling, offering for sale, and/or importing the Lenovo and Motorola Bluetooth-enabled accused products. Users of the accused products are direct infringers of the ’169 Patent.

223. Defendants are now on notice of the infringing products, features, and how end users of the Accused Products operate them to perform the claimed methods and use the claimed apparatuses.

224. Defendants instruct end users to use the Accused Products’ Bluetooth and

voice calling capabilities to infringe the asserted claims.

Setting Up Bluetooth

"Pairing" a Bluetooth device to your system is easy to do. Here's how to get it set up on a Windows 8.1 system:

First, be sure your Bluetooth-enabled device is turned on and ready for your computer to recognize it. You may want to check your manufacturer's website for tips on how to make it "discoverable."

Next, be sure your computer's Bluetooth is turned on:

1. Swipe in from the right edge of your screen
2. Go to **Settings**, then **Change PC settings**
3. Tap or click **PC and devices**, then **Bluetooth**
4. Turn **Bluetooth** on
5. Wait while Windows searches for Bluetooth enabled devices

If you place your Bluetooth-enabled device next to your PC or tablet, a connection should be established fairly quickly. Simply tap or click the device you want and follow instructions on your screen to finish pairing it.

http://blog.lenovo.com/en/blog/how-to-use-bluetooth-technology

225. Defendants encourage, aid, and direct end users of the Accused Products to use and operate them, consistent with Defendants' instructions, to perform the asserted method claims and practice the invention.

226. Defendants instruct and encourage end users to use the phone's Bluetooth capability to make voice calls with Bluetooth headsets to which voice communications in the form of digital data are conveyed.to infringe the asserted claims.

227. Defendants provide instructions to end users through their online support sites and forums.

228. Defendants make, use, license, sell, offer to sell, and promote Bluetooth-enabled accused products with the specific intent that end users and customers use them and their Bluetooth capability in an infringing manner.

229. Defendants sell and offer to sell Bluetooth-enabled devices for use in practicing the '169 Patent, and the accused devices are material to practicing one or more claims of the '169 Patent. The Bluetooth pairing feature has no substantial non-infringing uses and is known to Defendants to be especially made or adapted for use infringing the '169 Patent by including the aforementioned hardware and software that operates in compliance with the Bluetooth technical standard and embody the '169 Patent.

230. Defendants' infringing conduct has damaged Blue Sky Networks. Defendants are liable to Blue Sky Networks in an amount that adequately compensates it for Defendants' infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

NOTICE OF REQUIREMENT OF LITIGATION HOLD

231. Defendants are hereby notified they are legally obligated to locate, preserve, and maintain all records, notes, drawings, documents, data, communications, materials, electronic recordings, audio/video/photographic recordings, and digital files, including edited and unedited or "raw" source material, and other information and tangible things that Defendants know, or reasonably should know, may be relevant to actual or potential claims, counterclaims, defenses, and/or damages by any party or potential party in this lawsuit, whether created or residing in hard copy form or in the form of electronically stored information (hereafter collectively referred to as "Potential Evidence").

232. As used above, the phrase "electronically stored information" includes without limitation: computer files (and file fragments), e-mail (both sent and received, whether internally or externally), information concerning e-mail (including but not limited to logs of e-mail history and usage, header information, and deleted but recoverable e-mails), text files (including drafts, revisions, and active or deleted word processing documents), instant messages, audio recordings and files, video footage and files, audio files, photographic footage and files, spreadsheets, databases, calendars, telephone logs, contact manager information, internet usage files, and all other information created, received, or maintained on any and all electronic and/or digital forms, sources and media, including, without limitation, any and all hard disks, removable media, peripheral computer or electronic storage devices, laptop computers, mobile phones, personal data assistant devices, Blackberry devices, iPhones, video cameras and still cameras, and any and all other locations where electronic data is stored. These sources may also include any personal electronic, digital, and storage devices of any and all of Defendant's agents, resellers, or employees if Defendant's electronically stored information resides there.

233. Defendants are hereby further notified and forewarned that any alteration, destruction, negligent loss, or unavailability, by act or omission, of any Potential Evidence may result in damages or a legal presumption by the Court and/or jury that the Potential Evidence is not favorable to Defendants' claims and/or defenses. To avoid such a result, Defendants' preservation duties include, but are not limited to, the requirement that Defendants immediately notify their agents and employees to halt and/or supervise the auto-delete functions of Defendants' electronic systems and refrain from deleting Potential

Evidence, either manually or through a policy of periodic deletion.

NOTICE

234. Blue Sky does not currently distribute, sell, offer for sale, or make products embodying the Asserted Patents.

235. Blue Sky has undertaken reasonable efforts as required to comply with the notice requirements of 35 U.S.C. § 287.

JURY DEMAND

Blue Sky hereby demands a trial by jury on all claims, issues, and damages so triable.

PRAYER FOR RELIEF

Blue Sky prays for the following relief:

a. That Defendants be summoned to appear and answer;

b. That the Court enter judgment in favor of Blue Sky that Defendants have infringed each and every one of the Asserted Patents;

c. That this is an exceptional case under 35 U.S.C. §285;

d. That the Court grant Blue Sky judgment against Defendants for all actual, consequential, special, punitive, exemplary, increased, and/or statutory damages, including if necessary, an accounting of all damages; pre and post-judgment interest as allowed by law; and reasonable attorney's fees, costs, and expenses incurred in this action; and

e. That Blue Sky be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: May 12, 2017

Respectfully submitted,

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