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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

SOCKEYE LICENSING TX LLC, **Plaintiff,** **v.** **LENOVO (UNITED STATES), INC.,** **Defendant.**	**Civil Action No.** 2:17-cv-5266 **COMPLAINT** Jury Trial Demanded

Plaintiff Sockeye Licensing TX LLC (herein, "Plaintiff" and/or "Sockeye"), by and through its attorneys, for its Complaint against Lenovo (United States), Inc., (herein, "Defendant" and/or "Lenovo") hereby alleges as follows:

I. NATURE OF THE ACTION

1. This is a patent infringement action to end Defendant's direct, joint, contributory and/or induced infringement of Plaintiff Sockeye's patented inventions, including but not limited to Defendant's unauthorized and infringing manufacture, use, sale, offering for sale, and/or importation of Plaintiff's inventions.

2. Sockeye holds all substantial rights and interest in and to United States Patent No. 9,547,981 (the "'981 patent"), issued on January 17, 2017, for a "System, method and apparatus for using a wireless device to control other devices." A true and correct copy of the '981 patent is attached hereto as **Attachment A**.

3. Plaintiff seeks to prevent Defendant from continuing infringement of Plaintiff's patent rights. Plaintiff further seeks monetary damages and prejudgment interest for Defendant's past infringement of the '981 patent (the "Asserted Patent").

II. THE PARTIES

4. Plaintiff Sockeye Licensing TX LLC is a limited liability company organized and existing under the laws of the State of Texas.

5. Upon information and belief, Defendant Lenovo (United States), Inc. is a corporation organized and existing under the laws of the State of Delaware, with a place of business located at 1009 Think Place, Morrisville, North Carolina 27560. Defendant can be served with process by serving its registered agent for service of process in the State of California: C T Corporation System, 818 W 7th St., Ste. 930, Los Angeles, CA 90017.

6. Upon information and belief, Defendant has conducted and regularly conducts business within this District, has purposefully availed itself of the privileges of conducting business in this District, and has sought the protection and benefit of the laws of the State of California.

III. JURISDICTION AND VENUE

7. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§271, 281, 283, 284, and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§1331 and 1338(a).

8. This Court has personal jurisdiction over Defendant because it has committed acts giving rise to this action within the State of California. The Court's exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice because Defendant has established minimum contacts with the forum with respect to both general and specific jurisdiction. Upon information and belief, Defendant has place(s) of business within the State of California, has a registered agent for service of process in this judicial district and transacts substantial business in the State of California.

9. Further, Defendant has committed acts of infringement in this District, by among other things, knowingly contributing to and/or inducing the infringement of Plaintiff's patent knowing that the directly infringing devices are sold in the State of California and this Judicial District as well as providing service and support to Defendant's customers in this District. Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in this District.

10. Upon information and belief, Defendant has an office within this District in Los Angeles, California, and Defendant posts job opportunities for employment at its Los Angeles office.

11. Venue in the Central District of California is proper pursuant to 28 U.S.C. § l400(b) because Defendant has committed acts of infringement in this District and has regular and established place(s) of business in this District.

IV. BACKGROUND OF THE PATENTED TECHNOLOGY

12. Prior to the filing of the parent of the '981 patent in 2006, the state of the art cell phone designs emphasized their use as standalone devices. Thus, it was widely expected that, as the multimedia capabilities of the cell phone became richer, the cell phone itself would serve as a multimedia player and alternative to traditional modes of viewing video, such as via television screens. Accordingly, cell phone manufacturers at the time of filing focused on developing the "onboard" capabilities of their products, rather than adapting them to connect with and control a higher resolution device. Thus, for example, the Nokia N92 mobile device announced in 2005 was "marketed as a phone for watching TV." *See* Nokia N92 Wikipedia Article, https://en.wikipedia.org/wiki/Nokia_N92, attached hereto as **Attachment B**. The Nokia N92, while capable of playing "mobile TV," was designed as an alternate platform for watching television, and it operated as a standalone device, wholly independent of television sets of the period. The '981 patent goes further. In contrast to the standalone approach of the Nokia N92, the '981 patent teaches particular methods and systems by which the cell phone could connect with and control a higher resolution display device, streaming video thereto. The state of the art cell phones of the day were not equipped to operate in this way, nor was this their goal. Indeed, as Nokia stated at the time, the "Nokia N92 offers easy access to TV programs *without* having to sit in front of a television set." *See* Presenting the Nokia N92: TV goes Mobile, http://www.nokia.com/en_int/news/releases/2005/11/02/presenting-the-nokia-n92-tv-goes-mobile (emphasis added), attached hereto as **Attachment C**. Notably, so-called "[t]hird generation mobile phones" or "3G mobiles" which were capable of "multi-media communication" of this kind—i.e., "viewing TV on a mobile

phone"—were themselves far from the norm in 2006. *See* NEC 3G Cell Phone Diagram, attached hereto as **Attachment D**. As NEC stated at the time, although such devices were "expected to be extremely popular," using a cell phone to view television was itself a "groundbreaking way to use mobile phones." *Id.*

13. Still more groundbreaking was the inventive approach of the '981 patent, which went beyond the cell phones merely equipped to play television, such as the Nokia N92 and the NEC e636. The '981 patent teaches particular methods and systems by which the cell phone could connect with and control a higher resolution display device for streaming video. The claimed inventions would have been inoperable on the more sophisticated cell phones of the period, such as the Nokia N92 and NEC e636, because they required significant technical advancements and improvements to the hardware and software "stack" of the cell phone in order to enable their inventive functionality. *See* NEC e636 Specifications, http://www.gsmarena.com/nec_e636-1476.php, attached hereto as **Attachment E**.

14. The '981 patent teaches the hardware and software "stack" necessary to implement the particular systems and methods claimed in the patent. For example, Figure 3D illustrates the relationships between the hardware and software components of the cell phone itself, as well as the internet and a high-resolution display device, in terms of their hierarchy and I/O requirements and functions. Figure 3D teaches a cell phone operating system that supports TCP/IP services, a desktop browser and operating system within the cell phone, and the device drivers necessary to manage streaming media as it is received from the network, rendered by the operating system, and communicated to external devices. Figure 3D teaches that the cell phone's device drivers interact with the peripheral communications hardware and software that, in turn, communicates with external display devices. Further, Figure 3B shows that the peripheral communications hardware and software interacts with multichannel USB, and IEEE 1394 and IEEE 802.11

protocols that, in turn, use a multiport wireless interface to communicate with a high-resolution digital display device. Without the hardware and software "stack" (or its equivalents) disclosed, *inter alia*, in Figures 3B and 3D of the '981 patent, the claimed inventions would have been inoperable. The hardware and software "stack" disclosed and claimed in the patent was absent from the more advanced cell phones of the day (e.g., the Nokia N92 and NEC e636), which were designed as mere standalone devices—a completely different paradigm than disclosed in the patent, which teach the cell phone connecting with and controlling a higher resolution display device on which media may be streamed.

15. In the few prior art examples where the cell phone was actually connected to another device, the cell phone was used in a manner completely different than that disclosed in the '981 patent, and for different purposes. As the inventor pointed out during prosecution of the parent of the '981 patent, the prior art merely "describe[d] a conventional tethering operation of a cell phone to a computer, and not peripheral cell phone control of the claimed invention." *See* Prosecution History of '342 Parent Patent, Amendment, May 31, 2011, at 11, attached hereto as **Attachment F**. According to the "conventional tethering operation[s]" of the prior art, the "PC or laptop connects to the internet via another PC's or a cell phone's wireless Internet connection, providing a bridge connection but not ceding control." *Id.* By contrast, the "instant invention," the inventor explained, "does not use a cell phone to connect a 'computer' to the Internet"—"[q]uite the reverse, the instant invention connects peripheral devices (connected to the computer) to the cell phone to create a desktop computing environment on the cell phone." *Id.* As the inventor described it in a later amendment, the "present invention" was one "directed to an innovative approach to employ a cell phone or like PDA . . . to create a media center controlled by the user through the cell phone – without the usage of the computing power of the peripherals' PC." *See* Prosecution History of '342 Patent, Amendment, January 17, 2012, at 31, attached

hereto as **Attachment G**. The inventor emphasized that in the prior art "the portable device is a mere tether" and "has zero control – the network server is running things directly" in the "traditional client/server relationship." *Id.* at 32. By contrast, the claimed inventions "expressly involve[] and claim[] control of the peripheral device by the portable device, not at network control." *Id.* Thus, at best, the prior art contemplated the "conventional tethering" of the cell phone to the computer for the purpose of improving the functionality of the computer according to the "traditional client/server relationship." The '981 patent, however, teaches improvements in the cell phone hardware and software "stack" enabling it to control the high-resolution display device, in a clear reversal of the "traditional client/server relationship" and departure from "conventional tethering." As the inventor stated during prosecution, quoting the summary of the invention, "'[t]he user may access' the movies and videos 'using the desktop monitor' because, for example the 'user interfaces' of the web site providing this content 'can be displayed through' the 'desktop monitor'" and "[t]hose 'user interfaces are sent to the 'desktop monitor' by means of the 'wireless cell phone.'" *See* Prosecution History of '981 Patent, Sept. 7, 2016, Declaration of Michael D. Harold, at pages 3-4, para 7(a)(4), attached hereto as **Attachment H**. None of the prior art discloses the hardware and software "stack" necessary to execute this novel functionality or to accomplish the objectives of the '981 patent.

16. The named inventor of the '981 patent, Mr. Michael D. Harold, conceived of the inventions disclosed and claimed therein and has worked to commercialize them for several years. Among his goals–and later those of his company, Zamboola, LLC ("Zamboola")–was to provide hardware and software solutions for the mobile market to allow the interfacing of user information between devices in an enhanced way. Accordingly, after filing in 2006 the application that eventually issued as a parent of the '981 patent, he set to work prototyping solutions that reduced the claimed inventions to practice. Mr. Harold

began by modifying an "open source" cell phone released after filing, the Openmoko "Neo," which had an operating system and some of the hardware necessary to support streaming media from the Internet to a high-resolution display device. However, because the software on the Neo proved to be too unstable for the purposes of the claimed inventions, the inventor was forced to migrate to an "Android" operating system. Still more modifications were necessary after migrating to the Android OS, which was not designed for the purpose of streaming media to a high-resolution display device, and lacked the architecture for concurrent, multi-threaded operations and interprocess communications. Subsequently, the inventor adapted open source device drivers for these purposes. Additionally, because the Neo had a USB port, the inventor developed a USB-to-VGA connector that allowed the cell phone to display media at the higher resolution VGA, controlled by the user via the Neo touchscreen. Thus, the software and hardware components available required significant modifications from their original form before it was possible to integrate them into a prototype incorporating the claimed inventions.

17. In early 2010, Zamboola was formed to commercialize the inventions. Living in the Shreveport-Bossier area, Mr. Harold filed the Articles of Incorporation for Zamboola as a Louisiana LLC in February, 2010, and worked to develop branding and IP collateral necessary to raise venture capital. He and his partner brought on personnel to advance Zamboola's objectives.

18. Zamboola believes that in terms of security, identity, mobility and performance, the smartphone remains a strong platform for current and future personal and enterprise computing. Given the continued advances in mobile hardware and wireless broadband, an opportunity has arisen for the commercial implementation of container-based virtualization on smartphones, allowing distributed services and applications to run in concert with cloud computing

services as an on-demand distributed computing environment using any combination of operating systems.

19. The invention disclosed and claimed in the Asserted Patent relates to systems and methods that permit the use of a wireless cell phone as a connection, communications and control device able to connect a full size desktop monitor or other digital display device to the wireless cell phone. The phone "is used to create an Internet or other network connection capable of accessing any browser-based web site that is commonly accessible to a standard desktop computer having an Internet connection." Examples of what can be downloaded from such browser-based websites include digital movies and streaming video.

20. The "user may access" the movies and videos using the desktop monitor because, for example, the user interfaces of the website providing this content can be displayed through the desktop monitor. Those user interfaces are sent to the desktop monitor by means of the wireless cell phone. The cell phone can simultaneously provide network access to movies and video while also being "used as a handheld controller device to select and play the movie or video."

21. The specification of the Asserted Patent draws a distinction between consumer electronic entertainment applications of the invention and applications that are not related to that subject matter. *See*, for example, col. 13, line 25 to 35 of the '981 patent which state that an example of a consumer electronic entertainment application is a movie that is located remotely on an internet-accessible server. On the other hand, this same section of the '981 patent recognizes that non-entertainment embodiments relate to, for example, remotely accessing a document, spreadsheet or software application.

22. All of the claims of the '981 patent are specifically limited to the electronic entertainment applications and embodiments of the invention.

23. Figure 3A of the Asserted Patent shows an exemplary cell phone 400 that can be used in connection with the method and system described in the above

paragraphs. Cell phone 400 can be used to, for example, download a movie or video stored on the remote server (formed by media applications 111 and media 112) so that it can be shown on the high-resolution digital display device 522. Display 522 typically forms a part of a viewer's media center environment that can be at the viewer's home. This display is not an accessory to the cell phone—rather, it is, for example, a TV suitable for use in a movie room in a person's home.

24. To download a movie or video from the remote server, the viewer first obtains a first graphic user interface ("GUI") associated with the website hosted on the remote server from which movies or videos can be downloaded. For example, the first GUI is provided to the cell phone 400 via an internet connection between the cell phone 400 and the remote server. When the user reads or otherwise interacts with the first GUI as it is shown on the display 522, the viewer is informed about what movies or videos are available for download from the remote server for consumer electronic entertainment purposes.

25. After the viewer of the display 522 has reviewed the first GUI and selected a movie or video, the viewer interacts with the cell phone 400 to enter entertainment selections commands into the cell phone 400. These commands are based on the visual feedback the viewer obtained by reading or otherwise interacting with the first GUI. The server processes the download commands, and then sends the requested movie or video from the remote server, to the cell phone 400, and then to the display 522 for viewing by the viewer on the display 522. One main advantage of the present invention is that, for example, the viewer can select, download, control and experience a downloaded movie or video on the large media center display 522 as opposed to the small display screen associated with the cell phone 400.

26. The cell phone 400 can be connected to the display 522 in a number of different ways. For example, Figure 3A shows a Wi-Fi chip 486 that allows the phone 400 to communicate with the display device over, for example, wireless

connections between the phone 400 and the hub 105 and the display 522. The Wi-Fi 33 chip can operate in accordance with one or more of the 802.11 standards.

27. All embodiments of the present invention allow the cell phone 400 to be located a distance away from the display 522 at which a viewer may wish to watch a movie at home (e.g. 10-15 feet) while still providing a high quality viewing experience.

28. Sockeye has obtained all substantial rights and interest in the '981 patent, including all rights to recover for all past and future infringements thereof.

V. DEFENDANT'S ACTS

29. Defendant manufactures, provides, sells, offers to sell, and/or distributes infringing systems and methods. Defendant provides Wi-Fi Alliance certified "Miracast" products to provide the infringing functionality. As set forth on the Wi-Fi Alliance's website:

> Wi-Fi CERTIFIED Miracast™ is a groundbreaking solution for seamlessly displaying multimedia between devices, without cables or a network connection. Users can do things like view pictures from a smartphone on a big screen television, share a laptop screen with the conference room projector in real-time, and watch live programs from a home cable box on a tablet. Miracast connections are formed using Wi-Fi CERTIFIED Wi-Fi Direct®, so access to a Wi-Fi® network is not needed – the ability to connect is inside Miracast-certified devices.
>
> Miracast is an industry-wide solution, so the technology works well across devices, regardless of brand. Connections are easy to set up and use since the devices choose the appropriate settings automatically. Miracast supports premium content—like Blu-ray feature films, live television shows and sports, or any other copy-protected premium content—allowing you to watch what you want, where you want.

http://www.wi-fi.org/discover-wi-fi/wi-fi-certified-miracast.

30. Defendant employs Miracast technology in its accused instrumentalities. Moreover, Defendant markets its accused instrumentalities as certified under that technology standard. A generally comprehensive list of Miracast-certified products provided by Defendant is publicly available at the

following website: http://www.wi-fi.org/product-finder-results?sort_by=default&sort_order=desc&capabilities=2&certifications=45.

31. For example, Defendant commercializes at least the following Miracast products: Lenovo Wireless Display Adapter, Lenovo Portable Tablet Computer, Lenovo ThinkPad Enterprise Display Adapter, and Lenovo LCD Monitor.

32. Lenovo's products infringe the Asserted Patent at least by displaying a graphic user interface on a mobile communication device for a user to select movies or videos to display on a display device, receiving a user selection command for a video or movie on the mobile communication device, receiving the selected video or movie on the mobile communication device, and/or transmitting some of the selected video or movie from the mobile communication device to a display device, in the manner claimed by the Asserted Patent.

33. Defendant has had knowledge of the Asserted Patents at least as of the service of this Complaint. With knowledge of the Asserted Patents, Defendant intentionally infringed, and continues to intentionally infringe, the patented technology. It provides specifications and instructions for the installation and infringing operation of such systems to its customers, who directly infringe.

34. Furthermore, with knowledge of the Asserted Patent, Defendant provides related services, specifications, and instructions for the installation and infringing operation of such systems to the customers of its products, who directly infringe through the operation of those products.

35. With knowledge of the Asserted Patent, Defendant has purposefully and voluntarily placed infringing products in the stream of commerce with the expectation that its products will be purchased by customers in the State of California and this District, and advertised those products.

36. Through its actions, Defendant has infringed the Asserted Patent, and Defendant has and actively induced others to infringe the Asserted Patent throughout the United States, including in the State of California and this District.

37. Sockeye has been and will continue to suffer damages as a result of Defendant's infringing acts unless and until enjoined.

Direct and Joint Infringement

38. Sockeye restates and realleges each of the allegations set forth above and incorporates them herein.

39. Upon information and belief, Lenovo manufactures, uses, distributes, offers to sell, and/or sells devices including wireless adapters, phones, tablets, TVs, and projectors in the State of California, this District, and elsewhere. Examples of Defendant's infringing products include the Lenovo ThinkPad Wireless Display Adapter, Lenovo Phab 2, Lenovo Tab 4, Lenovo Thinkvision T2224d, Lenovo P0510 Wireless Projector. These products, when used in combination (including in combination with devices of third parties) by Lenovo and others, directly infringe the Asserted Patent as described in paragraph 31. By way of example only, a Lenovo Miracast compatible cell phone device receiving a video or movie selection command and then transmitting some of the selected video or movie to a Lenovo Miracast compatible TV or projector directly infringes claim 1 of the '981 patent in the manner described by paragraph 31.

40. Upon information and belief, Lenovo employees, within this District and elsewhere, use Lenovo devices in a manner that directly infringes the Asserted Patent.

41. To the extent that some elements of a claim are performed by a different party than Lenovo, Lenovo directs and controls the other party to jointly infringe the Asserted Patent, including through a contractual relationship. Upon information and belief, Lenovo contracts with vendors, customers, third parties, and/or end users and provides infringing software, including Miracast components,

to them in this jurisdiction and elsewhere to use Lenovo phones, tablets and other portable devices with Lenovo televisions, projectors, and other display devices in a manner that directly infringes the Asserted Patent. Upon information and belief, Lenovo enters into agreements with vendors, customers, third parties, end users and others concerning the operation and use of infringing devices and functionality within this jurisdiction and elsewhere.

42. Upon information and belief, Lenovo, through its infringing devices and software, participates in the infringement and receives a benefit upon performance of steps of the patented method. For example, Lenovo provides the hardware, including the mobile communications device and/or the display device that its customers, third parties, and/or end users may use to perform steps of the infringing method. Lenovo receives a benefit from such actions by third party users and customers of its devices as it allows Lenovo to display, demonstrate, or provide a desirable product. Lenovo specifically advertises the infringing functionality of its devices, including Miracast.

43. Lenovo issues computerized instructions to direct or control users and infringing devices to conduct acts of infringement. Through its software embedded on users' infringing devices, as well as its contractual relationships with users (including Lenovo vendors), Lenovo directs and controls infringing devices to directly infringe the Asserted Patent.

44. All of the above acts constitute acts of direct infringement.

Induced and Contributory Infringement

45. Sockeye restates and realleges each of the allegations set forth above and incorporates them herein.

46. Upon information and belief, Lenovo manufactures, sells, offers for sale, imports, distributes, and provides Miracast compatible devices that actively induce and contribute to the direct infringement of the Asserted Patent by third parties, including third party users and Lenovo customers. Third party users and

Lenovo customers directly infringe the Asserted Patent in the manner described in paragraph 31. By way of example only, Lenovo provides Miracast compatible Lenovo phones and/or tablets which are used to display a graphic user interface to allow users to input movie or video selection commands to the phones, to receive the selected movie or video, and to transmit a portion of the selected movie or video to a display device in the manner claimed by the Asserted Patent. By way of example only, Lenovo provides Miracast compatible Lenovo TV and/or projector display devices which receives a portion of a movie or video from a mobile communication device that displays a graphic user interface to allow users to input movie or video selection commands, receive the selected movie or video, and transmit a portion of the selected movie or video in the manner claimed by the Asserted Patent.

47. Upon information and belief, Lenovo induces the direct infringement of the Asserted Patent by providing its customers, third parties, and/or end users of Lenovo devices instructions, materials, advertisements, services, encouragement and software to use or operate the Lenovo devices in an infringing manner described in the preceding paragraph. Upon information and belief, Lenovo further induces infringement by its customers, third parties, and/or end users by knowingly and specifically designing and programming its devices to be operated by its customers, third parties, and/or end users in an infringing manner. Upon information and belief, Lenovo provides and instructs third parties to use the aforementioned products in the manner claimed in the Asserted Patent. Further, Lenovo has actively induced infringement by its customers, third parties, and/or end users in this judicial district. For example, Defendant's website https://support.lenovo.com/us/en/solutions/pd030901 instructs users to steam "content onto projectors, TVs, monitors and other display devices" from Miracast compatible devices including smartphones and tablets. Defendant's website

further advertises Lenovo products including smartphones, tablets, and wireless adapters with this functionality.

48. Upon information and belief, Lenovo had knowledge of the '981 patent at least as of the dates described in paragraph 32. Notwithstanding, Lenovo continues to willfully and with specific intent infringe and cause others to infringe the Asserted Patent. Further, Lenovo provides, makes, sells, and offers to sell Lenovo devices with the specific intent that its customers, third parties, and/or end users use the Lenovo devices in an infringing manner, and its customers, third parties, and/or end users do so.

49. Upon information and belief, Lenovo contributes to the direct infringement of the Asserted Patent by providing infringing Lenovo devices and device components to its customers, third parties, and/or end users. Upon information and belief, components provided by Lenovo have no substantial non-infringing uses and are especially made and/or adapted so as to infringe the Asserted Patent.

50. Upon information and belief, Miracast components provided by Lenovo on its devices cannot operate except in the infringing manner described in paragraph 31 and thus necessarily has no substantial non-infringing use. Lenovo has acted with specific intent to induce or cause infringement and to conduct acts of infringement as described herein within this District and elsewhere. Lenovo continues to contribute to the infringement of third parties even after having notice and actual knowledge of the Asserted Patent as previously described.

51. Upon information and belief, customers and users of Lenovo's infringing devices reside in the State of California and this District and conduct the above described acts within the State of California and this District.

COUNT ONE

PATENT INFRINGEMENT–U.S. PATENT NO. 9,547,981

52. Plaintiff restates and realleges each of the allegations set forth above and incorporates there herein.

53. Defendant directly and/or jointly with one or more third parties infringe the ’981 patent by making, using, offering to sell, and selling infringing Lenovo products, including without limitation the Lenovo ThinkPad Wireless Display Adapter, in violation of 35 U.S.C. § 271(a).

54. Defendant indirectly infringes the ’981 patent by inducing or contributing to the infringement of the ’981 patent in violation of 35 U.S.C. § 271(b)-(c)&(f), including by its customers/consumers.

55. Defendant does not have a license or permission to use the claimed subject matter in the ’981 patent.

56. As a direct and proximate result of Defendant’s direct, joint, induced, and/or contributory infringement of the ’981 patent, Plaintiff has been injured and has been caused significant financial damage.

57. Defendant’s aforementioned acts have caused damage to Plaintiff and will continue to do so unless and until enjoined.

58. Plaintiff alleges upon information and belief that defendant has, knowingly or with willful blindness, willfully infringed one or more claims of the ’981 patent. Defendant has knowledge of the ’981 patent as previously alleged. Defendant acted with knowledge of the ’981 patent and, despite its knowledge or despite that it should have known of an objectively high likelihood that its actions constituted infringement of Plaintiff’s valid patent rights, continue to infringe.

59. This objectively-defined risk was either known or so obvious that it should have been known to Defendant. Plaintiff seeks enhanced damages pursuant to 35 U.S.C. § 284 from Defendant.

VI. JURY DEMAND

60. Plaintiff hereby demands a jury on all issues so triable.

VII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff Sockeye respectfully requests that the Court:

A. Enter judgment that Defendant directly, jointly, contributes to, or induces others to infringe one or more claims of the Asserted Patent literally and/or under the doctrine of equivalents;

B. Permanently enjoin Defendant, their agents, servants, and employees, and all those in privity with Defendant or in active concert and participation with Defendant, from engaging in acts of infringement of the Asserted Patent;

C. Award Plaintiff past and future damages together with prejudgment and post-judgment interest to compensate for the infringement by Defendant of the Asserted Patent in accordance with 35 U.S.C. §284, and increase such award by up to three times the amount found or assessed in accordance with 35 U.S.C. §284;

D. Award Plaintiff its costs, disbursements, attorneys' fees;

E. Award Plaintiff prejudgment and post-judgment interest to the maximum extent provided under the law; and

F. Award Plaintiff such further and additional relief as is deemed appropriate by this Court.

Respectfully submitted,

DATED: July 17, 2017

STRADLING YOCCA CARLSON & RAUTH

By: */s/ Douglas Q. Hahn*
Douglas Q. Hahn
Salil Bali

Attorneys for
Sockeye Licensing TX LLC