

1 Douglas Q. Hahn, State Bar No. 257559
email: dhahn@sycr.com
2 Salil Bali State Bar No. 263001
email: sbali@sycr.com
3 STRADLING YOCCA CARLSON & RAUTH
A Professional Corporation
4 660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660-6422
5 Telephone: (949) 725-4000
Fax: (949) 725-4100
6

7 Stefanie T. Scott, California Bar No. 264314
email: stefanie@scottshah.com
SCOTT SHAH LAW PLLC
8 600 Congress Ave., 14th Floor
Austin, Texas 78701
9 Telephone: (512) 596-5170

10 Victor G. Hardy (will seek admission *pro hac vice*)
email: vhardy@hpylegal.com
11 HARDY PARRISH YANG, LLP
Spicewood Business Center
12 4412 Spicewood Springs Rd., Suite 202
Austin, Texas 78759
13 Phone: (512)520-9407

14 Attorneys for Plaintiff Sockeye Licensing TX LLC

15 UNITED STATES DISTRICT COURT
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA
17

18
19 **SOCKEYE LICENSING TX LLC,**

20 **Plaintiff,**

21 **v.**

22 **LG ELECTRONICS USA, INC.,**

23 **Defendant.**
24
25
26
27
28

Civil Action No. 5:17-cv-1431

COMPLAINT

Jury Trial Demanded

1 Plaintiff Sockeye Licensing TX LLC (herein, “Plaintiff” and/or “Sockeye”),
2 by and through its attorneys, for its Complaint against LG Electronics USA, Inc.,
3 (herein, “Defendant” and/or “LG”) hereby alleges as follows:

4 **I. NATURE OF THE ACTION**

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

10 2. Sockeye holds all substantial rights and interest in and to United
11 States Patent No. 8,135,342 (the “’342 patent”), issued on March 13, 2012, for a
12 “System, method and apparatus for using a wireless cell phone device to create a
13 desktop computer and media center.” A true and correct copy of the ’342 patent is
14 attached hereto as **Attachment A**.

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

20 4. Plaintiff seeks to prevent Defendant from continuing infringement of
21 Plaintiff’s patent rights. Plaintiff further seeks monetary damages and prejudgment
22 interest for Defendant’s past infringement of the ’342 and ’981 patents (together,
23 the “Asserted Patents”).

24 **II. THE PARTIES**

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

27 6. Upon information and belief, Defendant LG Electronics USA, Inc. is
28 a corporation organized and existing under the laws of the State of Delaware, with

1 a place of business located at 1000 Sylvan Ave., Englewood Cliffs, New Jersey
2 07632 and at 5550 Mango Ave, Fontana, CA 92336. Defendant can be served with
3 process by serving its registered agent for service of process in the State of
4 California: Corporation Service Company which Will Do Business in California as
5 CCS - Lawyers Incorporating Service, 2710 Gateway Oaks Dr., Ste. 150n,
6 Sacramento, CA 95833.

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

11 III. JURISDICTION AND VENUE

12 8. This is an action for patent infringement which arises under the Patent
13 Laws of the United States, in particular, 35 U.S.C. §§271, 281, 283, 284, and 285.
14 This Court has jurisdiction over the subject matter of this action under 28 U.S.C.
15 §§1331 and 1338(a).

16 9. This Court has personal jurisdiction over Defendant because it has
17 committed acts giving rise to this action within the State of California. The
18 Court's exercise of jurisdiction over Defendant would not offend traditional
19 notions of fair play and substantial justice because Defendant has established
20 minimum contacts with the forum with respect to both general and specific
21 jurisdiction. Upon information and belief, Defendant has place(s) of business
22 within the State of California, and transacts substantial business in the State of
23 California.

24 10. Further, Defendant has committed acts of infringement in this District,
25 by among other things, knowingly contributing to and/or inducing the infringement
26 of Plaintiff's patent knowing that the directly infringing devices are sold in the
27 State of California and this Judicial District as well as providing service and
28

1 support to Defendant's customers in this District. Plaintiff's causes of action arise
2 directly from Defendant's business contacts and other activities in this District.

3 11. Upon information and belief, Defendant has a warehouse/distribution
4 center within this District located at 5550 Mango Ave, Fontana, CA 92336.

5 12. Venue in the Central District of California is proper pursuant to 28
6 U.S.C. § 1400(b) because Defendant has committed acts of infringement in this
7 District and has regular and established place(s) of business in this District.

8 **IV. BACKGROUND OF THE PATENTED TECHNOLOGY**

9 13. Prior to the filing of the '342 and '981 patents in 2006, the state of the
10 art cell phone designs emphasized their use as standalone devices. Thus, it was
11 widely expected that, as the multimedia capabilities of the cell phone became
12 richer, the cell phone itself would serve as a multimedia player and alternative to
13 traditional modes of viewing video, such as via television screens. Accordingly,
14 cell phone manufacturers at the time of filing focused on developing the "onboard"
15 capabilities of their products, rather than adapting them to connect with and control
16 a higher resolution device. Thus, for example, the Nokia N92 mobile device
17 announced in 2005 was "marketed as a phone for watching TV." *See* Nokia N92
18 Wikipedia Article, https://en.wikipedia.org/wiki/Nokia_N92, attached hereto as
19 **Attachment C**. The Nokia N92, while capable of playing "mobile TV," was
20 designed as an alternate platform for watching television, and it operated as a
21 standalone device, wholly independent of television sets of the period. The '342
22 and '981 patents go further. In contrast to the standalone approach of the Nokia
23 N92, the '342 and '981 patents teach particular methods and systems by which the
24 cell phone could connect with and control a higher resolution display device,
25 streaming video thereto. The state of the art cell phones of the day were not
26 equipped to operate in this way, nor was this their goal. Indeed, as Nokia stated at
27 the time, the "Nokia N92 offers easy access to TV programs *without* having to sit
28 in front of a television set." *See* Presenting the Nokia N92: TV goes Mobile,

1 http://www.nokia.com/en_int/news/releases/2005/11/02/presenting-the-nokia-n92-
2 [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 D**. Notably, so-
3 called “[t]hird generation mobile phones” or “3G mobiles” which were capable of
4 “multi-media communication” of this kind—i.e., “viewing TV on a mobile
5 phone”—were themselves far from the norm in 2006. *See* NEC 3G Cell Phone
6 Diagram, attached hereto as **Attachment E**. As NEC stated at the time, although
7 such devices were “expected to be extremely popular,” using a cell phone to view
8 television was itself a “groundbreaking way to use mobile phones.” *Id.*

9 14. Still more groundbreaking was the inventive approach of the ’342 and
10 ’981 patents, which went beyond the cell phones merely equipped to play
11 television, such as the Nokia N92 and the NEC e636. The ’342 and ’981 patents
12 teach particular methods and systems by which the cell phone could connect with
13 and control a higher resolution display device for streaming video. The claimed
14 inventions would have been inoperable on the more sophisticated cell phones of
15 the period, such as the Nokia N92 and NEC e636, because they required significant
16 technical advancements and improvements to the hardware and software “stack” of
17 the cell phone in order to enable their inventive functionality. *See* NEC e636
18 Specifications, http://www.gsmarena.com/nec_e636-1476.php, attached hereto as
19 **Attachment F**.

20 15. The ’342 and ’981 patents teach the hardware and software “stack”
21 necessary to implement the particular systems and methods claimed in the patents.
22 For example, Figure 3D illustrates the relationships between the hardware and
23 software components of the cell phone itself, as well as the internet and a high-
24 resolution display device, in terms of their hierarchy and I/O requirements and
25 functions. Figure 3D teaches a cell phone operating system that supports TCP/IP
26 services, a desktop browser and operating system within the cell phone, and the
27 device drivers necessary to manage streaming media as it is received from the
28 network, rendered by the operating system, and communicated to external devices.

1 Figure 3D teaches that the cell phone's device drivers interact with the peripheral
2 communications hardware and software that, in turn, communicates with external
3 display devices. Further, Figure 3B shows that the peripheral communications
4 hardware and software interacts with multichannel USB, and IEEE 1394 and IEEE
5 802.11 protocols that, in turn, use a multiport wireless interface to communicate
6 with a high-resolution digital display device. Without the hardware and software
7 "stack" (or its equivalents) disclosed, *inter alia*, in Figures 3B and 3D of the '342
8 and '981 patents, the claimed inventions would have been inoperable. The
9 hardware and software "stack" disclosed and claimed in the patents was absent
10 from the more advanced cell phones of the day (e.g., the Nokia N92 and NEC
11 e636), which were designed as mere standalone devices—a completely different
12 paradigm than disclosed in the patents, which teach the cell phone connecting with
13 and controlling a higher resolution display device on which media may be
14 streamed.

15 16. In the few prior art examples where the cell phone was actually
16 connected to another device, the cell phone was used in a manner completely
17 different than that disclosed in the '342 and '981 patents, and for different
18 purposes. As the inventor pointed out during prosecution of the '342 patent, the
19 prior art merely "describe[d] a conventional tethering operation of a cell phone to a
20 computer, and not peripheral cell phone control of the claimed invention." *See*
21 Prosecution History of '342 Patent, Amendment, May 31, 2011, at 11, attached
22 hereto as **Attachment G**. According to the "conventional tethering operation[s]"
23 of the prior art, the "PC or laptop connects to the internet via another PC's or a cell
24 phone's wireless Internet connection, providing a bridge connection but not ceding
25 control." *Id.* By contrast, the "instant invention," the inventor explained, "does
26 not use a cell phone to connect a 'computer' to the Internet"—"[q]uite the reverse,
27 the instant invention connects peripheral devices (connected to the computer) to
28 the cell phone to create a desktop computing environment on the cell phone." *Id.*

1 As the inventor described it in a later amendment, the “present invention” was one
2 “directed to an innovative approach to employ a cell phone or like PDA . . . to
3 create a media center controlled by the user through the cell phone – without the
4 usage of the computing power of the peripherals’ PC.” *See* Prosecution History of
5 ’342 Patent, Amendment, January 17, 2012, at 31, attached hereto as **Attachment**
6 **H**. The inventor emphasized that in the prior art “the portable device is a mere
7 tether” and “has zero control – the network server is running things directly” in the
8 “traditional client/server relationship.” *Id.* at 32. By contrast, the claimed
9 inventions “expressly involve[] and claim[] control of the peripheral device by the
10 portable device, not at network control.” *Id.* Thus, at best, the prior art
11 contemplated the “conventional tethering” of the cell phone to the computer for the
12 purpose of improving the functionality of the computer according to the
13 “traditional client/server relationship.” The ’342 and ’981 patents, however, teach
14 improvements in the cell phone hardware and software “stack” enabling it to
15 control the high-resolution display device, in a clear reversal of the “traditional
16 client/server relationship” and departure from “conventional tethering.” As the
17 inventor stated during prosecution, quoting the summary of the invention, “[t]he
18 user may access’ the movies and videos ‘using the desktop monitor’ because, for
19 example the ‘user interfaces’ of the web site providing this content ‘can be
20 displayed through’ the ‘desktop monitor’” and “[t]hose ‘user interfaces are sent to
21 the ‘desktop monitor’ by means of the ‘wireless cell phone.’” *See* Prosecution
22 History of ’981 Patent, Sept. 7, 2016, Declaration of Michael D. Harold, at pages
23 3-4, para 7(a)(4), attached hereto as **Attachment I**. None of the prior art discloses
24 the hardware and software “stack” necessary to execute this novel functionality or
25 to accomplish the objectives of the ’342 and ’981 patents.

26 17. The named inventor of the ’342 and ’981 patents, Mr. Michael D.
27 Harold, conceived of the inventions disclosed and claimed therein and has worked
28 to commercialize them for several years. Among his goals – and later those of his

1 company, Zamboola, LLC (“Zamboola”) – was to provide hardware and software
2 solutions for the mobile market to allow the interfacing of user information
3 between devices in an enhanced way. Accordingly, after filing in 2006 the
4 application that eventually issued as the ’342 patent, he set to work prototyping
5 solutions that reduced the claimed inventions to practice. Mr. Harold began by
6 modifying an “open source” cell phone released after filing, the Openmoko “Neo,”
7 which had an operating system and some of the hardware necessary to support
8 streaming media from the Internet to a high-resolution display device. However,
9 because the software on the Neo proved to be too unstable for the purposes of the
10 claimed inventions, the inventor was forced to migrate to an “Android” operating
11 system. Still more modifications were necessary after migrating to the Android
12 OS, which was not designed for the purpose of streaming media to a high-
13 resolution display device, and lacked the architecture for concurrent, multi-
14 threaded operations and interprocess communications. Subsequently, the inventor
15 adapted open source device drivers for these purposes. Additionally, because the
16 Neo had a USB port, the inventor developed a USB-to-VGA connector that
17 allowed the cell phone to display media at the higher resolution VGA, controlled
18 by the user via the Neo touchscreen. Thus, the software and hardware components
19 available required significant modifications from their original form before it was
20 possible to integrate them into a prototype incorporating the claimed inventions.

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

26 19. Zamboola believes that in terms of security, identity, mobility and
27 performance, the smartphone remains a strong platform for current and future
28 personal and enterprise computing. Given the continued advances in mobile

1 hardware and wireless broadband, an opportunity has arisen for the commercial
2 implementation of container-based virtualization on smartphones, allowing
3 distributed services and applications to run in concert with cloud computing
4 services as an on-demand distributed computing environment using any
5 combination of operating systems.

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

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

20 22. The specification of the Asserted Patents draws a distinction between
21 consumer electronic entertainment applications of the invention and applications
22 that are not related to that subject matter. *See*, for example, col. 12, line 61 – col.
23 13, line 4 of the ’542 patent which state that an example of a consumer electronic
24 entertainment application is a movie that is located remotely on an internet-
25 accessible server. On the other hand, this same section of the ’542 patent
26 recognizes that non-entertainment embodiments relate to, for example, remotely
27 accessing a document, spreadsheet or software application.

1 23. Claims 20, 60 and 69 of the '342 patent cover both consumer
2 electronic entertainment applications, as well as non-consumer electronic
3 entertainment applications. All of the claims of the '981 patent are specifically
4 limited to the electronic entertainment applications and embodiments of the
5 invention.

6 24. Figure 3A of both Asserted Patents shows an exemplary cell phone
7 400 that can be used in connection with the method and system described in the
8 above paragraphs. Cell phone 400 can be used to, for example, download a movie
9 or video stored on the remote server (formed by media applications 111 and media
10 112) so that it can be shown on the high-resolution digital display device 522.
11 Display 522 typically forms a part of a viewer's media center environment that can
12 be at the viewer's home. This display is not an accessory to the cell phone—
13 rather, it is, for example, a TV suitable for use in a movie room in a person's home.

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

22 26. After the viewer of the display 522 has reviewed the first GUI and
23 selected a movie or video, the viewer interacts with the cell phone 400 to enter
24 entertainment selections commands into the cell phone 400. These commands are
25 based on the visual feedback the viewer obtained by reading or otherwise
26 interacting with the first GUI. The server processes the download commands, and
27 then sends the requested movie or video from the remote server, to the cell phone
28 400, and then to the display 522 for viewing by the viewer on the display 522. One

1 main advantage of the present invention is that, for example, the viewer can select,
2 download, control and experience a downloaded movie or video on the large media
3 center display 522 as opposed to the small display screen associated with the cell
4 phone 400.

5 27. The cell phone 400 can be connected to the display 522 in a number
6 of different ways. For example, Figure 3A shows a Wi-Fi chip 486 that allows the
7 phone 400 to communicate with the display device over, for example, wireless
8 connections between the phone 400 and the hub 105 and the display 522. The Wi-
9 Fi 33 chip can operate in accordance with one or more of the 802.11 standards.

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

14 29. On April 30, 2016, RPX Corporation filed two petitions for *inter*
15 *partes* review of certain claims of the '342 patent. The two petitions were
16 IPR2016-00989 and IPR2016-01052.

17 30. On November 2, 2016, the Patent Trial and Appeal Board of the U.S.
18 Patent and Trademark Office ("the Board") in IPR2016-00989 declined to institute
19 review of claims 21, 22, 25, and 26 of the '342 patent. On the same date, the
20 Board in IPR2016-01052 declined to institute review of claims 12, 13, 60, 61, 69,
21 and 70 of the '342 patent. Each of these claims remain valid and enforceable.

22 31. Sockeye has obtained all substantial rights and interest in the '342 and
23 '981 patents, including all rights to recover for all past and future infringements
24 thereof.

25 V. DEFENDANT'S ACTS

26 32. Defendant manufactures, provides, sells, offers to sell, and/or
27 distributes infringing systems and methods. Defendant provides Wi-Fi Alliance
28

1 certified “Miracast” products to provide the infringing functionality. As set forth
2 on the Wi-Fi Alliance’s website:

3 Wi-Fi CERTIFIED Miracast™ is a groundbreaking solution for seamlessly
4 displaying multimedia between devices, without cables or a network
5 connection. Users can do things like view pictures from a smartphone on a
6 big screen television, share a laptop screen with the conference room
7 projector in real-time, and watch live programs from a home cable box on a
8 tablet. Miracast connections are formed using Wi-Fi CERTIFIED Wi-Fi
9 Direct®, so access to a Wi-Fi® network is not needed – the ability to
10 connect is inside Miracast-certified devices.

11 Miracast is an industry-wide solution, so the technology works well across
12 devices, regardless of brand. Connections are easy to set up and use since
13 the devices choose the appropriate settings automatically. Miracast supports
14 premium content—like Blu-ray feature films, live television shows and
15 sports, or any other copy-protected premium content—allowing you to
16 watch what you want, where you want.

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

18 33. Defendant employs Miracast technology in its accused
19 instrumentalities. Moreover, Defendant markets its accused instrumentalities as
20 certified under that technology standard. A generally comprehensive list of
21 Miracast-certified products provided by Defendant is publicly available at the
22 following website: [http://www.wi-fi.org/product-finder-](http://www.wi-fi.org/product-finder-results?sort_by=default&sort_order=desc&capabilities=2&certifications=45)
23 [results?sort_by=default&sort_order=desc&capabilities=2&certifications=45](http://www.wi-fi.org/product-finder-results?sort_by=default&sort_order=desc&capabilities=2&certifications=45).

24 34. For example, Defendant commercializes at least the following
25 Miracast products: LG DWD-300, LG 65LF6300, LG G2, LG BP730, LG PG65U,
26 and LG G Pad X8.3.

27 35. LG’s products infringe the Asserted Patents at least by displaying a
28 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 Patents.

1 36. Defendant has had knowledge of (1) the inventions disclosed by the
2 Asserted Patents and (2) the '342 patent at least as of the date it was served with a
3 complaint for patent infringement in *Sockeye Licensing TX LLC v. LG Electronics*
4 *USA, Inc.*, 2:15-cv-01597 (E.D.Tex. 2015). Further, Defendant has had knowledge
5 of the '981 patent at least as of the service of this Complaint. With knowledge of
6 the Asserted Patents, Defendant intentionally infringed, and continues to
7 intentionally infringe, the patented technology. It provides specifications and
8 instructions for the installation and infringing operation of such systems to its
9 customers, who directly infringe.

10 37. Furthermore, with knowledge of the Asserted Patents, Defendant
11 provides related services, specifications, and instructions for the installation and
12 infringing operation of such systems to the customers of its products, who directly
13 infringe through the operation of those products.

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

18 39. Through its actions, Defendant has infringed the Asserted Patents, and
19 Defendant has actively induced others to infringe the Asserted Patents throughout
20 the United States, including in the State of California and this District.

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

23 **Direct and Joint Infringement**

24 41. Sockeye restates and realleges each of the allegations set forth above
25 and incorporates them herein.

26 42. Upon information and belief, LG manufactures, uses, distributes,
27 offers to sell, and/or sells devices including wireless adapters, phones, tablets, TVs,
28 blu-ray players and projectors in the State of California, this District, and

1 elsewhere. Examples of Defendant's infringing products include the LG Miracast
2 Certified Wireless HDMI Adapter, LG G6, LG G Pad 8.3, LG 49' Class, LG
3 UP970, LG PH450UG . These products, when used in combination (including in
4 combination with devices of third parties) by LG and others, directly infringe the
5 Asserted Patents as described in paragraph 35. By way of example only, a LG
6 Miracast compatible cell phone device receiving a video or movie selection
7 command and then transmitting some of the selected video or movie to a LG
8 Miracast compatible TV or projector directly infringes claim 1 of the '981 patent in
9 the manner described by paragraph 35.

10 43. By way of example only, a LG TV or projector is a peripheral device
11 system having the peripheral device and an interconnector (a Miracast compatible
12 communication connection) connecting the peripheral device with a wireless
13 device and, based on user controls, downloads user information from a server to
14 the peripheral device and uses the downloaded user information to create a user
15 environment and directly infringes claim 21 of the '342 patent.

16 44. Upon information and belief, LG employees, within this District and
17 elsewhere, use LG devices in a manner that directly infringes the Asserted Patents.

18 45. To the extent that some elements of a claim are performed by a
19 different party than LG, LG directs and controls the other party to jointly infringe
20 the Asserted Patents, including through a contractual relationship. Upon
21 information and belief, LG contracts with vendors, customers, third parties, and/or
22 end users and provides infringing software, including Miracast components, to
23 them in this District and elsewhere to use LG phones, tablets and other portable
24 devices with LG televisions, projectors, and other display devices in a manner that
25 directly infringes the Asserted Patents. Upon information and belief, LG enters
26 into agreements with vendors, customers, third parties, end users and others
27 concerning the operation and use of infringing devices and functionality within this
28 District and elsewhere.

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

10 47. LG issues computerized instructions to direct or control users and
11 infringing devices to conduct acts of infringement. Through its software
12 embedded on users' infringing devices, as well as its contractual relationships with
13 users (including LG vendors), LG directs and controls infringing devices to
14 directly infringe the Asserted Patents.

15 48. All of the above acts constitute acts of direct infringement.

16 **Induced and Contributory Infringement**

17 49. Sockeye restates and realleges each of the allegations set forth above
18 and incorporates them herein.

19 50. Upon information and belief, LG manufactures, sells, offers for sale,
20 imports, distributes, and provides Miracast compatible devices that actively induce
21 and contribute to the direct infringement of the Asserted Patents by third parties,
22 including third party users and LG customers. Third party users and LG customers
23 directly infringe the Asserted Patents in the manner described in paragraph 35. By
24 way of example only, LG provides Miracast compatible LG phones and/or tablets
25 which are used to display a graphic user interface to allow users to input movie or
26 video selection commands to the phones, to receive the selected movie or video,
27 and to transmit a portion of the selected movie or video to a display device in the
28 manner claimed by the Asserted Patents. By way of example only, LG provides

1 Miracast compatible LG TVs, blu-ray players, and/or projector display devices
2 which receive a portion of a movie or video from a mobile communication device
3 that displays a graphic user interface to allow users to input movie or video
4 selection commands, receive the selected movie or video, and transmit a portion of
5 the selected movie or video in the manner claimed by the Asserted Patents.

6 51. Upon information and belief, LG induces the direct infringement of
7 the Asserted Patents by providing its customers, third parties, and/or end users of
8 LG devices instructions, materials, advertisements, services, encouragement and
9 software to use or operate the LG devices in an infringing manner described in the
10 preceding paragraph. Upon information and belief, LG further induces
11 infringement by its customers, third parties, and/or end users by knowingly and
12 specifically designing and programming its devices to be operated by its
13 customers, third parties, and/or end users in an infringing manner. Upon
14 information and belief, LG provides and instructs third parties to use the
15 aforementioned products in the manner claimed in the Asserted Patents. Further,
16 LG has actively induced infringement by its customers, third parties, and/or end
17 users in this judicial District. For example, Defendant's website
18 <http://www.lg.com/us/experience-tvs/smart-tv/connect> advertises using LG TVs
19 with Miracast compatible smartphones and tablets to "stream all your favorite
20 content wirelessly from your compatible smartphones and tablets via . . .
21 Miracast." Defendant's website further instructs customers and third parties to do
22 the same.

23 52. Upon information and belief, LG had knowledge of the '342 and '981
24 patents at least as of the dates described in paragraph 36. Notwithstanding, LG
25 continues to willfully and with specific intent infringe and cause others to infringe
26 the Asserted Patents. Further, LG provides, makes, sells, and offers to sell LG
27 devices with the specific intent that its customers, third parties, and/or end users
28

1 use the LG devices in an infringing manner, and its customers, third parties, and/or
2 end users do so.

3 53. Upon information and belief, LG contributes to the direct
4 infringement of the Asserted Patents by providing infringing LG devices and
5 device components to its customers, third parties, and/or end users. Upon
6 information and belief, components provided by LG have no substantial non-
7 infringing uses and are especially made and/or adapted so as to infringe the
8 Asserted Patents.

9 54. Upon information and belief, Miracast components provided by LG
10 on its devices cannot operate except in the infringing manner described in
11 paragraph 35 and thus necessarily has no substantial non-infringing use. LG has
12 acted with specific intent to induce or cause infringement and to conduct acts of
13 infringement as described herein within this District and elsewhere. LG continues
14 to contribute to the infringement of third parties even after having notice and actual
15 knowledge of the Asserted Patents as previously described.

16 55. Upon information and belief, customers and users of LG's infringing
17 devices reside in the State of California and this District and conduct the above
18 described acts within the State of California and this District.

19 **COUNT ONE**

20 **PATENT INFRINGEMENT—U.S. PATENT NO. 8,135,342**

21 56. Plaintiff restates and realleges each of the allegations set forth above
22 and incorporates there herein.

23 57. Defendant directly and/or jointly with one or more third parties
24 infringe the '342 patent by making, using, offering to sell, and selling infringing
25 LG products, including without limitation the LG Miracast Certified Wireless
26 HDMI Adapter, in violation of 35 U.S.C. § 271(a).

1 58. Defendant indirectly infringes the '342 patent by inducing or
2 contributing to the infringement of the '342 patent in violation of 35 U.S.C. §
3 271(b)-(c)&(f), including by its customers/consumers.

4 59. Defendant does not have a license or permission to use the claimed
5 subject matter in the '342 patent.

6 60. As a direct and proximate result of Defendant's direct, joint, induced,
7 and/or contributory infringement of the '342 patent, Plaintiff has been injured and
8 has been caused significant financial damage.

9 61. Defendant's aforementioned acts have caused damage to Plaintiff and
10 will continue to do so unless and until enjoined.

11 62. Plaintiff alleges upon information and belief that defendant has,
12 knowingly or with willful blindness, willfully infringed one or more claims of the
13 '342 patent. Defendant has knowledge of the '342 patent as previously alleged.
14 Defendant acted with knowledge of the '342 patent and, despite its knowledge or
15 despite that it should have known of an objectively high likelihood that its actions
16 constituted infringement of Plaintiff's valid patent rights, continue to infringe.

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

20 **COUNT TWO**

21 **PATENT INFRINGEMENT—U.S. PATENT NO. 9,547,981**

22 64. Plaintiff restates and realleges each of the allegations set forth above
23 and incorporates there herein.

24 65. Defendant directly and/or jointly with one or more third parties
25 infringe the '981 patent by making, using, offering to sell, and selling infringing
26 LG products, including without limitation the LG Miracast Certified Wireless
27 HDMI Adapter, in violation of 35 U.S.C. § 271(a).

1 66. Defendant indirectly infringes the '981 patent by inducing or
2 contributing to the infringement of the '981 patent in violation of 35 U.S.C. §
3 271(b)-(c)&(f), including by its customers/consumers.

4 67. Defendant does not have a license or permission to use the claimed
5 subject matter in the '981 patent.

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

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

11 70. Plaintiff alleges upon information and belief that defendant has,
12 knowingly or with willful blindness, willfully infringed one or more claims of the
13 '981 patent. Defendant has knowledge of the '981 patent as previously alleged.
14 Defendant acted with knowledge of the '981 patent and, despite its knowledge or
15 despite that it should have known of an objectively high likelihood that its actions
16 constituted infringement of Plaintiff’s valid patent rights, continue to infringe.

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

20 **VI. JURY DEMAND**

21 72. Plaintiff hereby demands a jury on all issues so triable.

22 **VII. REQUEST FOR RELIEF**

23 WHEREFORE, Plaintiff Sockeye respectfully requests that the Court:

24 A. Enter judgment that Defendant directly, jointly, contributes to, or
25 induces others to infringe one or more claims of the Asserted Patents literally
26 and/or under the doctrine of equivalents;
27
28

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

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

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

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

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

13 Respectfully submitted,

14 DATED: July 17, 2017

STRADLING YOCCA CARLSON & RAUTH

16 By: /s/ Douglas Q. Hahn

Douglas Q. Hahn

Salil Bali

18 Attorneys for Plaintiff
19 Sockeye Licensing TX LLC