

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MICOBA LLC,

Plaintiff,

vs.

SPOTIFY USA INC.

Defendant.

---

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No:

PATENT CASE

**COMPLAINT**

Plaintiff Micoba LLC (“Plaintiff” or “Micoba”) files this Complaint against Spotify USA Inc. (“Defendant” or “Spotify”) for infringement of United States Patent No. 8,473,532 (hereinafter “the ‘532 Patent”).

**PARTIES AND JURISDICTION**

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its office address at 5900 South Lake Forest Dr., Suite 300, PMB# 723, McKinney, TX 75070.

4. On information and belief, Defendant is a Delaware corporation with a principal address 45 West 18th Street, 7th Floor, New York, NY 10011.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District,

has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

**VENUE**

7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District as Defendant is a Delaware corporation.

**COUNT I**  
**(INFRINGEMENT OF UNITED STATES PATENT NO. 8,473,532)**

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '532 Patent with sole rights to enforce the '532 Patent and sue infringers.

11. A copy of the '532 Patent, titled "Method and Apparatus for Automatic Organization of Computer Files," is attached hereto as Exhibit A.

12. The '532 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 13 of the '532 Patent, by making, using, importing, selling, and/or offering for sale, at least in internal testing, computer systems that automatically organize files, which are covered by at least Claim 13 of the '532 Patent. Defendant has infringed and continues to infringe the '532 patent directly in violation of 35 U.S.C. § 271.

14. Defendant sells, offers to sell, and/or uses computer systems including, without

limitation, the Spotify Music app used, for example, with smartphones, and any similar products (“Products”), which infringe at least Claim 13 of the ‘532 Patent. The Products include a processor (e.g., A10 Fusion chip with 64-bit architecture), memory (e.g. internal capacity 32GB, 128GB and 256GB), and software (e.g., Spotify Music app) for automatically organizing computer files into folders. These and other elements are illustrated in the publicly available information provided below:

**Spotify Music**  
By Spotify Ltd.

[View More by This Developer](#)

Open iTunes to buy and download apps.



**Description**

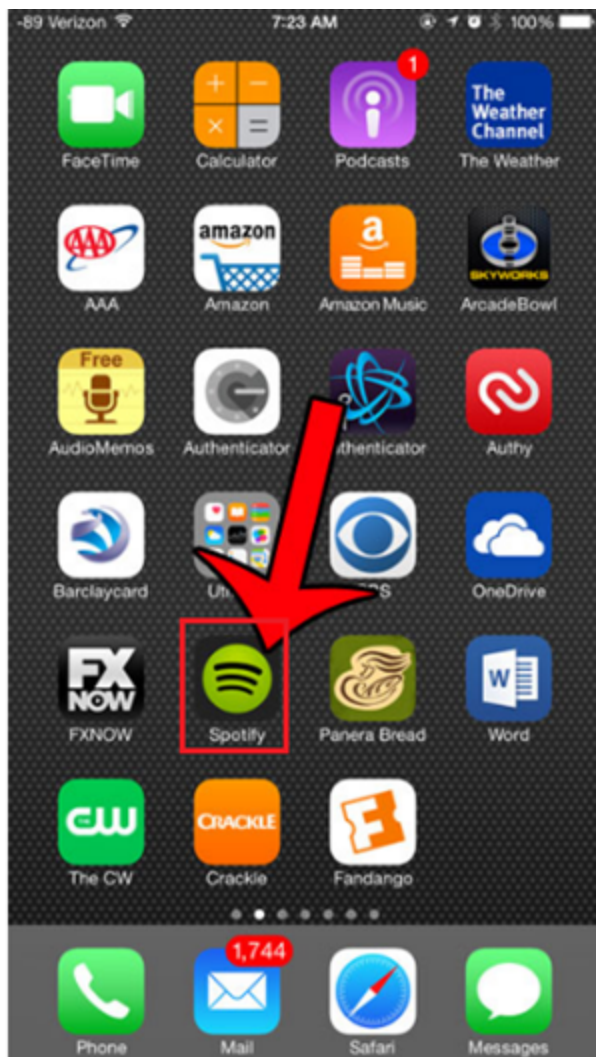
Spotify is the best way to listen to music on mobile or tablet.

Search for any track, artist or album and listen for free. Make and share playlists. Build your biggest, best ever music collection.

Get inspired with personal recommendations, and readymade playlists for just about everything.

Listen absolutely free with ads, or get Spotify Premium.

<https://itunes.apple.com/us/app/spotify-music/id324684580?mt=8>



<http://www.solveyourtech.com/increase-quality-iphone-spotify-app/>

**iPhone 7**

Overview iOS

Chip



A10 Fusion chip with 64-bit architecture  
Embedded M10 motion coprocessor

<https://www.apple.com/iphone-7/specs/>

**Capacity<sup>2</sup>**

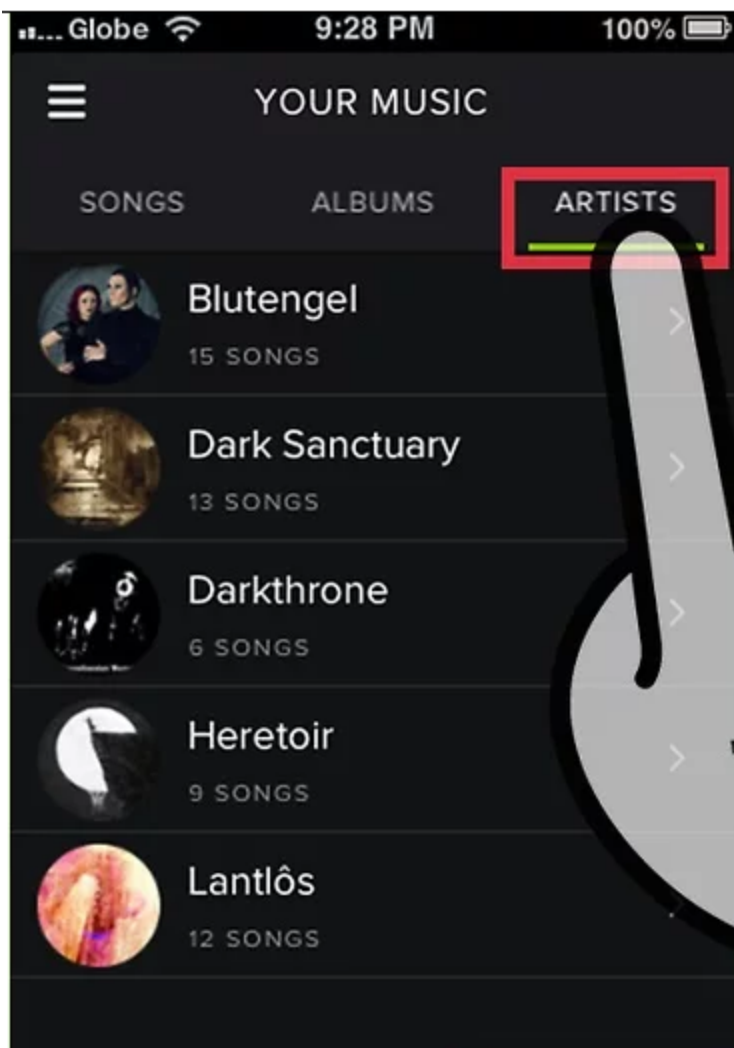
32GB

128GB

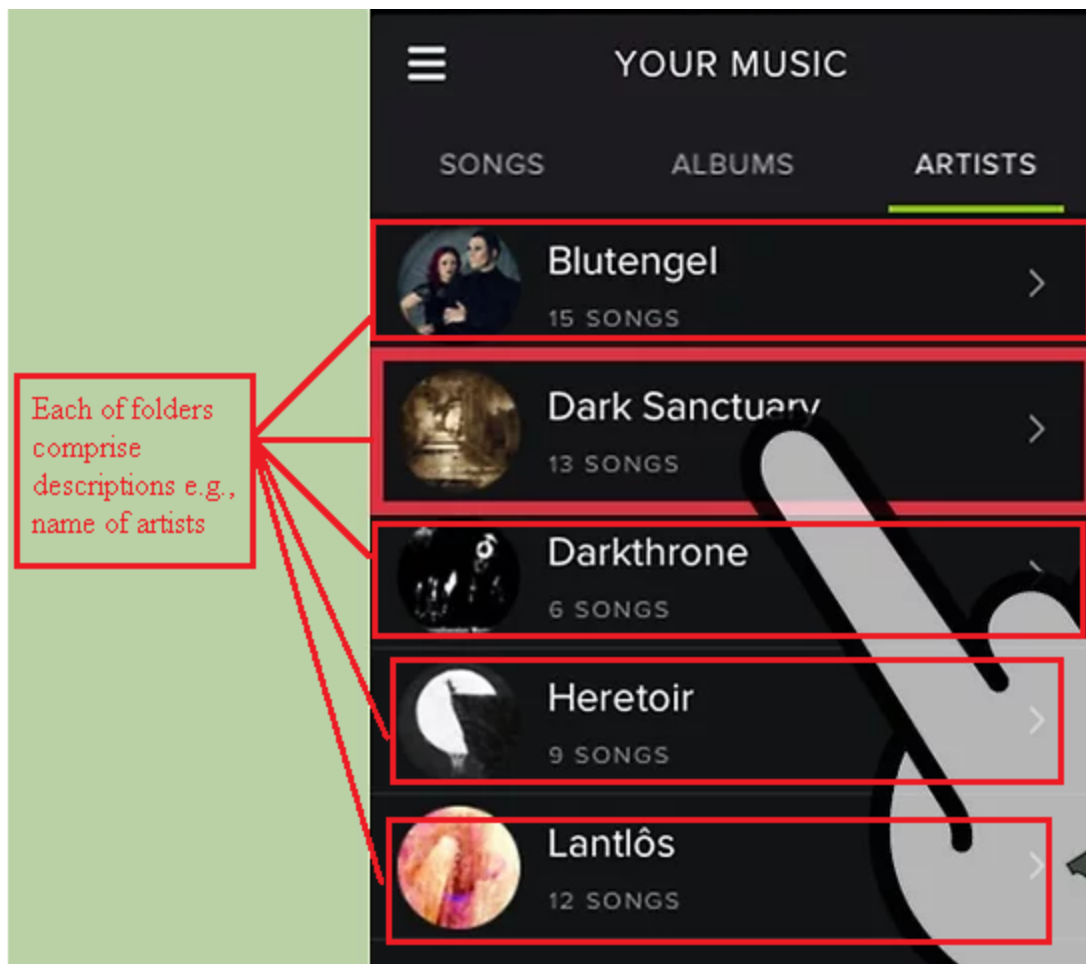
256GB

<https://www.apple.com/iphone-7/specs/>

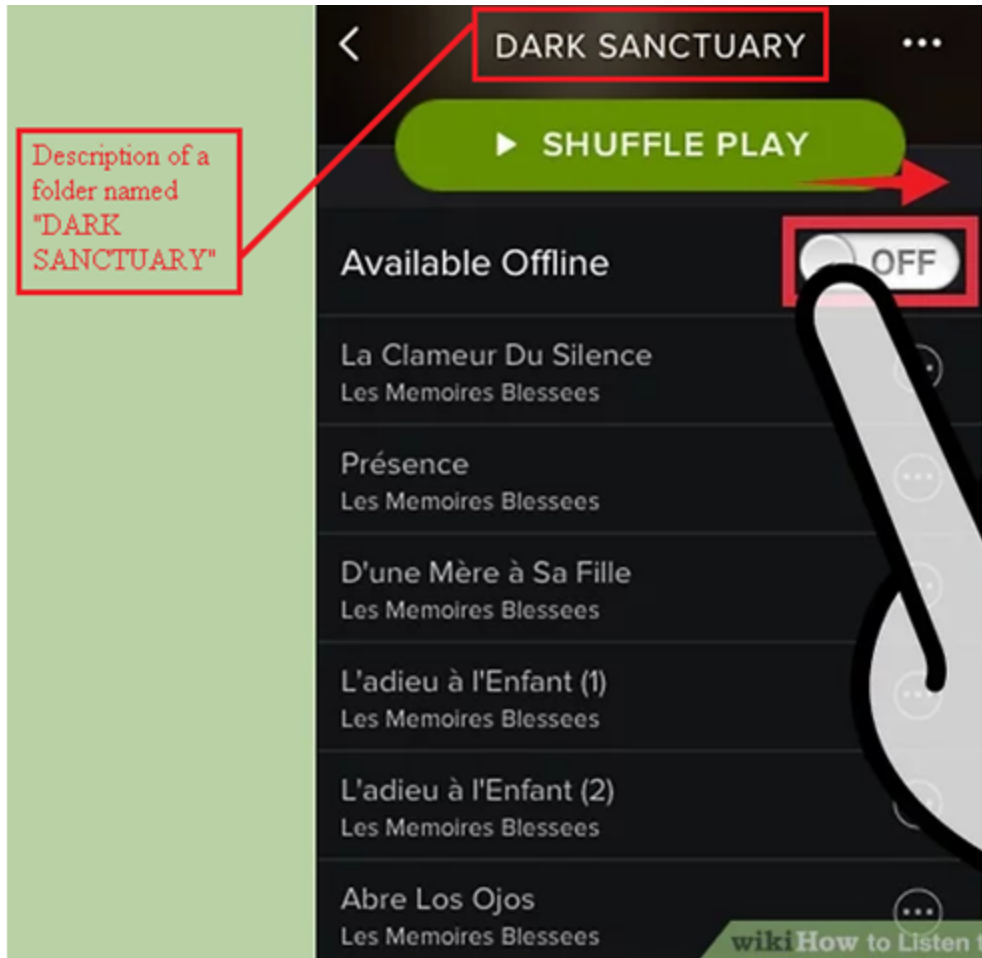
15. The Products provide a directory of folders, wherein substantially each of the folders is represented by a description. For example, the folders may be radio stations or virtual stations (or folders for maintaining files related to radio stations or virtual stations) and the descriptions may be the names of the stations (e.g., the stations may be described by normal station name, artist name, or type of music). These and other elements are illustrated in the publicly available information regarding the Product, as shown below:



<http://www.wikihow.com/Listen-to-Music-Offline-with-Spotify>



<http://www.wikihow.com/Listen-to-Music-Offline-with-Spotify>



<http://www.wikihow.com/Listen-to-Music-Offline-with-Spotify>

## Save an artist

Whenever you save a song or album, the artist is automatically added to Your Library Artists collection.



[https://support.spotify.com/us/using\\_spotify/collect\\_music/save-music-podcasts-videos/](https://support.spotify.com/us/using_spotify/collect_music/save-music-podcasts-videos/)

16. The Products provide a new computer file (e.g., a song from Spotify server by means of sending to the accused instrumentality) not having a location in said directory (e.g., not in an artist/station folder yet because the song is being downloaded from Spotify server). The computer file (e.g., the song) is represented by a description (e.g., title of the song and/or name



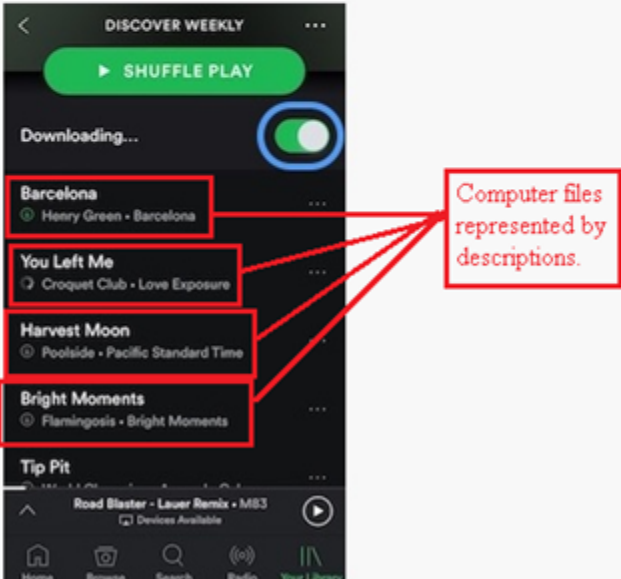
of the artist). This is illustrated in the publicly available information above and additional information below:

**iPhone**

**Note:** By default, downloading over your mobile data connection is disabled. Go to Your Library  > Settings  and tap **Download using cellular** to enable it. We recommend downloading over WiFi to avoid mobile data charges.

You can save playlists, artists, albums, songs, and podcasts saved in **Your Library**.

1. When connected to the internet, go to **Songs** if you want *all* the songs saved in **Your Library**. Otherwise, go to the playlist, artist, or album you'd like to download for offline listening.
2. At the top of the screen, switch **Download** on.



Computer files represented by descriptions.

[https://support.spotify.com/us/listen everywhere/on phone tablet desktop/listen-offline/](https://support.spotify.com/us/listen-everywhere/on-phone-tablet-desktop/listen-offline/)

# Listen offline

**For:** Premium subscribers

Take your music everywhere you go. With **Spotify Premium**, you can download music to the app so it's available to play even without an internet connection.

You can have up to **3,333** songs available for offline listening, on a maximum of **3** different devices.

[https://support.spotify.com/us/listen\\_everywhere/on\\_phone\\_tablet\\_desktop/listen-offline/](https://support.spotify.com/us/listen_everywhere/on_phone_tablet_desktop/listen-offline/)

17. The Products compare the description (e.g., the name of song and/or name of artist) of said computer file (e.g., the song) to descriptions of a plurality of folders along a single path from a root folder (e.g., Artist) to a leaf folder (e.g., album corresponding to the artist).

18. The Products assign the computer file (e.g., the song) to a folder (e.g., folder corresponding to the artist) having the most similar description (e.g., the name of artist of the song).

19. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

20. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

21. Plaintiff is in compliance with 35 U.S.C. § 287.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted

herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 8,473,532 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: September 28, 2017

Respectfully submitted,

*/s/Stamatios Stamoulis*

---

Stamatios Stamoulis #4606  
stamoulis@swdelaw.com  
Richard C. Weinblatt #5080  
weinblatt@swdelaw.com  
Stamoulis & Weinblatt LLC  
Two Fox Point Centre  
6 Denny Road, Suite 307  
Wilmington, DE 19809  
(302) 999-1540

**JAY JOHNSON**

State Bar No. 24067322

**D. BRADLEY KIZZIA**

State Bar No. 11547550

**KIZZIA JOHNSON, PLLC**

1910 Pacific Ave., Suite 13000

Dallas, Texas 75201

(214) 451-0164

Fax: (214) 451-0165

jay@kjpllc.com

bkizzia@kjpllc.com

**ATTORNEYS FOR PLAINTIFF**