

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

X-MOBILE TECHNOLOGIES LLC,

Plaintiff,

v.

LG ELECTRONICS, INC., LG
ELECTRONICS U.S.A., INC., and LG
ELECTRONICS MOBILECOMM U.S.A.,
INC.

Defendants.

CIVIL ACTION NO. 4:17-cv-698

FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff X-Mobile Technologies LLC (“X-Mobile”) files this first amended complaint against LG Electronics, Inc., LG Electronics U.S.A., Inc., and LG Electronics MobileComm U.S.A., Inc. (“Defendants” or “LG”), alleging, based on its own knowledge as to itself and its own actions and based on information and belief as to all other matters, as follows:

PARTIES

1. X-Mobile is a limited liability company formed under the laws of the State of Texas.
2. Defendant LG Electronics, Inc. is a corporation organized under the laws of Korea, with a place of business at LG Twin Towers 20, Yeouido-Dong, Yeongdeungpo-Gu, Seoul, South Korea 150-721. LG does business in Texas, directly or through intermediaries and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the Eastern District of Texas.

3. Defendant LG Electronics U.S.A., Inc. is a corporation organized and existing under the laws of the state of Delaware, with a place of business located at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. LG Electronics U.S.A., Inc. does business in Texas, directly or through intermediaries and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the Eastern District of Texas and has a regular and established place of business in this district. LG Electronics U.S.A., Inc. can be served with process through its registered agent, United States Corporation Co., 211 East 7th Street, Suite 620, Austin, Texas 78701.

4. Defendant LG Electronics MobileComm U.S.A., Inc. is a corporation organized and existing under the laws of the state of California with a place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. LG Electronics MobileComm U.S.A., Inc. does business in Texas, directly or through intermediaries and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the Eastern District of Texas and has a regular and established place of business in this district. LG Electronics MobileComm U.S.A., Inc. can be served with process through its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 East 7th Street, Suite 620, Austin, Texas 78701.

JURISDICTION AND VENUE

5. This is an action for infringement of United States patents arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. §1331 and §1338(a).

6. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b). LG Electronics, Inc. is a foreign corporation and may be sued in this judicial district. Venue is further proper

because LG has committed acts of infringement in this judicial district, has purposely transacted business involving the accused products in this judicial district, and/or has regular and established places of business in this district at least at 14901 Beach St, Fort Worth, TX 76177 and 2155 Eagle Pkwy, Fort Worth, TX 76177.

7. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to Defendants' substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and/or (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. 7,162,426

8. On January 9, 2007, United States Patent No. 7,162,426 ("the '426 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Computer Motherboard Architecture with Integrated DSP for Continuous and Command and Control Speech Processing."

9. X-Mobile is the owner of the '426 Patent, with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the '426 Patent against infringers, and to collect damages for all relevant times.

10. Defendants made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems including, for example, its V30 phone family of products that have a Snapdragon 835 system on a chip with a DSP for Okay Google functionality (the "accused products"):



(Source: <http://www.lg.com/us/mobile-phones/v30>)

11. By doing so, Defendants have directly infringed (literally and/or under the doctrine of equivalents) at least Claims 1 and 20 of the '426 Patent. Defendants' infringement in this regard is ongoing.

12. LG has infringed the '426 Patent by making, having made, using, importing, providing, supplying, distributing, selling or offering for sale products with a computer motherboard architecture.

13. The accused products include a computer motherboard possessing typical components including a CPU, a data bus, a power interface, and an audio input data pathway connecting the audio input of the motherboard to the CPU.

14. The accused products include a DSP chip in the audio input data path, wherein the DSP chip is co-located with the CPU on the motherboard:

Voice

The V30 is equipped with a Voice Recognition feature, which uses a combination of the user's voice and user-defined keywords (optimally three to five syllables) to "wake up" the V30. (But don't worry about security, the technology is smart enough to distinguish the user's voice from others.) This is also available even when the V30 plays music. The Qualcomm Aqstic audio codec (WCD9340) in combination with advanced Aqstic voice UI technology is engineered to provide the phone with virtually always-on, always-listening capabilities without draining its battery.

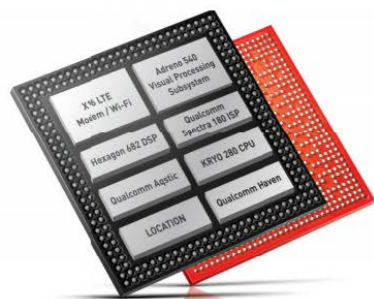
The Google AI Assistant's "OK Google" hotword is baked-in to the DSP inside the Aqstic audio codec for using voice commands to direct the phone to perform a variety of functions. For example, say *"OK Google, take a romantic 'Cine Video',"* and the V30 will open the camera with the "Romantic" pre-set filter ready to go. Linking compatible LG products, like washing machines, refrigerators, ovens, air conditioners, and robot vacuums, to the phone is also possible. Simply say, *"OK Google, talk to LG to wash my clothes,"* to start a load of laundry.

(Source: <https://www.qualcomm.com/news/onq/2017/10/13/lg-v30-and-snapdragon-835-unite-premium-photography-security-and-mobile-vr>)



Blazing-fast Gigabit LTE connectivity, virtually lag-free HDR video capture, and advanced mobile AI: These are just some of the trailblazing features users will find in the Qualcomm Snapdragon 835 powered LG V30, the latest addition to LG's flagship V series of smartphones.

(Source : <https://www.qualcomm.com/news/onq/2017/10/13/lg-v30-and-snapdragon-835-unite-premium-photography-security-and-mobile-vr>)



Snapdragon 835 mobile platform. Supporting a cutting-edge connected, immersive and intelligent all-day experience.

FEATURES & SPECIFICATIONS³

GPU

- + Adreno 540 GPU
- + OpenGL ES 3.2, OpenCL 2.0 full, Vulkan, DX12

DSP

- + Hexagon 682 DSP with:
 - Hexagon Vector eXtensions
 - Qualcomm All-Ways Aware
 - TensorFlow and Halide support
 - Qualcomm® Neural Processing Engine (NPE) SDK

Display

- + UltraHD Premium-ready
- + 4K Ultra HD, 60 FPS
- + 10-bit color depth
- + DisplayPort, HDMI, and USB Type-C support

Camera

- + Qualcomm Spectra 180 ISP
- + Dual 14-bit ISPs
- + Up to 16 MP dual camera
- + Up to 32 MP single camera
- + Qualcomm® Clear Sight™ camera features, Hybrid Autofocus, Optical Zoom, hardware-accelerated Face Detection, HDR Video Recording

Video

- + Up to 4K UltraHD capture @ 30 fps
- + Up to 4K UltraHD playback @ 60 fps
- + H.264 (AVC), H.265 (HEVC), VP9

Memory

- + LPDDR4x, dual channel
- + UFS2.1 Gear3 2L
- + SD 3.0 (UHS-I)

Security

- + Qualcomm® SecureMSM™ technology
- + Qualcomm Haven™ Security Suite
- + Qualcomm® Snapdragon StudioAccess™ content protection

Modem

- + Snapdragon X16 LTE modem
- + Downlink: LTE Cat 16 up to 1 Gbps, 4x20 MHz carrier aggregation, up to 256-QAM
- + Uplink: LTE Cat 13 up to 150 Mbps, Qualcomm® Snapdragon™ Upload+ (2x20 MHz carrier aggregation, up to 64-QAM, uplink data compression)
- + Qualcomm® All Mode with support for all seven cellular modes plus

(Source: from Platform Product Brief downloaded at

<https://www.qualcomm.com/documents/snapdragon-835-mobile-platform-product-brief>)

15. The accused products include a bridge interfacing between said DSP chip and the bus on the computer motherboard.

16. The accused products include a memory in said DSP chip.

17. The accused products include a command and control speech engine (for example, Okay Google) residing in said memory of said DSP chip:

Voice

The V30 is equipped with a Voice Recognition feature, which uses a combination of the user's voice and user-defined keywords (optimally three to five syllables) to "wake up" the V30. (But don't worry about security, the technology is smart enough to distinguish the user's voice from others.) This is also available even when the V30 plays music. The Qualcomm Aqstic audio codec (WCD9340) in combination with advanced Aqstic voice UI technology is engineered to provide the phone with virtually always-on, always-listening capabilities without draining its battery.

The Google AI Assistant's "OK Google" hotword is baked-in to the DSP inside the Aqstic audio codec for using voice commands to direct the phone to perform a variety of functions. For example, say *"OK Google, take a romantic 'Cine Video',"* and the V30 will open the camera with the "Romantic" pre-set filter ready to go. Linking compatible LG products, like washing machines, refrigerators, ovens, air conditioners, and robot vacuums, to the phone is also possible. Simply say, *"OK Google, talk to LG to wash my clothes,"* to start a load of laundry.

(Source: <https://www.qualcomm.com/news/onq/2017/10/13/lg-v30-and-snapdragon-835-unite-premium-photography-security-and-mobile-vr>)

18. The accused products include a DSP enabled to operate in either command and control mode or continuous speech mode and that serves as the preprocessor of all speech input prior to execution of instructions by the CPU to process the speech input.

19. The accused products include a speech engine that includes a vocabulary of speech terms enabled to be loaded into said memory which are associated with specific instructions or contextual environments.

20. The accused products include a DSP enabled to be dynamically set by a user in either a continuous speech mode or a command and control mode.

21. LG has also infringed the '426 Patent by making, having made, using, importing, providing, supplying, distributing, selling or offering for sale products using a method of processing speech.

22. The method practiced by the accused products includes setting a computer in either command and control mode or continuous speech mode.

23. The method practiced by the accused products includes inputting speech into an audio input device wherein said audio input device is electrically connected to said computer.

24. The method practiced by the accused products includes converting speech from an analog format to an audio digital signal.

25. The method practiced by the accused products includes transmitting said digital signal to a digital signal processor, wherein said digital signal processor is co-located with a CPU on a motherboard of said computer:

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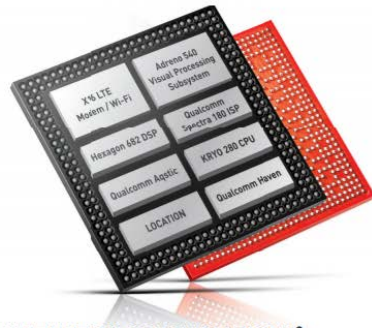
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- + Qualcomm® All Mode with support for all seven cellular modes plus

(Source: from Platform Product Brief downloaded at

<https://www.qualcomm.com/documents/snapdragon-835-mobile-platform-product-brief>)

26. The method practiced by the accused products includes said digital signal processor is enabled to function as a preprocessor of all speech input, analyzing said digital signal with at least said digital signal processor and a speech engine residing in a memory of said digital signal processor on said motherboard and electrically connected to said digital signal processor.

27. The method practiced by the accused products includes loading an appropriate vocabulary into said speech engine in said or of said digital signal processor, depending on the context of the operation being performed by a user.

28. The method practiced by the accused products includes transmitting said analyzed digital signal of a computer command to a processor in electrical connection to said digital signal

processor and said computer and transmitting said analyzed digital signal of continuous speech to a processor in electrical connection to said digital signal processor and said computer.

29. The method practiced by the accused products includes performing an operation or command representative of said analyzed digital signal by said processor:

Voice

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(Source: <https://www.qualcomm.com/news/onq/2017/10/13/lg-v30-and-snapdragon-835-unite-premium-photography-security-and-mobile-vr>)

30. LG has had knowledge of the '426 Patent at least as of the date when it was notified of the filing of this action.

31. X-Mobile has been damaged as a result of the infringing conduct by Defendants alleged above. Thus, Defendants are liable to X-Mobile in an amount that adequately compensates it for such infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

32. X-Mobile and/or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '426 Patent.

COUNT II

DIRECT INFRINGEMENT OF U.S. PATENT NO. 6,690,351

33. On February 10, 2004, United States Patent No. 6,690,351 (“the ‘351 Patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “Computer Display Optimizer.”

34. X-Mobile is the owner of the ‘351 Patent, with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the ‘351 Patent against infringers, and to collect damages for all relevant times.

35. Defendants made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems including its G series smartphone and GPad series tablet families of products (the “accused products”):



(Source: <https://www.verizonwireless.com/smartphones/lg-g6/>)



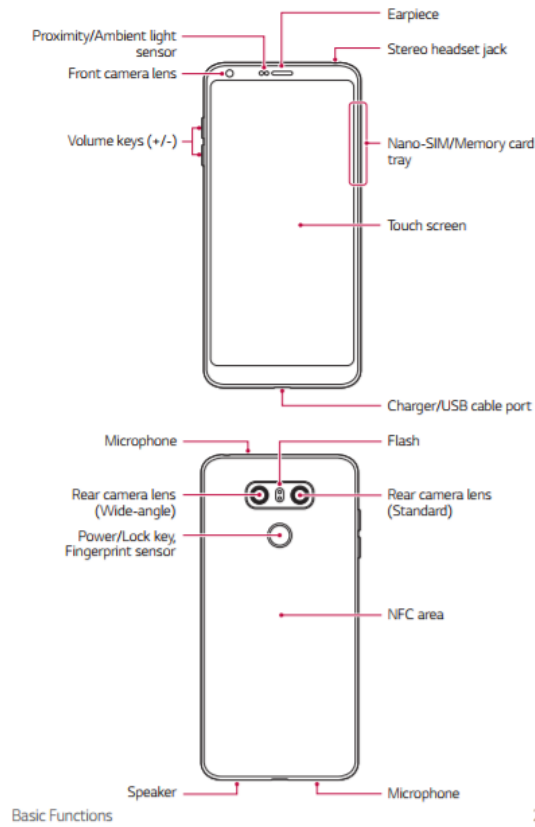
(Source : <http://www.lg.com/us/tablets/lg-UK750-g-pad-x-2>)

36. By doing so, Defendants have directly infringed (literally and/or under the doctrine of equivalents) at least Claim 1 of the '351 Patent. Defendants' infringement in this regard is ongoing.

37. LG has infringed the '351 Patent by making, having made, using, importing, providing, supplying, distributing, selling or offering for sale hands free user or operator supported mobile computer systems having hands free, activating means, a processor and a display means, with the processor in electrical connection to the display means.

38. The accused products include at least one sensor for optimizing internal settings in said display when said sensor and said display are in communication:

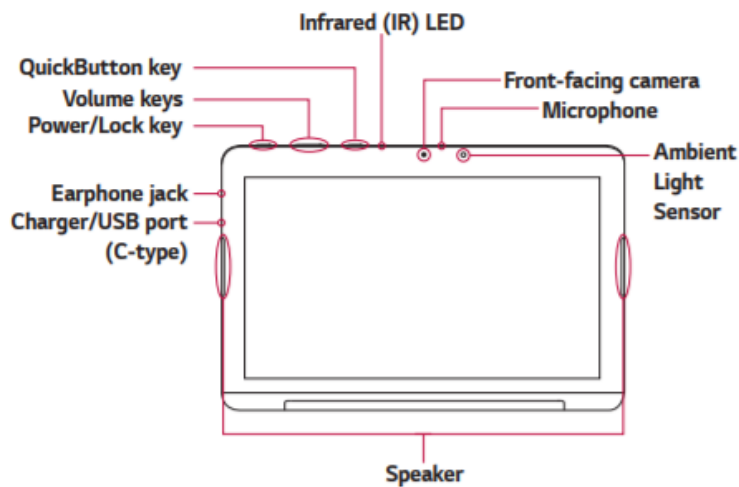
Parts overview



(Source: G6 manual downloaded from <http://www.lg.com/us/support/manuals-documents>)

Device layout

Front view



(Source : GPad X2 manual downloaded from <http://www.lg.com/us/support-mobile/lg-UK750-Black>)

39. The accused products include means in the computer to receive information from the sensor and to transmit it to a data processing means.

40. The accused products include means to translate the data into computer commands to effect control and alteration of the computer system to coincide with any changes resulting from input of the sensor:

- Proximity/Ambient light sensor
 - Proximity sensor: During a call, the proximity sensor turns off the screen and disables touch functionality when the device is in close proximity to the human body. It turns the screen back on and enables touch functionality when the device is outside a specific range.
 - Ambient light sensor: The ambient light sensor analyzes the ambient light intensity when the auto-brightness control mode is turned on.

(Source: G6 manual downloaded from <http://www.lg.com/us/support/manuals-documents>)

- **Brightness:** Use the slide bar to change the device's screen brightness. To automatically adjust screen brightness according to ambient light intensity, tap the **Auto** switch.

(Source: G6 manual downloaded from <http://www.lg.com/us/support/manuals-documents>)

Ambient Light Sensor	Analyzes the ambient light intensity when the auto-brightness control mode is turned on.
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(Source : GPad X2 manual downloaded from <http://www.lg.com/us/support-mobile/lg-UK750-Black>)

Brightness
Allows you to adjust the screen brightness. To automatically adjust screen brightness according to ambient light intensity, tap the **Auto** switch.

(Source : GPad X2 manual downloaded from <http://www.lg.com/us/support-mobile/lg-UK750-Black>)

41. The accused products include that the sensor is enabled to at least measure conditions and optimize internal settings based upon environmental conditions and the type of the display means and reflectivity characteristics of a physical glass and coatings of the display means.

42. LG has had knowledge of the '351 Patent at least as of the date when it was notified of the filing of this action.

43. X-Mobile has been damaged as a result of the infringing conduct by Defendants alleged above. Thus, Defendants are liable to X-Mobile in an amount that adequately compensates it for such infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

44. X-Mobile and/or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '351 Patent.

COUNT III

DIRECT INFRINGEMENT OF U.S. PATENT NO. 6,262,889

45. On July 17, 2001, United States Patent No. 6,262,889 (“the ‘889 Patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “Insulated Mobile Computer.”

46. X-Mobile is the owner of the ‘889 Patent, with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the ‘889 Patent against infringers, and to collect damages for all relevant times.

47. Defendants made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems including its G4 series smartphone and GPad series tablet families of products (the “accused products”):



(Source: <https://www.amazon.com/LG-Metallic-Unlocked-Android-Smartphone/dp/B015EOD9KO>)



(Source : <http://www.lg.com/us/tablets/lg-UK750-g-pad-x-2>)

48. By doing so, Defendants have directly infringed (literally and/or under the doctrine of equivalents) at least Claim 1 of the ‘889 Patent. Defendants’ infringement in this regard is ongoing.

49. LG has infringed the '889 Patent by making, having made, using, importing, providing, supplying, distributing, selling or offering for sale user supported, hands-free activation computer systems having a computer housing and a display means, the computer housing consisting of all of the components of a conventional computer and having located therein a battery to supply power to the system.

50. The accused products include hands-free activation:

- 5.5" Quad HD Display
- 16MP Rear Camera/8MP Front Camera
- Qualcomm® Snapdragon™ 808 processor with X10 LTE (Speed1.8GHz 64-bit Hexa-Core CPU)
- 3GB Ram
- Android™ 5.1 Lollipop

Voice activation via Android's "Ok Google" feature

(Source: <https://www.amazon.com/LG-Metallic-Unlocked-Android-Smartphone/dp/B015EOD9KO>)

Multiple Shutter Options

Tap the shutter, use your voice, tap the screen, or press a volume key to take a photo.

(Source : <http://www.lg.com/us/tablets/lg-UK750-g-pad-x-2>)

Platform

Android 6.0.1 Marshmallow

Voice activation via Android's "Ok Google" feature

(Source : <http://www.lg.com/us/tablets/lg-UK750-g-pad-x-2>)

51. The accused products include the computer housing having a section that will be adjacent the user when in use and supported by the user.

52. The accused products include that the section is constructed of a heat insulating material and forming thereby an internal insulating wall.

53. The accused products include the battery comprising an insulating cover which is located in said housing immediately adjacent the internal insulating wall to provide thereby double insulation for any heat generated by the system within the computer housing at a location closest to the user when in use:



(Source: <https://www.ifixit.com/Teardown/LG+G4+Teardown/42705>)



(Source: <https://www.ifixit.com/Teardown/LG+G4+Teardown/42705>)



(Source : <https://www.ifixit.com/Guide/LG+G+Pad+8.3+Battery+Replacement/50833>)



(Source : <https://www.ifixit.com/Guide/LG+G+Pad+8.3+Battery+Replacement/50833>)

54. LG has had knowledge of the '889 Patent at least as of the date when it was notified of the filing of this action.

55. X-Mobile has been damaged as a result of the infringing conduct by Defendants alleged above. Thus, Defendants are liable to X-Mobile in an amount that adequately compensates it for such infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

56. X-Mobile and/or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '889 Patent.

COUNT IV

DIRECT INFRINGEMENT OF U.S. PATENT NO. 6,958,905

57. On October 25, 2005, United States Patent No. 6,958,905 (“the ‘905 Patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “Mobile Body-Supported Computer with Battery.”

58. X-Mobile is the owner of the ‘905 Patent, with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the ‘905 Patent against infringers, and to collect damages for all relevant times.

59. Defendants made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems including its G Watch family of products (the “accused products”):



(Source: <http://www.lg.com/us/smart-watches/lg-W100-lg-watch>)

60. By doing so, Defendants have directly infringed (literally and/or under the doctrine of equivalents) at least Claim 14 of the '905 Patent. Defendants' infringement in this regard is ongoing.

61. LG has infringed the '905 Patent by making, having made, using, importing, providing, supplying, distributing, selling or offering for sale mobile body supported computers.

62. The accused products include a computer housing including substantially all components of a conventional computer, with a first surface near a user's body, and a second surface located opposite to the first surface.

63. The accused products include a heat insulating member positioned on at least one of the first surface or the second surface:

The display is covered with Gorilla Glass 3; the sides are constructed with stainless steel; and the back is polycarbonate to allow for attenuation and wireless charging (the watch comes with a charging pad that makes this possible). The straps are interchangeable because it uses a 22mm size, but the wristband that comes with the device is made of silicone and offered me a comfortable fit.

(Source: <https://www.engadget.com/2014/06/25/lg-g-watch-hands-on/>)

64. The accused products include an integral battery with casing, the casing being partially constructed of a thermally non-conducting material:



(Source: <https://www.ifixit.com/Teardown/LG+G+Watch+Teardown/27037>)

65. The accused products include means for activating the computer hands-free:

Fast answers to spoken questions

Just say "Ok Google" to start searching for the information you need, like how many calories are in an avocado, which movies are playing, or the score of today's football game. Speak to the G Watch to perform important tasks like sending a text, setting a reminder or taking notes (some voice actions are not available in all languages and countries).

(Source: <https://www.verizonwireless.com/accessories/lg-g-watch/>)

66. The accused products include means for supporting the computer housing by a user.

67. LG has had knowledge of the '905 Patent at least as of the date when it was notified of the filing of this action.

68. X-Mobile has been damaged as a result of the infringing conduct by Defendants alleged above. Thus, Defendants are liable to X-Mobile in an amount that adequately compensates it for such infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

69. X-Mobile and/or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '905 Patent.

ADDITIONAL ALLEGATIONS REGARDING INDIRECT INFRINGEMENT

70. Defendants have also indirectly infringed the '426, '351, '889, and '905 Patents by inducing others to directly infringe the '426, '351, '889, and '905 Patents. Defendants have induced the end-users, Defendants' customers, to directly infringe (literally and/or under the doctrine of equivalents) the '426, '351, '889, and '905 Patents by using the accused products. Defendants took active steps, directly and/or through contractual relationships with others, with the specific intent to cause them to use the accused products in a manner that infringes one or more claims of the patents-in-suit, including, for example, claim 20 of the '426 Patent, claim 1 of the '351 Patent, claim 1 of the '889 Patent, and claim 14 of the '905 Patent. Such steps by Defendants included, among other things, advising or directing customers and end-users to use the accused products in an infringing manner; advertising and promoting the use of the accused products in an infringing manner; and/or distributing instructions that guide users to use the accused products in an infringing manner. Defendants performed these steps, which constitute induced infringement, with the knowledge of the '426, '351, '889, and '905 Patents and with the knowledge that the induced acts would constitute infringement. Defendants were and are aware that the normal and customary use of the accused products by Defendants' customers would infringe the '426, '351, '889, and '905 Patents. Defendants' inducement is ongoing.

71. Defendants have also induced their affiliates, or third-party manufacturers, shippers, distributors, retailers, or other persons acting on their or their affiliates' behalf, to directly infringe (literally and/or under the doctrine of equivalents) the '426, '351, '889, and '905 Patents by importing, selling or offering to sell the accused products. Defendants took active steps, directly and/or through contractual relationships with others, with the specific intent to cause such persons to import, sell, or offer to sell the accused products in a manner that infringes

one or more claims of the patents-in-suit, including, for example, claim 1 of the '426 Patent, claim 1 of the '351 Patent, claim 1 of the '889 Patent, and claim 14 of the '905 Patent. Such steps by Defendants included, among other things, making or selling the accused products outside of the United States for importation into or sale in the United States, or knowing that such importation or sale would occur; and directing, facilitating, or influencing their affiliates, or third-party manufacturers, shippers, distributors, retailers, or other persons acting on their or their behalf, to import, sell, or offer to sell the accused products in an infringing manner. Defendants performed these steps, which constitute induced infringement, with the knowledge of the '426, '351, '889, and '905 Patents and with the knowledge that the induced acts would constitute infringement. Defendants performed such steps in order to profit from the eventual sale of the accused products in the United States. Defendants' inducement is ongoing.

72. Defendants have also indirectly infringed by contributing to the infringement of the '426, '351, '889, and '905 Patents. Defendants have contributed to the direct infringement of the '426, '351, '889, and '905 Patents by the end-user of the accused products. The accused products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe the '426, '351, '889, and '905 Patents, including, for example, claim 20 of the '426 Patent, claim 1 of the '351 Patent, claim 1 of the '889 Patent, and claim 14 of the '905 Patent. The special features include a DSP with a command and control speech engine used in a manner that infringes the '426 Patent. The special features also include automatic brightness settings to be used in a manner that infringes the '351 Patent. The special features also include voice activation features used in a manner that infringes the '889 Patent and in a manner that infringes the '905 Patent. The special features constitute a material part of the invention of one or more of the claims of the '426, '351, '889, and '905

Patents and are not staple articles of commerce suitable for substantial non-infringing use. Defendants' contributory infringement is ongoing.

73. Defendants also have had knowledge of the '426, '351, '889, and '905 Patents at least as of the date when it was notified of the filing of this action.

74. Defendants' direct and indirect infringement of the '426, '351, '889, and '905 Patents is, has been, and continues to be willful, intentional, deliberate, and/or in conscious disregard of X-Mobile's rights under the patent.

75. X-Mobile has been damaged as a result of the infringing conduct by Defendants alleged above. Thus, Defendants are liable to X-Mobile in an amount that adequately compensates it for such infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

X-Mobile hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

X-Mobile requests that the Court find in its favor and against Defendants, and that the Court grant X-Mobile the following relief:

a. Judgment that one or more claims of the '426, '351, '889, & '905 Patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendants and/or all others acting in concert therewith;

b. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '426, '351, '889, & '905 Patents; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of the '426, '351,

889 & '905 Patents by such entities;

c. Judgment that Defendants account for and pays to X-Mobile all damages to and costs incurred by X-Mobile because of Defendants' infringing activities and other conduct complained of herein;

d. That X-Mobile be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;

e. That this Court declare this an exceptional case and award X-Mobile its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

f. That X-Mobile be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: October 31, 2017

Respectfully submitted,

/s/ Zachariah S. Harrington

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CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of October 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Zachariah S. Harrington
Zachariah S. Harrington