

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

X-MOBILE TECHNOLOGIES LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

CIVIL ACTION NO. 4:17-cv-704

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 Microsoft Corporation (“Defendant” or “Microsoft”), 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 Microsoft Corporation is a corporation organized and existing under the laws of Washington, with a place of business located at 1 Microsoft Way, Redmond, WA 98052. Defendant can be served with process by serving its registered agent: Corporation Service Company, 300 Deschutes Way SW, Ste. 304, Tumwater, WA 98501.

**JURISDICTION AND VENUE**

3. 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).

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400(b). Defendant maintains a regular place of business within this judicial district at a retail store at 2601 Preston Rd., #1176, Frisco, TX 75034, and has committed acts of infringement within this judicial district.

5. Defendant is 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 Defendant’s 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**

6. 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.”

7. 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.

8. Defendant made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems including, for example, its Lumia 950 phone family of products that have a DSP for Cortana functionality and its Xbox One gaming system family of products that have a DSP for Cortana functionality (the “accused products”):



(Source : <https://www.microsoft.com/en-us/mobile/phone/lumia950/why-lumia/>)



(Source : <https://www.ifixit.com/Teardown/Xbox+One+Teardown/19718>)

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

10. Microsoft 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.

11. 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.

12. 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:

## Processor

CPU name: Qualcomm Snapdragon 808

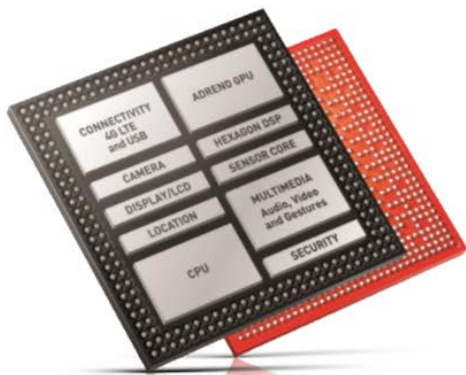
Number of cores: Hexa core

Clock rate: 1800 MHz

Read more: [www.qualcomm.com](http://www.qualcomm.com)



(Source: <https://www.microsoft.com/en-us/mobile/phone/lumia950/specifications/>)



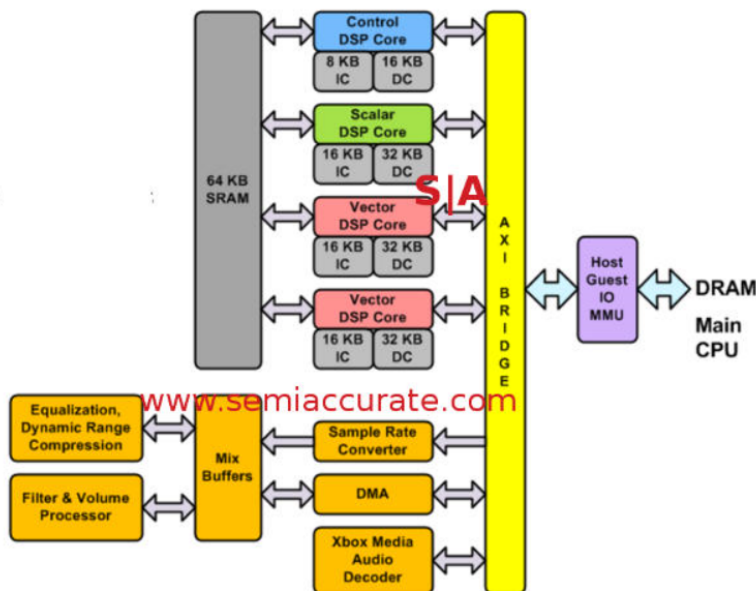
When you need premium tier mobile computing capability, the Snapdragon 808 processor offers highly advanced features, performance and power-efficient design.

(Source: from 808 Processor Product Brief downloaded at

<https://www.qualcomm.com/documents/snapdragon-808-processor-product-brief>)

**Sound Off Times Eight:**

The last major chunk of the Xbox One is the audio subsystem and the eight co-processors that make it up. This is not just a sound card with a lot of channels, while the Audio Processors block does that it also does things like positional audio and beam forming for the Kinect. Think of this more as a DSP block than a Sound Blaster. All said, the entire unit can do 15.4 GFLOPS and a claimed 18G OPS in total including the FP and scalar functions.



(Source:

<https://web.archive.org/web/20140104020107/https://semiaccurate.com/2013/09/03/xbox-ones-sound-block-is-much-more-than-audio/>)

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

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

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

### **Cortana**

Let Cortana make your daily life easier.



### **Cortana voice assistant**

Keep your busy life in check – Cortana is your personal assistant on your phone, only a word away.

Cortana is not available in all regions and languages. For information on the supported regions and languages, go to [www.microsoft.com/mobile/support/cortanaregions](http://www.microsoft.com/mobile/support/cortanaregions).

Make sure that your phone and speech language match and are supported by Cortana. If the Cortana language is not supported in your region, try changing the regional settings. For example, if your phone and speech language is Italian, set Italy as the region.

Cortana can help you:

- Schedule a meeting
- Set a reminder for an important task
- Send automatic replies for callers when you don't want to be disturbed
- Send email
- Check your location
- Search the web and your cloud storage
- Get up-to-date traffic and weather information, and much more

You can do all this using your voice, with only a minimum of fiddling with the touch screen to distract you from other activities.

You need a Microsoft account to use Cortana.

(Source: Lumia 950 user manual downloaded from <https://support.microsoft.com/en-us/help/13296>)

## Cortana voice commands on Xbox One

You can now use Cortana voice commands to control your Xbox One console. When you enable Cortana, you can interact with your console in new and exciting ways. You can even use a headset microphone to give Cortana voice commands.

(Source: <https://support.xbox.com/en-US/xbox-one/console/cortana-voice-commands>)

16. 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.

17. 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.

18. 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.

19. Microsoft 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.

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

21. 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.

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

23. 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:

## Processor

CPU name: Qualcomm Snapdragon 808

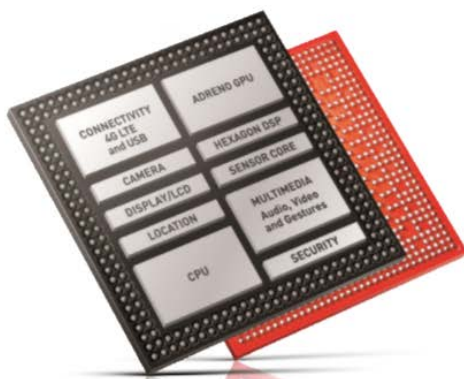
Number of cores: Hexa core

Clock rate: 1800 MHz

Read more: [www.qualcomm.com](http://www.qualcomm.com)



(Source: <https://www.microsoft.com/en-us/mobile/phone/lumia950/specifications/>)



When you need premium tier mobile computing capability, the Snapdragon 808 processor offers highly advanced features, performance and power-efficient design.

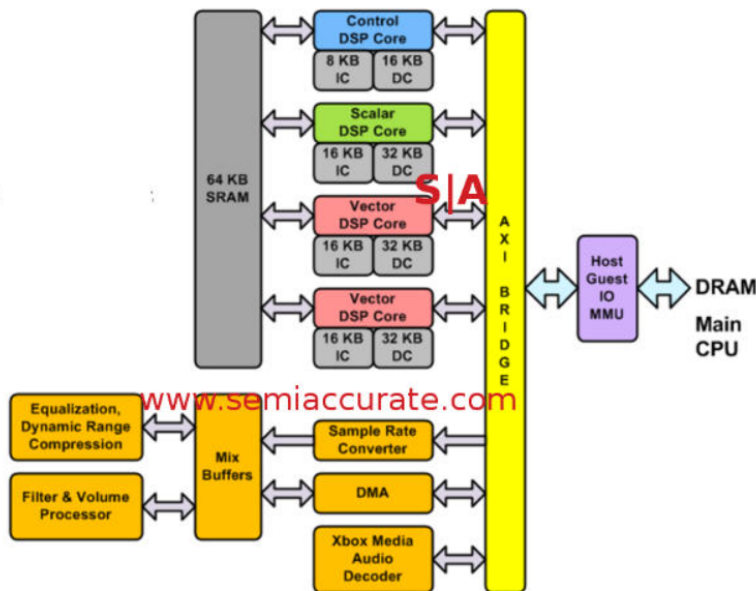
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(Source:

<https://web.archive.org/web/20140104020107/https://semiaccurate.com/2013/09/03/xbox-ones-sound-block-is-much-more-than-audio/>)

24. 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.

25. 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.

26. 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.

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

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Cortana can help you:

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You need a Microsoft account to use Cortana.

(Source: Lumia 950 user manual downloaded from <https://support.microsoft.com/en-us/help/13296>)

## Cortana voice commands on Xbox One

You can now use Cortana voice commands to control your Xbox One console. When you enable Cortana, you can interact with your console in new and exciting ways. You can even use a headset microphone to give Cortana voice commands.

(Source: <https://support.xbox.com/en-US/xbox-one/console/cortana-voice-commands>)

28. Microsoft has had knowledge of the ‘426 Patent at least as of September 25, 2015, when it was cited by the examiner as pertinent in a notice of allowance during the prosecution of U.S. Patent No. 9,256,396, titled “Speech Recognition for Context Switching,” which was assigned to Microsoft Corporation before being assigned to Microsoft Technology Licensing, LLC. Microsoft employees Matthew J. Monson, William P. Giese, and Dan Greenwalt, who are listed as inventors on U.S. Patent No. 9,256,396, and others involved in the prosecution of that patent including at least Christopher I. Culberson and Steven Spellman of Microsoft Corporation have had knowledge of the ‘426 Patent at least as of September 25, 2015.

29. X-Mobile has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is 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.

30. 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**

31. 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.”

32. 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.

33. Defendant made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems including its Lumia smartphone, Surface Pro tablet, and Band smartwatch families of products (the “accused products”):



(Source: <https://www.microsoft.com/en-us/mobile/phone/lumia950/why-lumia/>)



(Source : <https://www.microsoft.com/en-us/store/d/surface-pro/8nkt9wttrbjk/H3CS?wa=wsignin1.0>)



(Source : <https://www.microsoft.com/microsoft-band/en-us/features>)

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

35. Microsoft 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.

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

## Sensors

Sensors: Barometer, Gyroscope, SensorCore, Magnetometer, Accelerometer, Proximity sensor, Ambient light sensor

(Source: <https://www.microsoft.com/en-us/mobile/phone/lumia950/specifications/>)

|                |                                                    |
|----------------|----------------------------------------------------|
| <b>Sensors</b> | Ambient light sensor<br>Accelerometer<br>Gyroscope |
|----------------|----------------------------------------------------|

(Source : <https://www.microsoft.com/en-us/store/d/surface-pro/8nkt9wttrbjk/H3CS?wa=wsignin1.0>)

## Sensors

Optical heart rate sensor  
3-axis accelerometer/gyro  
Gyrometer  
GPS  
Ambient light sensor  
Skin temperature sensor  
UV sensor  
Capactive sensor  
Galvanic skin response  
Microphone  
Barometer

(Source : <https://www.microsoft.com/microsoft-band/en-us/features>)

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

38. 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:

## Display

Display size: 5.2 "

Display resolution: WQHD (2560 x 1440)

Display colors: TrueColor (24-bit/16M)

Display technology: AMOLED, ClearBlack

Pixel density: 564 ppi

Display features: Easy to clean, Orientation sensor, Wide viewing angle, Lumia Color profile, High brightness mode, Corning®

Gorilla® Glass 3, Automatic brightness control, Sunlight readability enhancements

Touch screen technology: Capacitive multipoint-touch


(Source: <https://www.microsoft.com/en-us/mobile/phone/lumia950/specifications/>)

[2] Up to 13.5 hours of video playback. Testing conducted by Microsoft in April 2017 using preproduction Intel Core i5, 256GB, 8GB RAM device. Testing consisted of full battery discharge during video playback. All settings were default except: Wi-Fi was associated with a network and Auto-Brightness disabled. Battery life varies significantly with settings, usage and other factors.

(Source : <https://www.microsoft.com/en-us/store/d/surface-pro/8nkt9wttrbjk/H3CS?wa=wsignin1.0>)

### **Ambient light sensor**

Your Band can use info from the ambient light sensor to adjust the touchscreen brightness automatically. To use this feature, set Brightness to Auto Set. Here's how:

- From the Me Tile on your Band, swipe left and tap **Settings**  > Tools.

(Source : <https://www.microsoft.com/microsoft-band/en-us/support/hardware/sensors>)

39. 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.

40. Microsoft has had knowledge of the '351 Patent at least as of February 7, 2006, when it was cited by the examiner during the prosecution of U.S. Patent No. 7,203,911, titled "Altering a Display on a Viewing Device Based Upon a User Proximity to the Viewing Device," which was assigned to Microsoft Corporation before being assigned to Microsoft Technology Licensing, LLC. Microsoft employee Lyndsay Williams, who is listed as inventor on U.S. Patent No. 7,203,911, and others involved in the prosecution of that patent have had knowledge of the '351 Patent at least as of February 7, 2006.

41. Microsoft has had knowledge of the '351 Patent at least as of November 4, 2011, when Microsoft included the '351 Patent on an Information Disclosure Statement submitted during the prosecution of U.S. Patent No. 8,752,963, titled "See-Through Display Brightness Control," which was assigned to Microsoft Corporation before being assigned to Microsoft Technology Licensing, LLC. Microsoft employees Daniel J. McCulloch, Ryan L. Hastings, Kevin A. Geisner, Robert L. Crocco, Alexandru O. Balan, Derek L. Knee, Michael J. Scavezze, Stephen G. Latta, and Brian J. Mount, who are listed as inventors on U.S. Patent No. 8,752,963, and others involved in the prosecution of that patent have had knowledge of the '351 Patent at least as of November 4, 2011.

42. Microsoft has had knowledge of the '351 Patent at least as of September 16, 2014, when Microsoft included the '351 Patent on an Information Disclosure Statement submitted during the prosecution of U.S. Patent No. 9,699,436, titled "Display with Eye-Discomfort Reduction," which was assigned to Microsoft Corporation before being assigned to Microsoft Technology Licensing, LLC. Microsoft employee Scott Fullam, who is listed as inventor on U.S.



Patent No. 9,699,436, and others involved in the prosecution of that patent have had knowledge of the '351 Patent at least as of September 16, 2014.

43. X-Mobile has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is 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. Defendant made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems including its Lumia smartphone family of products (the “accused products”):



(Source: <https://www.microsoft.com/en-us/mobile/phone/lumia950/why-lumia/>)

48. By doing so, Defendant has directly infringed (literally and/or under the doctrine of equivalents) at least Claim 1 of the '889 Patent. Defendant's infringement in this regard is ongoing.

49. Microsoft 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:

## Cortana

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- Send email
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- Search the web and your cloud storage
- Get up-to-date traffic and weather information, and much more

You can do all this using your voice, with only a minimum of fiddling with the touch screen to distract you from other activities.

You need a Microsoft account to use Cortana.

(Source: Lumia 950 user manual downloaded from <https://support.microsoft.com/en-us/help/13296>)

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.youtube.com/watch?v=LDRNaPYhGjY>)



(Source: <https://www.youtube.com/watch?v=LDRNaPYhGjY>)



(Source : <https://www.youtube.com/watch?v=hrVKERI8lwE>)

54. Microsoft 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 Defendant alleged above. Thus, Defendant is 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. Defendant made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems including its Band family of products (the “accused products”):



(Source : <https://www.microsoft.com/microsoft-band/en-us/features>)

60. By doing so, Defendant has directly infringed (literally and/or under the doctrine of equivalents) at least Claim 14 of the ‘905 Patent. Defendant’s infringement in this regard is ongoing.

61. Microsoft 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:



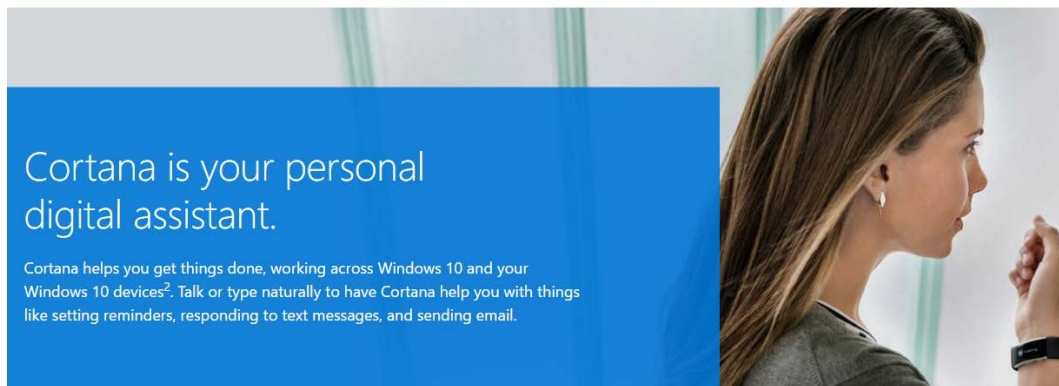
(Source: <https://www.ifixit.com/Guide/Microsoft+Band+Battery+Replacement/38109>)

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/Guide/Microsoft+Band+Battery+Replacement/38109>)

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



(Source: <https://www.microsoft.com/Microsoft-Band/en-us>)

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

67. Microsoft 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 Defendant alleged above. Thus, Defendant is 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. Defendant has also indirectly infringed the '426, '351, '889, and '905 Patents by inducing others to directly infringe the '426, '351, '889, and '905 Patents. Defendant has induced the end-users, Defendant's customers, to directly infringe (literally and/or under the doctrine of



equivalents) the '426, '351, '889, and '905 Patents by using the accused products. Defendant 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 Defendant 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. Defendant 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. Defendant was and is aware that the normal and customary use of the accused products by Defendant's customers would infringe the '426, '351, '889, and '905 Patents. Defendant's inducement is ongoing.

71. Defendant has also indirectly infringed by contributing to the infringement of the '426, '351, '889, and '905 Patents. Defendant has 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. Defendant's contributory infringement is ongoing.

72. Defendant also has 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. Also, as noted above, Defendant has had knowledge of the '426 Patent at least as of September 25, 2015, and Defendant has had knowledge of the '351 Patent at least as of February 7, 2006, November 4, 2011, and/or September 16, 2014.

73. Defendant's 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.

74. X-Mobile has been damaged as a result of the infringing conduct by defendant alleged above. Thus, Defendant is 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 Defendant, 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 Defendant and/or all

others acting in concert therewith;

b. A permanent injunction enjoining Defendant and its 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 Defendant accounts for and pays to X-Mobile all damages to and costs incurred by X-Mobile because of Defendant's 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 Defendant's 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: November 1, 2017

Respectfully submitted,

/s/ Zachariah S. Harrington

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 1st day of November 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