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12 Local Intelligence, LLC

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15

16 LOCAL INTELLIGENCE, LLC,
17 Plaintiff,
18 vs.
19 HTC AMERICA, INC., and HTC
20 CORPORATION.
21 Defendants.

CASE NO. 3:17-6437

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

22 Plaintiff Local Intelligence, LLC (“Local Intelligence”) files this Complaint against HTC
23 America, Inc. (“HTC America”) and HTC Corporation (“HTC Corp.”) (collectively, “HTC” or
24 “Defendants”) for infringement of U.S. Patents Nos. 8,903,067 (the “’067 patent”), 9,219,982 (the
25 “’982 patent”), and 9,084,084 (the “’084 patent”).

26 **PARTIES**

27 1. Local Intelligence is a Texas limited liability company with a place of business
28 located at 1400 Preston Road, Suite 400, Plano, Texas 75093.

1 The '067 patent received careful and exacting scrutiny from the United States Patent and
2 Trademark Office prior to its issuance, as documented in its file history (a true and correct copy of
3 which is attached hereto as Exhibit B). The two additional patents at issue in this litigation are
4 United States Patent Nos. 9,219,982 (the "982 Patent") and 9,084,084 (the "'084 Patent"). True
5 and correct copies of these patents are attached as Exhibits C and D to this Complaint, respectively.
6 (Collectively, the '067 patent, the '982 patent and the '084 patent are referred to herein as the
7 "patents-in-suit.").

- 8
- 9 10. Claim 1 of the '067 patent discloses a telephone having
- 10 a. a display panel; a datastore including at least one function,
- 11 b. wherein the at least one function comprises information relating to a current location
- 12 of a telephone and at least one other condition associated with a user of the
- 13 telephone,
- 14 c. wherein the at least one function is associated with at least one communication
- 15 service;
- 16 d. circuitry operable to connect the telephone to a location server to obtain a current
- 17 location of the telephone; and
- 18 e. a function selector programmable to refresh a screen on the display panel of the
- 19 telephone to include at least one communication service associated with the
- 20 function, based at least in part on a current location of the telephone.

21 11. The '892 patent was duly and lawfully issued by the U.S. Patent and Trademark
22 Office on July 14, 2015.

- 23 12. Claim 1 of the '892 patent discloses a claim for a telephone comprising:
- 24 a. a display panel, a processor, and a datastore comprising
- 25 b. at least one function comprising information relating to a current location of the
- 26 telephone and a user of the telephone,
- 27 c. the telephone operable to connect to a communication network,
- 28

- 1 d. wherein the at least one function is associated with at least one communication
- 2 service,
- 3 e. wherein the processor is operable to connect the telephone to a location server to
- 4 obtain a current location of the telephone,
- 5 f. select a function from the datastore, and
- 6 g. refresh a screen on the display panel to include the at least one communication
- 7 service associated with the selected function based at least in part on the current
- 8 location of the telephone.

9 13. The '084 patent was duly and lawfully issued by the U.S. Patent and Trademark
10 Office on July 14, 2015

- 11 14. Claim 1 of the '084 patent discloses a conferencing system comprising:
- 12 a. a display panel, a processor, a telephone coupled to a voice network, the display
- 13 panel and the processor, and a datastore comprising at least one function comprising
- 14 b. information relating to a current location of the telephone and a user of the
- 15 telephone,
- 16 c. wherein the at least one function is associated with at least one conferencing
- 17 communication service,
- 18 d. wherein the processor is operable to connect the telephone to a location server to
- 19 obtain a current location of the telephone,
- 20 e. select a function from the datastore, and
- 21 f. refresh a screen on the display panel to include the at least one conferencing
- 22 communication service associated with the selected function based on the current
- 23 location of the telephone.

24 15. The inventor of the inventions claimed in the '067, '982 and '084 patents is Shin
25 Cheung Simon Chiu.

26 16. Local Intelligence is the assignee and owner of all right, title and interest in and to
27 the '067, '084 and '982 patents, including the right to assert all causes of action arising under said
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1 patents and the right to any remedies for infringement of it, including but not limited to the right to
2 sue for past, present, and future damages.

3 17. The accused devices include at least HTC phones released since December 2, 2014
4 with the Sense 7.0 or higher versions of HTC software, which includes Sense Home and/or Sense
5 Companion features. Each device infringes the patents-in-suit (collectively, the “Accused HTC
6 Smartphones”). Representative Accused HTC Smartphones include the HTC One M9, the HTC
7 10, and the HTC U11.

8 **COUNT I**

9 **(INFRINGEMENT OF U.S. PATENT NO. 8,903,067)**

10 18. Local Intelligence repeats and realleges the allegations of paragraphs 1 through 17
11 as if fully set forth herein.

12 19. Without license or authorization and in violation of 35 U.S.C. § 271(a), HTC has
13 infringed at least claim 1 of the '067 patent by making, having made, using, importing, offering for
14 sale, and/or selling infringing smartphones, including the Accused HTC Smartphones, each of
15 which uses a location server to obtain a current location of the telephone and then uses that location
16 information to refresh the display on the telephone with certain information, as further explained
17 below.

- 18 20. The Accused HTC Smartphones meet all the limitations of Claim 1 as they are
- 19 a. telephones comprising
 - 20 b. a display panel;
 - 21 c. a datastore including at least one function, wherein the at least one function
 - 22 comprises information relating to a current location of a telephone and at least one
 - 23 other condition associated with a user of the telephone,
 - 24 d. wherein the at least one function is associated with at least one communication
 - 25 service;
 - 26 e. circuitry operable to connect the telephone to a location server to obtain a current
 - 27 location of the telephone; and
 - 28

1 f. a function selector programmable to refresh a screen on the display panel of the
2 telephone to include at least one communication service associated with the
3 function, based at least in part on a current location of the telephone.

4 21. By way of illustration and only as example, the HTC M9 phones feature a datastore
5 including at least one function, wherein the at least one function comprises information relating to a
6 current location of a telephone and at least one other condition associated with a user of the
7 telephone, as shown in Figures A, B, and C following this paragraph.
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9 **Figure A** (Source: <http://www.htc.com/us/support/htc-one-m9-verizon/howto/617482.html>)

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What is the HTC Sense Home widget?

12 Get quick access to apps, shortcuts and folders you use most frequently based on where you are.
13 With the HTC Sense Home widget, HTC One M9 continually adapts to how you use it. For example,
14 apps you use most frequently for work, will show up when you're at your office. The HTC Sense
15 Home widget changes depending on whether you're at home, work, or somewhere else.

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18 **Figure B** (Source: <http://www.trustedreviews.com/opinion/one-m9-plus-vs-one-m9-292586>)

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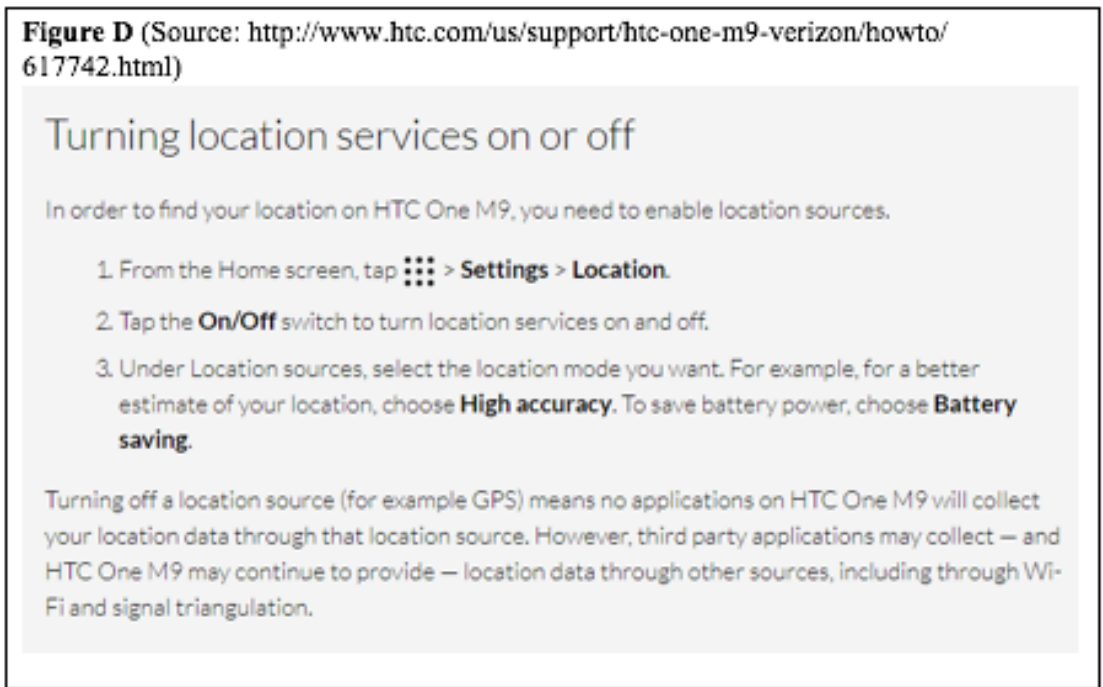
Sense 7 and Android Lollipop all round

20 Both the One M9 and the One M9+ ship with the latest Sense 7.0 UI mash-up with
21 Android Lollipop 5.0.2 as the foundations. It's one of the sleekest approaches to
22 Google's mobile operating system we've seen to date. On the Android side, the
23 improved lock screen notifications is the most noticeable new addition. On the
24 Sense front, there's the new HTC Themes, Sense Home widget and refined Photo
25 Editor to go alongside stable Sense features like Blinkfeed and gesture-based
26 Motion Launch.
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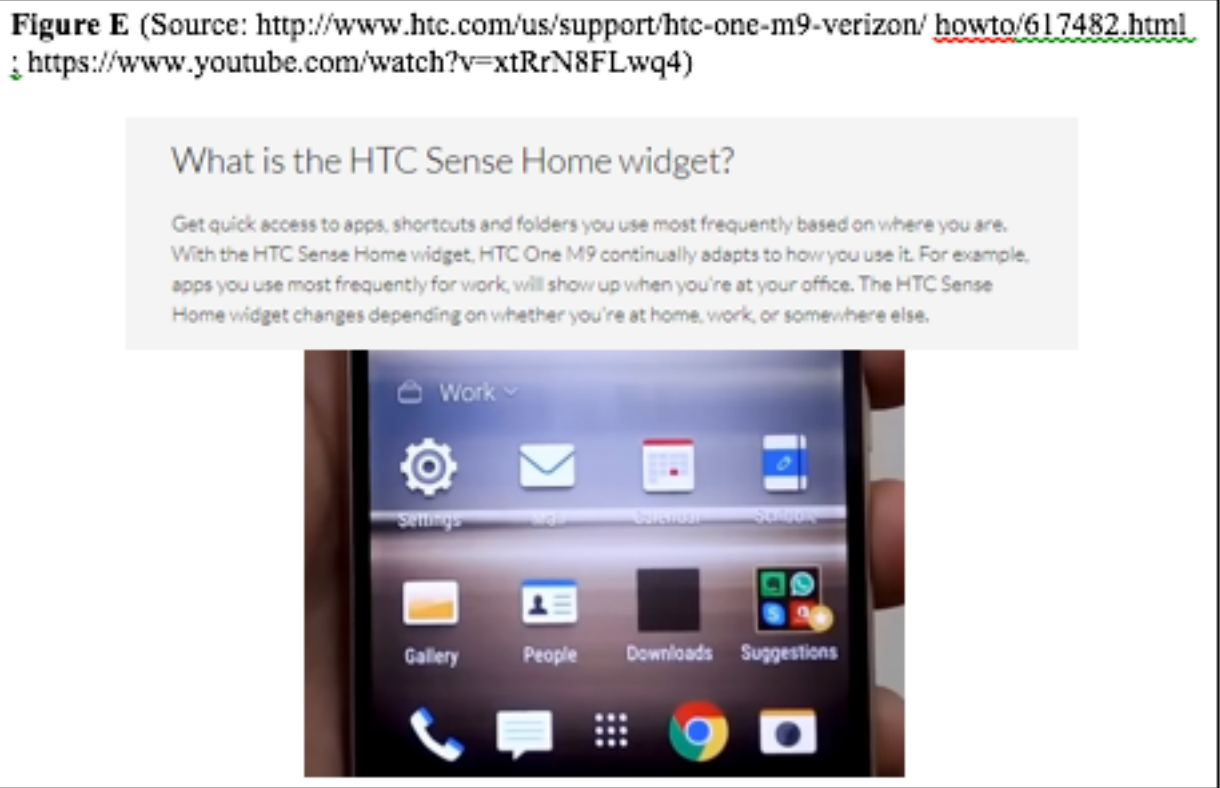
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22. The M9 functions described in the paragraph immediately above are associated with at least one communication service and the M9 features circuitry operable to connect the telephone to a location server to obtain a current location of the telephone, as shown in Figure D.



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23. The M9 has a function selector programmable to refresh a screen on the display panel of the telephone to include at least one communication service associated with the function, based at least in part on a current location of the telephone, as shown in Figure E.



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24. Local Intelligence is entitled to recover from Defendants the damages sustained by Local Intelligence as a result of Defendants' infringement of the '067 patent in an amount subject to proof at trial, 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.

25. Upon information and belief, Defendants began selling infringing phones in April 2015, if not earlier.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 9,218,982)

26. Local Intelligence repeats and realleges the allegations of paragraphs 1 through 25 as if fully set forth herein

27. Without license or authorization and in violation of 35 U.S.C. § 271(a), HTC has

1 infringed at least claim 1 of the '982 patent by making, having made, using, importing, offering for
 2 sale, and/or selling infringing smartphones, including the Accused HTC Smartphones, each of
 3 which uses a location server to obtain a current location of the telephone and then uses that location
 4 information to refresh the display on the telephone with certain information, as further explained
 5 below.

- 6 28. The Accused HTC Smartphones meet all the limitations of Claim 1 as they are
- 7 a. telephones comprising
 - 8 b. a display panel, a processor, and a datastore comprising
 - 9 c. at least one function comprising information relating to a current location of the
 10 telephone and a user of the telephone,
 - 11 d. the telephone operable to connect to a communication network,
 - 12 e. wherein the at least one function is associated with at least one communication
 13 service,
 - 14 f. wherein the processor is operable to connect the telephone to a location server to
 15 obtain a current location of the telephone,
 - 16 g. select a function from the datastore, and
 - 17 h. refresh a screen on the display panel to include the at least one communication
 18 service associated with the selected function based at least in part on the current
 19 location of the telephone.

20 29. By way of illustration and only as example, the M9 is a telephone comprising a
 21 display panel, a processor, and a datastore, as shown in Figure F.

22 **Figure F** (Source: <http://www.htc.com/us/smartphones/htc-one-m9>)

<p>Size 144.8 x 67.7 x 9.61 mm</p> <p>CPU Speed Qualcomm® Snapdragon™ 810, octa core, 64 bit, 4 x 2.0GHz + 4 x 1.5GHz</p> <p>Network¹ 3G/3.5G - GSM/GPRS/EDGE: 850/900/1800/1900 MHz 3G UMTS: 850/900/1900/2100 MHz 4G LTE: FDD: Bands 1,3,3,7,8,20,28 TDD: Bands 38,40,41</p>	<p>Weight 137g</p> <p>Platform Android Android™ with HTC Sense™</p> <p>Memory² ROM: 32GB / RAM: 3GB; Extended memory: microSD™ up to 2TB</p> <p>Sound HTC BoomSound™ with Dolby Audio™</p>	<p>Display 5.0 inch, Full HD 1080p; Corning® Gorilla® Glass</p> <p>SIM Card Type nano SIM</p> <p>GPS Internal GPS antenna + GLONASS</p> <p>Sensors Ambient light sensor, Proximity sensor, Accelerometer, Compass sensor, Gyro sensor, Magnetic sensor, Sensor Hub</p>
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2 30. The M9 features at least one function comprising information relating to a current
3 location of the telephone and a user of the telephone, as shown in Figures G, H and I.
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5 **Figure G** (Source: <http://www.htc.com/us/support/htc-one-m9-verizon/howto/617482.html>)

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What is the HTC Sense Home widget?

8 Get quick access to apps, shortcuts and folders you use most frequently based on where you are.
9 With the HTC Sense Home widget, HTC One M9 continually adapts to how you use it. For example,
10 apps you use most frequently for work, will show up when you're at your office. The HTC Sense
11 Home widget changes depending on whether you're at home, work, or somewhere else.

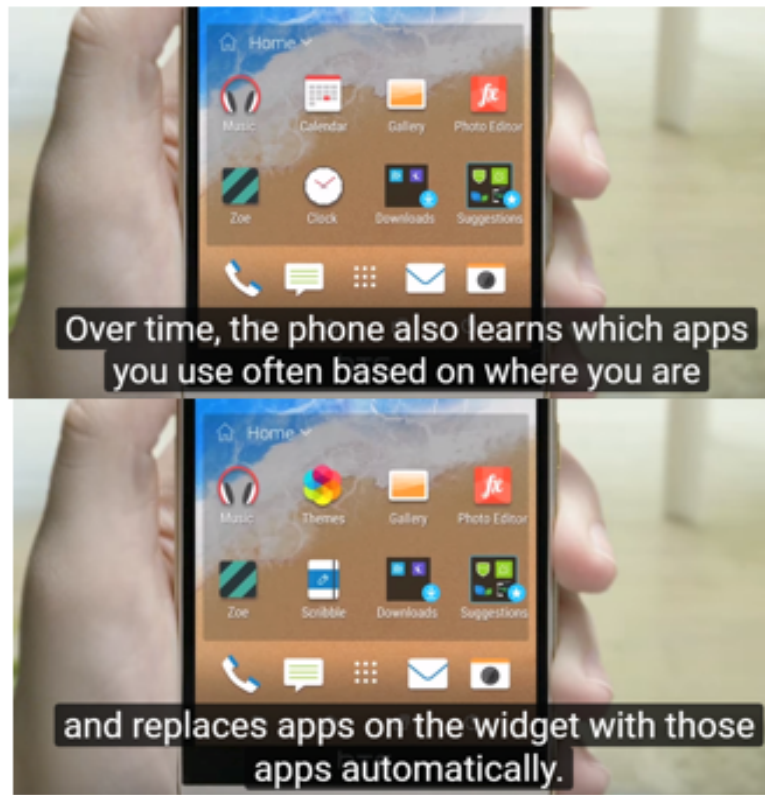
12
13 **Figure H** (Source www.androidpolice.com/2016/05/30/google-maps-v9-26-1-adds-search-along-route-walking-bicycling-changes-driving-mode-fabs-adds-new-settings-apk-teardown-download/; <https://unop.uk/on-google-maps-geotagging-and-privacy/>)

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Sense 7 and Android Lollipop all round

16 Both the One M9 and the One M9+ ship with the latest Sense 7.0 UI mash-up with
17 Android Lollipop 5.0.2 as the foundations. It's one of the sleekest approaches to
18 Google's mobile operating system we've seen to date. On the Android side, the
19 improved lock screen notifications is the most noticeable new addition. On the
20 Sense front, there's the new HTC Themes, Sense Home widget and refined Photo
21 Editor to go alongside stable Sense features like Blinkfeed and gesture-based
22 Motion Launch.
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Figure I (Source: https://www.youtube.com/watch?time_continue=3&v=D1K_3HmVIvc)



31. The M9 is operable to connect to a communications network, as shown in Figure J.

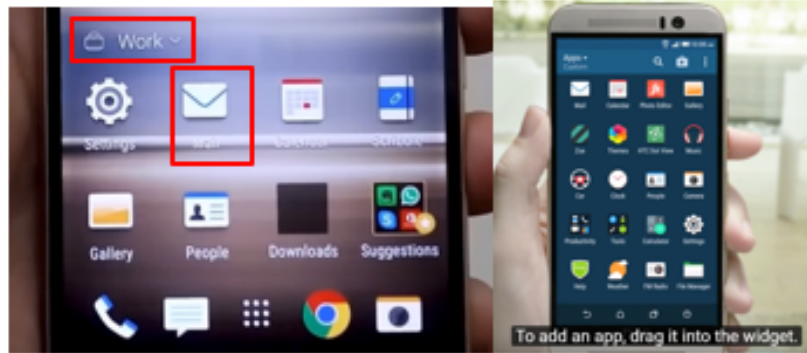
Figure J (Source: <http://www.htc.com/us/smartphones/htc-one-m9/>) (red box added)

<p>Size 144.8 x 69.7 x 9.85 mm</p> <p>CPU Speed Qualcomm® Snapdragon™ 810, 64-bit core, 64-bit, 4 x 2.0GHz + 4 x 1.5GHz</p> <p>Network¹ 2G/2.3G - GSM/GPRS/EDGE: 850/900/1800/1900 MHz 3G/UMTS: 850/900/1900/2100 MHz 4G/LTE-FDD: Bands 1,3,5,7,8,20,28 TDD: Bands 36, 40, 41</p>	<p>Weight 117g</p> <p>Platform Android Android™ with HTC Sense™</p> <p>Memory² ROM: 32GB /RAM: 3GB; Extended memory: microSD™ up to 2TB</p> <p>Sound HTC BoomSound™ with Dolby Audio™</p>	<p>Display 5.0 inch, Full HD 1080p, Corning® Gorilla® Glass</p> <p>SIM Card Type Nano SIM</p> <p>GPS Internal GPS antenna + GLONASS</p> <p>Sensors Ambient light sensor, Proximity sensor, Accelerometer, Compass sensor, Gyro sensor, Magnetic sensor, Sensor Hub</p>
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1 32. The M9 features at least one function associated with at least one communication
2 service, as shown in Figures K.

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4 **Figure K** (Source: <https://www.youtube.com/watch?v=xtRrN8FLwq4>; https://www.youtube.com/watch?time_continue=3&v=D1K_3HmV1vc) (red boxes added)




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13 33. The M9's processor is operable to connect the telephone to a location server to
14 obtain a current location of the telephone, as shown in Figure L.

15 **Figure L** (Source: <http://www.htc.com/us/support/htc-one-m9-verizon/howto/617742.html>)

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Turning location services on or off

18 In order to find your location on HTC One M9, you need to enable location sources.

- 19
- 20 1. From the Home screen, tap  > **Settings** > **Location**.
 - 21 2. Tap the **On/Off** switch to turn location services on and off.
 - 22 3. Under Location sources, select the location mode you want. For example, for a better estimate of your location, choose **High accuracy**. To save battery power, choose **Battery saving**.

23 Turning off a location source (for example GPS) means no applications on HTC One M9 will collect your location data through that location source. However, third party applications may collect — and HTC One M9 may continue to provide — location data through other sources, including through Wi-Fi and signal triangulation.

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27 34. The M9 is able to select a function from the datastore, and refresh a screen on the
28 display panel to include the at least one communication service associated with the selected

1 function based at least in part on the current location of the telephone, as shown in Figure M.
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3 **Figure M** (Source: [http://www.htc.com/us/support/htc-one-m9-](http://www.htc.com/us/support/htc-one-m9-verizon/howto/617482.html)
4 [verizon/howto/617482.html](http://www.htc.com/us/support/htc-one-m9-verizon/howto/617482.html))

5 **What is the HTC Sense Home widget?**

6 Get quick access to apps, shortcuts and folders you use most frequently based on where you are.
7 With the HTC Sense Home widget, HTC One M9 continually adapts to how you use it. For example,
8 apps you use most frequently for work, will show up when you're at your office. The HTC Sense
9 Home widget changes depending on whether you're at home, work, or somewhere else.

10 35. Local Intelligence is entitled to recover from Defendants the damages sustained by
11 Local Intelligence as a result of Defendants' infringement of the '982 patent in an amount subject
12 to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and
13 costs as fixed by this Court under 35 U.S.C. § 284.

14 36. Upon information and belief, Defendants began selling infringing phones in April
15 2015, if not earlier.

16 **COUNT III**

17 **(INFRINGEMENT OF U.S. PATENT NO. 9,084,084)**

18 37. Local Intelligence repeats and realleges the allegations of paragraphs 1 through 36
19 as if fully set forth herein.

20 38. Without license or authorization and in violation of 35 U.S.C. § 271(a), HTC has
21 infringed at least claim 1 of the '084 patent by making, having made, using, importing, offering for
22 sale, and/or selling infringing smartphones, including the Accused HTC Smartphones, each of
23 which has a conferencing system that uses a location server to obtain a current location of the
24 telephone and then uses that location information to refresh the display on the telephone with
25 certain information, as further explained below.

26 39. The Accused HTC Smartphones meet all limitations of Claim 1 as they are

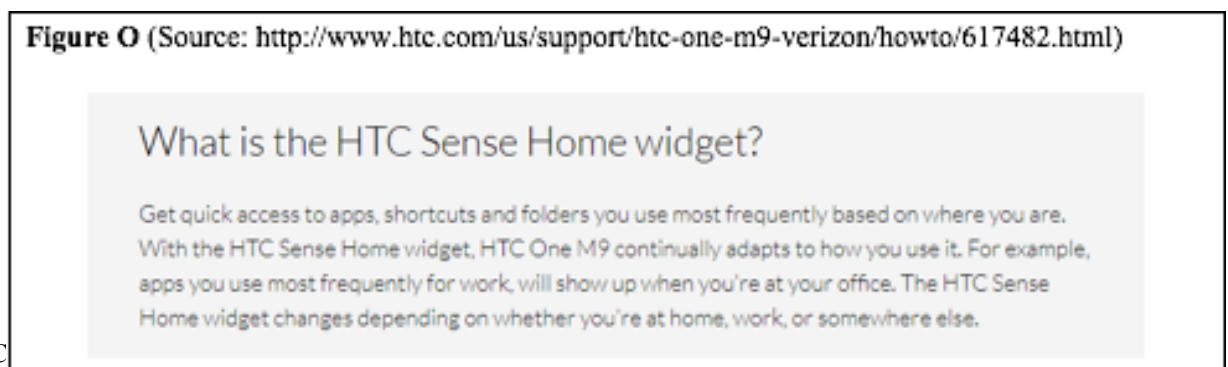
27 a. a conferencing system comprising
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- b. a display panel, a processor, a telephone coupled to a voice network, the display panel and the processor, and a datastore comprising at least one function comprising
- c. information relating to a current location of the telephone and a user of the telephone,
- d. wherein the at least one function is associated with at least one conferencing communication service,
- e. wherein the processor is operable to connect the telephone to a location server to obtain a current location of the telephone,
- f. select a function from the datastore, and
- g. refresh a screen on the display panel to include the at least one conferencing communication service associated with the selected function based on the current location of the telephone.

40. By way of illustration and only as example, the M9 is a conferencing system comprising a display panel, a processor, a telephone coupled to a voice network, the display panel and the processor, and a datastore comprising at least one function, as shown in Figure N.



41. The M9 provides information relating to a current location of the telephone and a user of the telephone, as shown in Figure O, P, and Q.



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Figure P (Source www.androidpolice.com/2016/05/30/google-maps-v9-26-1-adds-search-along-route-walking-bicycling-changes-driving-mode-fabs-adds-new-settings-apk-teardown-download/; <https://unop.uk/on-google-maps-geotagging-and-privacy/>)

Sense 7 and Android Lollipop all round

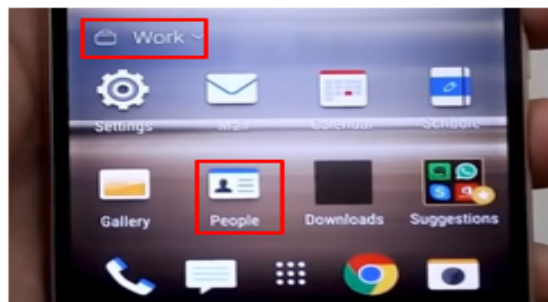
Both the One M9 and the One M9+ ship with the latest Sense 7.0 UI mash-up with Android Lollipop 5.0.2 as the foundations. It's one of the sleekest approaches to Google's mobile operating system we've seen to date. On the Android side, the improved lock screen notifications is the most noticeable new addition. On the Sense front, there's the new HTC Themes, Sense Home widget and refined Photo Editor to go alongside stable Sense features like Blinkfeed and gesture-based Motion Launch.

Figure Q (Source: https://www.youtube.com/watch?time_continue=3&v=D1K_3HmVIvc)



42. The M9 also provides at least one function associated with at least one conferencing communication service, as shown in Figures R, S, and T.

Figure R (Source: <https://www.youtube.com/watch?v=xtRrN8FLwq4>; https://www.youtube.com/watch?time_continue=3&v=D1K_3HmVIvc) (red boxes added)



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Figure S (Source: <http://www.htc.com/us/support/htc-one-m9/howto/603985.html>)

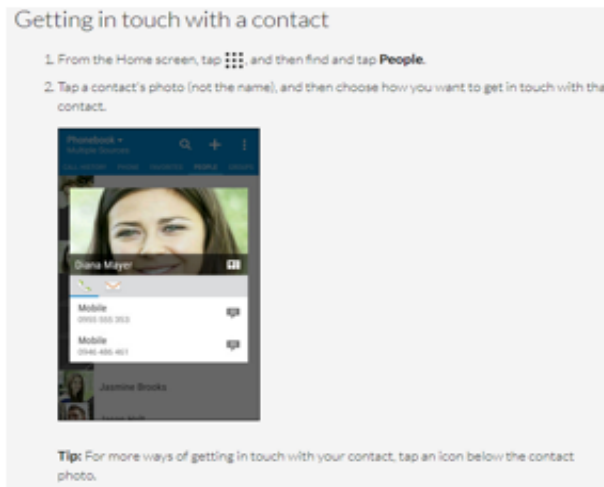
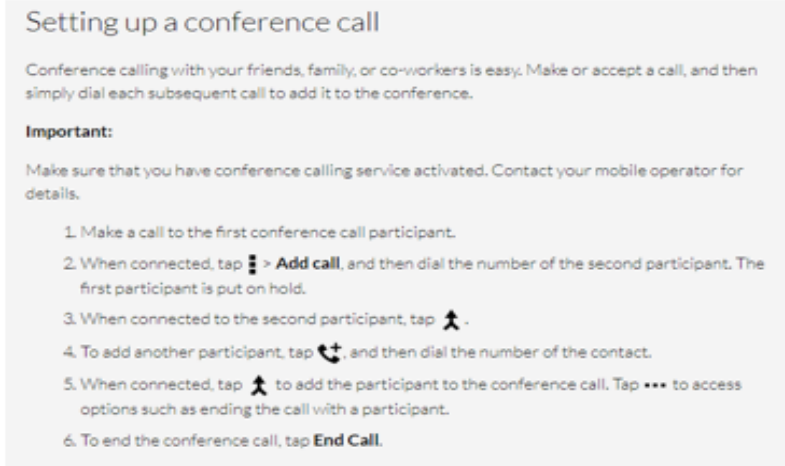


Figure T (Source: <http://www.htc.com/us/support/htc-one-m9/howto/603925.html>)



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2 43. The M9 is operable to connect the telephone to a location server to obtain a current
3 location of the telephone, as shown in Figure U.

4 **Figure V** (Source: <http://www.htc.com/us/support/htc-one-m9/howto/603925.html>)

5 **Turning location services on or off**

6 In order to find your location on HTC One M9, you need to enable location sources.

- 7 1. From the Home screen, tap **⋮** > **Settings** > **Location**.
- 8 2. Tap the **On/Off** switch to turn location services on and off.
- 9 3. Under Location sources, select the location mode you want. For example, for a better estimate of your location, choose **High accuracy**. To save battery power, choose **Battery saving**.

10 Turning off a location source (for example GPS) means no applications on HTC One M9 will collect your location data through that location source. However, third party applications may collect — and HTC One M9 may continue to provide — location data through other sources, including through Wi-Fi and signal triangulation.

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12 44. The M9 can select a function from the datastore refresh a screen on the display panel
13 to include the at least one conferencing communication service associated with the selected
14 function based on the current location of the telephone, as shown in Figure W.

15 **Figure W** (Source: <http://www.htc.com/us/support/htc-one-m9-verizon/howto/617482.html>)

16 **What is the HTC Sense Home widget?**

17 Get quick access to apps, shortcuts and folders you use most frequently based on where you are.
18 With the HTC Sense Home widget, HTC One M9 continually adapts to how you use it. For example,
19 apps you use most frequently for work, will show up when you're at your office. The HTC Sense
20 Home widget changes depending on whether you're at home, work, or somewhere else.

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23 45. Local Intelligence is entitled to recover from Defendants the damages sustained by
24 Local Intelligence as a result of Defendants' infringement of the '084 patent in an amount subject
25 to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and
26 costs as fixed by this Court under 35 U.S.C. § 284.

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DEMAND FOR JURY TRIAL

Local Intelligence demands trial by jury for all issues so triable pursuant to Fed. R. Civ. P. 38(b) and Civil L.R. 3-6(a).

Dated: November 3, 2017

By Marc Belloli

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Local Intelligence, LLC