

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CYPRESS LAKE SOFTWARE, INC.

*Plaintiff,*

v.

LG ELECTRONICS U.S.A., INC.

*Defendant.*

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CA No. 1:17-cv-01133-GMS

JURY TRIAL DEMANDED

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**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Cypress Lake Software, Inc. (“Cypress”) files this complaint against LG Electronics U.S.A., Inc. (“LG” or “Defendant”) alleging infringement of the following validly issued United States patents (the “Patents-in-Suit”):

1. U.S. Patent No. 8,422,858, titled “Methods, systems, and computer program products for coordinating playing of media streams” (the ’858 Patent);
2. U.S. Patent No. 8,661,361, titled “Methods, systems, and computer program products for navigating between visual components” (the ’361 Patent);
3. U.S. Patent No. 8,781,299, titled “Methods, systems, and computer program products for coordinating playing of media streams” (the ’299 Patent);
4. U.S. Patent No. 8,787,731, titled “Methods, systems, and computer program products for coordinating playing of media streams” (the ’731 Patent);
5. U.S. Patent No. 8,902,054, titled “Methods, systems, and computer program products for managing operation of a portable electronic device” (the ’054 Patent);
6. U.S. Patent No. 8,983,264, titled “Methods, systems, and computer program products for coordinating playing of media streams” (the ’264 Patent);
7. U.S. Patent No. 9,195,765, titled “Method and apparatus for presenting content” (the ’765 Patent);
8. U.S. Patent No. 9,423,923, titled “Navigation methods, systems, and computer program products” (the ’923 Patent);

9. U.S. Patent No. 9,423,938, titled “Methods, systems, and computer program products for navigating between visual components” (the ’938 Patent);
10. U.S. Patent No. 9,423,954, titled “Graphical user interface methods, systems, and computer program products” (the ’954 Patent);
11. U.S. Patent No. 9,817,558, titled “Methods, systems, and computer program products for coordinating playing of media streams” (the ’558 Patent);
12. U.S. Patent No. 9,823,838, titled “Methods, systems, and computer program products for binding attributes between visual components” (the ’838 Patent); and
13. U.S. Patent No. 9,841,878, titled “Methods, systems, and computer program products for navigating between visual components” (the ’878 Patent).

#### **NATURE OF THE SUIT**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

#### **PARTIES**

2. Plaintiff Cypress Lake Software, Inc., is a Delaware company with its principal place of business at 318 W. Dogwood Street, Woodville, TX 75979. Cypress is the owner and assignee of the Patents-in-Suit.
3. On information and belief, LG Electronics U.S.A., Inc. is a Delaware company with its principal place of business at 920 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. LG Electronics U.S.A., Inc. may be served through its registered agent, United States Corporation Company, at 251 Little Falls Drive, Wilmington, DE 19808.

#### **JURISDICTION AND VENUE**

4. This lawsuit is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101 *et seq.* The Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332, 1338(a), and 1367.

5. The Court has personal jurisdiction over Defendant for at least four reasons: (1) Defendant has committed acts of patent infringement and contributed to and induced acts of patent infringement by others in this District and elsewhere in Delaware; (2) Defendant regularly does business or solicits business in this District and in Delaware; (3) Defendant engages in other persistent courses of conduct and derives substantial revenue from products and/or services provided to individuals in this District and in Delaware; and (4) Defendant has purposefully established substantial, systematic, and continuous contacts with the District and should reasonably expect to be haled into court here.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because Defendant is incorporated in the State of Delaware. In addition, Defendant has committed acts of infringement in Delaware and in this District, a substantial part of the events or omissions giving rise to Cypress's claims happened in this District, and Defendant is subject to personal jurisdiction in the District.

### **THE ACCUSED PRODUCTS**

7. Defendant designs, develops and/or manufactures smartphones and tablets that employ the Android Operating system, including but not limited to Defendant's Access, Aristo, Classic, Escape 2, Escape 3, Fiesta, Fortune, Grace, G4, G5, G6, G Pad, K3, K4, K7, K8, K10, K20, Nexus 5X, Nexus 6P, Optimus Zone 3, Phoenix 2, Phoenix 3, Premier, Rebel, Rebel 2, Risio, Risio 2, Spree, Stylo, Stylo 2, Stylo 3, Treasure, Tribute 5, Tribute HD, V20, X Charge, X Power, and X Venture models and series of smartphones (collectively, the "Accused Smartphone Devices"; see Exhibit 1), and Defendant's G Pad 7.0, G Pad 8.0, G Pad 10.1, G Pad X, G Pad X II, G Pad X 8.0, G Pad X 10.1, G Pad II, and G Pad F 8.0 models of tablets (the "Accused Tablet Devices"; see Exhibit 2). Collectively, the Accused Smartphone Devices and the Accused Tablet Devices comprise the Accused Devices.

8. As illustrated below, the Accused Smartphone Devices infringe all of the Patents-in-Suit, and the Accused Tablet Devices infringe all of the Patents-in-Suit except the '765 Patent and the '054 Patent.

#### **PRIOR LITIGATION**

9. Cypress originally filed suit against LG in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016), asserting infringement of U.S. Patent Nos. 8,661,361, 8,781,299, 9,423,923, 9,423,938, and 9,423,954. (Those patents, as well as others, are also asserted in the instant case.) Cypress filed the executed summons with the Court on January 5, 2017. Case No. 6:16-cv-1249-RWS, Dkt. 5. During that lawsuit, Cypress served infringement contentions that included certain Android-based accused devices that had not been included in the original complaint. LG indicated Android was not properly disclosed in the original complaint as an accused product. Cypress agreed with LG. Then, Cypress settled with Microsoft in August 2017. This resulted in the dismissal of LG from the original lawsuit involving LG's accused products using Windows 10 in its accused products. Cypress filed this lawsuit to continue, without interruption, litigation of its other counts of infringement to accommodate LG's request that Android products not listed in the original complaint should be included in a separate lawsuit. *See Apple, Inc. v. Rensselaer Polytechnic Institute, et al.*, IPR2014-00319, Paper 12 at 6-7 (PTAB Jun. 12, 2014); *eBay, Inc. v. Advanced Auctions LLC*, IPR2014-00806, Paper 14 at 3, 7 (PTAB Sep. 25, 2014).

#### **COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 8,422,858**

10. Cypress incorporates by reference the allegations in the paragraphs above.
11. The '858 Patent is valid, enforceable, and was duly and legally issued on April 16, 2013.
12. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '858 Patent—directly, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and

devices that embody the patented invention, including, without limitation, one or more of the Accused Devices, in violation of 35 U.S.C. § 271.

13. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '858 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '858 Patent. Specifically, Defendant imports the Accused Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant generates revenue from sales of the Accused Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Devices (*see, e.g.*, Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. *See* Exhibit E.

14. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at least Claim 14 of the '858 Patent which teaches

A non-transitory computer readable medium embodying a computer program, executable by a machine, for coordinating playing of media streams, the computer program comprising executable instructions for:

- detecting a first media player access to a first presentation device to play a first media stream;
- accessing first presentation focus information for determining whether the first media player has first presentation focus for playing the first media stream;
- determining based on the first presentation focus information that the first media player does not have first presentation focus;
- in response to determining the first media player does not have first presentation focus, indicating that the first media player is not allowed to play the first media stream;
- detecting a change in the first presentation focus information;
- determining, based on the detected change, that the first media player has first presentation focus; and

indicating, in response to determining the first media player has first presentation focus, that the first media player is allowed to play the first media stream via the first presentation device.

15. For example, the Accused Devices employ computer software—operating systems and applications—stored in their non-volatile memory systems (“[a] computer program product embodied on a non-transitory computer readable medium”). An Accused Device’s operating system can tell when a user wishes to play a video or movie using a particular program (“detecting a first media player access to a first presentation device to play a first media stream ... accessing first presentation focus information for determining whether the first media player has first presentation focus for playing the first media stream”). The operating system can tell whether a media player has priority to cast (it contains code for “determining based on the first presentation focus information that the first media player does not have first presentation focus”).

16. Additionally, if a media player (e.g., YouTube) does not have presentation focus, the device indicates which media player does have presentation focus (e.g., Google Play Video, etc.) (it contains code for “in response to determining the first media player does not have first presentation focus, indicating that the first media player is not allowed to play the first media stream;”). An Accused Device can also tell the user whether the video can be played on the television or other display (it contains code for “detecting a change in the first presentation focus information”), and can tell the user whether the video can be played on the device itself (it contains code for “determining, based on the detected change, that the first media player has first presentation focus”).

17. On information and belief, Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '858 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the '858 Patent. Such products include, without limitation, one

or more of the Accused Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the '858 Patent. By making, using, importing offering for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the '858 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of the '858 Patent at least as early as the service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (*see* ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces its end users to infringe at the very least through advertising and/or user manuals. *See* Exhibit F; *see also See Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard proof that any individual third-party direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is liable for infringement of one or more claims of the '858 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the '858 Patent under 35 U.S.C. § 271.

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<sup>1</sup> In a claim for contributory infringement, focus is directed to the infringing *feature or component* incorporated into Defendant's Accused Products. *See* H.R.Rep. No. 82-1923 at 9 (stating contributory infringement “applies not only to the bare sale of an infringing component, but also to the sale of that component as part of a product or device”); *Metro-Goldwyn-Mayer Studios Inc. v. Grokster*, 545 U.S. 913, 32 (2007); *Lucent Techs., Inc. v. Gateway, Inc.*, 580 F.3d 1301, 20, 21 (Fed. Cir. 2009) (finding that while specific instructions as to how to use an infringing feature indicates contributory infringement, it is also implied where a product's feature or component does not have substantial non-infringing uses); *Ricoh Co. v. Quanta Computer Inc.*, 550 F.3d 1325, 27 (Fed. Cir. 2008) (“We are unable to read Sony or Grokster as requiring the court to ignore the sale of a separable, distinct and infringing component because it is bundled together with a noninfringing component before being distributed.”). The Defendant's accused products

18. On information and belief, Defendant's infringement of the '858 Patent has been and continues to be willful. Defendant has had knowledge of the '858 Patent, including but not limited to at least one or more of the following:

- a. The original complaint filed in this case (Dkt. 1) on August 11, 2017;
- b. Due Diligence conducted in conjunction with a prior suit between the parties. See ¶ 9. Cypress originally provided LG notice of related infringement in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- c. Routine freedom to operate analyses.

*See MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) ("Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.") (internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the '858 Patent by operation of law.

19. Defendant's acts of infringement of the '858 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress's exclusive rights under the '858 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

**COUNT 2:  
INFRINGEMENT OF U.S. PATENT NO. 8,661,361**

20. Cypress incorporates by reference the allegations in the paragraphs above.

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not only include features or components that infringe on Cypress' Patents-in-Suit, but the Defendant makes instructions available through descriptions of these infringing features or components and/or instruction manuals.



21. The '361 Patent is valid, enforceable, and was duly and legally issued on February 25, 2014.

22. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '361 Patent—directly, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Devices, in violation of 35 U.S.C. § 271.

23. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '361 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '361 Patent. Specifically, Defendant imports the Accused Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant generates revenue from sales of the Accused Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Devices (*see, e.g.*, Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. *See* Exhibit E.

24. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at least Claim 199 of the '361 Patent which teaches

A computer program product embodied on a non-transitory computer-readable medium comprising:

code for presenting, in a first application region of a presentation space of a display device, a first visual component of a first application in a plurality of applications;

code for presenting a first navigation control, in a first navigation region determined based on the first application region, for navigating to a second visual component, of a second application in the plurality, in a second application region in the presentation space, wherein the first navigation region is determined based on a location of at least one of the

first visual component, a parent visual component of the first visual component, and a child visual component of the first visual component, the first navigation control including a representation of the second visual component;

code for detecting a user input corresponding to the first navigation control; and

code for sending, in response to detecting the user input, navigation information to navigate to the second visual component.

25. Accused Devices employ the Android Nougat operating system (“[a] computer program product embodied on a non-transitory computer readable medium”). Android Nougat comprises code for presenting, in an area (“a first application region”) of an Accused Device’s display (“a presentation space of a display device”), a window (“a first visual component”) of one of multiple open applications (“a first application in a plurality of applications”).

26. Android Nougat comprises code for displaying a split screen menu (“a first navigation control”) in an area of the screen opposite to the moved window (“in a first navigation region determined based on the first application region ... wherein the first navigation region is determined based on a location of at least one of the first visual component, a parent visual component of the first visual component, and a child visual component of the first visual component”), the menu containing a thumbnail of a second window (“the first navigation control including a representation of the second visual component”) and intended so that the user can choose that window and display it adjacent to the first window on the screen (“for navigating to a second visual component, of a second application in the plurality, in a second application region in the presentation space”).

27. The user then simply chooses from the split screen menu the thumbnail of the window she wants to display adjacent the first window (Android Nougat therefore also includes “code for detecting a user input corresponding to the first navigation control”), and the Accused Device will display the second application window in the leftover space on the screen (Android Nougat therefore includes “code for sending, in response to

detecting the user input, navigation information to navigate to the second visual component”).

28. On information and belief, Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '361 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the '361 Patent. Such products include, without limitation, one or more of the Accused Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the '361 Patent. By making, using, importing offering for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the '361 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of the '361 Patent at least as early as the service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (*see* ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces its end users to infringe at the very least through advertising and/or user manuals. *See* Exhibit F; *see also See Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard proof that any individual third-party direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is liable for infringement of one or more claims of the '361 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the '361 Patent under 35 U.S.C. § 271.

29. Defendant's acts of infringement of the '361 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress's exclusive rights under the '361 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

30. On information and belief, Defendant's infringement of the '361 Patent has been and continues to be willful. Defendant has had knowledge of the '361 Patent, including but not limited to at least one or more of the following:

- a. The original complaint filed in this case (Dkt. 1) on August 11, 2017;
- b. Due Diligence conducted in conjunction with a prior suit between the parties. See ¶ 9. Cypress originally provided LG notice of its infringement of the '361 Patent in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- c. Routine freedom to operate analyses.

See *MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) ("Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.") (internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the '361 Patent by operation of law.

31. Defendant's acts of infringement of the '361 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress's exclusive rights under the '361 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

**COUNT 3:  
INFRINGEMENT OF U.S. PATENT NO. 8,781,299**

32. Cypress incorporates by reference the allegations in the paragraphs above.
33. The '299 Patent is valid, enforceable, and was duly and legally issued on July 15, 2014.
34. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '299 Patent—directly, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Devices, in violation of 35 U.S.C. § 271.
35. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '299 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '299 Patent. Specifically, Defendant imports the Accused Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant generates revenue from sales of the Accused Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Devices (*see, e.g.*, Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. *See* Exhibit E.
36. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at least Claim 1 of the '299 Patent which teaches

A computer program product embodied on a non-transitory computer readable medium, comprising:

code for working in association with a first presentation device having a touchscreen that is capable of providing access to a plurality of applications including a first media player and a second media player in

an execution environment, the first presentation device capable of communication with a second presentation device including a display via a wireless local area network on which the first presentation device resides, where execution environment presentation focus information is accessible for identifying whether at least one of the first presentation device or the second presentation device is to be utilized for presentation in connection with the applications;

code for detecting access to the first media player to play a first media stream that includes video;

code for indicating, if the first presentation device is to be utilized for presentation based on the execution environment presentation focus information, that the first media player is allowed to play the first media stream via the first presentation device;

code for indicating, if the second presentation device is to be utilized for presentation based on the execution environment presentation focus information, that the first media player is allowed to play the first media stream via the second presentation device;

code for indicating, if both the first presentation device and the second presentation device are to be utilized for presentation based on the execution environment presentation focus information, that the first media player is allowed to play the first media stream via both the first presentation device and the second presentation device;

wherein the computer program product is operable such that a change in presentation focus is capable of being based on at least one of a releasing of a first presentation focus in connection with the first media player, a detected user input indication for giving the second media player second presentation focus, a change in input focus, a change in an attribute of a user interface element, a count of media streams being played, a ranking of media streams being played, a transparency level of at least one of the user interface element, or another user interface element sharing a region of a display of the first presentation device.

37. For example, the Accused Devices employ computer software—operating systems and applications—stored in their non-volatile memory systems (“[a] computer program product embodied on a non-transitory computer readable medium”). Using various technologies, an Accused Device can play or “cast” its audio and video media, or the contents of its screen, or other application(s), to other enabled devices such as stereos, televisions, projectors, and computers. An Accused Device therefore contains software that cooperates with it (“code for working in association with a first presentation device having a touchscreen”) to provide a user access to multiple applications (“capable of

providing access to a plurality of applications”), including at least two media players— e.g., two media playback programs such as Google Home app, Google Play Video, Chrome browser, a combination of a media play program with Android OS, etc.— (“including a first media player and a second media player in an execution environment”), and communicate with a television or other display (“the first presentation device capable of communication with a second presentation device including a display”) over its wireless network (“via a wireless local area network on which the first presentation device resides”).

38. An Accused Device’s operating system can tell when a user wishes to play a video or movie using a particular program (“code for detecting access to the first media player to play a first media stream that includes video”) and whether the video can be played on the device itself (it contains “code for indicating ... that the first media player is allowed to play the first media stream via the first presentation”), if so desired (“if the first presentation device is to be utilized for presentation device based on the execution environment presentation focus information”).

39. An Accused Device can tell the user whether the video can be played on the television or other display (it contains “code for indicating ... that the first media player is allowed to play the first media stream via the second presentation device”), if so desired (“if the second presentation device is to be utilized for presentation based on the execution environment presentation focus information”). An Accused Device can also tell the user whether the video can be played on both the device and the television (“code for indicating ... that the first media player is allowed to play the first media stream via both the first presentation device and the second presentation device”), if so desired (“if both the first presentation device and the second presentation device are to be utilized for presentation based on the execution environment presentation focus information”).

40. An Accused Device’s operating system can also switch where a particular video is being displayed, and which video that is (“wherein the computer program product is

operable such that a change in presentation focus is”), based on a number of inputs (“capable of being based on at least one of”), including, for example, choosing “Cast” (“detected user input indication for giving the second media player second presentation focus”), selecting “Cast” from the actual Chrome Operating System (“another user interface element sharing a region of a display of the first presentation device”), or perhaps having a higher-priority video or advertisement pop up (“ranking of media streams being played”).

41. Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '299 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the '299 Patent. Such products include, without limitation, one or more of the Accused Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the '299 Patent. By making, using, importing offering for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the '299 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of the '299 Patent at least as early as service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (see ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces its end users to infringe at the very least through advertising and/or user manuals. *See Exhibit F; see also See Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers



(e.g., customers, end users) without requiring hard proof that any individual third-party direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is liable for infringement of one or more claims of the ’299 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the ’299 Patent under 35 U.S.C. § 271.

42. On information and belief, Defendant’s infringement of the ’299 Patent has been and continues to be willful. Defendant has had knowledge of the ’299 Patent, including but not limited to at least one or more of the following:

- a. The original complaint filed in this case (Dkt. 1) on August 11, 2017;
- b. Due Diligence conducted in conjunction with a prior suit between the parties. See ¶ 9. Cypress originally provided LG notice of infringement of the ’299 Patent in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- c. Routine freedom to operate analyses.

See *MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) (“Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.”) (internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the ’299 Patent by operation of law.

43. Defendant’s acts of infringement of the ’299 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant’s wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant’s infringement of Cypress’s exclusive rights under the ’299 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

**COUNT 4:  
INFRINGEMENT OF U.S. PATENT NO. 8,787,731**

44. Cypress incorporates by reference the allegations in the paragraphs above.
45. The '731 Patent is valid, enforceable, and was duly and legally issued on July 22, 2014.
46. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '731 Patent—directly, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Devices, in violation of 35 U.S.C. § 271.
47. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '731 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '731 Patent. Specifically, Defendant imports the Accused Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant generates revenue from sales of the Accused Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Devices (*see, e.g.*, Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. *See* Exhibit E.
48. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at least Claim 1 of the '731 Patent which teaches

A computer program product embodied on a non-transitory computer readable medium, comprising:

code for detecting a first media player access to a first presentation device to play a first media stream, where presentation focus information is accessible for identifying whether the first media player has first presentation focus for playing the first media stream;

code for indicating, if the first media player has first presentation focus, that the first media player is allowed to play the first media stream via the first presentation device;

code for detecting a second media player access to play a second media stream while the second media player does not have second presentation focus, where the second media stream is not played via the first presentation device while the second media player does not have second presentation focus; and

code for indicating, if there is a change in the presentation focus information and the second media player has second presentation focus, that the second media player is allowed to play the second media stream via the first presentation device;

wherein the computer program product is operable such that the change in the presentation focus information is based on at least one of a releasing of the first presentation focus in connection with the first media player, a detected user input indication for giving the second media player second presentation focus, a change in input focus, a change in an attribute of a user interface element, a count of media streams being played, a ranking of media streams being played, a transparency level of at least one of the user interface element, or another user interface element sharing a region of a display of the first presentation device.

49. For example, the Accused Devices employ computer software—operating systems and applications—stored in their non-volatile memory systems (“[a] computer program product embodied on a non-transitory computer readable medium”). An Accused Device’s operating system can tell when a user wishes to play a video or movie using a particular program (“code for detecting a first media player access to a first presentation device to play a first media stream”) and whether the video can be played on the device itself (it contains “code for indicating ... that the first media player is allowed to play the first media stream via the first presentation device”), if so desired (“if the first media player has first presentation focus”).

50. An Accused Device’s operating system can tell when a user wishes to play a video or movie using a particular program (“code for detecting a second media player access to play a second media stream”). Additionally, an Accused Device’s operating system allows for a first media player (e.g., one of Home, Google Play Movies, YouTube, etc.) to stream a media stream while a second media player (e.g., a second one

of Home, Google Play Movies, YouTube, etc.) may be used play a media stream on the Accused Device. An Accused Device can also tell the user whether the video can be played on the television or other display (it contains “code for indicating ... that the second media player is allowed to play the second media stream via the first presentation device”), if so desired (“if there is a change in the presentation focus information and the second media player has second presentation focus”).

51. An Accused Device’s operating system can also switch where a particular video is being displayed, and which video that is (“the computer program product is operable such that the change in the presentation focus information is based on”) based on a number of inputs, including, for example, choosing “Cast” (“detected user input indication for giving the second media player second presentation focus”), selecting “Cast” from the actual Chrome OS (“another user interface element sharing a region of a display of the first presentation device”), or perhaps having a higher-priority video or advertisement pop up (“a ranking of media streams being played”).

52. Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the ’731 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the ’731 Patent. Such products include, without limitation, one or more of the Accused Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the ’731 Patent. By making, using, importing offering for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the ’731 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had

knowledge of the '731 Patent at least as early as service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (see ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces its end users to infringe at the very least through advertising and/or user manuals. See Exhibit F; see also *Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard proof that any individual third-party direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is liable for infringement of one or more claims of the '731 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the '731 Patent under 35 U.S.C. § 271.

53. On information and belief, Defendant's infringement of the '731 Patent has been and continues to be willful. Defendant has had knowledge of the '731 Patent, including but not limited to at least one or more of the following:

- a. The original complaint filed in this case (Dkt. 1) on August 11, 2017;
- b. Due Diligence conducted in conjunction with a prior suit between the parties. See ¶ 9. Cypress originally provided LG notice of related infringement in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- c. Routine freedom to operate analyses.

See *MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) (“Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.”) (internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the '731 Patent by operation of law.

54. Defendant's acts of infringement of the '731 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress's exclusive rights under the '731 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

**COUNT 5:  
INFRINGEMENT OF U.S. PATENT NO. 8,902,054**

55. Cypress incorporates by reference the allegations in the paragraphs above.

56. The '054 Patent is valid, enforceable, and was duly and legally issued on December 2, 2014.

57. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '054 Patent—directly, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Devices, in violation of 35 U.S.C. § 271.

58. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '054 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '054 Patent. Specifically, Defendant imports the Accused Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant generates revenue from sales of the Accused Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Devices (*see, e.g.*, Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. *See* Exhibit E.

59. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Smartphone Devices infringe at least Claim 1 of the '054 Patent which teaches

A method comprising:

storing code on a computer readable medium for being executed by one or more processors for:

determining whether at least one aspect of a text message is to be prevented based on at least one of a plurality of policies, the determining whether the at least one aspect of the text message is to be prevented including presenting to at least one of an operator or a user, via a portable electronic device, at least one user interface element for allowing the at least one of the operator or the user to provide at least one user input for preventing the at least one aspect of the text message;

determining whether at least one aspect of a call is to be prevented based on at least one of the plurality of policies, the determining whether the at least one aspect of the call is to be prevented including presenting to at least one of the operator or the user, via the portable electronic device, at least one user interface element for allowing the at least one of the operator or the user to provide at least one user input for preventing the at least one aspect of the call;

receiving, from a component of an automotive vehicle, a first information attribute about at least one component of the automotive vehicle at the portable electronic device, the first information attribute including an identifier;

receiving the first information attribute about the automotive vehicle including the identifier via the portable electronic device by presenting at least one user interface element via the portable electronic device and detecting user input via the portable electronic device; and

after receiving the first information attribute both from the component of the automotive vehicle and via the user input via the portable electronic device and determining that the portable electronic device is communicatively coupled to the component of the automotive vehicle via a particular protocol, automatically preventing:

the at least one aspect of the text message based on the determination whether the at least one aspect of the text message is to be prevented, and

the at least one aspect of the call based on the determination whether the at least one aspect of the call is to be prevented.

60. For example, the Accused Smartphone Device employs computer software—operating systems and applications—stored in their non-volatile memory systems (“[a] computer program product embodied on a non-transitory computer readable medium”). An Accused Smartphone Device’s operating system can restrict a message from being displayed while the device is in Android Auto mode. Android Auto includes configurable settings (“a plurality of policies”) which can be set by the user (“to provide at least one user input for preventing the at least one aspect of the text message”).

61. An Accused Smartphone Device’s operating system can connect to a vehicle via a Bluetooth connection. The Bluetooth pairing process will reveal information (e.g., source, identification, device pairing key, device id, etc.) (“a first information attribute about at least one component of the automotive vehicle at the portable electronic device, the first information attribute including an identifier”). A user can provide a selection of the vehicle to which it is desired to pair the device (“at least one user interface element via the portable electronic device and detecting user input via the portable electronic device”).

62. An Accused Smartphone Device’s operating system can determine if the device is connected (e.g., via Bluetooth, via Auto launch, etc.) to the vehicle. In response, calls may be restricted and messages may be prevented from being displayed while Android Auto is activated (“after receiving the first information attribute both from the component of the automotive vehicle and via the user input via the portable electronic device and determining that the portable electronic device is communicatively coupled to the component of the automotive vehicle via a particular protocol, automatically preventing: the at least one aspect of the text message based on the determination whether the at least one aspect of the text message is to be prevented, and the at least one aspect of the call based on the determination whether the at least one aspect of the call is to be prevented.”).



63. Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '054 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the '054 Patent. Such products include, without limitation, one or more of the Accused Smartphone Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the '054 Patent. By making, using, importing offering for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the '054 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of the '054 Patent at least as early as the service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (*see* ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces its end users to infringe at the very least through advertising and/or user manuals. *See* Exhibit F; *see also See Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard proof that any individual third-party direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is liable for infringement of one or more claims of the '054 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the '054 Patent under 35 U.S.C. § 271.

64. On information and belief, Defendant's infringement of the '054 Patent has been and continues to be willful. Defendant has had knowledge of the '054 Patent, including but not limited to at least one or more of the following:

- a. The original complaint filed in this case (Dkt. 1) on August 11, 2017;
- b. Due Diligence conducted in conjunction with a prior suit between the parties. See ¶ 9. Cypress originally provided LG notice of related infringement in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- c. Routine freedom to operate analyses.

See *MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) ("Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.") (internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the '054 Patent by operation of law.

65. Defendant's acts of infringement of the '054 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress's exclusive rights under the '054 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

**COUNT 6:  
INFRINGEMENT OF U.S. PATENT NO. 8,983,264**

66. Cypress incorporates by reference the allegations in the paragraphs above.

67. The '264 Patent is valid, enforceable, and was duly and legally issued on March 17, 2015.

68. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '264 Patent—directly, contributorily,

or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Devices, in violation of 35 U.S.C. § 271.

69. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '264 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '264 Patent. Specifically, Defendant imports the Accused Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant generates revenue from sales of the Accused Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Devices (*see, e.g.*, Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. *See* Exhibit E.

70. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at least Claim 61 of the '264 Patent which teaches

A computer program product embodied on a non-transitory computer readable medium, comprising:

code for working in association with a first presentation device having a touchscreen that is capable of providing access to a first media player and a second media player in an execution environment, the first presentation device capable of communication with a second presentation device including a display via a wireless local area network on which the first presentation device resides, where presentation focus information is accessible for identifying whether at least one of the first presentation device or the second presentation device is to be utilized for presentation;

code for detecting access to the first media player to play a first media stream that includes video;

code for indicating, if the first presentation device is to be utilized for presentation based on the presentation focus information, that the first media stream is allowed to be presented via the first presentation device;  
and

code for indicating, if the second presentation device is to be utilized for presentation based on the presentation focus information, that the first media stream is allowed to be presented via the second presentation device;

wherein the computer program product is operable such that a change in presentation focus is capable of being based on at least one of a releasing of a first presentation focus in connection with the first media player, a detected user input indication for giving the second media player a second presentation focus, a change in input focus, a change in an attribute of a user interface element, a transparency level of at least one of the user interface element, or another user interface element sharing a region of a display of the first presentation device.

71. For example, the Accused Devices employ computer software—operating systems and applications—stored in their non-volatile memory systems (“[a] computer program product embodied on a non-transitory computer readable medium”). Using various technologies, an Accused Device can play or “cast” its audio and video media, or the contents of its screen, or other application(s), to other enabled devices such as stereos, televisions, projectors, and computers. An Accused Device therefore contains software that cooperates with it (“code for working in association with a first presentation device having a touchscreen”) to provide a user access to multiple applications (“capable of providing access to a plurality of applications”), including at least two media players—e.g., two media playback programs such as Google Home app, Google Play Video, a combination of a media play program with Android OS, etc.—(“including a first media player and a second media player in an execution environment”), and communicate with a television or other display (“the first presentation device capable of communication with a second presentation device including a display”) over its wireless network (“via a wireless local area network on which the first presentation device resides”).

72. An Accused Device’s operating system can tell when a user wishes to play a video or movie using a particular program (“code for detecting access to the first media player to play a first media stream that includes video”) and whether the video can be played on the device itself (it contains “code for indicating ... that the first media player is allowed to play the first media stream via the first presentation device”), if so desired

(“if the first presentation device is to be utilized for presentation based on the presentation focus information”).

73. An Accused Device can also tell the user whether the video can be played on the television or other display (it contains “code for indicating ... that the first media player is allowed to play the first media stream via the second presentation device”), if so desired (“if the second presentation device is to be utilized for presentation based on the presentation focus information”).

74. An Accused Device’s operating system can also switch where a particular video is being displayed, and which video that is (“the computer program product is operable such that a change in presentation focus is capable”) based on a number of inputs, including, for example, choosing “Cast” (“detected user input indication for giving the second media player second presentation focus”), selecting “Cast” from the actual Chrome Operating System (“another user interface element sharing a region of a display of the first presentation device”), or perhaps having a higher-priority video or advertisement pop up (“ranking of media streams being played”).

75. Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the ’264 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the ’264 Patent. Such products include, without limitation, one or more of the Accused Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the ’264 Patent. By making, using, importing offering for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the ’264 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild*

*Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of the '264 Patent at least as early as the service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (see ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces its end users to infringe at the very least through advertising and/or user manuals. See Exhibit F; see also *Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard proof that any individual third-party direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is liable for infringement of one or more claims of the '264 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the '264 Patent under 35 U.S.C. § 271.

76. On information and belief, Defendant's infringement of the '264 Patent has been and continues to be willful. Defendant has had knowledge of the '264 Patent, including but not limited to at least one or more of the following:

- a. The original complaint filed in this case (Dkt. 1) on August 11, 2017;
- b. Due Diligence conducted in conjunction with a prior suit between the parties. See ¶ 9. Cypress originally provided LG notice of related infringement in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- c. Routine freedom to operate analyses.

See *MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) (“Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.”)

(internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the '264 Patent by operation of law.

77. Defendant's acts of infringement of the '264 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress's exclusive rights under the '264 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

**COUNT 7:  
INFRINGEMENT OF U.S. PATENT NO. 9,195,765**

78. Cypress incorporates by reference the allegations in the paragraphs above.

79. The '765 Patent is valid, enforceable, and was duly and legally issued on November 24, 2015.

80. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '765 Patent—directly, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Devices (specifically, Group 3 of Exhibit 1), in violation of 35 U.S.C. § 271.

81. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '765 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '765 Patent. Specifically, Defendant imports the Accused Smartphone Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant generates revenue from sales of the Accused Smartphone Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Smartphone Devices (*see, e.g.*,

Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. See Exhibit E.

82. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Smartphone Devices infringe at least Claim 1 of the '765 Patent which teaches

An apparatus, comprising:

a mobile device including at least one processor communicatively coupled to at least one input/output component, at least one interface, a memory, and at least one location sensor, the mobile device configured for:

displaying, utilizing the at least one input/output component, a plurality of packages developed by a plurality of different third party developers, at least one of the plurality of packages including at least one rule with at least one event criteria for controlling presentation triggering;

receiving, utilizing the at least one input/output component, a user selection of the at least one package, resulting in one or more selected packages including the at least one rule with the at least one event criteria for controlling presentation triggering;

receiving, utilizing the at least one interface, at least a portion of the one or more selected packages;

storing, utilizing the memory, the one or more selected packages;

receiving, utilizing the at least one external interface, at least a portion of content from at least one server in communication with the mobile device via a network, after the at least portion of the one or more selected packages is received;

identifying, utilizing the at least one location sensor, location data, after the at least portion of the one or more selected packages is received;

identifying, utilizing the at least one processor, an event, based on the at least one rule with the at least one event criteria, and the location data, after the at least portion of the one or more selected packages is received;

presenting, utilizing the at least one input/output component, a message in response to the identification of the event;

receiving, utilizing the at least one input/output component, user input after the presentation of the message; and

presenting, utilizing the at least one input/output component, at least part of the content, in response to the user input.



83. For example, each of LG's Accused Smartphone Devices running the Android Nougat Operating System is an apparatus comprised of at least one processor (e.g., Intel Core i5) configured to communicate with an input/output component display (e.g., 14" LCD), at least one interface (mouse, keyboard, touchpad and/or touchscreen), memory (RAM and hard drive) and a location sensor (e.g., GPS, etc.). An Accused Smartphone Device can display loyalty cards, gift cards, offers, and credit cards. Such cards can be developed by third-party companies (e.g., Walgreens, Coca-Cola, Chase, etc.) and include event criteria (e.g., localization, geolocation, geonotification, etc.). Such event criteria can be used to control presentation of the card.

84. An Accused Smartphone Device can receive content updates from a server after the card has been added to Android Pay (capable of "receiving, utilizing the at least one external interface, at least a portion of content from at least one server in communication with the mobile device via a network, after the at least portion of the one or more selected packages is received").

85. An Accused Smartphone Device can identify a location (capable of "identifying, utilizing the at least one location sensor, location data, after the at least portion of the one or more selected packages is received"). Additionally, Android Pay can notify the user of the Accused Smartphone Device if, for example, the device comes within a set proximity of a predetermined location (capable of "identifying, utilizing the at least one processor, an event, based on the at least one rule with the at least one event criteria, and the location data, after the at least portion of the one or more selected packages is received").

86. In response to identifying the location, an Accused Smartphone Device can present a message (capable of "presenting, utilizing the at least one input/output component, a message in response to the identification of the event"). A user can then select the message (capable of "receiving, utilizing the at least one input/output component, user input after the presentation of the message") and content may then be

displayed (capable of “presenting, utilizing the at least one input/output component, at least part of the content, in response to the user input”).

87. Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '765 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the '765 Patent. Such products include, without limitation, one or more of the Accused Smartphone Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the '765 Patent. By making, using, importing offering for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the '765 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Smartphone Devices. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of the '765 Patent at least as early as the service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (*see* ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces its end users to infringe at the very least through advertising and/or user manuals. *See* Exhibit F; *see also See Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard proof that any individual third-party direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is liable for infringement of one or more claims of the '765 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the '765 Patent under 35 U.S.C. § 271.

88. On information and belief, Defendant's infringement of the '765 Patent has been and continues to be willful. Defendant has had knowledge of the '765 Patent, including but not limited to at least one or more of the following:

- a. The original complaint filed in this case (Dkt. 1) on August 11, 2017;
- b. Due Diligence conducted in conjunction with a prior suit between the parties. See ¶ 9. Cypress originally provided LG notice of related infringement in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- c. Routine freedom to operate analyses.

*See MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) ("Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.") (internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the '765 Patent by operation of law.

89. Defendant's acts of infringement of the '765 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress's exclusive rights under the '765 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

**COUNT 8:  
INFRINGEMENT OF U.S. PATENT NO. 9,423,923**

90. Cypress incorporates by reference the allegations in the paragraphs above.

91. The '923 Patent is valid, enforceable, and was duly and legally issued on August 23, 2016.

92. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '923 Patent—directly, contributorily,

or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Devices, in violation of 35 U.S.C. § 271.

93. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '923 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '923 Patent. Specifically, Defendant imports the Accused Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant generates revenue from sales of the Accused Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Devices (*see, e.g.*, Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. *See* Exhibit E.

94. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at least Claim 4 of the '923 Patent which teaches

An apparatus, comprising:

at least one processor configured for communication with:

a display,

at least one input device, and

memory;

said apparatus configured to:

utilize the memory to store a plurality of applications including a first application and a second application;

utilize the display to display a first window of the first application of the plurality of applications;

utilize the at least one input device to receive first user input for at least one of moving or re-sizing the first window of the first application;

utilize the display to at least one of move or re-size the first window of the first application, in response to the first user input;

utilize the display to display a menu in a first location with respect to a location of the first window, if the first user input takes the form of a first input and is predetermined to cause menu display, where the menu in the first location is outside the first window and includes a plurality of elements corresponding to the plurality of applications that are operating except the first application;

utilize the display to display the menu in a second location with respect to the location of the first window, if the first user input takes the form of a second input and is predetermined to cause menu display, where the menu in the second location is outside the first window and includes the plurality of elements corresponding to the plurality of applications that are operating except the first application;

utilize the at least one input device to receive second user input on one of the plurality of elements of the menu corresponding to the second application;

utilize the display to display a second window of the second application of the plurality of applications, in response to the second user input;

utilize the at least one input device to receive third user input for at least one of moving or re-sizing the second window of the second application; and

utilize the display to at least one of move or re-size the second window of the second application, in response to the third user input.

95. For example, each of LG's Accused Devices running the Android Nougat Operating System is an apparatus comprised of at least one processor (e.g., Intel Core i5) configured to communicate with an input/output component display (e.g., 14" LCD), at least one interface (mouse, keyboard, touchpad and/or touchscreen), memory (RAM and hard drive) and a location sensor (e.g., GPS, etc.).

96. An Accused Device can receive a user input via mouse, touchpad, keyboard, or touchscreen ("utilize the at least one input device to receive first user input") to move and re-size the window ("mov[e] [and] re-siz[e] the first window of the first application, in response to the first user input"). This is accomplished by long pressing the Overview button (the square button) while the application window is displayed, dragging the application window to one area (e.g., side, top, etc.) of the screen from the menu, etc., thereby causing the application window to move into place. Half of the screen will

feature the application which was previously shown on the display, and the other half will show a menu of previously-used applications.

97. An Accused Device will then activate the “split screen” feature and display a menu of thumbnails of other open applications in an area of the screen opposite to the first application window. For example, if the user input places the device in landscape mode and activates the split screen feature via the Overview button, the window is moved to the left side of the screen (“if the first user input takes the form of a first input and is predetermined to cause menu display”), the split screen feature will display a menu of thumbnails in the right half of the screen (“display a menu in a first location with respect to a location of the first window ... where the menu in the first location is outside the first window and includes a plurality of elements corresponding to the plurality of applications that are operating except the first application.”).

98. Conversely, if the user input places the device in portrait mode and thereafter activates the split screen feature via the Overview button, the window is moved to the top side of the screen (“if the first user input takes the form of a second input and is predetermined to cause menu display”), the split screen feature will display a menu of thumbnails in the bottom half of the screen (“display a menu in a second location with respect to a location of the first window ... where the menu in the second location is outside the first window and includes a plurality of elements corresponding to the plurality of applications that are operating except the first application.”).

99. The user then simply chooses (with mouse/touchpad, keyboard, or by touching) the thumbnail of the window he wants to display beside the first window (“utilize the at least one input device to receive second user input on one of the plurality of elements of the menu corresponding to the second application”), and the Accused Device will display the second application window in the leftover space on the screen (“utilize the display to display a second window of the second application of the plurality of applications, in response to the second user input”).

100. The user may then select the vertical border between the two windows and drag it left or right to re-size the second window relative to the first (“utilize the at least one input device to receive third user input for at least one of moving or re-sizing the second window of the second application”) and the Accused Device will re-size the windows on the screen accordingly (“utilize the display to at least one of move or re-size the second window of the second application, in response to the third user input”).

101. Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '923 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the '923 Patent. Such products include, without limitation, one or more of the Accused Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the '923 Patent. By making, using, importing offering for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the '923 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of the '923 Patent at least as early as the service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (*see* ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces its end users to infringe at the very least through advertising and/or user manuals. *See* Exhibit F; *see also See Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard proof that any individual third-party

direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is liable for infringement of one or more claims of the '923 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the '923 Patent under 35 U.S.C. § 271.

102. On information and belief, Defendant's infringement of the '923 Patent has been and continues to be willful. Defendant has had knowledge of the '923 Patent, including but not limited to at least one or more of the following:

- d. The original complaint filed in this case (Dkt. 1) on August 11, 2017;
- e. Due Diligence conducted in conjunction with a prior suit between the parties. See ¶ 9. Cypress originally provided LG notice of infringement of the '923 Patent in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- f. Routine freedom to operate analyses.

See *MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) (“Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.”) (internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the '923 Patent by operation of law.

103. Defendant's acts of infringement of the '923 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress's exclusive rights under the '923 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

**COUNT 9:  
INFRINGEMENT OF U.S. PATENT NO. 9,423,938**

104. Cypress incorporates by reference the allegations in the paragraphs above.



105. The '938 Patent is valid, enforceable, and was duly and legally issued on August 23, 2016.

106. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '938 Patent—directly, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Devices, in violation of 35 U.S.C. § 271.

107. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '938 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '938 Patent. Specifically, Defendant imports the Accused Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant generates revenue from sales of the Accused Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Devices (*see, e.g.*, Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. *See* Exhibit E.

108. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at least Claim 1 of the '938 Patent which teaches

A computer program product embodied on a non-transitory computer readable medium, comprising:

code configured to work in conjunction with an apparatus including:

at least one processor,

a display in communication with the at least one processor,

at least one input device in communication with the at least one processor, and

memory in communication with the at least one processor;

said code configured to:

utilize the memory to store a plurality of applications including a first application and a second application;

utilize the display to display a first window of the first application of the plurality of applications;

utilize the at least one input device to receive first user input;

utilize the at least one processor to determine if the first user input is predetermined to cause menu display, and to determine if the first user input takes a form of a first input or a second input;

utilize the display to display a menu in a first location with respect to a location of the first window, if it is determined that the first user input takes the form of the first input and is predetermined to cause menu display, where the menu in the first location is outside the first window and includes a plurality of elements corresponding to the plurality of applications that are operating except the first application since the first window is already displayed;

utilize the display to display the menu in a second location with respect to the location of the first window, if it is determined that the first user input takes the form of the second input and is predetermined to cause menu display, where the menu in the second location is outside the first window and includes the plurality of elements corresponding to the plurality of applications that are operating except the first application since the first window is already displayed;

utilize the at least one input device to receive second user input for at least one of moving or re-sizing the first window of the first application;

utilize the display to at least one of move or re-size the first window of the first application, in response to the second user input;

utilize the display to at least one of move or re-size the elements of the menu, in response to the second user input;

utilize the at least one input device to receive third user input on one of the plurality of elements of the menu corresponding to the second application; and

utilize the display to display a second window of the second application of the plurality of applications, in response to the third user input.

109. For example, each of LG's Accused Devices employ computer software—operating systems and applications—stored in their non-volatile memory systems (“[a] computer program product embodied on a non-transitory computer readable medium”). Further, such OS may be configured to work with a device comprised of at least one

processor (e.g., Intel Core i5), a display (e.g., 14" LCD), at least one input device (mouse, keyboard, touchpad and/or touchscreen), and memory (RAM and hard drive), all in communication with the processor.

110. An Accused Device can store multiple applications (“a plurality of applications”) in its memory—for example, an instance of Photos (“a first application”) and an instance of Chrome (“a second application”)—and display the first application in a window (“display a first window of the first application of the plurality of applications”).

111. An Accused Device can receive a user input via mouse, touchpad, or touchscreen (“utilize the at least one input device to receive first user input”) to move and re-size the window. This is accomplished by long pressing the Overview button (the square button) while the application window is displayed, dragging the application window to one area (e.g., side, top, etc.) of the screen from the menu, etc., thereby causing the application window to move into place. Half of the screen will feature the application which was previously shown on the display, and the other half will show a menu of previously-used applications.

112. An Accused Device will then activate the “split screen” feature and display a menu of thumbnails of other open applications in an area of the screen opposite to the first application window. For example, if the user input places the device in landscape mode and activates the split screen feature via the Overview button, the window is moved to the left side of the screen (“if it is determined that the first user input takes the form of the first input and is predetermined to cause menu display”), the split screen feature will display a menu of thumbnails in the right half of the screen (“display a menu in a first location with respect to a location of the first window ... where the menu in the first location is outside the first window and includes a plurality of elements corresponding to the plurality of applications that are operating except the first application.”).

113. Conversely, if the user input places the device in portrait mode and thereafter activates the split screen feature via the Overview button, the window is moved to the top

side of the screen (“if it is determined that the first user input takes the form of the second input and is predetermined to cause menu display”), the split screen feature will display a menu of thumbnails in the bottom half of the screen (“display the menu in a second location with respect to the location of the first window ... where the menu in the second location is outside the first window and includes the plurality of elements corresponding to the plurality of applications that are operating except the first application.”).

114. The user may then select the vertical border between the two windows and drag it left or right to re-size the second window relative to the first (“utilize the at least one input device to receive third user input for at least one of moving or re-sizing the second window of the second application”) and the Accused Device will re-size the windows on the screen accordingly (“utilize the display to at least one of move or re-size the second window of the second application, in response to the third user input”).

115. The user then simply chooses (with mouse/touchpad, or by touching) the thumbnail of the window he wants to display beside the first window (the Accused Device “receive[s] third user input on one of the plurality of elements of the menu corresponding to the second application”), and the Accused Device will display the second application window in the leftover space on the screen (“display a second window of the second application of the plurality of applications, in response to the third user input”).

116. Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '938 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the '938 Patent. Such products include, without limitation, one or more of the Accused Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the '938 Patent. By making, using, importing offering

for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the '938 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of the '938 Patent at least as early as the service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (*see* ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces its end users to infringe at the very least through advertising and/or user manuals. *See* Exhibit F; *see also See Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard proof that any individual third-party direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is liable for infringement of one or more claims of the '938 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the '938 Patent under 35 U.S.C. § 271.

117. On information and belief, Defendant's infringement of the '938 Patent has been and continues to be willful. Defendant has had knowledge of the '938 Patent, including but not limited to at least one or more of the following:

- g. The original complaint filed in this case (Dkt. 1) on August 11, 2017;
- h. Due Diligence conducted in conjunction with a prior suit between the parties. *See* ¶ 9. Cypress originally provided LG notice of infringement of the '938 Patent in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- i. Routine freedom to operate analyses.

*See MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) (“Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.”) (internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the '938 Patent by operation of law.

118. Defendant's acts of infringement of the '938 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress's exclusive rights under the '938 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

**COUNT 10:  
INFRINGEMENT OF U.S. PATENT NO. 9,423,954**

119. Cypress incorporates by reference the allegations in the paragraphs above.

120. The '954 Patent is valid, enforceable, and was duly and legally issued on August 23, 2016.

121. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '954 Patent—directly, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Devices, in violation of 35 U.S.C. § 271.

122. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '954 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '954 Patent. Specifically, Defendant imports the Accused Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant

generates revenue from sales of the Accused Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Devices (*see, e.g.,* Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. *See* Exhibit E.

123. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at least Claim 14 of the '954 Patent which teaches

An apparatus, comprising:

at least one processor configured for coupling with memory and a touchscreen, and further configured for:

storage of a plurality of applications including a first application, a second application, and a third application, utilizing the memory, the applications including a first program component and a second program component;

detection of a first user input;

in response to the first user input, presentation of, utilizing the touchscreen, a first window associated with the first program component including at least one user interface element;

detection of a second user input in connection with the at least one user interface element of the first window;

in response to the second user input in connection with the at least one user interface element of the first window, creation of a second window associated with the second program component and presentation thereof, utilizing the touchscreen, adjacent to and not overlapping with respect to the first window, for presenting, in the second window, data associated with the at least one user interface element of the first window;

detection of a third user input; and

in response to the third user input, change, utilizing the touchscreen, the presentation of the first window and the second window, such that a first size of the first window and a second size of the second window are both changed, and the second window remains adjacent to and not overlapping with respect to the first window.

124. For example, each of LG's Accused Devices running the Android Nougat Operating System is an apparatus comprised of at least one processor (e.g., Intel Core i5) configured to communicate with an input/output component display (e.g., 14" LCD), at

least one interface (mouse, keyboard, touchpad and/or touchscreen), memory (RAM and hard drive) and a location sensor (e.g., GPS, etc.). An Accused Device running Android Nougat can store three (or more) applications in its memory (“storage of a first application, a second application, and a third application, utilizing the memory”), the applications including at least two instances running (“the applications including a first program component and a second program component”) in separate tabs.

125. An Accused Device can detect a user input via the touchscreen (“detection of a first user input”) to move and re-size an application window to either side of the screen. This is accomplished by long pressing the Overview button (the square button) while the application window is displayed, dragging the application window to one area (e.g., side, top, etc.) of the screen from the menu, etc., thereby causing the application window to move into place. Half of the screen will feature the application which was previously shown on the display, and the other half will show a menu of previously-used applications. The Accused Device will display the first instance of the Chrome application (“present[], utilizing the touchscreen, a first window associated with the first program component”), for instance, and its graphical user interface “tab” (“including at least one user interface element”).

126. The user may then (the Accused Touchscreen Device “detect[s] a second user input”) select and “pull” the second tab out of the first window (“in connection with the at least one user interface element of the first window”) and the Device will display it in a window (“creat[e] a second window associated with the second program component and presentation thereof, utilizing the touchscreen [and] present[], in the second window, data associated with the at least one user interface element of the first window”) in the other half of the screen (“adjacent to and not overlapping with respect to the first window”).

127. The user may then select the vertical border between the two windows and drag it left or right to re-size the second window relative to the first (the Accused Touchscreen Device “detect[s] a third user input”) and the Accused Touchscreen Device will then re-



size the windows on the screen accordingly (“in response to the third user input, change, utilizing the touchscreen, the presentation of the first window and the second window, such that a first size of the first window and a second size of the second window are both changed, and the second window remains adjacent to and not overlapping with respect to the first window”).

128. Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '954 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the '954 Patent. Such products include, without limitation, one or more of the Accused Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the '954 Patent. By making, using, importing offering for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the '954 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of the '954 Patent at least as early as the service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (*see* ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces its end users to infringe at the very least through advertising and/or user manuals. *See* Exhibit F; *see also See Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard proof that any individual third-party direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is

liable for infringement of one or more claims of the '954 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the '954 Patent under 35 U.S.C. § 271.

129. On information and belief, Defendant's infringement of the '954 Patent has been and continues to be willful. Defendant has had knowledge of the '954 Patent, including but not limited to at least one or more of the following:

- j. The original complaint filed in this case (Dkt. 1) on August 11, 2017;
- k. Due Diligence conducted in conjunction with a prior suit between the parties. See ¶ 9. Cypress originally provided LG notice of infringement of the '954 Patent in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- l. Routine freedom to operate analyses.

See *MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) ("Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.") (internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the '954 Patent by operation of law.

130. Defendant's acts of infringement of the '954 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress's exclusive rights under the '954 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

**COUNT 11:  
INFRINGEMENT OF U.S. PATENT NO. 9,817,558**

131. Cypress incorporates by reference the allegations in the paragraphs above.

132. The '558 Patent is valid, enforceable, and was duly and legally issued on November 14, 2017.

133. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '558 Patent—directly, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Devices, in violation of 35 U.S.C. § 271.

134. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '558 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '558 Patent. Specifically, Defendant imports the Accused Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant generates revenue from sales of the Accused Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Devices (*see, e.g.*, Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. *See* Exhibit E.

135. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at least Claim 1 of the '558 Patent which teaches

A first presentation device, comprising:

a non-transitory memory storing instructions;

a touchscreen; and

one or more processors in communication with the non-transitory memory and the touchscreen, wherein the one or more processors execute the instructions to:

provide access to a first media player and a second media player in an execution environment, the first presentation device capable of communication with a second presentation device including a display via a wireless network on which the first presentation device resides, where presentation focus information is accessible for identifying whether at least one of the first presentation device or the second presentation device is to be utilized for presentation;

detect access to the first media player to play a first media stream that includes video;

indicate, if the first presentation device is to be utilized for presentation based on the presentation focus information, that the first media stream is allowed to be presented via the first presentation device; and

indicate, if the second presentation device is to be utilized for presentation based on the presentation focus information, that the first media stream is allowed to be presented via the second presentation device;

wherein the first presentation device is operable such that a change in presentation focus is capable of being based on at least one of a releasing of a first presentation focus in connection with the first media player, a detected user input indication for giving the second media player a second presentation focus, a change in input focus, a change in an attribute of a user interface element, a count of media streams being played, a ranking of media streams being played, a transparency level of at least one of the user interface element, or another user interface element sharing a region of a display of the first presentation device.

136. For example, the Accused Smartphone Devices include a first presentation device (e.g., an LG G6 smartphone, etc.) comprising: a non-transitory memory (e.g., 32 Gigabytes of internal read-only memory (ROM), etc.) storing instructions; a touchscreen; and one or more processors (e.g., a Qualcomm Snapdragon 821 2.35GHz Quad-Core processor, etc.) in communication with the non-transitory memory and the touchscreen.

137. The Accused Smartphone Devices contain one or more processors that execute the instructions to: provide access to a first media player (e.g., a YouTube window, etc.) and a second media player (e.g., a Google Play window, etc.) in an execution environment, the first presentation device (e.g., the LG G6 smartphone, etc.) capable of

communication with a second presentation device (e.g., an external device available for screening to which the first presentation device may cast video content, etc.) including a display via a wireless network (e.g., a home Wi-Fi network, etc.) on which the first presentation device resides, where presentation focus information is accessible for identifying whether at least one of the first presentation device (e.g., the LG G6 smartphone, etc.) or the second presentation device (e.g., an external device available for screening to which the first presentation device may cast video content, etc.) is to be utilized for presentation.

138. The Accused Smartphone Devices detect access to the first media player (e.g., the YouTube window, etc.) to play a first media stream (e.g., a YouTube presentation, etc.) that includes video. The Accused Smartphone Devices also indicate if the first presentation device (e.g., the LG G6 smartphone, etc.) is to be utilized for presentation based on the presentation focus information, that the first media stream (e.g., the YouTube presentation, etc.) is allowed to be presented via the first presentation device (e.g., the LG G6 smartphone, etc.).

139. The Accused Smartphone Devices indicate if the second presentation device (e.g., the external device available for screening to which the first presentation device may cast video content, etc.) is to be utilized for presentation based on the presentation focus information, that the first media stream (e.g., the YouTube presentation, etc.) is allowed to be presented via the second presentation device (e.g., the external device available for screening to which the first presentation device may cast video content, etc.).

140. The Accused Smartphone Devices (e.g., the LG G6 smartphone, etc.) are operable such that a change in presentation focus is capable of being based on at least one of a releasing of a first presentation focus in connection with the first media player (e.g., the YouTube window, etc.), a detected user input indication for giving the second media player (e.g., the Google Play window, etc.) a second presentation focus (e.g., choosing Cast on the first presentation device in the first media player and/or second media player,

etc.) a change in input focus, a change in an attribute of a user interface element, a count of media streams being played, a ranking of media streams being played, a transparency level of at least one of the user interface element, or another user interface element sharing a region of a display (e.g., selecting “Cast\_from the actual Android Operating System, etc.) of the first presentation device (e.g., the LG G6 smartphone, etc.).

141. Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '558 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the '558 Patent. Such products include, without limitation, one or more of the Accused Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the '558 Patent. By making, using, importing offering for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the '558 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of the '558 Patent at least as early as the service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (*see* ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces its end users to infringe at the very least through advertising and/or user manuals. *See* Exhibit F; *see also See Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard proof that any individual third-party direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is

liable for infringement of one or more claims of the '558 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the '558 Patent under 35 U.S.C. § 271.

142. On information and belief, Defendant's infringement of the '558 Patent has been and continues to be willful. Defendant has had knowledge of the '558 Patent, including but not limited to at least one or more of the following:

- a. Due Diligence conducted in conjunction with a prior suit between the parties. See ¶ 9. Cypress originally provided LG notice of related infringement in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- b. Routine freedom to operate analyses.

See *MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) ("Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.") (internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the '558 Patent by operation of law.

143. Defendant's acts of infringement of the '558 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress's exclusive rights under the '558 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

**COUNT 12:  
INFRINGEMENT OF U.S. PATENT NO. 9,823,838**

144. Cypress incorporates by reference the allegations in the paragraphs above.

145. The '838 Patent is valid, enforceable, and was duly and legally issued on November 21, 2017.

146. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '838 Patent—directly, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Devices, in violation of 35 U.S.C. § 271.

147. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '838 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '838 Patent. Specifically, Defendant imports the Accused Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant generates revenue from sales of the Accused Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Devices (*see, e.g.*, Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. *See* Exhibit E.

148. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at least Claim 21 of the '838 Patent which teaches

An apparatus, comprising: at least one processor; an input device operatively coupled to the at least one processor; a screen operatively coupled to the at least one processor; and memory operatively coupled to the at least one processor;

said memory operatively coupled to the at least one processor configured to store a first application, a second application, and a third application;

said input device operatively coupled to the at least one processor configured to detect, utilizing the at least one processor, a first user input;

said screen operatively coupled to the at least one processor configured to present, utilizing the at least one processor, an application window representation group including a plurality of application window representations including a second application window representation



associated with the second application and a third application window representation associated with the third application;

said screen operatively coupled to the at least one processor configured to, in response to the first user input, present, utilizing the at least one processor, a first window for presenting first data associated with the first application;

said input device operatively coupled to the at least one processor configured to detect, utilizing the at least one processor, a second user input;

said screen operatively coupled to the at least one processor configured to, in response to the second user input, present, utilizing the at least one processor, a second window for presenting second data associated with the second application where a first size of the first window is sized to fit a second size of the second window on the screen, such that a first border of the first window corresponds to a second border of the second window;

said input device operatively coupled to the at least one processor configured to detect, utilizing the at least one processor, a third user input;

said screen operatively coupled to the at least one processor configured to, in response to the third user input, change, utilizing the at least one processor, the presentation of the first window and the second window, such that the first border of the first window remains in correspondence based on the second border of the second window.

149. For example, the Accused Tablet Devices include an apparatus, comprising: at least one processor (e.g., a Quad Core processor, etc.); an input device (e.g., a touchscreen, etc.) operatively coupled to the at least one processor; a screen (e.g., an 8.0\_ Full HD IPS Display, etc.) operatively coupled to the at least one processor; and memory (e.g., 32 Gigabytes of internal memory, etc.) operatively coupled to the at least one processor.

150. The Accused Tablet Devices include a memory operatively coupled to the at least one processor configured to store a first application (e.g., a Google Chrome application, etc.), a second application (e.g., a Google Mail application, etc.), and a third application (e.g., a Google Photos application, etc.). The Accused Tablet Devices also include said

input device operatively coupled to the at least one processor configured to detect, utilizing the at least one processor, a first user input (e.g., pressing on the graphical representation of the Google Chrome application, etc.).

151. The Accused Tablet Devices include said screen operatively coupled to the at least one processor configured to present, utilizing the at least one processor, an application window representation group including a plurality of application window representations including a second application window representation associated with the second application (e.g., a thumbnail representation of a Google Photos application, etc.) and a third application window representation associated with the third application (e.g., a thumbnail representation of a Google Mail application, etc.).

152. The Accused Tablet Devices include said screen operatively coupled to the at least one processor configured to, in response to the first user input (e.g., pressing on the thumbnail representation of a Google Chrome application, etc.), present, utilizing the at least one processor, a first window for presenting first data associated with the first application (e.g., the Google Chrome application, etc.).

153. The Accused Tablet Devices include said input device operatively coupled to the at least one processor configured to detect, utilizing the at least one processor, a second user input (e.g., pressing and holding the small, square window-selection button in the lower right portion of the display, etc.).

154. The Accused Tablet Devices include a screen operatively coupled to the at least one processor configured to, in response to the second user input (e.g., pressing and holding the small, square window-selection button in the lower right portion of the display, etc.), present, utilizing the at least one processor, a second window for presenting second data associated with the second application (e.g., in this instance, a second Google Chrome window, etc.) where a first size of the first window is sized to fit a second size of the second window on the screen, such that a first border of the first window corresponds to a second border of the second window (e.g., initiating `split screen_mode`, etc.).

155. The Accused Tablet Devices include an input device operatively coupled to the at least one processor configured to detect, utilizing the at least one processor, a third user input (e.g., dragging the border defining the now split screen presentation in order to resize both windows simultaneously, etc.).

156. The Accused Tablet Devices include a screen operatively coupled to the at least one processor configured to, in response to the third user input (e.g., dragging the border defining the now split screen presentation in order to resize both windows simultaneously, etc.), change, utilizing the at least one processor, the presentation of the first window and the second window, such that the first border of the first window remains in correspondence (e.g., remains visually connected to, etc.)based on the second border of the second window.

157. Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '838 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the '838 Patent. Such products include, without limitation, one or more of the Accused Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the '838 Patent. By making, using, importing offering for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the '838 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of the '838 Patent at least as early as the service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (*see* ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces

its end users to infringe at the very least through advertising and/or user manuals. See Exhibit F; see also *Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard proof that any individual third-party direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is liable for infringement of one or more claims of the ’838 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the ’838 Patent under 35 U.S.C. § 271.

158. On information and belief, Defendant’s infringement of the ’838 Patent has been and continues to be willful. Defendant has had knowledge of the ’838 Patent, including but not limited to at least one or more of the following:

- a. Due Diligence conducted in conjunction with a prior suit between the parties. See ¶ 9. Cypress originally provided LG notice of related infringement in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- b. Routine freedom to operate analyses.

See *MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) (“Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.”) (internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the ’838 Patent by operation of law.

159. Defendant’s acts of infringement of the ’838 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant’s wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant’s infringement of Cypress’s exclusive rights under the ’838

Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

**COUNT 13:  
INFRINGEMENT OF U.S. PATENT NO. 9,841,878**

160. Cypress incorporates by reference the allegations in the paragraphs above.

161. The '878 Patent is valid, enforceable, and was duly and legally issued on December 12, 2017.

162. Without a license or permission from Cypress, Defendant has infringed and continues to infringe on one or more claims of the '878 Patent—directly, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Devices, in violation of 35 U.S.C. § 271.

163. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '878 Patent and/or directing, controlling, and obtaining benefits from its partners, distributors and retailers practicing all of the steps of the '878 Patent. Specifically, Defendant imports the Accused Devices into the United States; has partnered with numerous resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores and websites (*see, e.g.*, Exhibits A, B & C); Defendant generates revenue from sales of the Accused Devices to U.S. customers in said stores and via said websites (*see id.*); and has attended trade shows in the United States where it has demonstrated the Accused Devices (*see, e.g.*, Exhibit D). Defendant also tests the Accused Devices prior to sale and/or upon return. *See* Exhibit E.

164. Although Cypress is not obligated to identify specific claims or claim elements in its complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at least Claim 1 of the '878 Patent which teaches

An apparatus, comprising:  
a device including at least one processor operatively coupled to a display  
and non-transitory memory, the memory storing a plurality of

applications including a first application and a second application, the device configured to:

present, utilizing the at least one processor and the display, a first window of the first application in a presentation space of the display;

detect, utilizing the at least one processor, first user input;

in response to the detection of the first user input, present, utilizing the at least one processor and the display, a representation of a second window of the second application in a menu, in a particular region of the presentation space of the display, for displaying the second window of the second application in the presentation space of the display in response to a detection of a second user input in connection with the representation of the second window, the particular region:

located in a first location adjacent to a second location of the first window,

operable for being re-sized in response to the first window being re-sized, and

operable for being hidden in response to the first window being maximized;

detect, utilizing the at least one processor, the second user input in connection with the representation of the second window of the second application; and

in response to the detection of the second user input in connection with the representation of the second window of the second application, present, utilizing the at least one processor and the display, the second window of the second application;

wherein the apparatus is configured such that the menu is located in the first location if the first user input includes a first particular input, and the menu is located in a third location if the first user input includes a second particular input.

165. Each of LG's Accused Devices running the Android Nougat Operating System is an apparatus comprised of a device including at least one processor (e.g., Qualcomm, etc.) operatively coupled to a display (e.g., LCD, etc.) and non-transitory memory (e.g., RAM, etc.)—see Exhibit 1, LG Accused Devices. The memory stores a plurality of

applications including a first application (e.g. Google Chrome, etc.) and a second application (e.g. Google Gmail, etc.).

166. An Accused Device can present, utilizing the at least one processor and the display, a first window of the first application (e.g., Google Chrome, etc.) in a presentation space of the display.

167. An Accused Device can detect, utilizing the at least one processor, first user input (e.g., a long press of the Overview (square) button while the first window is displayed, that is preceded or followed by a rotation of the Accused Device into a portrait or landscape orientation, etc.). Further, in response to the detection of the first user input, an Accused Device can present, utilizing the at least one processor and the display, a representation of a second window of the second application (e.g., Google Gmail, etc.) in a menu, in a particular region of the presentation space of the display (e.g., below the first window), for displaying the second window of the second application in the presentation space of the display in response to a detection of a second user input (e.g., touch input, etc.) in connection with the representation of the second window. As shown below, the particular region is: located in a first location adjacent to (e.g., below, etc.) a second location of the first window, operable for being re-sized in response to the first window being re-sized, and operable for being hidden in response to the first window being maximized.

168. An Accused Device can detect, utilizing the at least one processor, the second user input (e.g., touch input, etc.) in connection with the representation of the second window of the second application (e.g., Google Gmail, etc.). Further, in response to the detection of the second user input in connection with the representation of the second window of the second application, an Accused Device can present, utilizing the at least one processor and the display, the second window of the second application.

169. An Accused Device is configured such that the menu is located in the first location (e.g., below the first window, etc.) if the first user input includes a first particular

input (e.g., user input to rotate the Accused Device into a landscape orientation before or after the long press of the Overview (square) button while the application window is displayed, etc.), and the menu is located in a third location (e.g., to a side of the first window, etc.) if the first user input includes a second particular input (e.g., user input to rotate the Accused Device into a landscape orientation before or after the long press of the Overview (square) button while the application window is displayed, etc.).

170. Defendant has been and now is indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '878 Patent in the State of Delaware, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the '878 Patent. Such products include, without limitation, one or more of the Accused Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the '878 Patent. By making, using, importing offering for sale, and/or selling such products, Defendant injured Cypress and is thus liable to Cypress for infringement of the '878 Patent under 35 U.S.C. § 271. Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of the '878 Patent at least as early as the service of the original complaint in this case, Defendant's due diligence in connection with related litigation between the parties (*see* ¶ 9), and Defendant's routine freedom to operate analyses. Defendant induces its end users to infringe at the very least through advertising and/or user manuals. *See* Exhibit F; *see also See Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard proof that any individual third-party



direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant is liable for infringement of one or more claims of the ’878 Patent by actively inducing infringement and/or is liable as contributory infringer of one or more claims of the ’878 Patent under 35 U.S.C. § 271.

171. On information and belief, Defendant’s infringement of the ’878 Patent has been and continues to be willful. Defendant has had knowledge of the ’878 Patent, including but not limited to at least one or more of the following:

- a. Due Diligence conducted in conjunction with a prior suit between the parties. See ¶ 9. Cypress originally provided LG notice of related infringement in *Cypress Lake Software, Inc. v. LG Electronics USA, Inc.*, Case No. 6:16-cv-1250-RWS (E.D. Tex. Oct. 28, 2016); and
- b. Routine freedom to operate analyses.

See *MONEC Holding AG v. Motorola Mobility, Inc.*, 897 F. Supp. 2d 225, 236 (D. Del. 2012) (“Actual knowledge of infringement or the infringement risk is not necessary to plead a claim for willful infringement, but the complaint must adequately allege factual circumstances in which the patents-in-suit are called to the attention of the defendants.”) (internal marks omitted). On information and belief, Defendant has had at least had constructive notice of the ’878 Patent by operation of law.

172. Defendant’s acts of infringement of the ’878 Patent have caused damage to Cypress, and Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant’s wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant’s infringement of Cypress’s exclusive rights under the ’878 Patent will continue to damage Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an injunction from the Court.

### **REQUEST FOR RELIEF**

Cypress incorporates each of the allegations in the paragraphs above and respectfully asks the Court to:

- (a) enter a judgment that Defendant has directly infringed, contributorily infringed, and/or induced infringement of one or more claims of each of the Patents-in-Suit;
- (b) enter a judgment awarding Cypress all damages adequate to compensate it for Defendant's infringement of, direct or contributory, or inducement to infringe, the Patents-in-Suit, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;
- (c) enter a judgment awarding treble damages pursuant to 35 U.S.C. § 284 for Defendant's willful infringement of one or more of the Patents-in-Suit;
- (d) issue a preliminary injunction and thereafter a permanent injunction enjoining and restraining Defendant, its directors, officers, agents, servants, employees, and those acting in privity or in concert with them, and their subsidiaries, divisions, successors, and assigns, from further acts of infringement, contributory infringement, or inducement of infringement of the Patents-in-Suit;
- (e) enter a judgment requiring Defendant to pay the costs of this action, including all disbursements, and attorneys' fees as provided by 35 U.S.C. § 285, together with prejudgment interest; and
- (f) award Cypress all other relief that the Court may deem just and proper.

### **DEMAND FOR JURY TRIAL**

Cypress demands a jury trial on all issues that may be determined by a jury.

Respectfully submitted,

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