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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 **SPEAKWARE, INC.,**
14 **a California corporation,**

15 **Plaintiff,**

16 **v.**

17 **SAMSUNG ELECTRONICS CO.,**
18 **LTD., a Korean corporation, and**

19 **SAMSUNG ELECTRONICS**
20 **AMERICA, INC., a New York**
21 **corporation,**

22 **Defendants.**

Case No. 8:18-CV-01300

Patent Infringement Complaint

Demand for Jury Trial

23
24 **Complaint for Patent Infringement**
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1 Plaintiff SpeakWare, Inc. (“SpeakWare”) files this complaint against Defendants
2 Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc., alleging direct
3 and indirect infringement of U.S. Patent 6,397,186. The accused products are
4 Samsung’s voice-activated systems for controlling appliances.

5 **Plaintiff SpeakWare and the asserted patent.**

6 1. Plaintiff SpeakWare, Inc. is a corporation organized and existing under
7 the laws of the State of California. SpeakWare is managed by lead inventor of U.S.
8 Patent 6,397,186, William Stuart Bush.

9 2. SpeakWare is the owner of U.S. Patent 6,397,186, entitled “Hands-Free,
10 Voice-Operated Remote Control Transmitter,” which issued on May 28, 2002. The
11 ’186 patent is well-known in the industry and has been cited in 163 issued patents.
12 Defendants have known of the ’186 patent since at least April 17, 2012, and have cited
13 the ’186 patent during the prosecution of their own patents and patent applications
14 involving technology related to the accused products. A copy of the ’186 patent is
15 attached as Exhibit 1.

16 **Defendants and the accused products.**

17 3. Defendant Samsung Electronics Co., Ltd. is a Korean corporation.

18 4. Defendant Samsung Electronics America, Inc. is a New York corporation
19 with business offices in California, including in this district.

20 5. Defendants have developed, manufactured, imported, offered for sale,
21 sold, and used voice-activated systems for controlling appliances that infringe the ’186
22 patent. These systems include the Galaxy S8 and S8+, the Galaxy S9 and S9+ and
23 above, and the Galaxy Note 8 and above, all of which use Defendants’ voice-activated
24 virtual assistant, Bixby (including Bixby 2.0, which Defendants and their customers
25 and resellers are already using, for example for testing), to control appliances. These
26 systems can also include associated servers owned or controlled by Defendants that
27 enable and work in connection with the accused Galaxy devices, Note devices, and
28 other Bixby-enabled devices to control appliances. These systems can also include the

1 SmartThings Smart Hub, which works in connection with the accused Galaxy devices,
2 Note devices, and other Bixby-enabled devices to control appliances.

3 **Nature of the action, jurisdiction, and venue.**

4 6. Plaintiff SpeakWare, Inc. asserts claims for patent infringement against
5 Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.
6 under the patent laws of the United States, including 35 U.S.C. §§ 271 and 281, *et seq.*
7 The Court has original jurisdiction over SpeakWare's patent infringement claims under
8 28 U.S.C. §§ 1331 and 1338(a).

9 7. The Court has personal jurisdiction over Defendants. Defendants have
10 committed acts of infringement in this district, including selling infringing systems in
11 this district and using infringing systems in this district.

12 8. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b).
13 Defendants have committed acts of infringement in this district and have several
14 established places of business in this district, including at 18600 S. Broadwick St.,
15 Compton, California 90220-6434; 14251 Firestone Blvd., La Mirada, California
16 90638-5525; and 3150 Wilshire Blvd., Ste. 206, Los Angeles, California 90010.
17 Defendants also maintain an established place of business in this district through the
18 Samsung Experience Shop at the Best Buy located at 11301 W. Pico Blvd., Los
19 Angeles, California 90064.

20 9. These locations are regular and established places of business of
21 Defendants for purposes of §1400(b) because each (i) is a physical place in the Central
22 District of California (each consisting of a building or a part of a building from which
23 business is conducted); (ii) operates the business of Defendants (e.g., the sale or
24 distribution of the accused products) in a regular, steady, uniform, orderly, settled,
25 fixed, and permanent manner; and (iii) is owned or leased by Defendants, and/or has
26 been ratified by Defendants as a place of business.

27 **Claim for patent infringement.**

28 10. SpeakWare incorporates by reference each of the allegations in

1 paragraphs 1-9 above and further alleges as follows:

2 11. On May 28, 2002, the United States Patent and Trademark Office issued
3 U.S. Patent 6,397,186, entitled “Hands-Free, Voice-Operated Remote Control
4 Transmitter.” Ex. 1.

5 12. SpeakWare is the owner of the ’186 patent with full rights to pursue
6 recovery of royalties for damages for infringement, including full rights to recover past
7 and future damages.

8 Validity of the ’186 patent.

9 13. Each claim of the ’186 patent is valid and enforceable.

10 Patent eligibility of the ’186 patent.

11 14. Each claim of the ’186 patent is patent eligible.

12 15. Each claim is directed to a specific improvement in technology, and not
13 an abstract idea.

14 16. The claims improve technology for remotely controlling electronic
15 appliances. Indeed, the specification explains that the patent involves technology “for
16 remotely controlling electronic equipment” and, more specifically, a “voice-activated
17 and voice-operated remote control system for controlling appliances.” ’186 patent,
18 1:6-9.

19 17. The claims of the ’186 patent are directed to a specific improvement in
20 voice-activated remote control technology.

21 18. Indeed, the claims are directed to improving existing technological
22 solutions for remotely controlling electronic appliances.

23 19. The patent is entitled “hands-free, voice-operated remote control
24 transmitter” and generally “relates to devices for remotely controlling electronic
25 equipment, and more particularly, to a wireless, user-programmable, voice activated
26 and voice operated remote control system for controlling appliances.” ’186 patent,
27 1:6-9.

28

1 20. The specification describes the conventional way of remotely controlling
2 electronic appliances:

3 “Historically, appliances, for example, electronic appliances, such as,
4 televisions, VCRs, digital satellite systems, audio systems, and related
5 accessories, have been remotely controlled by hand-held transmitters used to
6 generate signals to receivers incorporated into the electronics of the remotely
7 controlled appliances. Signals for such appliances correspond to control
8 commands, such as channel selection/tuning, power on/off, audio volume
9 adjustment, and muting controls, typically generated by the user by depressing
10 buttons on a remote control transmitter keypad. The basic composition and
11 operation of such remote control systems are well known in the art.”

12 ’186 patent, 1:11-22.

13 21. The specification also explains that these conventional systems had
14 numerous drawbacks. For example:

15 “[T]he small size and mobility [of such systems] often contribute to
16 misplacement or loss of the transmitter. Also, for device operators with
17 restricted physical mobility or sight limitations, hand-held remote controls may
18 not provide sufficient access to the command controls of the remotely controlled
19 appliances. Also, if an operator’s hands are engaged in an activity, an
20 interruption in the activity may be required to operate the hand-held remote
21 control, causing inconvenience to the operator and potentially having an adverse
22 effect on productivity.”

23 ’186 patent, 1:26-35.

24 “As the number of separate remote control transmitters increases, locating,
25 distinguishing, and locating the appropriate transmitters becomes increasingly
26 difficult.”

27 ’186 patent, 1:37-41.

28

1 Such systems “require the user to establish physical contact, typically in the
2 form of manually depressing keypad buttons, to transmit a control command to
3 the remotely controlled appliance,” but “are often misplaced causing frustration
4 to the user.”

5 ’186 patent, 2:1-6.

6 22. Although a handful of “voice-operated remote control systems have
7 recently been developed,” ’186 patent, 2:7-8, those newly developed systems also had
8 serious drawbacks.

9 23. One such drawback was that “such systems are not truly hands-free,
10 requiring manual intervention by the user during use. In particular, such remote
11 control systems as disclosed in the above-mentioned patents, are all based upon the use
12 of a ‘talk switch’; which must be manually depressed to enter a voice command when
13 the transmission of a remote control signal is desired.” ’186 patent, 2:15-21. In
14 particular, with respect to one such system, the specification explains that “[t]he
15 transmitter operates depending on whether the talk switch has been depressed. If the
16 talk switch has been depressed, the transmitter is enabled to remote control signals.
17 Once the talk switch is released, the transmitter is kept in a low power consumption
18 mode, waiting for voice commands to be applied. As indicated above, the means for
19 generating and transmitting a remote control signal based on the recognized spoken
20 voice command is not hands-free, requiring the manual intervention of pressing a talk
21 switch to accomplish these functions.” *Id.* at 2:32-42.

22 24. Another such drawback was that certain systems required “physical
23 interconnections between the control system and the appliance which makes it difficult
24 for a user to add additional appliances or change controlled appliances.” ’186 patent,
25 2:42-49.

26 25. The claims are directed to improving these existing technological
27 solutions for remotely controlling electronic appliances. For example, claim 1 recites
28 an “audio signal activated control system for controlling appliances” that includes “a

1 microphone for receiving audio signals and converting said audio signals to electrical
2 signals,” “a speech recognition system for receiving said electrical signals,” and an
3 “appliance control circuit” that is configured to “transmit one or more application
4 control signals” to control appliances. ’186 patent, claim 1. The system has “a low
5 power sound activation mode” and a “speech recognition mode” and is “configured to
6 automatically switch from said sound activation mode to said speech recognition mode
7 as a function of the amplitude of said electrical signals.” *Id.*

8 26. This system of claim 1 provides numerous improvements over existing
9 technological solutions for remotely controlling electronic appliances based on control
10 signals generated by the user by depressing buttons on a remote control transmitter
11 keypad. For example, it avoids the need for users to hold the remote control
12 transmitter, and thus avoids the need for locating such a transmitter (and the risk of
13 losing such transmitter in the first place). As a second example, it provides a device
14 operator with restricted physical mobility with greater access to (and better ability to
15 control) electronic appliances. As a third example, it allows the operator of an
16 electronic appliance to control that appliance without interrupting an activity in which
17 his or her hands are engaged. As a fourth example, it allows the operator to control
18 multiple appliances and therefore eliminates the need to locate and distinguish the
19 appropriate transmitter for a particular appliance.

20 27. The system of claim 1 also provides numerous benefits over the newly
21 developed voice-operated remote control systems that existed at the time (which were
22 themselves unconventional). For example, it had two modes, one low power and one
23 for speech recognition. As a second example, it avoided the need to have a “talk
24 switch” by taking advantage of signal characteristics to switch from a low power sound
25 activation mode to a speech recognition mode. This made it truly “hands free” and
26 thus achieved all of the benefits identified above. *See, e.g.*, ’186 patent, 7:12-16 (“An
27 important aspect of the invention relates to the ability of the system to switch from a
28 sleep mode to an active mode solely by voice commands, to provide true hands-free

1 remote operation.”). In addition, it allowed the system to limit power consumption and
2 preserve battery life by staying in a low power mode until the system determined that it
3 should switch modes. Furthermore, it made the system more reliable by ensuring that
4 it would not issue commands to appliances based on background noise.

5 28. In addition, the claims do not merely recite a desired outcome, but instead
6 recite a specific technical improvement to achieve a desired outcome. For example,
7 the system of claim 1 is one particular way of designing a system for controlling
8 appliances and claim 1 recites the specific arrangement of specific components that
9 achieves the benefits identified above. There are many other ways of designing a
10 system for controlling appliances, including many other ways of designing a system
11 for controlling appliances based on audio signals, including the ones described in the
12 prior art patents described in the specification.

13 29. In addition, the claims recite unconventional technical steps that improve
14 technology.

15 30. Indeed, the claims recite a technical solution to a technical problem: an
16 audio signal activated control system for controlling appliances that solved technical
17 problems with existing systems for controlling appliances. For example, as explained
18 above, claim 1 did this using an “audio signal activated control system for controlling
19 appliances” that includes “a microphone for receiving audio signals and converting
20 said audio signals to electrical signals,” “a speech recognition system for receiving said
21 electrical signals,” and an “appliance control circuit” that is configured to “transmit
22 one or more application control signals” to control appliances. ’186 patent, claim 1.
23 The system has “a low power sound activation mode” and “a speech recognition
24 mode” and is “configured to automatically switch from said sound activation mode to
25 said speech recognition mode as a function of the amplitude of said electrical signals.”

26 *Id.*

27 31. The particular combination of components and requirements was
28 unconventional, went against conventional wisdom, and, in fact, had never been done

1 before. Indeed, as explained above, at the time of the invention, it was conventional to
2 control appliances by using hand-held transmitters to generate signals to receivers
3 incorporated into the electronics of the remotely controlled appliances. Furthermore, it
4 was conventional for such signals to be generated by the user by depressing buttons on
5 a remote control transmitter keypad. And it was conventional to have multiple such
6 controllers for each appliance. Moreover, even the systems that used speech
7 recognition—which were themselves unconventional—made use of a “talk switch”
8 and did not rely on properties of electrical signals such as amplitude to switch to
9 speech recognition mode, much less from a low power mode.

10 32. Each claim recites numerous additional unconventional technical steps,
11 each of which is independently sufficient to confer patent-eligibility.

12 Defendants’ infringement of the ’186 patent.

13 33. Defendants have directly infringed and continue to directly infringe the
14 claims of the ’186 patent by making, using, offering to sell, selling, and importing the
15 accused products. Defendants infringe numerous claims of the ’186 patent, including
16 independent claim 1. An example way that Defendants’ accused products infringe
17 claim 1 is provided below for reference.

18 ***“An audio signal activated control system for controlling appliances comprising:”***

- 19 • Samsung Galaxy devices, Samsung Note devices, and other Bixby-enabled
20 devices—alone and, alternatively, in combination with Samsung servers and/or
21 additional electronic equipment (including, for example, a Samsung
22 SmartThings Smart Hub)—are an “*audio signal activated control system for*
23 *controlling appliances*”: they consist of a system activated by audio signals (for
24 example, signals representing audio such as spoken words) for controlling
25 appliances (for example, appliances identified in the following section of
26 Samsung’s SmartThings website, <https://www.smarthings.com/products>).

27 ***“a microphone for receiving audio signals and converting said audio signals to***
28 ***electrical signals;”***

- 1 • The “audio signal activated control system for controlling appliances” identified
2 above includes “*a microphone for receiving audio signals and converting said*
3 *audio signals to electrical signals.*” For example, the Samsung Galaxy S9
4 includes a microphone:

5 **Recording**

6 Recording quality is improved with the High AOP Mic that minimizes distortion in noisy environments.¹²
7

8 <https://www.samsung.com/us/smartphones/galaxy-s9/specs/>.

9 **“*a speech recognition system for receiving said electrical signals,*”**

- 10 • The “audio signal activated control system for controlling appliances” identified
11 above includes “*a speech recognition system for receiving said electrical*
12 *signals*” (for example, components within the Samsung Galaxy devices,
13 Samsung Note devices, and other Bixby-enabled devices and/or Samsung
14 servers) meeting each of the requirements of the claim as shown below.

15 **“*said speech recognition system including a processor*”**

- 16 • The “speech recognition system” identified above includes one or more
17 processors. For example, the Samsung Galaxy S9 includes a 10nm 64-bit Octa-
18 Core processor:

19 10nm 64-bit Octa-Core Processor *2.8GHz + 1.7GHz (Maximum Clock Speed, Performance Core + Efficiency Core)

20 10nm 64-bit Octa-Core Processor *2.7GHz + 1.7GHz (Maximum Clock Speed, Performance Core + Efficiency Core)

21 <https://www.samsung.com/global/galaxy/galaxy-s9/specs/>.

22 As a second example, Samsung servers include numerous processors.

23 **“*and having a low power sound activation mode for detecting the presence of said*
24 *electrical signals and a speech recognition mode for converting said electrical*
25 *signals to electrical representative signals, decoding said electrical representative*
26 *signals and generating control signals for controlling one or more appliances,*
27
28**

1 *wherein in said speech recognition mode said processor decodes said electrical*
2 *representative signals and wherein in said sound activation mode said processor is in*
3 *a low power state,”*

- 4 • The “speech recognition system” identified above has “*a low power sound*
5 *activation mode for detecting the presence of said electrical signals*” (for
6 example, when the system detects the presence of electrical signals from the
7 microphone, such as signals corresponding to the wake words “Hi Bixby” or
8 “Bixby”) in which “*said processor is in a low power state*” (for example, a state
9 in which the processor consumes less power, such as a “sleep” state).
- 10 • The “speech recognition system” identified above also has “*a speech*
11 *recognition mode*” (for example, a mode in which the system recognizes spoken
12 commands, for example the spoken commands given by a user to Defendants’
13 virtual assistant, Bixby) “*for converting said electrical signals to electrical*
14 *representative signals, decoding said electrical representative signals and*
15 *generating control signals for controlling one or more appliances,”* (for
16 example, for converting the electrical signals from the microphone into
17 electrical representative signals, for example signals representing sound waves;
18 decoding those signals, for example to process them, to determine whether they
19 represent audio signals or contain spoken commands, or to determine the content
20 or meaning of those spoken commands; and generating control signals for
21 controlling one or more appliances, for example instructions for an appliance
22 identified above to perform one or more functions such as powering on) in
23 which “*said processor decodes said electrical representative signal*” (performs
24 the “decoding” identified above).

25 *“said speech recognition system configured to automatically switch from said sound*
26 *activation mode to said speech recognition mode as a function of the amplitude of*
27 *said electrical signals”*

28

- 1 • The “speech recognition system” identified above is “*configured to*
2 *automatically switch from said sound activation mode to said speech*
3 *recognition mode as a function of the amplitude of said electrical signals*”: it is
4 configured to automatically switch from the “sound activation mode” identified
5 above to the “speech recognition mode” identified above as a function of the
6 amplitude of the “electrical signals” from the microphone, for example as a
7 function of the amplitude of the electrical signals corresponding to the wake
8 words “Hi Bixby” or “Bixby.”

9 ***“an appliance control circuit which includes a transmitter, said appliance control***
10 ***circuit configured to receive said control signals from said speech recognition system***
11 ***and generate and automatically transmit one or more appliance control signals to***
12 ***said one or more appliances”***

- 13 • The “audio signal activated control system for controlling appliances” includes
14 “*an appliance control circuit*” that includes a transmitter (for example a radio
15 transceiver) that is “*configured to receive said control signals*” (to receive the
16 control signals identified above) and “*generate and automatically transmit one*
17 *or more appliance control signals to said one or more appliances*” (for example,
18 to generate and transmit appliance control signals such as Wi-Fi signals that
19 contain instructions to control one of the appliances identified above).

20 Indirect infringement.

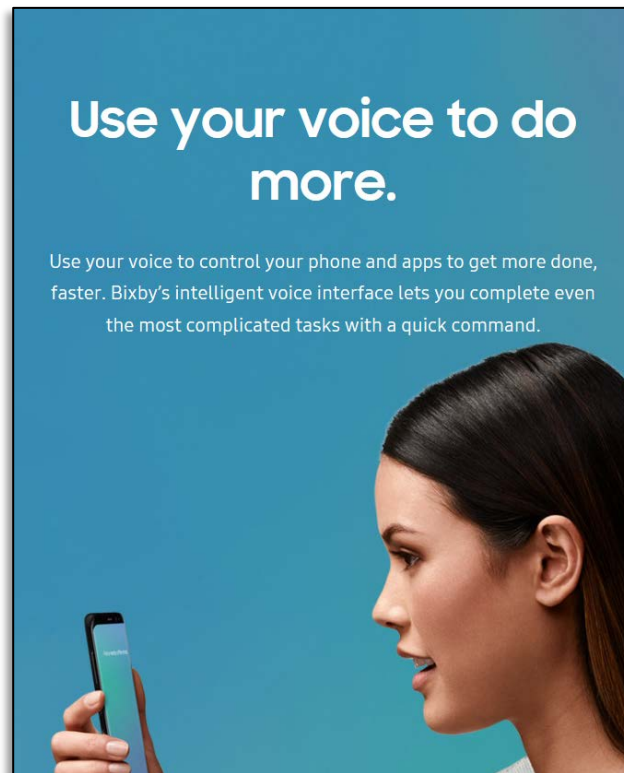
21 34. Defendants have also indirectly infringed and continue to indirectly
22 infringe the ’186 patent.

23 35. Defendants have actively induced and continue to actively induce users of
24 their accused products to infringe the ’186 patent.

25 36. Defendants have offered and continue to offer their accused products for
26 sale both on their website and through authorized resellers. By doing so, Defendants
27 encourage their customers to make and use systems that infringe the ’186 patent as
28 shown above, and to perform methods that infringe the ’186 patent.

1 37. In addition, Defendants have instructed and continue to instruct their
2 customers, developers, and resellers to make and use systems that infringe the '186
3 patent as shown above, and to perform methods that infringe the '186 patent.

4 38. For example, on their website, Defendants provide instructions
5 encouraging their customers to make and use systems that include accused products
6 that infringe the system claims of the '186 patent as shown above, and to use those
7 systems to carry out methods that infringe the method claims of the '186 patent. For
8 example:



23 <https://www.samsung.com/us/explore/bixby/talks/>.

24 39. As a second example, Defendants' employees encourage and instruct
25 Defendants' customers (resellers and end users) to make and use systems that include
26 their accused products that infringe the system claims of the '186 patent as shown
27 above, and encourage and instruct Defendants' customers to use those systems to carry
28 out methods that infringe the method claims of the '186 patent.

1 40. Furthermore, Defendants knew or were willfully blind to the fact that their
2 customers' actions in response to such encouragement and instruction would infringe
3 the '186 patent.

4 41. Defendants were aware of the '186 patent since at least April 17, 2012.
5 Moreover, Defendants have been familiar with the teachings and claims of the '186
6 patent, have understood those teachings, have understood what the '186 patent claims,
7 and have understood the relevance of those teachings and those claims to their accused
8 products.

9 42. Indeed, the '186 patent is well-known in the art and has been cited 163
10 times in subsequent issued patents. In addition, the '186 patent has been cited in
11 numerous patents and patent applications in the field of voice-activated systems,
12 including in patents and patent applications assigned to Defendants' main competitors
13 in the field. In addition, on April 17, 2012, Defendants' representatives cited the '186
14 patent in an information disclosure statement during the prosecution of U.S. Patent
15 Application 11/1209383 (which later issued as U.S. Patent 8,370,159), assigned to
16 Samsung Electronics Co., Ltd., entitled "Multi-layered speech recognition apparatus
17 and method." In addition, the '186 patent has been cited during the prosecution history
18 of several other patents assigned to Samsung Electronics Co., Ltd. and relating to
19 Defendants' accused products. These include U.S. Patent Application 14/289394,
20 entitled "Method of executing voice recognition of electronic device and electronic
21 device using the same," which describes a system in which "The first
22 processor **420** can change a state of the second processor **430** from a sleep mode to an
23 active mode by using the wake up signal." It also includes U.S. Patent Application
24 14/132136, entitled "Remote control apparatus and method for controlling power,"
25 which claims "a remote controller" comprising "a controller configured to, when a user
26 command is input through the user interface to enter a voice recognition mode, convert
27 a stand-by mode into an active mode, and convert the active mode into the stand-by
28 mode depending on whether the utterance is recognized within a preset time," and the

1 abstract of which reads as follows: “A remote controller and a power control method
2 are disclosed. The remote controller includes a voice recognizer a voice recognizer
3 configured to recognize a voice utterance, a user interface configured to receive a user
4 command; and a controller configured to, when a user command is input through the
5 user interface to enter a voice recognition mode, convert a stand-by mode into an
6 active mode, and convert the active mode into the stand-by mode depending on
7 whether the utterance is recognized within a preset critical time. Accordingly, the
8 remote controller, enabling an operation mode of a voice recognition module which
9 recognizes a user voice utterance to be maintained as an active mode, can reduce
10 power unnecessarily consumed.”

11 43. Furthermore, Defendants have known and have understood how their own
12 accused products work, have known that the ’186 patent was relevant to their accused
13 products, and have known or have been willfully blind to the fact that making and
14 using systems involving their accused products, including according to their
15 instructions, would infringe the ’186 patent.

16 44. Based on the foregoing, Defendants knew that their customers’ use of the
17 accused products would infringe the ’186 patent, or alternatively were aware that there
18 was a high probability that their customers’ use of the accused products would infringe
19 and took deliberate actions to avoid confirming this.

20 45. As a result, Defendants have indirectly infringed and continue to
21 indirectly infringe the ’186 patent by inducing their customers to use their accused
22 products in an infringing manner, and knowing or being willfully blind to the fact that
23 such use would infringe the ’186 patent.

24 Willful infringement.

25 46. Defendants’ infringement of the ’186 patent has been knowing, willful,
26 and egregious.

27 47. For the reasons stated in paragraphs 40-44 above, Defendants knew that
28 their accused products infringed and continue to infringe the ’186 patent, or

1 alternatively took deliberate steps to avoid confirming this and were therefore willfully
2 blind to these facts. SpeakWare incorporates by reference each of the allegations in
3 these paragraphs.

4 48. SpeakWare has been damaged by Defendants' infringement of the '186
5 patent and is entitled to reasonable royalty damages and enhanced damages due to
6 Defendants' willful infringement.

7 **Jury demand.**

8 49. SpeakWare demands trial by jury of all issues.

9 **Relief requested.**

10 SpeakWare prays for the following relief:

11 A. A judgment in favor of SpeakWare that Defendants have infringed the
12 asserted '186 patent and that the patent is valid, enforceable, and patent-eligible;

13 B. A judgment and order requiring Defendants to pay SpeakWare
14 compensatory damages, costs, expenses, and pre- and post-judgment interest for their
15 infringement of the asserted patent, as provided under 35 U.S.C. §284;

16 C. A judgment that Defendants have willfully infringed the '186 patent and
17 that SpeakWare is entitled to enhanced damages as a result of such willful
18 infringement;

19 D. A finding that this case is exceptional under 35 U.S.C. §285, at minimum
20 due to Defendants' willful infringement, and an award of SpeakWare's reasonable
21 attorney's fees and costs; and

22 E. Any and all other relief to which SpeakWare may be entitled.

23
24 Dated: July 26, 2018

Respectfully submitted,

25
26 By: /s/ Simon Franzini

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