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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 APPLE INC.,  
18 a California corporation,

19 Defendant.

Case No. 8:18-CV-01302

**Patent Infringement Complaint**

**Demand for Jury Trial**

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21 **Complaint for Patent Infringement**  
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1 Plaintiff SpeakWare, Inc. (“SpeakWare”) files this complaint against Defendant  
2 Apple Inc. (“Apple”), alleging direct and indirect infringement of U.S. Patent  
3 6,397,186. The accused products are Apple’s voice-activated systems for controlling  
4 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 Defendant Apple Inc. has known of the ’186 patent since at least March 10, 2014.  
13 Apple has cited the ’186 patent during the prosecution of its own patents and patent  
14 applications involving technology related to the accused products. The ’186 patent has  
15 been cited as prior art in at least 46 Apple patents and patent applications, including  
16 numerous patents related to core features of Apple’s accused products. A copy of the  
17 ’186 patent is attached as Exhibit 1.

18 **Defendant Apple and the accused products.**

19 3. Defendant Apple Inc. is a California corporation with its principal place  
20 of business in California and business offices in this district.

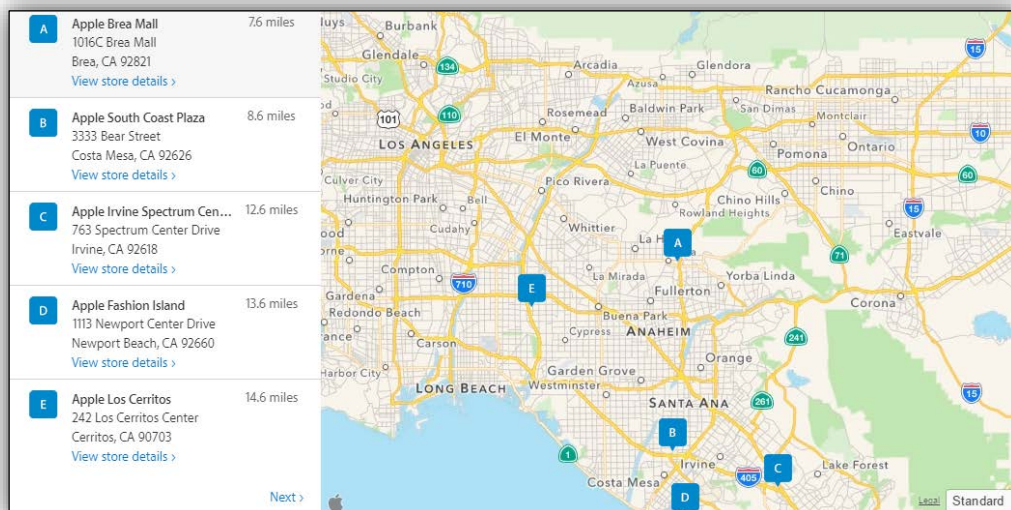
21 4. Apple has developed, manufactured, imported, offered for sale, sold, and  
22 used voice-activated systems for controlling appliances that infringe the ’186 patent.  
23 These systems include Apple iPhones (6s or later), iPads (6<sup>th</sup> generation or later and  
24 “Pro”), and HomePods, all of which use Apple’s voice-activated virtual assistant, Siri,  
25 to control appliances. These systems can also include associated servers owned or  
26 controlled by Apple that enable and work in connection with the accused devices to  
27 control appliances. These systems can also include Apple TVs, which work in  
28 connection with the accused devices to control appliances.

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

5. Plaintiff SpeakWare, Inc. asserts claims for patent infringement against Defendant Apple Inc. under the patent laws of the United States, including 35 U.S.C. §§ 271 and 281, *et seq.* The Court has original jurisdiction over SpeakWare’s patent infringement claims under 28 U.S.C. §§ 1331 and 1338(a).

6. The Court has personal jurisdiction over Apple. Apple has committed acts of infringement in this district, including selling infringing systems in this district and using infringing systems in this district.

7. Venue is proper in this district under 28 U.S.C. §1400(b). Apple has committed acts of infringement in this district and has several established places of business in this district. These include numerous Apple Store retail locations, including at Apple Brea Mall, 1016C Brea Mall, Brea, CA 92821; Apple South Coast Plaza, 333 Bear Street, Costa Mesa, CA 92626; Apple Irvine Spectrum Center, 763 Spectrum Center Drive, Irvine, CA 92618; Apple Fashion Island, 1113 Newport Center Drive, Newport Beach, CA 92660; and Apple Los Cerritos, 242 Los Cerritos Center, Cerritos, CA 90703.



<https://www.apple.com/retail/>



1 and voice-operated remote control system for controlling appliances.” ’186 patent,  
2 1:6-9.

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

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

7 19. The patent is entitled “hands-free, voice-operated remote control  
8 transmitter” and generally “relates to devices for remotely controlling electronic  
9 equipment, and more particularly, to a wireless, user-programmable, voice activated  
10 and voice operated remote control system for controlling appliances.” ’186 patent,  
11 1:6-9.

12 20. The specification describes the conventional way of remotely controlling  
13 electronic appliances:

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

23 ’186 patent, 1:11-22.

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

26 “[T]he small size and mobility [of such systems] often contribute to  
27 misplacement or loss of the transmitter. Also, for device operators with  
28 restricted physical mobility or sight limitations, hand-held remote controls may

1 not provide sufficient access to the command controls of the remotely controlled  
2 appliances. Also, if an operator's hands are engaged in an activity, an  
3 interruption in the activity may be required to operate the hand-held remote  
4 control, causing inconvenience to the operator and potentially having an adverse  
5 effect on productivity.”

6 '186 patent, 1:26-35.

7 “As the number of separate remote control transmitters increases, locating,  
8 distinguishing, and locating the appropriate transmitters becomes increasingly  
9 difficult.”

10 '186 patent, 1:37-41.

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

15 '186 patent, 2:1-6.

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

19 23. One such drawback was that “such systems are not truly hands-free,  
20 requiring manual intervention by the user during use. In particular, such remote  
21 control systems as disclosed in the above-mentioned patents, are all based upon the use  
22 of a ‘talk switch’; which must be manually depressed to enter a voice command when  
23 the transmission of a remote control signal is desired.” '186 patent, 2:15-21. In  
24 particular, with respect to one such system, the specification explains that “[t]he  
25 transmitter operates depending on whether the talk switch has been depressed. If the  
26 talk switch has been depressed, the transmitter is enabled to remote control signals.  
27 Once the talk switch is released, the transmitter is kept in a low power consumption  
28 mode, waiting for voice commands to be applied. As indicated above, the means for

1 generating and transmitting a remote control signal based on the recognized spoken  
2 voice command is not hands-free, requiring the manual intervention of pressing a talk  
3 switch to accomplish these functions.” *Id.* at 2:32-42.

4 24. Another such drawback was that certain systems required “physical  
5 interconnections between the control system and the appliance which makes it difficult  
6 for a user to add additional appliances or change controlled appliances.” ’186 patent,  
7 2:42-49.

8 25. The claims are directed to improving these existing technological  
9 solutions for remotely controlling electronic appliances. For example, claim 1 recites  
10 an “audio signal activated control system for controlling appliances” that includes “a  
11 microphone for receiving audio signals and converting said audio signals to electrical  
12 signals,” “a speech recognition system for receiving said electrical signals,” and an  
13 “appliance control circuit” that is configured to “transmit one or more application  
14 control signals” to control appliances. ’186 patent, claim 1. The system has “a low  
15 power sound activation mode” and a “speech recognition mode” and is “configured to  
16 automatically switch from said sound activation mode to said speech recognition mode  
17 as a function of the amplitude of said electrical signals.” *Id.*

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

3 27. The system of claim 1 also provides numerous benefits over the newly  
4 developed voice-operated remote control systems that existed at the time (which were  
5 themselves unconventional). For example, it had two modes, one low power and one  
6 for speech recognition. As a second example, it avoided the need to have a “talk  
7 switch” by taking advantage of signal characteristics to switch from a low power sound  
8 activation mode to a speech recognition mode. This made it truly “hands free” and  
9 thus achieved all of the benefits identified above. *See, e.g.*, ’186 patent, 7:12-16 (“An  
10 important aspect of the invention relates to the ability of the system to switch from a  
11 sleep mode to an active mode solely by voice commands, to provide true hands-free  
12 remote operation.”). In addition, it allowed the system to limit power consumption and  
13 preserve battery life by staying in a low power mode until the system determined that it  
14 should switch modes. Furthermore, it made the system more reliable by ensuring that  
15 it would not issue commands to appliances based on background noise.

16 28. In addition, the claims do not merely recite a desired outcome, but instead  
17 recite a specific technical improvement to achieve a desired outcome. For example,  
18 the system of claim 1 is one particular way of designing a system for controlling  
19 appliances and claim 1 recites the specific arrangement of specific components that  
20 achieves the benefits identified above. There are many other ways of designing a  
21 system for controlling appliances, including many other ways of designing a system  
22 for controlling appliances based on audio signals, including the ones described in the  
23 prior art patents described in the specification.

24 29. In addition, the claims recite unconventional technical steps that improve  
25 technology.

26 30. Indeed, the claims recite a technical solution to a technical problem: an  
27 audio signal activated control system for controlling appliances that solved technical  
28 problems with existing systems for controlling appliances. For example, as explained



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

10 31. The particular combination of components and requirements was  
11 unconventional, went against conventional wisdom, and, in fact, had never been done  
12 before. Indeed, as explained above, at the time of the invention, it was conventional to  
13 control appliances by using hand-held transmitters to generate signals to receivers  
14 incorporated into the electronics of the remotely controlled appliances. Furthermore, it  
15 was conventional for such signals to be generated by the user by depressing buttons on  
16 a remote control transmitter keypad. And it was conventional to have multiple such  
17 controllers for each appliance. Moreover, even the systems that used speech  
18 recognition—which were themselves unconventional—made use of a “talk switch”  
19 and did not rely on properties of electrical signals such as amplitude to switch to  
20 speech recognition mode, much less from a low power mode.

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

23 Apple’s infringement of the ’186 patent.

24 33. Apple has directly infringed and continues to directly infringe the claims  
25 of the ’186 patent by making, using, offering to sell, selling, and importing the accused  
26 products. Apple infringes numerous claims of the ’186 patent, including independent  
27 claim 1. An example way that Apple’s accused products infringe claim 1 is provided  
28 below for reference.

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

- 2 • Apple iPhones (6s and higher), iPads (6<sup>th</sup> generation and higher and “Pro”), and  
3 HomePods—alone and, alternatively, in combination with Apple servers and/or  
4 additional electronic equipment (including, for example, an Apple TV)—are an  
5 *“audio signal activated control system for controlling appliances”*: they consist  
6 of a system activated by audio signals (for example, signals representing audio  
7 such as spoken words) for controlling appliances (for example, appliances  
8 identified in the following section of Apple’s website,  
9 <https://www.apple.com/ios/home/accessories/>)

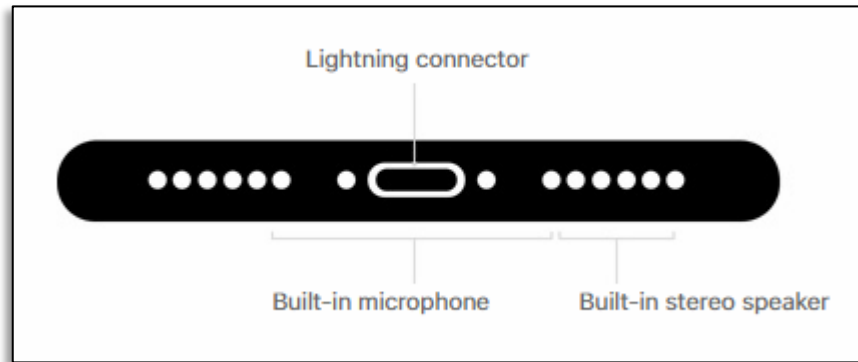
10 ***“a microphone for receiving audio signals and converting said audio signals to***  
11 ***electrical signals;”***

- 12 • The “audio signal activated control system for controlling appliances” identified  
13 above includes *“a microphone for receiving audio signals and converting said*  
14 *audio signals to electrical signals.”* For example, the HomePod includes six  
15 microphones:



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26 <https://www.apple.com/homepod/>.

1 As a second example, the iPhone X includes a microphone:  
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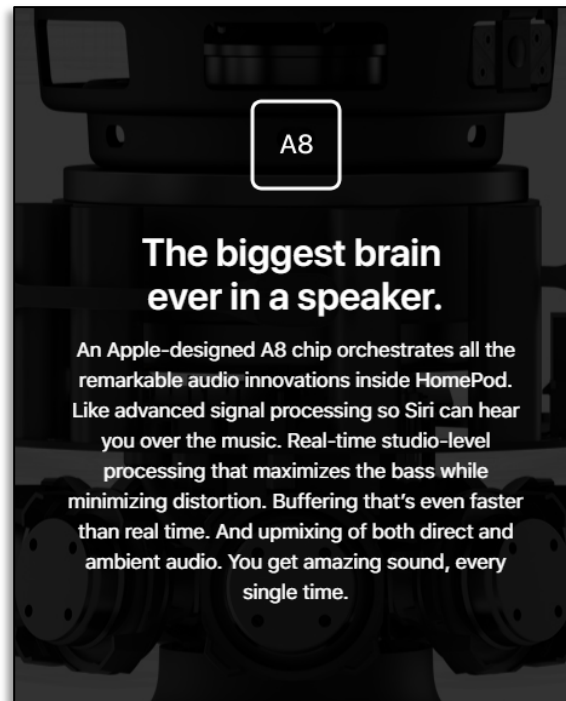
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9 <https://www.apple.com/iphone-x/specs/>.

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

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

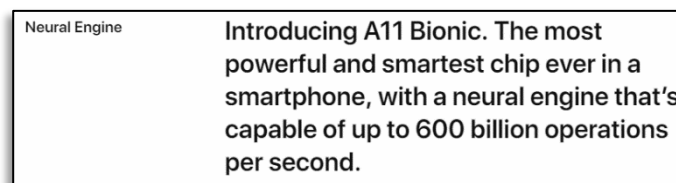
17 ***“said speech recognition system including a processor”***  
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- 1 • The “speech recognition system” identified above includes one or more  
2 processors. For example, the HomePod includes an A8 processor:



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15 <https://www.apple.com/homepod/>.

16 As a second example, the iPhone X includes an A11 Bionic processor:



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21 <https://www.apple.com/iphone-x/>.

22 As a third example, Apple 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,*

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 “Hey Siri”) in  
8 which “*said processor is in a low power state*” (for example, a state in which the  
9 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 Apple’s  
13 virtual assistant, Siri) “*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”*

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- 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 “Hey Siri.”

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 generate and transmit appliance control signals such as Wi-Fi signals that  
19 contain instructions to control one of the appliances identified above).

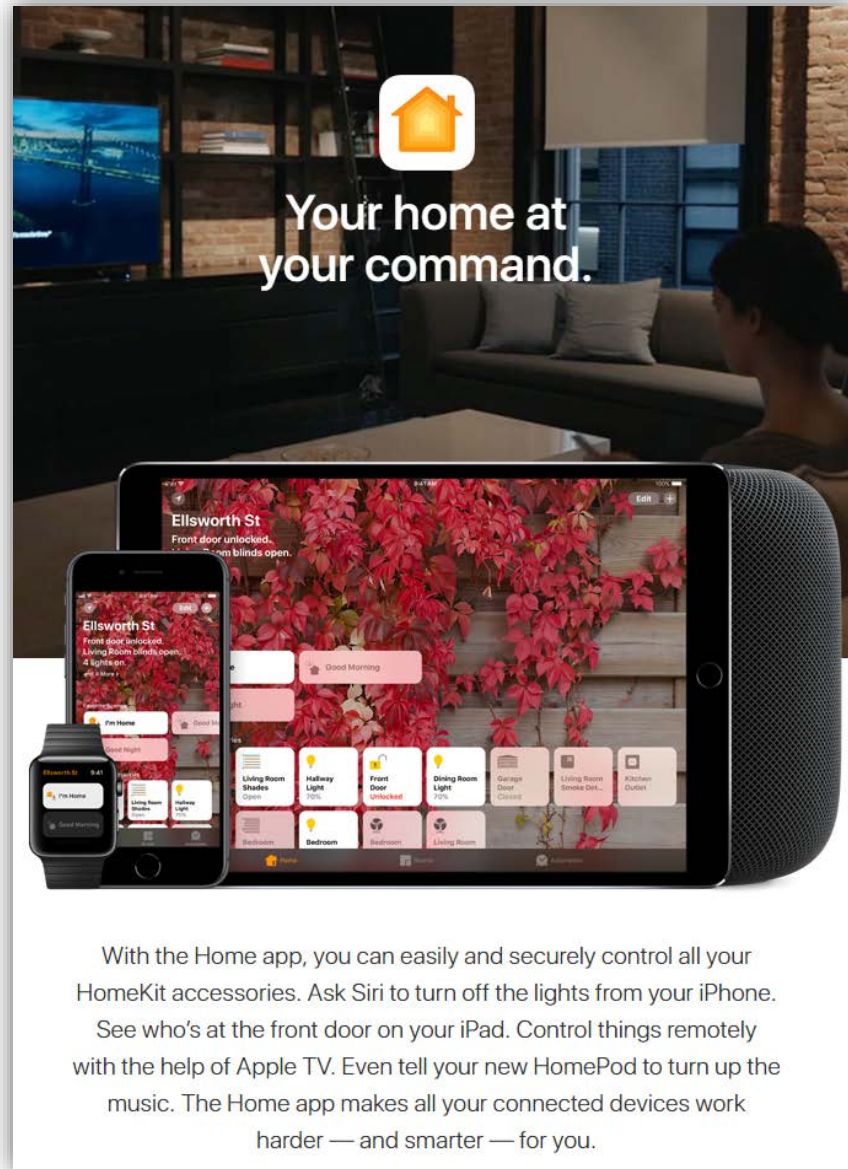
20 Indirect infringement.

21 34. Apple has also indirectly infringed and continues to indirectly infringe the  
22 ’186 patent.

23 35. Apple has actively induced and continues to actively induce users of its  
24 accused products to infringe the ’186 patent.

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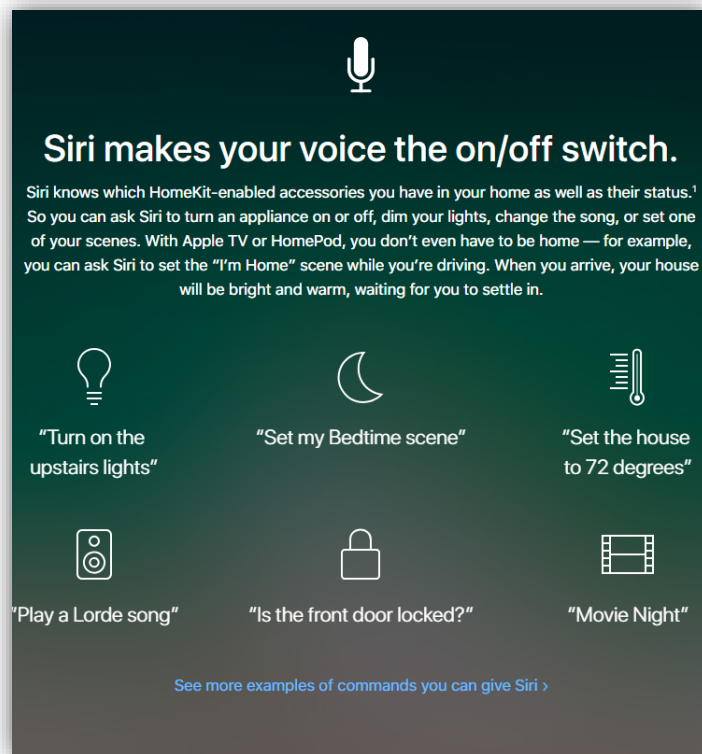
1           36. Apple has offered and continues to offer its accused products for sale both  
2 at Apple Store retail locations and on its website. In addition, Apple has offered and  
3 continues to offer the “Home” app, including HomeKit, as part of iOS.  
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25 <https://www.apple.com/ios/home/>

26           37. By doing so, Apple encourages its customers to make and use systems  
27 that infringe the '186 patent as shown above, and to perform methods that infringe the  
28 '186 patent.

1           38. In addition, Apple has instructed and continues to instruct its customers  
2 and developers to make and use systems that infringe the '186 patent as shown above,  
3 and to perform methods that infringe the '186 patent. For example, on its website,  
4 Apple provides instructions encouraging its customers to make and use systems that  
5 include accused products that infringe the system claims of the '186 patent as shown  
6 above, and to use those systems to carry out methods that infringe the method claims  
7 of the '186 patent. For example:



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## This is how you command a room.

Just say "Hey Siri, turn on the lights" or "Hey Siri, make the room cooler." You can even ask Siri to set scenes, like "Good morning," that put multiple smart home accessories to work — all at once. Just add an accessory to the Home app, then control it with your voice on HomePod.

[Learn more about the Home app >](#)

<https://www.apple.com/homepod/>

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9 39. As a second example, Apple's employees encourage and instruct Apple's  
10 customers (resellers and end users) to make and use systems that include its accused  
11 products that infringe the system claims of the '186 patent as shown above, and  
12 encourage and instruct Apple's customers to use those systems to carry out methods  
13 that infringe the method claims of the '186 patent.

14 40. Furthermore, Apple knew or was willfully blind to the fact that its  
15 customers' actions in response to such encouragement and instruction would infringe  
16 the '186 patent.

17 41. Apple was aware of the '186 patent since at least March 10, 2014 (and  
18 likely earlier). In addition, Apple has been intimately familiar with the teachings and  
19 claims of the '186 patent for many years, has understood those teachings, has  
20 understood what the '186 patent claims, and has understood the relevance of those  
21 teachings and those claims to its accused products.

22 42. Indeed, the '186 patent is well-known in the art and has been cited 163  
23 times in subsequent issued patents. In addition, the '186 patent has been cited in  
24 numerous patents and patent applications in the field of voice-activated systems,  
25 including in patents and patent applications assigned to Apple's main competitors in  
26 the field. In addition, on March 10, 2014, Apple cited the '186 patent in an  
27 information disclosure statement filed during the prosecution of one of its own patent  
28 applications, U.S. Patent Application 13/053,144 (U.S. Patent 9,262,612). In addition,

1 on April 12, 2011, Apple cited to a foreign counterpart to the '186 patent in an  
2 information disclosure statement submitted during the prosecution of U.S. Patent  
3 Application 12/686,774 (U.S. Patent 8,311,838). In addition, the '186 patent was cited  
4 during the prosecution of at least 46 of Apple's own patents and patent applications,  
5 including ones relating to key aspects of the accused products. Apple has discussed  
6 the teachings of the '186 patent in depth in the course of such prosecutions. For  
7 example, Apple cited the '186 patent on an information disclosure statement submitted  
8 on September 18, 2014, during the prosecution of U.S. Patent Application 14/175,864,  
9 entitled "voice trigger for a digital assistant." The written description of that patent  
10 application includes the following discussion:

11 "One technique for initiating a speech-based service with a voice trigger is to  
12 have the speech-based service continuously listen for a predetermined trigger  
13 word, phrase, or sound (any of which may be referred to herein as 'the trigger  
14 sound'). However, continuously operating the speech-based service (e.g., the  
15 voice-based digital assistant) requires substantial audio processing and battery  
16 power. In order to reduce the power consumed by providing voice trigger  
17 functionality, several techniques may be employed. In some implementations,  
18 the main processor of an electronic device (i.e., an 'application processor') is  
19 kept in a low-power or un-powered state while one or more sound detectors that  
20 use less power (e.g., because they do not rely on the application processor)  
21 remain active. (When it is in a low-power or un-powered state, an application  
22 processor or any other processor, program, or module may be described as  
23 inactive or in a standby mode.) For example, a low-power sound detector is  
24 used to monitor an audio channel for a trigger sound even when the application  
25 processor is inactive. This sound detector is sometimes referred to herein as a  
26 trigger sound detector. In some implementations, it is configured to detect  
27 particular sounds, phonemes, and/or words. The trigger sound detector  
28 (including hardware and/or software components) is designed to recognize

1 specific words, sound, or phrases, but is generally not capable of or optimized  
2 for providing full speech-to-text functionality, as such tasks require greater  
3 computational and power resources. Thus, in some implementations, the trigger  
4 sound detector recognizes whether a voice input includes a predefined pattern  
5 (e.g., a sonic pattern matching the words ‘Hey, SIRI’), but is not able to (or is  
6 not configured to) convert the voice input into text or recognize a significant  
7 amount of other words. Once the trigger sound has been detected, then, the  
8 digital assistant is brought out of a standby mode so that the user can provide a  
9 voice command.”

10 43. During prosecution of U.S. Patent Application 14/175,864, the examiner  
11 relied on the ’186 patent in rejecting certain pending claims. In doing so, the examiner  
12 discussed the disclosures of the ’186 patent, asserting, among other things, that “Bush  
13 [i.e., the ’186 patent], however, teaches providing a sound detection unit for detecting  
14 a sound in a listening mode (see Fig.1 (40), Fig.5 (8501) and Col.18, Line 51-59) and a  
15 speech recognition unit for detecting a speech command in speech recognition mode  
16 (see Fig.1 (50), Fig.5 (8505, 8508) and Col.20, Line 53-65), wherein the sound  
17 detection unit operating in listening mode consumes less power than the speech  
18 recognition unit operating in speech recognition mode (see Col.18, Line 52-54 and  
19 Col.24, Line 9-17).” (June 22, 2016 Non-Final Office Action, page 6). Following this  
20 rejection, Apple discussed the substance of the ’186 patent with the examiner in an  
21 interview conducted on October 26, 2016. (November 1, 2016 Applicant Initiated  
22 Interview Summary). Apple also submitted Remarks confirming that it had discussed  
23 the substance of the ’186 patent, as well as its relevance to its patent application  
24 describing certain features of its accused products, with the examiner. (November 1,  
25 2016 Applicant Remarks About Interview). Following that discussion, the examiner  
26 once again cited the ’186 patent in rejecting certain pending claims (March 15, 2017  
27 Non-Final Office Action) and a further discussion between the examiner and Apple  
28 regarding the disclosures of the ’186 patent ensued (*see* November 16, 2017 Applicant

1 Initiated Interview Summary; November 16, 2017 Applicant Remarks About  
2 Interview).

3 44. Apple has cited the '186 patent during the prosecution of numerous other  
4 patent applications related to its accused products, including U.S. Patent Application  
5 14/841,449, entitled "Virtual assistant activation" (which later issued as U.S. Patent  
6 9,886,953).

7 45. Furthermore, Apple has known and has understood how its own accused  
8 products worked, has known that the '186 patent was relevant to its accused products,  
9 and has known or has been willfully blind to the fact that making and using systems  
10 involving its accused products, including according to its instructions, would infringe  
11 the '186 patent.

12 46. Based on the foregoing, Apple knew that its customers' use of the accused  
13 products would infringe the '186 patent, or alternatively was aware that there was a  
14 high probability that its customers' use of the accused products would infringe and  
15 took deliberate actions to avoid confirming this.

16 47. As a result, Apple has indirectly infringed and continues to indirectly  
17 infringe the '186 patent by inducing its customers to use its accused products in an  
18 infringing manner, and knowing or being willfully blind to the fact that such use would  
19 infringe the '186 patent.

20 Willful infringement.

21 48. Apple's infringement of the '186 patent has been knowing, willful, and  
22 egregious.

23 49. For the reasons stated in paragraphs 40-46 above, Apple knew that its  
24 accused products infringed and continue to infringe the '186 patent, or alternatively  
25 took deliberate steps to avoid confirming this and was therefore willfully blind to these  
26 facts. SpeakWare incorporates by reference each of the allegations in these  
27 paragraphs.

28

1 50. SpeakWare has been damaged by Apple's infringement of the '186 patent  
2 and is entitled to reasonable royalty damages and enhanced damages due to Apple's  
3 willful infringement.

4 **Jury demand.**

5 51. SpeakWare demands trial by jury of all issues.

6 **Relief requested.**

7 SpeakWare prays for the following relief:

8 A. A judgment in favor of SpeakWare that Apple has infringed the asserted  
9 '186 patent and that the patent is valid, enforceable, and patent-eligible;

10 B. A judgment and order requiring Apple to pay SpeakWare compensatory  
11 damages, costs, expenses, and pre- and post-judgment interest for its infringement of  
12 the asserted patent, as provided under 35 U.S.C. §284;

13 C. A judgment that Apple has willfully infringed the '186 patent and that  
14 SpeakWare is entitled to enhanced damages as a result of such willful infringement;

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

18 E. Any and all other relief to which SpeakWare may be entitled.  
19

20 Dated: July 26, 2018

Respectfully submitted,

21  
22 By: /s/ Simon Franzini

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