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11
12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 IRONWORKS PATENTS, LLC,
15 Plaintiff,

16 v.

17 SOUNDHOUND, INC.,
18 Defendant.

Case No. '18CV1865 WQH KSC

**COMPLAINT FOR PATENT
INFRINGEMENT AND
JURY TRIAL DEMANDED**

1 This is an action for patent infringement arising under the patent laws of the United
2 States, Title 35 of the United States Code, against Defendant SoundHound, Inc.
3 (“SoundHound”) that relates to four U.S. patents owned by Ironworks Patents, LLC
4 (“Ironworks”): United States Patent No. 8,190,202 (“the ’202 Patent”); 8,437,800 (“the
5 ’800 Patent”); 7,991,431 (“the ’431 Patent”); and 7,251,475 (“the ’475 Patent”)
6 (collectively, the “Patents-in-Suit”).

7 This Amended Complaint is substantially similar to a complaint filed on June 12,
8 2017, by the same Plaintiff Ironworks against the same Defendant, SoundHound, in the
9 United States District Court for the District of Massachusetts (D. Mass. 1:17-cv-11083-
10 IT).

11 On September 15, 2017, Ironworks voluntarily dismissed those claims without
12 prejudice due to ongoing settlement discussions and an agreement by the parties to refile
13 in this district if settlement discussions fell apart. Specifically, on September 14, 2017,
14 SoundHound’s litigation counsel at the Quinn Emanuel law firm agreed as follows:
15 “SoundHound agrees not to challenge venue if Ironworks dismisses its Complaint and
16 refiles in the Southern District of California. We further agree that for the purposes of
17 determining the appropriate damages period and notice of the factual allegations in the
18 Complaint, we would agree that the Complaint relates back to the filing date in D. Mass.”

19 Since that time, Ironworks has made extensive efforts to contact SoundHound in
20 the interest of reaching a settlement agreement but no progress has been made. For
21 example, SoundHound has not responded to Ironworks’ communications since June.

THE PARTIES

1
2 1. Plaintiff Ironworks is a limited liability company organized under the laws
3 of the State of Illinois, with an office at 125 S. Clark St., 17th Floor, Chicago, Illinois
4 60603.

5 2. Defendant SoundHound is a company organized under the laws of the State
6 of Delaware with its headquarters at 3979 Freedom Circle, Suite 400, Santa Clara,
7 California 95054. SoundHound can be served with process at Corporation Service
8 Company, 2711 Centerville Rd., Suite 400, New Castle, Delaware 19808.

9 3. SoundHound develops and improves methods and systems for real time
10 music and media content identification via smart client applications on mobile phones
11 and tablets.

12 4. The SoundHound app has been available for the iPhone since 2008.

13 5. In September 2012, SoundHound announced that it had more than 100
14 million users.

15 6. By 2013, SoundHound said that it had a user base of more than 175 million
16 users.

17 7. In January 2017, SoundHound raised \$75 million in financing from
18 investors, in addition to \$40 million that SoundHound had previously raised.

19 8. As of June 2017, according to iTunes, SoundHound's music app has been
20 downloaded more than 300 million times.

21 9. SoundHound sells its premium song search and music player app for \$6.99.
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1 10. In 2016, SoundHound had revenues of more than \$100 million.

2 11. SoundHound has been valued at \$830 million.

3 **JURISDICTION AND VENUE**

4 12. This Complaint states causes of action for patent infringement arising under
5 the patent laws of the United States, 35 U.S.C. § 100 *et seq.*, and, more particularly 35
6 U.S.C. § 271.

7 13. This Court has subject matter jurisdiction of this action under 28 U.S.C. §§
8 1331 and 1338(a) in which the district courts have original and exclusive jurisdiction of
9 any civil action for patent infringement.

10 14. SoundHound is subject to this Court's general personal jurisdiction pursuant
11 to due process and/or the California Long Arm Statute, Cal. Code Civ. Proc § 410.10, due
12 at least to its substantial business conducted in this District, including: (i) having solicited
13 business in the State of California, transacted business within the State of California and
14 attempted to derive financial benefit from residents of the State of California in this
15 District, including benefits directly related to the instant patent infringement causes of
16 action set forth herein; (ii) having placed its products and services into the stream of
17 commerce throughout the United States and having been actively engaged in transacting
18 business in California and in this District, and (iii) having committed the complained of
19 tortious acts in California and in this District.

20 15. SoundHound, directly and/or through subsidiaries and agents (including
21 distributors, retailers, and others), makes, imports, ships, distributes, offers for sale, sells,
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1 uses, and/or advertises (including offering products and services through its website,
2 <https://www.SoundHound.com>) its products and services in the United States, the State of
3 California, and the Southern District of California.

4 16. SoundHound, directly and/or through its subsidiaries and agents (including
5 distributors, retailers, and others), has purposefully and voluntarily placed one or more of
6 its infringing products and/or services, as described below, into the stream of commerce
7 with the expectation that they will be purchased and used by consumers in the Southern
8 District of California. These infringing products and/or services have been and continue
9 to be purchased and used by consumers in the Southern District of California.

10 SoundHound has committed acts of patent infringement within the State of California
11 and, more particularly, within the Southern District of California.

12 17. This Court's exercise of personal jurisdiction over SoundHound is consistent
13 with the California Long Arm Statute, Cal. Code Civ. Proc § 410.10, and traditional
14 notions of fair play and substantial justice.

15 18. Venue is proper in this District under 28 U.S.C. §1400(b) because the
16 SoundHound has committed acts of infringement in this District (including for example
17 by providing the SoundHound Accused Software to users in this District). Further, on
18 September 14, 2017, SoundHound's litigation counsel from the Quinn Emanuel law firm
19 agreed as follows: "SoundHound agrees not to challenge venue if Ironworks dismisses
20 its Complaint and refiles in the Southern District of California. We further agree that for
21 the purposes of determining the appropriate damages period and notice of the factual
22

1 allegations in the Complaint, we would agree that the Complaint relates back to the filing
2 date in D. Mass.”

3 **BACKGROUND FACTS REGARDING THE IRONWORKS PATENTS**

4 19. The Patents-in-Suit were originally filed by and assigned to Sony
5 Corporation (“Sony”). Sony, based in Japan, is one of the world’s largest consumer
6 electronics and entertainment companies.

7 20. Among other innovations, Sony developed and released one of the first
8 portable music devices – the Walkman® – in 1979.

9 21. Sony spends a significant amount of revenue on research and development.
10 For example, Sony Corporation spent over \$4 billion on research and development in
11 each year from 2012 -2016 (e.g. 468,183 million yen in 2016).

12 22. Sony’s long history of innovation has resulted in the company being
13 awarded more than 3,200 patents.

14 23. The original application for what became the Patents-in-Suit was filed on
15 July 29, 1997 in Japan and July 29, 1998 in the United States.

16 24. The United States Patent Office has issued the following Patents-in-Suit:

- 17
- 18 • United States Patent No. 8,190,202, entitled “Information processing
19 apparatus and method, information processing system, and transmission
20 medium” (“the ’202 Patent”);

- 1 • United States Patent No. 8,437,800, entitled “Information processing
2 apparatus and method, information processing system, and transmission
medium” (“the ’800 Patent”);
- 3 • United States Patent No. 7,991,431, entitled “Information Processing
4 Apparatus and Method, Information Processing System, and Transmission
Medium” (the ’431 Patent); and
- 5 • United States Patent No. 7,251,475, entitled “Information processing
6 apparatus and method, information processing system, and transmission
medium” (“the ’475 Patent”).

7 **SOUNDHOUND’S AWARENESS OF THE PATENTS-IN-SUIT**

8 25. The Patents-in-Suit were previously owned by MobileMedia Ideas, LLC
9 (“MMI”).

10 26. On November 18, 2011, counsel for MMI sent a letter to Mr. Keyvan
11 Mohajer, President and CEO of SoundHound by Federal Express. The letter identified
12 the SoundHound Accused Software as the infringing product (including SoundHound
13 Version 4.1 and SoundHound Version 2.8.1) and specifically identified two of the
14 Patents-in-Suit, including the ’475 and the ’431 Patents.

15 27. On May 21, 2012, MMI emailed Mr. Mohajer at SoundHound regarding the
16 need for SoundHound to be licensed under MMI’s patent portfolio.

17 28. On May 22, 2012, SoundHound responded that it was represented by Bill
18 Galliani of Cooley LLP and attached a letter to MMI from Mr. Galliani.

19 29. On June 13, 2012, MMI emailed Mr. Galliani and indicated that MMI’s
20 patents cover hardware devices as well as methods for processing audio information. And
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1 that SoundHound's software products need a license under MMI's patents. In the same
2 email, MMI proposed a telephone call or a meeting to discuss licensing.

3 30. By August 31, 2012, MMI had not received a response so it sent Mr.
4 Galliani another email checking the status and to find out SoundHound's plans regarding
5 a license under MMI's patents.

6 31. By October 17, 2012 MMI had not received a response so it sent Mr.
7 Galliani another email checking the status and to find out SoundHound's plans regarding
8 a license under MMI's patents.

9 32. By November 28, 2012 MMI had not received a response so it sent Mr.
10 Galliani another email checking the status and to find out SoundHound's plans regarding
11 a license under MMI's patents.

12 33. By April 9, 2013 MMI had not received a response so it sent Mr. Galliani
13 and Mr. Mohajer another email checking the status and to find out SoundHound's plans
14 regarding a license under MMI's patents.

15 34. By May 31, 2013 MMI had not received a response so it sent Mr. Galliani
16 and Mr. Mohajer another email checking the status and to find out SoundHound's plans
17 regarding a license under MMI's patents.

18 35. On June 5, 2013, Mr. Mohajer responded and suggested a phone call.

19 36. After 11 or more emails, the parties agreed to speak by telephone on October
20 2, 2013.

1 37. On October 2, 2013, MMI called Mr. Mohajer at SoundHound but he was
2 not available to speak by phone.

3 38. MMI (Peppino Kim) and SoundHound (Keyvan Mohajer) spoke by phone
4 on October 7, 2013.

5 39. On October 28, 2013, MMI emailed SoundHound illustrative claim charts,
6 which included a chart for the '431 Patent relative to the SoundHound Accused Software.

7 40. On November 20, 2013, Mr. Mohajer indicated by email that he had not yet
8 reviewed the claim charts but that he would do so by next week and get back to MMI.

9 41. After 10 or more additional emails, MMI and Mr. Mohajer agreed to speak
10 by phone on February 27, 2014.

11 42. On February 28, 2014, MMI (Peppino Kim) emailed SoundHound (Mr.
12 Mohajer) a list of MMI's patents and patent applications that specifically relate to music
13 identification technology, including all four patents-in-suit.

14 43. On June 12, 2017, Ironworks filed a complaint against SoundHound for
15 infringement of the patents-in-suit in the United States District Court for the District of
16 Massachusetts (1:17-cv-11083-IT).

17 44. On September 15, 2017, Ironworks voluntarily dismissed those claims due
18 to ongoing settlement discussions and an agreement by the parties to refile in this district
19 if settlement discussions fell apart.

1 45. In March 2017, Ironworks sent SoundHound a draft Patent License
2 Agreement, which included a license to the patents-in-suit.

3 46. SoundHound has not agreed to enter into a licensing agreement for the
4 patents-in-suit.

5 47. SoundHound never provided a response to the initial draft agreement.

6 48. Ironworks' counsel met with SoundHound's counsel at its office in June
7 2018.

8 49. Ironworks' counsel contacted SoundHound about settlement by email on
9 June 21, 2018, July 11, 2018, and July 20, 2018.

10 50. SoundHound and its counsel never provided any substantive response to
11 those emails.

12 51. SoundHound has not engaged in any settlement talks with Ironworks since at
13 least June 21, 2018.

14 52. SoundHound has in the past and continues to directly infringe the asserted
15 claims of the Patents-in-Suit pursuant to 35 U.S.C. § 271 by using methods and using,
16 making and importing systems, software, and apparatuses covered by the asserted patent
17 claims identified below including the SoundHound Accused Software.

18 53. Further, SoundHound has induced, and continues to induce, the direct
19 infringement of the Patents-in-Suit by its customers pursuant to 35 U.S.C. § 271(b) at
20 least by one or more of supplying, offering for sale and selling its app, which
21 SoundHound designed, and intended, to practice methods covered by the Patents-in-Suit,
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1 and SoundHound has supplied instructions and support materials and services in
2 furtherance of the infringement. Despite its awareness of the Patents-in-Suit and of the
3 technology claimed within the Patents-in-Suit, SoundHound has continued these acts of
4 inducement with specific intent to cause and/or encourage such direct infringement of the
5 Patents-in-Suit and/or with deliberate indifference of a known risk or willful blindness
6 that such activities would cause and/or encourage direct infringement of the Patents-in-
7 Suit.

8 54. To the extent that any steps of the methods covered by the Patents-in-Suit
9 are performed by third-parties, such as SoundHound’s customers, Plaintiff alleges in the
10 alternative that SoundHound is liable for direct infringement because it directs and
11 controls any such third-party steps including, for example, by dictating the manner by
12 which the SoundHound app is downloaded and used, such that SoundHound is jointly
13 and severally and/or vicariously liable for any acts performed by such third-parties on
14 SoundHound’s behalf.

15 55. To the extent that any steps of the systems covered by the Patents-in-Suit are
16 performed by third-parties, SoundHound puts the system into service, controls the system
17 as a whole and obtains benefit from it as a direct result of its design, sale, and instructions
18 to use its SoundHound app, which can only be used in connection with a smartphone or
19 other computer device.

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1 58. “SoundHound Accused Software” includes SoundHound Android and iOS
2 applications and SoundHound’s server-side software.

3 59. When using SoundHound Accused Software (e.g., application), a mobile
4 phone, laptop, or tablet uses a capture unit configured to capture at least a portion of
5 audio content broadcast from a broadcast source.

6 60. SoundHound Accused Software uses a device microphone to capture a
7 portion of audio content from a broadcast source (e.g., a digital fingerprint generated
8 from recorded music).

9 61. SoundHound Accused Software stores the captured at least a portion of
10 audio content (e.g., the digital fingerprint generated from recorded music) in memory.

11 62. SoundHound Accused Software transmits the at least a portion of audio
12 content stored in the memory (e.g., the digital fingerprint generated from recorded music)
13 to a remote server.

14 63. SoundHound Accused Software acquires, from the remote server,
15 information associated with the at least a portion of audio content stored in said memory
16 (e.g., the digital fingerprint generated from recorded music) based on the at least a
17 portion of audio content transmitted (e.g., the transmitted digital fingerprint). The
18 acquired information (e.g., track and artist information) is associated with the content
19 (e.g., the recorded music).

20 64. SoundHound Accused Software displays the acquired information at a
21 display (e.g., the display screen of an Android or iOS device) wherein the acquired
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1 information comprises at least one of: a title, a name of an artist, a name of an album, and
2 a composer's name.

3 65. SoundHound directly infringes claim 1 of the '431 Patent by using and
4 importing the SoundHound Accused Software in the U.S., including in relation to product
5 testing and demonstration.

6 66. In the alternative, SoundHound induces infringement of claim 1 of the '431
7 Patent by end users by using and importing the SoundHound Accused Software that
8 causes the users' mobile phones, laptops, or tablets to practice the patent claim in
9 ordinary use.

10 67. SoundHound's customers and/or end users have directly infringed and are
11 directly infringing each and every claim limitation of at least claim 1 of the '431 Patent.
12 SoundHound actively induces customers and end-users to directly infringe each and
13 every claim limitation of at least claim 1 of the '431 Patent under 35 U.S.C. § 271(b).
14 SoundHound has had actual knowledge of the '431 Patent since at least October 31, 2011
15 and specific knowledge of how SoundHound infringes the '431 Patent since at least
16 February 20, 2013. SoundHound has been and is knowingly inducing its customers
17 and/or end users to directly infringe at least claim 1 of the '431 Patent with the specific
18 intent to encourage such infringement, and knowing that the acts induced constitute
19 patent infringement. SoundHound's inducement includes, for example, providing an app,
20 the main and ordinary use of which is to practice the claim, and by providing user help
21 and support (e.g. <https://support.SoundHound.com/hc/en-us>) that induce its customers
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1 and/or end users to directly infringe at least claim 1 of the '431 Patent by using the
 2 SoundHound Accused Software.

3 68. SoundHound makes, uses, sells, offers for sale, and/or imports the
 4 SoundHound Accused Software knowing that SoundHound has infringed and continues
 5 to infringe at least claim 1 of the '431 Patent under 35 U.S.C. § 271(a) directly.

6 69. As a direct and proximate result of SoundHound's acts of patent
 7 infringement, Ironworks Patents has been and continues to be injured and has sustained,
 8 and will continue to sustain, damages.

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 10 **COUNT II: INFRINGEMENT OF U.S. PATENT '431 CLAIM 2**

11 70. Ironworks Patents incorporates by reference the allegations set forth in
 12 paragraphs 1 to 69 of this Complaint as though set forth in full herein.

13 71. Claim 2 of the '431 Patent provides:

14 15	Claim 2 Preamble	An information processing apparatus, comprising:
16 17	Element A	means for capturing at least a portion of audio content broadcast from a broadcast source;
18 19	Element B	means for storing the at least a portion of audio content captured via said means for capturing;
20 21	Element C	means for transmitting the at least a portion of audio content stored in said means for storing to a remote server;

Element D	means for acquiring, from the remote server, information associated with the at least a portion of audio content stored in said means for storing on the basis of the at least a portion of audio content transmitted by said means for transmitting, the acquired information being associated with the content; and
Element E	means for displaying the information acquired via said means for acquiring wherein the acquired information comprises at least one of: a title, a name of an artist, a name of an album, and a composer's name.

72. “SoundHound Accused Software” includes SoundHound Android and iOS applications and SoundHound’s server-side software.

73. SoundHound Accused Software uses a device microphone (e.g., from a mobile phone, laptop, or tablet) to capture a portion of audio content from a broadcast source (e.g., a digital fingerprint generated from recorded music).

74. SoundHound Accused Software stores the captured at least a portion of audio content (e.g., the digital fingerprint generated from recorded music) in memory.

75. SoundHound Accused Software transmits the at least a portion of audio content stored in the memory (e.g., the digital fingerprint generated from recorded music) to a remote server.

76. SoundHound Accused Software acquires, from the remote server,

1 information associated with the at least a portion of audio content stored in said memory
2 (e.g., the digital fingerprint generated from recorded music) based on the at least a
3 portion of audio content transmitted (e.g., the transmitted digital fingerprint). The
4 acquired information (e.g., track and artist information) is associated with the content
5 (e.g., the recorded music).

6 77. SoundHound Accused Software displays the acquired information at a
7 display (e.g., the display screen of an Android or iOS device) wherein the acquired
8 information comprises at least one of: a title, a name of an artist, a name of an album, and
9 a composer's name.

10 78. SoundHound directly infringes claim 2 of the '431 Patent by using and
11 importing the SoundHound Accused Software in the U.S., including in relation to product
12 testing and demonstration.

13 79. In the alternative, SoundHound induces infringement of claim 2 of the '431
14 Patent by end users by making and importing the SoundHound Accused Software that
15 causes the users' mobile phones, laptops, or tablets to practice the claim in ordinary use.

16 80. SoundHound's customers and/or end users have directly infringed and are
17 directly infringing each and every claim limitation of at least claim 2 of the '431 Patent.
18 SoundHound actively induces customers and end-users to directly infringe each and
19 every claim limitation of at least claim 2 of the '431 Patent under 35 U.S.C. § 271(b).
20 SoundHound has had actual knowledge of the '431 Patent since at least October 31, 2011
21 and specific knowledge of how SoundHound infringes the '431 Patent since at least
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1 February 20, 2013. SoundHound has been and is knowingly inducing its customers
2 and/or end users to directly infringe at least claim 2 of the '431 Patent with the specific
3 intent to encourage such infringement, and knowing that the acts induced constitute
4 patent infringement. SoundHound's inducement includes, for example, providing an app,
5 the main and ordinary use of which is to practice the claim, and by providing user help
6 and support (e.g. <https://support.soundhound.com/hc/en-us>) that induce its customers
7 and/or end users to directly infringe at least claim 2 of the '431 Patent by using the
8 SoundHound Accused Software.

9 81. SoundHound makes, uses, sells, offers for sale, and/or imports the
10 SoundHound Accused Software knowing that SoundHound has infringed and continues
11 to infringe at least claim 2 of the '431 Patent under 35 U.S.C. § 271(a) directly.

12 82. As a direct and proximate result of SoundHound's acts of patent
13 infringement, Ironworks Patents has been and continues to be injured and has sustained,
14 and will continue to sustain, damages.

15 **COUNT III: INFRINGEMENT OF U.S. PATENT '431 CLAIM 3**

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17 83. Ironworks Patents incorporates by reference the allegations set forth in
18 paragraphs 1 to 82 of this Complaint as though set forth in full herein.

19 84. Claim 3 of the '431 Patent provides:
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1 2	Claim 3 Preamble	An information processing method, comprising:
3 4	Element A	capturing at least a portion of audio content broadcast from a broadcast source;
5 6	Element B	storing the captured at least a portion of audio content in a memory;
7 8	Element C	transmitting the at least a portion of audio content stored in the memory to a remote server;
9 10	Element D	acquiring, from the remote server, information associated with the at least a portion of audio content stored in said memory based on the at least a portion of audio content transmitted, the acquired information being associated with the content; and
11 12 13	Element E	displaying the acquired information at a display wherein the acquired information comprises at least one of: a title, a name of an artist, a name of an album, and a composer's name.

14
15 85. SoundHound Accused Software performs an information processing
16 method.

17 86. SoundHound Accused Software uses a device microphone to capture a
18 portion of audio content from a broadcast source (e.g., a digital fingerprint generated
19 from recorded music).

20 87. SoundHound Accused Software stores the captured at least a portion of
21 audio content (e.g., the digital fingerprint generated from recorded music) in memory.

1 88. SoundHound Accused Software transmits the at least a portion of audio
2 content stored in the memory (e.g., the digital fingerprint generated from recorded music)
3 to a remote server.

4 89. SoundHound Accused Software acquires, from the remote server,
5 information associated with the at least a portion of audio content stored in said memory
6 (e.g., the digital fingerprint generated from recorded music) based on the at least a
7 portion of audio content transmitted (e.g., the transmitted digital fingerprint). The
8 acquired information (e.g., track and artist information) is associated with the content
9 (e.g., the recorded music).

10 90. SoundHound Accused Software displays the acquired information at a
11 display (e.g., the display screen of an Android or iOS device) wherein the acquired
12 information comprises at least one of: a title, a name of an artist, a name of an album, and
13 a composer's name.

14 91. SoundHound directly infringes claim 3 of the '431 Patent by using and
15 importing the SoundHound Accused Software in the U.S., including in relation to product
16 testing and demonstration.

17 92. In the alternative, SoundHound induces infringement of claim 3 of the '431
18 Patent by end users by making and importing the SoundHound Accused Software that
19 causes the users' mobile phones, laptops, or tablets to practice the claimed method in
20 ordinary use.

21 93. In the alternative, SoundHound induces infringement of claim 3 of the '431
22

1 Patent by end users by making and selling the SoundHound Accused Software that
2 practices the claimed process in ordinary use.

3 94. SoundHound's customers and/or end users have directly infringed and are
4 directly infringing each and every claim limitation of at least claim 3 of the '431 Patent.
5 SoundHound actively induces customers and end-users to directly infringe each and
6 every claim limitation of at least claim 3 of the '431 Patent under 35 U.S.C. § 271(b).
7 SoundHound has had actual knowledge of the '431 Patent since at least October 31, 2011
8 and specific knowledge of how SoundHound infringes the '431 Patent since at least
9 February 20, 2013. SoundHound has been and is knowingly inducing its customers
10 and/or end users to directly infringe at least claim 3 of the '431 Patent with the specific
11 intent to encourage such infringement, and knowing that the acts induced constitute
12 patent infringement. SoundHound's inducement includes, for example, providing an app
13 the main and ordinary use of which is to practice the claim, and by providing user help
14 and support (e.g. <https://support.soundhound.com/hc/en-us>) that induce its customers
15 and/or end users to directly infringe at least claim 3 of the '431 Patent by using the
16 SoundHound Accused Software.

17 95. SoundHound makes, uses, sells, offers for sale, and/or imports the
18 SoundHound Accused Software knowing that SoundHound has infringed and continues
19 to infringe at least claim 3 of the '431 Patent under 35 U.S.C. § 271(a) directly.

20 96. As a direct and proximate result of SoundHound's acts of patent
21 infringement, Ironworks Patents has been and continues to be injured and has sustained,

1 and will continue to sustain, damages.

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3 **COUNT IV: INFRINGEMENT OF U.S. PATENT '475 CLAIM 1**

4 97. Ironworks Patents incorporates by reference the allegations set forth in
5 paragraphs 1 to 96 of this Complaint as though set forth in full herein.

6 98. Claim 1 of the '475 Patent provides:

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8 9 10 11	Claim 1 Preamble	A portable information processing apparatus adapted to exchange information with another information processing apparatus via wireless communication, comprising:
12	Element A	capture unit configured to capture information;
13	Element B	memory unit configured to store information captured via said capture unit;
14 15 16	Element C	acquisition unit configured to acquire information associated with the information stored in said memory unit on the basis of the information stored in said memory unit via the wireless communication; and
17 18 19 20	Element D	display unit configured to display the information acquired via said acquisition unit, wherein the information acquired via said acquisition unit is at least one of a title, a singer's name, a composer's name, a songwriter's name and a genre.

1 99. SoundHound Accused Software works on an Android or iOS mobile phone,
2 laptop to exchange information with another information processing apparatus (the
3 SoundHound database server) via wireless communication.

4 100. SoundHound Accused Software uses a device microphone to capture
5 information such as a portion of audio content (e.g., record music).

6 101. SoundHound Accused Software stores the audio information captured in
7 memory.

8 102. SoundHound Accused Software acquires, via the wireless communication,
9 associated information on the basis of the audio information stored.

10 103. For example, the SoundHound Accused Software acquires, from the remote
11 SoundHound server, information (e.g., track and artist information) associated with the
12 audio content stored in said memory (e.g., recorded music) based on the audio content
13 stored (e.g., recorded music).

14 104. SoundHound Accused Software displays the acquired information at a
15 display (e.g., the display screen of an Android or iOS device) wherein the acquired
16 information comprises at least one of: a song or album title, a singer's name, a composer's
17 name, or a songwriter's name and a genre.

18 105. SoundHound directly infringes claim 1 of the '475 Patent by importing and
19 using the SoundHound Accused Software, including in relation to product testing and
20 demonstration.

21 106. In the alternative, SoundHound induces infringement of claim 1 of the '475
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1 Patent by end users by making and importing the SoundHound Accused Software that
2 comprises the claimed apparatus in ordinary use.

3 107. SoundHound's customers and/or end users have directly infringed and are
4 directly infringing each and every claim limitation of at least claim 1 of the '475 Patent.
5 SoundHound actively induces customers and end-users to directly infringe each and
6 every claim limitation of at least claim 1 of the '475 Patent under 35 U.S.C. § 271(b).
7 SoundHound has had actual knowledge of the '475 Patent since at least October 31,
8 2011. SoundHound has been and is knowingly inducing its customers and/or end users to
9 directly infringe at least claim 1 of the '475 Patent with the specific intent to encourage
10 such infringement, and knowing that the acts induced constitute patent infringement.
11 SoundHound's inducement includes, for example, providing an app the main and
12 ordinary use of which is to practice the claim, and by providing user help and support
13 (e.g. <https://support.SoundHound.com/hc/en-us>) that induce its customers and/or end
14 users to directly infringe at least claim 1 of the '475 Patent by using the SoundHound
15 Accused Software.

16 108. SoundHound uses and imports the SoundHound Accused Software knowing
17 that SoundHound has infringed and continues to infringe at least claim 1 of the '475
18 Patent under 35 U.S.C. § 271(a) directly.

19 109. As a direct and proximate result of SoundHound's acts of patent
20 infringement, Ironworks Patents has been and continues to be injured and has sustained,
21 and will continue to sustain, damages.

1 SoundHound database server) via wireless communication.

2 113. SoundHound Accused Software uses a device microphone to capture
3 information such as a portion of audio content (e.g., recorded music).

4 114. SoundHound Accused Software stores the audio information captured in
5 memory.

6 115. In normal operation, SoundHound Accused Software causes the circuit(s) of
7 the mobile phone or laptop, to acquire, via the wireless communication, associated
8 information on the basis of the audio information stored.

9 116. For example, using the circuit(s), the SoundHound Accused Software
10 acquires, from the remote SoundHound server, information (e.g., track and artist
11 information) associated with the audio content stored in said memory (e.g., recorded
12 music) based on the audio content stored (e.g., recorded music).

13 117. SoundHound Accused Software displays the acquired information at a
14 display (e.g., the display screen of an Android or iOS device) wherein the acquired
15 information comprises at least one of: a song or album title, a singer's name, a composer's
16 name, or a songwriter's name and a genre.

17 118. SoundHound directly infringes claim 3 of the '475 Patent by importing and
18 using the SoundHound Accused Software, including in relation to product testing and
19 demonstration.

20 119. In the alternative, SoundHound induces infringement of claim 3 of the '475
21 Patent by end users by making and importing the SoundHound Accused Software that

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1 forms practices the claimed apparatus in ordinary use.

2 120. SoundHound’s customers and/or end users have directly infringed and are
3 directly infringing each and every claim limitation of at least claim 3 of the ’475 Patent.
4 SoundHound actively induces customers and end-users to directly infringe each and
5 every claim limitation of at least claim 3 of the ’475 Patent under 35 U.S.C. § 271(b).
6 SoundHound has had actual knowledge of the ’475 Patent since at least October 31,
7 2011. SoundHound has been and is knowingly inducing its customers and/or end users to
8 directly infringe at least claim 3 of the ’475 Patent with the specific intent to encourage
9 such infringement, and knowing that the acts induced constitute patent infringement.
10 SoundHound’s inducement includes, for example, providing an app the main and
11 ordinary use of which is to practice the claim, and by providing user help and support
12 (e.g. <https://support.SoundHound.com/hc/en-us>) that induce its customers and/or end
13 users to directly infringe at least claim 3 of the ’475 Patent by using the SoundHound
14 Accused Software.

15 121. SoundHound makes, uses, sells, offers for sale, and imports the
16 SoundHound Accused Software knowing that SoundHound has infringed and continues
17 to infringe at least claim 3 of the ’475 Patent under 35 U.S.C. § 271(a) directly.

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1 122. As a direct and proximate result of SoundHound’s acts of patent
 2 infringement, Ironworks Patents has been and continues to be injured and has sustained,
 3 and will continue to sustain, damages.

4 **COUNT VI: INFRINGEMENT OF U.S. PATENT ’475 CLAIM 9**

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 6 123. Ironworks Patents incorporates by reference the allegations set forth in
 7 paragraphs 1 to 122 of this Complaint as though set forth in full herein.

8 124. Claim 9 of the ’475 Patent provides:

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Claim 9 Preamble	A method of processing information with a portable type information processing apparatus adapted to exchange information with another information processing apparatus via wireless communication, said method comprising the steps of:
Element A	capturing information;
Element B	storing the information captured in said capture step;
Element C	acquiring, via the wireless communication, associated information on the basis of the information stored in said storage step; and
Element D	displaying the information acquired in said acquisition step, wherein the transmitted information is at least one of a title, a singer's name, a composer's name, a songwriter's name and a genre.

1 125. SoundHound Accused Software performs a method of processing
2 information with a portable type information processing apparatus (e.g., an Android or
3 iOS mobile phone, laptop) which is adapted to exchange information with another
4 information processing apparatus (the SoundHound database server) via wireless
5 communication.

6 126. SoundHound Accused Software uses a device microphone to capture
7 information such as a portion of audio content (e.g., recorded music).

8 127. SoundHound Accused Software stores the audio information captured in
9 memory.

10 128. SoundHound Accused Software acquires, via the wireless communication,
11 associated information on the basis of the audio information stored.

12 129. For example, the SoundHound Accused Software acquires, from the remote
13 SoundHound server, information (e.g., track and artist information) associated with the
14 audio content stored in said memory (e.g., recorded music) based on the audio content
15 stored (e.g., recorded music).

16 130. SoundHound Accused Software displays the acquired information at a
17 display (e.g., the display screen of an Android or iOS device) wherein the acquired
18 information comprises at least one of: a song or album title, a singer's name, a composer's
19 name, or a songwriter's name and a genre.

20 131. SoundHound directly infringes claim 9 of the '475 Patent by using the
21 SoundHound Accused Software, including in relation to product testing and
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1 demonstration.

2 132. In the alternative, SoundHound induces infringement of claim 9 of the '475
3 Patent by end users by making and selling the SoundHound Accused Software that
4 practices the claimed method in ordinary use. SoundHound's customers and/or end users
5 have directly infringed and are directly infringing each and every claim limitation of at
6 least claim 9 of the '475 Patent. SoundHound actively induces customers and end-users
7 to directly infringe each and every claim limitation of at least claim 9 of the '475 Patent
8 under 35 U.S.C. § 271(b). SoundHound has had actual knowledge of the '475 Patent
9 since at least October 31, 2011. SoundHound has been and is knowingly inducing its
10 customers and/or end users to directly infringe at least claim 9 of the '475 Patent with the
11 specific intent to encourage such infringement, and knowing that the acts induced
12 constitute patent infringement. SoundHound's inducement includes, for example,
13 providing an app the main and ordinary use of which is to practice the claim, and by
14 providing user help and support (e.g. <https://support.soundhound.com/hc/en-us>) that
15 induce its customers and/or end users to directly infringe at least claim 9 of the '475
16 Patent by using the SoundHound Accused Software.

17 133. SoundHound makes, uses, sells, offers for sale, and/or imports the
18 SoundHound Accused Software knowing that SoundHound has infringed and continues
19 to infringe at least claim 9 of the '475 Patent under 35 U.S.C. § 271(a) directly.

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1 137. The SoundHound Accused Software performs an information processing
2 method.

3 138. The SoundHound Accused Software records music from a music source into
4 a storage device (e.g., the memory of a mobile phone, laptop, or tablet).

5 139. The SoundHound Accused Software extracts acoustic information from at
6 least part of the music stored in said memory device.

7 140. For example, SoundHound Accused Software runs on mobile phones that
8 extract the acoustic information (e.g., digital fingerprint) of the music after suppressing
9 noises included in the music.

10 141. SoundHound Accused Software transmits acoustic information from the
11 mobile phone, laptop, tablet to SoundHound's servers.

12 142. SoundHound Accused Software acquires information associated with the
13 fingerprint that is output from SoundHound's servers (e.g., its servers in Virginia) based
14 on the acoustic information.

15 143. For example, the SoundHound Accused Software searches its database for
16 information (e.g., song title, artist name, lyrics, video, artist biography, concert tickets
17 and/or recommended tracks) associated with the acoustic information (e.g., digital
18 fingerprint) and transmits the information back to the mobile phone (e.g., the iPhone or
19 Android smartphone).

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1 144. SoundHound directly infringes claim 2 of the '202 Patent by using its own
2 SoundHound Accused Software, including in relation to product testing and
3 demonstration.

4 145. In the alternative, SoundHound induces infringement of claim 2 of the '202
5 Patent by end users by making and selling the SoundHound Accused Software that
6 practices the claimed method during ordinary use.

7 146. SoundHound's customers and/or end users have directly infringed, and are
8 directly infringing, each and every claim limitation of at least claim 2 of the '202 Patent.
9 SoundHound actively induces customers and end-users to directly infringe each and
10 every claim limitation of at least claim 2 of the '202 Patent under 35 U.S.C. § 271(b).

11 147. SoundHound has had actual knowledge of the '202 Patent since at least
12 February 20, 2013. SoundHound has been and is knowingly inducing its customers
13 and/or end users to directly infringe at least claim 2 of the '202 Patent with the specific
14 intent to encourage such infringement, and knowing that the acts induced constitute
15 patent infringement. SoundHound's inducement includes, for example, providing an app
16 the main and ordinary use of which is to practice the claim, and by providing user help
17 and support (e.g. <https://support.SoundHound.com/hc/en-us>) that induce its customers
18 and/or end users to directly infringe at least claim 2 of the '202 Patent by using the
19 SoundHound Accused Software.

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1 148. SoundHound makes, uses, sells, offers for sale, and/or imports the
 2 SoundHound Accused Software knowing that SoundHound has infringed and continues
 3 to infringe at least claim 2 of the '202 Patent under 35 U.S.C. § 271(a) directly.

4 149. As a direct and proximate result of SoundHound's acts of patent
 5 infringement, Ironworks Patents has been and continues to be injured and has sustained,
 6 and will continue to sustain, damages.

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 8 **COUNT VIII: INFRINGEMENT OF U.S. PATENT '800 CLAIM 9**

9 150. Ironworks Patents incorporates by reference the allegations set forth in
 10 paragraphs 1 to 149 of this Complaint as though set forth in full herein.

11 151. Claim 9 of the '800 Patent provides:

12 Claim 9	An information processing method, comprising the
13 Preamble	steps of:
14 Element A	recording music from a music source into a storage
15	device;
16 Element B	obtaining data based on the music recorded in the
17	storage device;
18 Element C	transmitting the obtained data to the remote server;
19 Element D	receiving information associated with the music
20	including a title and a singer's name from the remote
21	server, wherein the received information is related to
22	the obtained data transmitted in the transmitting step;

	and
Element E	displaying the received information.

152. SoundHound Accused Software performs an information processing method.

153. SoundHound Accused Software records music into the memory of a mobile phone, or laptop.

154. SoundHound Accused Software obtains data from a music source (e.g., an audio fingerprint captured at the phone’s microphone).

155. SoundHound Accused Software transmits the data from the mobile phone or laptop to SoundHound’s servers.

156. SoundHound Accused Software receives information from its servers that is associated with the obtained data. SoundHound retrieves information, including, for example, song title, singer’s name.

157. SoundHound Accused Software displays the received, associated information on the display of the mobile phone.

158. SoundHound directly infringes claim 9 of the ’800 Patent by providing music identification services using the SoundHound Accused Software, including in relation to product testing and demonstration.

1 159. In the alternative, SoundHound induces infringement of claim 9 of the '800
2 Patent by end users by making and selling the SoundHound Accused Software that
3 practices the claimed method in ordinary use.

4 160. SoundHound's customers and/or end users have directly infringed, and are
5 directly infringing, each and every claim limitation of at least claim 9 of the '800 Patent.
6 SoundHound actively induces customers and end-users to directly infringe each and
7 every claim limitation of at least claim 9 of the '800 Patent under 35 U.S.C. § 271(b).
8 SoundHound has had actual knowledge of the '800 Patent since at least February 20,
9 2013. SoundHound has been and is knowingly inducing its customers and/or end users to
10 directly infringe at least claim 9 of the '800 Patent with the specific intent to encourage
11 such infringement, and knowing that the acts induced constitute patent infringement.
12 SoundHound's inducement includes, for example, providing an app the main and
13 ordinary use of which is to practice the claim, and by providing user help and support
14 (e.g. <https://support.SoundHound.com/hc/en-us>) that induce its customers and/or end
15 users to directly infringe at least claim 9 of the '800 Patent by using the SoundHound
16 Accused Software.

17 161. SoundHound makes, uses, sells, offers for sale, and/or imports the
18 SoundHound Accused Software knowing that SoundHound has infringed and continues
19 to infringe at least claim 9 of the '800 Patent under 35 U.S.C. § 271(a) directly.

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1 162. As a direct and proximate result of SoundHound’s acts of patent
 2 infringement, Ironworks Patents has been and continues to be injured and has sustained,
 3 and will continue to sustain, damages.

4 **COUNT IX: INFRINGEMENT OF U.S. PATENT ’800 CLAIM 17**

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 6 163. Ironworks Patents incorporates by reference the allegations set forth in
 7 paragraphs 1 to 162 of this Complaint as though set forth in full herein.

8 164. Claim 17 of the ’800 Patent provides:

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10 Claim 17 Preamble	An information processing method, comprising the steps of:
11 Element A	receiving data from a mobile phone that can obtain data from a music source;
12 Element B	searching a database for information associated with the obtained data; and
13 Element C	transmitting the associated information to the mobile phone,
14 Element D	wherein the associated information includes a title and a singer's name.

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18 165. SoundHound Accused Software performs an information processing
 19 method.

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1 166. Using SoundHound Accused Software, the mobile phone obtains data (e.g.,
2 a digital fingerprint) from a music source.

3 167. SoundHound Accused Software receives data (e.g., a digital fingerprint)
4 from a mobile phone.

5 168. SoundHound Accused Software listens to the music around you, records the
6 currently playing music and generates a fingerprint of the record.

7 169. SoundHound Accused Software searches a database for information (e.g.,
8 track ID, song information) associated with the obtained digital fingerprint.

9 170. SoundHound Accused Software transmits the associated information (e.g.,
10 track title and artist) to the mobile phone.

11 171. SoundHound Accused Software transmits the title and singer's name
12 associated with the captured sound sample to the user's mobile phone.

13 172. SoundHound directly infringes claim 17 of the '800 Patent by making,
14 using, selling and/or importing the SoundHound Accused Software, including by
15 providing the music identification services

16 173. SoundHound has had actual knowledge of the '800 Patent since at least
17 February 20, 2013.

18 174. SoundHound makes, uses, sells, offers for sale, and/or imports the
19 SoundHound Accused Software knowing that SoundHound has infringed and continues
20 to infringe at least claim 17 of the '800 Patent under 35 U.S.C. § 271(a) directly.

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PRAYER FOR RELIEF

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2 WHEREFORE, Plaintiff Ironworks requests that this Court enter judgment in its
3 favor and against SoundHound as follows:

4 A. Adjudging, finding, and declaring that SoundHound has infringed of the
5 above-identified claims of each of the Patents-in-Suit under 35 U.S.C. § 271;

6 B. Awarding the past and future damages arising out of SoundHound’s
7 infringement of the Patents-in-Suit to Ironworks in an amount no less than a reasonable
8 royalty, together with prejudgment and post-judgment interest, in an amount according to
9 proof;

10 C. Adjudging, finding, and declaring that SoundHound’s infringement is willful
11 and enhanced damages and fees as a result of that willfulness under 35 U.S.C. § 284;

12 D. Adjudging, finding, and declaring that this is an “exceptional” case pursuant
13 to 35 U.S.C. § 285;

14 E. Awarding attorney’s fees, costs, or other damages pursuant to 35 U.S.C. §§
15 284 or 285 or as otherwise permitted by law; and

16 F. Granting Ironworks such other further relief as is just and proper, or as the
17 Court deems appropriate.

1 Dated: August 9, 2018

Respectfully submitted,

2 /s/ Gregory Markow

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