IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MIMZI, LLC,
Plaintiff,

v.

ASUSTEK COMPUTER INC.
Defendant.

Civil Action No._____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Mimzi, LLC ("Plaintiff"), for this Complaint against ASUSTeK Computer Incorporated ("ASUS") alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq*.

THE PARTIES

2. Plaintiff Mimzi is a limited liability company formed under the laws of the State of Alabama with a place of business at 1592 South Point Drive, Hoover, Alabama 35244.

3. Upon information and belief, Defendant, ASUS, is a Taiwanese corporation with a principal place of business at No. 15, Li-Te Road, Beitou District, Taipei 112, Taiwan, Republic of China. ASUS can be served with process pursuant to the Delaware Long Arm Statute, 10 Del. C. § 3104 and/or Federal Rule of Civil Procedure 4.

JURISDICTION

4. This Court has subject matter jurisdiction for patent infringement actions under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has specific and personal jurisdiction over ASUS pursuant to due process and/or the Delaware Long Arm Statute due to ASUS's substantial business in this forum. This Court has personal jurisdiction over ASUS, a foreign defendant, which has placed its products into the stream of commerce leading to Delaware. For example, ASUS has sold, offered to sell and continues to sell the infringing products through one or more of its agents located in Delaware, such as Best Buy retail stores, expecting that these products would be sold in Delaware. Indeed, ASUS recently conceded to personal jurisdiction in this Court for allegations relating to another feature on the same mobile devices that infringe the Mimzi patent (*IPA Tech. Inc., v. ASUS Computer Int'l*, No. 1:17-cv-00120-RGA, at D.I. 7, ¶ 6, (D. Del. May 2, 2017) (limited to that particular case only)).

VENUE

6. Venue in this district is proper under one or more of 28 U.S.C. §§ 1391(b), (c) and 1400(b). Upon information and belief, ASUS is a foreign entity and, therefore, may be sued in any United States judicial district. 28 U.S.C. §1391(c)(3). Moreover, ASUS has transacted business in this judicial district and committed acts within this judicial district giving rise to this action, directly and/or through subsidiaries, agents and partners.

U.S. PATENT NO. 9,128,981

7. On September 8, 2015, U.S. Patent No. 9,128,981 ("the '981 patent") was issued by the United States Patent and Trademark Office entitled "Phone Assisted 'Photographic Memory'". A true and correct copy of the '981 patent is attached as Exhibit A.

8. The sole inventor of the '981 patent is Mr. James Geer.

9. Jim Geer is the consummate forward-thinker and innovator, the patent in-suit being just one example. During the Gulf War, Mr. Geer developed a way to detect and track enemy stealth aircraft and submitted a patent application for his invention. The U.S. Air Force declared his invention a national secret and the U.S. Government issued an Order barring Mr. Geer from even talking about his invention. The secrecy order was lifted a decade later, and he received several U.S. patents. A further example of Mr. Geer's forward-thinking is in his several U.S. patents, originally filed in the 1990s, that are directed to the DVRs that are used today for recording multiple television shows.

10. As an independent businessman, in 1984 Jim Geer founded Executive Technologies, Inc. to develop a document search engine. Through his company, Mr. Geer offers a product called SearchExpress which includes document management, searching and scanning solutions for businesses.

11. Plaintiff, Mimzi LLC, of which Mr. Geer is the President, is the sole owner of the '981 patent and has all rights of past and future recoveries thereunder.

12. The '981 patent has not expired and is in full force and effect.

13. The marking requirements of 35 U.S.C. § 287 do not limit damages available to Plaintiff for infringement of the '981 patent.

14. Claims 1 through 9 of the '981 patent are directed to systems for presenting location-dependent information from social network databases to mobile electronic device users in response to the users' spoken requests.

15. Claims 10 through 15 of the '981 patent are directed to computer-implemented methods for presenting location-dependent information from social network databases to mobile electronic device users in response to the users' spoken requests.

16. Claims 16 through 19 of the '981 patent are directed to computer-implemented methods of mining information from a social network database in response to users' spoken requests.

17. Accordingly, and merely by way of illustration, inventions claimed in the '981 patent are directed to systems and to computer-implemented methods that are configured and operate to provide information to a mobile device user in response to a spoken question, such as "*Where is the nearest (best, most popular) Chinese restaurant*?"

18. Inventions claimed in the '981 patent are not directed to an abstract idea of merely searching for information on the Internet. Rather, the claims are directed to a new and useful configuration of components and describe an improvement in computer capabilities by specifying a complex series of steps performed by or through a mobile device to provide a desired result. These steps include: intaking a user's spoken request; accessing speech recognition software; converting the spoken request into a database query; determining the user's physical location and associating that location with the query; searching at least one social network database using the query and the user's physical location; ranking the information obtained and then providing the answer to the user.

19. These steps, either alone or in combination, were not well understood, routine or conventional to one of ordinary skill in the art at the time the inventions were made. Thus, they represent improvements in the capabilities of mobile devices to provide timely and useful information to users.

20. For example, speech recognition through mobile devices was neither routine nor conventional until after the application that led to the '981 patent was filed in July 2008.

21. The unconventional nature of these steps, alone or in combination, was confirmed in September 2008 by Google's then-Vice President of Search Products, Ms. Marissa Mayer, two months after the original application that led to the '981 patent was filed.

22. In a comment posted on Google's Official Blog, dated September 10, 2008, entitled "The future of search" (emphasis supplied) Ms. Mayer stated that "*Search needs to be more mobile – it should be available and easy to use in cell phones and in cars and on handheld . . . You should be able to talk to a search engine in your voice. You should be able to ask questions verbally or by typing them in as natural language expressions. . . Maybe the search engines of the future will know where you are located . . .*" (Exhibit B).

23. The '981 patent's prosecution history further confirms the patentability of the claimed inventions. The continuation application that led to issuance of the '981 patent (serial number 14/664,841) was filed on March 21, 2015. All prosecution of that application occurred after and in light of the United States Supreme Court's decision in *Alice Corp. Pty. Ltd., v. CLS Bank Int'l*, 573 U.S. 208 (2014). Indeed, some pending claims were rejected by the patent office under 35 U.S.C. §101, but that rejection was overcome.

24. The '981 patent's prosecution history further confirms the novelty of the claimed inventions. Over 500 patents and applications were considered by the Patent Examiner during prosecution, yet no reference was found to be anticipatory under 35 U.S.C. § 102. Furthermore, the only "prior art" rejection of any pending claim was based on an allegation of obviousness due to a combination of two references, under 35 U.S.C. § 103. That rejection was withdrawn by the

Patent Examiner once it was shown that one of the references was dated after the '981 patent's effective filing date and, therefore, was not prior art.

INFRINGING ACTIVITIES RELEVANT TO THE '981 PATENT

GOOGLE'S VOICE ASSIST FUNCTIONALITY

25. Defendant makes, sells, offers to sell and imports into the United States mobile devices, such as cellphones and tablets, that use the Android operating system 4.1 or a subsequent version.

26. Upon information and belief, in one form or another the Google voice assist functionality (aka "Voice Action," "Search by Voice," "Google Voice Search," "Google Now," "Google Assistant"), has been included in the Android operating systems since at least July 2012. Starting in 2015, the Google voice assist functionality, which was then called Google Now, became a part of Google Assistant. As shown below, the Google voice assist functionality, whether as "Google Now" or "Google Assistant," infringes at least claims 1, 10 and 16 of the '981 patent.

Systems infringed by Google voice assist functionality

27. Upon information and belief, Android mobile devices, such as cellphones and tablets, using the Android operating system 4.1 or a subsequent version, are capable of presenting location-dependent information from social network databases in response to a user's spoken request. For reasons discussed herein, Plaintiff alleges that such devices made, used, as sold, as offered for sale and/or imported since September 8, 2015 (the issue date of the '981 patent) infringe at least claim 1 of the '981 patent.

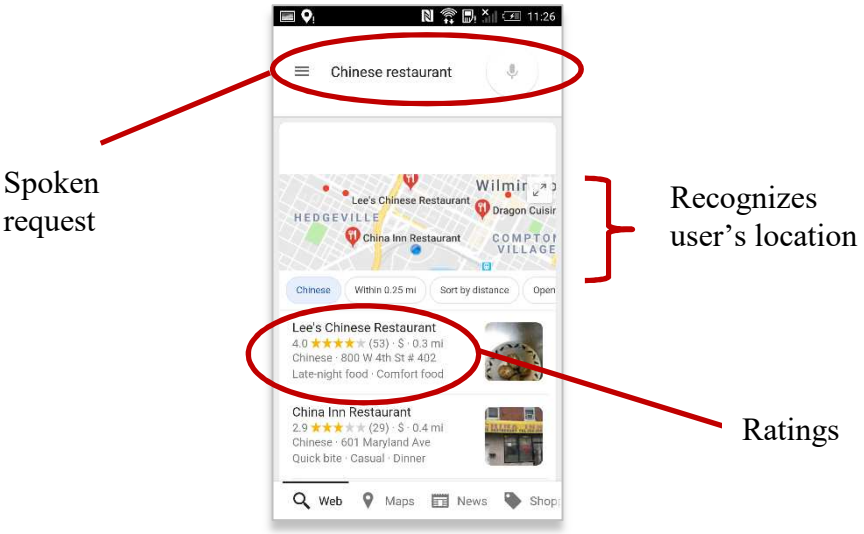
28. For example, systems claimed in the '981 patent include a data input port configured to receive speech information from the user of the mobile device. Upon information and belief mobile devices, such as cellphones and tablets, that use the Android operating system

4.1 or a subsequent version, are configured to receive spoken requests from the user (*e.g.*, by prefacing a spoken request with a wake-command such as *"Okay Google . . ."* or by pressing a button to activate the microphone to listen to the user's spoken request).

29. The systems claimed in the '981 patent include the ability to identify metadata such as the user's location (*e.g.*, claim 1). Upon information and belief, mobile devices, such as cellphones and tablets, that use Android operating system 4.1 or a subsequent version, are configured to identify a user's location using Global Positioning System ("GPS") or similar technology.

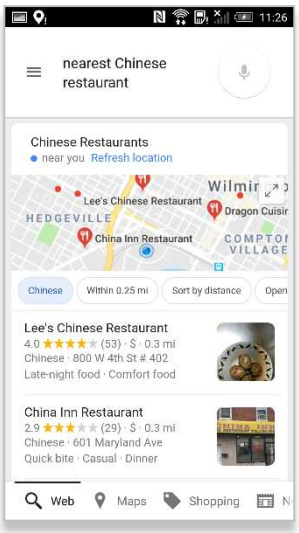
30. The systems claimed in the '981 patent include memory to store a transcript of the user's request and the user's location. Upon information and belief, the systems provided by mobile devices, such as cellphones and tablets, that use the Android operating system 4.1 or a subsequent version, are configured to store such information in persistent and/or volatile memory, on the mobile device and/or on a remote server.

31. The systems claimed in the '981 patent include an interface to a social network database to transmit a query based on the user's request and location, and to receive relevant information from that social network. Upon information and belief, the systems provided by mobile devices, such as cellphones and tablets, that use Android operating system 4.1 or a subsequent version, are capable of interfacing with a social network database (see below) and providing information from that social network to the user. As seen by the screen capture below (Google Voice Assist Screen 1), when a spoken request to find a Chinese restaurant was made on a cellphone, the following result was displayed, which includes reviews from a social network database:

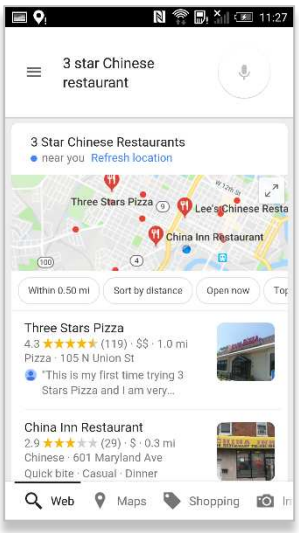


Google Voice Assist Screen 1

32. The systems claimed in the '981 patent include a processor that is configured to rank the relevant social network database information according to at least one ranking factor. As seen below, when spoken requests to find the nearest Chinese restaurant (Google Voice Assist Screen 2) and three-star Chinese restaurants (Google Voice Assist Screen 3) were made, the ranked results displayed below were obtained. Note that even though all spoken requests



Google Voice Assist Screen 2



Google Voice Assist Screen 3

were done at the same date and time, using the same device and at the same location, the ranked results were different.

Methods infringed by Google voice assist functionality

33. Upon information and belief, mobile devices, such as cellphones and tablets, that use the Android operating system 4.1 or a subsequent version, are capable of using a computer-implemented method to present location-dependent information from a social network database to a mobile device user in response to a spoken request. Accordingly, the use of such devices since September 8, 2015 (issue date of the '981 patent) infringes at least claim 10 of the '981 patent.

34. For example, computer-implemented methods claimed in the '981 patent intake speech information from the mobile device. Upon information and belief, the Google voice assist functionality in mobile devices, such as cellphones and tablets, that use the Android operating system 4.1 or a subsequent version, allow the mobile device to receive spoken requests as part of the method used to provide location-dependent information from a social network database to a user (*e.g.*, by prefacing a spoken request with a wake-command such as *"Okay Google . . ."* or by pressing a button to activate the microphone to listen to the user's spoken request).

35. The computer-implemented methods claimed in the '981 patent identify the location of the mobile device user. Upon information and belief, mobile devices, such as cellphones and tablets, that use Android operating system 4.1 or a subsequent version, use GPS or similar technology, as part of the method used to provide location-dependent information from a social network database to the user.

36. The computer-implemented methods claimed in the '981 patent store the speech information and user's location. Upon information and belief, mobile devices, such as cellphones and tablets, that use the Android operating system 4.1 or a subsequent version, use persistent and/or volatile memory, on the mobile device and/or on a remote server as part of the method used to provide location-dependent social network information to the user.

37. The computer-implemented methods claimed in the '981 patent automatically search and rank social network database information according to the user's request and location and then communicate those results to the user. Upon information and belief, and consistent with the results shown in Google Voice Assist Screens 1-3, mobile devices, such as cellphones and tablets, that use the Android operating system 4.1 or a subsequent version, search and rank information from social network databases, as part of the computer-implemented method used to communicate location-dependent social network database information to users.

Methods for mining information infringed by Google voice assist functionality

38. Upon information and belief, mobile devices, such as cellphones and tablets, that use the Android operating system 4.1 or a subsequent version, are capable of using a computer-implemented method to mine information from a social network database in response to a user's spoken request. All such devices used since September 8, 2015 (issue date of the '981 patent) infringe at least claim 16 of the '981 patent.

39. For example, computer-implemented methods claimed in the '981 patent intake speech information from the mobile device. Upon information and belief, mobile devices, such as cellphones and tablets, that use the Android operating system 4.1 or a subsequent version, receive spoken requests as part of the method used to mine information from a social network

database (*e.g.,* by prefacing a spoken request with a wake-command such as *"Okay Google . . ."* or by pressing a button to activate the microphone to listen to the user's spoken request).

40. The computer-implemented methods claimed in the '981 patent identify the location of the mobile device user. Upon information and belief, mobile devices, such as cellphones and tablets, that use the Android operating system 4.1 or a subsequent version, use GPS or similar technology to identify users' locations.

41. The computer-implemented methods claimed in the '981 patent automatically use a spoken request and the user's location to generate a query of a social network database and output the results to the user. Upon information and belief, and consistent with the results shown in Google Voice Assist Screens 1-3, mobile devices, such as cellphones and tablets, that use the Android operating system 4.1 or a subsequent version, automatically search and rank information from social network databases, as part of the computer-implemented method used to mine information from a social network database and output the results to users.

MICROSOFT'S VOICE ASSIST FUNCTIONALITY ("CORTANA")

42. Defendant makes, sells, offers to sell and imports into the United States mobile devices, such as cellphones, tablets and laptop computers, that use a Microsoft operating system.

43. Upon information and belief, the Microsoft voice assist functionality ("Cortana") has been included in Windows 10, Windows 10 Mobile and Windows Phone 8.1 operating systems and subsequent versions. As shown below, the Microsoft voice assist functionality infringes at least claims 1, 10 and 16 of the '981 patent.

Systems infringed by the Microsoft voice assist functionality

44. Upon information and belief, mobile devices such as cellphones, tablets and laptop computers, that use the Windows 10, Windows 10 Mobile or Windows Phone 8.1

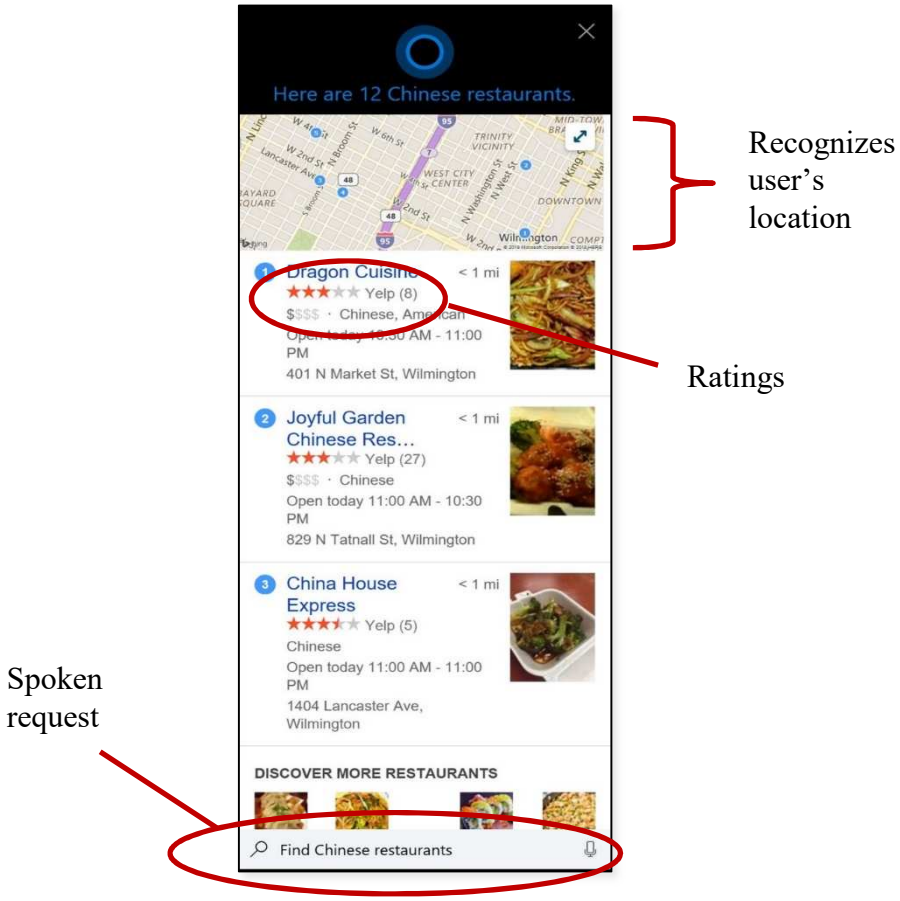
operating system or subsequent versions, are capable of presenting location-dependent information from social network databases in response to a user's spoken request. For reasons discussed herein, Plaintiff alleges that such devices made, used, as sold, as offered for sale and/or imported since September 8, 2015 (the issue date of the '981 patent) infringe at least claim 1 of the '981 patent.

45. For example, systems claimed in the '981 patent include a data input port configured to receive speech information from the user of the mobile device. Upon information and belief, mobile devices such as cellphones, tablets and laptop computers, that use the Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating system or subsequent versions, are configured to receive spoken requests from the user.

46. The systems claimed in the '981 patent include the ability to identify metadata such as the user's location (*e.g.*, claim 1). Upon information and belief, the systems provided by mobile devices, such as cellphones, tablets and laptop computers, that use the Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating system or subsequent versions, are configured to identify a user's location using GPS or similar technology.

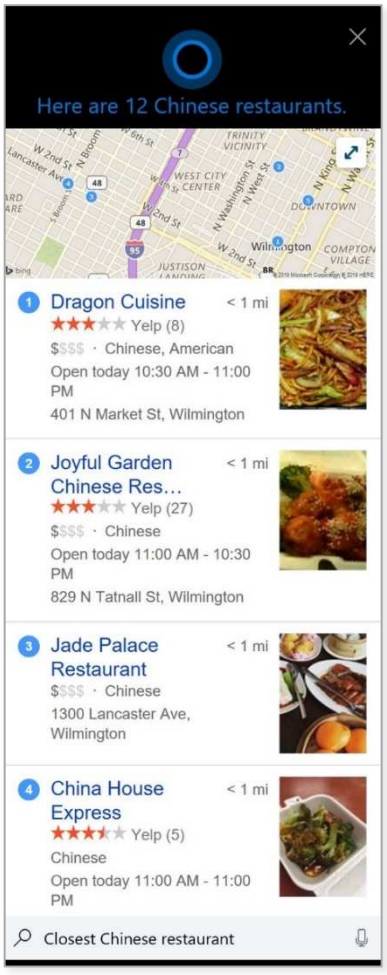
47. The systems claimed in the '981 patent include memory to store a transcript of the user's request and the user's location. Upon information and belief, the systems provided by the mobile devices, such as cellphones, tablets and laptop computers, that use the Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating system or subsequent versions, are configured to store such information in persistent and/or volatile memory, on the mobile device and/or on a remote server.

48. The systems claimed in the '981 patent include an interface to a social network database to transmit a query based on the user's request and location, and to receive relevant information from that social network. Upon information and belief, the systems provided by mobile devices, such as cellphones, tablets and laptop computers, that use the Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating system or subsequent versions, are capable of interfacing with a social network database (see below) and providing information from that social network to the user. As seen by the screen capture below (Microsoft Voice Assist Screen 1), when a spoken request to find a Chinese restaurant was made on a tablet, the following result was displayed, which include reviews from a social network database:

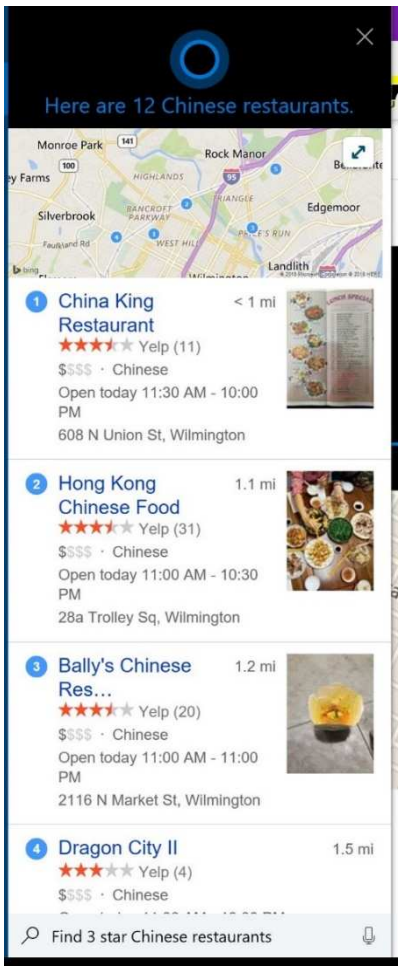


Microsoft Voice Assist Screen 1

49. The systems claimed in the '981 patent include a processor that is configured to rank the relevant social network database information according to at least one ranking factor. As seen below, when spoken requests to find the nearest Chinese restaurant (Microsoft Voice Assist Screen 2) and three-star Chinese restaurants (Microsoft Voice Assist Screen 3) were made, the ranked results displayed below were obtained. Note that even though all spoken requests were done at the same date and time, using the same device and at the same location, the ranked results were different.



Microsoft Voice Assist Screen 2



Microsoft Voice Assist Screen 3

Methods infringed by Microsoft voice assist functionality

50. Upon information and belief, mobile devices, such as cellphones, tablets and laptop computers that use the Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating system or subsequent versions, are capable of using a computer-implemented method to present location-dependent information from a social network database to a mobile device user in response to a spoken request. Accordingly, the use of such devices since September 8, 2015 (issue date of the '981 patent) infringes at least claim 10 of the '981 patent.

51. For example, computer-implemented methods claimed in the '981 patent intake speech information from the mobile device. Upon information and belief, the Microsoft voice assist functionality in mobile devices such as cellphones, tablets and laptop computers that use Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating system or subsequent versions, allow the mobile device to receive spoken requests as part of the method used to provide location-dependent information from a social network database to a user.

52. The computer-implemented methods claimed in the '981 patent identify the location of the mobile device user. Upon information and belief, mobile devices, such as cellphones, tablets and laptop computers, that use Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating system or subsequent versions, use GPS or similar technology, as part of the method used to provide location-dependent information from a social network database to the user.

53. The computer-implemented methods claimed in the '981 patent store the speech information and user's location. Upon information and belief, devices, such as cellphones, tablets and laptop computers, that use Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating system or subsequent versions, use persistent and/or volatile memory, on the mobile

device and/or on a remote server as part of the method used to provide location-dependent social network information to the user.

54. The computer-implemented methods claimed in the '981 patent automatically search and rank social network database information according to the user's request and location and then communicate those results to the user. Upon information and belief, and consistent with the results shown in Microsoft Voice Assist Screens 1-3, mobile devices, such as cellphones, tablets and laptop computers, that use Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating system or subsequent versions, search and rank information from social network databases, as part of the computer-implemented method used to communicate location-dependent social network database information to users.

Methods for mining information infringed by Microsoft voice assist functionality

55. Upon information and belief, mobile devices, such as cellphones, tablets and laptop computers, that use the Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating systems or subsequent versions, are capable of using a computer-implemented method to mine information from a social network database in response to a user's spoken request. All such devices used since September 8, 2015 (issue date of the '981 patent) infringe at least claim 16 of the '981 patent.

56. For example, computer-implemented methods claimed in the '981 patent intake speech information from the mobile device. Upon information and belief, mobile devices such as cellphones, tablets and laptop computers, that use the Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating system or subsequent versions, receive spoken requests as part of the method used to mine information from a social network database

57. The computer-implemented methods claimed in the '981 patent identify the location of the mobile device user. Upon information and belief, mobile devices, such as cellphones, tablets and laptop computers, that use the Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating system or subsequent versions, use GPS or similar technology to identify users' locations.

58. The computer-implemented methods claimed in the '981 patent automatically use a spoken request and the user's location to generate a query of a social network database and output the results to the user. Upon information and belief, and consistent with the results shown in Microsoft Voice Assist Screens 1-3, mobile devices, such as cellphones, tablets and laptop computers, that use the Windows 10, Windows 10 Mobile or Windows Phone 8.1 operating system or subsequent versions, automatically search and rank information from social network databases, as part of the computer-implemented method used to mine information from a social network database and output the results to users.

COUNT I
DIRECT INFRINGEMENT BY WAY OF
THE GOOGLE VOICE ASSIST FUNCTIONALITY

59. Plaintiff restates and realleges paragraphs 1 through 58 into this Count.

ASUS's Infringement of the Claimed Systems

60. Since at least September 8, 2015 (the issue date of the '981 patent) ASUS has made, sold, offered for sale and/or imported into the United States, mobile devices that provide users with systems that include Google voice assist functionality that meets, either literally or equivalently, every element of at least claim 1 of the '981 patent.

61. Plaintiff alleges that ASUS provides cellphones, made, sold, imported or offered for sale into the United States, that come with the Google voice assist functionality pre-installed

and, therefore, include infringing systems. By way of example, and not limitation, the "ZenFone Max Pro M1", is a cellphone that is sold by ASUS with the Google voice assist functionality and, therefore, infringes at least claim 1 of the '981 patent.

62. Plaintiff alleges that ASUS provides tablets, made, sold, imported or offered for sale into the United States, that come with the Google voice assist functionality pre-installed and, therefore include infringing systems. By way of example, and not limitation, the "ASUS MeMO Pad 8", is a tablet that is sold by ASUS with the Google voice assist functionality and, therefore, infringes at least claim 1 of the '981 patent.

63. Through its marketing, testing and quality control efforts associated with infringing products such as ZenFone Max Pro M1 and ASUS MeMO Pad 8, ASUS used systems that meet, either literally or equivalently, every element of at least claim 1 of the '981 patent.

64. ASUS benefits from each step of the claimed system because each element is necessary for ASUS to provide location-dependent information from a social network database to users in response to spoken requests. Further, ASUS benefits by these direct infringements at a minimum because ASUS markets and sells its mobile devices as having the capability to use the Google voice assist functionality.

65. To ensure that the example used in this Complaint regarding restaurants is not construed as a limitation, and merely by way of illustration and not limitation, the spoken requests captured by this Count also include location-dependent information concerning other types of entertainment (*e.g.*, theaters), business establishments (*e.g.*, gas stations), services, medical providers and contractors.

66. All of the above constitute acts of direct infringement by ASUS of at least claim 1 of the '981 patent.

ASUS's Infringement of the Claimed Methods

67. Through its testing and quality control efforts associated with infringing products such as ZenFone Max Pro M1 and ASUS MeMO Pad 8, ASUS used methods that meet, either literally or equivalently, every element of at least claims 10 and 16 of the '981 patent.

68. ASUS benefited from each element of the claimed methods because each step was necessary to provide location-dependent information from a social network database in response to the users' spoken requests, a feature that purchasers seek from suppliers such as ASUS.

69. To ensure that the example used in this Complaint regarding restaurants is not construed as a limitation, and merely by way of illustration and not limitation, the spoken requests captured by this Count also include location-dependent information concerning other types of entertainment (*e.g.*, theaters), business establishments (*e.g.*, gas stations), services, medical providers and contractors.

70. All of the above constitute acts of direct infringement by ASUS of at least claims 10 and 16 of the '981 patent.

COUNT II
POST-COMPLAINT INDUCEMENT OF INFRINGEMENT
BY WAY OF THE GOOGLE VOICE ASSIST FUNCTIONALITY

71. Plaintiff restates and realleges paragraphs 1 through 70 into this Count.

Users of ASUS's Mobile Devices Directly Infringe the '981 Patent

72. Since at least September 8, 2015 (the issue date of the '981 patent) each user who made a spoken request, through the Google voice assist functionality on an ASUS mobile device, for location-dependent information from a social network database, used systems that meet, either literally or equivalently, every element of at least claim 1 of the '981 patent.

73. Plaintiff's allegations include ASUS's cellphones and tablets that have the Google voice assist functionality. This includes, by way of example and not limitation, ZenFone Max Pro M1 (cellphone) and ASUS MeMO Pad 8 (tablet).

74. The users of ASUS's mobile devices that include the Google voice assist functionality, benefited from each element of the claimed system because each was necessary to provide location-dependent information from a social network database in response to the users' spoken requests.

75. Since at least September 8, 2015 (the issue date of the '981 patent) each user who made a spoken request for location-dependent information from a social network database, on an ASUS mobile device that includes the Google voice assist functionality, such as ZenFone Max Pro M1 and ASUS MeMO Pad 8, used methods that meet, either literally or equivalently, every element of at least claims 10 and 16 of the '981 patent.

76. The users of ASUS's mobile devices that include the Google voice assist functionality, benefited from each element of the claimed methods because each step was necessary to provide location-dependent information from a social network database in response to the users' spoken requests.

77. To ensure that the above reference to restaurants is not construed as a limitation on the types of spoken requests, and merely by way of illustration and not limitation, the spoken requests captured by this Count include location-dependent information concerning other types of entertainment (*e.g.*, theaters), business establishments (*e.g.*, gas stations), services, medical providers and contractors.

ASUS's Active Inducement of Its Users' Direct Infringements

78. Upon information and belief, ASUS provides its customers and/or users of its mobile devices with systems, instructions, equipment, encouragement and the capability to directly infringe the '981 patent.

79. Upon information and belief, at least as of the date of service of this Complaint, ASUS is aware that the users of its mobile devices that have the Google voice assist functionality, such as ZenFone Max Pro M1 and ASUS MeMO Pad 8, use systems and methods that meet, either literally or equivalently, every element of at least claims 1, 10 and 16 of the '981 patent.

80. To the extent that ASUS does not cease these infringing activities immediately, it is encouraging users of its mobile devices to continue to infringe the '981 patent.

81. Upon information and belief, ASUS will benefit from these ongoing infringements because ASUS will continue to generate revenue by selling and offering to sell to users mobile devices with these infringing capabilities.

82. As of the date of service of this Complaint, these acts constitute ASUS's active inducement of its users' direct infringement of at least claims 1, 10 and 16 of the '981 patent.

COUNT III
DIRECT INFRINGEMENT BY WAY OF
THE MICROSOFT VOICE ASSIST FUNCTIONALITY

83. Plaintiff restates and realleges paragraphs 1 through 82 into this Count.

ASUS's Infringement of the Claimed Systems

84. Since at least September 8, 2015 (the issue date of the '981 patent) ASUS has made, sold, offered for sale and/or imported into the United States, mobile devices that provide

users with systems that include Microsoft voice assist functionality that meet, either literally or equivalently, every element of at least claim 1 of the '981 patent.

85. Plaintiff alleges that ASUS tablets made, sold, imported or offered for sale into the United States, provide users with infringing systems. This includes, by way of example and not limitation, the "ASUS VivoTab 8" which comes with the Microsoft voice assist functionality pre-installed and, therefore, infringes at least claim 1 of the '981 patent.

86. Plaintiff alleges that ASUS laptop computers made, sold, imported or offered for sale into the United States, provide users with infringing systems. This includes, by way of example and not limitation, the "ASUS VivoBook S15" which comes with the Microsoft voice assist functionality pre-installed and, therefore, infringes at least claim 1 of the '981 patent.

87. Through its marketing, testing and quality control efforts associated with infringing products such as ASUS VivoTab 8 and ASUS VivoBook S15, ASUS used systems that meet, either literally or equivalently, every element of at least claim 1 of the '981 patent.

88. ASUS benefits from each step of the claimed system because each element is necessary for ASUS to provide location-dependent information from a social network database to users in response to spoken requests. Further, ASUS benefits by these direct infringements at a minimum because ASUS markets and sells its mobile devices as having the capability to use the Microsoft voice assist functionality.

89. To ensure that the example used in this Complaint regarding restaurants is not construed as a limitation, and merely by way of illustration and not limitation, the spoken requests captured by this Count also include location-dependent information concerning other types of entertainment (*e.g.*, theaters), business establishments (*e.g.*, gas stations), services, medical providers and contractors.

90. All of the above constitute acts of direct infringement by ASUS of at least claim 1 of the '981 patent.

ASUS's Infringement of the Claimed Methods

91. Through its testing and quality control efforts associated with infringing products such as ASUS VivoTab 8 and ASUS VivoBook S15, ASUS used methods that meet, either literally or equivalently, every element of at least claims 10 and 16 of the '981 patent.

92. ASUS benefited from each element of the claimed methods because each step was necessary to provide location-dependent information from a social network database in response to the users' spoken requests, a feature that purchasers seek from suppliers such as ASUS.

93. To ensure that the example used in this Complaint regarding restaurants is not construed as a limitation, and merely by way of illustration and not limitation, the spoken requests captured by this Count also include location-dependent information concerning other types of entertainment (*e.g.*, theaters), business establishments (*e.g.*, gas stations), services, medical providers and contractors.

94. All of the above constitute acts of direct infringement by ASUS of at least claims 10 and 16 of the '981 patent.

COUNT IV

POST-COMPLAINT INDUCEMENT OF INFRINGEMENT BY WAY OF THE MICROSOFT VOICE ASSIST FUNCTIONALITY

95. Plaintiff restates and realleges paragraphs 1 through 94 into this Count.

Users of ASUS's Mobile Devices Directly Infringe the '981 Patent

96. Since at least September 8, 2015 (the issue date of the '981 patent) each user who made a spoken request, through the Microsoft voice assist functionality on an ASUS mobile

device, for location-dependent information from a social network database, used systems that meet, either literally or equivalently, every element of at least claim 1 of the '981 patent.

97. Plaintiff's allegations include ASUS's mobile devices that have the Microsoft voice assist functionality. This includes, by way of example and not limitation, ASUS VivoTab 8 (tablet) and ASUS VivoBook S15 (laptop).

98. The users of ASUS's mobile devices that include the Microsoft voice assist functionality, benefited from each element of the claimed system because each was necessary to provide location-dependent information from a social network database in response to the users' spoken requests.

99. Since at least September 8, 2015 (the issue date of the '981 patent) each user who made a spoken request for location-dependent information from a social network database, on an ASUS mobile device that includes the Microsoft voice assist functionality, such as the ASUS VivoTab 8 or ASUS VivoBook S15, used methods that meet, either literally or equivalently, every element of at least claims 10 and 16 of the '981 patent.

100. The users of ASUS's mobile devices that include the Microsoft voice assist functionality, benefited from each element of the claimed methods because each step was necessary to provide location-dependent information from a social network database in response to the users' spoken requests.

101. To ensure that the above reference to restaurants is not construed as a limitation on the types of spoken requests, and merely by way of illustration and not limitation, the spoken requests captured by this Count include location-dependent information concerning other types of entertainment (*e.g.*, theaters), business establishments (*e.g.*, gas stations), services, medical providers and contractors.

ASUS's Active Inducement of Its Users' Direct Infringements

102. Upon information and belief, ASUS provides its customers and/or users of its mobile devices with systems, instructions, equipment, encouragement and the capability to directly infringe the '981 patent.

103. Upon information and belief, at least as of the date of service of this Complaint, ASUS is aware that the users of its mobile devices that have the Microsoft voice assist functionality, such as ASUS VivoTab 8 and ASUS VivoBook S15, use systems and methods that meet, either literally or equivalently, every element of at least claims 1, 10 and 16 of the '981 patent.

104. To the extent that ASUS does not cease these infringing activities immediately, it is encouraging users of its mobile devices to continue to infringe the '981 patent.

105. Upon information and belief, ASUS will benefit from these ongoing infringements because ASUS will continue to generate revenue by selling and offering to sell to user mobile devices with these infringing capabilities.

106. As of the date of service of this Complaint, these acts constitute ASUS's active inducement of its users' direct infringement of at least claims 1, 10 and 16 of the '981 patent.

JURY DEMAND

Plaintiffs hereby request a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against ASUS, along with its subsidiaries, affiliates, agents, servants, employees, and all others in active concert or participation with them granting the following relief:

(a) Judgment that ASUS infringes, and has infringed the ‘981 patent, either directly, by inducement, or by virtue of ASUS’s vicarious liability for the acts of others, and/or under the Doctrine of Equivalents;

(b) A permanent injunction against ASUS and its officers, agents, servants, employees, successors, assigns, parents, subsidiaries, affiliates, and all others controlling, controlled by, affiliated with, in privity with, or in active concert or participation with them from infringing, contributing to, or inducing infringement of the ‘981 patent;

(c) An accounting for damages due to ASUS’s infringements;

(d) An award to Plaintiff in an amount determined at trial which is adequate to compensate it for ASUS’s infringement of the '981 Patent;

(e) A finding that this case is exceptional;

(f) Prejudgment interest and costs on any award;

(g) An order requiring the reimbursement of Plaintiff’s attorney fees under 35 U.S.C. § 285; and

(h) Such other and further relief as the Court deems just and equitable.

Respectfully Submitted,

Dated: February 8, 2019

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