

RuyakCherian LLP  
1936 University Avenue, Suite 350  
Berkeley, CA 94704

1 KORULA T. CHERIAN (SBN 133697)  
ROBERT M. HARKINS, JR. (SBN 179525)  
2 DON F. LIVORNESE (SBN 125934)  
RUYAKCHERIAN, LLP  
3 1936 University Ave, Suite 350  
Berkeley, CA 94704  
4 Telephone: (510) 944-0190  
bobh@ruyakcherian.com  
5

6 STEVEN G. HILL (admitted pro hac vice)  
JOHN L. NORTH (admitted pro hac vice)  
7 VIVEK GANTI (admitted pro hac vice)  
MARTHA L. DECKER (admitted pro hac vice)  
8 HILL, KERTSCHER & WHARTON, LLP  
3350 Riverwood Parkway  
9 Atlanta, Georgia 30339  
Telephone: (770) 953-0995  
10 Facsimile: (770) 953-1358  
sgh@hkw-law.com  
11

*Attorneys for Plaintiff*  
Interactive Play Devices LLC  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

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16 INTERACTIVE PLAY DEVICES LLC, a  
17 Texas limited liability company,

18 Plaintiff,

19 v.

20 WONDER WORKSHOP, INC. a  
21 Delaware corporation,

22 Defendant.  
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28

Case No. 3:19-cv-00850-WHA

**FIRST AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT**

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

1  
2 1. This is an action for patent infringement under 35 U.S.C. § 271, *et*  
3 *seq.*, by Interactive Play Devices LLC (“IPD”) against Wonder Workshop, Inc.  
4 (“Wonder Workshop” or the “Defendant”) for infringement of U.S. Patent No.  
5 7,491,108 (the “‘108 Patent”), U.S. Patent No. 7,491,111 (the “‘111 Patent”) and  
6 U.S. Patent No. 7,018,265 (the “‘265 Patent”). A true and correct copy of the  
7 ‘108 Patent is attached hereto as **Exhibit A**. A true and correct copy of the ‘111  
8 Patent is attached hereto as **Exhibit B**. A true and correct copy of the ‘265 Patent  
9 is attached hereto as **Exhibit C**. Collectively, these patents are referred to herein  
10 as the “Ghaly Patents.”

11 **THE PARTIES**

12 2. IPD is a limited liability company formed under the laws of Texas.  
13 IPD is the owner by assignment of the Ghaly Patents, which assignment permits  
14 IPD to pursue causes of action for infringement, and to collect money damages  
15 owed for past infringement.

16 3. Upon information and belief, Wonder Workshop, Inc. is a Delaware  
17 Corporation with a principal office located in this judicial district at 1500 Fashion  
18 Island Boulevard, #200, San Mateo, California, 94404.

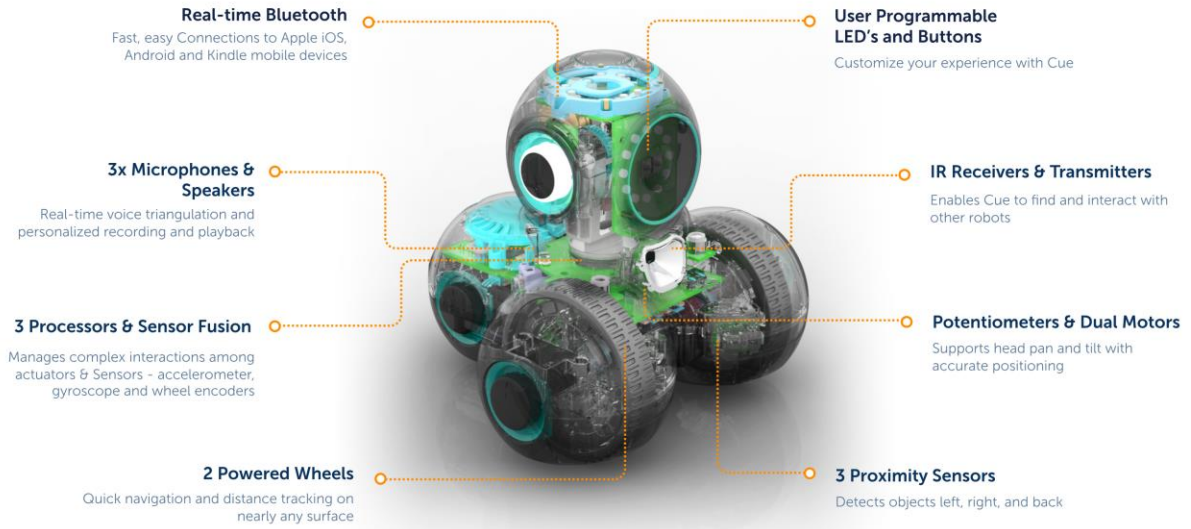
19 4. Wonder Workshop is in the business of selling and offering for sale  
20 in the United States, including at stores physically located in this judicial district,  
21 the infringing products, as explained in greater detail below.

22 5. Wonder Workshop has offered for sale, sold and/or is presently  
23 offering for sale and selling interactive robotic products, including, at least, the  
24 CUE and DASH interactive robots. The CUE and DASH robots are referred to  
25 herein as the Infringing Products. Other Wonder Workshop products may  
26 infringe as well.

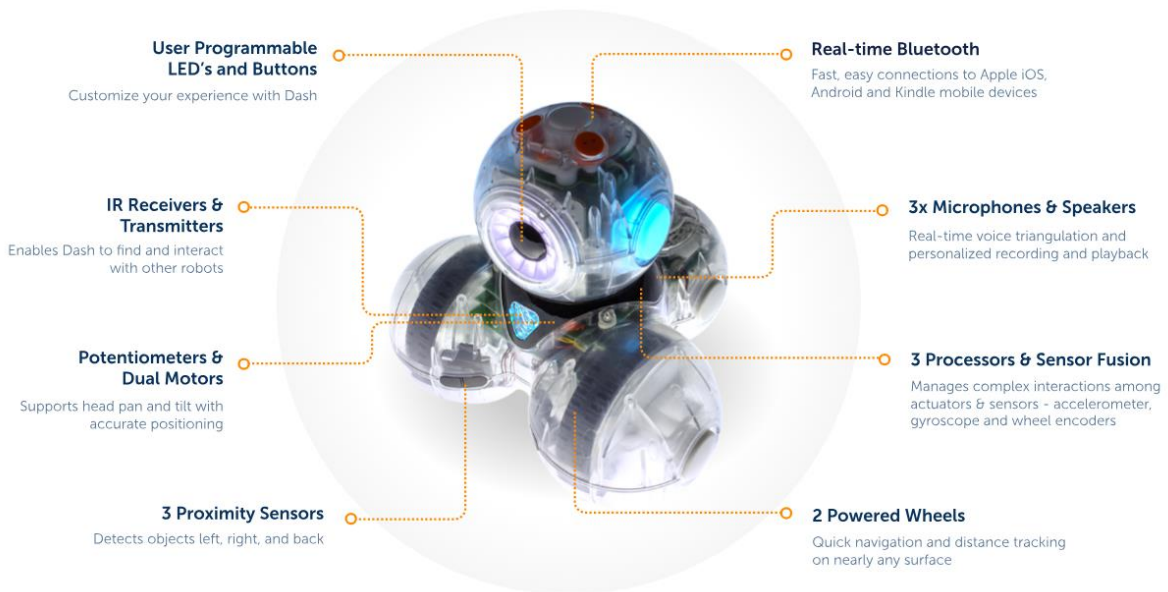
27 6. The Wonder Workshop web site shows the CUE as follows at  
28 <https://www.makewonder.com/robots/cue/>:

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7. The Wonder Workshop web site shows the DASH as follows at <https://www.makewonder.com/robots/dash/>:



8. Wonder Workshop was served the original complaint for patent infringement on February 19, 2019. The original complaint included copies of the Ghaly Patents along with claim charts comparing a claims of these patents to CUE.

9. Wonder Workshop had knowledge of the Ghaly Patents at least as early as February 19, 2019.



1 making, using, offering for sale and/or selling Infringing Products. Venue also is  
2 proper because Wonder Workshop has its principal office located in this district.

3 **COUNT I**  
4 **(Infringement of the '108 Patent)**

5 16. Count I incorporates the contents of the preceding paragraphs 1-10  
6 as if restated fully herein. The infringement analysis set forth herein is based on  
7 one representative claim, but the allegations of infringement are not limited to  
8 this claim.

9 17. As shown in the claim infringement chart attached hereto as **Exhibit**  
10 **D**, which is expressly incorporated herein by reference, Wonder Workshop  
11 products, including but not limited to CUE and any other Wonder Workshop  
12 products that practice all limitations of one or more claims of the '108 patent, are  
13 interactive play devices for interacting between the device and the user  
14 comprising:

15 a housing,

16 a microprocessor with a computer-readable medium encoded with a  
17 computer program to control the operation of the device,

18 a computer program segment that generates a plurality of interactions for  
19 providing interactive effects with the user,

20 at least one of a switch, a pressure switch, a sound activated sensor, a voice  
21 activated module, a speech recognition module, a magnetic sensor, a light  
22 activated sensor, a magnetic sensor, a proximity sensor, a switch on a  
23 remote control apparatus, and an accessory that can be plugged into the  
24 device to enable a user to interact with the device,

25 computer memory to store information related to user's responses to  
26 interactions,

27 a computer program segment that processes user's responses to derive  
28 knowledge information pertaining to how the user has interacted with the  
device, and

a computer program segment that employs said knowledge information to  
control the device to operate in a distinct manner that is different from the  
operation of a similar device with a different knowledge information.

18. Therefore, Wonder Workshop infringes at least one claim of the

1 '108 Patent.

2 19. Because all elements of at least one claim of the '108 Patent are  
3 present in Wonder Workshop products, either literally or under the doctrine of  
4 equivalents, the making, using, past and present sales and offers for sale of such  
5 products, including by not limited to CUE, by Wonder Workshop infringes at  
6 least one claim of the '108 Patent.

7 20. By reason of these acts of infringement, IPD is entitled to an award  
8 of substantial damages in an amount to be determined at trial, including a  
9 reasonable royalty.

10 **COUNT II**  
11 **(Infringement of the '111 Patent)**

12 21. Count II incorporates the contents of the preceding paragraphs 1-10  
13 as if restated fully herein. The infringement analysis set forth herein is based on  
14 one representative claim, but the allegations of infringement are not limited to  
15 this claim.

16 22. As shown in the claim infringement chart attached hereto as **Exhibit**  
17 **E**, which is expressly incorporated herein by reference, Wonder Workshop  
18 products, including but not limited to CUE and any other Wonder Workshop  
19 products that practice all limitations of one or more claims of the '111 patent, are  
20 interactive toy vehicles that provides interactive effects with the user comprising:

21 input control mechanisms to enable a player to control the vehicle, and  
22 interact with the vehicle,

23 a microprocessor with a computer-readable medium encoded with a  
24 computer program to control the operation of the vehicle,

25 a computer program segment to control the operation of the vehicle,

26 computer memory to store information related to user's interactions,

27 a computer program segment that analyzes user's interactions with the  
28 vehicle in order to derive knowledge information that includes at least one  
of pattern of user's interactions with the vehicle, user's preferences in  
interacting with the vehicle, user's habits in interacting with the device, and  
personal information pertaining to the user, and



1 a computer program segment that employs said knowledge information to  
2 operate the vehicle in a plurality of states that imitates human or android  
3 behavior.

4 23. Because all elements of at least one claim of the '111 Patent are  
5 present in Wonder Workshop products, either literally or under the doctrine of  
6 equivalents, the making, using, sale and offer for sale of such products, including  
7 by not limited to CUE, by Wonder Workshop infringes at least one claim of the  
8 '111 Patent.

9 24. As shown another example in the claim infringement chart attached  
10 hereto as **Exhibit G**, which is expressly incorporated herein by reference, DASH  
11 is an interactive toy vehicle that provides interactive effects with the user  
12 comprising:

13 input control mechanisms to enable a player to control the vehicle, and  
14 interact with the vehicle,

15 a microprocessor with a computer-readable medium encoded with a  
16 computer program to control the operation of the vehicle,

17 a computer program segment to control the operation of the vehicle,  
18 computer memory to store information related to user's interactions,

19 a computer program segment that analyzes user's interactions with the  
20 vehicle in order to derive knowledge information that includes at least one  
21 of pattern of user's interactions with the vehicle, user's preferences in  
22 interacting with the vehicle, user's habits in interacting with the device, and  
23 personal information pertaining to the user, and

24 a computer program segment that employs said knowledge information to  
25 operate the vehicle in a plurality of states that imitates human or android  
26 behavior.

27 25. Because all elements of at least one claim of the '111 Patent are  
28 present in DASH, either literally or under the doctrine of equivalents, the making,  
using, sale and offer for sale of DASH by Wonder Workshop infringes at least  
one claim of the '111 Patent.

26 26. By reason of these infringing activities of Wonder Workshop, IPD is  
27 entitled to recover substantial damages in an amount to be determined at trial,  
28 including a reasonable royalty.

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**COUNT III**  
**(Infringement of the '265 Patent)**

27. Count III incorporates the contents of the preceding paragraphs 1-10 as if restated fully herein. The infringement analysis set forth herein is based on one representative claim, but the allegations of infringement are not limited to this claim.

28. As shown in the claim infringement chart attached hereto as **Exhibit F**, which is expressly incorporated herein by reference, Wonder Workshop products, including but not limited to CUE and any other Wonder Workshop products that practice all limitations of one or more claims of the '265 patent, are toy vehicles comprising:

- vehicle body having a plurality of wheels,
- motor driving at least one wheel of the vehicle,
- input control mechanisms to enable a player to control the vehicle, and interact with the vehicle,
- a microprocessor or a micro-controller to control the operation of the vehicle, and
- a control logic executed on the processor that controls the operation of the vehicle independent of control signals received from said input control mechanisms, and which includes an algorithm that employs at least one of a random function, and a function that determines if the manner in which a user interacts with the vehicle is consistent with past interactions.

29. Because all elements of at least one claim of the '265 Patent are present in Wonder Workshop products, either literally or under the doctrine of equivalents, the making, using, sale and offer for sale of such products, including by not limited to CUE, by Wonder Workshop infringes at least one claim of the '265 Patent.

30. As shown another example in the claim infringement chart attached hereto as **Exhibit H**, which is expressly incorporated herein by reference, DASH



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1 is a toy vehicle comprising:

2 vehicle chassis or frame having a plurality of wheels, motor driving at least  
3 one wheel of the vehicle,

4 input control means, which includes at least one of a switch, a sound  
5 activated sensor, a voice activated module, a speech recognition module, a  
6 light activated sensor, and a magnetic sensor, to enable a player to control  
7 the vehicle, and interact with the vehicle, and

8 additional means to control the operation of the vehicle, and which causes  
9 the vehicle, at certain times, to function in a manner that is different from  
10 its normal operation when it is responsive to said input control means.

11 31. Because all elements of at least one claim of the '265 Patent are  
12 present in each DASH, either literally or under the doctrine of equivalents, the  
13 making, using, sale and offer for sale of DASH by Wonder Workshop infringes  
14 at least one claim of the '265 Patent.

15 32. By reason of these infringing activities of Wonder Workshop, IPD is  
16 entitled to recover substantial damages in an amount to be determined at trial,  
17 including a reasonable royalty.

### 18 **PRAYER FOR RELIEF**

19 WHEREFORE, IPD respectfully requests the Court to enter judgment as  
20 follows:

21 A. That Defendant has directly infringed the Ghaly Patents;

22 B. That Defendant be ordered to pay damages adequate to compensate  
23 IPD for its infringement of the Ghaly Patents, but in no event less than a  
24 reasonable royalty, together with prejudgment and post-judgment interest  
25 thereon;

26 C. That Defendant be ordered to account for any post-verdict  
27 infringement and pay no less than a reasonable royalty, together with interest,  
28 thereon;

D. That Defendant has willfully infringed the Ghaly Patents at least as  
early as the service of the original complaint and that damages be enhanced  
accordingly pursuant to 35 U.S.C. §284;

1 E. That IPD be granted such other and additional relief as the Court  
2 deems just and proper.

3 **Jury Demand**

4 IPD hereby demands a jury trial as to all issues so triable.

5 DATED this 21st day of March, 2019.

6 RuyakCherian, LLP

7  
8 */s/ Robert Harkins*  
9 Korula T. Cherian, Cal. Bar No. 133697  
10 Robert Harkins, Cal. Bar No. 179525  
11 Don F. Livornese, Cal. Bar No. 125934  
12 RUYAKCHERIAN LLP  
13 1936 University Ave, Ste 350  
14 Berkeley, CA 94704  
15 Telephone: (510) 944-0190  
16 bobh@ruyakcherian.com

17 Steven G. Hill (admitted pro hac vice)  
18 John L. North (admitted pro hac vice)  
19 Vivek Ganti (admitted pro hac vice)  
20 Martha L. Decker (admitted pro hac vice)  
21 HILL, KERTSCHER, & WHARTON, LLP  
22 3350 Riverwood Parkway  
23 Atlanta, Georgia 30339  
24 Telephone: (770) 953-0995  
25 Facsimile: (770) 953-1358  
26 Email: sgh@hkw-law.com  
27 jln@hkw-law.com  
28 vg@hkw-law.com  
m@hkw-law.com

*Attorneys for Plaintiff*  
*Interactive Play Devices, LLC*

RuyakCherian LLP  
1936 University Avenue, Suite 350  
Berkeley, CA 94704