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14 SRK TECHNOLOGY LLC

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 SRK TECHNOLOGY LLC,
18 a Delaware Limited Liability Corporation,

19 Plaintiff,

20 v.

21 SNAP, INC.,
22 a Delaware Corporation,

23 Defendant.
24

CASE NO.

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 California, and otherwise purposefully directs infringing activities to this District in
2 connection with the Snapchat application.

3 **JURISDICTION AND VENUE**

4 3. This is an action for patent infringement arising under the patent laws
5 of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this
6 action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367 and 35 U.S.C. §§ 271
7 *et seq.*

8 4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and
9 1400(b). Snap has regular and established places of business in this District,
10 including at 2772 Donald Douglas Loop North, Santa Monica, California 90405, is
11 deemed to reside in this District, has committed acts of infringement in this District,
12 and/or has purposely transacted business involving the infringing products and
13 services, including the Snapchat application, in this District. On information and
14 belief, a substantial part of the events or omissions giving rise to the claims have
15 occurred in this District.

16 5. This Court has personal jurisdiction over Snap. Snap conducts
17 business and has committed acts of patent infringement and/or has induced acts of
18 patent infringement by others in this District and/or has contributed to patent
19 infringement by others in this District, the State of California, and elsewhere in the
20 United States. Snap conducts continuous and systematic business in this District,
21 including the provision of infringing products and services to the residents of this
22 District that Snap knew would be used within this District, and by soliciting
23 business from the residents of this District. Snap is subject to personal jurisdiction
24 in this Court because, on information and belief, Snap has a regular and established
25 place of business at its offices in this District, including but not limited to its
26 corporate headquarters located in and around Santa Monica, California. Snap
27 holds approximately 485,000 square feet across several locations in and around

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1 Santa Monica and Venice, California.³ Snap has committed and continues to
2 commit acts of infringement in violation of 35 U.S.C. § 271 and has made, used,
3 marketed, distributed, offered for sale, sold, and/or imported infringing products in
4 the State of California, including in this District, and has engaged directly in and/or
5 induced infringing conduct within and directed such conduct at or from this District.
6 On information and belief, Defendant has purposefully and voluntarily placed the
7 Snapchat application into an established stream of commerce with the knowledge
8 and expectation that the infringing products will be sold to and used in this District.
9 The Snapchat application has been and continues to be distributed to, sold in, and
10 used in this District.

11 **PATENTS-IN-SUIT**

12 6. On March 31, 2015, the United States Patent and Trademark Office
13 duly and legally issued the '059 patent, entitled "Adaptive Communication Mode
14 for Recording a Media Message." The '059 patent is valid and enforceable under
15 the United States Patent Laws. SRK is the owner of all rights, title, and interest in
16 and to the '059 patent, with the full and exclusive right to bring suit to enforce the
17 '059 patent, including the right to recover for past infringement. SRK has complied
18 with the requirements of 35 U.S.C. § 287(a). A true and correct copy of the '059
19 patent is attached hereto as Exhibit A.

20 7. On March 27, 2018, the United States Patent and Trademark Office
21 duly and legally issued the '159 patent, entitled "Adaptive Communication Mode
22 for Recording a Media Message." The '159 patent is valid and enforceable under
23 the United States Patent Laws. SRK is the owner of all rights, title, and interest in
24 and to the '159 patent, with the full and exclusive right to bring suit to enforce the
25

26 ³ [https://www.sec.gov/Archives/edgar/data/1564408/000156459019002053/snap-](https://www.sec.gov/Archives/edgar/data/1564408/000156459019002053/snap-10k_20181231.htm)
27 [10k_20181231.htm](https://www.sec.gov/Archives/edgar/data/1564408/000156459019002053/snap-10k_20181231.htm)

1 '159 patent, including the right to recover for past infringement. SRK has complied
2 with the requirements of 35 U.S.C. § 287(a). A true and correct copy of the '159
3 patent is attached hereto as Exhibit B.

4 **FACTUAL ALLEGATIONS**

5 8. On information and belief, Defendant makes, uses, sells, markets,
6 offers to sell, and distributes the infringing Snapchat application in and within the
7 United States, including through digital distribution platforms such as at least the
8 Apple App Store and the Google Play Store (formerly Android Market). On
9 information and belief, Defendant released the first version of the Snapchat
10 application in September 2011. The first version of Snapchat permitted users to
11 capture and share ephemeral messages with other users. On information and belief,
12 Defendant launched a “major update” of the Snapchat application for iOS in
13 December 2012⁴ (and the Snapchat application for Android OS in February 2013⁵)
14 which incorporated a “major new feature: video sharing.” Snapchat touted the
15 “video snaps” update as “Our Biggest Update Yet: v4.0 Phantom!”⁶ The industry
16 praised the new update’s user interface implementation because the “process feels
17 seamless” and use of the interface makes the user “wonder why everything doesn’t
18 record this way.”⁷ In preparing for the release of video snaps, Snapchat recognized
19 the complications presented by “toggling back and forth” between different

20 _____
21 ⁴ <https://techcrunch.com/2012/12/14/snapchat-does-video/>

22 ⁵ [https://techcrunch.com/2013/02/21/ten-days-after-private-beta-launch-snapchat-](https://techcrunch.com/2013/02/21/ten-days-after-private-beta-launch-snapchat-officially-brings-video-to-android/)
23 [officially-brings-video-to-android/](https://techcrunch.com/2013/02/21/ten-days-after-private-beta-launch-snapchat-officially-brings-video-to-android/)

24 ⁶ [https://web.archive.org/web/20121217043951/http://blog.snapchat.com/post/37898](https://web.archive.org/web/20121217043951/http://blog.snapchat.com/post/37898594536/our-biggest-update-yet-v4-0-phantom)
25 [594536/our-biggest-update-yet-v4-0-phantom](https://web.archive.org/web/20121217043951/http://blog.snapchat.com/post/37898594536/our-biggest-update-yet-v4-0-phantom); [https://www.snap.com/en-](https://www.snap.com/en-US/news/page/8/)
26 [US/news/page/8/](https://www.snap.com/en-US/news/page/8/)

27 ⁷ *Id.*
28

1 applications and settings for different interfaces for media capture and input
2 mechanisms.⁸ On December 14, 2012, Snapchat’s “major update” presented a
3 solution to this problem: “Instead of toggling back and forth between a photo and a
4 video setting, we’ve combined them into one button. If you want to take a photo,
5 just tap the button. If you want to capture video, hold the button down. When
6 you’re done recording, lift your finger.”⁹ On information and belief, this user
7 interface has been carried through all versions of the Snapchat application since
8 December 2012 and remains a central feature and the only way to select from
9 different types of snap modes in the Snapchat application.¹⁰ Accordingly, the
10 “Accused Products” comprise each and every Snapchat application made, used,
11 sold, marketed, offered for sale, and distributed by Snap via at least the Apple App
12 Store since December 2012 and the Google Play Store (formerly Android Market)
13 since February 2013.

14 9. On information and belief, the Accused Products include technical
15 functionalities that allow users to capture or record a media message on a
16 communication device such as a smartphone or tablet running iOS or Android
17 mobile operating systems. The Accused Products detect activation of an infringing
18 interface element on the communication device. The Accused Products determine a
19 duration of the activation of the infringing interface element. The Accused Products
20 compare the duration of the activation of the infringing interface element with one
21 or more configurable timing parameters. The Accused Products select, in response
22 to the detection of the activation of the infringing interface element, one of a

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24 ⁸ *Id.*

25 ⁹ *Id.*

26 ¹⁰ <https://support.snapchat.com/en-US/article/capture-a-snap>;
27 <https://support.snapchat.com/en-US/article/how-to-use-snapchat>
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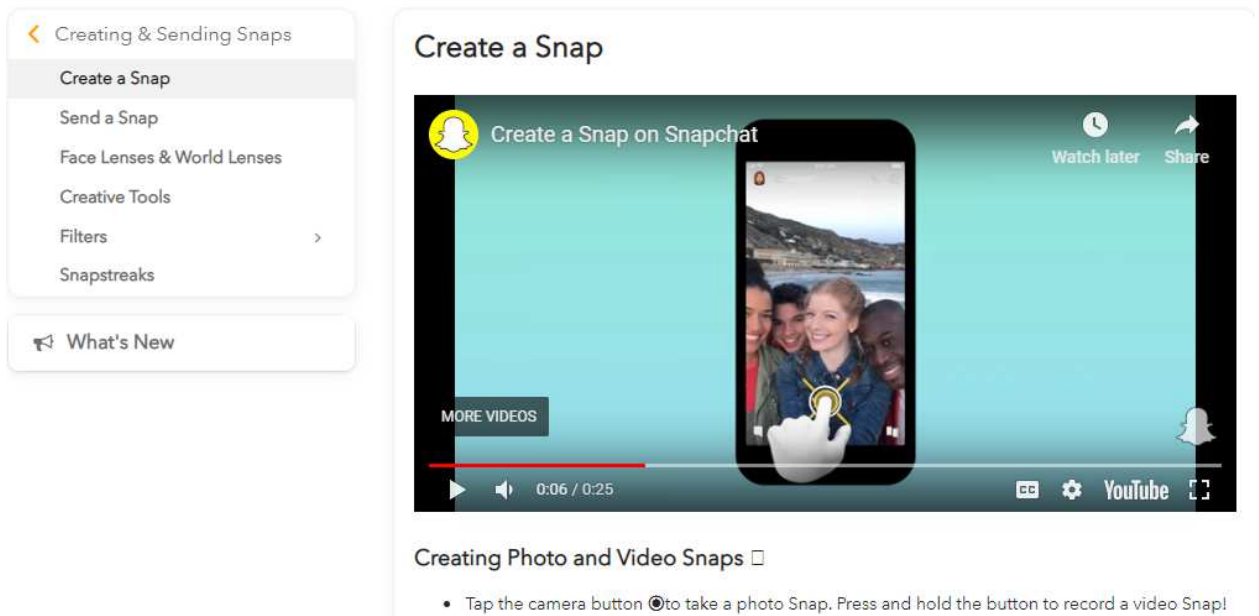
1 plurality of communication modes based on the comparison of the duration of the
2 activation of the infringing interface element the one or more configurable timing
3 parameters.

4 10. On information and belief, the Accused Products include functionalities
5 that allow users to determine communication modes for recording a media message
6 on a communication device such as a smartphone or tablet running the iOS or
7 Android mobile operating systems. The Accused Products provide an adaptive
8 recording application executable by at least one processor configured to record the
9 media message on the communication device. The Accused Products detect
10 activation of an infringing interface element on the communication device for
11 initiating the recording of the media message by the adaptive recording application.
12 The Accused Products determine a duration of the activation of the infringing
13 interface element by the adaptive recording application. The Accused Products
14 compare the duration of the activation of the infringing interface element with one
15 or more configurable timing parameters by the adaptive recording application.
16 The Accused Products select, in response to the detection of the activation of the
17 infringing interface element, one of a plurality of communication modes for
18 recording the media message by the adaptive recording application based on the
19 comparison of the duration of the activation of the infringing interface element with
20 the one or more configurable timing parameters.

21 11. For example, on information and belief, the Accused Products include
22 each and every version of the Snapchat application made, used, sold, marketed,
23 offered for sale, and distributed by Snap via at least the Apple App Store since
24 December 2012 and the Google Play Store (formerly Android Market) since
25 February 2013. The Snapchat application is an adaptive recording application with
26 at least two communication modes, photo snap and video snap. Once a user installs
27 and signs-in, the Snapchat application opens to a camera interface that includes an
28 infringing interface element. The infringing interface element is selectable to

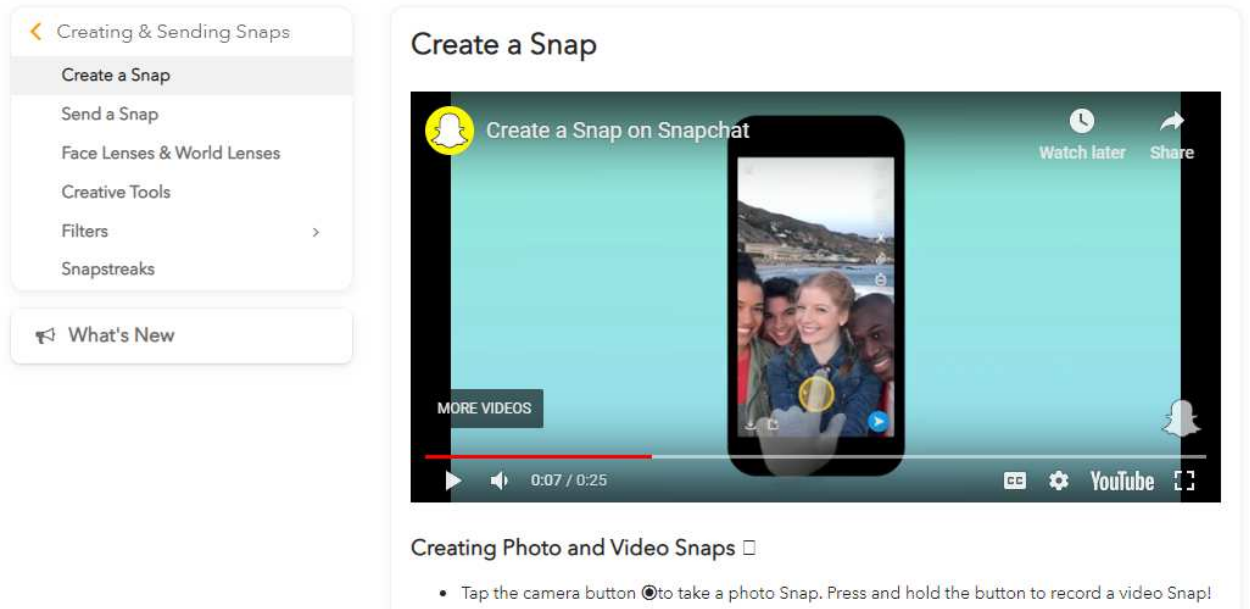
activate at least two communication modes. One communication mode permits the user of the Snapchat application to capture and send a photo to one or more other users. Another communication mode permits the user to capture and send a video.

12. When a user opens the Snapchat application and taps on the infringing interface element for a short duration, the user's tap (as opposed to a press and hold for a longer duration) activates a first communication mode referred to as a photo snap. Below are two consecutive screenshots taken from a video provided by Snap on its website instructing users to create photo snaps using the infringing interface element.¹¹ The below screenshots depict a user tapping the infringing interface element by placing a finger within the bounds of the infringing interface element and removing the finger from the infringing interface element within a short amount of time.



See <https://support.snapchat.com/en-US/a/capture-a-snap>.

¹¹ See <https://support.snapchat.com/en-US/a/capture-a-snap>;
https://www.youtube.com/watch?time_continue=11&v=oG78mWQnY1w



See <https://support.snapchat.com/en-US/a/capture-a-snap>. The tap on the infringing interface element depicted above results in the activation of a “photo snap” communication mode. When the user presses and holds the infringing interface element for a longer duration (as opposed to the brief tap as described above), the user’s press and hold interaction with the infringing interface element activates a second communication mode referred to as a video snap. Below are two consecutive screenshots taken from video provided by Snap on its website instructing users to create video snaps by pressing and holding on the same infringing interface element.

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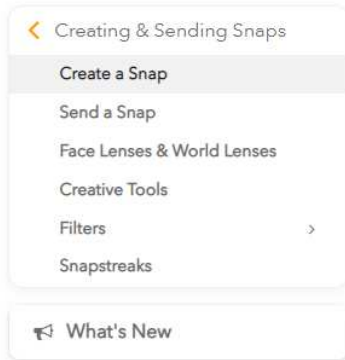
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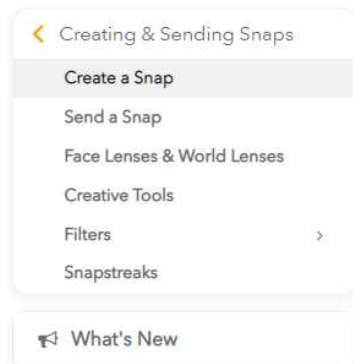
Create a Snap



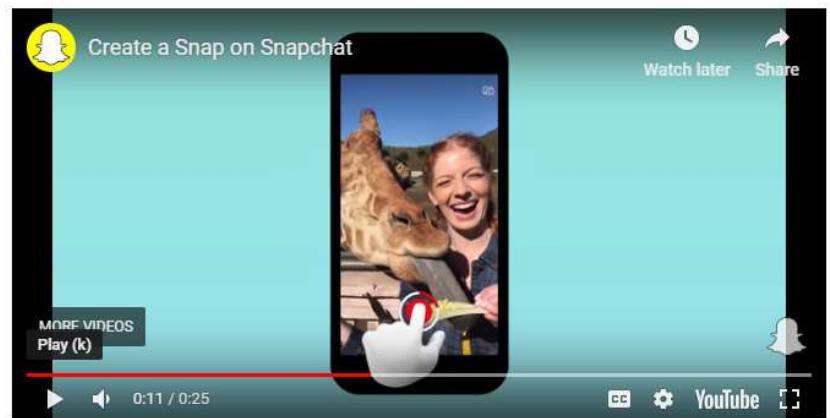
Creating Photo and Video Snaps

- Tap the camera button to take a photo Snap. Press and hold the button to record a video Snap!

See <https://support.snapchat.com/en-US/a/capture-a-snap>.



Create a Snap



Creating Photo and Video Snaps



- Tap the camera button to take a photo Snap. Press and hold the button to record a video Snap!

See <https://support.snapchat.com/en-US/a/capture-a-snap>. The above press-and-hold selection, *e.g.*, a two second press and hold, on the infringing interface element results in the activation of a video snap communication mode. As shown below, Snap also includes a multi snap communication mode in which a user can hold the infringing interface element for longer than 10 seconds to capture multiple video snaps in a row.

Creating Multi Snaps

Need more than 10 seconds to capture the moment? You can take multiple Snaps in a row and choose which ones to send!

To take a Multi Snap...

1. Press and hold the  button on the Camera screen
2. Keep holding the  button even after the time runs out – it'll automatically start recording another Snap!
3. When you're done, your Snaps will appear at the bottom of the screen

See <https://support.snapchat.com/en-US/a/capture-a-snap>. Thus, in addition to the photo snap and video snap communication modes, Snap also includes another communication mode called multi snap that is used for taking a series of videos.

COUNT I

(Infringement of the '059 Patent)

13. Paragraphs 1 through 12 are incorporated herein by reference as if fully set forth in their entireties.

14. SRK has not licensed or otherwise authorized Snap to make, use, offer for sale, sell, or import any Accused Products that embody the inventions of the '059 patent.

15. Snap has and continues to directly infringe at least claims 1 and 30 of the '059 patent, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States the Accused Products without authority and in violation of 35 U.S.C. § 271(a). Snap makes, uses, distributes, sells, and offers for sale the Snapchat application via at least the Apple App Store and the Google Play Store (formerly Android Market). Snap has made, used, distributed, sold, and offered for sale the infringing versions of the Snapchat application via at least the Apple App Store since December 2012 and the Google Play Store (formerly Android Market) since February 2013. On information and belief, the Snapchat application includes a method for determining a

1 communication mode for recording a media message on a communication device
2 such as an iOS-based or Android-based smartphone or tablet as recited in claim 1 of
3 the '059 patent.

4 16. On information and belief, the Snapchat application includes a method
5 for *providing an adaptive recording application executable by at least one*
6 *processor configured to record said media message on said communication device.*

7 The Snapchat application is an adaptive recording application with a number of
8 communication modes, including but not limited to photo snap, video snap, and
9 multi snap communication modes. The Snapchat application is configured to be
10 installed on an iOS-based or Android-based device after downloading the Snapchat
11 application from at least the Apple App Store or Google Play Store (formerly
12 Android Market).

13 17. On information and belief, the Snapchat application includes a method
14 for *detecting activation of an interface element on said communication device for*
15 *initiating said recording of said media message by said adaptive recording*
16 *application.* On information and belief, the Snapchat application detects the touch
17 activation by a user on an infringing interface element of the user interface. The
18 Snapchat application opens to a user interface which includes a camera interface
19 with an infringing interface element. The infringing interface element is selectable
20 to activate the photo snap, video snap, and multi snap communication modes.
21 Activation of the photo snap communication mode initiates the capture of a photo or
22 still image message. Activation of the video snap communication mode initiates the
23 capture of a video message. Activation of the multi snap communication mode
24 initiates the capture of a series of video messages.

25 18. On information and belief, the Snap application includes a method for
26 *determining a duration of said activation of said interface element by said adaptive*
27 *recording application.* On information and belief, the Snapchat application detects

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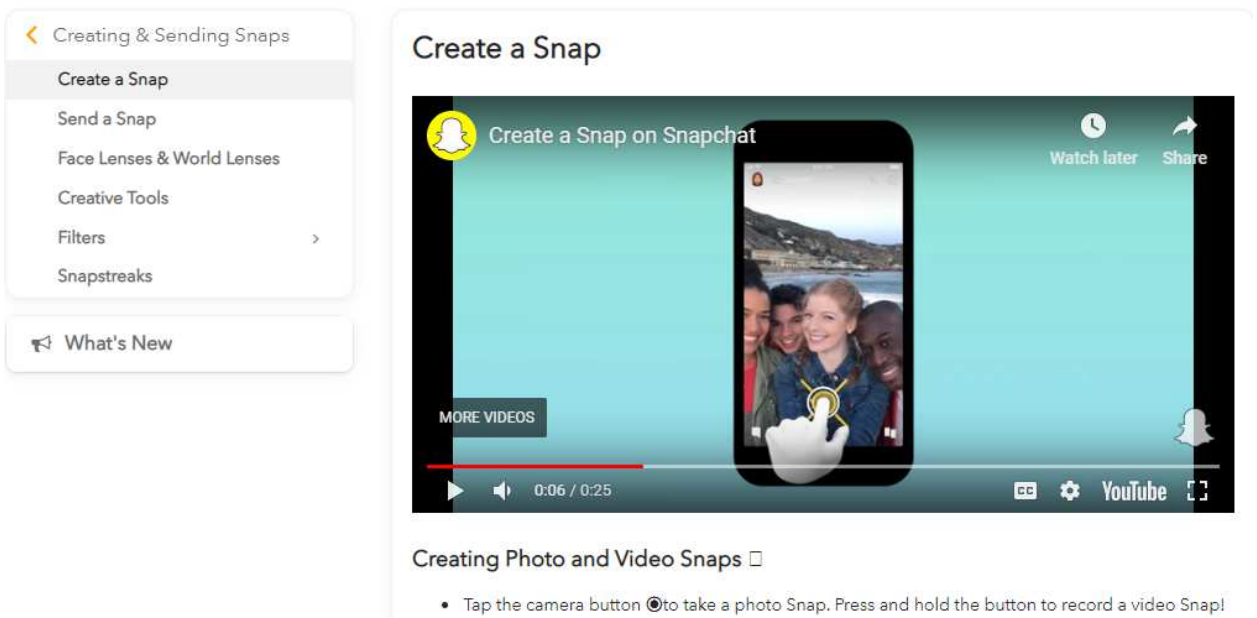
1 a user input on the infringing interface element and determines the length or
2 duration of the user input.

3 19. On information and belief, the Snapchat application includes a method
4 for *comparing said duration of said activation of said interface element with one or*
5 *more configurable timing parameters by said adaptive recording application.* The
6 Snapchat application uses the length or duration of the user input, such as a finger
7 touch on the portion of the user interface displayed on the communication device's
8 display to activate the infringing interface element in a manner that selects one of
9 several communication modes such as the photo snap, video snap, and multi snap
10 communication modes. On information and belief, the selection of one of several
11 communication modes is based on a comparison of the length or duration of the user
12 input with configurable timing parameters.

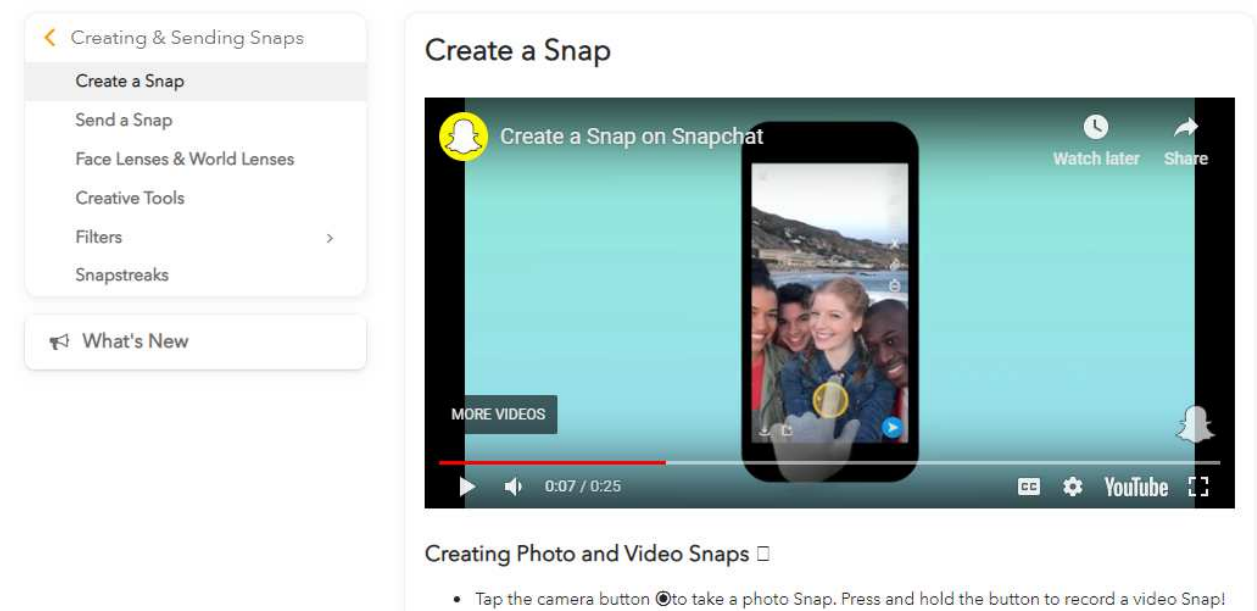
13 20. On information and belief, the Snapchat application includes a method
14 for *selecting, in response to said detection of said activation of said interface*
15 *element, one of a plurality of communication modes for recording said media*
16 *message by said adaptive recording application based on said comparison of said*
17 *duration of said activation of said interface element with said one or more*
18 *configurable timing parameters.* Based on the length or duration of the user input
19 on the infringing interface element in the Snapchat application, a communication
20 mode such as photo snap, video snap, or multi snap is selected and activated by the
21 user. For example, when a user opens the Snapchat application and taps on the
22 infringing interface element for a short duration, the user's tap (as opposed to a
23 press and hold for a longer duration) activates a first communication mode referred
24 to as a photo snap. Below are two consecutive screenshots taken from a video
25 provided by Snap on its website instructing users to create photo snaps using the
26 infringing interface element. The below screenshots depict a user tapping the
27 infringing interface element by placing a finger within the bounds of the infringing

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interface element and removing the finger from the infringing interface element within a short amount of time.

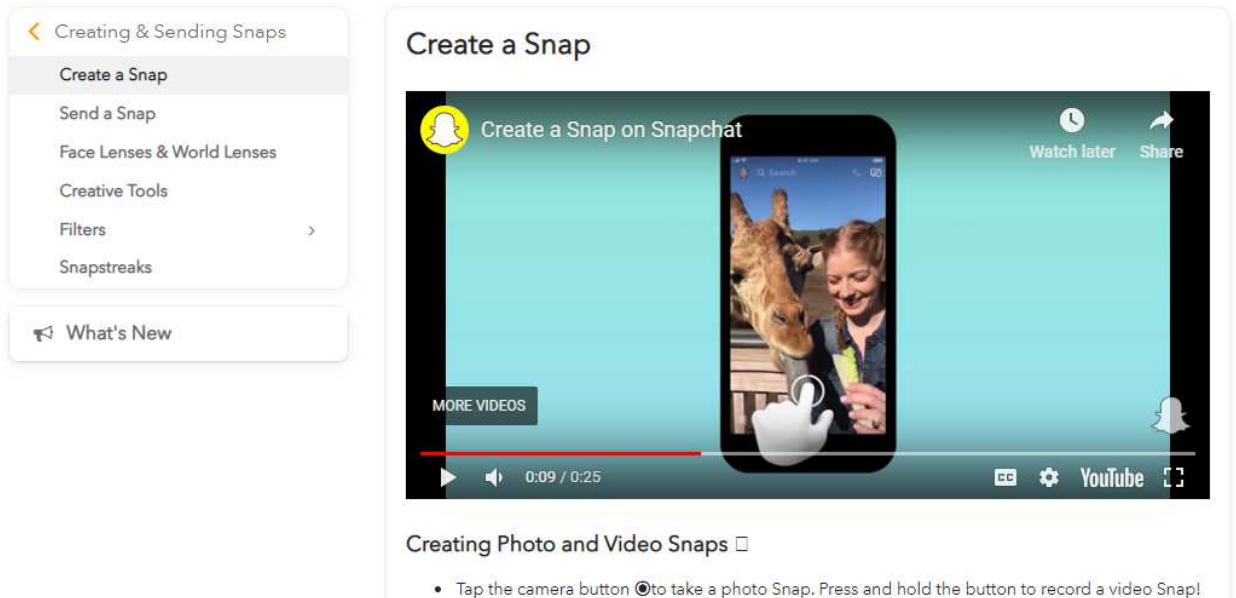


See <https://support.snapchat.com/en-US/a/capture-a-snap>.

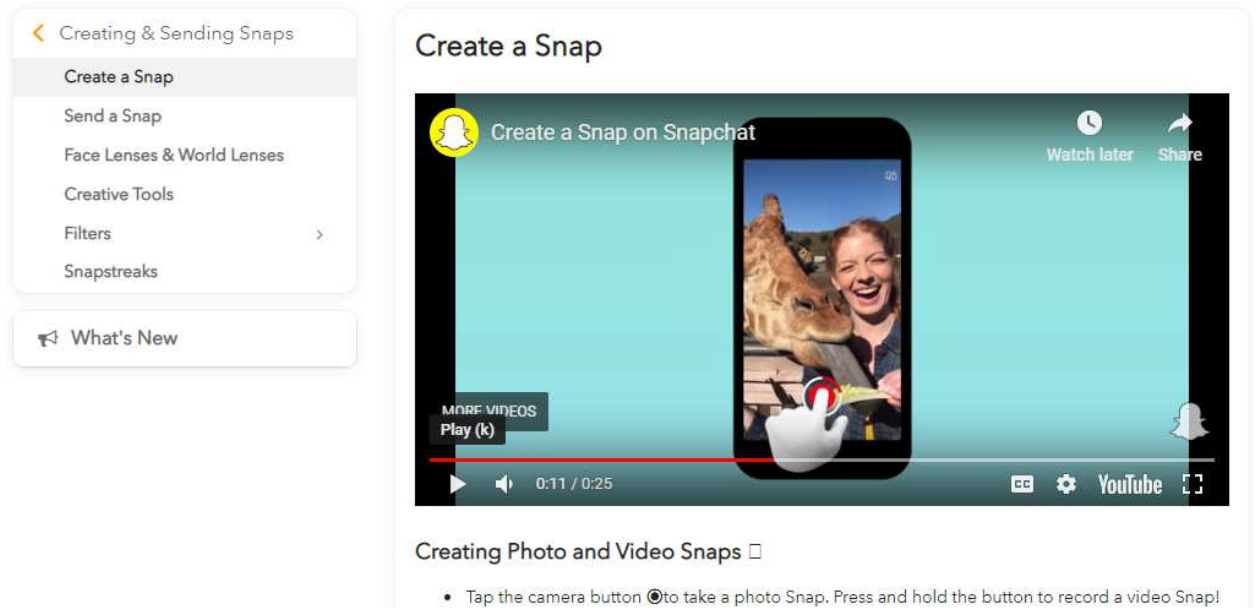


See <https://support.snapchat.com/en-US/a/capture-a-snap>. The above tap on the infringing interface element results in the activation of a “photo snap” communication mode. When the user presses and holds the infringing interface element for a longer duration (as opposed to the brief tap as described above), the user’s press and hold interaction with the infringing interface element activates a

second communication mode referred to as a video snap. Below are two consecutive screenshots taken from video provided by Snap on its website instructing users to create video snaps by pressing and holding on the same infringing interface element.



See <https://support.snapchat.com/en-US/a/capture-a-snap>.





See <https://support.snapchat.com/en-US/a/capture-a-snap>. The above press-and-hold selection, e.g., a two second press and hold, on the infringing interface element results in the activation of a video snap communication mode. As shown below,

1 Snap also includes a multi snap communication mode in which a user can hold the
 2 infringing interface element for longer than 10 seconds to capture multiple video
 3 snaps in a row.

4 **Creating Multi Snaps** □

5 Need more than 10 seconds to capture the moment? You can take multiple Snaps in a row and choose
 6 which ones to send!

7 **To take a Multi Snap...**

- 8 1. Press and hold the  button on the Camera screen
- 9 2. Keep holding the  button even after the time runs out – it'll automatically start recording another Snap!
- 10 3. When you're done, your Snaps will appear at the bottom of the screen

11 See <https://support.snapchat.com/en-US/a/capture-a-snap>. Thus, in addition to the
 12 photo snap and video snap communication modes, Snap also includes another
 13 communication mode called “multi snap” that is used for taking a series of videos.

14 21. Snap has and continues to indirectly infringe at least claims 1 and 30 of
 15 the '059 patent by actively, knowingly, and intentionally inducing others to directly
 16 infringe, either literally or under the doctrine of equivalents, by making, using,
 17 offering to sell, selling and/or importing into the United States the infringing
 18 Accused Products and by instructing users of the Accused Products to perform
 19 methods claimed in the '059 patent. For example, Snap, with knowledge that the
 20 Accused Products infringe at least claims 1 and 30 of the '059 patent at least as of
 21 the date of this Complaint, actively, knowingly, and intentionally induced, and
 22 continues to actively, knowingly, and intentionally induce, the direct infringement
 23 of at least claims 1 and 30 of the '059 patent in violation of 35 U.S.C. § 271(b).

24 22. For example, Snap has indirectly infringed and continues to indirectly
 25 infringe at least claims 1 and 30 of the '059 patent in the United States because
 26 Snap's customers use the Accused Products, such as the infringing Snapchat
 27 application, in accordance with Snap's instructions and thereby directly infringe at
 28 least claims 1 and 30 of the '059 patent in violation of 35 U.S.C. § 271(a).

1 Snap actively, knowingly, and intentionally instructs its customers to infringe
 2 directly and/or indirectly through training videos, demonstrations, brochures,
 3 installations and/or user guides such as those located at one or more of the
 4 following: support.snapchat.com/en-US; [support.snapchat.com/en-US/a/capture-a-](https://support.snapchat.com/en-US/a/capture-a-snap)
 5 [snap](https://support.snapchat.com/en-US/a/capture-a-snap); <https://support.snapchat.com/en-US/article/how-to-use-snapchat>;
 6 <https://twitter.com/snapchatsupport?lang=en>;
 7 <https://www.youtube.com/user/OfficialSnapchat/>; and
 8 <https://www.youtube.com/watch?v=oG78mWQnY1w&feature=youtu.be>. Snap is
 9 thereby liable for infringement of at least claims 1 and 30 of the '059 patent under
 10 35 U.S.C. § 271(b).

11 23. For example, Snap, on its website, includes instructions for using its
 12 Snapchat application (*e.g.*, [https://support.snapchat.com/en-US/article/how-to-use-](https://support.snapchat.com/en-US/article/how-to-use-snapchat)
 13 [snapchat](https://support.snapchat.com/en-US/article/capture-a-snap); <https://support.snapchat.com/en-US/article/capture-a-snap>). This website,
 14 including the instructional steps and video content, sets forth at least the process by
 15 which a user of the Accused Products, *i.e.*, the infringing Snapchat application, may
 16 perform the steps of at least claims 1 and 30 of the '059 patent as depicted below.

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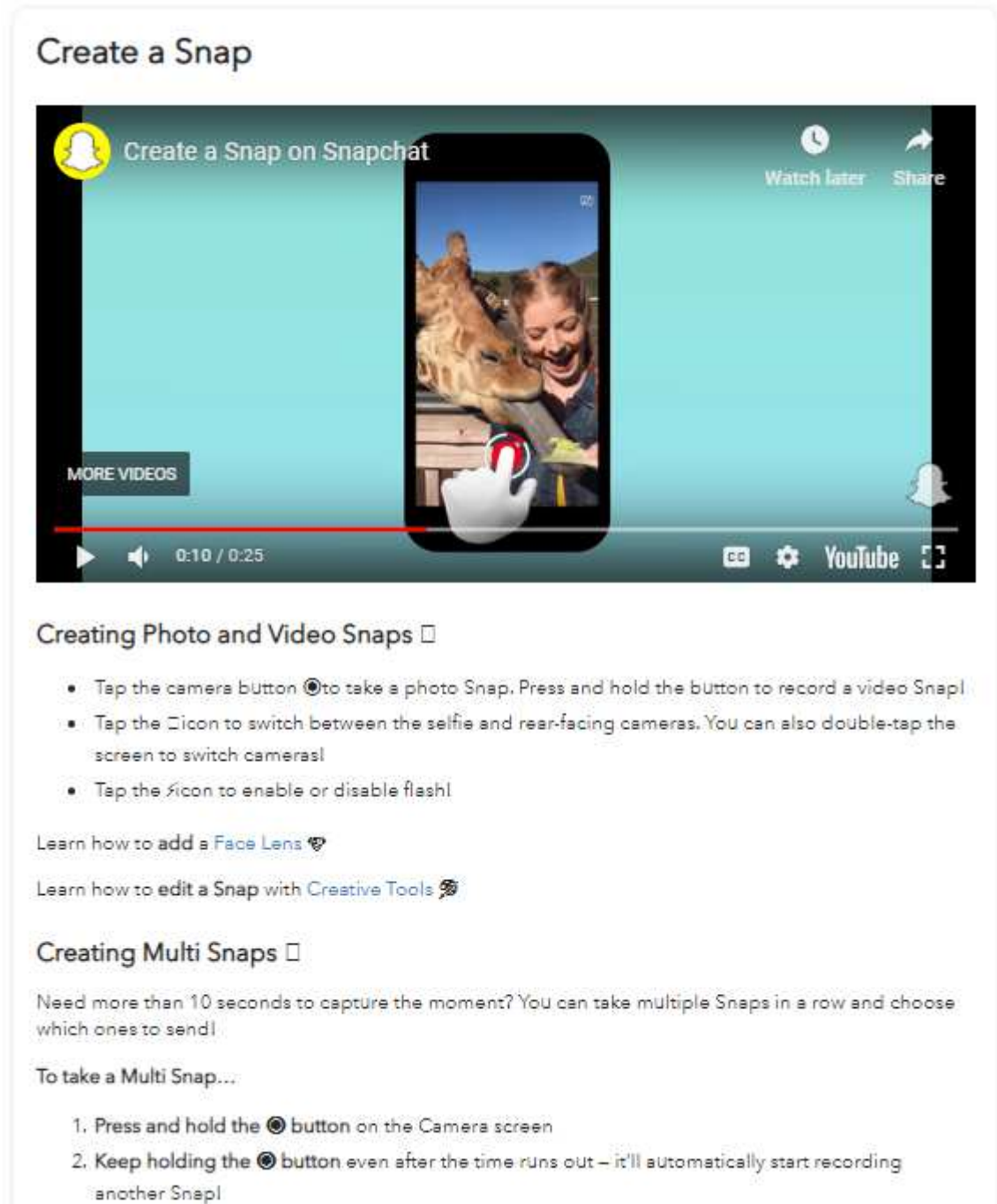
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24. SRK has suffered damages as a result of Snap's direct and indirect infringement of at least claims 1 and 30 of the '059 patent in an amount to be proved at trial.

25. SRK has suffered, and will continue to suffer, irreparable harm as a result of Snap's infringement of at least claims 1 and 30 the '059 patent for which

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1 there is no adequate remedy at law, unless Snap's infringement is enjoined by this
2 Court.

3 26. Snap has committed and continues to commit acts of infringement that
4 Snap actually knew or should have known constituted an unjustifiably high risk of
5 infringement of at least one valid and enforceable claim of the '059 patent. Snap's
6 infringement of the '059 patent has been and continues to be willful, entitling SRK
7 to an award of treble damages, reasonable attorney fees, and costs in bringing this
8 action.

9 **COUNT II**

10 **(Infringement of the '159 Patent)**

11 27. Paragraphs 1 through 12 are incorporated herein by reference as if fully
12 set forth in their entireties.

13 28. SRK has not licensed or otherwise authorized Snap to make, use, offer
14 for sale, sell, or import any Accused Products that embody the inventions of the
15 '159 patent.

16 29. Snap has and continues to directly infringe at least claims 1 and 24 of
17 the '159 patent, either literally or under the doctrine of equivalents, by making,
18 using, offering to sell, selling and/or importing into the United States the Accused
19 Products without authority and in violation of 35 U.S.C. § 271(a). Snap makes,
20 uses, distributes, sells, and offers for sale the Snapchat application via at least the
21 Apple App Store and the Google Play Store (formerly Android Market). Snap has
22 made, used, distributed, sold, and offered for sale the infringing versions of the
23 Snapchat application via at least the Apple App Store since December 2012 and the
24 Google Play Store (formerly Android Market) since February 2013. On information
25 and belief, the Snapchat application includes *a computer implemented method for*
26 *determining a communication mode* as recited in claim 1 of the '159 patent.

27 30. On information and belief, the Snapchat application includes a method
28 for *detecting activation of an interface element on by an application on a*

1 *communication device*. On information and belief, the Snapchat application detects
2 the touch activation by a user on an infringing interface element of the user
3 interface. The Snapchat application is an adaptive recording application with a
4 number of communication modes, including but not limited to photo snap, video
5 snap, and multi snap communication modes on a communication device such as an
6 iOS-based or Android-based smartphone or tablet. The Snapchat application is
7 configured to be installed on an iOS-based or Android-based device after
8 downloading the Snapchat application from at least the Apple App Store or Google
9 Play Store (formerly Android Market). The Snapchat application opens to a user
10 interface which includes a camera interface with an infringing interface element.
11 The infringing interface element is selectable to activate the photo snap, video snap,
12 and multi snap communication modes. Activation of the photo snap communication
13 mode initiates the capture of a photo or still image message. Activation of the video
14 snap communication mode initiates the capture of a video message. Activation of
15 the multi snap communication mode initiates the capture of a series of video
16 messages.

17 31. On information and belief, the Snapchat application includes a method
18 for *determining a duration of said activation of said interface element by said*
19 *application*. On information and belief, the Snapchat application detects a user
20 input on the infringing interface element and determines the length or duration of
21 the user input.

22 32. On information and belief, the Snapchat application includes a method
23 for *comparing said duration of said activation of said interface element with one or*
24 *more configurable timing parameters by said application*. The Snapchat application
25 uses the length or duration of the user input, such as a finger touch on the portion of
26 the user interface displayed on the communication device's display to activate the
27 infringing interface element in a manner that selects one of several communication
28 modes such as the photo snap, video snap, and multi snap communication modes.

1 On information and belief, the selection of one of several communication modes is
2 based on a comparison of the length or duration of the user input with configurable
3 timing parameters.

4 33. On information and belief, the Snapchat application includes a method
5 *for selecting, in response to said detection of said activation of said interface*
6 *element, one of a plurality of communication modes by said application based on*
7 *said comparison of said duration of said activation of said interface element with*
8 *said one or more configurable timing parameters.* Based on the length or duration
9 of the user input on the infringing interface element in the Snapchat application, a
10 communication mode such as photo snap, video snap, or multi snap is selected and
11 activated by the user. For example, when a user opens the Snapchat application and
12 taps on the infringing interface element for a short duration, the user's tap (as
13 opposed to a press and hold for a longer duration) activates a first communication
14 mode referred to as a photo snap. Below are two consecutive screenshots taken
15 from a video provided by Snap on its website instructing users to create photo snaps
16 using the infringing interface element. The below screenshots of the infringing
17 Snapchat application depict a user tapping the infringing interface element by
18 placing a finger within the bounds of the infringing interface element and removing
19 the finger from the infringing interface element within a short amount of time.

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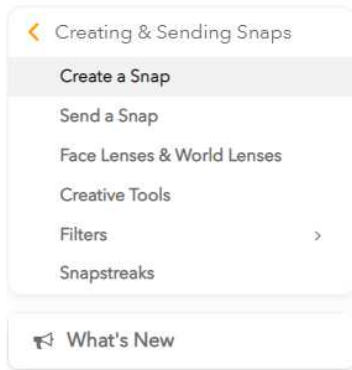
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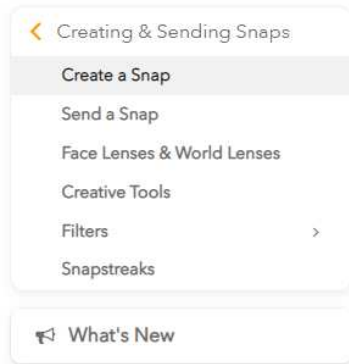
Create a Snap



Creating Photo and Video Snaps

- Tap the camera button  to take a photo Snap. Press and hold the button to record a video Snap!


See <https://support.snapchat.com/en-US/a/capture-a-snap>.



Create a Snap

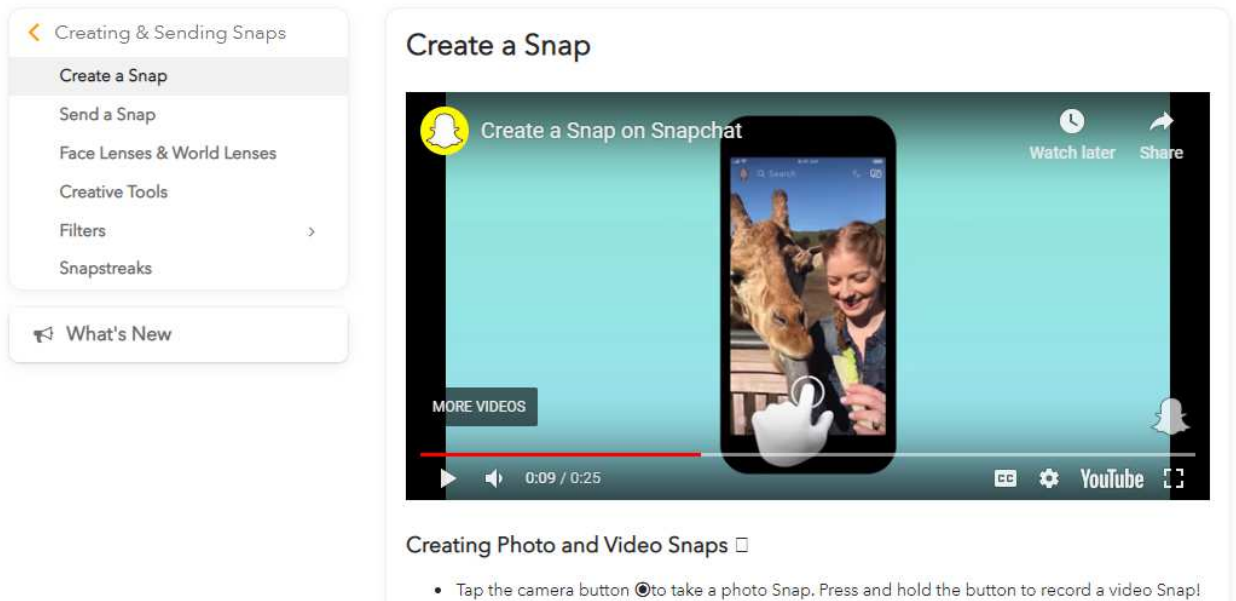


Creating Photo and Video Snaps

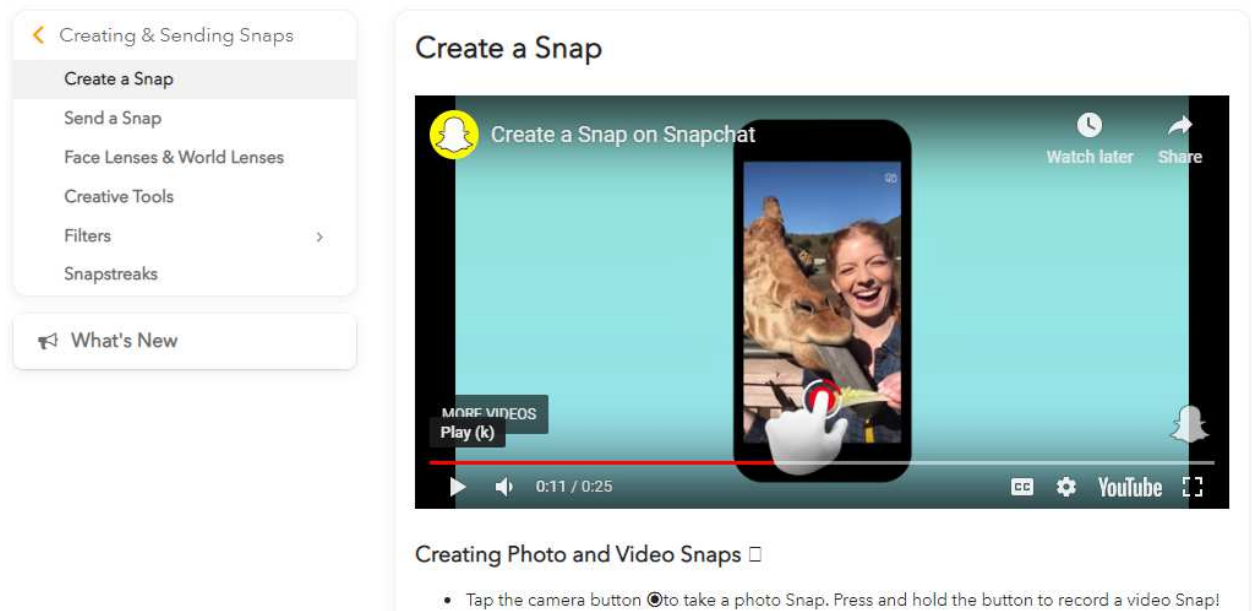
- Tap the camera button  to take a photo Snap. Press and hold the button to record a video Snap!

See <https://support.snapchat.com/en-US/a/capture-a-snap>. The above tap on the infringing interface element results in the activation of a “photo snap” communication mode. When the user presses and holds the infringing interface element for a longer duration (as opposed to the brief tap as described above), the user’s press and hold interaction with the infringing interface element activates a second communication mode referred to as a video snap. Below are two consecutive screenshots of the infringing Snapchat application taken from video

provided by Snap on its website instructing users to create video snaps by pressing and holding on the same infringing interface element.



See <https://support.snapchat.com/en-US/a/capture-a-snap>.





See <https://support.snapchat.com/en-US/a/capture-a-snap>. The above press-and-hold selection, *e.g.*, a two second press and hold, on the infringing interface element results in the activation of a video snap communication mode. As shown below, Snap also includes a multi snap communication mode in which a user can hold the

1 infringing interface element for longer than 10 seconds to capture multiple video
2 snaps in a row.

3 Creating Multi Snaps □

4 Need more than 10 seconds to capture the moment? You can take multiple Snaps in a row and choose
5 which ones to send!

6 To take a Multi Snap...

- 7 1. Press and hold the  button on the Camera screen
- 8 2. Keep holding the  button even after the time runs out – it'll automatically start recording
9 another Snap!
- 10 3. When you're done, your Snaps will appear at the bottom of the screen

11 See <https://support.snapchat.com/en-US/a/capture-a-snap>. Thus, in addition to the
12 photo snap and video snap communication modes, Snap also includes another
13 communication mode called multi snap for taking a series of videos.

14 34. Snap has and continues to indirectly infringe at least claims 1 and 24 of
15 the '159 patent by actively, knowingly, and intentionally inducing others to directly
16 infringe, either literally or under the doctrine of equivalents, by making, using,
17 offering to sell, selling and/or importing into the United States the infringing
18 Accused Products and by instructing users of the Accused Products to use the
19 products and systems and perform methods claimed in the '159 patent. For
20 example, Snap, with knowledge that the Accused Products infringes at least claims 1
21 and 24 of the '159 patent at least as of the date of this Complaint, actively,
22 knowingly, and intentionally induced, and continues to actively, knowingly, and
23 intentionally induce the direct infringement of at least claims 1 and 24 of the '159
24 patent in violation of 35 U.S.C. § 271(b).

25 35. For example, Snap has indirectly infringed and continues to indirectly
26 infringe at least claims 1 and 24 of the '159 patent in the United States because
27 Snap's customers use the Accused Products, such as the infringing Snapchat
28 application, in accordance with Snap's instructions and thereby directly infringe at
least claims 1 and 24 of the '159 patent in violation of 35 U.S.C. § 271(a).

1 Snap actively, knowingly, and intentionally instructs its customers to infringe
2 directly and/or indirectly through training videos, demonstrations, brochures,
3 installations and/or user guides such as those located at one or more of the
4 following: support.snapchat.com/en-US; [support.snapchat.com/en-US/a/capture-a-](https://support.snapchat.com/en-US/a/capture-a-snap)
5 [snap](https://support.snapchat.com/en-US/a/capture-a-snap); <https://support.snapchat.com/en-US/article/how-to-use-snapchat>;
6 <https://twitter.com/snapchatsupport?lang=en>;
7 <https://www.youtube.com/user/OfficialSnapchat/>; and
8 <https://www.youtube.com/watch?v=oG78mWQnY1w&feature=youtu.be>. Snap is
9 thereby liable for infringement of at least claims 1 and 24 of the '159 patent under
10 35 U.S.C. § 271(b).

11 36. For example, Snap, on its website, includes instructions for using its
12 Snapchat application (*e.g.*, [https://support.snapchat.com/en-US/article/how-to-use-](https://support.snapchat.com/en-US/article/how-to-use-snapchat)
13 [snapchat](https://support.snapchat.com/en-US/article/capture-a-snap); <https://support.snapchat.com/en-US/article/capture-a-snap>). This website,
14 including the instructional steps and video content, sets forth at least the process by
15 which a user of the, Accused Products, *i.e.*, the infringing Snapchat application, may
16 perform the steps of at least claims 1 and 24 of the '159 patent as depicted below.

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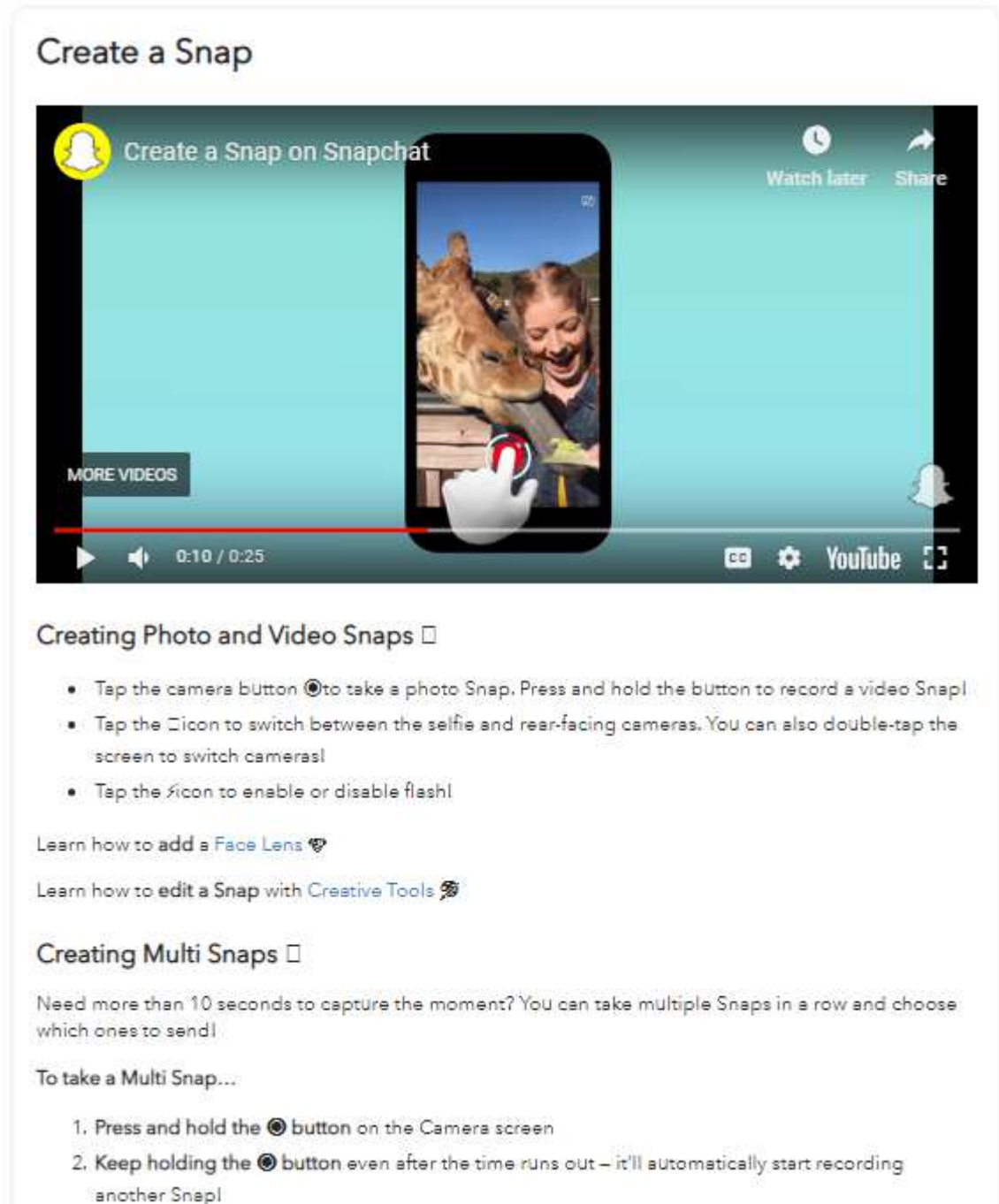
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37. SRK has suffered damages as a result of Snap's direct and indirect infringement of at least claims 1 and 24 of the '159 patent in an amount to be proved at trial.

38. SRK has suffered, and will continue to suffer, irreparable harm as a result of Snap's infringement of at least claims 1 and 24 the '159 patent for which

1 there is no adequate remedy at law, unless Snap's infringement is enjoined by this
2 Court.

3 39. Snap has committed and continues to commit acts of infringement that
4 Snap actually knew or should have known constituted an unjustifiably high risk of
5 infringement of at least one valid and enforceable claim of the '159 patent. Snap's
6 infringement of the '159 patent has been and continues to be willful, entitling SRK
7 to an award of treble damages, reasonable attorney fees, and costs in bringing this
8 action.

9 **DEMAND FOR JURY TRIAL**

10 Plaintiff hereby demands a jury for all issues so triable.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff prays for relief against Defendant as follows:

- 13 1. Entry of judgment declaring that Snap has directly and/or indirectly
14 infringed one or more claims of each of the patents-in-suit;
- 15 2. Entry of judgment declaring that Snap's infringement of the patents-in-
16 suit has been willful and deliberate;
- 17 3. An order pursuant to 35 U.S.C. § 283 permanently enjoining Snap, its
18 officers, agents, servants, employees, attorneys, and those persons in active concert
19 or participation with it, from further acts of infringement of the patents-in-suit;
- 20 4. An order awarding damages sufficient to compensate SRK for Snap's
21 infringement of the patents-in-suit, but in no event less than a reasonable royalty,
22 together with interest and costs;
- 23 5. An order awarding SRK treble damages under 35 U.S.C. § 284 as a
24 result of Snap's willful and deliberate infringement of the patents-in-suit;
- 25 6. Entry of judgment declaring that this case is exceptional and awarding
26 SRK its costs and reasonable attorney fees under 35 U.S.C. § 285; and

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7. Such other and further relief as the Court deems just and proper.

DATED: April 3, 2019

Respectfully submitted,

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