

1 2. U.S. Patent No. 8,983,264, titled “Methods, systems, and computer program
2 products for coordinating playing of media streams” (the “’264 Patent”), HP infringes
3 patent claims 63 and 67 (HP Chromebooks) in this lawsuit;

4 3. U.S. Patent No. 9,423,954, titled “Graphical user interface methods, systems, and
5 computer program products” (the “’954 Patent”), infringes patent claim 14 (HP
6 Chromebooks) in this lawsuit;

7 4. US. Patent No. 9,817,558, titled “Methods, systems, and computer program
8 products for coordinating playing of media streams” (the ’558 Patent), infringes patent
9 claims 14 and 16 (HP Chromebooks) in this lawsuit; and

10 5. U.S. Patent No. 8,661,361, titled “Methods, systems, and computer program
11 products for navigating between visual components” (the ’361 Patent), infringes patent
12 claims 17, 50, 79, 97, 98, 99, 158, 159, and 163 (HP Chromebooks) in this lawsuit.

13 **NATURE OF THE SUIT**

14 1. This is a claim for patent infringement arising under the patent laws of the United States,
15 Title 35 of the United States Code.

16 **PARTIES**

17 2. Plaintiff Cypress Lake Software, Inc., is a Texas company with its principal place of
18 business at 318 W. Dogwood Street, Woodville, TX 75979. Cypress is the sole owner and only
19 assignee of the Patents-in-Suit.

20 3. On information and belief, HP Inc. is a company organized and existing under the laws of
21 Delaware. HP Inc. may be served through its registered agent, CT Corporation System, at 1999
22 Bryan St., Suite 900, Dallas, TX 75201-3136.

23 **JURISDICTION AND VENUE**

24 4. This lawsuit is a civil action for patent infringement arising under the patent laws of the
25 United States, 35 U.S.C. § 101 *et seq.* The Court has subject-matter jurisdiction pursuant to 28
26 U.S.C. §§ 1331, 1332, 1338(a), and 1367.

27 5. The Court has personal jurisdiction over Defendant as it specifically filed a writ to the
28 Court of Appeals to the Federal Circuit to overcome a well-reasoned order at the District Court

1 level to choose its preferred location, the United States District Court for the Northern District of
2 California.

3 6. Defendant has partnered with numerous resellers and distributors to sell and offer for sale
4 infringing products to consumers in this District and also in Texas, both online and in stores (*see*,
5 *e.g.*, Exhibit A); Defendant operates a website that solicits sales of infringing products by
6 consumers in this District and also in Texas (*see* Exhibits B & C); Defendant wants to be in this
7 district, so of course it will not offend traditional notions of fair play and substantial justice.

8 7. In addition to the facts above, Venue is proper in this judicial district under 28 U.S.C. §§
9 1391(b)-(c) and 1400(b) because Defendant does business in this District and in the Eastern
10 District of Texas.

11 8. Venue was proper over Defendant HP because it has a regular and established business
12 the United States District Court for the Eastern District of Texas. For example, HP has at least
13 two physical locations in this District: (1) 5400 Legacy Dr., Plano, TX 75024 and (2) 6901
14 Windcrest Dr., Plano, TX 75024.



25 *(HP's Campus in Plano, Texas)*

26 9. HP represents, both internally and externally, that it has a presence in the Eastern District
27 of Texas. For example, HP publishes news articles that advertise its activities in that District. In
28

1 one article, HP advertised “the opening of HP’s Sales University, a multimillion-dollar training
2 facility” with a “campus that spans several thousand square feet at HP’s site in Plano, Texas.”

3 **THE ACCUSED DEVICES**

4 10. Defendant willfully designs, develops and/or manufactures “Chromebook” laptops, laptop
5 computers that employ the Google Chrome operating system (“Accused Devices”) rather than
6 Microsoft Windows Operating System. *See e.g.* Exhibit 1 providing specific models.

7 **COUNT 1:**
8 **INFRINGEMENT OF U.S. PATENT NO. 8,781,299**

9 11. Cypress incorporates by reference the allegations in the paragraphs above.

10 12. The ’299 Patent is valid, enforceable, and was duly and legally issued on July 15, 2014.

11 13. Without a license or permission from Cypress, Defendant has infringed and continues to
12 infringe on claims 10, 11, 12, 13, 19, 22, 24, 26 and 28 of the ’299 Patent—directly,
13 contributorily, or by inducement—by importing, making, using, offering for sale, or selling
14 products and devices that embody the patented invention in one or more of the Accused Devices,
15 in violation of 35 U.S.C. § 271. This patent infringement count is limited to these patent claims
16 specifically identified in this paragraph and no other representation is made as to patent
17 infringement of the additional claims of this patent. This United States District Court has a
18 requirement that Plaintiff reduce its asserted patent claims for trial. Plaintiff in no way forecloses
19 its right to file another patent claim infringement action against Defendant on any non-asserted
20 patent claims.

21 14. Defendant has been and now is directly infringing by, among other things, practicing all
22 of the steps of the ’299 Patent and/or directing, controlling, and obtaining benefits from its
23 partners, distributors and retailers practicing all of the steps of the ’299 Patent. Specifically,
24 Defendant imports the Accused Devices into the United States; has partnered with numerous
25 resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores
26 and websites (*see, e.g.*, Exhibits A, B & C) and generates revenue from sales of the Accused
27 Devices to U.S. customers via those outlets (*see id.*).

28

1 15. Although Cypress is not obligated to identify specific claims or claim elements in its
2 complaint, it does so here for Defendant’s benefit. For example, the Accused Devices infringe at
3 least Claim 28 of the ’299 Patent which teaches

4 An apparatus, comprising:

5 a first presentation device having a touchscreen that is capable of providing
6 access to a plurality of applications including a first media player and a second
7 media player in an execution environment, the first presentation device capable
8 of communication with a second presentation device including a display via a
9 wireless local area network on which the first presentation device resides, where
10 the execution environment presentation focus information is accessible for
11 identifying whether at least one of the first presentation device or the second
12 presentation device is to be utilized for presentation in connection with the
13 applications, the first presentation device configured for:

14 detecting access to the first media player to play a first media stream that includes
15 video;

16 indicating, if the first presentation device is to be utilized for presentation based
17 on the execution environment presentation focus information, that the first media
18 player is allowed to play the first media stream via the first presentation device;
19 indicating, if the second presentation device is to be utilized for presentation
20 based on the execution environment presentation focus information, that the first
21 media player is allowed to play the first media stream via the second presentation
22 device;

23 indicating, if both the first presentation device and the second presentation device
24 are to be utilized for presentation based on the execution environment
25 presentation focus information, that the first media player is allowed to play the
26 first media stream via both the first presentation device and the second
27 presentation device;

28 wherein the apparatus is operable such that a change in presentation focus is
capable of being based on at least one of a releasing of a first presentation focus
in connection with the first media player, a detected user input indication for
giving the second media player a second presentation focus, a change in input
focus, a change in an attribute of a user interface element, a count of media
streams being played, a ranking of media streams being played, a transparency
level of at least one of the user interface element, or another user interface
element sharing a region of a display of the first presentation.

The Accused Devices employ computer software—operating systems and applications—stored in
their non-volatile memory systems (“[a] computer program product embodied on a non-transitory
computer readable medium”). Using various technologies, an Accused Device can play or “cast”

1 its audio and video media, or the contents of its screen, or other application(s), to other enabled
2 devices such as stereos, televisions, projectors, and computers. An Accused Device therefore
3 contains software that cooperates with it (“code for working in association with a first
4 presentation device having a touchscreen”) to provide a user access to multiple applications
5 (“capable of providing access to a plurality of applications”), including at least two media
6 players—e.g., two media playback programs such as Google Home app, Google Play Video,
7 Chrome browser, a combination of a media play program with Chrome OS, etc.—(“including a
8 first media player and a second media player in an execution environment”), and communicate
9 with a television or other display (“the first presentation device capable of communication with a
10 second presentation device including a display”) over its wireless network (“via a wireless local
11 area network on which the first presentation device resides”).

12 16. An Accused Device’s operating system can tell when a user wishes to play a video or
13 movie using a particular program (“code for detecting access to the first media player to play a
14 first media stream that includes video”) and whether the video can be played on the device itself
15 (it contains “code for indicating ... that the first media player is allowed to play the first media
16 stream via the first presentation”), if so desired (“if the first presentation device is to be utilized
17 for presentation device based on the execution environment presentation focus information”).

18 17. An Accused Device can tell the user whether the video can be played on the television or
19 other display (it contains “code for indicating ... that the first media player is allowed to play the
20 first media stream via the second presentation device”), if so desired (“if the second presentation
21 device is to be utilized for presentation based on the execution environment presentation focus
22 information”). An Accused Device can also tell the user whether the video can be played on both
23 the device and the television (“code for indicating ... that the first media player is allowed to play
24 the first media stream via both the first presentation device and the second presentation device”),
25 if so desired (“if both the first presentation device and the second presentation device are to be
26 utilized for presentation based on the execution environment presentation focus information”).

27 18. An Accused Device’s operating system can also switch where a particular video is being
28 displayed, and which video that is (“wherein the computer program product is operable such that

1 a change in presentation focus is”), based on a number of inputs (“capable of being based on at
2 least one of”), including, for example, choosing “Cast” (“detected user input indication for giving
3 the second media player second presentation focus”), selecting “Cast” from the actual Chrome
4 Operating System (“another user interface element sharing a region of a display of the first
5 presentation device”), or perhaps having a higher-priority video or advertisement pop up
6 (“ranking of media streams being played”).

7 19. Defendant has been and now is indirectly infringing by way of inducing infringement by
8 others and/or contributing to the infringement by others of the ‘299 Patent in the State of Texas,
9 in this judicial district, and elsewhere in the United States, by, among other things, making, using,
10 importing, offering for sale, and/or selling, without license or authority, products for use in
11 systems that fall within the scope of one or more claims of the ‘299 Patent. Such products
12 include, without limitation, one or more of the Accused Devices. Such products have no
13 substantial non-infringing uses and are for use in systems that infringe the ‘299 Patent. By
14 making, using, importing offering for sale, and/or selling such products, Defendant injured
15 Cypress and is thus liable to Cypress for infringement of the ‘299 Patent under 35 U.S.C. § 271.
16 Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes
17 are the end users of the Accused Devices. *See Dynacore Holdings Corp. v. U.S. Philips Corp.*,
18 363 F.3d 1263, 1272 (Fed. Cir. 2004). Defendant had knowledge of the ‘299 Patent at least as
19 early as the service of this complaint and is thus liable for infringement of one or more claims of
20 the ‘299 Patent by actively inducing infringement and/or is liable as contributory infringer of one
21 or more claims of the ‘299 Patent under 35 U.S.C. § 271.

22 20. Defendant’s acts of infringement of the ‘299 Patent have caused damage to Cypress, and
23 Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant’s
24 wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant’s
25 infringement of Cypress’s exclusive rights under the ‘299 Patent will continue to damage
26 Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an
27 injunction from the Court.
28

1 21. On information and belief, the infringement of the Patents-in-Suit by Defendant has been
2 willful and continues to be willful. Cypress originally provided HP notice of its infringement in
3 *Cypress Lake Software, Inc. v. HP, Inc.*, Case No. 6:16-cv-1249-RWS (E.D. Tex. Oct. 22, 2016).
4 Cypress filed the executed summons with the Court on November 8, 2016. Case No. 6:16-cv-
5 1249-RWS, Dkt. 4. During that lawsuit, Cypress served infringement contentions that included
6 some infringing accused devices that were not included in the original complaint that indicated
7 Windows 10 as the accused functionality. HP indicated that anything outside of Windows 10 was
8 not properly disclosed in the original complaint as an accused product. Cypress agreed with HP.
9 Then, Cypress settled with Microsoft in August 2017. This resulted in the dismissal of HP from
10 the original lawsuit involving HP's accused products using Windows 10 in its accused products.
11 Cypress filed this lawsuit to continue, without interruption, litigation of its other counts of
12 infringement to accommodate HP's request that Chrome products not listed in the original
13 complaint should be included in a separate lawsuit. *See Apple, Inc. v. Rensselaer Polytechnic*
14 *Institute, et al.*, IPR2014-00319, Paper 12 at 6-7 (PTAB Jun. 12, 2014); *eBay, Inc. v. Advanced*
15 *Auctions LLC*, IPR2014-00806, Paper 14 at 3, 7 (PTAB Sep. 25, 2014).

16 **COUNT 2:**
17 **INFRINGEMENT OF U.S. PATENT NO. 8,983,264**

18 22. Cypress incorporates by reference the allegations in the paragraphs above.

19 23. The '264 Patent is valid, enforceable, and was duly and legally issued on March 17, 2015.

20 24. Without a license or permission from Cypress, Defendant has infringed and continues to
21 infringe claims 63 and 67 of the '264 Patent—directly, contributorily, or by inducement—by
22 importing, making, using, offering for sale, or selling products and devices that embody the
23 patented invention in one or more of the Accused Devices, in violation of 35 U.S.C. § 271. This
24 patent infringement count is limited to these patent claims specifically identified in this paragraph
25 and no other representation is made as to patent infringement of the additional claims of this
26 patent. This United States District Court has a requirement that Plaintiff reduce its asserted patent
27 claims for trial. Plaintiff in no way forecloses its right to file another patent claim infringement
28 action against Defendant on any non-asserted patent claims.

1 25. Defendant has been and now is directly infringing by, among other things, practicing all
2 of the steps of the '264 Patent and/or directing, controlling, and obtaining benefits from its
3 partners, distributors and retailers practicing all of the steps of the '264 Patent. Specifically,
4 Defendant imports the Accused Devices into the United States; has partnered with numerous
5 resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores
6 and websites (*see, e.g.*, Exhibits A, B & C) and generates revenue from sales of the Accused
7 Devices to U.S. customers via those outlets (*see id.*).

8 26. Although Cypress is not obligated to identify specific claims or claim elements in its
9 complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at
10 least Claim 67 of the '264 Patent which teaches

11 A computer program product embodied on a non-transitory computer readable
12 medium, comprising:

13 code for working in association with a first presentation device having a
14 touchscreen that is capable of providing access to a first media player and a
15 second media player in an execution environment, the first presentation device
16 capable of communication with a second presentation device including a display
17 via a wireless local area network on which the first presentation device resides,
18 where presentation focus information is accessible for identifying whether at least
19 one of the first presentation device or the second presentation device is to be
20 utilized for presentation;

21 code for detecting access to the first media player to play a first media stream that
22 includes video;

23 code for indicating, if the first presentation device is to be utilized for
24 presentation based on the presentation focus information, that the first media
25 stream is allowed to be presented via the first presentation device; and
26 code for indicating, if the second presentation device is to be utilized for
27 presentation based on the presentation focus information, that the first media
28 stream is allowed to be presented via the second presentation device;

wherein the computer program product is operable such that a change in
presentation focus is capable of being based on at least one of a releasing of a
first presentation focus in connection with the first media player, a detected user
input indication for giving the second media player a second presentation focus, a
change in input focus, a change in an attribute of a user interface element, a
transparency level of at least one of the user interface element, or another user
interface element sharing a region of a display of the first presentation device.

1 67. The computer program product of claim 61 wherein the computer product is
2 operable such that the presentation focus information is capable of being changed
3 based on user input received in connection with a user interface element
4 displayed with a command interface element including a rewind icon for
changing an operational state of the first media player in connection with the first
media stream.

5 The Accused Devices employ computer software—operating systems and applications—stored in
6 their non-volatile memory systems (“[a] computer program product embodied on a non-transitory
7 computer readable medium”). Using various technologies, an Accused Device can play or “cast”
8 its audio and video media, or the contents of its screen, or other application(s), to other enabled
9 devices such as stereos, televisions, projectors, and computers. An Accused Device therefore
10 contains software that cooperates with it (“code for working in association with a first
11 presentation device having a touchscreen”) to provide a user access to multiple applications
12 (“capable of providing access to a plurality of applications”), including at least two media
13 players—e.g., two media playback programs such as Google Home app, Google Play Video, a
14 combination of a media play program with Chrome OS, etc.—(“including a first media player and
15 a second media player in an execution environment”), and communicate with a television or other
16 display (“the first presentation device capable of communication with a second presentation
17 device including a display”) over its wireless network (“via a wireless local area network on
18 which the first presentation device resides”).

19 27. An Accused Device’s operating system can tell when a user wishes to play a video or
20 movie using a particular program (“code for detecting access to the first media player to play a
21 first media stream that includes video”) and whether the video can be played on the device itself
22 (it contains “code for indicating ... that the first media player is allowed to play the first media
23 stream via the first presentation device”), if so desired (“if the first presentation device is to be
24 utilized for presentation based on the presentation focus information”).

25 28. An Accused Device can also tell the user whether the video can be played on the
26 television or other display (it contains “code for indicating ... that the first media player is
27 allowed to play the first media stream via the second presentation device”), if so desired (“if the
28

1 second presentation device is to be utilized for presentation based on the presentation focus
2 information”).

3 29. An Accused Device’s operating system can also switch where a particular video is being
4 displayed, and which video that is (“the computer program product is operable such that a change
5 in presentation focus is capable”) based on a number of inputs, including, for example, choosing
6 “Cast”¹ (“detected user input indication for giving the second media player second presentation
7 focus”), selecting “Cast” from the actual Chrome Operating System (“another user interface
8 element sharing a region of a display of the first presentation device”), or perhaps having a
9 higher-priority video or advertisement pop up (“ranking of media streams being played”).

10 30. Defendant has been and now is indirectly infringing by way of inducing infringement by
11 others and/or contributing to the infringement by others of the ’264 Patent in the State of Texas,
12 in this judicial district, and elsewhere in the United States, by, among other things, making, using,
13 importing, offering for sale, and/or selling, without license or authority, products for use in
14 systems that fall within the scope of one or more claims of the ’264 Patent. Such products
15 include, without limitation, one or more of the Accused Devices. Such products have no
16 substantial non-infringing uses and are for use in systems that infringe the ’264 Patent. By
17 making, using, importing offering for sale, and/or selling such products, Defendant injured
18 Cypress and is thus liable to Cypress for infringement of the ’264 Patent under 35 U.S.C. § 271.
19 Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes
20 are the end users of the Accused Devices. *See Dynacore Holdings Corp. v. U.S. Philips Corp.*,
21 363 F.3d 1263, 1272 (Fed. Cir. 2004). Defendant had knowledge of the ’264 Patent at least as
22 early as the service of this complaint and is thus liable for infringement of one or more claims of
23 the ’264 Patent by actively inducing infringement and/or is liable as contributory infringer of one
24 or more claims of the ’264 Patent under 35 U.S.C. § 271.

25 31. Defendant’s acts of infringement of the ’264 Patent have caused damage to Cypress, and
26 Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant’s

27 _____
28 ¹ The term “Cast” is a term that Google, HP, and other Google partners have defined for
their marketing campaign.

1 wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's
2 infringement of Cypress's exclusive rights under the '264 Patent will continue to damage
3 Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an
4 injunction from the Court.

5 32. On information and belief, the infringement of the Patents-in-Suit by Defendant has been
6 willful and continues to be willful. Cypress originally provided HP notice of its infringement in
7 *Cypress Lake Software, Inc. v. HP, Inc.*, Case No. 6:16-cv-1249-RWS (E.D. Tex. Oct. 22, 2016).
8 Cypress filed the executed summons with the Court on November 8, 2016. Case No. 6:16-cv-
9 1249-RWS, Dkt. 4. During that lawsuit, Cypress served infringement contentions that included
10 some infringing accused devices that were not included in the original complaint that indicated
11 Windows 10 as the accused functionality. HP indicated that anything outside of Windows 10 was
12 not properly disclosed in the original complaint as an accused product. Cypress agreed with HP.
13 Then, Cypress settled with Microsoft in August 2017. This resulted in the dismissal of HP from
14 the original lawsuit involving HP's accused products using Windows 10 in its accused products.
15 Then, Cypress filed this lawsuit to address its other counts of infringement to accommodate HP's
16 request that Chrome products not be included in the prior lawsuit involving HP's products
17 utilizing the Windows 10 operating system. *See Apple, Inc. v. Rensselaer Polytechnic Institute, et*
18 *al.*, IPR2014-00319, Paper 12 at 6-7 (PTAB Jun. 12, 2014); *eBay, Inc. v. Advanced Auctions*
19 *LLC*, IPR2014-00806, Paper 14 at 3, 7 (PTAB Sep. 25, 2014).

20 **COUNT 3:**
21 **INFRINGEMENT OF U.S. PATENT NO. 9,423,954**

22 33. Cypress incorporates by reference the allegations in the paragraphs above.

23 34. The '954 Patent is valid, enforceable, and was duly and legally issued on August 23, 2016.

24 35. Without a license or permission from Cypress, Defendant has infringed and continues to
25 infringe on claim 14 of the '954 Patent—directly, contributorily, or by inducement—by
26 importing, making, using, offering for sale, or selling products and devices that embody the
27 patented invention in one or more of the Accused Devices, in violation of 35 U.S.C. § 271. This
28 patent infringement count is limited to these patent claims specifically identified in this paragraph

1 and no other representation is made as to patent infringement of the additional claims of this
2 patent. This United States District Court has a requirement that Plaintiff reduce its asserted patent
3 claims for trial. Plaintiff in no way forecloses its right to file another patent claim infringement
4 action against Defendant on any non-asserted patent claims.

5 36. Defendant has been and now is directly infringing by, among other things, practicing all
6 of the steps of the '954 Patent and/or directing, controlling, and obtaining benefits from its
7 partners, distributors and retailers practicing all of the steps of the '954 Patent. Specifically,
8 Defendant imports the Accused Devices into the United States; has partnered with numerous
9 resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores
10 and websites (*see, e.g.*, Exhibits A, B & C) and generates revenue from sales of the Accused
11 Devices to U.S. customers via those outlets (*see id.*).

12 37. Although Cypress is not obligated to identify specific claims or claim elements in its
13 complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at
14 least Claim 14 of the '954 Patent which teaches

15 An apparatus, comprising:

16 at least one processor configured for coupling with memory and a touchscreen,
17 and further configured for:

18 storage of a plurality of applications including a first application, a second
19 application, and a third application, utilizing the memory, the applications
20 including a first program component and a second program component;
21 detection of a first user input;

22 in response to the first user input, presentation of, utilizing the touchscreen, a first
23 window associated with the first program component including at least one user
24 interface element;

25 detection of a second user input in connection with the at least one user interface
26 element of the first window;

27 in response to the second user input in connection with the at least one user
28 interface element of the first window, creation of a second window associated
with the second program component and presentation thereof, utilizing the
touchscreen, adjacent to and not overlapping with respect to the first window, for
presenting, in the second window, data associated with the at least one user
interface element of the first window;

1 detection of a third user input; and

2
3 in response to the third user input, change, utilizing the touchscreen, the
4 presentation of the first window and the second window, such that a first size of
5 the first window and a second size of the second window are both changed, and
6 the second window remains adjacent to and not overlapping with respect to the
7 first window.

8 Each of HP's Accused Devices running the Chrome Operating System is an apparatus comprised
9 of at least one processor (e.g., Intel Core i5) configured to connect to a display (e.g., 14" LCD)
10 and memory (RAM and hard drive), memory (RAM and hard drive), and at least one input device
11 (mouse, keyboard, touchpad and/or touchscreen).

12 38. An Accused Device running Chrome OS can store three (or more) applications in its
13 memory ("storage of a first application, a second application, and a third application, utilizing the
14 memory"), the applications including at least two instances running ("the applications including a
15 first program component and a second program component") in separate tabs. An Accused
16 Device can detect a user input via the touchscreen ("detection of a first user input") to move and
17 re-size an application window to either side of the screen. This is accomplished by of using the
18 Alt "]" command to move the application window to the right half of the screen. The Accused
19 Device will display the first instance of the Chrome application ("present[], utilizing the
20 touchscreen, a first window associated with the first program component"), for instance, and its
21 graphical user interface "tab" ("including at least one user interface element").

22 39. The user may then (the Accused Device "detect[s] a second user input") select and "pull"
23 the second tab out of the first window ("in connection with the at least one user interface element
24 of the first window") and the Device will display it in a window ("creat[e] a second window
25 associated with the second program component and presentation thereof, utilizing the touchscreen
26 [and] present[], in the second window, data associated with the at least one user interface element
27 of the first window") in the other half of the screen ("adjacent to and not overlapping with respect
28 to the first window").

40. The user may then select the vertical border between the two windows and drag it left or
right to re-size the second window relative to the first (the Accused Device "detect[s] a third user

1 input”) and the Accused Device will then re-size the windows on the screen accordingly (“in
2 response to the third user input, change, utilizing the touchscreen, the presentation of the first
3 window and the second window, such that a first size of the first window and a second size of the
4 second window are both changed, and the second window remains adjacent to and not
5 overlapping with respect to the first window”).

6 41. Defendant has been and now is indirectly infringing by way of inducing infringement by
7 others and/or contributing to the infringement by others of the ‘954 Patent in the State of Texas,
8 in this judicial district, and elsewhere in the United States, by, among other things, making, using,
9 importing, offering for sale, and/or selling, without license or authority, products for use in
10 systems that fall within the scope of one or more claims of the ‘954 Patent. Such products
11 include, without limitation, one or more of the Accused Devices. Such products have no
12 substantial non-infringing uses and are for use in systems that infringe the ‘954 Patent. By
13 making, using, importing offering for sale, and/or selling such products, Defendant injured
14 Cypress and is thus liable to Cypress for infringement of the ‘954 Patent under 35 U.S.C. § 271.
15 Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes
16 are the end users of the Accused Devices. *See Dynacore Holdings Corp. v. U.S. Philips Corp.*,
17 363 F.3d 1263, 1272 (Fed. Cir. 2004). Defendant had knowledge of the ‘954 Patent at least as
18 early as the service of this complaint and is thus liable for infringement of one or more claims of
19 the ‘954 Patent by actively inducing infringement and/or is liable as contributory infringer of one
20 or more claims of the ‘954 Patent under 35 U.S.C. § 271.

21 42. Defendant’s acts of infringement of the ‘954 Patent have caused damage to Cypress, and
22 Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant’s
23 wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant’s
24 infringement of Cypress’s exclusive rights under the ‘954 Patent will continue to damage
25 Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an
26 injunction from the Court.

27 43. On information and belief, the infringement of the Patents-in-Suit by Defendant has been
28 willful and continues to be willful. Cypress originally provided HP notice of its infringement in

1 *Cypress Lake Software, Inc. v. HP, Inc.*, Case No. 6:16-cv-1249-RWS (E.D. Tex. Oct. 22, 2016).
2 Cypress filed the executed summons with the Court on November 8, 2016. Case No. 6:16-cv-
3 1249-RWS, Dkt. 4. During that lawsuit, Cypress served infringement contentions that included
4 some infringing accused devices that were not included in the original complaint that indicated
5 Windows 10 as the accused functionality. HP indicated that anything outside of Windows 10 was
6 not properly disclosed in the original complaint as an accused product. Cypress agreed with HP.
7 Then, Cypress settled with Microsoft in August 2017. This resulted in the dismissal of HP from
8 the original lawsuit involving HP's accused products using Windows 10 in its accused products.
9 Cypress filed this lawsuit to accommodate HP's request that HP's Chromebooks (Accused
10 Products) not be included in the prior litigation with Cypress Lake Software. *See Apple, Inc. v.*
11 *Rensselaer Polytechnic Institute, et al.*, IPR2014-00319, Paper 12 at 6-7 (PTAB Jun. 12, 2014);
12 *eBay, Inc. v. Advanced Auctions LLC*, IPR2014-00806, Paper 14 at 3, 7 (PTAB Sep. 25, 2014).

13 **COUNT 4:**
14 **INFRINGEMENT OF U.S. PATENT NO. 9,817,558**

15 44. Cypress incorporates by reference the allegations in the paragraphs above.

16 45. The '558 Patent is valid, enforceable, and was duly and legally issued on November 14,
17 2017.

18 46. Without a license or permission from Cypress, Defendant has infringed and continues to
19 infringe on claims 14 and 16 of the '558 Patent—directly, contributorily, or by inducement—by
20 importing, making, using, offering for sale, or selling products and devices that embody the
21 patented invention, including, without limitation, one or more of the Accused Devices, in
22 violation of 35 U.S.C. § 271. This patent infringement count is limited to these patent claims
23 specifically identified in this paragraph and no other representation is made as to patent
24 infringement of the additional claims of this patent. This United States District Court has a
25 requirement that Plaintiff reduce its asserted patent claims for trial. Plaintiff in no way forecloses
26 its right to file another patent claim infringement action against Defendant on any non-asserted
27 patent claims.
28

1 47. Defendant has been and now is directly infringing by, among other things, practicing all
2 of the steps of the '558 Patent and/or directing, controlling, and obtaining benefits from its
3 partners, distributors and retailers practicing all of the steps of the '558 Patent. Specifically,
4 Defendant imports the Accused Devices into the United States; has partnered with numerous
5 resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores
6 and websites; and Defendant generates revenue from sales of the Accused Devices to U.S.
7 customers via those outlets. Defendant also tests its products before sale and upon return.

8 48. Although Cypress is not obligated to identify specific claims or claim elements in its
9 complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at
10 least Claim 14 of the '558 Patent which teaches

11 A first presentation device, comprising: a non-transitory memory storing
12 instructions; a touchscreen; and one or more processors in communication with
13 the non-transitory memory and the touchscreen,

14 wherein the one or more processors execute the instructions to: simultaneously
15 present a first media player and a second media player, where the first media
16 player is presented with at least one first input control and the second media
17 player is presented with at least one second input control, the at least one first
18 input control and the at least one second input control each including at least one
19 of a play input control or a pause input control;

20 detect a selection of the at least one first input control presented with the first
21 media player;

22 in response to the detection of the selection of the at least one first input control
23 presented with the first media player present a first media stream via the first
24 presentation device utilizing the first media player;

25 detect, while the first media stream is being presented via the first presentation
26 device utilizing the first media player, a selection of the at least one second input
27 control presented with the second media player;

28 in response to the detection of the selection of the at least one second input
control presented with the second media player while the first media stream is
being presented via the first presentation device utilizing the first media player,
cause a change in presentation focus, by: pausing the presentation of the first
media stream via the first presentation device utilizing the first media player, and
presenting a second media stream via the first presentation device utilizing the
second media player;

1 wherein the first presentation device is configured such that the change in
2 presentation focus results from at least one of: a releasing of a first presentation
3 focus in connection with the first media player, a detected user input indication
4 for giving the second media player a second presentation focus, a change in input
5 focus, a change in an attribute of a user interface element, a count of media
streams being played, a ranking of media streams being played, a transparency
level of at least one of the user interface element, or another user interface
element sharing a region of a display of the first presentation device.

6 49. The Accused Devices employ computer software—operating systems and applications—
7 stored in their non-volatile memory systems (“[a] computer program product embodied on a non-
8 transitory computer readable medium”). Using various technologies, an Accused Device can play
9 or “cast” its audio and video media, or the contents of its screen, or other application(s), to other
10 enabled devices such as stereos, televisions, projectors, and computers. An Accused Device
11 therefore contains software that cooperates with it (“[a] first presentation device, comprising: a
12 non-transitory memory storing instructions; a touchscreen; and one or more processors in
13 communication with the non-transitory memory and the touchscreen”) to provide a user access to
14 multiple media players (“provide access to a first media player and a second media player”),
15 including at least two media players—e.g., two media playback programs such as Google Home
16 app, Google Play Video, Chrome browser, a combination of a media play program with Chrome
17 OS, etc.—, and communicate with a television or other display (“the first presentation device
18 configured to communicate with a second presentation device including a display”) over its
19 wireless network (“via a wireless network to which the first presentation device is capable of
20 connecting”).

21 50. An Accused Device’s operating system can tell when a user wishes to play a video or
22 movie using a particular program (“detect a selection of the at least one first input control
23 presented with the first media player to play a first media stream that includes video ”) and
24 whether the video can be played on the device itself (“allow the first media stream to be presented
25 via the first presentation device”), if so desired (“if the first presentation device is to be utilized
26 for presentation”).
27
28

1 51. An Accused Device can tell the user whether the video can be played on the television or
2 other display (“allow the first media stream to be presented via the second presentation device”),
3 if so desired (“if the second presentation device is to be utilized for presentation”).

4 52. An Accused Device’s operating system can also switch where a particular video is being
5 displayed, and which video that is (“permit a change to a presentation focus of at least one of the
6 first media player or the second media player, in connection with at least one of the first
7 presentation device or the second presentation device”), based on a number of inputs (“wherein
8 the first presentation device is configured such that the change in presentation focus is capable of
9 being caused by at least one of”), including, for example, choosing “Cast” (“a detected user input
10 indication for giving the second media player a second presentation focus”), selecting “Cast”
11 from the actual Chrome Operating System (“another user interface element sharing a region of a
12 display of the first presentation device”), or perhaps having a higher-priority video or
13 advertisement pop up (“ranking of media streams being played”).

14 53. These claims are directed to a non-abstract improvement in computer functionality, rather
15 than a method of organizing human activity or an idea of itself. *See Aatrix Software, Inc. v.*
16 *Green Shades Software, Inc.*, 2017-1452 (Fed. Cir. Feb. 14, 2018).

17 54. In the specification of the ’558 Patent both the problem in the prior art and the benefit of
18 the computer-implemented invention is explained. This difference is not “well known” or
19 “conventional.”

20 55. A human cannot perform these tasks.

21 56. Defendant has been and now is indirectly infringing by way of inducing infringement by
22 others and/or contributing to the infringement by others of the ’558 Patent in the State of Texas,
23 in this judicial district, and elsewhere in the United States, by, among other things, making, using,
24 importing, offering for sale, and/or selling, without license or authority, products for use in
25 systems that fall within the scope of one or more claims of the ’558 Patent. Such products
26 include, without limitation, one or more of the Accused Devices. Such products have no
27 substantial non-infringing uses and are for use in systems that infringe the ’558 Patent. By
28 making, using, importing offering for sale, and/or selling such products, Defendant injured

1 Cypress and is thus liable to Cypress for infringement of the '558 Patent under 35 U.S.C. § 271.
2 Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes
3 are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild*
4 *Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of
5 the '558 Patent pursuant to Defendant's due diligence in connection with related litigation
6 between the parties (see ¶ 14) and Defendant's routine freedom to operate analysis. Defendant
7 induces its end users to infringe at the very least through advertising and/or user manuals. *See*
8 *Power Integrations v. Fairchild Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced
9 infringement verdicts based on circumstantial evidence of inducement (e.g., advertisements, user
10 manuals) directed to a class of direct infringers (e.g., customers, end users) without requiring hard
11 proof that any individual third-party direct infringer was actually persuaded to infringe by that
12 material.”). Thus, Defendant is liable for infringement of one or more claims of the '558 Patent
13 by actively inducing infringement and/or is liable as contributory infringer of one or more claims
14 of the '558 Patent under 35 U.S.C. § 271.

15 57. On information and belief, Defendant's infringement of the '558 Patent has been and
16 continues to be willful. Defendant has had knowledge of the '558 Patent, including but not
17 limited to at least one or more of the following:

- 18 a. The original complaint filed in this case (Dkt. 1) on or about March 20, 2018.
- 19 b. Defendant's acts are willful as it knew about patents related to this patent since
20 2016 based on a prior lawsuit with Cypress. But Defendant did not stop its
21 infringing activity, including importing, offering for sale and selling the accused
22 products.
- 23 c. Due Diligence conducted in conjunction with a prior suit between the parties.
- 24 d. Routine freedom to operate analyses.
- 25 e. Discussions with Google, Inc.
- 26 f. The filing of lawsuits against Samsung and HP for their infringing Chromebooks.

27 *See Bush Seismic Techs. LLC v. Am. Gem Socy.*, 2:14-CV-1809-JRG, 2016 WL 9115381, at *2
28 (E.D. Tex. Apr. 13, 2016) (“Actual knowledge of infringement or the infringement risk is not

1 necessary to plead a claim for willful infringement, but the complaint must adequately allege
2 factual circumstances in which the patents-in-suit are called to the attention of the defendants.”)
3 (internal marks omitted). On information and belief, Defendant has had at least had constructive
4 notice of the ’558 Patent by operation of law.

5 58. Defendant’s acts of infringement of the ’558 Patent have caused damage to Cypress, and
6 Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant’s
7 wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant’s
8 infringement of Cypress’s exclusive rights under the ’558 Patent will continue to damage
9 Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an
10 injunction from the Court.

11 **COUNT 5:**
12 **INFRINGEMENT OF U.S. PATENT NO. 8,661,361**

13 59. Cypress incorporates by reference the allegations in the paragraphs above.

14 60. The ’361 Patent is valid, enforceable, and was duly and legally issued on February 25,
15 2014.

16 61. Without a license or permission from Cypress, Defendant has infringed and continues to
17 infringe on claims 17, 50, 79, 97, 98, 99, 158, 159 and 163 of the ’361 Patent—directly,
18 contributorily, or by inducement—by importing, making, using, offering for sale, or selling
19 products and devices that embody the patented invention in one or more of the Accused Devices,
20 in violation of 35 U.S.C. § 271. This patent infringement count is limited to these patent claims
21 specifically identified in this paragraph and no other representation is made as to patent
22 infringement of the additional claims of this patent. This United States District Court has a
23 requirement that Plaintiff reduce its asserted patent claims for trial. Plaintiff in no way forecloses
24 its right to file another patent claim infringement action against Defendant on any non-asserted
25 patent claims.

26 62. Defendant has been and now is directly infringing by, among other things, practicing all
27 of the steps of the ’361 Patent and/or directing, controlling, and obtaining benefits from its
28 partners, distributors and retailers practicing all of the steps of the ’361 Patent. Specifically,

1 Defendant imports the Accused Devices into the United States; has partnered with numerous
2 resellers to offer for sale and sell the Accused Devices in the United States, in numerous stores
3 and websites and Defendant generates revenue from sales of the Accused Devices to U.S.
4 customers via those outlets. Defendant also tests its products before sale and upon return.

5 63. Although Cypress is not obligated to identify specific claims or claim elements in its
6 complaint, it does so here for Defendant's benefit. For example, the Accused Devices infringe at
7 least Claim 17 of the '361 Patent which teaches

8 A system for navigating between the visual components, the system comprising:

9 a processor that executes an instruction included in at least one of a presentation
10 space monitor component, an application navigator component, a navigation
11 element handler component, and a navigation director component during
12 operation of the system;

13 the presentation space monitor component that during the operation of the system
14 detects, in a first application region of a presentation space of a display device, a
15 first visual component of a first operating application in a plurality of operating
16 applications;

17 the application navigator component that during operation of the system presents
18 a first navigation control, in a first navigation region, for navigating to a second
19 visual component, of a second application in the plurality, in a second application
20 region in the presentation space, wherein the first navigation region is determined
21 based on a location of at least one of the first visual component, a parent visual
22 component of the first visual component, and a child visual component of the
23 first visual component;

24 the navigation element handler component that during operation of the system
25 detects a user input corresponding to the first navigation control; and

26 the navigation director component that during operation of the system sends, in
27 response to detecting the user input, navigation information to navigate to the
28 second visual component.

64. Accused Devices are shipped with www.google.com as the default search engine that,
when accessed, cause: receipt, storage, and use of code for providing "Apps Grid" functionality.
To this end, include a *computer program product embodied on a non-transitory computer-*

1 *readable medium*. The Accused Devices therefore infringe these elements literally or, in the
2 alternative, under the doctrine of equivalents.

3 65. Accused Devices with “Apps Grid” use *code for presenting, in a first application region*
4 (e.g. Google Search interface region, etc.) *of a presentation space of a display device, a first*
5 *visual component* (e.g. Google Search header including the “Apps Grid” control, etc.) *of a first*
6 *network application* (e.g. Google Search, etc.) *in a plurality of network applications* (e.g. Google
7 Drive, Play, Gmail, Maps, YouTube, Search, etc.). The Accused Devices therefore infringe these
8 elements literally or, in the alternative, under the doctrine of equivalents.

9 66. Accused Devices with “Apps Grid” use *code for presenting a first navigation control* (e.g.
10 one or more application tiles, etc.) *utilizing a hypertext markup language (HTML), in a first*
11 *navigation region* (e.g. drop-down navigation panel, etc.) *determined based on the first*
12 *application region* (e.g. Google Search interface region, etc.), *for navigating to a second visual*
13 *component* (e.g. any component associated with second network application, etc.), *of a second*
14 *network application* (e.g. one of Google Drive, Play, Gmail, Maps, YouTube, Search, etc.) *in the*
15 *plurality* (e.g. Google Drive, Play, Gmail, Maps, YouTube, Search, etc.), *in a second application*
16 *region* (e.g. region including the second visual component, etc.) *in the presentation space,*
17 *wherein the first navigation region* (e.g. drop-down navigation panel, etc.) *is determined based*
18 *on a location of at least one of the first visual component* (e.g. Google Search header including
19 the “Apps Grid” control, etc.), *a parent visual component of the first visual component, and a*
20 *child visual component of the first visual component*. The Accused Devices therefore infringe
21 these elements literally or, in the alternative, under the doctrine of equivalents.

22 67. These claims are directed to a non-abstract improvement in computer functionality, rather
23 than a method of organizing human activity or an idea of itself. *See Aatrix Software, Inc. v.*
24 *Green Shades Software, Inc.*, 2017-1452 (Fed. Cir. Feb. 14, 2018).

25 68. In the specification of the ’361 Patent both the problem in the prior art and the benefit of
26 the computer-implemented invention is explained. This difference is not “well known” or
27 “conventional.”

28 69. A human cannot perform these tasks.

1 70. Defendant has been and now is indirectly infringing by way of inducing infringement by
2 others and/or contributing to the infringement by others of the '361 Patent in the State of Texas,
3 in this judicial district, and elsewhere in the United States, by, among other things, making, using,
4 importing, offering for sale, and/or selling, without license or authority, products for use in
5 systems that fall within the scope of one or more claims of the '361 Patent. Such products
6 include, without limitation, one or more of the Accused Devices. Such products have no
7 substantial non-infringing uses and are for use in systems that infringe the '361 Patent. By
8 making, using, importing offering for sale, and/or selling such products, Defendant injured
9 Cypress and is thus liable to Cypress for infringement of the '361 Patent under 35 U.S.C. § 271.
10 Those whom Defendant induces to infringe and/or to whose infringement Defendant contributes
11 are the end users of the Accused Devices. *See Power Integrations, Inc. v. Fairchild*
12 *Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendant had knowledge of
13 the '361 Patent at least as early as the service of the prior complaint in Case 6:16-cv-1249,
14 Defendant's due diligence in connection with related litigation between the parties (*see* ¶ 14), and
15 Defendant's routine freedom to operate analysis. Defendant induces its end users to infringe at the
16 very least through advertising and/or user manuals. *See Power Integrations v. Fairchild*
17 *Semiconductor*, 843 F.3d at 1335 (“[W]e have affirmed induced infringement verdicts based on
18 circumstantial evidence of inducement (e.g., advertisements, user manuals) directed to a class of
19 direct infringers (e.g., customers, end users) without requiring hard proof that any individual
20 third-party direct infringer was actually persuaded to infringe by that material.”). Thus, Defendant
21 is liable for infringement of one or more claims of the '361 Patent by actively inducing
22 infringement and/or is liable as contributory infringer of one or more claims of the '361 Patent
23 under 35 U.S.C. § 271.

24 71. On information and belief, Defendant's infringement of the '361 Patent has been and
25 continues to be willful. Defendant has had knowledge of the '361 Patent, including but not
26 limited to at least one or more of the following:

- 27 a. The original complaint filed in this case (Dkt. 1) on or about March 20, 2018.

28

1 b. Defendant's acts are willful as it knew about patents related to this one since 2016
2 based on a prior lawsuit with Cypress. But Defendant did not stop its infringing
3 activity, including importing, offering for sale and selling the accused products in
4 this lawsuit.

5 c. Due Diligence conducted in conjunction with a prior suit between the parties.

6 d. Routine freedom to operate analyses.

7 e. Discussions with Google, Inc.

8 f. The filing of lawsuits against Samsung and Dell for their infringing Chromebooks.

9 *See Bush Seismic Techs. LLC v. Am. Gem Socy.*, 2:14-CV-1809-JRG, 2016 WL 9115381, at *2
10 (E.D. Tex. Apr. 13, 2016) ("Actual knowledge of infringement or the infringement risk is not
11 necessary to plead a claim for willful infringement, but the complaint must adequately allege
12 factual circumstances in which the patents-in-suit are called to the attention of the defendants.")
13 (internal marks omitted). On information and belief, Defendant has had at least had constructive
14 notice of the '361 Patent by operation of law.

15 72. Defendant's acts of infringement of the '361 Patent have caused damage to Cypress, and
16 Cypress is entitled to recover from Defendant the damages sustained as a result of Defendant's
17 wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's
18 infringement of Cypress's exclusive rights under the '361 Patent will continue to damage
19 Cypress, causing it irreparable harm, for which there is no adequate remedy at law, warranting an
20 injunction from the Court.

21 **REQUEST FOR RELIEF**

22 Cypress incorporates each of the allegations in paragraphs 1 through 60 above and
23 respectfully asks the Court to:

24 (a) enter a judgment that Defendant has directly infringed, contributorily infringed,
25 and/or induced infringement of one or more claims of each of the Patents-in-Suit;

26 (b) enter a judgment awarding Cypress all damages adequate to compensate it for
27 Defendant's infringement of, direct or contributory, or inducement to infringe, the Patents-
28 in-Suit, including all pre-judgment and post-judgment interest at the maximum rate

1 permitted by law;

2 (c) enter a judgment awarding treble damages pursuant to 35 U.S.C. § 284 for
3 Defendant's willful infringement of one or more of the Patents-in-Suit;

4 (d) issue a preliminary injunction and thereafter a permanent injunction enjoining and
5 restraining Defendant, its directors, officers, agents, servants, employees, and those acting
6 in privity or in concert with them, and their subsidiaries, divisions, successors, and
7 assigns, from further acts of infringement, contributory infringement, or inducement of
8 infringement of the Patents-in-Suit;

9 (e) enter a judgment requiring Defendant to pay the costs of this action, including all
10 disbursements, and attorneys' fees as provided by 35 U.S.C. § 285, together with
11 prejudgment interest; and

12 (f) award Cypress all other relief that the Court may deem just and proper.

13 **DEMAND FOR JURY TRIAL**

14 Cypress demands a jury trial on all issues that may be determined by a jury.

15
16 Respectfully submitted,

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