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19 *Data Scape Limited*

20 **UNITED STATES DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA**  
22 **WESTERN DIVISION**

23 DATA SCAPE LIMITED,  
24  
25 Plaintiff,  
26  
27 vs.  
28 PANDORA MEDIA, INC.,  
29  
30 Defendant.

Case No. 2:19-cv-04371

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

31 This is an action for patent infringement arising under the Patent Laws of the  
32 United States of America, 35 U.S.C. § 1 *et seq.* in which plaintiff Data Scape Limited  
33 (“Plaintiff,” “Data Scape”) makes the following allegations against defendant Pandora  
34 Media, Inc. (“Defendant,” or “Pandora”):

1 **PARTIES**

2 1. Data Scape is a company organized under the laws of Ireland with its office  
3 located at Office 115, 4-5 Burton Hall Road, Sandyford, Dublin 18, Ireland.

4 2. On information and belief, Defendant Pandora Media, Inc. is a California  
5 corporation with a principal place of business at 2101 Webster Street, Suite 1650,  
6 Oakland, CA 94612. Pandora Media, Inc., can be served with process through its  
7 registered agent, National Registered Agents, Inc., 111 Eighth Ave 13th Fl, New York  
8 NY 10010.

9 **JURISDICTION AND VENUE**

10 3. This action arises under the patent laws of the United States, Title 35 of  
11 the United States Code. This Court has original subject matter jurisdiction pursuant to  
12 28 U.S.C. §§ 1331 and 1338(a).

13 4. This Court has personal jurisdiction over Pandora in this action because  
14 Pandora has committed acts within the Central District of California giving rise to this  
15 action and has established minimum contacts with this forum such that the exercise of  
16 jurisdiction over Pandora would not offend traditional notions of fair play and  
17 substantial justice. Pandora, directly and through subsidiaries or intermediaries, has  
18 committed and continues to commit acts of infringement in this District by, among other  
19 things, offering to sell and selling products and/or services that infringe the asserted  
20 patents.

21 5. Venue is proper in this district under 28 U.S.C. § 1400(b). Pandora is  
22 registered to do business in California, and upon information and belief, Pandora has  
23 transacted business in the Central District of California and has committed acts of direct  
24 and indirect infringement in the Central District of California. Pandora has a regular  
25 and established place of business in this District. For example, Pandora has an office at  
26 3000 Ocean Park Blvd #3050, Santa Monica, CA 90405, where it employs sales and  
27 client services personnel.

**COUNT I**

**INFRINGEMENT OF U.S. PATENT NO. 10,277,675**

1  
2  
3 6. Plaintiff realleges and incorporates by reference the foregoing paragraphs,  
4 as if fully set forth herein.

5 7. Data Scape is the owner by assignment of United States Patent No.  
6 10,277,675 (“the ‘675 Patent”), entitled “Communication System And Its Method and  
7 Communication Apparatus And Its Method.” The ‘675 Patent was duly and legally  
8 issued by the United States Patent and Trademark Office on April 30, 2019. A true and  
9 correct copy of the ‘675 Patent is included as Exhibit A.

10 8. Defendant has offered for sale, sold and/or imported into the United States  
11 products and services that infringe the ‘675 patent, and continues to do so. By way of  
12 illustrative example, these infringing products and services include, without limitation,  
13 Defendant’s products and services, *e.g.*, the Pandora System, including Pandora  
14 Premium, and all versions and variations thereof since the issuance of the ‘675 Patent  
15 (“Accused Instrumentalities”).

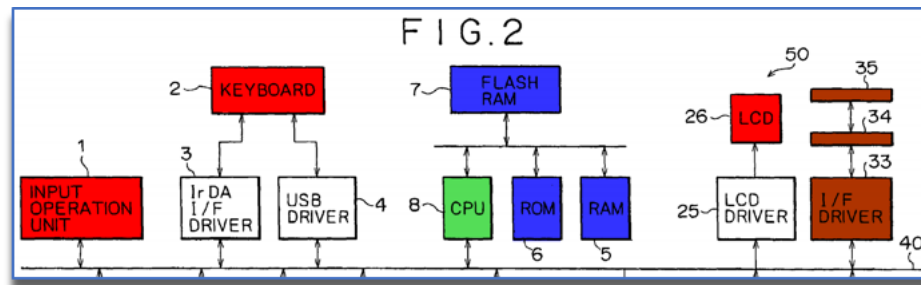
16 9. In their most basic form, and ignoring many claim limitations, the claims  
17 of the ‘675 Patent are directed to a data synchronization system with a processor  
18 configured to detect a connection between two storage media and selectively transmit  
19 certain digital data between first and second storage media based on a comparison of  
20 edited digital data management information stored in the storage medium. The claims  
21 are not directed to abstract ideas. The claims provide technical solutions to technical  
22 problems, and, thus, are patent-eligible.

23 10. As the ‘675 Patent states, the inventor, the inventor, Akihiro Morohashi,  
24 working at Sony Corporation, aimed to solve the problems skilled artisans in 1999 faced  
25 trying to selectively transfer digital data between two electronic apparatuses. *E.g.*, ‘675  
26 Patent, Col. 1:64-2:44. For example, many used optical disks to accomplish this  
27 process, but that was “cumbersome” and did not enable easy or random selection of  
28 files to transfer. *Id.* And when others burned digital files into hard disk drives or

1 semiconductor memory, those systems still required a large amount of time to  
2 selectively transfer certain digital data between electronic apparatuses. *Id.* And in any  
3 case, there was no reasonable way to selectively synchronize select digital content data  
4 between the apparatuses. *Id.* These problems were specific to the technological process  
5 of selective digital-data transfer between electronic apparatuses. *Id.* at 1:33-2:31. And  
6 with 28 columns of text and 13 figures, including Figure 2 below, the inventors taught  
7 various technical solutions involving an unconventional server with a controller  
8 configured with circuitry to compare certain digital management information:

9       11. Enabled by these teachings, the ‘675 patent recites in its claims various  
10 technical solutions to the existing technological problems and shortcomings. For  
11 example, various claims require the then-unconventional system of electronic  
12 components configured to use certain digital “management information” to compare,  
13 edit, delete and selectively transfer separate digital content data between two identified  
14 apparatuses. *See, e.g.*, ‘675 Patent, Claim 1 (“a second hardware storage medium  
15 configured to store management information of data to be transferred to said first  
16 storage medium; a hardware interface configured to communicate data with said first  
17 apparatus; a processor configured to: detect whether said first apparatus and said second  
18 apparatus are connected; select certain data to be transferred; edit said management  
19 information based on said selection without regard to the connection of said first  
20 apparatus and said second apparatus; compare said management information edited by  
21 said processor with management information of data stored in said first storage medium;  
22 and transmit the selected data stored in said second apparatus to said first apparatus via  
23 said hardware interface based on said management information edited by said processor

1 when said processor detects that said first apparatus and said second apparatus are  
 2 connected based upon a result of the comparison”).



8 12. The '675 patent and its file history make clear that each included  
 9 independent-claim limitations were not in the prior art, let alone well-understood,  
 10 routine, and conventional. This includes the claimed [a] storage configured to store  
 11 management information, [b] hardware interface configured to communicate digital  
 12 data between two storage media, [c] processor configured to detect a  
 13 connection, [d] processor configured to select certain data and to edit said management  
 14 information based on said selection, without regard to the connection, and [e] processor  
 15 configured to [i] transfer the selected data via said communicator based on said  
 16 management information, [ii] compare said management information with management  
 17 information in said first storage medium, and [iii] to transmit data based on the  
 18 comparison. And the dependent claims also include limitations that were not in the prior  
 19 art, let alone well-understood, routine, and conventional. *See, e.g.*, limitations of claims  
 20 2-12 of the '675 patent.

21 13. Defendant has directly infringed and continues to infringe the '675 Patent,  
 22 for example, by making, selling, offering for sale, and/or importing the Accused  
 23 Instrumentalities, and through its own use and testing of the Accused Instrumentalities.  
 24 Defendant uses the Accused Instrumentalities for its own internal non-testing business  
 25 purposes, while testing the Accused Instrumentalities, and while providing technical  
 26 support and repair services for the Accused Instrumentalities to Defendant's customers.

1           14. For example, the Accused Instrumentalities, including Pandora Premium,  
2 infringe Claim 1 of the '675 Patent. One non-limiting example of the Accused  
3 Instrumentalities' infringement is presented below.

4           15. The Accused Instrumentalities include “[a] communication system  
5 including a first apparatus having a first hardware storage medium, and a second  
6 apparatus.” For example, the Accused Instrumentalities communicate music files and  
7 playlists stored on one device (e.g., web servers in the Pandora System) to another  
8 device (e.g., a user’s mobile device or tablet with the Pandora app installed). *See, e.g.*,  
9 “Pandora Premium Will Change The Way You Listen to Music”, *available at*  
10 [http://blog.pandora.com/us/pandora-premium-will-change-the-way-you-listen-to-](http://blog.pandora.com/us/pandora-premium-will-change-the-way-you-listen-to-music/)  
11 [music/](http://blog.pandora.com/us/pandora-premium-will-change-the-way-you-listen-to-music/) (“With Pandora Plus we introduced our predictive offline feature that  
12 automatically downloads your top stations and switches you to one of them when you  
13 lose a signal. We’re bringing that feature to Pandora Premium, and adding the ability to  
14 download any album, song or playlist you want with no limits.”); “Offline Mode and  
15 Downloads” *available at* [https://help.pandora.com/s/article/Offline-Mode-and-](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)  
16 [Downloads?language=en\\_US:](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)

17           **For Pandora Plus Subscribers:**

18           Pandora Plus subscribers cannot choose which stations they'd like available for offline listening. Instead, Pandora will  
19           download up to four of your most-listened-to stations and add them to your Offline Station list. By default, these  
20           stations will be downloaded while your device is connected to wifi, and we will never use the last 500 mb of storage  
21           on your device.

22           **For Pandora Premium Subscribers:**

23           Pandora Premium subscribers have the ability to download many songs, albums, stations, or playlists from Pandora's  
24           library to listen to offline and download them by using the instructions below.

25           16. The Accused Instrumentalities include a second apparatus comprising: “a  
26 second hardware storage medium configured to store management information of data  
27 to be transferred to said first storage medium.” For example, the Pandora System  
28 includes a storage medium, e.g. a hard drive or server. The second storage medium is  
configured to store management information of data to be transferred. For example, the  
Pandora System stores a user’s playlists, albums, and stations which can be transferred

1 to a mobile device or tablet with the Pandora app installed. *See, e.g.*, “Playlists on  
2 Premium” available at [https://help.pandora.com/s/article/Playlists-on-Premium-  
3 1519949304429?language=en\\_US#editweb](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US#editweb).

#### 4 **Edit your playlist on the web**

5 To edit curated or auto-generated playlists, go to **My Music** and tap the name of the playlist you'd like to make changes to. Next, tap the **Edit** icon below the album art.

- 6 • **To remove songs from your playlist**, scroll down and press the circled (X) to the left of the songs you would like to remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not remove the original Thumb rating from your stations).
- 7 • **To adjust the order of your playlist**, hold and drag the list icon on the right of the track title to the desired position.
- 8 • **To rename your playlist**, tap the current name then enter whatever you'd like to call it.
- 9 • Tap the **Add Similar Songs** button located at the bottom of your playlist if you need some assistance with building your playlist. Pandora will add songs that match the musical qualities of the tracks already in your playlist. You can re-order songs we've added or delete any unwanted songs.

#### 12 **Download Music for Offline Mode**

##### 13 **Pandora Plus Subscribers:**

Pandora will automatically download four of your most listened to stations in the last 6 months to get you started, as well as your Thumbprint Radio (if available). Plus subscribers do not get to choose which stations they'd like to download.

##### 14 **Pandora Premium Subscribers:**

To download content from My Music, click the download button (icon with arrow pointing downward). *Keep in mind that this button will only appear for eligible tracks.*

If you change your mind at any point during the downloading process, simply tap the download button again, and we'll halt progress.

If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and stations. The next time you gain a signal, we'll attempt to complete the download process for you.

18 [https://help.pandora.com/s/article/Offline-Mode-and-  
19 Downloads?language=en\\_US#download](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US#download)

20 17. The Accused Instrumentalities further include a second apparatus  
21 comprising “a hardware interface configured to communicate data with the said  
22 apparatus.” For example, the Pandora System includes a communicator configured to  
23 communicate, e.g, playlists, albums, and stations to the mobile device or tablet. *See,*  
24 *e.g.*, “Offline Mode and Downloads” available at  
25 [https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en\\_US:](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)

#### 26 **For Pandora Premium Subscribers:**

27 Pandora Premium subscribers have the ability to download many songs, albums, stations, or playlists from Pandora's library to listen to offline and download them by using the instructions below.

1 18. The Accused Instrumentalities further include a second apparatus  
2 comprising “a processor configured to: detect whether said first apparatus and said  
3 second apparatus are connected.” For example, the Pandora System includes a detector  
4 that determines whether the mobile device is connected to the Internet. *See, e.g.*,  
5 “Offline Mode and Downloads”:

6 **Download Music for Offline Mode**

7 **Pandora Plus Subscribers:**

8 Pandora will automatically download four of your most listened to stations in the last 6 months to get you started, as well as your Thumbprint Radio (if available). Plus subscribers do not get to choose which stations they'd like to download.

9 **Pandora Premium Subscribers:**

10 To download content from My Music, click the download button (icon with arrow pointing downward). *Keep in mind that this button will only appear for eligible tracks.*

11 If you change your mind at any point during the downloading process, simply tap the download button again, and we'll halt progress.

12 If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and stations. The next time you gain a signal, we'll attempt to complete the download process for you.

13  
14 **Automatic Offline Mode**

15 If you lose your Wi-Fi and cell network connection, we'll automatically switch you to Offline Mode. When this happens, Pandora will alert you with a notification to let you know that we are switching you to offline listening and choose a station for you to listen to.

17  
18 Also, the Pandora System can determine whether a specific device is connected:

19 **Someone else is listening to your Pandora account**

20 Home > Account

21 Pandora Plus and Pandora Premium accounts are meant for individual, non-commercial use. The cost of an individual subscription only covers the costs of one stream of ad-free songs.

22 You can play your account on any supported computer or device you own, however, only one person can listen at a time on your account. If our system detects that your account is playing on more than one device at the same time, you will be notified with an audio and/or display message that pauses your music.

23 **How do I continue listening to my music?**

24 **How do I prevent this message from appearing?**

25 **I'm the only listener on my account, and keep getting this message! What do I do?**

26 **I purchased a Family Plan so I could stream to multiple devices. Why am I receiving this error message?**

27 **How do I remove devices from my account?**

28 **How do I continue listening to my music?**

Choose **Let Me Listen** to continue listening to music from the device you are currently controlling.

Choose **Let Them Listen** to close this message, and allow the other device to continue streaming music from your account.



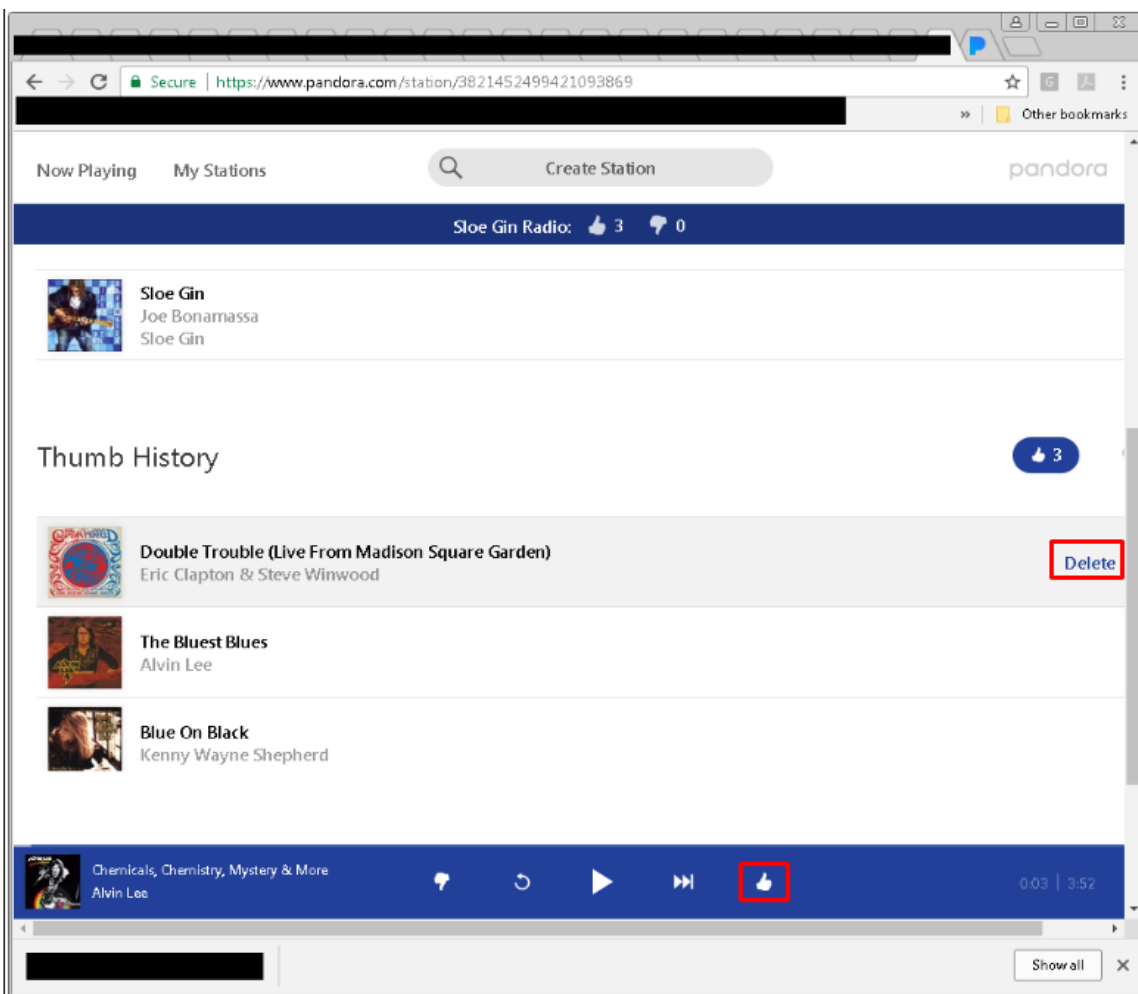
1 [https://help.pandora.com/s/article/000001191?language=en\\_US](https://help.pandora.com/s/article/000001191?language=en_US)

2 19. The Accused Instrumentalities further include a second apparatus  
3 comprising a processor configured to “select certain data to be transferred; edit said  
4 management information based on said selection without regard to the connection of  
5 said first apparatus and said second apparatus.” For example, the Pandora System  
6 allows items to be added to a playlist by using the “Thumbs-up” icon on a song that is  
7 playing, and to delete songs from a playlist, regardless of the mobile device or tablet is  
8 connected to the Pandora Server. *See, e.g.*, “Playlists on Premium”:

9 **Edit your playlist on the web**

10 To edit curated or auto-generated playlists, go to **My Music** and tap the name of the playlist you'd like to make changes to. Next, tap the **Edit** icon below the album art.

- 11 • **To remove songs from your playlist**, scroll down and press the circled (X) to the left of the songs you would like to remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not remove the original Thumb rating from your stations).
- 12 • **To adjust the order of your playlist**, hold and drag the list icon on the right of the track title to the desired position.
- 13 • **To rename your playlist**, tap the current name then enter whatever you'd like to call it.
- 14 • Tap the **Add Similar Songs** button located at the bottom of your playlist if you need some assistance with building your playlist. Pandora will add songs that match the musical qualities of the tracks already in your playlist. You can re-order songs we've added or delete any unwanted songs.
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20. The Accused Instrumentalities further include a processor configured to “compare said management information edited by said processor with management information of data stored in said first storage medium; and transmit the selected data stored in said second apparatus to said first apparatus via said hardware interface based on said management information edited by said processor when said processor detects that said first apparatus and said second apparatus are connected based upon a result of the comparison.” For example, the Pandora System will resume downloads that have already begun when a connection is lost, when the connection is later restored. *See, e.g.*, “Offline Mode and Downloads”:

1 **Download Music for Offline Mode**

2 **Pandora Plus Subscribers:**

3 Pandora will automatically download four of your most listened to stations in the last 6 months to get you started, as well as your Thumbprint Radio (if available). Plus subscribers do not get to choose which stations they'd like to download.

4 **Pandora Premium Subscribers:**

5 To download content from My Music, click the download button (icon with arrow pointing downward). *Keep in mind that this button will only appear for eligible tracks.*

6 If you change your mind at any point during the downloading process, simply tap the download button again, and we'll halt progress.

7 If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and stations. The next time you gain a signal, we'll attempt to complete the download process for you.

9 **Automatic Offline Mode**

10 If you lose your Wi-Fi and cell network connection, we'll automatically switch you to Offline Mode. When this happens, Pandora will alert you with a notification to let you know that we are switching you to offline listening and choose a station for you to listen to.

11  
12  
13 21. Defendant has had knowledge of the '675 Patent and its infringement since  
14 at least the filing of the original Complaint in this action, or shortly thereafter, including  
15 by way of this lawsuit. By the time of trial, Defendant will have known and intended  
16 (since receiving such notice) that its continued actions would actively induce and  
17 contribute to the infringement of the claims of the '675 Patent.

18 22. Defendant's affirmative acts of making, using, selling, offering for sale,  
19 and/or importing the Accused Instrumentalities have induced and continue to induce  
20 users of the Accused Instrumentalities to use the Accused Instrumentalities in their  
21 normal and customary way to infringe the claims of the '675 Patent. Use of the Accused  
22 Instrumentalities in their ordinary and customary fashion results in infringement of the  
23 claims of the '675 Patent.

24 23. For example, Defendant explains to customers the benefits of using the  
25 Accused Instrumentalities, such as by touting their advantages of allowing users to use  
26 the Pandora app to download content from Pandora's library. Defendant also induces  
27 its customers to use the Accused Instrumentalities to infringe other claims of the '675  
28 Patent. Defendant specifically intended and was aware that the normal and customary

1 use of the Accused Instrumentalities on compatible systems would infringe the ‘675  
2 Patent. Defendant performed the acts that constitute induced infringement, and would  
3 induce actual infringement, with the knowledge of the ‘675 Patent and with the  
4 knowledge, or willful blindness to the probability, that the induced acts would constitute  
5 infringement. On information and belief, Defendant engaged in such inducement to  
6 promote the sales of the Accused Instrumentalities, *e.g.*, through its user manuals,  
7 product support, marketing materials, demonstrations, installation support, and training  
8 materials to actively induce the users of the accused products to infringe the ‘675 Patent.  
9 Accordingly, Defendant has induced and continues to induce end users of the accused  
10 products to use the accused products in their ordinary and customary way with  
11 compatible systems to make and/or use systems infringing the ‘675 Patent, knowing  
12 that such use of the Accused Instrumentalities with compatible systems will result in  
13 infringement of the ‘675 Patent. Accordingly, Defendant has been (since at least as of  
14 filing of the original complaint), and currently is, inducing infringement of the ‘675  
15 Patent, in violation of 35 U.S.C. § 271(b).

16 24. Defendant has also infringed, and continues to infringe, claims of the ‘675  
17 Patent by offering to commercially distribute, commercially distributing, making,  
18 and/or importing the Accused Instrumentalities, which are used in practicing the  
19 process, or using the systems, of the ‘675 Patent, and constitute a material part of the  
20 invention. Defendant knows the components in the Accused Instrumentalities to be  
21 especially made or especially adapted for use in infringement of the ‘675 Patent, not a  
22 staple article, and not a commodity of commerce suitable for substantial noninfringing  
23 use. For example, the ordinary way of using the Accused Instrumentalities infringes the  
24 patent claims, and as such, is especially adapted for use in infringement. Accordingly,  
25 Defendant has been, and currently is, contributorily infringing the ‘675 Patent, in  
26 violation of 35 U.S.C. § 271(c).

27 25. As a result of Defendant’s infringement of the ‘675 Patent, Plaintiff Data  
28 Scape is entitled to monetary damages in an amount adequate to compensate for

1 Defendant's infringement, but in no event less than a reasonable royalty for the use  
2 made of the invention by Defendant, together with interest and costs as fixed by the  
3 Court.

4 **COUNT II**

5 **INFRINGEMENT OF U.S. PATENT NO. 9,380,112**

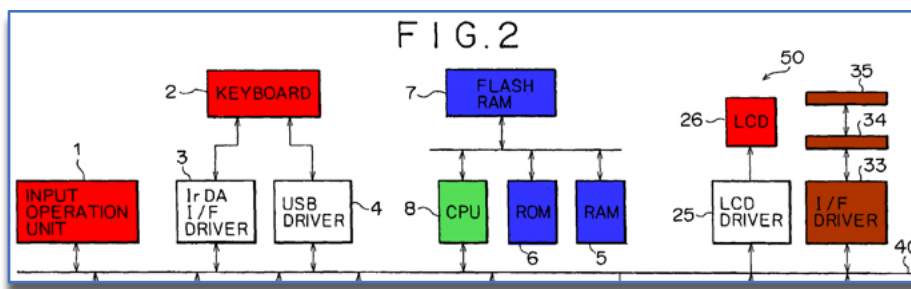
6 26. Plaintiff realleges and incorporates by reference the foregoing paragraphs,  
7 as if fully set forth herein.

8 27. Data Scape is the owner by assignment of United States Patent No.  
9 9,380,112 ("the '112 Patent") entitled "Communication System And Its Method and  
10 Communication Apparatus And Its Method." The '112 Patent was duly and legally  
11 issued by the United States Patent and Trademark Office on June 28, 2016. A true and  
12 correct copy of the '112 Patent is included as Exhibit B.

13 28. In their most basic form, and ignoring many claim limitations, the claims  
14 of the '112 Patent are directed to a data synchronization apparatus configured to  
15 recognize an identifier of a portable device and a list of digital musical content stored  
16 therein, and selectively transfer only edited portions of the musical content to the  
17 portable device and assure the content is played back as a collection. The claims are not  
18 directed to abstract ideas. The claims provide technical solutions to technical problems,  
19 and, thus, are patent-eligible.

20 29. As the '112 Patent states, the inventor, Akihiro Morohashi, working at  
21 Sony Corporation, aimed to solve the problems skilled artisans in 1999 faced trying to  
22 selectively transfer data between two electronic apparatuses. *E.g.*, '112 Patent, Col  
23 2:16-54. For example, many used optical disks to accomplish this process, but that was  
24 "cumbersome" and did not enable easy or random selection of files to transfer. *Id.* at  
25 2:25-37. And when others burned digital files into hard disk drives or semiconductor  
26 memory, those systems still required a large amount of time to selectively transfer  
27 certain digital data between electronic apparatuses. *Id.* And in any case, there was no  
28 reasonable way to selectively synchronize select digital content data between the

1 apparatuses. *Id.* These problems were specific to the technological process of selective  
 2 digital-data transfer between electronic apparatuses. *Id.* at 1:42-2:37. And with over 28  
 3 columns of text and 13 figures, including Figure 2 below, the inventor taught various  
 4 technical solutions involving an unconventional server with a controller configured with  
 5 circuitry to compare certain digital management information:



11 30. Enabled by these teachings, the patents recite in their claims various  
 12 technical solutions to the existing technological problems and shortcomings. For  
 13 example, various claims require the then-unconventional system of electronic  
 14 components configured to use a digital “identifier” to compare, edit and selectively  
 15 transfer separate lists of digital musical content data between two apparatuses. See,  
 16 e.g., ’112 Patent, Claim 1 (“[a] communication apparatus configured to transfer data to  
 17 a portable apparatus . . . comprising . . . [b] a memory configured to store a first list of  
 18 musical content data; . . . [c] circuitry configured to . . . [i] edit the first list of musical  
 19 content data . . . [ii] compare the edited first list of musical content data a list of musical  
 20 content data stored in the portable apparatus; [iii] control transfer of selected musical  
 21 content data stored in the communication apparatus to the portable apparatus . . . based  
 22 on the result of the comparison . . . ; and [iv] control playback of musical content data  
 23 based on the edited first list of musical content data so that . . . [the] musical content  
 24 data is played back as a collection, the edited first list of musical content data being  
 25 associated with an identifier stored in the communication apparatus that uniquely  
 26 identifies the portable apparatus.”).

27 31. The ‘112 patent and its file history make clear that each included  
 28 independent-claim limitations were not in the prior art, let alone well-understood,

1 routine, and conventional. This includes the claimed communication apparatus  
2 configured to transfer data to a portable apparatus comprising (1) a memory configured  
3 to store a first list of musical content data and (2) circuitry configured to (a) edit the  
4 first list of musical content data, (b) compare the edited first list of musical content data  
5 a list of musical content data stored in the portable apparatus, (c) control transfer of  
6 selected musical content data stored in the communication apparatus to the portable  
7 apparatus based on the result of the comparison, and (d) control playback of musical  
8 content data based on the edited first list of musical content data so that the musical  
9 content data is played back as a collection, the edited first list of musical content data  
10 being associated with an identifier stored in the communication apparatus that uniquely  
11 identifies the portable apparatus. And the dependent claims also include limitations that  
12 were not in the prior art, let alone well-understood, routine, and conventional. *See, e.g.*,  
13 limitations of claims 2, 3, 4, 5, 6, 7, and 8 of the '112 patent.

14 32. Defendant has offered for sale, sold and/or imported into the United States  
15 products and services that infringe the '112 patent, and continues to do so. By way of  
16 illustrative example, these infringing products and services include, without limitation,  
17 Defendant's products and services, *e.g.*, the Pandora System, and all versions and  
18 variations thereof since the issuance of the '112 Patent ("Accused Instrumentalities").

19 33. The Accused Instrumentalities includes "[a] communication apparatus  
20 configured to transfer data to a portable apparatus." For example, the Accused  
21 Instrumentalities communicate music files and playlists stored on servers in the Pandora  
22 System to a mobile device or tablet with the Pandora app installed. *See, e.g.*, "Pandora  
23 Premium Will Change The Way You Listen to Music", *available at*  
24 [http://blog.pandora.com/us/pandora-premium-will-change-the-way-you-listen-to-](http://blog.pandora.com/us/pandora-premium-will-change-the-way-you-listen-to-music/)  
25 [music/](http://blog.pandora.com/us/pandora-premium-will-change-the-way-you-listen-to-music/) ("With Pandora Plus we introduced our predictive offline feature that  
26 automatically downloads your top stations and switches you to one of them when you  
27 lose a signal. We're bringing that feature to Pandora Premium, and adding the ability to  
28 download any album, song or playlist you want with no limits."); "Offline Mode and

1 Downloads” available at [https://help.pandora.com/s/article/Offline-Mode-and-](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)  
2 [Downloads?language=en\\_US](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US):

3 **For Pandora Plus Subscribers:**

4 Pandora Plus subscribers cannot choose which stations they'd like available for offline listening. Instead, Pandora will  
5 download up to four of your most-listened-to stations and add them to your Offline Station list. By default, these  
6 stations will be downloaded while your device is connected to wifi, and we will never use the last 500 mb of storage  
7 on your device.

8 **For Pandora Premium Subscribers:**

9 Pandora Premium subscribers have the ability to download many songs, albums, stations, or playlists from Pandora's  
10 library to listen to offline and download them by using the instructions below.

11 34. The Accused Instrumentalities include a communication apparatus  
12 comprising “a memory configured to store a first list of musical content data.” For  
13 example, the Pandora System, stores a user’s playlists, albums, and stations, which can  
14 be transferred to a mobile device or tablet with the Pandora App installed. *See, e.g.,*  
15 “Playlists on Premium” available at [https://help.pandora.com/s/article/Playlists-on-](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US#editweb)  
16 [Premium-1519949304429?language=en\\_US#editweb](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US#editweb).

17 **Edit your playlist on the web**

18 To edit curated or auto-generated playlists, go to **My Music** and tap the name of the playlist you'd like to make  
19 changes to. Next, tap the **Edit** icon below the album art.

- 20 • **To remove songs from your playlist**, scroll down and press the circled (X) to the left of the songs you would  
21 like to remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not  
22 remove the original Thumb rating from your stations).
- 23 • **To adjust the order of your playlist**, hold and drag the list icon on the right of the track title to the desired  
24 position.
- 25 • **To rename your playlist**, tap the current name then enter whatever you'd like to call it.
- 26 • Tap the **Add Similar Songs** button located at the bottom of your playlist if you need some assistance with  
27 building your playlist. Pandora will add songs that match the musical qualities of the tracks already in your  
28 playlist. You can re-order songs we've added or delete any unwanted songs.

**Download Music for Offline Mode**

**Pandora Plus Subscribers:**

Pandora will automatically download four of your most listened to stations in the last 6 months to get you started, as well as your Thumbprint  
Radio (if available). Plus subscribers do not get to choose which stations they'd like to download.

**Pandora Premium Subscribers:**

To download content from My Music, click the download button (icon with arrow pointing downward). *Keep in mind that this button will only  
appear for eligible tracks.*

If you change your mind at any point during the downloading process, simply tap the download button again, and we'll halt progress.

If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and stations. The next time you  
gain a signal, we'll attempt to complete the download process for you.



1 [https://help.pandora.com/s/article/Offline-Mode-and-](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US#download)  
2 [Downloads?language=en\\_US#download](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US#download)

3 35. The Accused Instrumentalities include a communication apparatus  
4 comprising “a data interface configured to detect a connection between the  
5 communication apparatus and the portable apparatus.” For example, the Pandora  
6 System can determine whether the server is connected to a mobile device or tablet.

7 **Download Music for Offline Mode**

8 **Pandora Plus Subscribers:**

9 Pandora will automatically download four of your most listened to stations in the last 6 months to get you started, as well as your Thumbprint Radio (if available). Plus subscribers do not get to choose which stations they'd like to download.

10 **Pandora Premium Subscribers:**

11 To download content from My Music, click the download button (icon with arrow pointing downward). *Keep in mind that this button will only appear for eligible tracks.*

12 If you change your mind at any point during the downloading process, simply tap the download button again, and we'll halt progress.

13 If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and stations. The next time you gain a signal, we'll attempt to complete the download process for you.

14 **Automatic Offline Mode**

15 If you lose your Wi-Fi and cell network connection, we'll automatically switch you to Offline Mode. When this happens, Pandora will alert you with a notification to let you know that we are switching you to offline listening and choose a station for you to listen to.

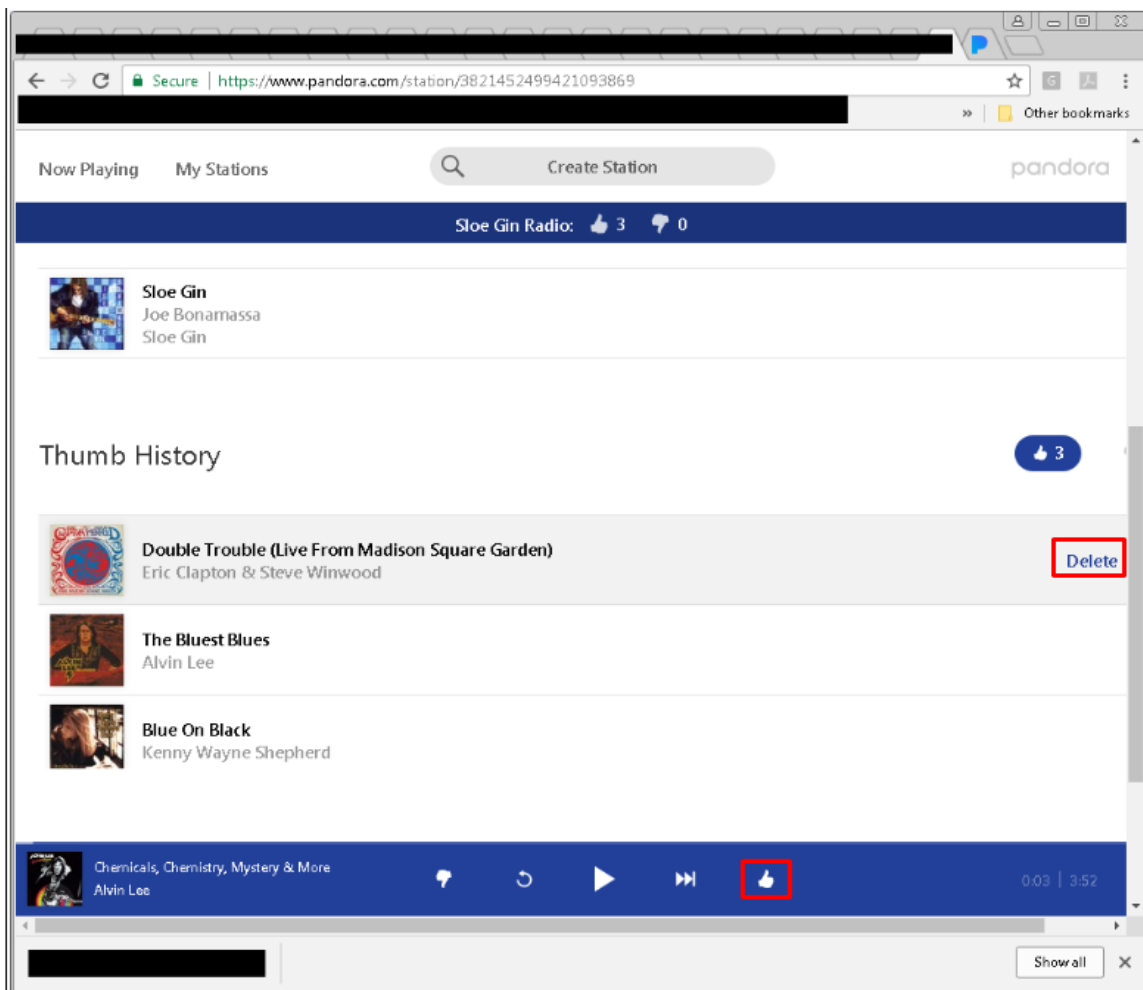
16 [https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en\\_US:](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)

17  
18  
19 36. The Accused Instrumentalities further include circuitry configured to “edit  
20 the first list of musical content based on input from a user without regard to the  
21 connection of the communication apparatus and the portable apparatus.” For example,  
22 the Pandora System allows items to be added to a playlist by using the “Thumbs-up”  
23 icon on a song that is playing, and to delete songs from a playlist, regardless of whether  
24 the mobile device or tablet is connected to the Pandora Server. *See, e.g.*, “Playlists on  
25 Premium”:  
26  
27  
28

### Edit your playlist on the web

To edit curated or auto-generated playlists, go to **My Music** and tap the name of the playlist you'd like to make changes to. Next, tap the **Edit** icon below the album art.

- **To remove songs from your playlist**, scroll down and press the circled (X) to the left of the songs you would like to remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not remove the original Thumb rating from your stations).
- **To adjust the order of your playlist**, hold and drag the list icon on the right of the track title to the desired position.
- **To rename your playlist**, tap the current name then enter whatever you'd like to call it.
- Tap the **Add Similar Songs** button located at the bottom of your playlist if you need some assistance with building your playlist. Pandora will add songs that match the musical qualities of the tracks already in your playlist. You can re-order songs we've added or delete any unwanted songs.



37. The Accused Instrumentalities further include circuitry configured to “compare the edited first list of musical content with a list of musical content stored in the portable apparatus.” For instance, if the Playlist stored in Pandora servers is edited to remove a song, the Playlist on the mobile device will have the same song deleted.

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1 **Edit your playlist on the web**

2 To edit curated or auto-generated playlists, go to **My Music** and tap the name of the playlist you'd like to make changes to. Next, tap the **Edit** icon below the album art.

- 3
- 4 • **To remove songs from your playlist**, scroll down and press the circled (X) to the left of the songs you would like to remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not remove the original Thumb rating from your stations).
  - 5 • **To adjust the order of your playlist**, hold and drag the list icon on the right of the track title to the desired position.
  - 6 • **To rename your playlist**, tap the current name then enter whatever you'd like to call it.
  - 7 • Tap the **Add Similar Songs** button located at the bottom of your playlist if you need some assistance with building your playlist. Pandora will add songs that match the musical qualities of the tracks already in your playlist. You can re-order songs we've added or delete any unwanted songs.
- 

8 **Download your Playlist**

9 To download content from **My Music**, click the download button (icon with arrow pointing downward). Keep in mind that this button will only appear for eligible tracks.

10 If you change your mind at any point during the downloading process, simply tap the download button again, and we'll halt progress.

11 If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and stations. The next time you gain a signal, we'll attempt to complete the download process for you.

12 *\*Downloading content is a mobile-only experience. You will need an internet connection in order to listen to Pandora Premium on the web.*

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13

14 [https://help.pandora.com/s/article/Playlists-on-](https://help.pandora.com/s/article/Playlists-on-Premium1519949304429?language=en_US#download)  
15 [Premium1519949304429?language=en\\_US#download](https://help.pandora.com/s/article/Playlists-on-Premium1519949304429?language=en_US#download)

16 38. The Accused Instrumentalities further include circuitry configured to  
17 “control transfer of selected musical content data stored in the communication apparatus  
18 to the portable apparatus via the data interface based on a result of the comparison after  
19 the connection of the communication apparatus and the portable apparatus in  
20 connected.” For instance, the if Playlist stored in Pandora servers is edited to remove a  
21 song, the Playlist on the mobile device will have the same song deleted.

---

22 **Edit your playlist on the web**

23 To edit curated or auto-generated playlists, go to **My Music** and tap the name of the playlist you'd like to make changes to. Next, tap the **Edit** icon below the album art.

- 24
- 25 • **To remove songs from your playlist**, scroll down and press the circled (X) to the left of the songs you would like to remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not remove the original Thumb rating from your stations).
  - 26 • **To adjust the order of your playlist**, hold and drag the list icon on the right of the track title to the desired position.
  - 27 • **To rename your playlist**, tap the current name then enter whatever you'd like to call it.
  - 28 • Tap the **Add Similar Songs** button located at the bottom of your playlist if you need some assistance with building your playlist. Pandora will add songs that match the musical qualities of the tracks already in your playlist. You can re-order songs we've added or delete any unwanted songs.
-

1 **Download your Playlist**

2 To download content from **My Music**, click the download button (icon with arrow pointing downward). Keep in mind that this button will only appear for eligible tracks.

3 If you change your mind at any point during the downloading process, simply tap the download button again, and we'll halt progress.

4 If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and stations. The next time you gain a signal, we'll attempt to complete the download process for you.

5 *\*Downloading content is a mobile-only experience. You will need an internet connection in order to listen to Pandora Premium on the web.*

6 [https://help.pandora.com/s/article/Playlists-on-](https://help.pandora.com/s/article/Playlists-on-Premium1519949304429?language=en_US#download)  
7 [Premium1519949304429?language=en\\_US#download.](https://help.pandora.com/s/article/Playlists-on-Premium1519949304429?language=en_US#download)

8 39. The Accused Instrumentalities further include circuitry configured to  
9 “control playback of musical content data based on the edited first list of musical  
10 content data so that the musical content data referenced in the edited first list of musical  
11 content data is played back as a collection, the edited first list of musical content data  
12 being associated with an identifier stored in the communication apparatus that uniquely  
13 identifies the portable apparatus.” For example, the Pandora System can uniquely  
14 identify the user account and the device on which the playlists are stored:

15 **Someone else is listening to your Pandora account**

16 Home > Account

17 Pandora Plus and Pandora Premium accounts are meant for individual, non-commercial use. The cost of an individual subscription only covers the costs of one stream of ad-free songs.

18 You can play your account on any supported computer or device you own, however, only one person can listen at a time on your account. If our system detects that your account is playing on more than one device at the same time, you will be notified with an audio and/or display message that pauses your music.

19 **How do I continue listening to my music?**

20 **How do I prevent this message from appearing?**

21 **I'm the only listener on my account, and keep getting this message! What do I do?**

22 **I purchased a Family Plan so I could stream to multiple devices. Why am I receiving this error message?**

23 **How do I remove devices from my account?**

24 **How do I continue listening to my music?**

25 Choose **Let Me Listen** to continue listening to music from the device you are currently controlling.

26 Choose **Let Them Listen** to close this message, and allow the other device to continue streaming music from your account.

27 [https://help.pandora.com/s/article/000001191?language=en\\_US](https://help.pandora.com/s/article/000001191?language=en_US)

28 40. Defendant has had knowledge of the '112 Patent and its infringement since at least the filing of the original Complaint in this action, or shortly thereafter, including

1 by way of this lawsuit. By the time of trial, Defendant will have known and intended  
2 (since receiving such notice) that its continued actions would actively induce and  
3 contribute to the infringement of the claims of the '112 Patent.

4 41. Defendant's affirmative acts of making, using, selling, offering for sale,  
5 and/or importing the Accused Instrumentalities have induced and continue to induce  
6 users of the Accused Instrumentalities to use the Accused Instrumentalities in their  
7 normal and customary way to infringe the claims of the '112 Patent. Use of the Accused  
8 Instrumentalities in their ordinary and customary fashion results in infringement of the  
9 claims of the '112 Patent.

10 42. For example, Defendant explains to customers the benefits of using the  
11 Accused Instrumentalities, such as by touting their advantages of allowing users to use  
12 the Pandora app to play music files and store music files and playlists on users' devices.  
13 Defendant also induces its customers to use the Accused Instrumentalities to infringe  
14 other claims of the '112 Patent. Defendant specifically intended and was aware that the  
15 normal and customary use of the Accused Instrumentalities on compatible systems  
16 would infringe the '112 Patent. Defendant performed the acts that constitute induced  
17 infringement, and would induce actual infringement, with the knowledge of the '112  
18 Patent and with the knowledge, or willful blindness to the probability, that the induced  
19 acts would constitute infringement. On information and belief, Defendant engaged in  
20 such inducement to promote the sales of the Accused Instrumentalities, *e.g.*, through its  
21 user manuals, product support, marketing materials, demonstrations, installation  
22 support, and training materials to actively induce the users of the accused products to  
23 infringe the '112 Patent. Accordingly, Defendant has induced and continues to induce  
24 end users of the accused products to use the accused products in their ordinary and  
25 customary way with compatible systems to make and/or use systems infringing the '112  
26 Patent, knowing that such use of the Accused Instrumentalities with compatible systems  
27 will result in infringement of the '112 Patent. Accordingly, Defendant has been (since  
28

1 at least as of filing of the original complaint), and currently is, inducing infringement  
2 of the '112 Patent, in violation of 35 U.S.C. § 271(b).

3 43. Defendant has also infringed, and continues to infringe, claims of the '112  
4 Patent by offering to commercially distribute, commercially distributing, making,  
5 and/or importing the Accused Instrumentalities, which are used in practicing the  
6 process, or using the systems, of the '112 Patent, and constitute a material part of the  
7 invention. Defendant knows the components in the Accused Instrumentalities to be  
8 especially made or especially adapted for use in infringement of the '112 Patent, not a  
9 staple article, and not a commodity of commerce suitable for substantial noninfringing  
10 use. For example, the ordinary way of using the Accused Instrumentalities infringes the  
11 patent claims, and as such, is especially adapted for use in infringement. Accordingly,  
12 Defendant has been, and currently is, contributorily infringing the '112 Patent, in  
13 violation of 35 U.S.C. § 271(c).

14 **COUNT III**

15 **INFRINGEMENT OF U.S. PATENT NO. 9,712,614**

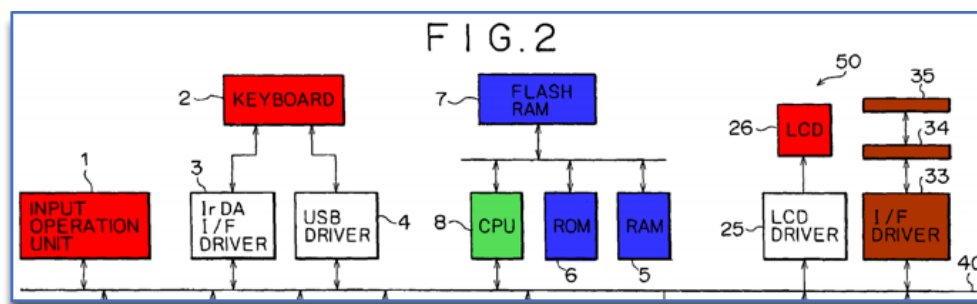
16 44. Plaintiff realleges and incorporates by reference the foregoing paragraphs,  
17 as if fully set forth herein.

18 45. Data Scape is the owner by assignment of United States Patent No.  
19 9,712,614 (“the '614 Patent”) entitled “Communication System And Its Method and  
20 Communication Apparatus And Its Method.” The '614 Patent was duly and legally  
21 issued by the United States Patent and Trademark Office on July 18, 2017. A true and  
22 correct copy of the '614 Patent is included as Exhibit C.

23 46. In their most basic form, and ignoring many claim limitations, the claims  
24 of the '614 Patent are directed to a data synchronization apparatus configured to  
25 recognize an identifier of a portable device and a list of digital musical content stored  
26 therein, and selectively transfer to the portable device only musical content found in the  
27 communication apparatus and not in the portable device and assure the content is played  
28

1 back as a collection. The claims are not directed to abstract ideas. The claims provide  
2 technical solutions to technical problems, and, thus, are patent-eligible.

3 47. As the '614 Patent states, the inventor, Akihiro Morohashi, working at  
4 Sony Corporation, aimed to solve the problems skilled artisans in 1999 faced trying to  
5 selectively transfer data between two electronic apparatuses. *E.g.*, '614 Patent, Col  
6 2:16-54. For example, many used optical disks to accomplish this process, but that was  
7 “cumbersome” and did not enable easy or random selection of files to transfer. *Id.* at  
8 2:25-37. And when others burned digital files into hard disk drives or semiconductor  
9 memory, those systems still required a large amount of time to selectively transfer  
10 certain digital data between electronic apparatuses. *Id.* And in any case, there was no  
11 reasonable way to selectively synchronize select digital content data between the  
12 apparatuses. *Id.* These problems were specific to the technological process of selective  
13 digital-data transfer between electronic apparatuses. *Id.* at 1:42-2:37. And with over 28  
14 columns of text and 13 figures, including Figure 2 below, the inventor taught various  
15 technical solutions involving an unconventional server with a controller configured with  
16 circuitry to compare certain digital management information:



22 48. Enabled by these teachings, the patents recite in their claims various  
23 technical solutions to the existing technological problems and shortcomings. For  
24 example, various claims require the then-unconventional system of electronic  
25 components configured to use a digital “identifier” to compare, edit and selectively  
26 transfer separate lists of digital musical content data between two apparatuses. See,  
27 *e.g.*, '614 Patent, Claim 1 (“[a] communication apparatus comprising ... [a] a memory  
28 configured to store musical content data and a plurality of lists associated with the

1 musical content data; [b] a data interface configured to interface with an external  
2 reproduction apparatus; [c] circuitry configured to [i] control playback of musical  
3 content data based on a program list so that the musical content data referenced in the  
4 program list is played back as collection, the program list being associated with a  
5 predetermined identifier; . . . [ii] accept edits to the program list; [iii] determine whether  
6 an identifier received by the circuitry via the data interface is the predetermined  
7 identifier; [iv] control transfer of the musical content data to the predetermined external  
8 reproduction apparatus . . . based on the program list; [v] compare the program list with  
9 a second list of musical content data stored in the predetermined external reproduction  
10 apparatus; [vi] identify a piece of musical content data common to the program list and  
11 the second list based on the result of the comparison; and [vi] control transfer to the  
12 predetermined external reproduction apparatus of the musical content data . . . such that  
13 transfer of the identified piece of musical content data common to the program list and  
14 the second list is omitted”).

15 49. The ‘614 patent and its file history make clear that each included  
16 independent-claim limitations were not in the prior art, let alone well-understood,  
17 routine, and conventional. This includes the communication apparatus comprising (1)  
18 a memory configured to store musical content data and a plurality of lists associated  
19 with the musical content data; (2) a data interface configured to interface with an  
20 external reproduction apparatus; (3) circuitry configured to [i] control playback of  
21 musical content data based on a program list so that the musical content data referenced  
22 in the program list is played back as collection, the program list being associated with  
23 a predetermined identifier; [ii] accept edits to the program list; [iii] determine whether  
24 an identifier received by the circuitry via the data interface is the predetermined  
25 identifier; [iv] control transfer of the musical content data to the predetermined external  
26 reproduction apparatus based on the program list; [v] compare the program list with a  
27 second list of musical content data stored in the predetermined external reproduction  
28 apparatus; [vi] identify a piece of musical content data common to the program list and



1 the second list based on the result of the comparison; and [vi] control transfer to the  
2 predetermined external reproduction apparatus of the musical content data such that  
3 transfer of the identified piece of musical content data common to the program list and  
4 the second list is omitted. And the dependent claims also include limitations that were  
5 not in the prior art, let alone well-understood, routine, and conventional. *See, e.g.*,  
6 limitations of claims 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of the '614 patent.

7 50. Defendant has offered for sale, sold and/or imported into the United States  
8 products and services that infringe the '614 patent, and continues to do so. By way of  
9 illustrative example, these infringing products and services include, without limitation,  
10 Defendant's products and services, *e.g.*, the Pandora System, and all versions and  
11 variations thereof since the issuance of the '614 Patent ("Accused Instrumentalities").

12 51. The Accused Instrumentalities includes "[a] communication apparatus."  
13 For example, the Accused Instrumentalities communicate music files and playlists  
14 stored on one device (*e.g.*, web servers in the Pandora System) to another device (*e.g.*,  
15 a user's mobile device or tablet with the Pandora app installed). *See, e.g.*, "Pandora  
16 Premium Will Change The Way You Listen to Music", *available at*  
17 [http://blog.pandora.com/us/pandora-premium-will-change-the-way-you-listen-to-](http://blog.pandora.com/us/pandora-premium-will-change-the-way-you-listen-to-music/)  
18 [music/](http://blog.pandora.com/us/pandora-premium-will-change-the-way-you-listen-to-music/) ("With Pandora Plus we introduced our predictive offline feature that  
19 automatically downloads your top stations and switches you to one of them when you  
20 lose a signal. We're bringing that feature to Pandora Premium, and adding the ability to  
21 download any album, song or playlist you want with no limits."); "Offline Mode and  
22 Downloads" *available at* [https://help.pandora.com/s/article/Offline-Mode-and-](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)  
23 [Downloads?language=en\\_US:](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)

**For Pandora Plus Subscribers:**

Pandora Plus subscribers cannot choose which stations they'd like available for offline listening. Instead, Pandora will download up to four of your most-listened-to stations and add them to your Offline Station list. By default, these stations will be downloaded while your device is connected to wifi, and we will never use the last 500 mb of storage on your device.

**For Pandora Premium Subscribers:**

Pandora Premium subscribers have the ability to download many songs, albums, stations, or playlists from Pandora's library to listen to offline and download them by using the instructions below.

1  
2  
3  
4 52. The Accused Instrumentalities include a communication apparatus  
5 comprising “a memory configured to store musical content data and a plurality of  
6 program lists associated with the musical content data.” For example, the mobile device  
7 or tablet with the Pandora App installed, as well as the Pandora Server, contains  
8 memory that will store musical files as individual files, station, albums or as playlists:  
9 *See, e.g.*, “Pandora Premium Will Change The Way You Listen to Music”, *available at*  
10 [http://blog.pandora.com/us/pandora-premium-will-change-the-way-you-listen-to-](http://blog.pandora.com/us/pandora-premium-will-change-the-way-you-listen-to-music/)  
11 [music/](http://blog.pandora.com/us/pandora-premium-will-change-the-way-you-listen-to-music/) (“With Pandora Plus we introduced our predictive offline feature that  
12 automatically downloads your top stations and switches you to one of them when you  
13 lose a signal. We’re bringing that feature to Pandora Premium, and adding the ability to  
14 download any album, song or playlist you want with no limits.”); “Offline Mode and  
15 Downloads” *available at* [https://help.pandora.com/s/article/Offline-Mode-and-](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)  
16 [Downloads?language=en\\_US:](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)

**For Pandora Plus Subscribers:**

Pandora Plus subscribers cannot choose which stations they'd like available for offline listening. Instead, Pandora will download up to four of your most-listened-to stations and add them to your Offline Station list. By default, these stations will be downloaded while your device is connected to wifi, and we will never use the last 500 mb of storage on your device.

**For Pandora Premium Subscribers:**

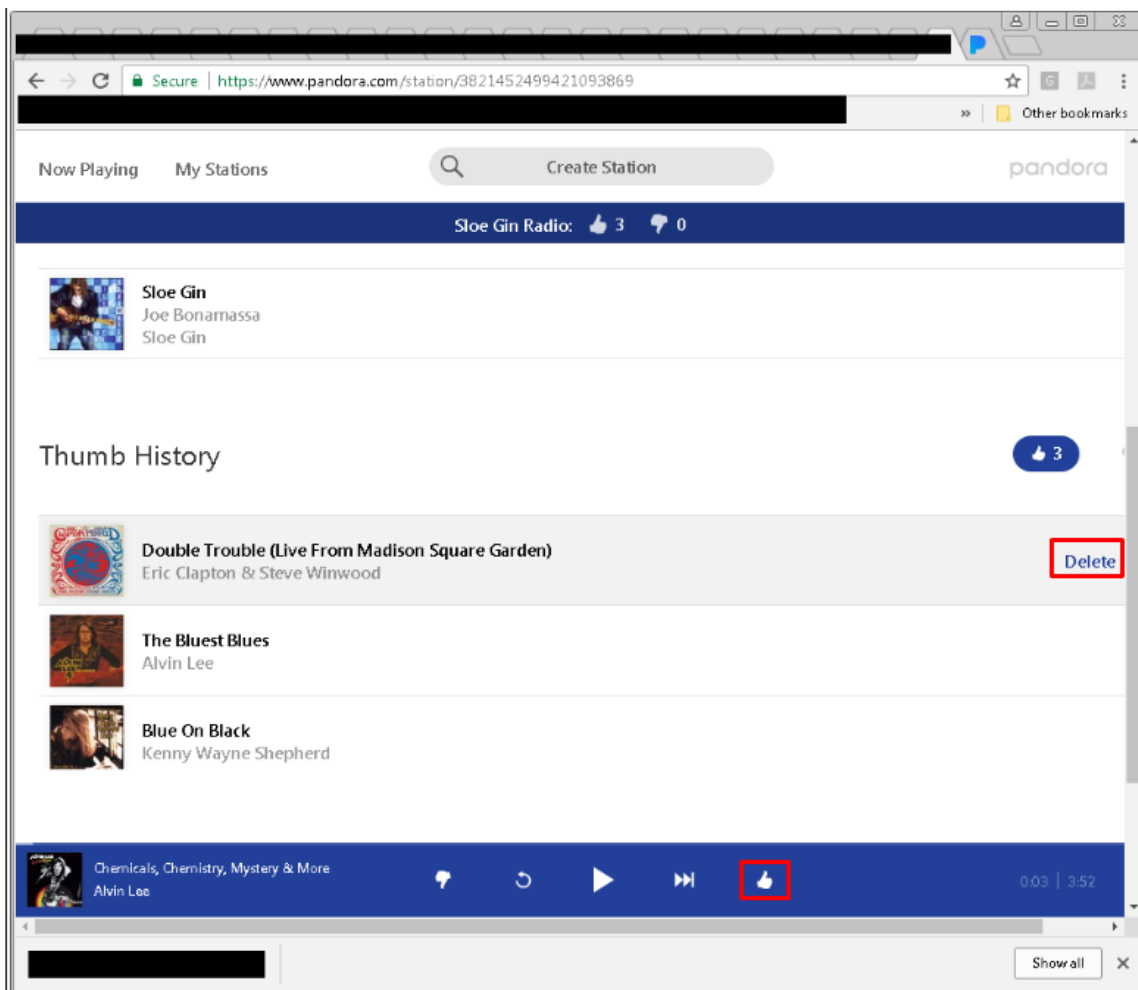
Pandora Premium subscribers have the ability to download many songs, albums, stations, or playlists from Pandora's library to listen to offline and download them by using the instructions below.

17  
18  
19  
20  
21  
22  
23 53. The Accused Instrumentalities include a communication apparatus further  
24 comprising “a data interface configured to interface with an external reproduction  
25 apparatus.” For example, the Pandora App, as run by the Pandora servers, includes a  
26 graphic user interface that allows for the creation of Playlists on a web browser, mobile  
27 device, or tablet:  
28

### Edit your playlist on the web

To edit curated or auto-generated playlists, go to **My Music** and tap the name of the playlist you'd like to make changes to. Next, tap the **Edit** icon below the album art.

- **To remove songs from your playlist**, scroll down and press the circled (X) to the left of the songs you would like to remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not remove the original Thumb rating from your stations).
- **To adjust the order of your playlist**, hold and drag the list icon on the right of the track title to the desired position.
- **To rename your playlist**, tap the current name then enter whatever you'd like to call it.
- Tap the **Add Similar Songs** button located at the bottom of your playlist if you need some assistance with building your playlist. Pandora will add songs that match the musical qualities of the tracks already in your playlist. You can re-order songs we've added or delete any unwanted songs.



54. The Accused Instrumentalities further include a communication apparatus comprising circuitry configured to “control playback of musical content data based on a program lists so that the musical content data referenced in the program list is played back as a collection, the program list being associated with a predetermined identifier

1 uniquely identifying a predetermined external reproduction apparatus among a plurality  
 2 of reproduction apparatuses. For example, the Pandora App allows musical files to be  
 3 played as a “Playlist” consisting of a collection of musical files.

#### 4 **What are Playlists?**

5 Playlists are a feature of Pandora Premium that allows you full control of what music you want to hear. You can fully customize your playlists and  
 6 add specific songs, artists, and albums in the order you prefer. If you need help building your custom playlists, ask Pandora to help you build  
 7 your playlist by using the Add Similar Songs button.

- 8 • **Auto-generated playlists** are created after you have Thumbed-up five or more songs on stations you've created. We will sync your Thumbs  
 9 up from that station so you can access all of your favorite tracks whenever you want.
- 10 • **My Thumbs Up** is a playlist that collects your Thumbed up tracks from each of your stations. Every time you thumb up a song on your  
 11 stations, it will be automatically added to this playlist. My Thumbs Up playlists will only play the songs you have Thumbed Up. To listen to  
 12 this playlist, go to My Music, sort by Playlists and select My Thumbs Up.

13 [https://help.pandora.com/s/article/Playlists-on-Premium-  
 14 1519949304429?language=en\\_US#download](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US#download)

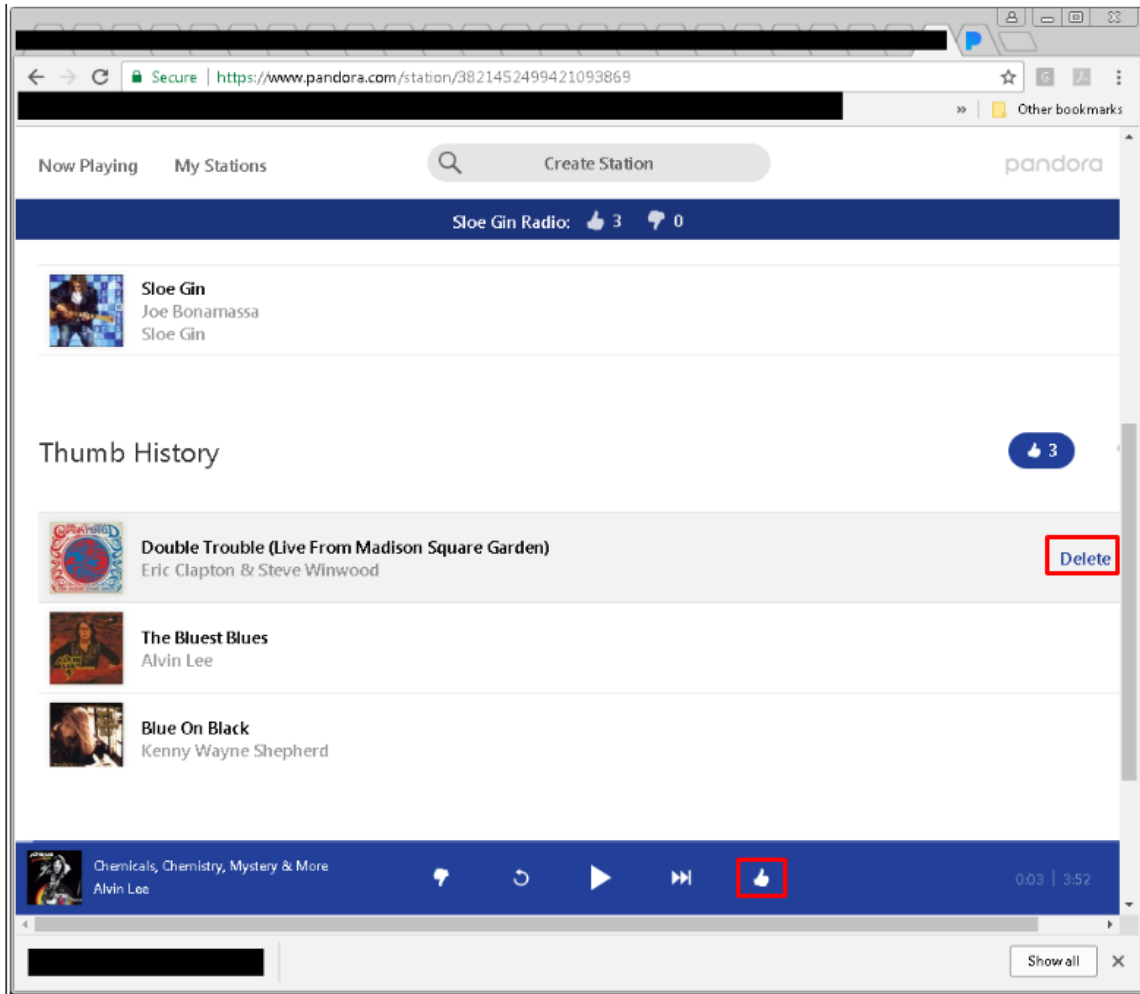
15 55. The Accused Instrumentalities further include a communication apparatus  
 16 comprising circuitry configured to “control presentation of the program list to a user via  
 17 user interface.” For example, the Pandora App includes a graphic user interface that will  
 18 show the Playlists that are available.

19 56. The Accused Instrumentalities further include a communication apparatus  
 20 comprising circuitry configured to accept edits to the program list via the user interface.  
 21 For example, the Pandora System allows items to be added to a playlist by using the  
 22 “Thumbs-up” icon on a song that is playing, and to delete songs from a playlist,  
 23 regardless of the mobile device or tablet is connected to the Pandora Server. *See, e.g.,*  
 24 “Playlists on Premium”:

#### 25 **Edit your playlist on the web**

26 To edit curated or auto-generated playlists, go to **My Music** and tap the name of the playlist you'd like to make  
 27 changes to. Next, tap the **Edit** icon below the album art.

- 28 • **To remove songs from your playlist**, scroll down and press the circled (X) to the left of the songs you would  
 like to remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not  
 remove the original Thumb rating from your stations).
- **To adjust the order of your playlist**, hold and drag the list icon on the right of the track title to the desired  
 position.
- **To rename your playlist**, tap the current name then enter whatever you'd like to call it.
- Tap the **Add Similar Songs** button located at the bottom of your playlist if you need some assistance with  
 building your playlist. Pandora will add songs that match the musical qualities of the tracks already in your  
 playlist. You can re-order songs we've added or delete any unwanted songs.



17           57. The Accused Instrumentalities further include circuitry configured to  
18 “determine whether an identifier received by the circuitry via the data interface is the  
19 predetermined identifier.” For example, the Pandora System can determine whether a  
20 specific user account is associated with a device connected to the server:

## Someone else is listening to your Pandora account

Home > Account

Pandora Plus and Pandora Premium accounts are meant for individual, non-commercial use. The cost of an individual subscription only covers the costs of one stream of ad-free songs.

You can play your account on any supported computer or device you own, however, only one person can listen at a time on your account. If our system detects that your account is playing on more than one device at the same time, you will be notified with an audio and/or display message that pauses your music.

[How do I continue listening to my music?](#)

[How do I prevent this message from appearing?](#)

[I'm the only listener on my account, and keep getting this message! What do I do?](#)

[I purchased a Family Plan so I could stream to multiple devices. Why am I receiving this error message?](#)

[How do I remove devices from my account?](#)

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[How do I continue listening to my music?](#)

Choose **Let Me Listen** to continue listening to music from the device you are currently controlling.

Choose **Let Them Listen** to close this message, and allow the other device to continue streaming music from your account.

[https://help.pandora.com/s/article/000001191?language=en\\_US](https://help.pandora.com/s/article/000001191?language=en_US)

58. The Accused Instrumentalities further include circuitry configured to “control transfer of the musical content data to the predetermined external reproduction apparatus via the data interface based on the program list when the received identifier is the predetermined identifier without receiving information on selection of the musical content data from the predetermined external reproduction apparatus.” For instance, if a Playlist stored on Pandora servers is edited to remove a song, the Playlist on the mobile device will have the same song deleted.

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### Edit your playlist on the web

To edit curated or auto-generated playlists, go to **My Music** and tap the name of the playlist you'd like to make changes to. Next, tap the **Edit** icon below the album art.

- **To remove songs from your playlist**, scroll down and press the circled (X) to the left of the songs you would like to remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not remove the original Thumb rating from your stations).
  - **To adjust the order of your playlist**, hold and drag the list icon on the right of the track title to the desired position.
  - **To rename your playlist**, tap the current name then enter whatever you'd like to call it.
  - Tap the **Add Similar Songs** button located at the bottom of your playlist if you need some assistance with building your playlist. Pandora will add songs that match the musical qualities of the tracks already in your playlist. You can re-order songs we've added or delete any unwanted songs.
-

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1 **Download your Playlist**

2 To download content from **My Music**, click the download button (icon with arrow pointing downward). Keep in mind that this button will only appear for eligible tracks.

3 If you change your mind at any point during the downloading process, simply tap the download button again, and we'll halt progress.

4 If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and stations. The next time you gain a signal, we'll attempt to complete the download process for you.

5 *\*Downloading content is a mobile-only experience. You will need an internet connection in order to listen to Pandora Premium on the web.*

6  
7 [https://help.pandora.com/s/article/Playlists-on-](https://help.pandora.com/s/article/Playlists-on-Premium1519949304429?language=en_US#download)  
8 [Premium1519949304429?language=en\\_US#download](https://help.pandora.com/s/article/Playlists-on-Premium1519949304429?language=en_US#download)

9 59. The Accused Instrumentalities further include circuitry configured to  
10 “compare the program list with a second list of musical content data stored in the  
11 predetermined external reproduction apparatus.” For instance, if a Playlist stored in the  
12 Pandora server is edited to remove a song, the Playlist on the mobile device will have  
13 the same song deleted.

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14 **Edit your playlist on the web**

15 To edit curated or auto-generated playlists, go to **My Music** and tap the name of the playlist you'd like to make changes to. Next, tap the **Edit** icon below the album art.

- 16
- 17 • **To remove songs from your playlist**, scroll down and press the circled (X) to the left of the songs you would like to remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not remove the original Thumb rating from your stations).
  - 18 • **To adjust the order of your playlist**, hold and drag the list icon on the right of the track title to the desired position.
  - 19 • **To rename your playlist**, tap the current name then enter whatever you'd like to call it.
  - 20 • Tap the **Add Similar Songs** button located at the bottom of your playlist if you need some assistance with building your playlist. Pandora will add songs that match the musical qualities of the tracks already in your playlist. You can re-order songs we've added or delete any unwanted songs.

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21 **Download your Playlist**

22 To download content from **My Music**, click the download button (icon with arrow pointing downward). Keep in mind that this button will only appear for eligible tracks.

23 If you change your mind at any point during the downloading process, simply tap the download button again, and we'll halt progress.

24 If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and stations. The next time you gain a signal, we'll attempt to complete the download process for you.

25 *\*Downloading content is a mobile-only experience. You will need an internet connection in order to listen to Pandora Premium on the web.*

26  
27 [https://help.pandora.com/s/article/Playlists-on-](https://help.pandora.com/s/article/Playlists-on-Premium1519949304429?language=en_US#download)  
28 [Premium1519949304429?language=en\\_US#download](https://help.pandora.com/s/article/Playlists-on-Premium1519949304429?language=en_US#download)

1           60. The Accused Instrumentalities further include circuitry configured to  
2 “identify a piece of musical content data common to the program list and the second list  
3 based on the result of the comparison.” For instance, if a Playlist stored in Pandora  
4 servers is edited to remove a song, the Playlist on the mobile device will have the same  
5 song deleted.

---

6 **Edit your playlist on the web**

7 To edit curated or auto-generated playlists, go to **My Music** and tap the name of the playlist you'd like to make changes to. Next, tap  
8 the **Edit** icon below the album art.

- 9 • **To remove songs from your playlist**, scroll down and press the circled (X) to the left of the songs you would like to remove or swipe the  
10 track name from right to left. (Deleting songs from your custom playlists will not remove the original Thumb rating from your stations).
- 11 • **To adjust the order of your playlist**, hold and drag the list icon on the right of the track title to the desired position.
- 12 • **To rename your playlist**, tap the current name then enter whatever you'd like to call it.
- 13 • Tap the **Add Similar Songs** button located at the bottom of your playlist if you need some assistance with building your playlist. Pandora  
14 will add songs that match the musical qualities of the tracks already in your playlist. You can re-order songs we've added or delete any  
15 unwanted songs.

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16 **Download your Playlist**

17 To download content from **My Music**, click the download button (icon with arrow pointing downward). Keep in mind that this button will only  
18 appear for eligible tracks.

19 If you change your mind at any point during the downloading process, simply tap the download button again, and we'll halt progress.

20 If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and stations. The next time you  
21 gain a signal, we'll attempt to complete the download process for you.

22 *\*Downloading content is a mobile-only experience. You will need an internet connection in order to listen to Pandora Premium on the web.*

23 [https://help.pandora.com/s/article/Playlists-on-](https://help.pandora.com/s/article/Playlists-on-Premium1519949304429?language=en_US#download)  
24 [Premium1519949304429?language=en\\_US#download](https://help.pandora.com/s/article/Playlists-on-Premium1519949304429?language=en_US#download)

25           61. The Accused Instrumentalities further include circuitry configured to  
26 “control transfer to the predetermined external reproduction apparatus of the musical  
27 content data that is in the program list and is not in the second list of musical content  
28 data based on the result of the comparison such that transfer of the identified piece of  
musical content data common to the program list and the second list is omitted.” For  
instance, the if the Playlist stored in Pandora servers is edited to remove a song, the  
Playlist on the mobile device will have the same song deleted.



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1 **Edit your playlist on the web**

2 To edit curated or auto-generated playlists, go to **My Music** and tap the name of the playlist you'd like to make changes to. Next, tap the **Edit** icon below the album art.

- 3
- 4 • **To remove songs from your playlist**, scroll down and press the circled (X) to the left of the songs you would like to remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not remove the original Thumb rating from your stations).
  - 5 • **To adjust the order of your playlist**, hold and drag the list icon on the right of the track title to the desired position.
  - 6 • **To rename your playlist**, tap the current name then enter whatever you'd like to call it.
  - 7 • Tap the **Add Similar Songs** button located at the bottom of your playlist if you need some assistance with building your playlist. Pandora will add songs that match the musical qualities of the tracks already in your playlist. You can re-order songs we've added or delete any unwanted songs.
- 

8 **Download your Playlist**

9 To download content from **My Music**, click the download button (icon with arrow pointing downward). Keep in mind that this button will only appear for eligible tracks.

10 If you change your mind at any point during the downloading process, simply tap the download button again, and we'll halt progress.

11 If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and stations. The next time you gain a signal, we'll attempt to complete the download process for you.

12 *\*Downloading content is a mobile-only experience. You will need an internet connection in order to listen to Pandora Premium on the web.*

13 [https://help.pandora.com/s/article/Playlists-on-](https://help.pandora.com/s/article/Playlists-on-Premium1519949304429?language=en_US#download)  
14 [Premium1519949304429?language=en\\_US#download](https://help.pandora.com/s/article/Playlists-on-Premium1519949304429?language=en_US#download)

15 62. Defendant has had knowledge of the '614 Patent and its infringement since  
16 at least the filing of the original Complaint in this action, or shortly thereafter, including  
17 by way of this lawsuit. By the time of trial, Defendant will have known and intended  
18 (since receiving such notice) that its continued actions would actively induce and  
19 contribute to the infringement of the claims of the '614 Patent.

20 63. Defendant's affirmative acts of making, using, selling, offering for sale,  
21 and/or importing the Accused Instrumentalities have induced and continue to induce  
22 users of the Accused Instrumentalities to use the Accused Instrumentalities in their  
23 normal and customary way to infringe the claims of the '614 Patent. Use of the Accused  
24 Instrumentalities in their ordinary and customary fashion results in infringement of the  
25 claims of the '614 Patent.

26 64. For example, Defendant explains to customers the benefits of using the  
27 Accused Instrumentalities, such as by touting their advantages of allowing users to use  
28 the Pandora app to play music files as well as storing music files on the users' devices.

1 Defendant also induces its customers to use the Accused Instrumentalities to infringe  
2 other claims of the '614 Patent. Defendant specifically intended and was aware that the  
3 normal and customary use of the Accused Instrumentalities on compatible systems  
4 would infringe the '614 Patent. Defendant performed the acts that constitute induced  
5 infringement, and would induce actual infringement, with the knowledge of the '614  
6 Patent and with the knowledge, or willful blindness to the probability, that the induced  
7 acts would constitute infringement. On information and belief, Defendant engaged in  
8 such inducement to promote the sales of the Accused Instrumentalities, *e.g.*, through its  
9 user manuals, product support, marketing materials, demonstrations, installation  
10 support, and training materials to actively induce the users of the accused products to  
11 infringe the '614 Patent. Accordingly, Defendant has induced and continues to induce  
12 end users of the accused products to use the accused products in their ordinary and  
13 customary way with compatible systems to make and/or use systems infringing the '614  
14 Patent, knowing that such use of the Accused Instrumentalities with compatible systems  
15 will result in infringement of the '614 Patent. Accordingly, Defendant has been (since  
16 at least as of filing of the original complaint), and currently is, inducing infringement  
17 of the '614 Patent, in violation of 35 U.S.C. § 271(b).

18 65. Defendant has also infringed, and continues to infringe, claims of the '614  
19 Patent by offering to commercially distribute, commercially distributing, making,  
20 and/or importing the Accused Instrumentalities, which are used in practicing the  
21 process, or using the systems, of the '614 Patent, and constitute a material part of the  
22 invention. Defendant knows the components in the Accused Instrumentalities to be  
23 especially made or especially adapted for use in infringement of the '614 Patent, not a  
24 staple article, and not a commodity of commerce suitable for substantial noninfringing  
25 use. For example, the ordinary way of using the Accused Instrumentalities infringes the  
26 patent claims, and as such, is especially adapted for use in infringement. Accordingly,  
27 Defendant has been, and currently is, contributorily infringing the '614 Patent, in  
28 violation of 35 U.S.C. § 271(c).

1 **COUNT IV**

2 **INFRINGEMENT OF U.S. PATENT NO. 9,736,238**

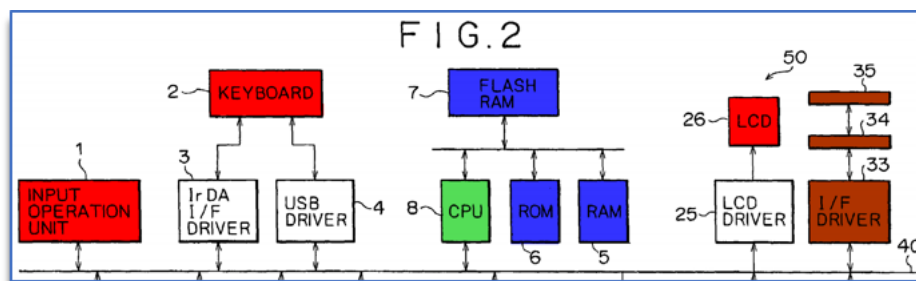
3 66. Plaintiff realleges and incorporates by reference the foregoing paragraphs,  
4 as if fully set forth herein.

5 67. Data Scape is the owner by assignment of United States Patent No.  
6 9,736,238 (“the ‘238 Patent”) entitled “Communication system and its method and  
7 communication apparatus and its method.” The ‘238 Patent was duly and legally issued  
8 by the United States Patent and Trademark Office on July 17, 2018. A true and correct  
9 copy of the ‘238 Patent is included as Exhibit D.

10 68. In their most basic form, and ignoring many claim limitations, the claims  
11 of the ‘238 Patent are directed to a data synchronization apparatus configured to  
12 recognize an identifier of a portable device and a list of digital musical content stored  
13 therein, edit the list with a touch-sensor, and selectively transfer only edited portions of  
14 the musical content to the portable device after making sure the device has sufficient  
15 size to receive the data and assure the content is played back as a collection. The claims  
16 are not directed to abstract ideas. The claims provide technical solutions to technical  
17 problems, and, thus, are patent-eligible.

18 69. As the ‘238 Patent states, the inventor, Akihiro Morohashi, working at  
19 Sony Corporation, aimed to solve the problems skilled artisans in 1999 faced trying to  
20 selectively transfer data between two electronic apparatuses. *E.g.*, ‘238 Patent, Col  
21 2:17-56. For example, many used optical disks to accomplish this process, but that was  
22 “cumbersome” and did not enable easy or random selection of files to transfer. *Id.* at  
23 2:26-38. And when others burned digital files into hard disk drives or semiconductor  
24 memory, those systems still required a large amount of time to selectively transfer  
25 certain digital data between electronic apparatuses. *Id.* And in any case, there was no  
26 reasonable way to selectively synchronize select digital content data between the  
27 apparatuses. *Id.* These problems were specific to the technological process of selective  
28 digital-data transfer between electronic apparatuses. *Id.* at 1:43-2:39. And with over 28

1 columns of text and 13 figures, including Figure 2 below, the inventor taught various  
 2 technical solutions involving an unconventional server with a controller configured with  
 3 circuitry to compare certain digital management information:



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70. Enabled by these teachings, the patents recite in their claims various technical solutions to the existing technological problems and shortcomings. For example, various claims require the then-unconventional system of electronic components configured to use digital “identifiers” to compare, edit, delete and selectively transfer separate digital content data between two apparatuses. See, e.g., ’238 Patent, Claim 13 (“[a] non transitory computer readable medium including instructions, when executed by circuitry case the circuitry to: (a) store, in a memory, compressed musical content data and a program list . . .; (b) control a connection with an internet server via a network; (c) control transmission of a user ID . . . an authentication of the user ID and a billing process; (d) control downloading the compressed musical content data; (e) control storage of the compressed musical content data; (f) control display of a title list of the compressed musical content data . . . including jacket image data . . .; (g) edit a program list based on a user input to the displayed title list via a touch sensor; (h) associate the program list with a predetermined identifier; (i) control playback of the compressed musical content data . . . as a collection; (j) determine whether an identifier received by the circuitry . . . is the predetermined identifier; (k) retrieve the program list among a plurality of program lists . . . based on the determination as to the identifier . . .; (l) determine whether the capacity of a memory of the portable apparatus is enough to store the compressed

1 musical content data . . . ; (m) control transmission of the compressed musical content  
2 data to the portable apparatus . . . in such a way that . . . data which is not stored in the  
3 portable apparatus is transferred from the music server to the portable apparatus; and  
4 (n) control to provide a warning in case that the music server and portable apparatus are  
5 disconnected.”

6 71. The ‘238 patent and its file history make clear that each included  
7 independent-claim limitations were not in the prior art, let alone well-understood,  
8 routine, and conventional. This includes the claimed non transitory computer readable  
9 medium including instructions, when executed by circuitry cause the circuitry to: (a)  
10 store, in a memory, compressed musical content data and a program list; (b) control a  
11 connection with an internet server via a network; (c) control transmission of a user ID  
12 an authentication of the user ID and a billing process; (d) control downloading the  
13 compressed musical content data; (e) control storage of the compressed musical content  
14 data; (f) control display of a title list of the compressed musical content data including  
15 jacket image data; (g) edit a program list based on a user input to the displayed title list  
16 via a touch sensor; (h) associate the program list with a predetermined identifier; (i)  
17 control playback of the compressed musical content data as a collection; (j) determine  
18 whether an identifier received by the circuitry is the predetermined identifier; (k)  
19 retrieve the program list among a plurality of program lists . . . based on the  
20 determination as to the identifier.; (l) determine whether the capacity of a memory of  
21 the portable apparatus is enough to store the compressed musical content data; (m)  
22 control transmission of the compressed musical content data to the portable apparatus  
23 in such a way that data which is not stored in the portable apparatus is transferred from  
24 the music server to the portable apparatus; and (n) control to provide a warning in case  
25 that the music server and portable apparatus are disconnected. And the dependent  
26 claims also include limitations that were not in the prior art, let alone well-understood,  
27 routine, and conventional. *See, e.g.*, limitations of claims 14-17 of the ’238 patent.

28

1           72. On information and belief, Pandora has offered for sale, sold and/or  
2 imported into the United States Pandora products and services that infringe the ‘238  
3 patent, and continues to do so. By way of illustrative example, these infringing products  
4 and services include, without limitation, Defendant’s products and services, *e.g.*, the  
5 Pandora System, including Pandora Premium, and all versions and variations thereof  
6 since the issuance of the ‘238 Patent (“Accused Instrumentalities”).

7           73. On information and belief, Pandora has directly infringed and continues to  
8 infringe the ‘238 Patent, for example, by making, selling, offering for sale, and/or  
9 importing the Accused Instrumentalities, and through its own use and testing of the  
10 Accused Instrumentalities, which constitute non-transitory computer readable medium  
11 including executable instructions claimed by Claim 13 of the ‘238 Patent which when  
12 executed by circuitry cause the circuitry to: store, in a memory, compressed musical  
13 content data and a program list associated with the compressed musical content data;  
14 control a connection with an internet server via a network; control transmission of a  
15 user ID via the network, an authentication process of the user ID and a billing process  
16 being conducted based on the user ID; control downloading the compressed musical  
17 content data from the internet server via the network; control storage of the compressed  
18 musical content data to the memory; control display of a title list of the compressed  
19 musical content data stored in the memory based on additional data of the compressed  
20 musical content data, the additional data including jacket image data of the compressed  
21 musical content data and the title list including a jacket image of the compressed  
22 musical content data; edit a program list based on a user input to the displayed title list  
23 via a touch sensor without regard to whether the music server is connected to a portable  
24 apparatus; associate the program list with a predetermined identifier uniquely  
25 identifying the portable apparatus among a plurality of portable apparatus; control  
26 playback of the compressed musical content data based on the program list so that the  
27 compressed musical content data referenced in the program list is played back as a  
28 collection; determine whether an identifier received by the circuitry from the portable

1 apparatus is the predetermined identifier in response to a connection of the portable  
2 apparatus to the music server; retrieve the program list among a plurality of program  
3 lists stored in the memory based on the determination as to the identifier by the circuitry;  
4 determine whether capacity of a memory of the portable apparatus is enough to store  
5 the compressed musical content data in the program list as retrieved by the circuitry;  
6 control transmission of the compressed musical content data to the portable apparatus  
7 from the portable apparatus based on the program list in such a way that, of the  
8 compressed data in the program list as retrieved by the circuitry, the compressed  
9 musical content data which is not stored in the portable apparatus is transferred from  
10 the music server to the portable apparatus; and control to provide a warning in a case  
11 that the music server and the portable apparatus are disconnected.

12         74. Upon information and belief, Pandora uses the Accused Instrumentalities,  
13 which are infringing systems, for its own internal non-testing business purposes, while  
14 testing the Accused Instrumentalities, and while providing technical support and repair  
15 services for the Accused Instrumentalities to Pandora's customers.

16         75. On information and belief, Pandora has had knowledge of the '238 Patent  
17 since at least the filing of the original Complaint in this action, or shortly thereafter, and  
18 on information and belief, Pandora knew of the '238 Patent and knew of its  
19 infringement, including by way of this lawsuit. By the time of trial, Pandora will have  
20 known and intended (since receiving such notice) that their continued actions would  
21 actively induce and contribute to the infringement of the claims of the '238 Patent.

22         76. On information and belief, use of the Accused Instrumentalities in their  
23 ordinary and customary fashion results in infringement of the claims of the '238 Patent.

24         77. Pandora's affirmative acts of making, using, selling, offering for sale,  
25 and/or importing the Accused Instrumentalities have induced and continue to induce  
26 users of the Accused Instrumentalities to use the Accused Instrumentalities in their  
27 normal and customary way to infringe the claims of the '238 Patent, knowing that when  
28 the Accused Instrumentalities are used in their ordinary and customary manner, such

1 systems constitute non-transitory computer readable medium including executable  
2 instructions which when executed by circuitry cause the circuitry to: store, in a memory,  
3 compressed musical content data and a program list associated with the compressed  
4 musical content data; control a connection with an internet server via a network; control  
5 transmission of a user ID via the network, an authentication process of the user ID and  
6 a billing process being conducted based on the user ID; control downloading the  
7 compressed musical content data from the internet server via the network; control  
8 storage of the compressed musical content data to the memory; control display of a title  
9 list of the compressed musical content data stored in the memory based on additional  
10 data of the compressed musical content data, the additional data including jacket image  
11 data of the compressed musical content data and the title list including a jacket image  
12 of the compressed musical content data; edit a program list based on a user input to the  
13 displayed title list via a touch sensor without regard to whether the music server is  
14 connected to a portable apparatus; associate the program list with a predetermined  
15 identifier uniquely identifying the portable apparatus among a plurality of portable  
16 apparatus; control playback of the compressed musical content data based on the  
17 program list so that the compressed musical content data referenced in the program list  
18 is played back as a collection; determine whether an identifier received by the circuitry  
19 from the portable apparatus is the predetermined identifier in response to a connection  
20 of the portable apparatus to the music server; retrieve the program list among a plurality  
21 of program lists stored in the memory based on the determination as to the identifier by  
22 the circuitry; determine whether capacity of a memory of the portable apparatus is  
23 enough to store the compressed musical content data in the program list as retrieved by  
24 the circuitry; control transmission of the compressed musical content data to the  
25 portable apparatus from the portable apparatus based on the program list in such a way  
26 that, of the compressed data in the program list as retrieved by the circuitry, the  
27 compressed musical content data which is not stored in the portable apparatus is  
28 transferred from the music server to the portable apparatus; and control to provide a



1 warning in a case that the music server and the portable apparatus are disconnected..  
2 For example, Pandora explains to customers the benefits of using the Accused  
3 Instrumentalities, such as by touting their advantages:

4  
5 [https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en\\_US](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US).

6 Pandora also induces its customers to use the Accused Instrumentalities to infringe other  
7 claims of the '238 Patent. Pandora specifically intended and was aware that the normal  
8 and customary use of the Accused Instrumentalities on compatible systems would  
9 infringe the '238 Patent. Pandora performed the acts that constitute induced  
10 infringement, and would induce actual infringement, with the knowledge of the '238  
11 Patent and with the knowledge, or willful blindness to the probability, that the induced  
12 acts would constitute infringement. On information and belief, Pandora engaged in  
13 such inducement to promote the sales of the Accused Instrumentalities, *e.g.*, through  
14 Pandora's user manuals, product support, marketing materials, demonstrations,  
15 installation support, and training materials to actively induce the users of the accused  
16 products to infringe the '238 Patent. Accordingly, Pandora has induced and continues  
17 to induce end users of the accused products to use the accused products in their ordinary  
18 and customary way with compatible systems to make and/or use systems infringing the  
19 '238 Patent, knowing that such use of the Accused Instrumentalities with compatible  
20 systems will result in infringement of the '238 Patent. Accordingly, Pandora has been  
21 (since at least as of filing of the original complaint), and currently is, inducing  
22 infringement of the '238 Patent, in violation of 35 U.S.C. § 271(b).

23 Offline Mode is a feature we offer to our subscribers that enables you to listen without a Wi-Fi or cell network signal.  
24 Since you can utilize offline mode automatically as well as manually, it's a great way to stay connected to your music  
wherever you are.

25 This feature is only available to our current Pandora Plus, Pandora Premium, or Premium Family subscribers, and only  
from iOS or Android mobile devices, Apple Watches and Fitbits.

26 Learn more about using the Offline Mode feature by selecting from the options below:

27 78. Pandora has also infringed, and continues to infringe, claims of the '238  
28 patent by offering to commercially distribute, commercially distributing, making,

1 and/or importing the Accused Instrumentalities, which are used in practicing the  
2 process, or using the systems, of the ‘238 patent, and constitute a material part of the  
3 invention. Pandora knows the components in the Accused Instrumentalities to be  
4 especially made or especially adapted for use in infringement of the ‘238 patent, not a  
5 staple article, and not a commodity of commerce suitable for substantial noninfringing  
6 use. For example, the ordinary way of using the Accused Instrumentalities infringes the  
7 patent claims, and as such, is especially adapted for use in infringement. Accordingly,  
8 Pandora has been, and currently is, contributorily infringing the ‘238 patent, in violation  
9 of 35 U.S.C. § 271(c).

10 79. The Accused Instrumentality includes a non-transitory computer readable  
11 medium including executable instructions. For example, Pandora can be accessed either  
12 through its Website or through an application installed in iOS Devices, Android  
13 Devices, or through the Windows 10 App:

## Using Pandora

Home > Using Pandora

How to use on iOS Devices

How to use on Android Devices

How to use our Website

How to use on Windows 10 App

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24 [https://help.pandora.com/s/topic/0TO1W000000aJ9wWAE/using-](https://help.pandora.com/s/topic/0TO1W000000aJ9wWAE/using-pandora?language=en_US)  
25 [pandora?language=en\\_US](https://help.pandora.com/s/topic/0TO1W000000aJ9wWAE/using-pandora?language=en_US)

26 80. The Accused Instrumentality further includes a non-transitory computer  
27 readable medium including executable instructions, which when executed by circuitry  
28 cause the circuitry to store, in a memory, compressed musical content data and a

1 program list associated with the compressed musical content data. For example,  
2 Pandora compresses musical files with the Advanced Audio Coding or AAC+ standard.  
3 See [https://www.howtogeek.com/185314/ask-htg-can-i-improve-the-quality-of-](https://www.howtogeek.com/185314/ask-htg-can-i-improve-the-quality-of-pandoras-music-streaming/)  
4 [pandoras-music-streaming/](https://www.howtogeek.com/185314/ask-htg-can-i-improve-the-quality-of-pandoras-music-streaming/) (“Further, Pandora uses AAC+ (which offers much better  
5 sound reproduction compared to MP3 files at the same kpbs bit-rate”). For example, the  
6 Pandora Application will store these compressed musical files on an iOS or Android  
7 Device, as well as in the Pandora Music Servers, as a playlist:

8  
9 **Pandora Plus subscribers:**

10 Pandora will automatically download three of your most-listened-to stations to get you started, as well as your  
11 Thumbprint Radio (if available). Plus subscribers do not get to choose which stations they'd like to download.

12 **Pandora Premium or Premium Family subscribers:**

13 To download content from **My Collection**, click the download button (icon with arrow pointing downward). *Keep in mind*  
14 *that this button will only appear for eligible tracks.*

15 If you change your mind at any point during the downloading process, simply tap the download button again, and we'll  
16 halt progress.

17 If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and  
18 stations. The next time you gain a signal, we'll attempt to complete the download process for you.

19 [https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en\\_US](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)

20 <https://help.pandora.com/s/article/Playlists-on-Premium->

21 [Download a Playlist](#)

22 Downloading playlists is only possible from certain mobile devices.

23 To download content from **My Collection**, click the download button (icon with arrow pointing downward). Keep in mind  
24 that this button will only appear for eligible tracks.

25 If you change your mind at any point during the downloading process, simply tap the download button again, and we'll  
26 halt your download progress.

27 If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and  
28 stations. The next time you gain a signal, we'll attempt to complete the download process for you.

[1519949304429?language=en\\_US](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US)

1 81. The Accused Instrumentality further includes a non-transitory computer  
2 readable medium including executable instructions, which when executed by circuitry  
3 cause the circuitry to control a connection with an internet server via a network. For  
4 example, the Pandora Application allows the user to Enable or Disable Offline Mode:

5  
6 **Enable or Disable Offline Mode**

7 If you'd like to enable or disable Offline Mode, go to **My Collection** and tap the menu icon. Find the Offline  
8 Mode switch at the bottom of the menu to turn Offline Mode on or off.

9 Also, as long a mobile network or Wi-Fi connection is available, you'll have the option to switch back to online mode  
10 from the Now Playing screen.

To do that:

- 11 1. Click on the ribbon above the album art that says Offline Mode.
- 12 2. Follow the prompt that asks you to confirm that you would like to Go Online.
- 13 3. Toggle the Offline Mode feature OFF.

14 [https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en\\_US](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)

15 82. The Accused Instrumentality further includes a non-transitory computer  
16 readable medium including executable instructions, which when executed by circuitry  
17 cause the circuitry to control transmission of a user ID via the network, an authentication  
18 process of the user ID and a billing process being conducted based on the user ID. For  
19 example, in order to use Pandora, users are required to create an account consisting of  
20 an email address and password:

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**Create an account on a mobile device**

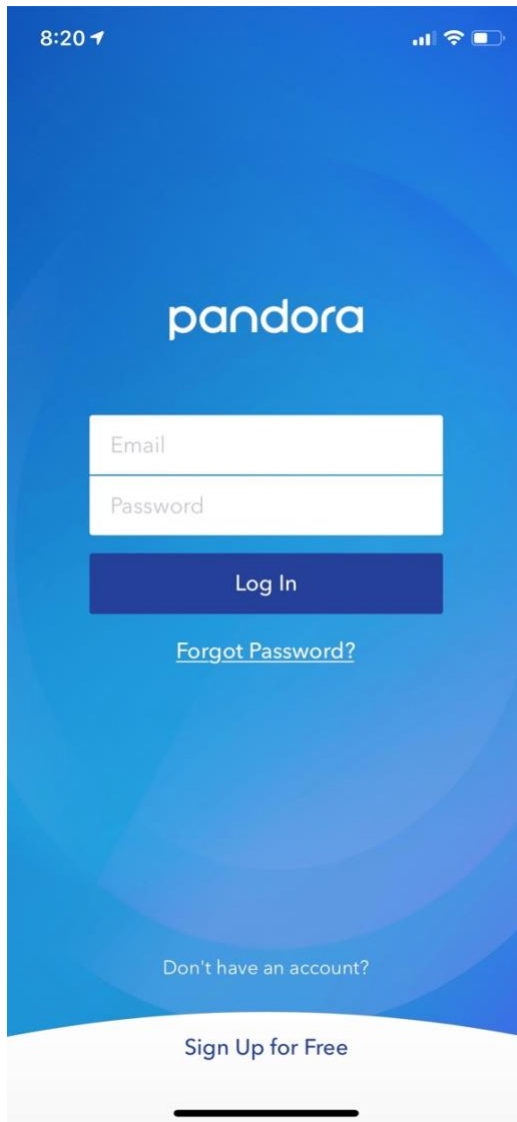
After downloading and launching the Pandora app from your device's app store, select **Sign Up**. Then fill out the registration information.

1. Enter the email address you would like to use. *The email address you choose for your Pandora account must be unique; you cannot use an email address associated with any other Pandora account.*
2. Enter a password.
3. Enter your birth year (enter year only, not month and day i.e 1975).
4. Enter your zip code.
5. Select gender.
6. Review the Terms of Use and Privacy Policy.
7. Tap **Sign Up** after you've reviewed that your information is accurate.

You can then start creating stations by entering an artist or song name.

*\* Pandora is available in the US Only.*

1 [https://help.pandora.com/s/article/Create-an-Account-](https://help.pandora.com/s/article/Create-an-Account-1519949296898?language=en_US)  
2 [1519949296898?language=en\\_US](https://help.pandora.com/s/article/Create-an-Account-1519949296898?language=en_US). For example, as shown in the below screenshot of  
3 an iPhone X using the Pandora application, a user is required to enter this email address  
4 and password in order to use Pandora:



23  
24 For example, upon entering the email and password, Pandora will authenticate the  
25 User ID by determining whether or not any other device is currently making use of  
26 that account information:

1 "Someone else is listening to your Pandora account."  
2

3 Home > Account

4 Pandora Plus and Pandora Premium accounts are meant for individual, non-commercial use. The cost of an individual subscription only covers the costs of one stream of ad-free songs.

5 You can play your account on any supported computer or device you own, however, only one person can listen at a time  
6 on your account. If our system detects that your account is playing on more than one device at the same time, you will be notified with an audio and/or display message that pauses your music.

7 **How do I continue listening to my music?**

8 **How do I prevent this message from appearing?**

9 **I'm the only listener on my account, and keep getting this message! What do I do?**

**I purchased a Family Plan so I could stream to multiple devices. Why am I receiving this error message?**

**How do I remove devices from my account?**

10 [https://help.pandora.com/s/article/000001191?language=en\\_US](https://help.pandora.com/s/article/000001191?language=en_US)

11 For example, Pandora has several billing options, including for Pandora Premium:

12 Pandora offers three types of subscriptions.

- 13 • **Pandora Plus** is \$4.99 USD/month or \$54.89 USD/year (plus tax where applicable).
- 14 • **Pandora Premium** is \$9.99 USD/month or \$109.89 USD/year (plus tax where applicable).
- 15 • **Pandora Premium Family** is \$14.99 USD monthly or \$164.89 annually.

16 [https://help.pandora.com/s/article/Upgrade-to-Pandora-Plus-or-Pandora-Premium-1519949306612?language=en\\_US](https://help.pandora.com/s/article/Upgrade-to-Pandora-Plus-or-Pandora-Premium-1519949306612?language=en_US). These billing options are charged and managed  
17 through, for example, the iTunes or Google Play Account associated with mobile  
18 device and email and password used to access Pandora at the time the billing option  
19 was selected:  
20

1  
2 **Upgrade through iOS App Store**

3 Pandora Plus is \$4.99 USD/month and Pandora Premium is \$12.99 USD/month when purchased through iTunes. Taxes  
4 may also apply to these fees depending on local tax laws in your area.

5 **Annual subscriptions and Pandora Premium Family Plan are not available for purchase through iTunes.**

6 To upgrade through the Pandora App on your iOS Device:

- 7
1. Tap the menu icon (or gear symbol if you're using an iPad) > **Settings** > **Upgrade**.
  2. Agree to the Pandora Subscription terms of service to submit your payment.

8 Your subscription will be set to auto-renew by default through iTunes, but this can be changed at anytime after  
9 submitting your payment.

10 To learn how to make changes to your subscription plan, click [here](#).

11 **Upgrade through Google Play**

12 Pandora Plus is \$4.99 USD/month and Pandora Premium is \$9.99 USD/month when purchased through the Google Play  
13 Store on an Android device. Taxes may also apply to these fees depending on local tax laws in your area.

14 **Annual subscriptions and Pandora Premium Family Plan are not available for purchase through Google Play.**

15 You can upgrade through the Pandora app on Android by following these steps:

- 16
1. Tap the menu icon > **Settings**.
  2. Select **Upgrade** and you will then be taken to the Google Play payment page.
  3. Check the box stating that you agree to the payments for Google Play Terms of Service.
  4. Confirm the purchase by selecting **Accept & Subscribe**. *Note: If you have a PIN enabled for purchasing, you'll need to enter that code after selecting **Accept & Subscribe**.*

17 Your subscription will be set to auto-renew by default, but this can be changed at anytime after submitting your payment.  
18 To learn how to make changes to your subscription plan, click [here](#).

19  
20 [https://help.pandora.com/s/article/Upgrade-to-Pandora-Plus-or-Pandora-Premium-  
21 1519949306612?language=en\\_US](https://help.pandora.com/s/article/Upgrade-to-Pandora-Plus-or-Pandora-Premium-1519949306612?language=en_US)

22 83. The Accused Instrumentality further includes a non-transitory computer  
23 readable medium including executable instructions, which when executed by circuitry  
24 cause the circuitry to control downloading the compressed musical content data from  
25 the internet server via the network. For example, a mobile device using the Pandora  
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1 System can download music from the Pandora Servers by pressing the “download”  
2 button:

3 **Download Music for Offline Mode**

4  
5 **Pandora Plus subscribers:**

6 Pandora will automatically download three of your most-listened-to stations to get you started, as well as your  
7 Thumbprint Radio (if available). Plus subscribers do not get to choose which stations they'd like to download.

8 **Pandora Premium or Premium Family subscribers:**

9 To download content from **My Collection**, click the download button (icon with arrow pointing downward). *Keep in mind*  
10 *that this button will only appear for eligible tracks.*

11 If you change your mind at any point during the downloading process, simply tap the download button again, and we'll  
12 halt progress.

13 If you lose connection while downloading, we'll save your spot with your partially downloaded playlists, albums and  
14 stations. The next time you gain a signal, we'll attempt to complete the download process for you.

15 [https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en\\_US](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)

16 84. The Accused Instrumentality further includes a non-transitory computer  
17 readable medium including executable instructions, which when executed by circuitry  
18 cause the circuitry to control storage of the compressed musical content data to the  
19 memory. For example, a mobile device using the Pandora Application can, among other  
20 things, control whether downloading occurs only over WiFi networks or by both WiFi  
21 and Cellular Networks, can sort the downloads, and remove the downloads:  
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**Download Settings**

Offline station downloading only happens on Wi-Fi by default, but you can opt in to also download using your cellular connection. You can change this feature in the Settings section of our app.

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**Sort or View Your Offline Content**

By default, songs, albums, stations, and playlists in Offline Mode are sorted by most recently downloaded. Artists, however, are sorted from A-Z.

To view only downloads, tap the row just under the Recently Played carousel, and a menu will drop down that will allow you to filter your collection. Toggle the switch to Show Only Downloads to view only content that is stored on your device.

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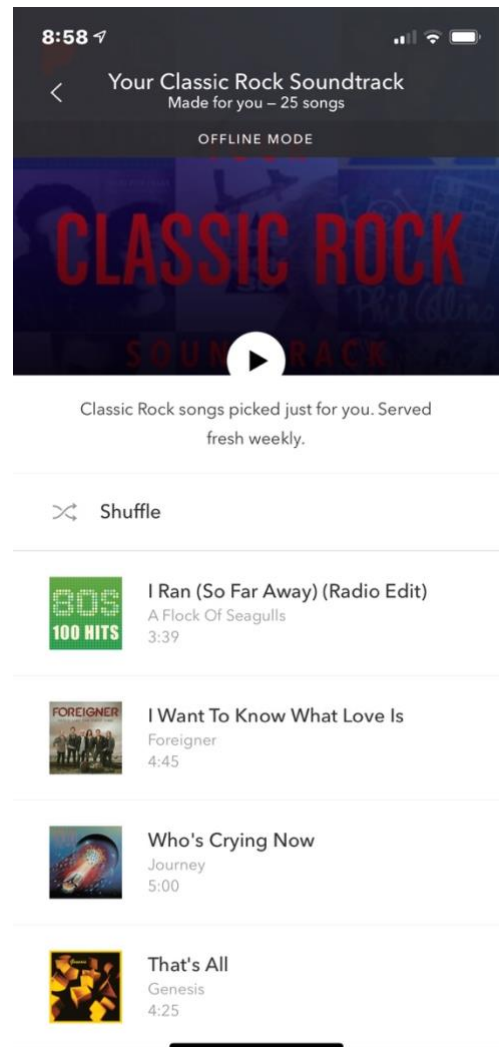
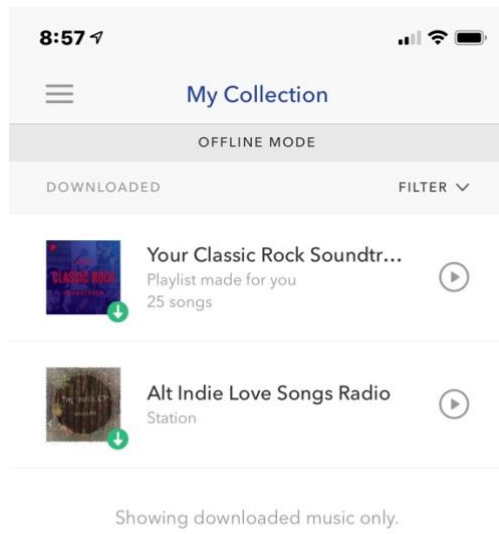
**Remove All Downloads**

1. From the **My Collection** screen, tap the Menu icon, then **Settings**.
2. Select **Audio Quality and Downloads**.
3. Tap **Reset downloads** at the bottom.
4. Finally, confirm that you would like all the offline content that's been downloaded to your device removed.

[https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en\\_US](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)

85. The Accused Instrumentality further includes a non-transitory computer readable medium including executable instructions, which when executed by circuitry cause the circuitry to control display of a title list of the compressed musical content data stored in the memory based on additional data of the compressed musical content data, the additional data including jacket image data of the compressed musical content data and the title list including a jacket image of the compressed musical content data. For example, as shown in the below screenshots from an iPhone X, in the Pandora Application every playlist has a jacket image associated with the playlist as well as a jacket image associated with each title:

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1           86. The Accused Instrumentality further includes a non-transitory computer  
2 readable medium including executable instructions, which when executed by circuitry  
3 cause the circuitry to edit a program list based on a user input to the displayed title list  
4 via a touch sensor without regard to whether the music server is connected to a portable  
5 apparatus. For example, the Pandora System allows a user to edit playlists via its  
6 website interface:

7 From our Website

8 To edit your playlists, go to **My Music** and tap the name of the playlist you'd like to make changes to. Next, tap  
9 the **Edit** icon below the album art.

- 10 • To remove songs from your playlist, scroll down and press the circled (X) to the left of the songs you would like to  
11 remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not remove the  
12 original Thumb rating from your stations).
- 11 • To adjust the order of your playlist, hold and drag the list icon on the right of the track title to the desired position.
- 12 • To rename your playlist, tap the current name then enter whatever you'd like to call it.
- 13 • Tap the Add Similar Songs button located at the bottom of your playlist if you need some assistance with building your  
14 playlist. Pandora will add songs that match the musical qualities of the tracks already in your playlist. You can re-order  
15 songs we've added or delete any unwanted songs.

14 [https://help.pandora.com/s/article/Playlists-on-Premium-](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US)  
15 [1519949304429?language=en\\_US](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US)

16 For example, the website can be accessed using a Surface Pro, or other computer  
17 running the Windows 10 App, or other desktop or laptop using a touch sensor. For  
18 example, the edits to the playlists via the website are made without regard to whether  
19 the mobile device (*e.g.* iOS or android) is connected to the music server.

20           87. The Accused Instrumentality further includes a non-transitory computer  
21 readable medium including executable instructions, which when executed by circuitry  
22 cause the circuitry to associate the program list with a predetermined identifier uniquely  
23 identifying the portable apparatus among a plurality of portable apparatus. For example,  
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1 the Pandora System can determine whether a device associated with a specific user  
2 account is connected to the server:

### 3 Someone else is listening to your Pandora account

4 Home > Account

5 Pandora Plus and Pandora Premium accounts are meant for individual, non-commercial use. The cost of an individual subscription only covers the costs of one stream of ad-free songs.

6 You can play your account on any supported computer or device you own, however, only one person can listen at a time on your account. If our system detects that your account is playing on more than one device at the same time, you will be notified with an audio and/or display message that pauses your music.

7 [How do I continue listening to my music?](#)

8 [How do I prevent this message from appearing?](#)

9 [I'm the only listener on my account, and keep getting this message! What do I do?](#)

[I purchased a Family Plan so I could stream to multiple devices. Why am I receiving this error message?](#)

[How do I remove devices from my account?](#)

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10 [How do I continue listening to my music?](#)

11 Choose **Let Me Listen** to continue listening to music from the device you are currently controlling.

12 Choose **Let Them Listen** to close this message, and allow the other device to continue streaming music from your account.

13 [https://help.pandora.com/s/article/000001191?language=en\\_US](https://help.pandora.com/s/article/000001191?language=en_US). As further example,  
14 each of the playlists are unique to the user account:

15 [What are Playlists?](#)

16 Playlists are a feature of Pandora Premium that allow you full control of what music you want to hear. You can create custom playlists, and add specific songs and albums in the order you prefer. If you need help building your playlists, you can ask Pandora to help by using the **Add Similar Songs** button.

18 [Personalized / Curated Playlists](#)

19 Pandora will curate playlists personalized just for you. Some of these playlists are automatically generated, and a few will be added to your account automatically.

20 These auto-generated playlists are created after:

- 21 • you have Thumbed Up five or more songs on a radio station you've created
- 22 • You've been listening at the Premium level for a little while.

23 Some auto-generated playlists, like those created from your Thumbs Up, will be added to your Music collection automatically.

24 Others, such as those personalized to your individual moods, will be waiting for you in **Browse**.

25 [https://help.pandora.com/s/article/Playlists-on-Premium-](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US)  
26 [1519949304429?language=en\\_US](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US)

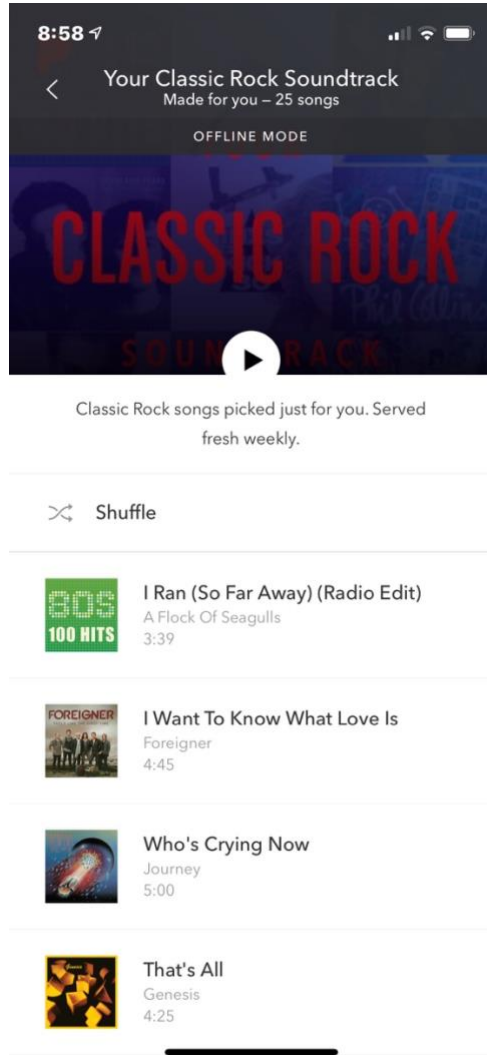
27 88. The Accused Instrumentality further includes a non-transitory computer  
28 readable medium including executable instructions, which when executed by circuitry

1 cause the circuitry to control playback of the compressed musical content data based on  
2 the program list so that the compressed musical content data referenced in the program  
3 list is played back as a collection. For example, playlists in the Pandora system are  
4 played back as a collection of songs in that list.

5  
6 [What are Playlists?](#)

7 Playlists are a feature of Pandora Premium that allow you full control of what music you want to hear. You can create  
8 custom playlists, and add specific songs and albums in the order you prefer. If you need help building your playlists, you  
can ask Pandora to help by using the **Add Similar Songs** button.

9 [https://help.pandora.com/s/article/Playlists-on-Premium-](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US)  
10 [1519949304429?language=en\\_US](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US)



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19        89.    The Accused Instrumentality further includes a non-transitory computer  
20 readable medium including executable instructions, which when executed by circuitry  
21 cause the circuitry to determine whether an identifier received by the circuitry from the  
22 portable apparatus is the predetermined identifier in response to a connection of the  
23 portable apparatus to the music server. For example, the iOS or android device must be  
24 connected to the Pandora Server in order to access playlists, unless such playlists have  
25 previously been downloaded:  
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1 **For Pandora Plus subscribers:**

2 Pandora Plus subscribers cannot choose which stations they'd like available for offline listening. Instead, Pandora will  
3 download up to four of your most-listened-to stations and add them to your offline station list. By default, these stations  
4 will be downloaded while your device is connected to Wi-Fi, and we will never use the last 500 mb of storage on your  
5 device.

6 You can give a thumbs up, thumbs down, skip, or replay while in Offline Mode, just as you would with any other station.  
7 Pandora will periodically review this feedback to further tune your stations.

8 Each week, we will revisit the stations we've stored for offline listening and swap in stations that are eligible to be cached  
9 offline. Available offline stations will always be your most-listened-to stations.

10 **For Pandora Premium or Premium Family subscribers:**

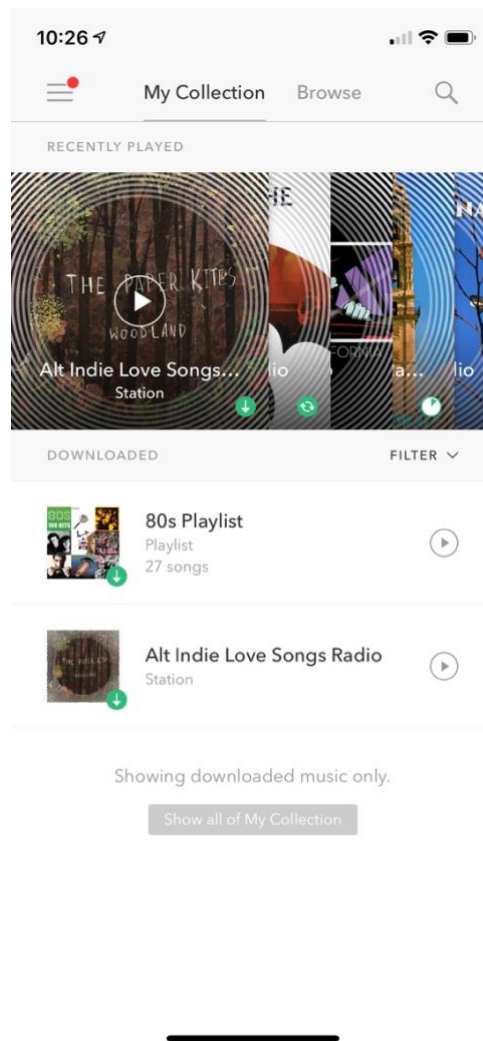
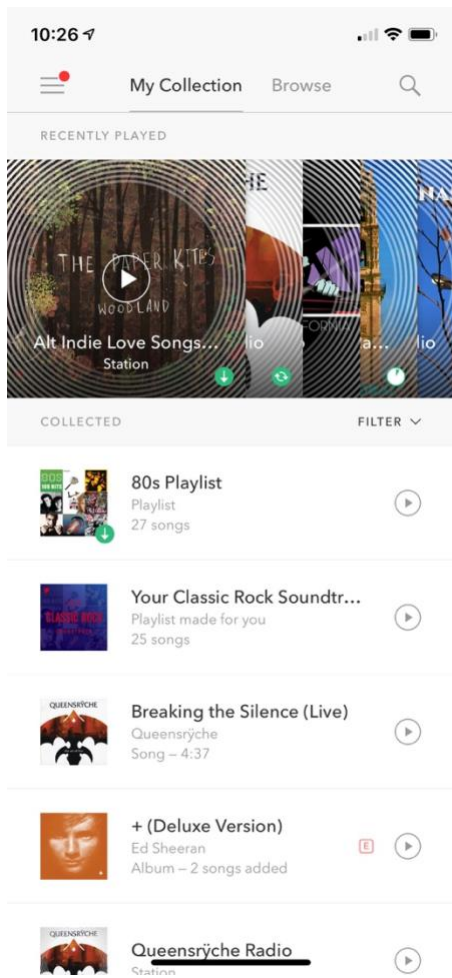
11 Pandora Premium subscribers have the ability to download many songs, albums, stations, or playlists from Pandora's library  
12 to listen to offline and download them by using the instructions below.

13 [https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en\\_US](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_US)

14 90. The Accused Instrumentality further includes a non-transitory computer  
15 readable medium including executable instructions, which when executed by circuitry  
16 cause the circuitry to retrieve the program list among a plurality of program lists stored  
17 in the memory based on the determination as to the identifier by the circuitry. For  
18 example, when an iOS or Android Device makes contact with the Pandora Server it will  
19 display the playlists associated with that user account, as well as the playlists  
20 downloaded to memory on the device:  
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91. The Accused Instrumentality further includes a non-transitory computer readable medium including executable instructions, which when executed by circuitry cause the circuitry to determine whether capacity of a memory of the portable apparatus is enough to store the compressed musical content data in the program list as retrieved by the circuitry. For example, Pandora is configured to determine if the mobile device has more than 500 MB of data before transferring music files to the device:

1 **How much storage do I need to download a station?**

2 Offline stations usually take up anywhere from 300 MB-700 MB of device space depending on the types of stations you  
listen to. For example, classical music may take up more space than a pop station.

3 *Note: Because we know you care about the space on your device, Pandora will never use the last 500 MB of storage*  
4 *available. When Pandora detects that there is not enough storage on your device for all of your offline stations, we will*  
5 *download as many stations as we possibly can. Additionally, we will serve you a notification to alert you that you're*  
*approaching the 500 MB limit.*

6 [https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en\\_USc](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_USc)

7 92. The Accused Instrumentality further includes a non-transitory computer  
8 readable medium including executable instructions, which when executed by circuitry  
9 cause the circuitry to control transmission of the compressed musical content data to  
10 the portable apparatus from the portable apparatus based on the program list in such a  
11 way that, of the compressed data in the program list as retrieved by the circuitry, the  
12 compressed musical content data which is not stored in the portable apparatus is  
13 transferred from the music server to the portable apparatus. For example, when a song  
14 is added to a playlist in Pandora, the song is added to the playlist on the iOS or Android  
15 device, and downloaded to memory on the next time the mobile device makes contact  
16 with the Pandora Music server:

17 From our Website

18 To edit your playlists, go to **My Music** and tap the name of the playlist you'd like to make changes to. Next, tap  
19 the **Edit** icon below the album art.

- 20
- To remove songs from your playlist, scroll down and press the circled (X) to the left of the songs you would like to  
21 remove or swipe the track name from right to left. (Deleting songs from your custom playlists will not remove the  
22 original Thumb rating from your stations).
  - To adjust the order of your playlist, hold and drag the list icon on the right of the track title to the desired position.
  - To rename your playlist, tap the current name then enter whatever you'd like to call it.
  - Tap the Add Similar Songs button located at the bottom of your playlist if you need some assistance with building your  
23 playlist. Pandora will add songs that match the musical qualities of the tracks already in your playlist. You can re-order  
songs we've added or delete any unwanted songs.

24 [https://help.pandora.com/s/article/Playlists-on-Premium-](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US)  
25 [1519949304429?language=en\\_US](https://help.pandora.com/s/article/Playlists-on-Premium-1519949304429?language=en_US)

26 93. The Accused Instrumentality further includes a non-transitory computer  
27 readable medium including executable instructions, which when executed by circuitry  
28 cause the circuitry to control to provide a warning in a case that the music server and

1 the portable apparatus are disconnected. For example, Pandora is designed to notify the  
2 user that he or she is being switched to online mode in the event that the user becomes  
3 disconnected with the Pandora server:

4  
5 **Automatic Offline Mode**

6 If you lose your Wi-Fi and cell network connection, we'll automatically switch you to Offline Mode. When this happens,  
7 Pandora will alert you with a notification to let you know that we are switching you to offline listening and choose a station  
8 for you to listen to.

9 [https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en\\_USc](https://help.pandora.com/s/article/Offline-Mode-and-Downloads?language=en_USc)

10 94. Pandora also infringes other claims of the '238 Patent, directly and through  
11 inducing infringement and contributory infringement.

12 95. By making, using, offering for sale, selling and/or importing into the  
13 United States the Accused Instrumentalities, and touting the benefits of using the  
14 Accused Instrumentalities' accused features, Pandora has injured Data Scape and is  
15 liable to Data Scape for infringement of the '238 Patent pursuant to 35 U.S.C. § 271.  
16 As a result of Pandora's infringement of the '238 Patent, Plaintiff Data Scape is entitled  
17 to monetary damages in an amount adequate to compensate for Pandora's infringement,  
18 but in no event less than a reasonable royalty for the use made of the invention by  
19 Pandora, together with interest and costs as fixed by the Court.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff Data Scape respectfully requests that this Court enter:

22 a. A judgment in favor of Plaintiff that Defendant has infringed, either  
23 literally and/or under the doctrine of equivalents, the '675 Patent, the '614 Patent, the  
24 '112 Patent, and the '238 Patent (collectively, "asserted patents");

25 b. A permanent injunction prohibiting Defendant from further acts of  
26 infringement of the asserted patents;

1 c. A judgment and order requiring Defendant to pay Plaintiff its damages,  
2 costs, expenses, and prejudgment and post-judgment interest for its infringement of the  
3 asserted patents, as provided under 35 U.S.C. § 284;

4 d. A judgment and order requiring Defendant to provide an accounting and  
5 to pay supplemental damages to Data Scape, including without limitation, prejudgment  
6 and post-judgment interest;

7 e. A judgment and order finding that this is an exceptional case within the  
8 meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees  
9 against Defendant; and

10 f. Any and all other relief as the Court may deem appropriate and just under the  
11 circumstances.

12 **DEMAND FOR JURY TRIAL**

13 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial  
14 by jury of any issues so triable by right.

15  
16 Respectfully Submitted,

17 Dated: May 20, 2019

18 /s/ Reza Mirzaie  
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