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14 Attorneys for PINN, INC.

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

18 PINN, INC.,

19 Plaintiff,

20 v.

21 GOOGLE LLC,

22 Defendant.

NO. 19-CV-1840-DOC-JDE\_\_\_\_\_

**FIRST AMENDED COMPLAINT  
FOR PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

23  
24 Pinn, Inc. files this First Amended Complaint against Google LLC for  
25 infringement of U.S. Patent Nos. 9,807,491 (the “‘491 Patent”) and 10,455,066 (the  
26 “‘066 Patent”).  
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**PARTIES**

1. Pinn, Inc. is a California Corporation with its headquarters and principal place of business at 192 Technology Drive, Suite V, Irvine, California 92618.

2. Defendant Google LLC is Delaware limited liability company with its principal place of business in Mountain View, California. Defendant is registered to do business in California.

3. Google may be served through its registered agent The Corporation Service Company (CSC-Lawyers Incorporating Services), 2710 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833. Google has appeared.

**JURISDICTION AND VENUE**

4. Pinn brings this action for patent infringement under the patent laws of the United States, including 35 U.S.C. §§ 154, 271, 281, and 283-285. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Google is subject to the general and specific personal jurisdiction of this Court based upon its regularly conducted business in the State of California and in this judicial district, including conduct giving rise to this action.

6. Google has committed, and continues to commit, acts of direct and indirect infringement in California, within this district, and throughout the United States, by, among other things, making, using, selling, or offering for sale in the United States, and/or importing into the United States, wireless earbud devices and systems that embody one or more of the inventions claimed in the '491 and '066 Patents.

7. Google maintains regular and established places of business in this district where it promotes, sells, offers for sale, uses, provides technical support for, develops, and demonstrates products that infringe the '491 and '066 Patents.

8. Google sells infringing devices and systems and provides customer service and technical support to retailers, customers, and other end users in this district.

1 9. Google’s contacts with this forum are sufficient such that the exercise of  
2 jurisdiction over Defendant comports with traditional notions of fair play and  
3 substantial justice.

4 10. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1400(b).

5 11. Google maintains an office at 340 Main St., Venice, CA 90291.

6 12. For example, in other patent infringement matters, Google has admitted  
7 that they offer certain products and/or services that can be accessed by users in  
8 California and in this judicial district. Google admitted venue is proper in this judicial  
9 district in *Realtime Adaptive Streaming LLC v. Google LLC and Youtube, LLC*, Case  
10 No. 2:18-cv-03629-GW-JC (C.D. Cal.) (*see* Dkt. 38, ¶ 7).

### 11 THE PINN PATENTS

12 13. Google has infringed and continues to infringe one or more claims of  
13 Pinn’s ’491 and ’066 Patents. The ’491 and ’066 Patents may be referred to as the  
14 Patents in Suit or collectively as the Asserted Patents.

15 14. Generally speaking, the Asserted Patents claim methods, apparatuses,  
16 and systems relating to a personal wireless media station having a wireless earbud and  
17 main body, wherein the wireless earbud is capable of pairing with a device, such as a  
18 smartphone, to receive and play audio data, and is capable of connecting to an electric  
19 circuit in the main body, for wired communication with the main body when plugged  
20 into a connection hole of the main body.

21 15. Pinn is the assignee of all right, title, and interest in and to each of the  
22 Asserted Patents and has the exclusive right to assert all causes of action arising under,  
23 or that may arise under, the Asserted Patents, including the right to pursue and recover  
24 any and all monetary and equitable remedies for infringement.

#### 25 **The ’491 Patent: “Electronic Device with Wireless Earbud”**

26 16. On October 31, 2017, the United States Patent and Trademark Office  
27 (“USPTO”) issued the ’491 Patent following a full examination of U.S. Pat. App. Ser.  
28 No. 15/625,935, which was filed June 16, 2017, and claims priority to PCT App. No.

1 PCT/US2016/025936 (filed April 4, 2016) and U.S. Prov. App. No. 62/142,978 (filed  
2 April 3, 2015).

3 17. Exhibit A is a true and correct copy of the '491 Patent.

4 18. The '491 Patent describes a personal wireless media station that includes  
5 a main body and wireless earbud.

6 19. In reference to one disclosed embodiment, the '491 Patent describes an  
7 apparatus comprising a main body, a wireless earbud configured for plugging into a  
8 connection hole of the main body to form a single integrated body, a user input button,  
9 at least one processor, and at least one memory.

10 20. Claim 1 of the '491 Patent recites:

11 1. An apparatus comprising:

12 a main body comprising a connection hole, a user  
13 input button, at least one processor and at least one  
14 memory; and

15 a wireless earbud configured for plugging into the  
16 connection hole of the main body to form a single  
integrated body with the main body,

17 wherein the wireless earbud has wireless  
18 communication capability for wirelessly pairing with a  
19 smartphone and is configured to receive audio data from  
20 the smartphone and to play audio using the audio data  
from the smartphone when wirelessly paired with the  
smartphone,

21 wherein in addition to wireless communication  
22 capability for wireless pairing with the smartphone, the  
23 wireless earbud comprises an earbud connector for  
24 connecting with an electric circuit of the main body for  
wired communication capability with the main body  
when plugged into the connection hole,

25 wherein, when wireless earbud is plugged into the  
26 connection hole, the wireless earbud is configured to  
27 perform wired two-way data communication with the  
28 main body,

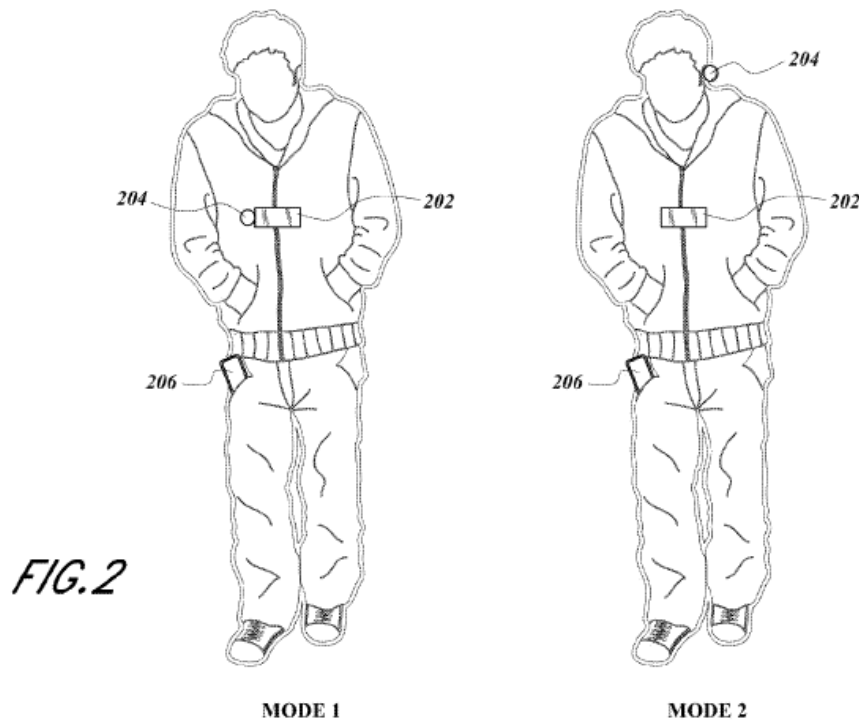
1 wherein the at least one processor of the main body  
2 is configured to execute computer program instructions  
3 stored in the at least one memory

4 for initiating the wireless pairing with the  
5 smartphone in response to pressing of the user  
6 input button provided on the main body,

7 for initiating battery charging of the wireless  
8 earbud in response to the wireless earbud's  
9 plugging into the connection hole, and

10 for turning off the wireless pairing with the  
11 smartphone when the wireless earbud is being  
12 charged.

13 21. Figure 2 illustrates certain exemplary uses of an embodiment of the '491  
14 Patent:



23 22. The technologies and innovations recited in the claims of the '491 Patent,  
24 including Claim 1, provide inventive concepts and do not claim an abstract idea. The  
25 individual elements of the '491 Patent claims, including claim 1, were not well-  
26 understood, routine, or conventional to persons of skill in the art at the time of the  
27 invention. Instead, the claims of the '491 Patent are directed to unconventional,  
28 inventive concepts that implement technical solutions to solve various problems,

1 including problems unique to wireless earbud pairing, and that enhance the operation  
2 and functionality of wireless earbuds. As one example, the '491 Patent provides a  
3 technical solution that eliminates the need to have unobstructed access to a  
4 smartphone's inputs and outputs and facilitates pairing between the smartphone and  
5 the wireless earbud. *See, e.g.*, '491 Patent at 1:14-26.

6 23. Technological solutions taught by the '491 Patent provide advantages  
7 over, and improvements to, the state of the art at the time. For example, the teachings  
8 of the '491 Patent improve the performance of a wireless earbud system by  
9 simplifying the pairing process and by providing a mechanism for charging wireless  
10 earbuds when away from a traditional power source.

11 24. The inventions and the limitations recited in the claims of the '491  
12 Patent, whether alone or in combination with other limitations, embody a number of  
13 inventive concepts. For example, claim 1 of the '491 Patent describes a consumer  
14 product or system featuring distributed intelligence and an earbud that communicates  
15 wirelessly with a smartphone and communicates via wired two-way communication  
16 with the main body. The main body is configured to initiate wireless pairing with a  
17 smartphone when a user presses the input button on the main body. When plugged  
18 into the connection holes, the wireless earbuds are configured such that the earbud  
19 batteries are charged by the main body and perform two-way data communication  
20 with the main body. *See, e.g.*, '491 Patent at 1:45-49.

### 21 **The '066 Patent: "Mobile System with Wireless Earbud"**

22 25. On October 22, 2019, the USPTO issued the '066 Patent following a full  
23 examination of U.S. Pat. App. Ser. No. 15/563,937, which was filed October 2, 2017,  
24 and claims priority to PCT App. No. PCT/US2016/025936 (filed April 4, 2016) and  
25 U.S. Prov. App. Nos. 62/199,943 (filed July 31, 2015) and 62/142,978 (filed April 3,  
26 2015).

27 26. The USPTO published the '937 App. on May 10, 2018.

28 27. Since May 10, 2018, papers in the '937 App. file have been available to

1 the public.

2 28. On August 28, 2019, the USPTO allowed claims 23-60 of the '937 App.  
3 (sometimes referred to as the "'937 App. Published Claims").

4 29. The August 28, 2019 Notice of Allowance is publicly available.

5 30. On September 3, 2019, Pinn paid the issue fee.

6 31. U.S. Pat. No. 10,455,066 issued from the '937 App. with claims  
7 substantially identical to the '937 App. Published Claims listed in Exhibit B.

8 32. Exhibit C is a true and correct copy of the '066 Patent.

9 33. Original claim 23 of the '937 App. (final claim 1 in the '066 Patent)  
10 recites:

11 A mobile system comprising:

12 a base station comprising a connection hole, a user  
13 input button, at least one processor, at least one memory,  
14 and circuitry; and

15 a wireless earbud configured for plugging into the  
16 connection hole of the base station to form an integrated  
17 body with the base station,

18 wherein the system is capable of wirelessly pairing  
19 with a smartphone for the wireless earbud to receive  
20 audio data originated from the smartphone,

21 wherein, in response to pressing of the user input  
22 button, the at least one processor is configured to execute  
23 computer program instructions stored in the at least one  
24 memory to initiate processing for the wireless pairing  
25 with the smartphone such that the wireless earbud  
26 receives audio data originated from the smartphone and  
27 plays audio using the audio data from the smartphone,

28 wherein, in response to plugging the wireless  
earbud into the connection hole, the at least one processor  
is configured to execute computer program instructions  
stored in the at least one memory to initiate charging of a  
battery of the wireless earbud,

wherein, when the wireless earbud is plugged into  
the connection hole of the base station, the wireless  
earbud is configured to electrically connect with the  
circuitry of the base station and further configured to

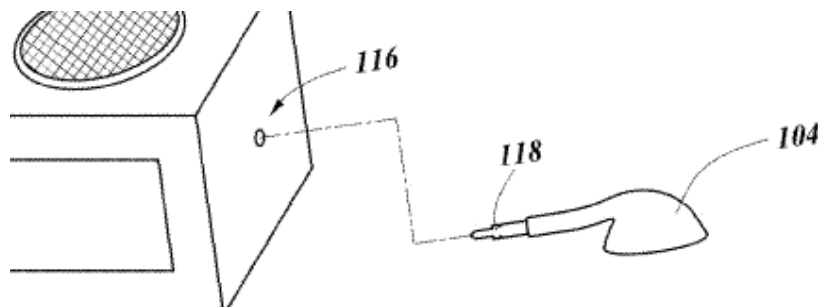
1 performing wired data communication with the base  
2 station.

3 34. The particular combination of elements in claim 23 of the '937 App. was  
4 not well-understood, routine, or conventional to persons of skill in the art at the time  
5 of the invention. Instead, the '066 Patent, including claim 1, is directed to  
6 unconventional, inventive concepts disclosed in the specification.

7 35. Whether alone or in combination with other limitations, the claimed  
8 inventions and limitations recited in the '066 Patent embody a number of inventive  
9 concepts. Claim 1, for example, describes, among other things, a mobile system  
10 having distributed intelligence. The system enables wireless pairing of an earbud and  
11 smartphone in response to pressing a user input button and includes a base station  
12 featuring a connection hole into which an earbud is plugged for charging and wired  
13 data communication.

14 36. For example, in one embodiment described in claim 21 of the '066  
15 Patent, "the at least one processor is configured to execute computer program  
16 instructions stored in the at least one memory to turn off the wireless pairing while  
17 the wireless earbud is being charged."

18 37. As illustrated in Figure 1 (excerpted below), the earbud connector of the  
19 wireless earbud is mateable with the main body connector of the main body. The  
20 specification further describes: "The wireless earbud and the main body form a single  
21 integrated body when the earbud connector and the main body connector are  
22 connected with each other."





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**PINN, INC.**



38. Pinn was founded by Seung Jin (“Sean”) Kim in 2015, with a vision toward designing and developing wearable technology that enhances the smartphone experience and eliminates frustrating phone problems like trying to locate and retrieve your phone quickly to answer an incoming call.

39. Pinn is headquartered, and Mr. Kim resides, in Irvine, California.

40. Pinn’s product inventory, company files, and documents relating to the Patents in Suit and claims in this lawsuit are located in Irvine.

41. Sean Kim received a bachelor’s degree in Music Composition and Orchestra Conduction from Seoul National University in 2003. In addition to being an accomplished composer, Mr. Kim is an entrepreneur and inventor.

42. While serving as an IP and business consultant to Deca International Corporation, Mr. Kim developed and helped Deca commercialize a variety of GPS-based golf rangefinders, voice-based products, and laser-based rangefinders.

43. After Deca, Mr. Kim worked with AQ Corporation, a mobile nearfield communication company. He assisted AQ in developing its intellectual property assets and helped direct AQ’s research and development efforts. While at AQ, Mr. Kim worked on the design of an interactive, event-specific digital signage platform for use on mobile devices, called Anniver.

44. Recognizing the need for a personal media system with simplified operation and structure, Mr. Kim conceived of the Pinn device in 2014 and founded Pinn Inc. the following year to develop a first-generation wearable product that would provide consumers with an easier way to use their smartphones, by simplifying and

1 enhancing the wireless capabilities and operation of the device. Mr. Kim recognized  
2 that a system having distributed intelligence and processing, along with an integrated  
3 modular design, would improve ease of use and functionality.

4 45. The USPTO recognized Mr. Kim’s innovations by granting the first of  
5 his Pinn patents, the ’491 Patent, in 2017.

6 46. Pinn proved Mr. Kim’s concept in October 2015 and successfully  
7 launched the Pinn product soon after. Pinn became available to the public in 2017.



17 47. Pinn includes a wireless earbud that is docked and integrated into the  
18 Pinn clip or main body.

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20 48. Pinn wirelessly connects to a user’s smartphone via Bluetooth.



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## GOOGLE’S PIXEL BUDS WITH CHARGING CASE

49. Google introduced the Google Pixel Buds in October 2017.

50. Google advertised results from testing conducted on Pixel Buds in September 2017.

51. Google Pixel Buds are sold with a case, as shown below.



52. Google publishes the following description of the Pixel Buds:

### What are Google Pixel Buds?

Meet the Google Pixel Buds. Designed for high-quality audio as they fit comfortably in your ear.

#### Google Pixel Buds

Google Pixel Buds are a pair of wireless earbuds that allow you to listen to media, answer calls, talk to your Assistant, translate languages, and express yourself through sleek design and intuitive controls.

Pixel Buds work best in a variety of settings including your daily commute, gym sessions, weekend walks, or even at home.

[Buy Now](#)



1           53. Pixel Buds connect wirelessly to a compatible smartphone via Bluetooth.

2           54. The Google Pixel Buds case features “magnetized pockets” for storing  
3 and charging the Pixel Bud earbuds.

#### 4           How to charge your Google Pixel Buds

5           Match the L & R indicators of the Pixel Buds to the charging case magnetized pockets.

6           Once they're in, press down to make sure the charging pins are firmly in place. After placing your earbuds in their  
7 pockets, secure the cord by wrapping it around the rim of the charging case so you can carry Pixel Buds while  
8 they are charging.

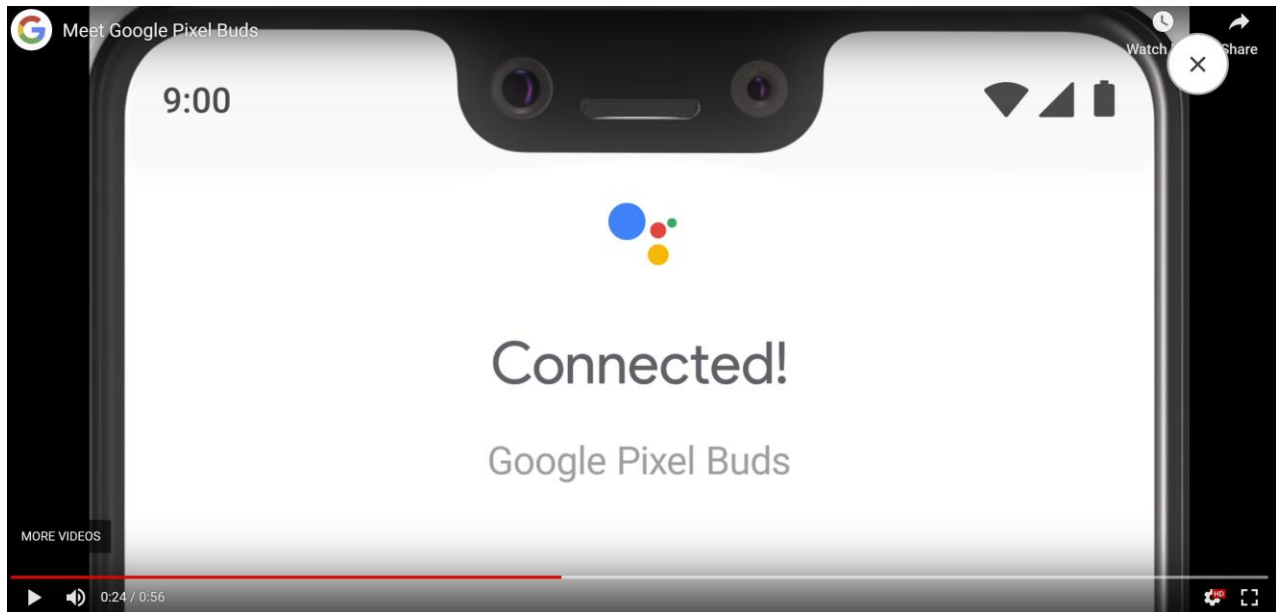


14           55. The magnetized pockets formed in the Pixel Bud case are configured to  
15 hold the earbuds firmly in place.





1           60. The image below shows a smartphone screen display indicating  
2 successful pairing with the Google Pixel Buds:

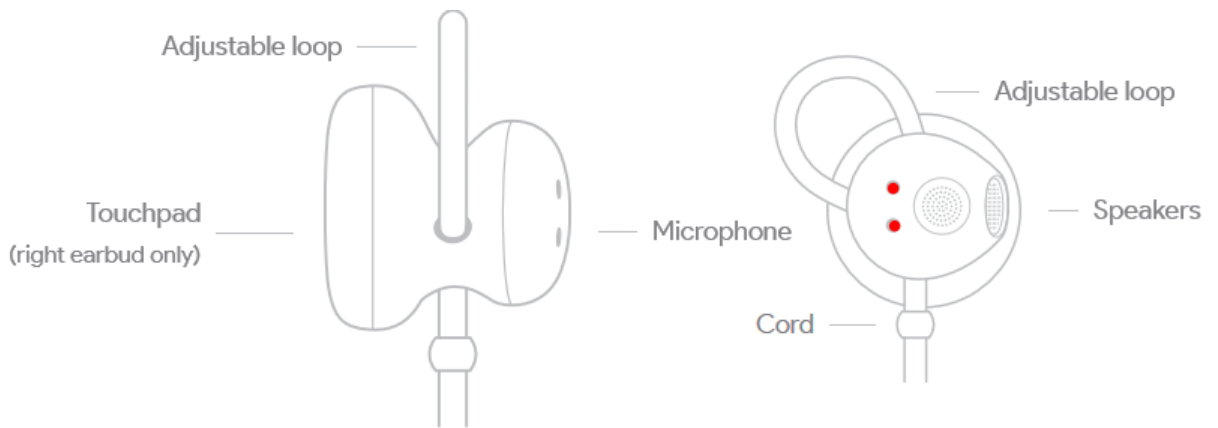


13  
14           61. Each Google Pixel Buds earbud has two charging pins that electrically  
15 connect with contacts in the magnetized pockets of the case.

16           62. The image below shows two electrical contacts in each magnetized  
17 pocket:



1           63. The image below shows the charging pins (in red) on the Pixel Bud  
2 earbud:



12           64. The Safety, Warranty & Regulatory Guide for Google Pixel Buds that is  
13 published by Google states: “The contacts in the charging case contain nickel and  
14 those contacts come in contact with the earbuds.”

15           65. The Safety, Warranty & Regulatory Guide for Google Pixel Buds  
16 provides the following statement describing the charging pin contacts on each  
17 wireless earbud:

18 **Materials**

19 Google Pixel Buds are made from plastics, polymers and stainless steel. The charging pin contacts are gold  
20 plated copper alloy. The pockets within the charging case which hold the earbuds may be made from a material  
21 which contains brominated flame retardants.

22 <https://support.google.com/googlepixelbuds/answer/7549807?hl=en>.

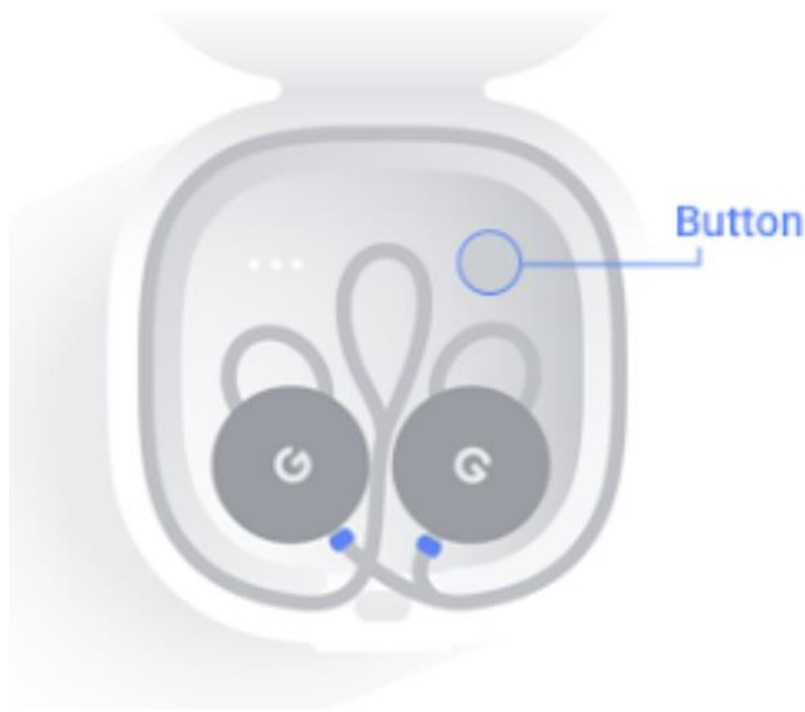
23           66. In normal charging operation, each Pixel Buds earbud connects to an  
24 electric circuit in the main body of the case.

25           67. When the Pixel Buds earbuds are place in the case, a wired connection  
26 is made via the charging pins and the charging pin contacts in each magnetized pocket.

27           68. When the Pixel Buds earbuds are placed in the magnetized pockets of  
28 the case, a wired connection between the case and the earbuds enables two-way data  
communication between the case and the earbuds.

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69. The Pixel Buds case features a user input button shown below:



70. In normal charging operation, the Pixel Buds earbuds receive a charging signal via wired connection between the case and earbuds.

71. Google published the following description of the case:

## The Google Pixel Buds Charging Case

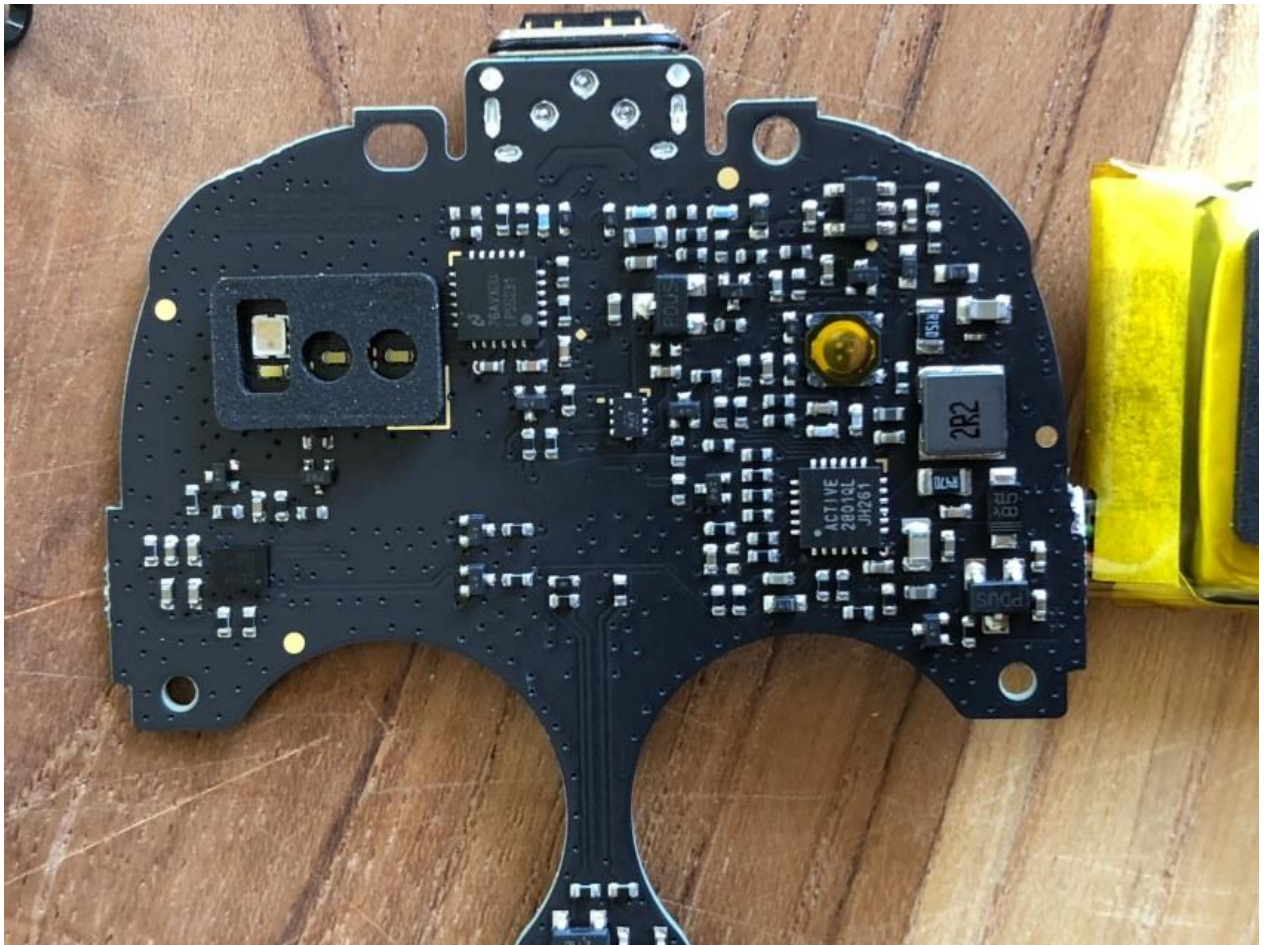
The charging case for the Google Pixel Buds is a sleek and lightweight way to carry your earbuds when you're not using them.

**Note:** Charge safely. Before charging, please make sure that you read and follow the safety information about charging Google Pixel Buds at <https://g.co/pixelbuds/SafetyInfo> or in the 'Be Safe' guide included with your Google Pixel Buds.

Your charging case allows you to pair your Pixel Buds with your phone, check the battery levels of both your case and Pixel Buds and recharge your Pixel Buds when they're low on power. Along with up to five hours of listening time that you'll get from a single charge on your Pixel Buds, the charging case holds multiple additional charges. If the charging case is also fully charged, altogether, you'll receive up to 24 hours of listening time.



1           72. The Google Pixel Buds case comprises at least one processor and  
2 memory.



18           73. At least one processor of the Pixel Buds case main body (e.g., the Active-  
19 Semi ACT2801 chip shown in the picture above) is configured to execute instructions  
20 for initiating battery charging of the wireless earbuds in response to the earbuds being  
21 placed in their pockets.

22 **How to charge your Google Pixel Buds**

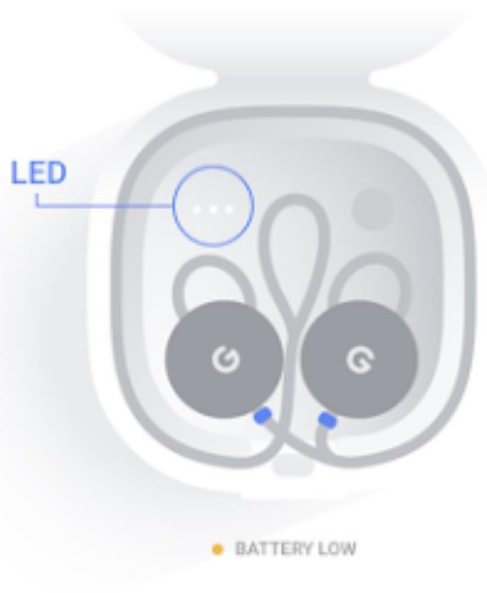
23 Match the L & R indicators of the Pixel Buds to the charging case magnetized pockets.

24 Once they're in, press down to make sure the charging pins are firmly in place. After placing your earbuds in their  
25 pockets, secure the cord by wrapping it around the rim of the charging case so you can carry Pixel Buds while  
26 they are charging.

27           74. A green LED light appears, indicating that the Pixel Buds are charging.  
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A green LED light will appear, indicating that your Pixel Buds are charging.



75. At least one processor in the Pixel Buds case main body is configured to execute instructions for initiating Bluetooth pairing in response to pressing the user input button.

76. Google published the following instructions for wirelessly pairing the Google Pixel Buds with a smartphone:

### Step 2. Manually pair Google Pixel Buds

1. On your mobile device's Bluetooth menu, tap on the Google Pixel Buds headphones to pair them with your phone.
2. Hold the case button for 3 seconds; if you see one white LED pulsing , your device is ready to pair.
3. Look for a pop-up notification on your phone that will take you through the rest of setup.
4. On certain Android devices, you may need to look for your Google Pixel Buds in the Bluetooth setting menu and add them as a new device.

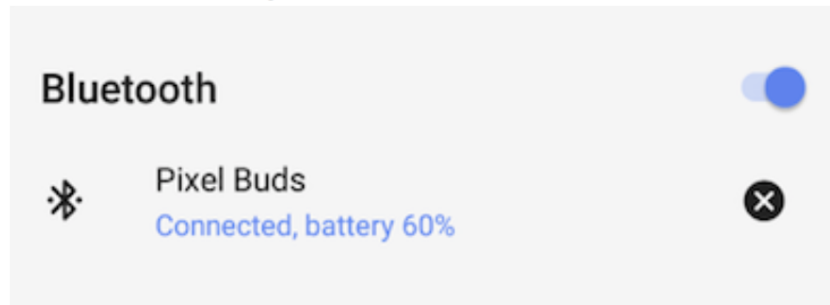
77. At least one processor of the Pixel Buds case main body is configured to execute instructions for turning off Bluetooth pairing during charging.

78. Instructions executed by the processor(s) in the charging case are stored in memory located in the main body of the charging case.

1 79. Google’s Pixel Buds are configured to provide battery status to a  
2 smartphone for display on a mobile application of the smartphone.

### 3 4 How to check the battery level of your Pixel Buds


5 Bluetooth settings (Requires a Pixel 2 or Pixel 2 XL phone)



### 11 12 Headphones settings in Google Assistant

13 1. Press and hold the center button on your phone to invoke your Google Assistant



15 2. Tap on  Headphones Settings



18 80. Google publishes how-to instructions and encourages users to check  
19 battery level and pair Google Pixel Buds with a compatible smartphone.

20 81. Google Pixel Buds earbuds are incapable of wirelessly communicating  
21 with the case.

22 82. When the Google Pixel Buds earbuds are wirelessly paired with a  
23 compatible smartphone (e.g., Google Pixel 2), a mobile application of the smartphone  
24 may be used to control various functions such as volume adjustment.

#### 25 Basic Voice Commands

- 26  
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- "Play some pop music"
  - "Louder / Quieter"
  - "Increase / Decrease Volume"
  - "Next"
  - "Stop / Start"
  - "Tell me the latest news"

1           83. When the Google Pixel Buds are wirelessly paired with a compatible  
2 smartphone (e.g., Google Pixel 2), the system comprising the wireless earbuds and  
3 smartphone is configured to enable control of functions by a mobile application on  
4 the smartphone (e.g., Google Assistant).

5           84. Google publishes the following instructions for using Pixel Buds with  
6 the Google Assistant mobile application:

## 7 Request Media

8 Touch & hold the right earbud while you talk to request media.

9 Example: *"Play rock music"*



10 If you haven't chosen a preferred media service, your Google Assistant will ask you to select a service  
11 the first time you request music and then it will begin playing your media. For more information on  
12 selecting a preferred music service, go [here](#). Subscriptions and fees may apply.

13 Music service supported by the Google Assistant include:

- 14 • Google Play Music
- 15 • Spotify
- 16 • YouTube
- 17 • YouTube Music

18 Radio services supported by the Google Assistant include:

- 19 • iHeartRadio
- 20 • TuneIn

## 21 Basic Voice Commands

- 22 • *"Play some pop music"*
- 23 • *"Louder / Quieter"*
- 24 • *Increase / Decrease Volume"*
- 25 • *"Next"*
- 26 • *"Stop / Start"*
- 27 • *"Tell me the latest news"*

28           85. Google sells Pixel Buds wireless earbuds with a charging case base station that includes connection holes for plugging in the earbuds, a user input button for initiating pairing and other functions, processors, memory, and circuitry for charging and controlling Bluetooth communication and two-way data communication

1 between the earbuds and charging case.

2 **NOTICE**

3 86. In October of 2016, on behalf of Pinn, Mr. Kim contacted Google by e-  
4 mail and provided information about Pinn, its technology, and the inventions claimed  
5 in the Patents in Suit.

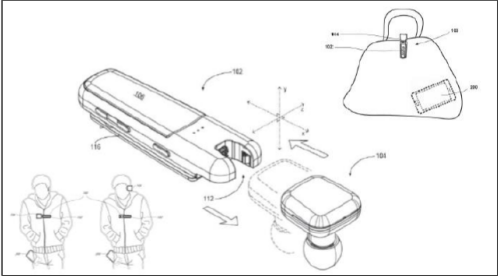
6 87. In emails to Ryan Beauchamp (Google Product Manager), Brian  
7 Rakowski (Vice President of Product Management), M G Siegler (General Partner,  
8 Google Ventures), Sarah Xie (Manager, Mobile Apps Partnership), and Hector  
9 Balasch (Sr. Strategic Partner Manager), Mr. Kim provided details about Pinn, Inc., a  
10 link to Pinn’s website, and documentation about the Pinn technology.

11 88. Mr. Kim provided a list of Pinn’s intellectual property assets at the time  
12 and specifically identified the pending application from which the ’491 Patent issued:

13

14 **IP Portfolio**

- 15 • US Patent Application (Utility) – 62/142,978
- 16 • US Patent Application (Utility) – 62/199,943
- 17 • PCT Application (Utility – Merged above 2 applications) – PCT/US2016/025936
- 18 • US Patent Application (Design) – 29/534,923
- 19 • US Patent Application (Utility) – 62/318,146
- 20 • Trademark Application – 86/761,666 (Issued)
- 21 • A New US Patent Application (Utility) is preparing for filing on November, 2016



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23 **Pinn Inc.** [www.mypinn.com](http://www.mypinn.com)

24 89. Google has been aware of Pinn’s ’491 Patent since at least the date it was  
25 cited during prosecution of Google’s later-filed patent applications. Google filed U.S.  
26 Application Ser. No. 16/237,947, on January 2, 2019, which relates to certain features  
27 of the Google Pixel Buds.

28 90. After receiving Mr. Kim’s e-mails and before the USPTO published

1 Google’s ’947 Application, Google identified Pinn’s foreign patent application by  
 2 listing publication no. 2016/161454 on an invention disclosure statement submitted  
 3 to the Patent Examiner on April 12, 2019.


4 91. The excerpt below is from the invention disclosure statement submitted  
 5 to the USPTO in connection with Google’s own patent application:

FOREIGN PATENT DOCUMENTS							Remove	
Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2i</sup>	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
	1	2016161454	WO	A1	2016-10-06	Pinn, Inc		

If you wish to add additional Foreign Patent Document citation information please click the Add button

11 92. The image below is from Pinn’s international patent application that  
 12 Google identified to the USPTO:

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)  
 (19) World Intellectual Property Organization  
 International Bureau



(10) International Publication Number  
**WO 2016/161454 A1**

(43) International Publication Date  
 6 October 2016 (06.10.2016)

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(51) International Patent Classification: *H04M 1/60* (2006.01)  
 (21) International Application Number: **PCT/US2016/025936**  
 (22) International Filing Date: 4 April 2016 (04.04.2016)  
 (25) Filing Language: English  
 (26) Publication Language: English  
 (30) Priority Data:  
 62/142,978 3 April 2015 (03.04.2015) US  
 62/199,943 31 July 2015 (31.07.2015) US  
 (71) Applicant: **PINN, INC.** [US/US]; 2512 Chambers Road, Suite 204, Tustin, CA 92780 (US).  
 (72) Inventors: **KIM, Seung, Jin**; 2 Bowie Pl, Irvine, CA 92602 (US). **STONE, Jason, Frederick**; 237 Cuesta Dr., South San Francisco, CA 94080 (US). **PASCUAL, Vincent, Sarcia**; 1400 Crescent Dr., Brentwood, CA 94513 (US). **FISHER, H., Lawson**; 4670 Alpine Road, Portola Valley, CA 94028 (US). **MISHRA, Devjeet**; 274 Park Ave., Westbury, NY 11590 (US).  
 (84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LR, LS, MW, MZ, NA, RW, SD, SL, ST, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, RU, TJ, TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, KM, ML, MR, NE, SN, TD, TG).

25 93. Pinn’s ’491 and ’066 Patents are continuations of International  
 26 Application No. PCT/US2016/025936.

27 94. Google had knowledge of International Application No.  
 28 PCT/US2016/025936 at least as early as April 12, 2019.

1           95. Adam Champy is named as a co-inventor on Google’s ’947 Patent  
2 Application that references Pinn’s patent application. He also is Product Manager for  
3 Google Pixel Buds.

4           96. Pinn has complied with 35 U.S.C. § 287.

5           **COUNT 1: DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,807,491**

6           97. Pinn realleges and incorporates by reference the allegations set forth in  
7 the preceding paragraphs as if set forth here in full.

8           98. As the owner of the ’491 Patent, Pinn holds all substantial rights in and  
9 to the ’491 Patent, including the right to exclude others from practicing its patented  
10 inventions, the right to enforce the ’491 Patent, and the right to sue and recover  
11 damages for infringement of, the ’491 Patent.

12           99. Google has no authority or license to practice the inventions claimed in  
13 the ’491 Patent.

14           100. The ’491 Patent is valid and enforceable and was duly issued in full  
15 compliance with Title 35 of the United States Code after a full and fair examination  
16 by the USPTO.

17           101. Google has infringed and continues to infringe at least claims 1, 9, and  
18 10 of the ’491 Patent by, among other things, making, using, selling, and offering for  
19 sale in the United States, and/or importing into the United States – without license or  
20 authority – products, devices, or systems, including Google Pixel Buds (the “Accused  
21 Products”) that fall within the scope of one or more claims of the ’491 Patent in  
22 violation of at least 35 U.S.C. § 271(a).

23           102. Google’s infringing conduct has been, and continues to be, willful,  
24 intentional, and carried out with actual knowledge of the ’491 Patent.

25           103. Since receiving notice of the ’491 Patent, Google has continued to  
26 perform acts of infringement and has taken no steps to modify the Accused Products  
27 to avoid infringement or to instruct end users and customers how to use the Accused  
28 Products in a way that avoids infringement.

1           104. As a result of Google’s past infringing conduct, Google is liable to Pinn  
2 in an amount that adequately compensates it for Google’s infringement, which, by  
3 law, can be no less than a reasonable royalty, together with interest and costs as fixed  
4 by this Court under 35 U.S.C. § 284.

5           105. As a result of Google’s ongoing infringing conduct described in this  
6 Count, Pinn will continue to be damaged unless Google is enjoined from further  
7 infringement.

8           **COUNT 2: INDIRECT INFRINGEMENT OF U.S. PATENT NO. 9,807,491**

9           106. Plaintiff realleges and incorporates by reference the factual allegations  
10 set forth in the preceding paragraphs as if set forth here in full.

11           107. Google is liable for indirect infringement of at least claims 1, 9, and 10  
12 of the ’491 Patent by knowingly encouraging, aiding, and directing others (e.g., end  
13 users and customers) to use and operate the Accused Products in an infringing manner  
14 and to perform the claimed methods of the ’491 Patent.

15           108. Google has actual knowledge of Pinn’s ’491 Patent and has been and is  
16 on notice of the ’491 Patent, the Accused Products that infringe the ’491 Patent, and  
17 the manner in which such products infringe.

18           109. Google encourages, directs, aids, and abets the use, assembly,  
19 configuration, and installation of the Accused Products.

20           110. Google provides to end users and customers products and components  
21 having no substantial non-infringing uses and intends them to be combined with a  
22 smartphone or other system components to infringe the ’491 Patent.

23           111. Google specifically intends the Accused Products to be used and  
24 operated to infringe one or more claims of the ’491 Patent.

25           112. By providing manuals, advertising, instructional documentation and  
26 videos, and technical support, Google encourages and instructs end users and  
27 customers to use and operate the Accused Products in an infringing manner.

28           113. For example, despite having knowledge of the ’491 Patent, Google has



1 provided, and continues to provide, instructional materials, such as user guides, owner  
2 manuals, and online resources (e.g., <https://support.google.com/googlepixelbuds>) that  
3 teach and encourage customers and other end users to use the Accused Products in an  
4 infringing manner. Google actively induces infringement of the '491 Patent.

5 114. The Accused Products include hardware components and software  
6 instructions that operate in concert to perform specific, intended functions that  
7 constitute material parts of the inventions claimed in the '491 Patent and are not staple  
8 articles of commerce suitable for substantial non-infringing use.

9 115. For example, the Accused Products include circuitry configured to  
10 operate in combination with software instructions to perform specific functions, such  
11 as pairing, playing audio data received from a smartphone, and initiating charging of  
12 wireless earbuds, as claimed in the '491 Patent. Such hardware and software have no  
13 substantial non-infringing use.

14 116. Google's infringing conduct has been and continues to be willful,  
15 intentional, and carried out with actual knowledge of the '491 Patent.

16 117. Since receiving notice of the '491 Patent, Google has continued to  
17 perform acts of indirect infringement and has taken no steps to modify the Accused  
18 Products or to instruct end users or customers how to use the Accused Products in a  
19 way to avoid infringement.

20 118. As a result of Google's past infringing conduct, Google is liable to Pinn  
21 in an amount that adequately compensates it for Google's infringement, which by law  
22 can be no less than a reasonable royalty, together with interest and costs as fixed by  
23 this Court under 35 U.S.C. § 284.

24 119. As a result of Google's ongoing infringing conduct described in this  
25 Count, Pinn will continue to be damaged unless Google is enjoined from further  
26 infringement.

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**COUNT 3: DIRECT INFRINGEMENT OF U.S. PATENT NO. 10,455,066**

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2 120. Pinn realleges and incorporates by reference the factual allegations set  
3 forth in the preceding paragraphs as if set forth here in full.

4 121. Pinn is the owner, by assignment, of the '066 Patent and holds all  
5 substantial rights in and to the '066 Patent including the right to enforce any patent  
6 that may issue therefrom and the right to pursue and recover all infringement damages  
7 that may flow from infringement of any such patent.

8 122. The Patent Office published the '937 App. on May 10, 2018.

9 123. The Patent Office allowed Claims 23-60 of the '937 App. on August 28,  
10 2019.

11 124. Claims 23-60 issued as '066 Claims 1-38 in a form substantially identical  
12 to those shown in Exhibit B.

13 125. The '066 Patent issued in full compliance with Title 35 of the United  
14 States Code and is valid and enforceable.

15 126. Google has practiced and is currently practicing at least claims 1, 2, 4, 6,  
16 and 8 of the '066 Patent by, among other things, making, using, selling, and offering  
17 for sale in the United States, and/or importing in to the United States, products,  
18 devices, or systems including the Accused Products, that fall within the scope of these  
19 claims.

20 127. Google has no authority or license to practice the inventions claimed in  
21 the '066 Patent.

22 128. As a result of its infringing conduct, Google is liable to Pinn in an  
23 amount that adequately compensates Plaintiff for Google's conduct, including  
24 damages in an amount no less than a reasonable royalty, together with interest and  
25 costs as fixed by this Court.

26 129. As a result of Google's ongoing infringing conduct described in this  
27 Count, Pinn will continue to be damaged unless Google is enjoined from further  
28 infringement.

**COUNT 4: INDIRECT INFRINGEMENT OF U.S. PATENT NO. 10,455,066**

1  
2 130. Plaintiff realleges and incorporates by reference the factual allegations  
3 set forth in the preceding paragraphs as if set forth here in full.

4 131. Google is liable for indirect infringement of at least claims 1, 2, 4, 6, and  
5 8 of the '066 Patent by knowingly encouraging, aiding, and directing others (e.g., end  
6 users and customers) to use and operate the Accused Products in an infringing manner  
7 and to perform the claimed methods of the '066 Patent.

8 132. Google has actual knowledge of Pinn's '066 Patent and has been and is  
9 on notice of the '066 Patent, the Accused Products that infringe the '066 Patent, and  
10 the manner in which such products infringe.

11 133. Google encourages, directs, aids, and abets the use, assembly,  
12 configuration, and installation of the Accused Products.

13 134. Google provides to end users and customers products and components  
14 having no substantial non-infringing uses and intends them to be combined with a  
15 smartphone or other system components to infringe the '066 Patent.

16 135. Google specifically intends the Accused Products to be used and  
17 operated to infringe one or more claims of the '066 Patent.

18 136. By providing manuals, advertising, instructional documentation and  
19 videos, and technical support, Google encourages and instructs end users and  
20 customers to use and operate the Accused Products in an infringing manner.

21 137. For example, despite having knowledge of the '066 Patent, Google has  
22 provided, and continues to provide, instructional materials, such as user guides, owner  
23 manuals, and online resources (e.g., <https://support.google.com/googlepixelbuds>) that  
24 teach and encourage customers and other end users to use the Accused Products in an  
25 infringing manner. Google actively induces infringement of the '066 Patent.

26 138. The Accused Products include hardware components and software  
27 instructions that operate in concert to perform specific, intended functions that  
28

1 constitute material parts of the inventions claimed in the '066 Patent and are not staple  
2 articles of commerce suitable for substantial non-infringing use.

3 139. For example, the Accused Products include circuitry configured to  
4 operate in combination with software instructions to perform specific functions, such  
5 as pairing, playing audio data received from a smartphone, and initiating charging of  
6 wireless earbuds, as claimed in the '066 Patent. Such hardware and software have no  
7 substantial non-infringing use.

8 140. Google's infringing conduct has been and continues to be willful,  
9 intentional, and carried out with actual knowledge of the '066 Patent.

10 141. Since receiving notice of the '066 Patent, Google has continued to  
11 perform acts of indirect infringement and has taken no steps to modify the Accused  
12 Products or to instruct end users or customers how to use the Accused Products in a  
13 way to avoid infringement.

14 142. As a result of Google's past infringing conduct, Google is liable to Pinn  
15 in an amount that adequately compensates it for Google's infringement, which by law  
16 can be no less than a reasonable royalty, together with interest and costs as fixed by  
17 this Court under 35 U.S.C. § 284.

18 143. As a result of Google's ongoing infringing conduct described in this  
19 Count, Pinn will continue to be damaged unless Google is enjoined from further  
20 infringement.

21 **NOTICE OF REQUIREMENT OF LITIGATION HOLD**

22 144. Google is hereby notified that it is legally obligated to locate, preserve,  
23 and maintain all records, notes, drawings, documents, data, communications,  
24 materials, electronic recordings, audio/video/photographic recordings, and digital  
25 files, including edited and unedited or "raw" source material, and other information  
26 and tangible things that Google knows, or reasonably should know, may be relevant  
27 to actual or potential claims, counterclaims, defenses, and/or damages by any party or  
28 potential party in this lawsuit, whether created or residing in hard copy form or in the

1 form of electronically stored information (hereafter, “Potential Evidence”). As used  
2 above, the phrase “electronically stored information” includes, without limitation:  
3 computer files (and file fragments), e-mail (both sent and received, whether internally  
4 or externally), information concerning e-mail (including but not limited to logs of e-  
5 mail history and usage, header information, and deleted but recoverable e-mails), text  
6 files (including drafts, revisions, and active or deleted word processing documents),  
7 instant messages, audio recordings and files, video footage and files, audio files,  
8 photographic footage and files, spreadsheets, databases, calendars, telephone logs,  
9 contact manager information, internet usage files, and all other information created,  
10 received, or maintained on any and all electronic and/or digital forms, sources and  
11 media, including, without limitation, any and all hard disks, removable media,  
12 peripheral computer or electronic storage devices, laptop computers, mobile phones,  
13 personal data assistant devices, Blackberry devices, iPhones, Pixels, video cameras  
14 and still cameras, and any and all other locations where electronic data is stored. These  
15 sources may also include any personal electronic, digital, and storage devices of any  
16 and all of Defendant’s agents, resellers, or employees, if Defendant’s electronically  
17 stored information resides there.

18 145. Google is hereby further notified and forewarned that any alteration,  
19 destruction, negligent loss, or unavailability, by act or omission, of any Potential  
20 Evidence may result in damages or a legal presumption by the Court and/or jury that  
21 the Potential Evidence is not favorable to Defendant’s claims and/or defenses. To  
22 avoid such a result, Defendant’s preservation duties include, but are not limited to,  
23 the requirement that Defendant immediately notify its agents and employees to halt  
24 and/or supervise the auto-delete functions of Defendant’s electronic systems and  
25 refrain from deleting Potential Evidence, either manually or through a policy of  
26 periodic deletion.

### 27 **PRAYER FOR RELIEF**

28 Pinn prays for the following relief:

- 1 (i) Judgment that Google has directly infringed the Asserted Patents;
- 2 (ii) Judgment that Google has indirectly infringed the Asserted Patents;
- 3 (iii) Judgment that the Asserted Patents are valid and enforceable;
- 4 (iv) An award of damages adequate to compensate Pinn for Google’s direct
- 5 and indirect infringement up to and including the date such judgment is entered, to
- 6 the full extent damages are available under 35 U.S.C. §§ 154(d), 284, or otherwise,
- 7 along with prejudgment and post-judgment interest at the highest allowable rates;
- 8 (v) An award of enhanced and/or treble damages, pursuant to 35 U.S.C. §
- 9 284;
- 10 (vi) Judgment that this case is exceptional, along with a corresponding award
- 11 of reasonable attorney fees, pursuant to 35 U.S.C. § 285;
- 12 (vii) Costs and disbursements, pursuant to Fed. R. Civ. P. 54(d), 28 U.S.C. §
- 13 1920, 35 U.S.C. § 284, or otherwise;
- 14 (viii) An accounting;
- 15 (ix) A permanent injunction, or, alternatively (if the Court declines to grant
- 16 injunctive relief), and to the extent calculable, damages adequate to compensate Pinn
- 17 for Google’s ongoing or future infringement; and
- 18 (x) Such other and further relief, whether at law or in equity, as the Court
- 19 deems just and proper.

20 **DEMAND FOR JURY TRIAL**

21 Pinn demands trial by jury for all issues so triable pursuant to Fed. R. Civ. P.  
22 38(b) and Civil L.R. 3-6(a).

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1 Dated: November 14, 2019

By /s/ Ryan E. Hatch

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