**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CYPRESS LAKE SOFTWARE, INC.	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:19-CV-328-JDK
	§	
SAMSUNG ELECTRONICS CO., LTD	§	
(A KOREAN COMPANY) AND	§	
SAMSUNG ELECTRONICS AMERICA,	§	
INC.	§	JURY TRIAL DEMANDED
	§	
Defendants.		

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

1.   Plaintiff Cypress Lake Software, Inc. ("Cypress") files this First Amended Complaint ("Compliant") against Samsung Electronics America, Inc. ("SEA") and Samsung Electronics Co., Ltd. (a Korean Company) ("SEC") (collectively "Defendants") alleging infringement as follows:

2.   **Counts 1-9:** infringement by Defendants' Android-based devices (smartphones and tablets) loaded with or running Android Pie 9.0 or higher at the time of first sale (including Android 10.0 and subsequent future releases and/or versions which may operate and infringe in substantially similar manner).   For purposes of this Complaint, all such devices shall be collectively referred to as the "Accused Android Devices."

3.   Notwithstanding Cypress's right to appeal such rulings, Cypress expressly will not assert (and does not here intend to assert) any patent claim containing a disputed term or phrase which has been previously found to be indefinite. *See Nautilus Hyosung Inc. v. Diebold, Incorporated et al*, 3-16-cv-00364 (N.D. Tex. Dec. 12, 2019, Order) (J. David C. Godbey) ("The Court finds that there may be evidence not presented on the ITC record considered by the Federal

Circuit that could merit a different claim construction and a different conclusion regarding the validity of the [patent-in-suit].").

4.   **Count 1 – U.S. Patent No. 8,902,054**, (the **'054 Patent**) with at least **claim 17** infringed by the Accused Android Devices. A copy of the '054 Patent is attached hereto as Exhibit A.

5.   **Count 2 - U.S. Patent No. 8,983,264** (the **'264 Patent**) with at least **claim 12** infringed by the Accused Android Devices. Patent claims 61, 62, 63, 67, 70 and 71 are not asserted in this Complaint. A copy of the '264 Patent is attached hereto as Exhibit B.

6.   **Count 3 - U.S. Patent No. 9,423,954** (the **'954 Patent**) with at least **claim 1** infringed by the Accused Android Devices. Patent claims 14, 15, and 16 are not asserted in this Complaint. A copy of the '954 Patent is attached hereto as Exhibit C.

7.   **Count 4 - U.S. Patent No. 9,423,938** (the **'938 Patent**) with at least **claims 26, 32, and 34** infringed by the Accused Android Devices. Patent claims 1, 7, 10, 15, 23, and 28 are not asserted in this Complaint. A copy of the '938 Patent is attached hereto as Exhibit D.

8.   **Count 5 - US. Patent No. 9,817,558** (the **'558 Patent**) with at least **claim 23** infringed by the Accused Android Devices. Patent claims 1-10, 12-22, 24-28, 30 are not asserted in this Complaint. A copy of the '558 Patent is attached hereto as Exhibit E.

9.   **Count 6 - U.S. Patent No. 9,841,878** (the **'878 Patent**) with at least **claims 1 and 8** infringed by the Accused Android Devices. A copy of the '878 Patent is attached hereto as Exhibit F.

10.   **Count 7 - U.S. Patent No. 9,870,145** (the **'145 Patent**) with at least **claim 1** infringed by the Accused Android Devices. Patent claim 13 is not asserted in this Complaint. A copy of the '145 Patent is attached hereto as Exhibit G.

11.   **Count 8 - U.S. Patent No. 10,338,779** (the **'779 Patent**) with at least **claim 1** infringed by the Accused Android Devices. A copy of the '779 Patent is attached hereto as Exhibit H.

12. **Count 9 - U.S. Patent No. 10,437,433** (the **'433 Patent**) with at least **claim 1** infringed by the Accused Android Devices. A copy of the '433 Patent is attached hereto as Exhibit I.

NATURE OF THE SUIT

13. This is a cause of action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

PARTIES

14. Plaintiff Cypress Lake Software, Inc. is a Texas company with its principal place of business at 318 W. Dogwood Street, Woodville, Texas 75979. Cypress is the sole owner and assignee of each of the Asserted Patents, and has sole standing to file the Original Complaint and the instant First Amended Complaint for infringement.

15. On information and belief, Defendant Samsung Electronics America, Inc. ("SEA") is a corporation organized and existing under the laws of New York with its principal offices at 105 Challenger Road, Ridgefield Park, New Jersey 07660.

16. On information and belief, Defendant SEA can be served through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

17. On information and belief, Defendant Samsung Electronics Co., Ltd. ("SEC") is a company organized and existing under the laws of the Republic of Korea with its principal offices at 250, 2-ga, Taepyong-ro, Jung-gu, Seoul, 100-742, South Korea.

18. On information and belief, Defendant SEC owns one hundred percent (100%) of SEA.

19. On information and belief, Defendant SEC has been served with Plaintiff's Original Complaint in this case, which was filed on July 19, 2019.

20.   Defendants SEA and SEC (collectively, "Defendants") manufacture, sell, and import into the United States the Accused Android Devices in cooperation with each other.

JURISDICTION AND VENUE

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

22.   The Court has personal jurisdiction over Defendants for at least five reasons: (1) Defendants have committed acts of patent infringement and have otherwise induced acts of patent infringement by others in this District and elsewhere in Texas; (2) Defendants regularly do business or solicit business in this District and in Texas, including through its wholly-owned subsidiary entities; (3) Defendants engage in other persistent courses of conduct and derives substantial revenue from products and/or services provided to individuals in this District and in Texas; (4) Defendants have purposefully established substantial, systematic, and continuous contacts with this District and should reasonably expect to be haled into court here, including the physical location of offices here, for example, SEA Offices at 6625 Excellence Way, Plano, TX 75023 and 1100 Klein Rd Suite 100, Plano, TX 75074, and (5) SEA has been authorized to do business in the State of Texas by the Texas Secretary of State.

23.   Furthermore, SEA has designated CT Corporation System, 1999 Bryan St., Suite 900, Dallas, TX 75201, as its representative to accept service of process within the State of Texas. And Defendant SEC is a foreign entity such that venue is proper in any District within the United States.

24.   Defendants' ties with Texas and this District are extensive. On information and belief, Defendants have imported infringing products to the State of Texas and profit from sales made to customers located within this District and Texas.

25.   Given these extensive contacts, the Court's exercise of jurisdiction over Defendants will not offend traditional notions of fair play and substantial justice.

26.   Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400 because Defendant SEC is a foreign entity to the United States of America. Venue is also proper as Defendants have committed acts of infringement in this District.

The Accused Android Devices

27.   Defendants design, develop and manufacture the Accused Android Devices and sell/import them into the United States.

28.   As noted above, the Accused Android Devices include all of Defendants' Android-based mobile devices (smartphones and tablets) loaded with or running Android Pie 9.0 or higher at the time of first sale or otherwise at the time of importation into the United States (including Android 10.0 and subsequent future releases and/or versions which may operate and infringe in a substantially similar manner).

Infringement by Defendant is Willful

29.   On information and belief, Defendants first learned about these patent families in 2012 directly from the sole inventor, Paul Morris.

30.   Defendant SEC's wholly-owned subsidiary and co-defendant (SEA) was involved with prior litigation with Plaintiff, and Defendant SEC responded to subpoenas in connection with that litigation, which included both SEC document production and SEC witness testimony.

31.   On information and belief, Defendant authored and coordinated review of United States Patent and Trademark (USPTO) proceedings related to one or more claims in the presently Asserted Patents.

Indirect Infringement by Defendant

32.   Defendants have been and now are indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the Asserted Patents in counts 1-9, in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling, without license or authority, products for use in systems that fall within the scope of one or more claims of the Asserted Patents. Such products include, without limitation, one or more of the Accused Android Devices. Such products have no substantial non-infringing uses and are for use in systems that infringe the Asserted Patents. By making, using, importing offering for sale, and/or selling such products, Defendants have injured Cypress and are thus liable to Cypress for contributory infringement under. 35 U.S.C. § 271. *See, e.g., Lucent Techs., Inc. v. Gateway, Inc.,* 580 F.3d 1301 (Fed. Cir. (Cal.) 2009) (holding that the substantial non-infringing uses element of a contributory infringement claim applies to an infringing feature or component). An "infringing feature" of a product does not escape liability simply because the product as a whole has other non-infringing uses. *See id*. at 1321. Defendants are culpable for inducing its customers, retail partners, and/or end users of the Accused Android Devices to infringe the Asserted Patents. *See Power Integrations, Inc. v. Fairchild Semiconductor Intl., Inc.*, 843 F.3d 1315, 1335 (Fed. Cir. 2016). Defendants have knowledge of the Asserted Patents by virtue of prior litigation involving such patents, and at a minimum at least as early as the service of this complaint and are thus liable for infringement of

one or more claims of the Asserted Patents by actively inducing infringement under 35 U.S.C. §

271.

COUNT 1:
INFRINGEMENT OF U.S. PATENT NO. 8,902,054
(Accused Android Devices)

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

34.   The **Claim 17 of the '054 Patent** is valid, enforceable, and was duly and legally

issued. It is entitled a presumption of validity under 35 U.S.C. § 282.

35.   Without a license or permission from Cypress, Defendants have infringed and

continue to infringe on at least **Claim 17 of the '054 Patent**—directly, under the doctrine of

equivalents, contributorily, or by inducement—by importing, making, using, offering for sale, or

selling products and devices that embody the patented invention, including, without limitation, one

or more of the Accused Android Devices in violation of 35 U.S.C. § 271.

36.   The Accused Android Devices include a system that includes a memory system

(shown by the ability to store instructions) and one or more processors coupled to the memory

system (shown by the ability to execute instructions) and that are each configured to determine

whether at least one aspect of a text message is to be prevented based on at least one of a plurality

of policies (configurable settings), the determining whether the at least one aspect of the text

message is to be prevented including presenting to at least one of an operator or a user (see screen

image below), via a portable electronic device (smartphone or tablet), at least one user interface

element for allowing the at least one of the operator or the user to provide at least one user input

for preventing the at least one aspect of the text message (as shown below):
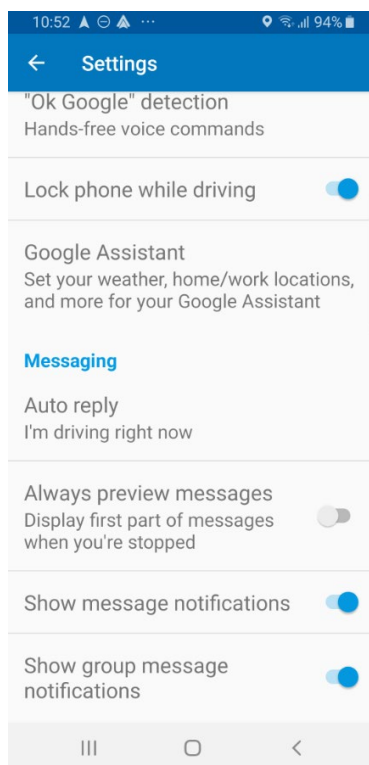
37.   An Accused Android Device can determine whether at least one aspect of a call is to be prevented (such as "Do Not Disturb") based on at least one of the plurality of policies, the determining whether the at least one aspect of the call is to be prevented including presenting to at least one of the operator or the user, via the portable electronic device (smartphone or tablet), at least one user interface element for allowing the at least one of the operator or the user to provide at least one user input for preventing the at least one aspect of the call (a user can set "Do Not Disturb").
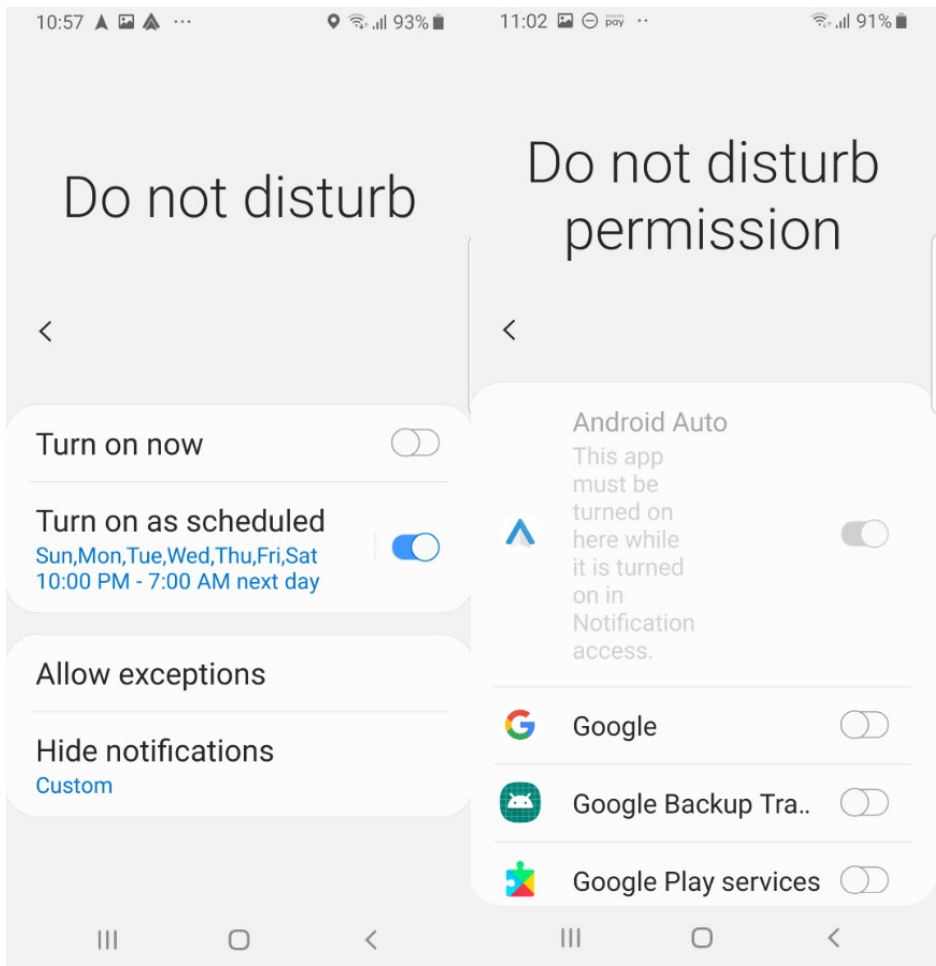
38.   An Accused Android Device can receive (during Bluetooth paring of the device to the vehicle), from a component of an automotive vehicle, a first information attribute about at least one component of the automotive vehicle at the portable electronic device, the first information attribute including an identifier (e.g. source, identification, device pairing key, device id, etc.); receive the first information attribute about the automotive vehicle including the identifier via the portable electronic device (smartphone or tablet) by presenting at least one user interface element via the portable electronic device (to complete pairing) and detecting user input via the portable electronic device (as shown below):

9
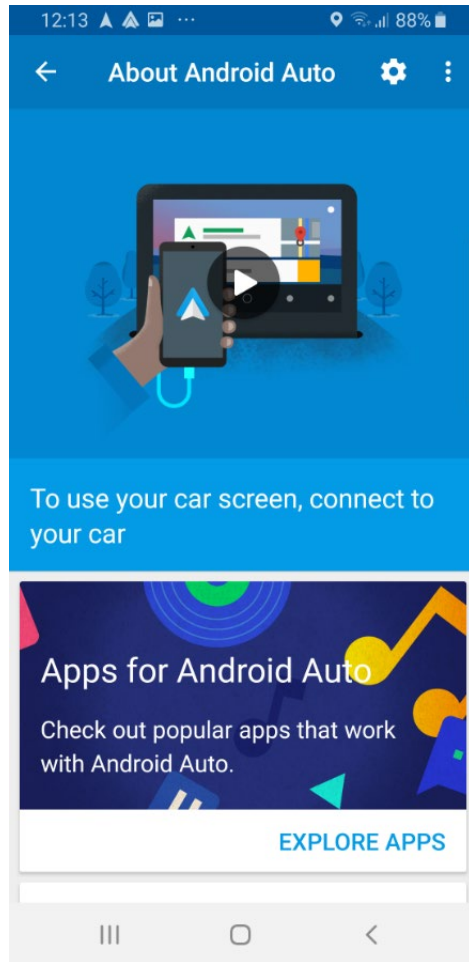
39.   After receiving the first information attribute both from the component of the automotive

vehicle and via the user input via the portable electronic device and determining that the portable

electronic device is communicatively coupled to the component of the automotive vehicle via a

particular protocol, an Accused Android Device can automatically prevent the at least one aspect

of the text message based on the determination whether the at least one aspect of the text message

is to be prevented (such as the "Auto Reply" option), and the at least one aspect of the call based

on the determination whether the at least one aspect of the call is to be prevented, as illustrated

below:
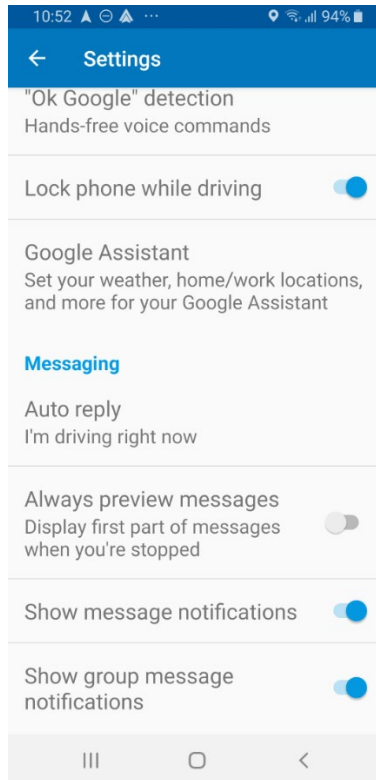
40.   Defendants' acts of infringement of **Claim 17 of the '054 Patent** have caused damage to Cypress, and Cypress is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress' exclusive rights under the '054 Patent will continue to damage Cypress.

41.   Furthermore, **Claim 17 of the '054 Patent** does not involve a law of nature, a natural phenomenon, or an abstract idea.

42.   There is nothing abstract in the manner in which the asserted claims embody the accused functionality.

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COUNT 2:
INFRINGEMENT OF U.S. PATENT NO. 8,983,264
(Accused Android Devices)

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43.   Cypress incorporates by reference the allegations in the paragraphs above.

44.   The **Claim 12 of the '264 Patent** is valid, enforceable, and was duly and legally issued. It is entitled a presumption of validity under 35 U.S.C. § 282.

45.   Without a license or permission from Cypress, Defendants have infringed and continue to infringe on at least Claim 12 of the '264 Patent—directly, under the doctrine of equivalents, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Android Devices in violation of 35 U.S.C. § 271.

46.   The Accused Android Devices include an apparatus (smartphone or tablet) with an operating system embodied on a non-transitory computer readable medium. The Accused Android Devices include a portable first presentation device (smartphone or tablet) having a touchscreen and being capable of providing access to a plurality of applications including a first media player (within the accused smartphone or tablet) and a second media player (within the accused smartphone or tablet), the first presentation device capable of communication with a second presentation device including a display (e.g., an enabled device such as a stereo, television, projector, computer, smartphone or tablet) on a wireless local area network on which the first presentation device resides for allowing at least one of the first media player or the second media player to play (or cast) at least one media stream including video via the second presentation device based on user input. The following illustrates this functionality:
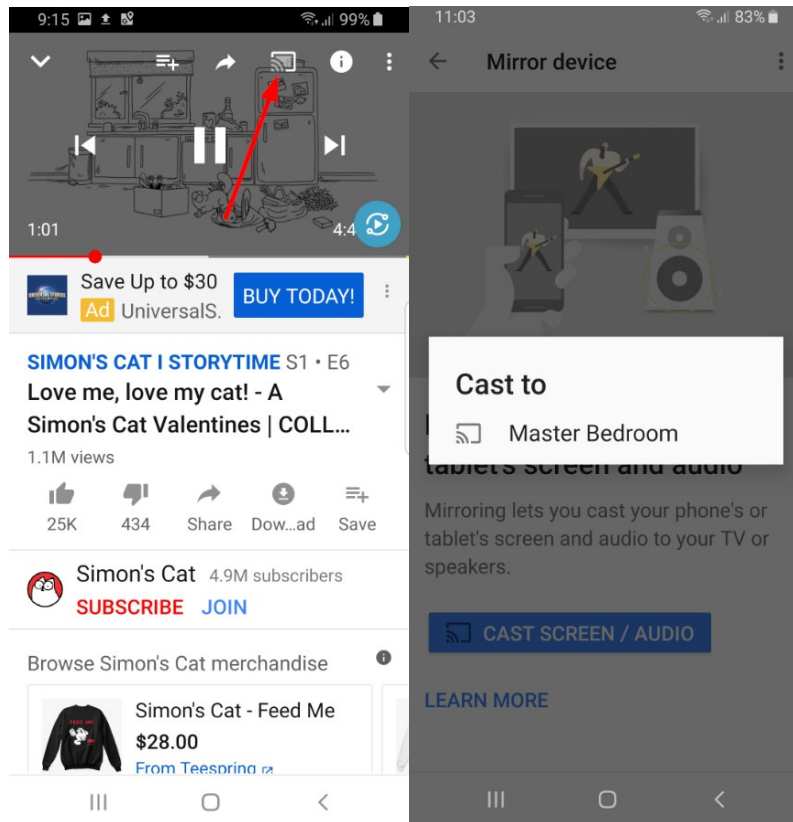
47.   The first presentation device (accused smartphone or table) is configured to identify

a first change in a first presentation focus (as shown in the image below, when another video stream

is activated; the video in the first presentation focus can stop or pause). The Accused Android

Devices further include the ability to determine, based on the first change, that the first media

player is not assigned the first presentation focus (as shown in the image below, when a video

stream is activated; the video in the first presentation focus can stop or pause). The Accused

Android Devices can indicate that the first media player is not to play a first media stream including

video, in response to the determining based on the first change (as shown in the image below,

visual queues indicate that the first media player is not to play video content). The Accused

Android Devices can identify a second change in the first presentation focus (as shown below, the

video in the first presentation focus can restart). The Accused Android Devices can determine,

based on the second change, that the first media player is assigned the first presentation focus (as shown below, the video in the first presentation focus can restart).
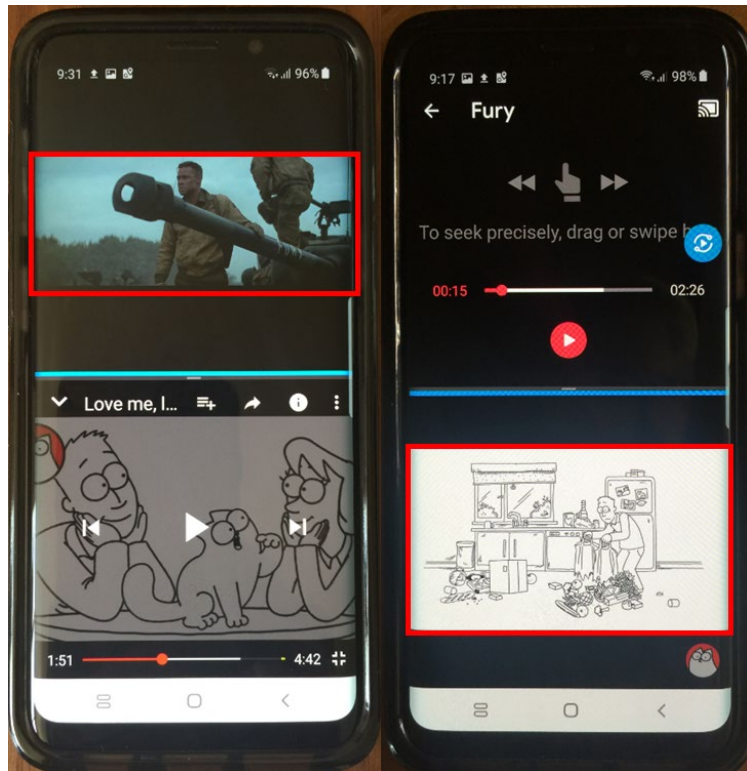
48.   As shown in the images below, the Accused Android Devices can indicate that the first media player is to play the first media stream via at least one of the first presentation device (smartphone or tablet) or the second presentation device (e.g., an enabled device such as a stereo, television, projector, computer, smartphone or tablet) based on user input (e.g., sharing), in response to the determining based on the second change.

49.   Where, as shown below, the first presentation device is operable such that the first media player is capable of playing the first media stream via both the first presentation device and the second presentation device (through sharing).

50.   Defendants' acts of infringement of **Claim 12 of the '264 Patent** have caused damage to Cypress, and Cypress is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendants' infringement of Cypress' exclusive rights under the '264 Patent will continue to damage Cypress.

51.   Furthermore, **Claim 12 of the '264 Patent** does not involve a law of nature, a natural phenomenon, or an abstract idea.

52.   There is nothing abstract in the manner in which the asserted claims embody the accused functionality.

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COUNT 3:
INFRINGEMENT OF U.S. PATENT NO. 9,423,954
(Accused Android Devices)

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53.   Cypress incorporates by reference the allegations in the paragraphs above.

54.   The **Claim 1 of the '954 Patent** is valid, enforceable, and was duly and legally issued on November 14, 2017. It is entitled a presumption of validity under 35 U.S.C. § 282.

55.   Without a license or permission from Cypress, Defendants have infringed and continue to infringe on at least **Claim 1 of the '954 Patent**—directly, under the doctrine of equivalents, contributorily, or by inducement—by importing, making, using, offering for sale, or

selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Android Devices in violation of 35 U.S.C. § 271.

56.　　　　Each of the Accused Android Devices is an apparatus comprised of at least one processor (e.g., mobile processor, SOC, etc. to execute instructions) configured for coupling with a display (screen), memory (that stores instructions), and at least one input device (touchscreen). As shown below, an Accused Android Device includes storage of a first application, a second application, and a third application, utilizing the memory.
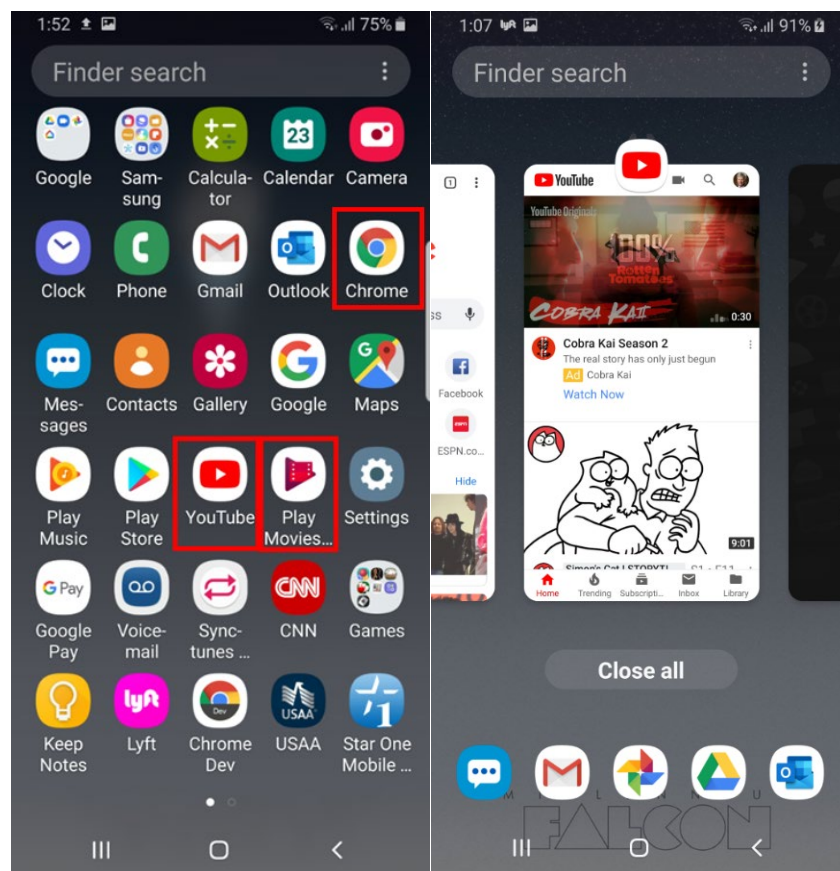
57.　　　　An Accused Android Device can detect a first user input (a touch), utilizing the at least one input device (touch screen), and in response to the first user input, presentation of, utilizing the display (screen), a plurality of reduced windows that do not visually overlap each other, the plurality of reduced windows including a second application reduced window associated

with the second application and a third application reduced window associated with the third application which are both presented exterior to a first window (YouTube) associated with the first application without visual overlap between the first window and the plurality of reduced windows, as shown below.
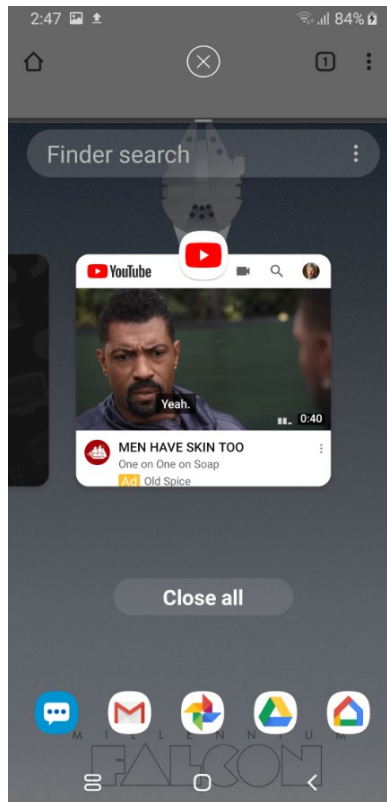
58.   As shown below, an Accused Android Device can detect a second user input in connection with the second application reduced window associated with the second application (Chrome), utilizing the at least one input device; in response to the second user input in connection with the second application reduced window associated with the second application, presentation of, utilizing the display, a second window (Chrome) associated with the second application for presenting second data associated with the second application, adjacent to the first window (YouTube) associated with the first application.

59.   As shown below, an Accused Android Device can detect a third user input, utilizing

the at least one input device (selecting the border between application windows and dragging to

resize the windows); and in response to the third user input, change of, utilizing the display, the

presentation of the first window and the second window, such that a first size of the first window

and a second size of the second window are both changed (the size of the application windows can

be adjusted).
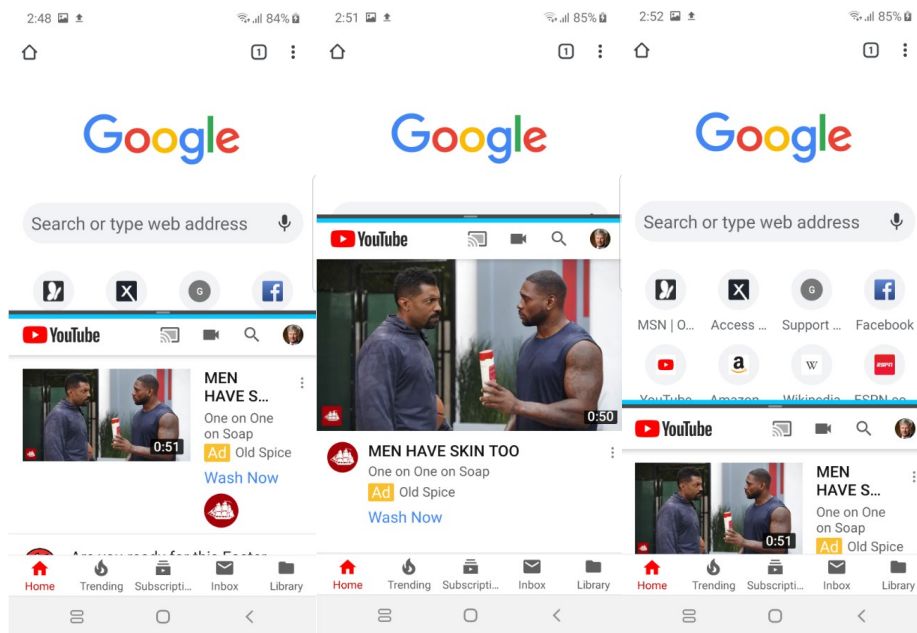
60.   Defendants' acts of infringement of **Claim 1 of the '954 Patent** have caused

damage to Cypress, and Cypress is entitled to recover from Defendants the damages sustained as

a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C.

§ 271. Defendant's infringement of Cypress' exclusive rights under the '954 Patent will continue

to damage Cypress.

61.   Furthermore, **Claim 1 of the '954 Patent** does not involve a law of nature, a natural

phenomenon, or an abstract idea.

62.   There is nothing abstract in the manner in which the asserted claims embody the accused functionality.

COUNT 4:
INFRINGEMENT OF U.S. PATENT NO. 9,423,938
(Accused Android Devices)

63.   Cypress incorporates by reference the allegations in the paragraphs above.

64.   The '938 Patent is valid, enforceable, and was duly and legally issued. It is entitled a presumption of validity under 35 U.S.C. § 282.

65.   Without a license or permission from Cypress, Defendants hav infringed and continue to infringe on at least **Claims 26, 32, and 34 of the '938 Patent**—directly, under the doctrine of equivalents, contributorily, or by inducement—by importing, making, using, offering for sale, or selling Accused Android Devices in violation of 35 U.S.C. § 271.

66.   Each of the Accused Android Devices include a computer program product (operating instructions) embodied on a non-transitory computer readable memory (non-volatile memory) that includes code configured to work in conjunction with an apparatus including at least one processor (to execute instructions), a display (touch display) in communication with the at least one processor, at least one input device (touch display, mouse keyboard, touchpad) in communication with the at least one processor, and memory (that stores instructions) in communication with the at least one processor.
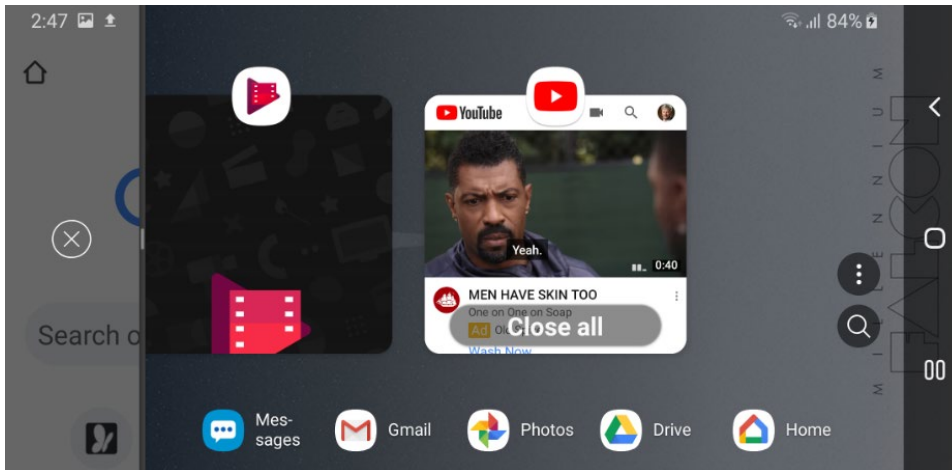
67.   As shown below, each of the Accused Android Devices include code configured to utilize the memory to store a plurality of applications including a first application (YouTube) and a second application (Messages, Gmail, Photos, Drive, Chrome, or etc.), and to utilize the display to display a first window of the first application (YouTube) of the plurality of applications.
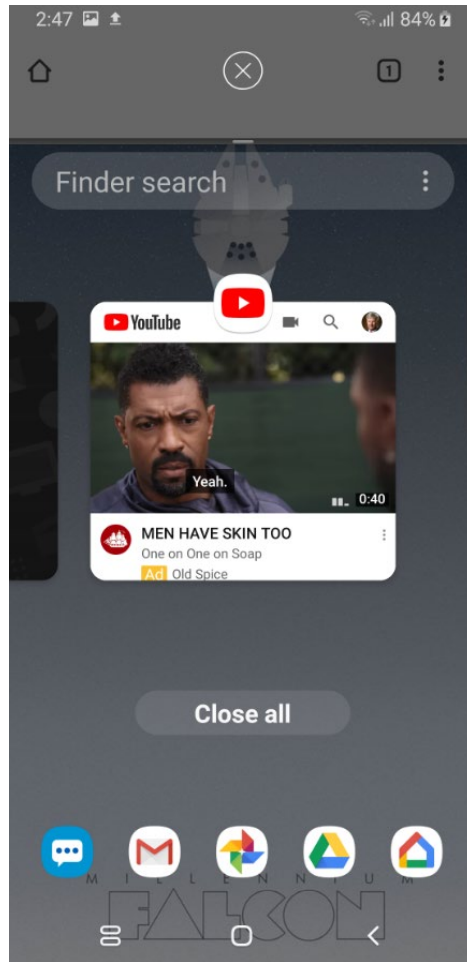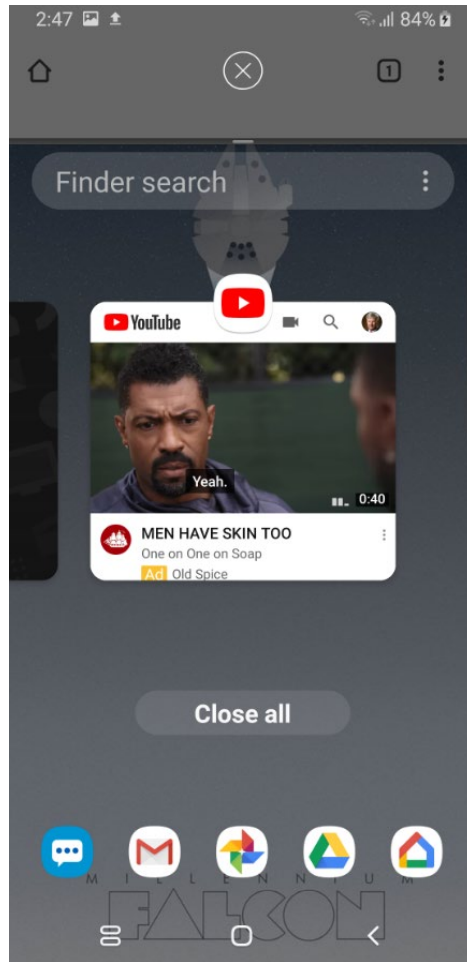
68.   As shown below, each of the Accused Android Devices utilize the at least one input

device (touch display, mouse keyboard, touchpad) to receive first user input (to invoke Split Screen

functionality); utilize the at least one processor to determine if the first user input is predetermined

to cause menu display, and to determine if the first user input takes a form of a first input (landscape

mode) or a second input (portrait mode). This is accomplished by touching and holding an app's

icon and then tapping Split Screen in combination with either a preceding or following rotation of

the device (to put it in landscape or portrait mode). A first portion of the screen will feature the

application which was previously shown on the display, and the other portion will show a menu of

previously-used applications.
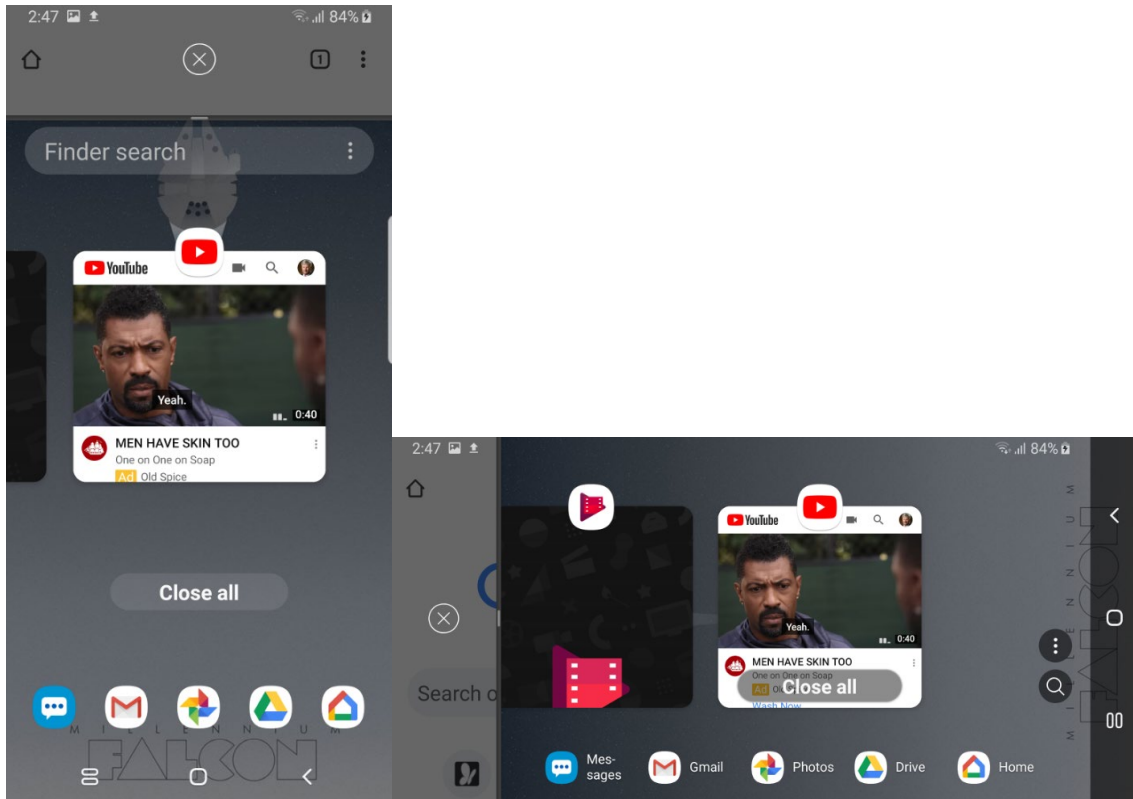
69.   As shown below, each of the Accused Android Devices utilize the display to display a menu in a first location with respect to a location of the first window, if it is determined that the first user input takes the form of the first input (landscape mode) and is predetermined to cause menu display, where the menu in the first location is outside the first window and includes a plurality of elements corresponding to the plurality of applications (Gmail, Photos, Messages, Drive, Chrome, etc) that are operating except the first application (YouTube) since the first window is already displayed.

70.   As shown below, each of the Accused Android Devices utilize the display to display the menu in a second location with respect to the location of the first window, if it is determined that the first user input takes the form of the second input (Portrait Mode) and is predetermined to cause menu display, where the menu in the second location is outside the first window and includes the plurality of elements corresponding to the plurality of applications that are operating (Gmail, Photos, Messages, Drive, Chrome, etc) except the first application (YouTube) since the first window is already displayed.

71.   Each of the Accused Android Devices utilize the at least one input device to receive second user input for at least one of moving or re-sizing the first window of the first application; utilize the display to at least one of move or re-size the first window of the first application, in response to the second user input; utilize the display to at least one of move or re-size the elements of the menu, in response to the second user input. The re-sizing can be done by selecting the border between application windows and dragging to resize the windows.

72.   As shown below, each of the Accused Android Devices utilize the at least one input device to receive third user input (Chrome Icon) on one of the plurality of elements of the menu corresponding to the second application (Chrome); and utilize the display to display a second

window of the second application (Chrome) of the plurality of applications, in response to the third user input.
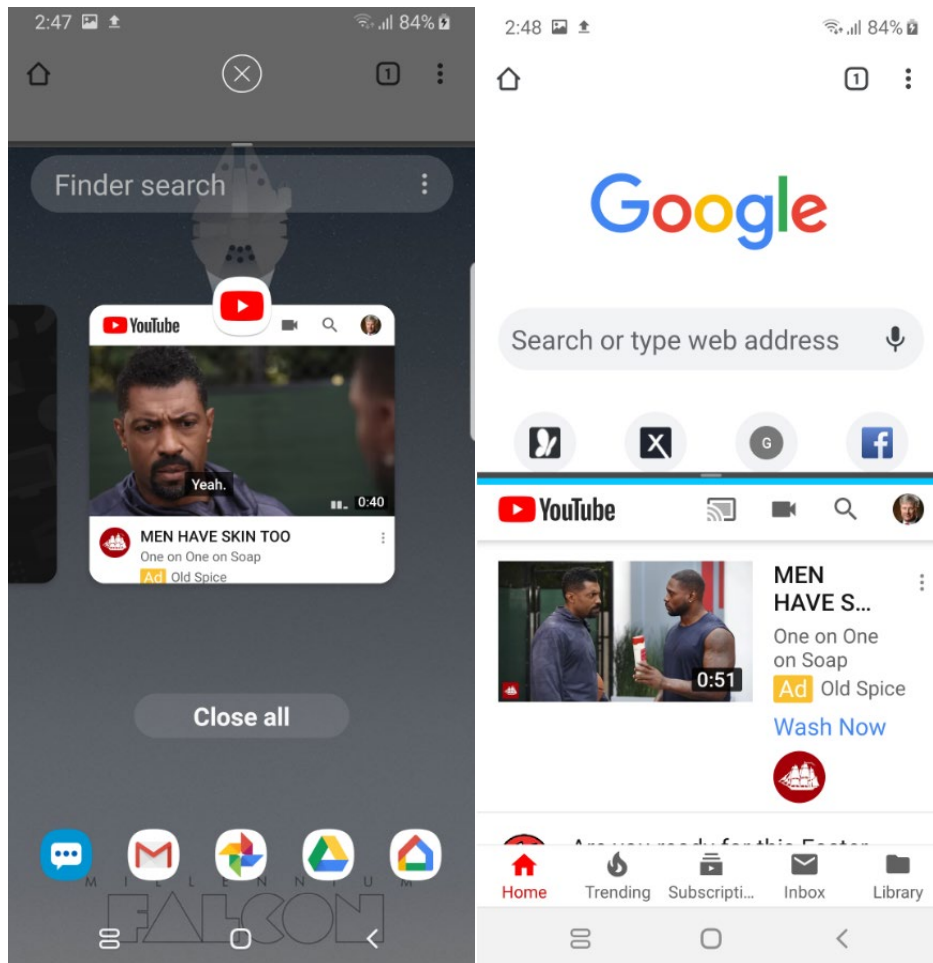

73.   Each of the Accused Android Devices is configured such that the menu is hidden if the first window is maximized from a non-maximized state.

74.   Each of the Accused Android Devices is configured such that the menu is re-displayed if the first window is returned to the non-maximized state.

75.   As shown below, each of the Accused Android Devices is configured such that the third user input is capable of being received before the second user input. More specifically, a user can choose the second application to display in the second window and thereafter resize the windows.
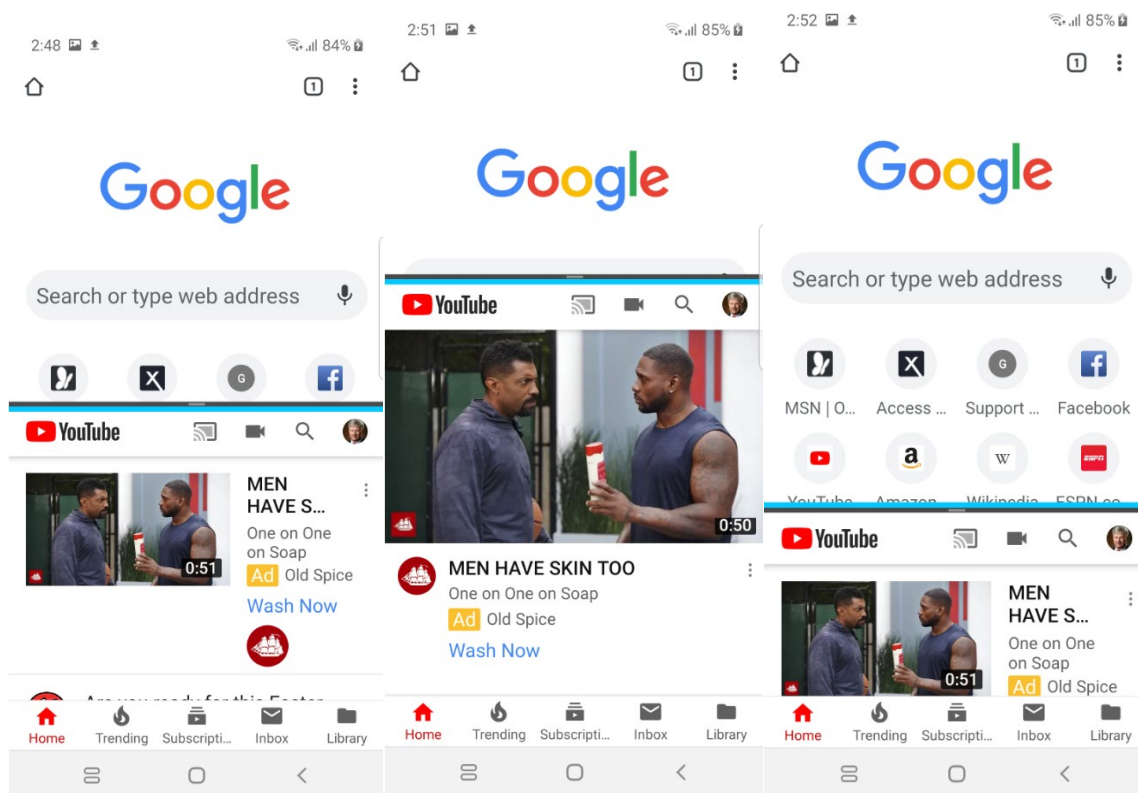
76.   As shown below, each of the Accused Android Devices is configured such that, in response to the second user input, the elements of the menu in the first location is moved or re-sized.
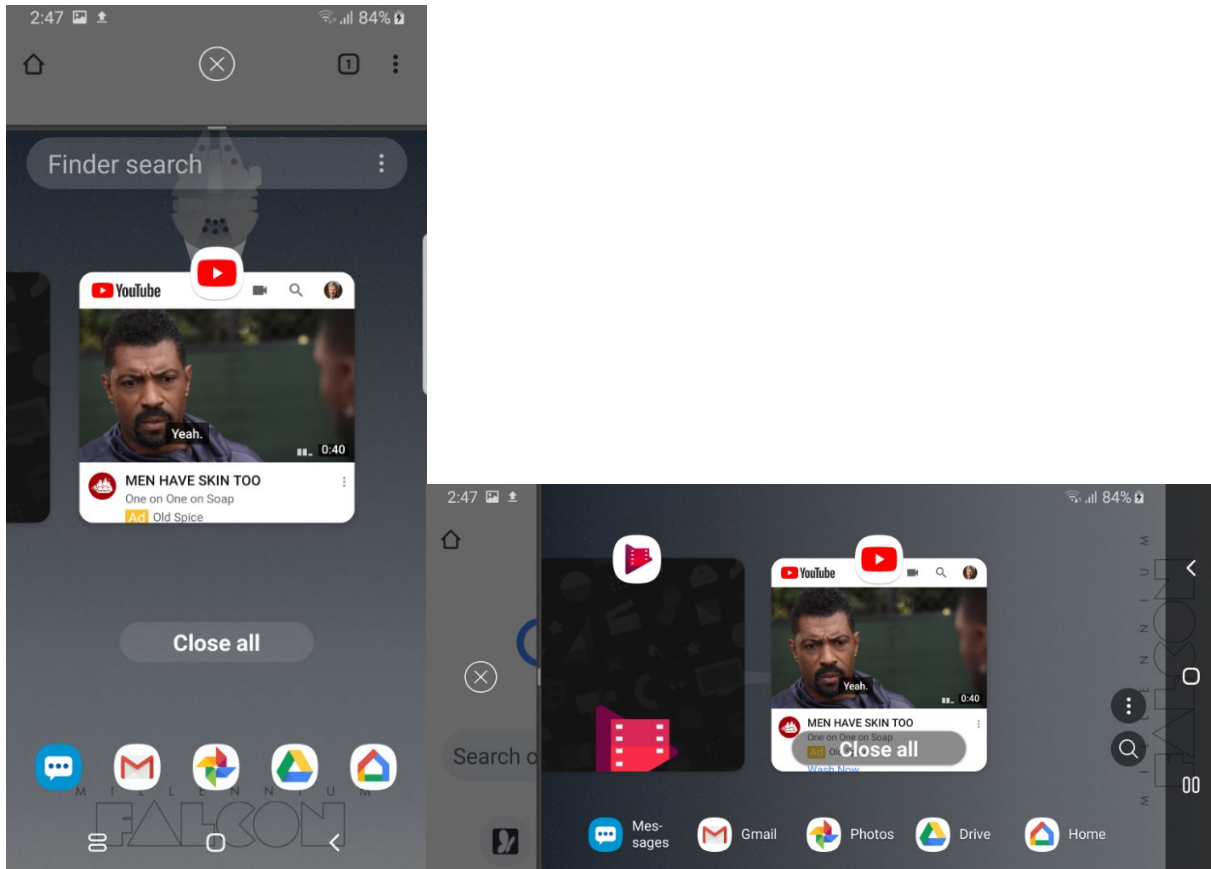
77.   Defendants' acts of infringement of **Claims 26, 32, and 34 of the '938 Patent** have caused damage to Cypress, and Cypress is entitled to recover from Defendants the damages sustained as a result of Defendants wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress' exclusive rights under the '858 Patent will continue to damage Cypress.

78.   Furthermore, **Claims 26, 32, and 34 of the '938 Patent** do not involve a law of nature, a natural phenomenon, or an abstract idea.

79.   There is nothing abstract in the manner in which the asserted claims embody the accused functionality.

COUNT 5:
INFRINGEMENT OF U.S. PATENT NO. 9,817,558
(Accused Android Devices)

80.   Cypress incorporates by reference the allegations in the paragraphs above.

81.   The **Claim 23 of the '558 Patent** is valid, enforceable, and was duly and legally

issued. It is entitled a presumption of validity under 35 U.S.C. § 282.

82.   Without a license or permission from Cypress, Defendants have infringed and

continue to infringe on at least **Claim 23 of the '558 Patent**—directly, under the doctrine of

equivalents, contributorily, or by inducement—by importing, making, using, offering for sale, or

selling products and devices that embody the patented invention, including, without limitation, one

or more of the Accused Android Devices in violation of 35 U.S.C. § 271.

83.   As shown below, each of the Accused Android Devices includes a first presentation

device (smartphone or tablet) comprising a non-transitory memory (non-volatile memory) storing

instructions, a touchscreen (e.g., touch display), and one or more processors (that execute

instructions) in communication with the non-transitory memory and the touchscreen, where the

one or more processors execute the instructions to simultaneously present a first media player

(presenting the Google Play Video) and a second media player (presenting the YouTube content),

where the first media player is presented with at least one first input control and the second media

player is presented with at least one second input control, the at least one first input control and

the at least one second input control each including at least one of a play input control or a pause

input control. The one or more processors of each of the Accused Android Devices execute the

instructions to detect a selection of the at least one first input control (play) presented with the first

media player, and in response to the detection of the selection of the at least one first input control

(play) presented with the first media player, present a first media stream (the Google Play Video)

via the first presentation device utilizing the first media player. The one or more processors of

each of the Accused Android Devices execute the instructions to detect, while the first media

stream is being presented via the first presentation device utilizing the first media player, a

selection of the at least one second input control (play) presented with the second media player;

and in response to the detection of the selection of the at least one second input control (play)

presented with the second media player while the first media stream is being presented via the first

presentation device utilizing the first media player, cause a change in presentation focus, by:

pausing the presentation of the first media stream via the first presentation device utilizing the first

media player, and presenting a second media stream (YouTube content) via the first presentation

device utilizing the second media player.
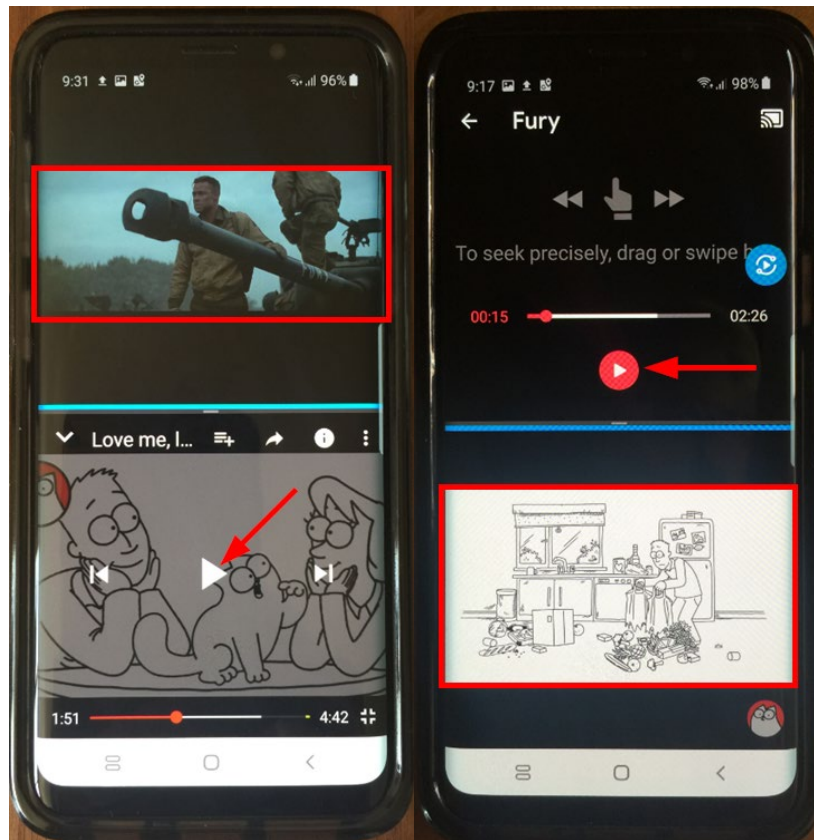
84.   Where the first presentation device of each of the Accused Android Devices is

configured such that the change in presentation focus results from at least one of: a releasing of a

first presentation focus in connection with the first media player, a detected user input indication

for giving the second media player a second presentation focus (such as by playing content in the

second media player), a change in input focus (by selecting a specific media player), a change in an attribute of a user interface element (selecting to "cast" content as shown below), a count of media streams being played, a ranking of media streams being played, a transparency level of at least one of the user interface element, or another user interface element sharing a region of a display of the first presentation device.
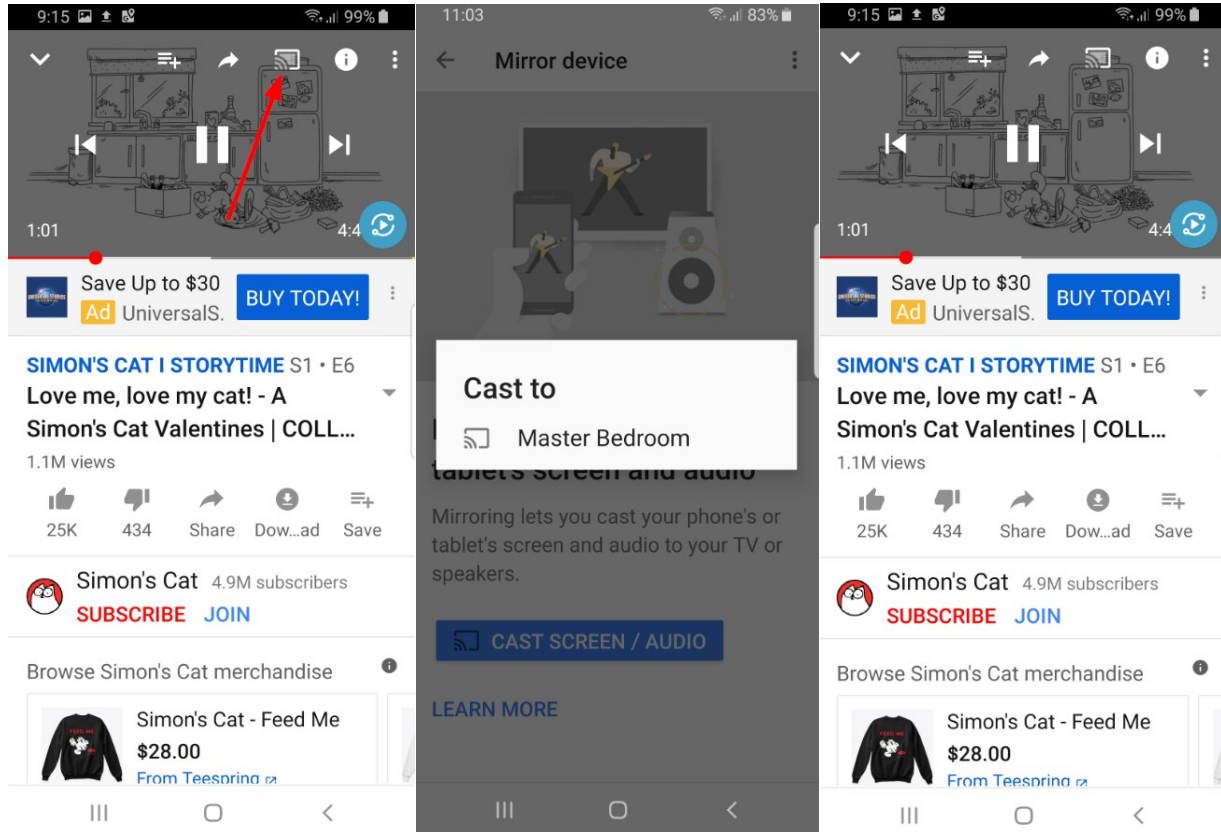
85.	Where the first presentation device of each of the Accused Android Devices is configured such that, while the first media player and the second media player are simultaneously presented, the first media player is prevented from being utilized to present any media stream if a visibility of the first media player exists and is less than a predetermined amount. As shown below, for example, a user can "dismiss" the first media player by swiping it up on the touch screen, thereby effectively "pausing" the player. The visibility of the media player remains accessible in a thumbnail style of presentation via the Split-screen menu when the user taps the Recents button.
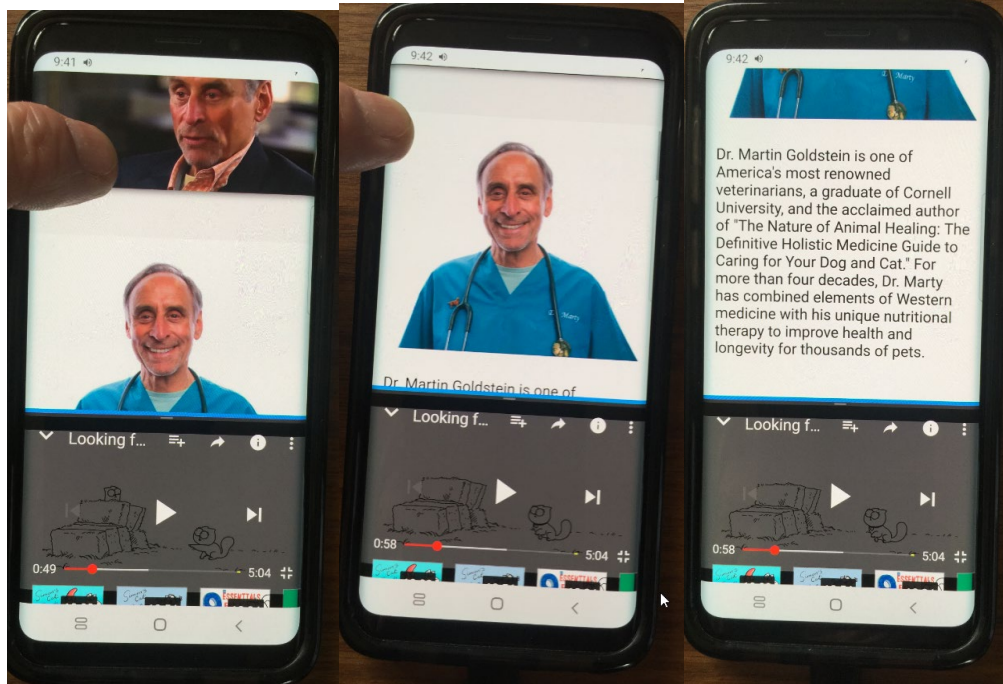
86.   Defendants' acts of infringement of **Claim 23 of the '558 Patent** have caused

damage to Cypress, and Cypress is entitled to recover from Defendants the damages sustained as

a result of Defendants' wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C.

§ 271. Defendants' infringement of Cypress' exclusive rights under the '558 Patent will continue

to damage Cypress.

87.   Furthermore, **Claim 23 of the '558 Patent** does not involve a law of nature,

a natural phenomenon, or an abstract idea.

88.   There is nothing abstract in the manner in which the asserted claims embody the

accused functionality.

COUNT 6:
INFRINGEMENT OF U.S. PATENT NO. 9,841,878
(Accused Android Devices)

89.   Cypress incorporates by reference the allegations in the paragraphs above.

90.   The '878 Patent is valid, enforceable, and was duly and legally issued on December

12, 2017.

91.   Without a license or permission from Cypress, Defendants have infringed and continue to infringe on at least **Claims 1 and 8 of the '878 Patent**—directly, under the doctrine of equivalents, contributorily, or by inducement—by importing, Accused Android Devices into the United States, in violation of 35 U.S.C. § 271.

92.   Each of the Accused Android Devices includes an apparatus (smartphone or tablet) comprising a device including at least one processor (that executes instructions) operatively coupled to a display (e.g., a touchscreen, etc.) and non-transitory memory (non-volatile memory), the memory storing a plurality of applications including a first application (e.g. YouTube) and a second application (e.g. Google, Play Movies, etc.), as depicted below:
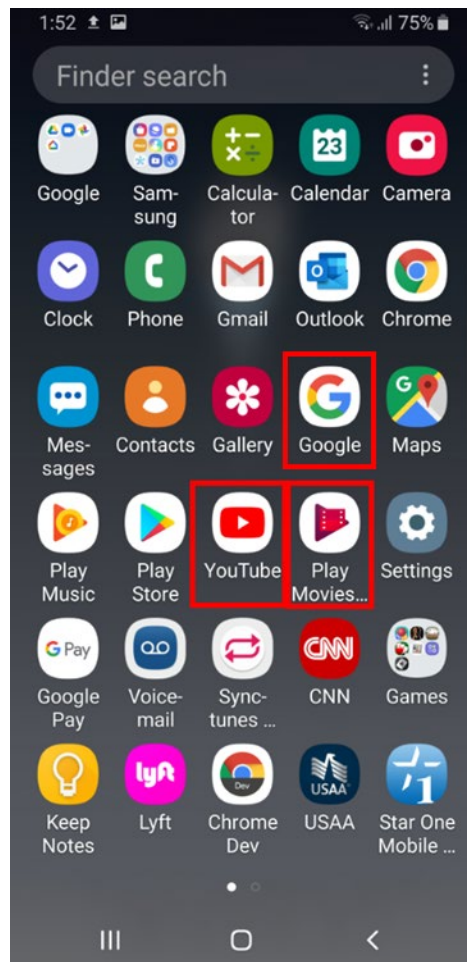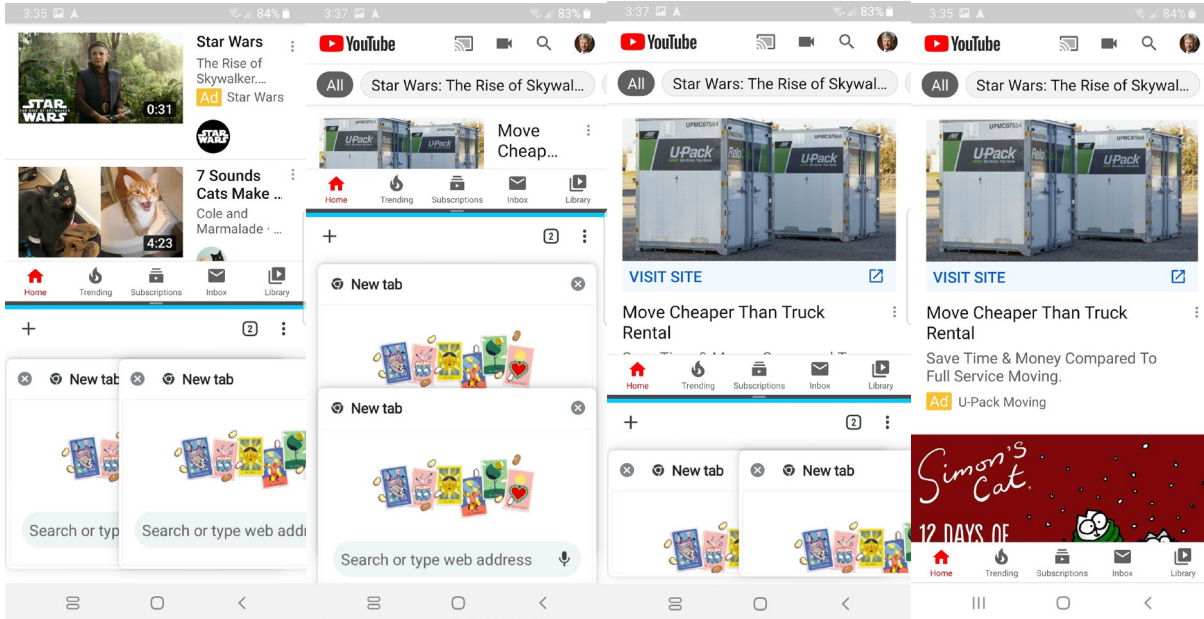
93.   Each Accused Android Device is configured to present, utilizing the at least one processor and the display, a first window of the first application in a presentation space of the display, as shown below:
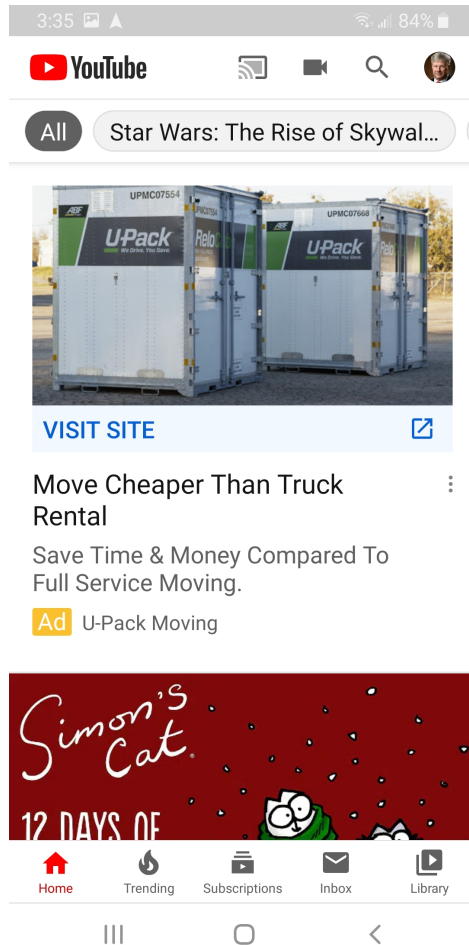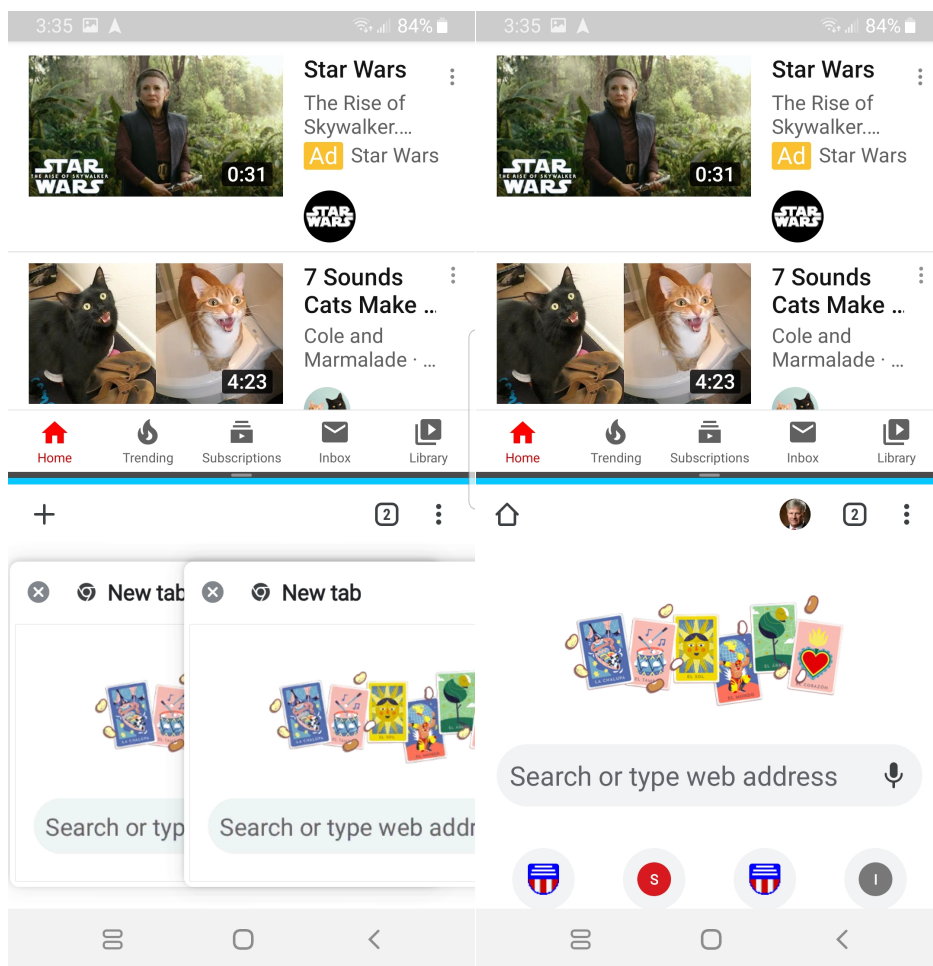

94.   Each Accused Android Device is configured to detect, utilizing the at least one processor, first user input (initiating split screen mode), and in response to the detection of the first user input, present, utilizing the at least one processor and the display, a representation of a second window of the second application (Google) in a menu, in a particular region of the presentation space of the display, for displaying the second window of the second application in the presentation space of the display in response to a detection of a second user input in connection with the representation of the second window, the particular region located in a first location adjacent to a

second location of the first window, operable for being re-sized in response to the first window being re-sized, and operable for being hidden in response to the first window being maximized (far right image below shows maximized window functionality).
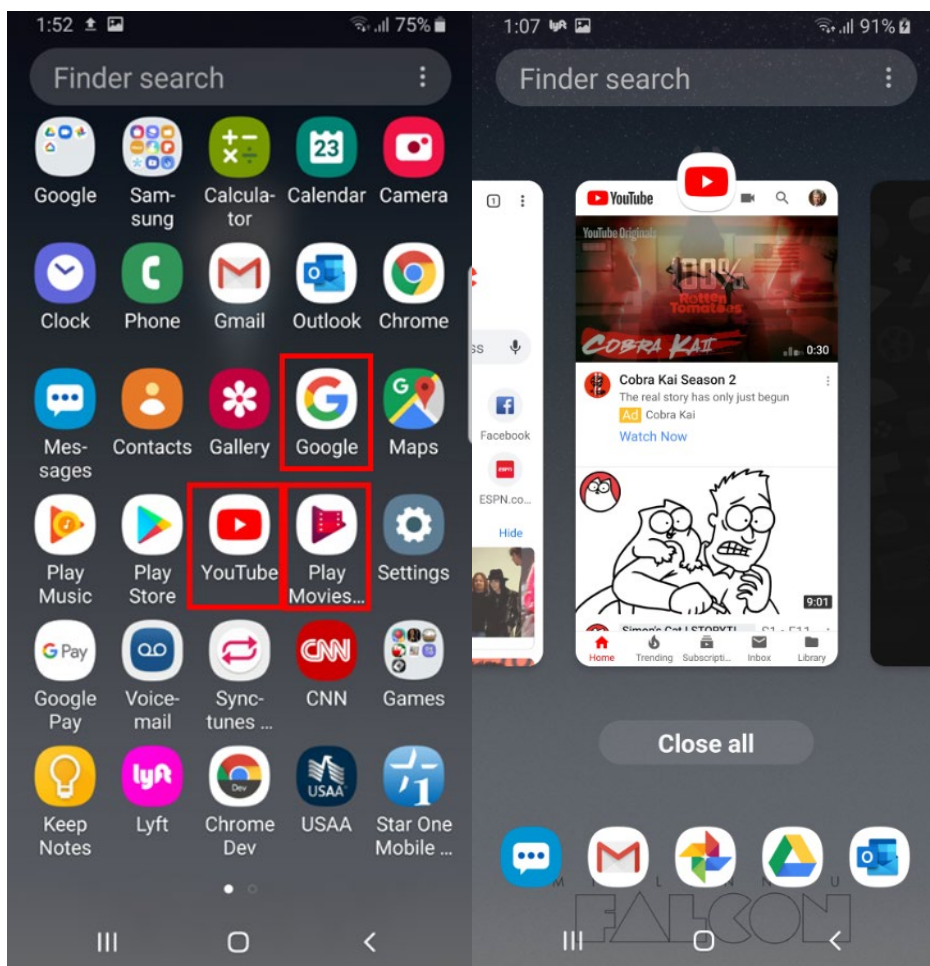

95.   Each Accused Android Device is configured to detect, utilizing the at least one processor, the second user input in connection with the representation of the second window of the second application (selecting a thumbnail from the split screen menu); and in response to the detection of the second user input in connection with the representation of the second window of the second application, present, utilizing the at least one processor and the display, the second window of the second application, as shown below:
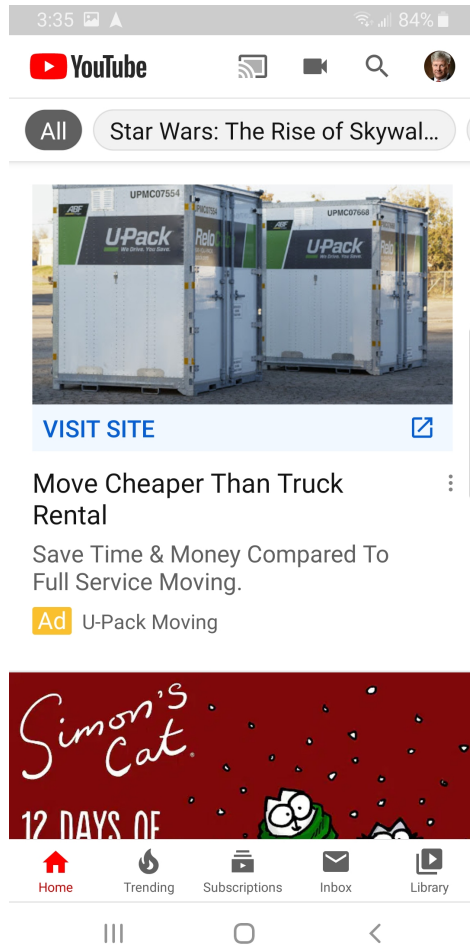
96.   Where each of the Accused Android Devices is configured such that the menu is located in the first location if the first user input includes a first particular input (landscape mode), and the menu is located in a third location if the first user input includes a second particular input (portrait mode), as depicted below:
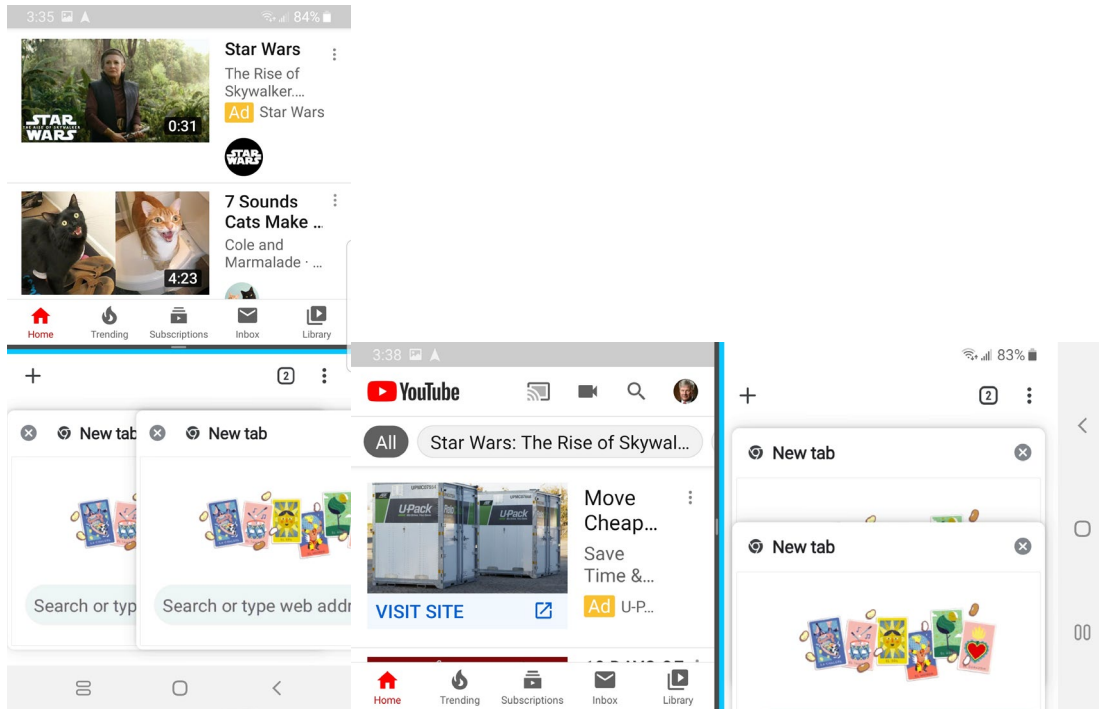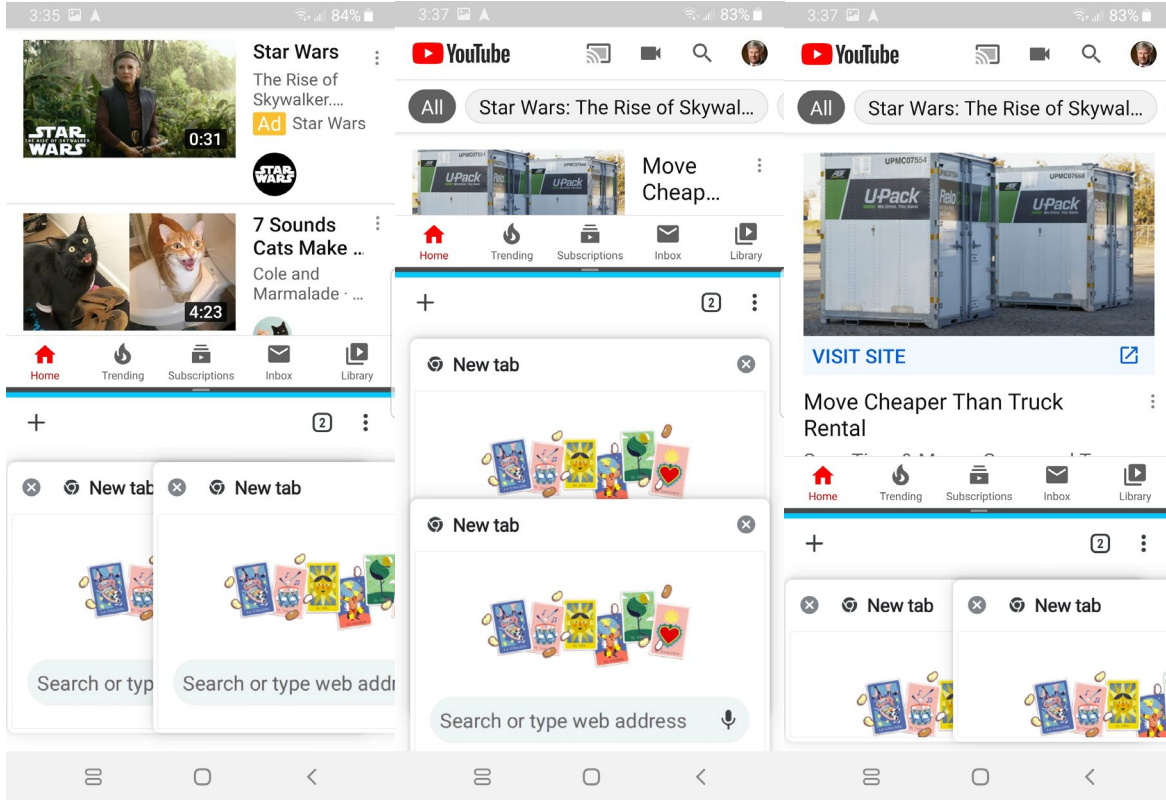
97.   Each of the Accused Android Devices includes an apparatus comprising a device (a smartphone or tablet) including at least one processor (that executes instructions) operatively coupled to a display and a non-transitory memory (non-volatile memory), the memory storing a plurality of applications including a first application (YouTube) and a second application (Messages, Gmail, Photos, Drive, Chrome, or etc.) as depicted below:
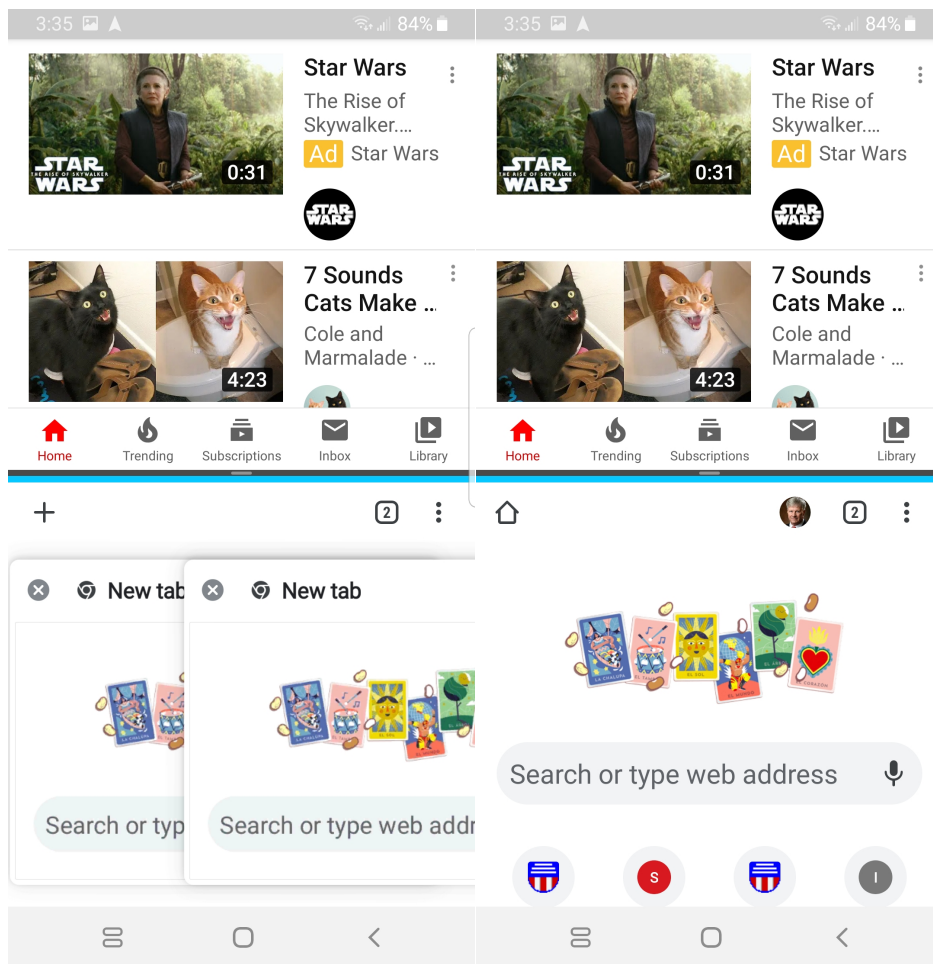
98.   Each of the Accused Android Devices is configured to present, utilizing the at least

one processor and the display, a first window of the first application, as depicted below:

99.   Each of the Accused Android Devices is configured to detect first user input (initiating a tabbed view of the browser); in response to the detection of the first user input, present, utilizing the at least one processor and the display, a second window element (a thumbnail of the second application (Google) in a split screen menu) that is part of a menu including a group of spaced rectilinear elements and is associated with a second window, the menu: located in a first location adjacent to a second location of the first window, and operable for being at least one of re-sized or moved in response to the first window being at least one of re-sized or moved, as depicted below:

100.   Each of the Accused Android Devices is configured to detect second user input (selecting an application thumbnail from the split screen menu) in connection with the second window element associated with the second window; and in response to the detection of the second user input in connection with the second window element associated with the second window, present, utilizing the at least one processor and the display, the second window, as depicted below:

101.   Where each of the Accused Android Devices is configured such that the group of spaced rectilinear elements of the menu is at least one of re-sized or moved in response to the first window being at least one of re-sized or moved, so as to permit the second user input in connection with the second window element associated with the second window, instead of requiring a user to locate the second window among a clutter of different overlapping windows and instead of requiring use of a desktop taskbar, as shown below:
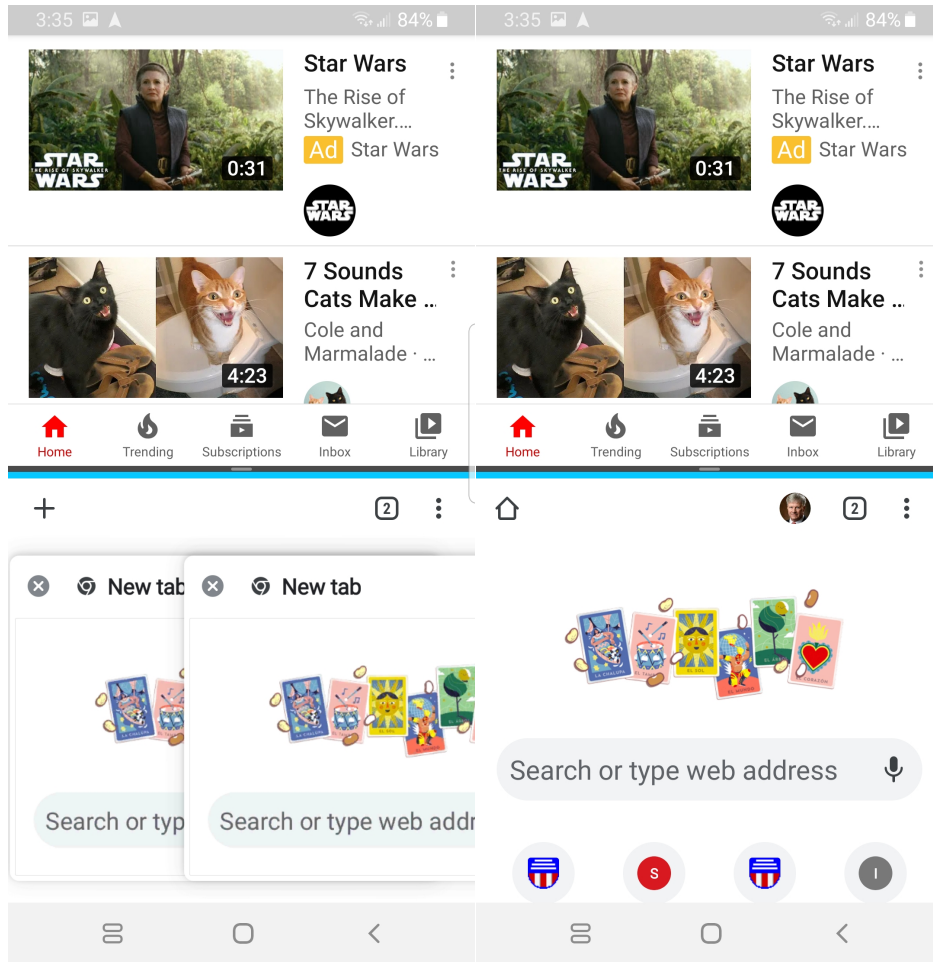
102.   Defendants' acts of infringement of **Claims 1 and 8 of the '878 Patent** have caused damage to Cypress, and Cypress is entitled to recover from Defendants the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress' exclusive rights under the '878 Patent will continue to damage Cypress.

103.   Furthermore, asserted **Claims 1 and 8 of '878 Patent** does not involve a law of nature, a natural phenomenon, or an abstract idea.

104.   There is nothing abstract in the manner in which the asserted claims embody the accused functionality.

COUNT 7:
INFRINGEMENT OF U.S. PATENT NO. 9,870,145
(Accused Android Devices)

105.   Cypress incorporates by reference the allegations in the paragraphs above.

106.   The '145 Patent is valid, enforceable, and was duly and legally issued on December 16, 2018.

107.   Without a license or permission from Cypress, Defendants have infringed and continue to infringe on at least **Claim 1 of the '145 Patent**—directly, under the doctrine of equivalents, contributorily, or by inducement—by importing, Accused Android Devices into the United States, in violation of 35 U.S.C. § 271.

108.   Each of the Accused Android Devices is an apparatus comprised of non-transitory memory (e.g., RAM and ROM, etc.) storing instructions and a plurality of applications including a first application and a second application; at least on input device (e.g., touchscreen); a display; and one or more processors in communication with the non-transitory memory, the at least one input device, and the display. An Accused Android Device has one or more processors that execute instruction to cause storage of three (or more) applications in its memory (a first application, a second application, and a third application, utilizing the memory).
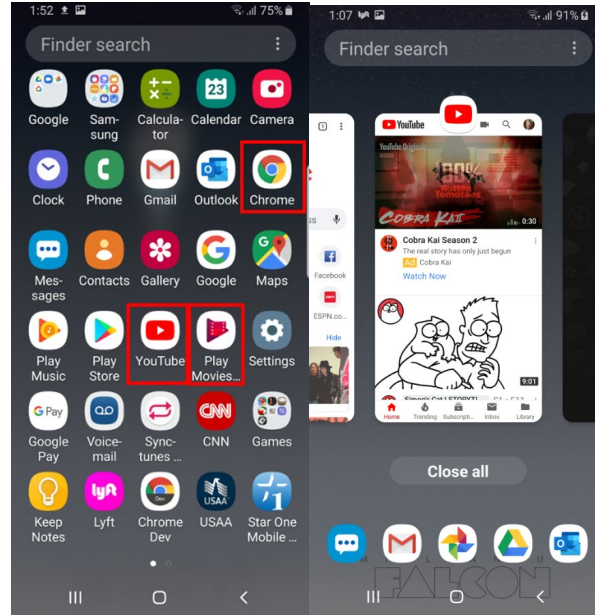
109.   An Accused Android Device can detect a user input via the touchscreen (detection of a first user input utilizing the at least one input device) to present an application window on the screen. One portion of the screen will feature the application which was previously shown on the display, and the other portion will show a menu applications. The Accused Android Device will display e.g., the Chrome application (the first application), for instance, and thumbnail representations of other applications (a second application reduced window associated with the second application and a third application reduced window associated with the third application) available to be displayed in a split screen mode (exterior to a first window associated with the first application that is presented without overlap between the first window and the plurality of reduced windows).
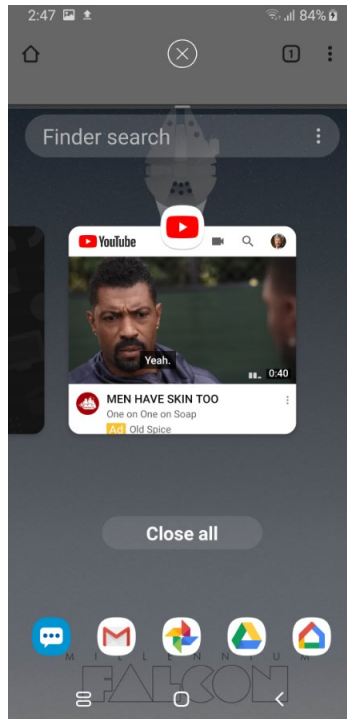
110.   The Accused Android Device detect[s] a second user input in connection with the second application reduced window associated with the second application, utilizing the at least one input device and in response to the second user input in connection with the second application reduced window associated with the second application, presentation of, utilizing the display a second window associated with the second application for presenting second data associated with the second application adjacent to the first window associated with the first application.   For example, a user can use two apps at once using the split screen function :
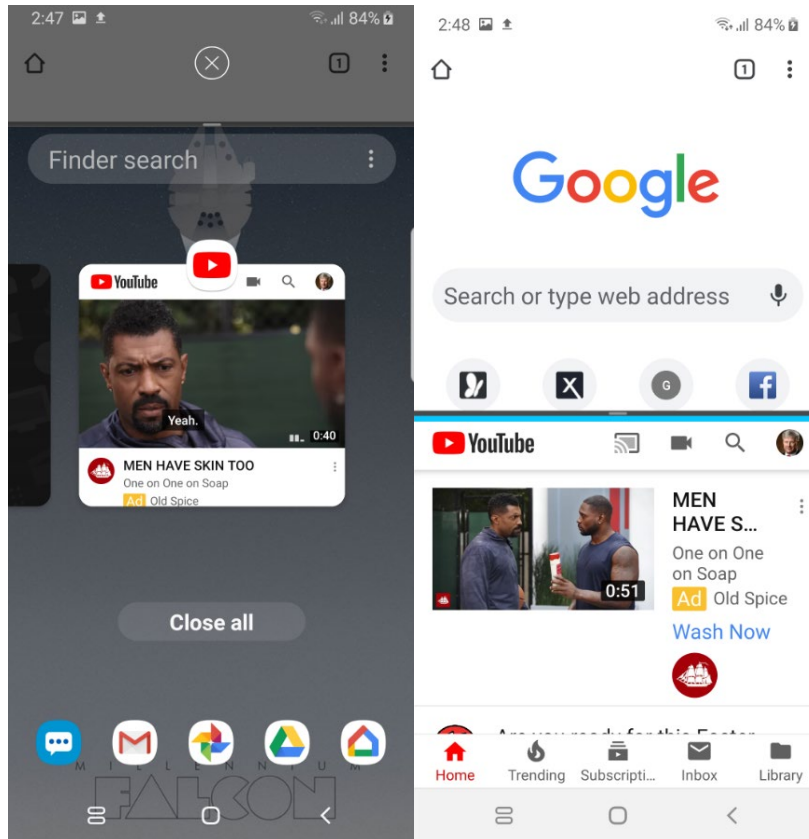
The Accused Android Device also detect[s] a third user input (e.g., re-sizing of the application windows) and the Accused Android Device will then re-size the windows on the screen accordingly (in response to the third user input, change, utilizing the display, the presentation of the first window and the second window, such that a first size of the first window and a second size of the second window are both changed):
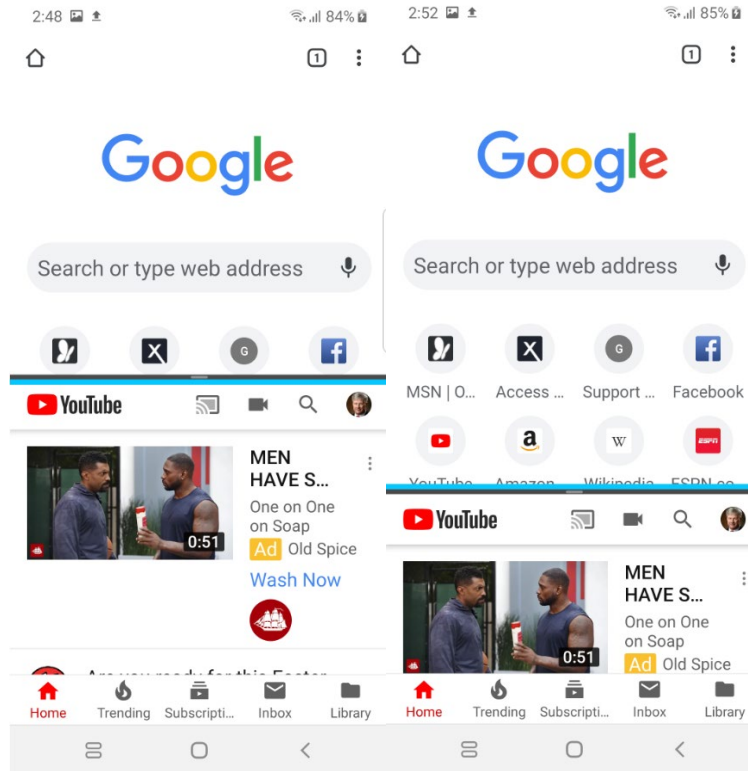
111.   Defendants' acts of infringement of **Claim 1 of the '145 Patent** have caused damage to Cypress, and Cypress is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendants' infringement of Cypress' exclusive rights under the '145 Patent will continue to damage Cypress.

112.   Furthermore, asserted **Claim 1 of '145 Patent** does not involve a law of nature, a natural phenomenon, or an abstract idea.

113.   There is nothing abstract in the manner in which the asserted claims embody the accused functionality.

COUNT 8:
INFRINGEMENT OF U.S. PATENT NO. 10,338,779
(Accused Android Devices)

114.   Cypress incorporates by reference the allegations in the paragraphs above.

115.   The **Claim 1 of the '779 Patent** is valid, enforceable, and was duly and legally issued. It is entitled a presumption of validity under 35 U.S.C. § 282.

116.   Without a license or permission from Cypress, Defendants have infringed and continue to infringe on at least **Claim 1 of the '779 Patent**—directly, under the doctrine of equivalents, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Android Devices in violation of 35 U.S.C. § 271.

117.   Each of the Accused Android Devices is an apparatus comprising a non-transitory memory storing instructions (e.g., RAM and ROM, etc.) and a plurality of applications including a first application and a second application; a display; and one or more processors in communication with the non-transitory memory and the display (e.g., mobile processor, SOC, device processor, etc.):
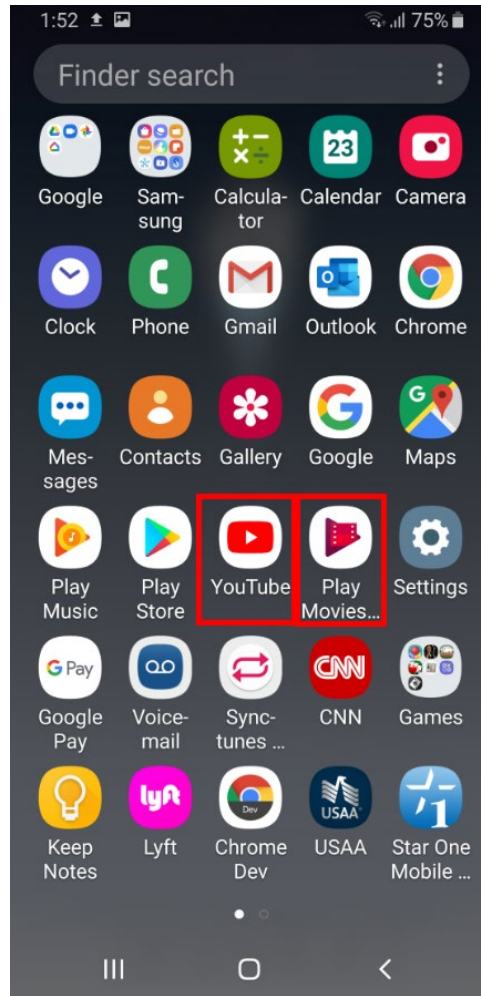
118.   An Accused Android Device can detect a first user input e.g., in the form of the user initiating a "tabbed" view of the browser. Further, in response to the detection of the first user input, an Accused Android Device can present via a display a thumbnail of the second application in a split-screen menu, presented adjacent to the first window, where the split screen configuration allows for re-sizing of the displayed window/menu region (in response to the detection of the first user input, present, utilizing the display, a representation of a second application in a menu in a particular region, for displaying the second window of the second application in response to a detection of a second user input in connection with the representation of the second window, the

particular region: located in a first location adjacent to a second location of a first window of the

first application, and being hidden in response to the first window being maximized).

"Use two apps at once ("split screen")

Note: Settings can vary by device. For more info, contact your device manufacturer.

1.   Swipe up from the bottom of your screen to the top. If you see All Apps [Apps menu], tap it.
2.   Open an app.
3.   From the bottom of your screen, swipe up to the middle.
4.   Touch and hold the app's icon.
5.   Tap **Split screen**.
6.   You'll see two screens. In the second screen, tap another app.
To see one app again: Drag the bar between the apps to the top or bottom of your screen."
https://support.google.com/android/answer/9295224?hl=en
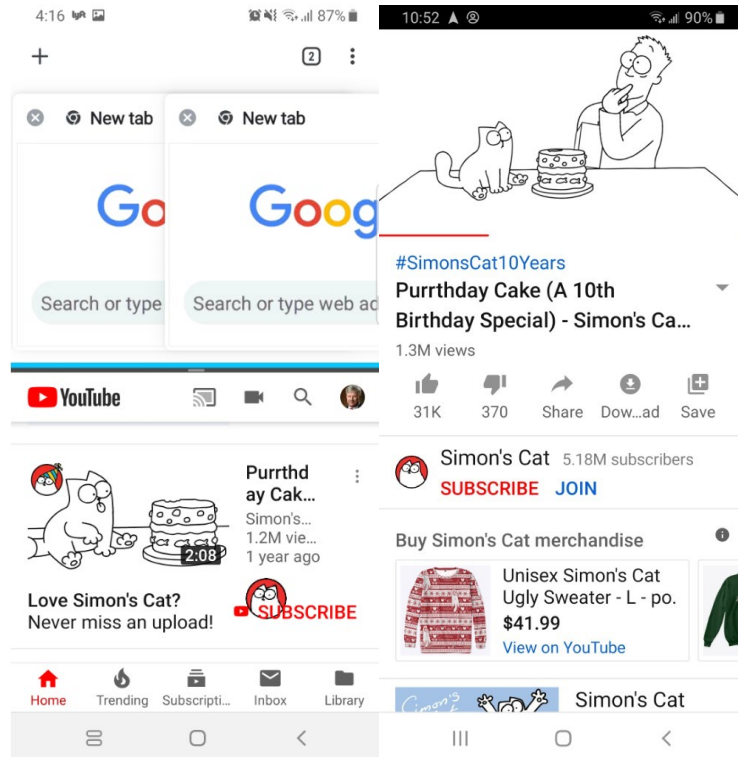
119.   An Accused Android Device detects a second user input e.g., in the form of

selecting an application from the split screen menu (detect, the second user input in connection

with the representation of the second window of the second application; and in response to the

detection of the second user input in connection with the representation of the second window of

the second application, present, utilizing the display, the second window of the second application):
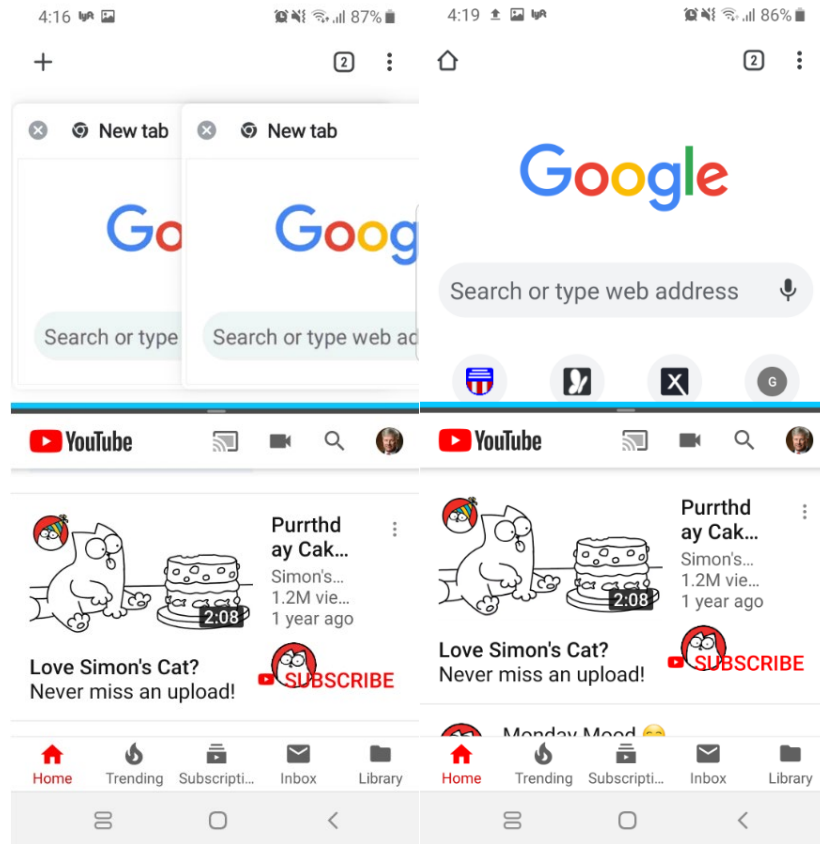
120.   An Accused Android Device is configured such that the menu is located in the first location adjacent to the second location of the first window and the representation of the second window is organized with other representations of other windows for permitting the second user input in connection with the representation of the second window:
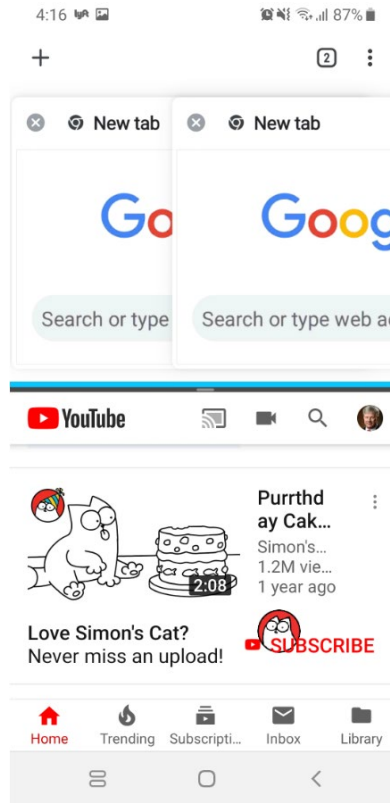
121.   Defendant' acts of infringement of **Claim 1 of the '779 Patent** have caused damage to Cypress, and Cypress is entitled to recover from Defendants the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendants' infringement of Cypress' exclusive rights under the '054 Patent will continue to damage Cypress.

122.   Furthermore, **Claim 1 of the '779 Patent** does not involve a law of nature, a natural phenomenon, or an abstract idea.

123.   There is nothing abstract in the manner in which the asserted claims embody the accused functionality.

COUNT 9:
INFRINGEMENT OF U.S. PATENT NO. 10,437,433
**(Accused Android Devices)**

124.   Cypress incorporates by reference the allegations in the paragraphs above.

125.   The **Claim 1 of the '433 Patent** is valid, enforceable, and was duly and legally issued. It is entitled a presumption of validity under 35 U.S.C. § 282.

126.   Without a license or permission from Cypress, Defendants have infringed and continue to infringe on at least **Claim 1 of the '433 Patent**—directly, under the doctrine of equivalents, contributorily, or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the Accused Android Devices in violation of 35 U.S.C. § 271.

127.   Each of the Accused Android Devices is a first presentation device, comprising: a non-transitory memory storing instructions; a screen; and circuitry in communication with the non-transitory memory and the screen, wherein the circuitry executes instructions. Each Accused Android Device uses computer program products embodied on a non-transitory computer readable medium (memory), and has circuitry in communication with the non-transitory memory and the screen. Using various technologies, an Accused Device executes instructions such that it can play or "cast" its audio and video media, or the contents of its screen, or other application(s), to other enabled devices such as stereos, televisions, projectors, and computers. (See below) An Accused Device therefore provides access to at least two media players —e.g., two media playback programs such as Google Home app, Google Play Video, a combination of a media play program with Android OS, etc.—(a first media player and a second media player in an execution environment), and communicate with a television or other display (capable of communication with a second presentation device including a display) over a wireless network (via a wireless local area network on which the first presentation device resides), where accessible information is stored to identify which device has focus for presentation information; user interface elements indicate whether the video content can be shown on the Accused Device's screen and/or the second display
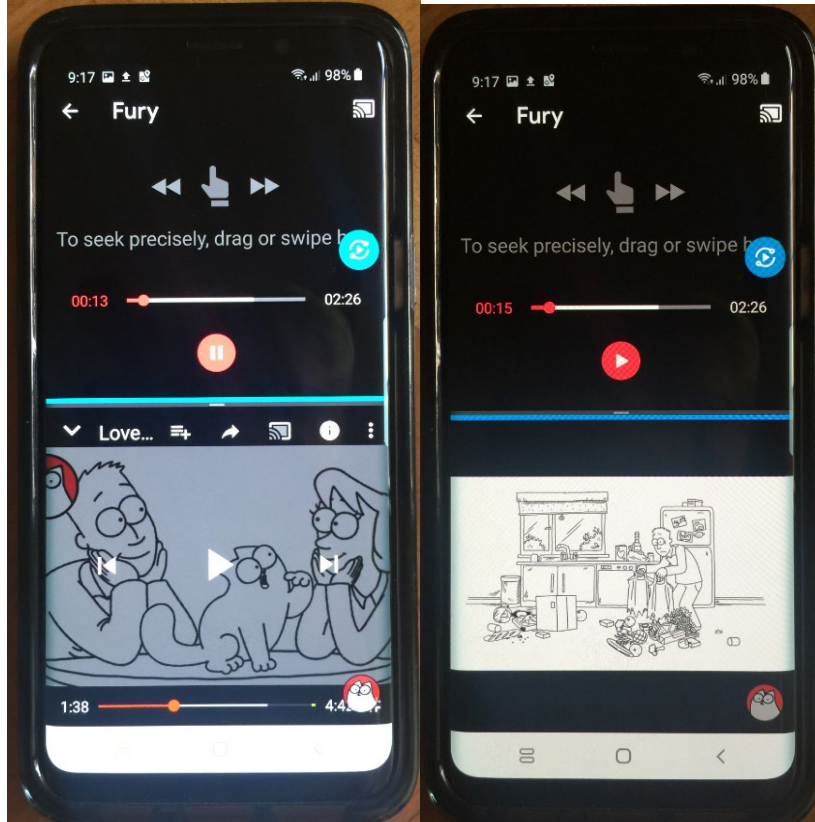
(where presentation focus information is accessible for identifying whether at least one of the first presentation device or the second presentation device is to be utilized for presentation):
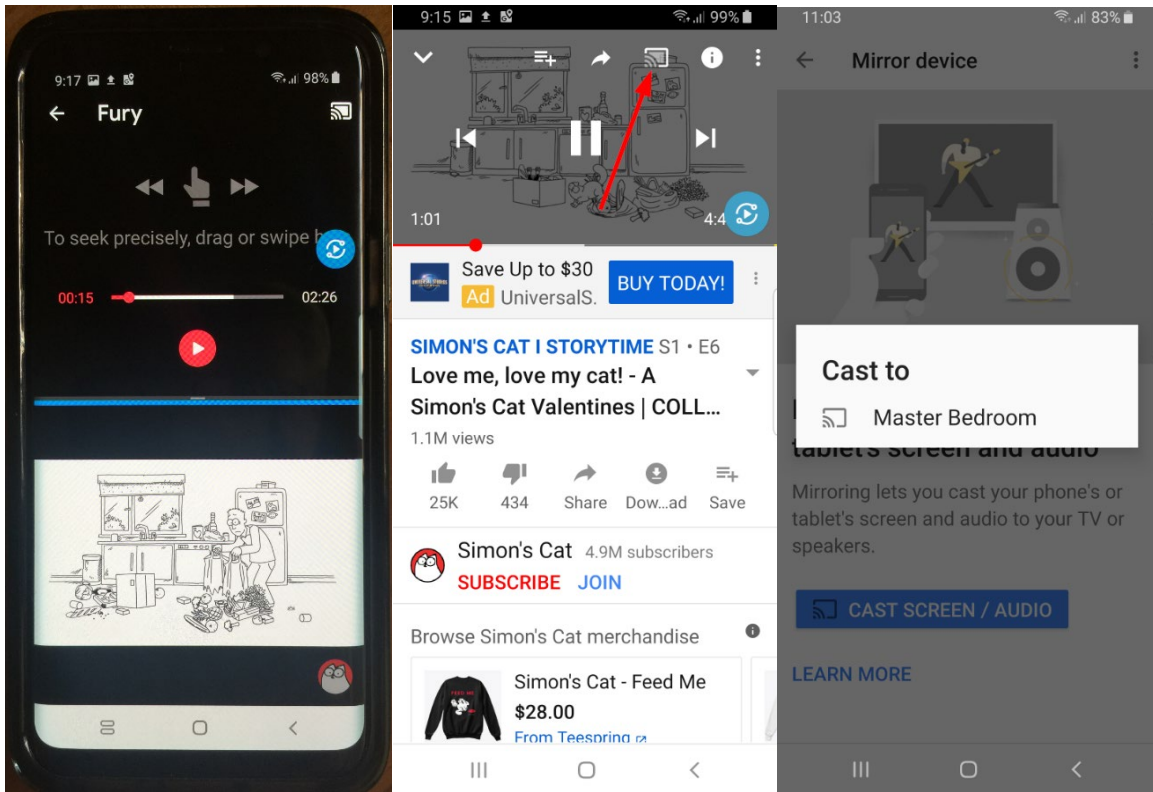

128.   An Accused Device can tell when a user wishes to play a video or movie using a particular program, e.g. Home, Google Play Movies, YouTube, etc. (detecting access to the first media player to play a first media stream that includes video).
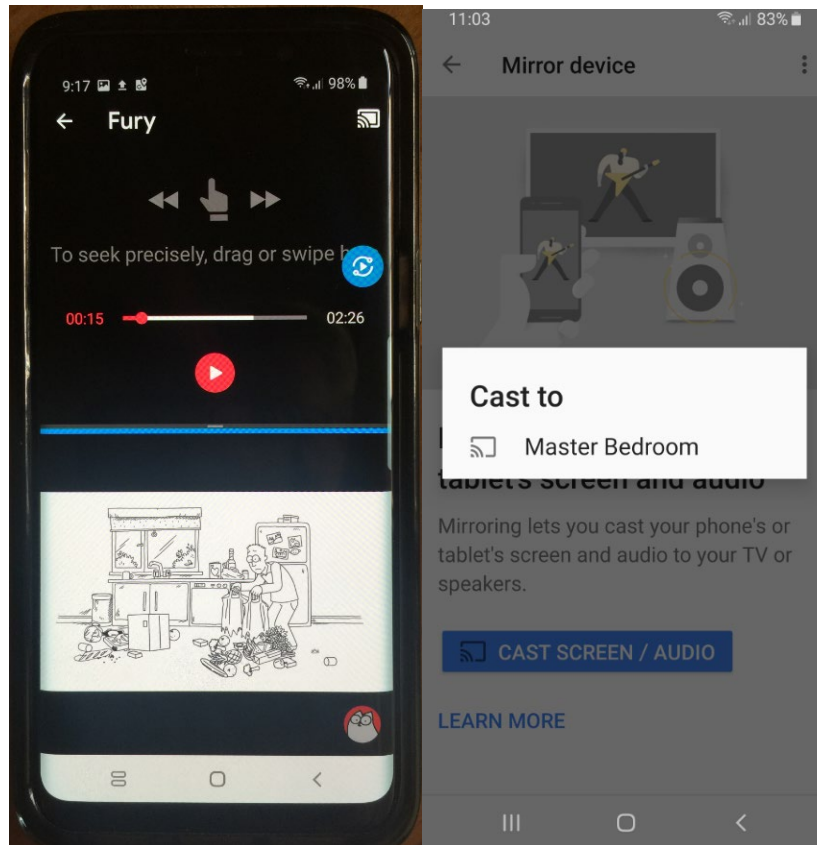
129.   An Accused Device can tell when a user wishes to play a video or movie using a particular program, e.g. Home, Google Play Movies, YouTube, etc. An Accused Device can indicate whether the particular video or movie can be played using a particular program, e.g. Home, Google Play Movies, YouTube, etc., and the first presentation device (indicate … that the first media player is allowed to play the first media stream via the first presentation device), based on stored accessible information as to whether the first presentation device has focus to do so (if the first presentation device is to be utilized for presentation based on the presentation focus information):

130.   An Accused Device can also indicate whether the video or movie can be played on the television or other display (indicate … that the first media player is allowed to play the first media stream via the second presentation device), based on stored accessible information as to whether the television or other display has focus to do so (if the second presentation device is to be utilized for presentation based on the presentation focus information):
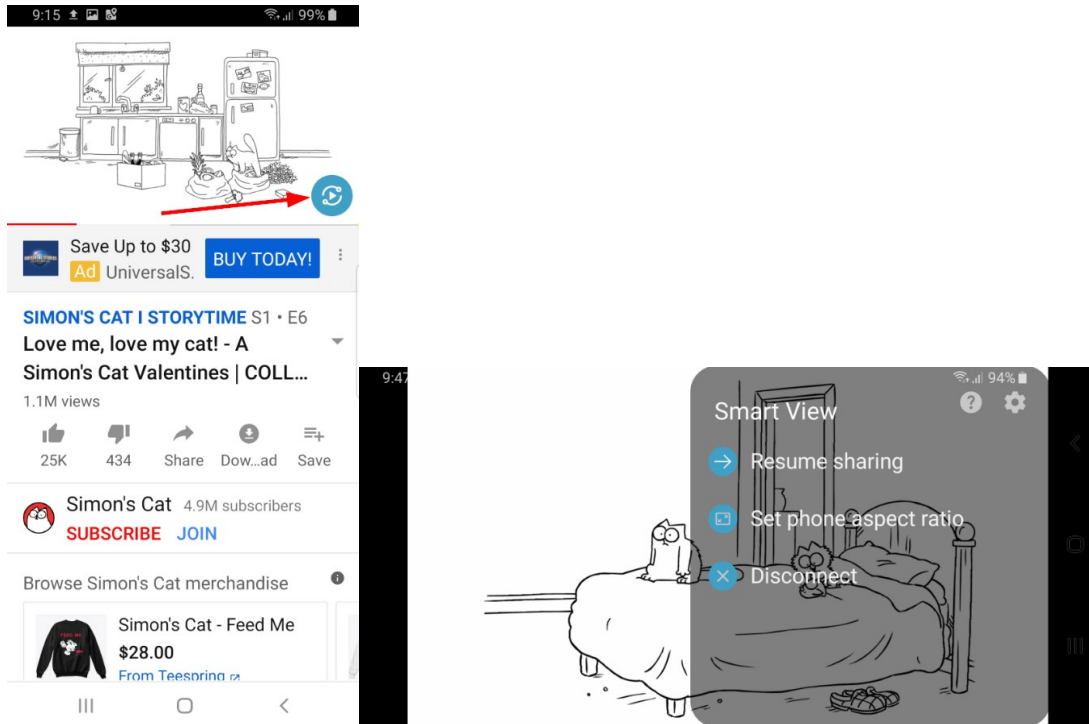
131.   An Accused Device can also switch where a particular video or movie is being displayed, and which player/video/movie that is played (wherein the first presentation device is configured such that a change in presentation focus is), based on a number of inputs (capable of being based on at least one of), including, for example, choosing to focus on a particular media player and/or video/movie (a change in input focus) choosing "Cast" or a particular media player/video/movie (a change in an attribute of a user interface element), selecting "Cast" from the actual Android Operating System (another user interface element sharing a region of a display of the first presentation device):
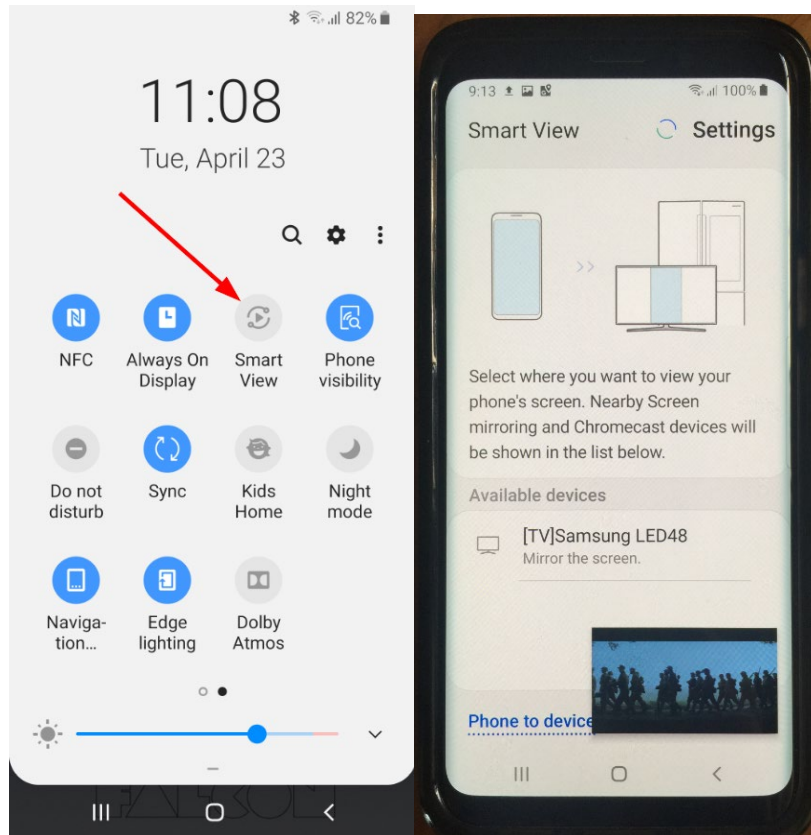
132.   An Accused Device provides a split screen mode where a first and second media player may be presented, each with a separate media control such that: while a first media stream is being played and if the second media stream is played, the first media stream is paused, and: when a second media stream is being played and if the first media stream is played, the second media stream is paused (simultaneously presented such that each of the first media player and the second media player has a central area that is fully visible, where the first media player is presented with at least one first input control and the second media player is presented with at least one second input control, the at least one first input control and the at least one second input control each including at least one of a play input control or a pause input control, where the detection of the access to the first media player to play the first media stream includes detection of a selection of the at least one first input control presented with the first media player).
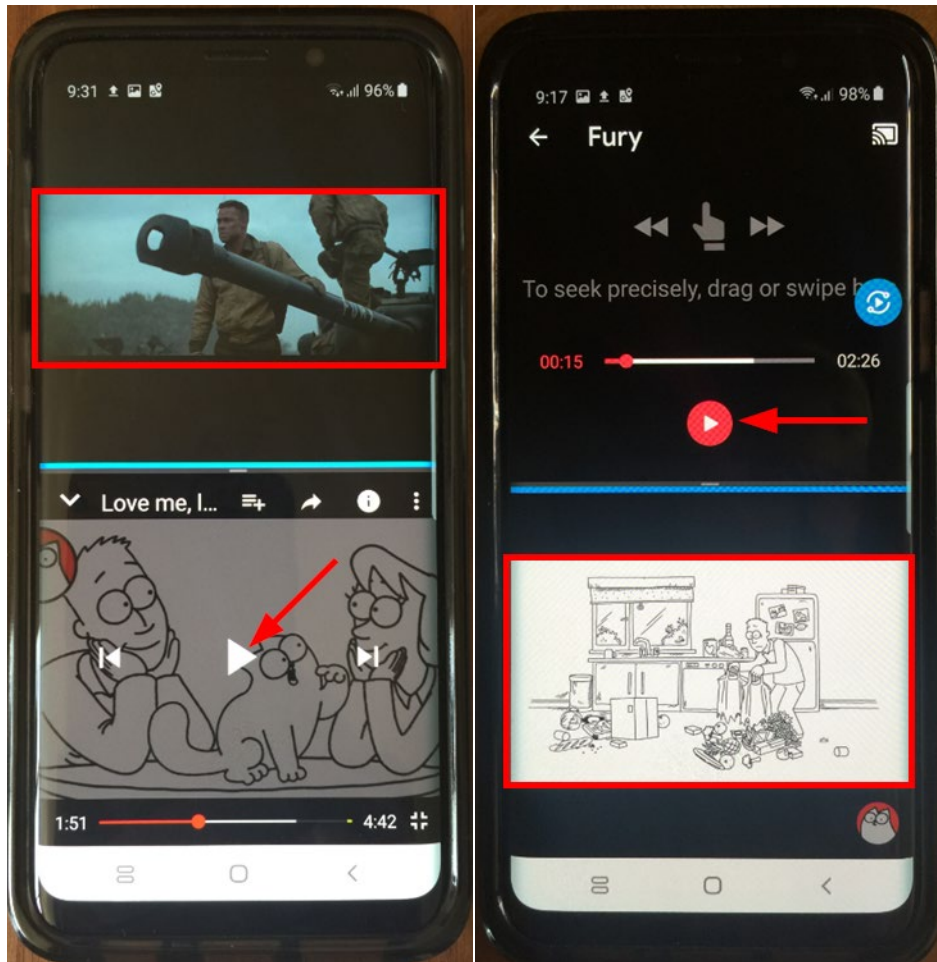
133.   Defendants' acts of infringement of **Claim 1 of the '433 Patent** have caused damage to Cypress, and Cypress is entitled to recover from Defendants the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Cypress' exclusive rights under the '054 Patent will continue to damage Cypress.

134.   Furthermore, **Claim 1 of the '433 Patent** does not involve a law of nature, a natural phenomenon, or an abstract idea.

135.   There is nothing abstract in the manner in which the asserted claims embody the accused functionality

REQUEST FOR RELIEF

Cypress incorporates each of the allegations in the paragraphs above and respectfully asks the Court to:

(a)   enter a judgment that Defendants haves directly infringed, contributorily infringed, and/or induced infringement of asserted patent claims of each of the Asserted Patents;

(b)   enter a judgment awarding Cypress all damages adequate to compensate it for Defendant's' infringement of, direct or contributory, or inducement to infringe, the Asserted Patents, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;

(c)   enter a judgment awarding treble damages pursuant to 35 U.S.C. § 284 for Defendants' willful infringement of the asserted patent claims of the Asserted Patents;

(d)   issue a permanent injunction enjoining and restraining Defendants, its directors, officers, agents, servants, employees, and those acting in privity or in concert with them, and their subsidiaries, divisions, successors, and assigns, from further acts of infringement, contributory infringement, or inducement of infringement of one or more of the asserted patent claims of the Asserted Patents;

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

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

Dated: December 17, 2019   Respectfully submitted,

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                                            Counsel for Plaintiff