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9 *Adiona IP, LLC*

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ADIONA IP, LLC

Plaintiff,

v.

LOGITECH INC. and
ULTIMATE EARS INCORPORATED

Defendant.

)
)
) Civil Action No. 4:20-cv-105
)
) **COMPLAINT FOR**
) **PATENT INFRINGEMENT**
) **JURY TRIAL DEMANDED**
)
)
)

For its Complaint, Adiona IP, LLC ("Adiona"), by and through the undersigned counsel,
alleges as follows:

THE PARTIES

1. Adiona is a Texas limited liability company with a place of business located at
312 W 8th Street, Dallas, Texas 75208.

2. Defendant Logitech Inc. ("Logitech") is a California company, with, upon
information and belief, a place of business located at 7700 Gateway Boulevard, Newark,
California 94560.

3. Defendant Ultimate Ears Incorporated ("Ultimate Ears") is a Nevada company,
with, upon information and belief, a place of business located at 7700 Gateway Boulevard,
Newark, California 94560.

4. Upon information and belief, Ultimate Ears is a subsidiary of Logitech.

1 5. Logitech and Ultimate Ears are collectively referred to herein as "Defendants."

2 6. On June 4, 2019, Adiona's licensing agent sent a letter via FedEx to Defendants'
3 Office of General Counsel informing Defendants of the patent-in-suit and enclosing claim charts.

4 **JURISDICTION AND VENUE**

5 7. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

6 8. Subject matter jurisdiction is proper in this Court under 28 U.S.C.
7 §§ 1331 and 1338.

8 9. Upon information and belief, Defendant conducts substantial business in this
9 forum, directly or through intermediaries, including: (i) at least a portion of the infringements
10 alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses
11 of conduct and/or deriving substantial revenue from goods and services provided to individuals
12 in this district.

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

14 **THE PATENT-IN-SUIT**

15 11. On March 20, 2007, U.S. Patent No. 7,194,520 (the "'520 patent"), entitled
16 "Content Player for Broadcasting to Information Appliances," was duly and lawfully issued by
17 the U.S. Patent and Trademark Office. A true and correct copy of the '520 patent is attached
18 hereto as Exhibit A.

19 12. Adiona is the assignee and owner of the right, title and interest in and to the '520
20 patent, including the right to assert all causes of action arising under said patent and the right to
21 any remedies for infringement of it.

22 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,194,520**

23 13. Adiona repeats and realleges the allegations of paragraphs 1 through 12 as if fully
24 set forth herein.

25 14. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant
26 is liable for infringement of at least claims 1 and 8 of the '520 patent by making, using,
27 importing, offering for sale, and/or selling a content broadcaster including Defendants' Bluetooth

1 speakers, including, but not limited to the MEGABOOM 3, BOOM 3, and WONDERBOOM
2 line of products (collectively, the "Accused Devices") because each and every element of the
3 claims is met either literally or equivalently.

4 15. Upon information and belief, and as illustrated in the following paragraphs,
5 Defendants made and used the "content broadcaster" of claim 1 by testing or otherwise using two
6 or more Accused Devices devices with a mobile device, laptop, or desktop computer to stream
7 media content (e.g., a music album or playlist), and performed the method of claim 8 by testing
8 or otherwise using one or more Accused Devices with a mobile device, laptop, or desktop
9 computer located in a different room to stream media content.

10 16. MEGABOOM 3 pairs with a mobile device, laptop, or desktop computer (i.e., a
11 personal computer) configured to access and receive media content from a world wide network
12 (e.g., from Apple Music, Deezer, Pandora, Spotify, Amazon Music). A mobile device, laptop, or
13 desktop computer (personal computer) includes a processor (i.e., a controller), memory, a
14 network connection device (e.g., a baseband processor, a network card, a Bluetooth radio), a
15 display system (e.g., a display and associated hardware and software for controlling the display),
16 and an input/output system (e.g., a touch screen and associated hardware and software for
17 controlling the i/o system). The processor (i.e., controller) is configured to communicate with
18 the memory, network connection device, display system, and input/output system via a system
19 bus.

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**ONE
TOUCH
TO
YOUR
MUSIC**




1 <https://www.ultimateears.com/en-us/wireless-speakers/megaboom-3.html>.

2 **COMPATIBILITY**

3 For Audio Playback: Smartphones,
4 tablets and other devices that
5 support *Bluetooth* and *Bluetooth*[®]
6 Smart wireless audio profile
7 [Advanced Audio Distribution Profile
(A2DP)].

8 *Id.*

9 17. MEGABOOM 3 (i.e., an information appliance) can be paired with multiple
10 MEGABOOM 3 speakers (i.e., information appliances), as well as BOOM 3 and previous
11 MEGABOOM AND BOOM generations.

12 **150+** 

13 **CONNECT SPEAKERS.**
14 **GET LOUDER.**

15 Use PartyUp on the Ultimate Ears BOOM /
16 MEGABOOM app to pair 2, 3, 4...and over 150
17 speakers and create the ultimate surround sound
18 experience. You can combine multiple BOOM 3
19 and MEGABOOM 3 speakers or even pair them
with previous generation BOOM, BOOM 2 and
MEGABOOM. Build a wall of sound? No problem.

MORE ABOUT PARTYUP

20 <https://www.ultimateears.com/en-us/wireless-speakers/megaboom-3.html#features>.

1 18. MEGABOOM 3 is an information appliance configured to communicate with a
 2 mobile device, laptop, or desktop computer (i.e., a personal computer) via Bluetooth (i.e., a bi-
 3 directional communication link).

SPECIFICATIONS

<p>CUSTOMIZABLE EQ</p> <p>Select the best Sound for different occasions with 4 different presets and a customized tuner.</p>	<p>POWER</p> <p>Rechargeable Lithium-Ion Battery for up to 20 hours of battery life** between Micro USB charges.</p>	<p>AUDIO</p> <p>Maximum Sound Level: 90dB. Frequency Range: 60Hz - 20kHz. Drivers: Two 50mm (2 in), 4 ohm full range drivers and two 55mm x 86mm passive radiators.</p>	<p>WIRELESS CAPABILITIES</p> <p>Pair up to 8 Bluetooth enabled source devices - Connect up to two source devices at the same time. Mobile range of play is up to 45 m (150 ft).</p>
<p>COMPATIBILITY</p> <p>For Audio Playback: Smartphones, tablets and other devices that support Bluetooth and Bluetooth® Smart wireless audio profile [Advanced Audio Distribution Profile (A2DP)].</p>	<p>DIMENSIONS</p> <p>Diameter: 87 mm (3 3/8"). Height: 225 mm (8 7/8"). Weight: 925 g</p>	<p>WARRANTY</p> <p>2-year limited hardware warranty</p>	

16 <https://www.ultimateears.com/en-us/wireless-speakers/megaboom-3.html>.

1 19. The mobile device (i.e., personal computer) is configured to broadcast media
 2 content (e.g., a music playlist) to the MEGABOOM 3 (i.e., information appliance), and other
 3 paired speakers, via Bluetooth (i.e., the bi-directional communication link).

SPECIFICATIONS

<p>CUSTOMIZABLE EQ</p> <p>Select the best Sound for different occasions with 4 different presets and a customized tuner.</p>	<p>POWER</p> <p>Rechargeable Lithium-Ion Battery for up to 20 hours of battery life** between Micro USB charges.</p>	<p>AUDIO</p> <p>Maximum Sound Level: 90dBA. Frequency Range: 60Hz - 20kHz. Drivers: Two 50mm (2 in), 4 ohm full range drivers and two 55mm x 86mm passive radiators.</p>	<p>WIRELESS CAPABILITIES</p> <p>Pair up to 8 <i>Bluetooth</i> enabled source devices - Connect up to two source devices at the same time. Mobile range of play is up to 45 m (150 ft).</p>
<p>COMPATIBILITY</p> <p>For Audio Playback: Smartphones, tablets and other devices that support <i>Bluetooth</i> and <i>Bluetooth</i>® Smart wireless audio profile [Advanced Audio Distribution Profile (A2DP)].</p>	<p>DIMENSIONS</p> <p>Diameter: 87 mm (3 3/8"). Height: 225 mm (8 7/8"). Weight: 925 g</p>	<p>WARRANTY</p> <p>2-year limited hardware warranty</p>	

16 *Id.*

17 20. MEGABOOM 3 (i.e., information appliance) is configured to transmit control
 18 signals (e.g., play, pause, skip track) to the mobile device (i.e., personal computer) via Bluetooth
 19 (i.e., the bi-directional communication link). The control signals (e.g., play, pause, skip track)
 20 command the processor (i.e., controller) to broadcast a specified portion of the media content
 21 (e.g., a specific music track in a playlist) to a plurality of MEGABOOM 3's (or other speakers)
 22 paired to the mobile device (i.e., personal computer).

ONE TOUCH TO YOUR MUSIC



MEET THE ALL-NEW MAGIC BUTTON

With MEGABOOM 3 you can play, pause and skip tracks directly on the speaker. Just push for convenient control of any streaming music. Or simply set up custom one-touch playlists for Spotify® on Android*, Amazon Music Unlimited, Amazon Prime Music, Apple Music® and Deezer® Premium. Match the moment with the vibes without reaching for your phone.

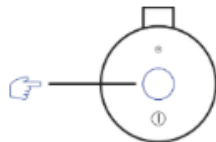
* Compatible with Android phones and tablets OS 6 and above

[ONE TOUCH VIDEO](#)

Id.

USE THE MAGIC BUTTON

USE THE MAGIC BUTTON TO CONTROL YOUR MUSIC
SHORT PRESS to play and pause
DOUBLE PRESS to skip a track



<https://support.ultimateears.com/en/guide/megaboom3/#four>.

21. Each MEGABOOM 3 (or other paired speakers) can be located in a different room.

The all-new Magic Button allows you to play, pause and skip tracks directly on the speakers without fumbling around for your phone in a bag or far away room. When paired with the redesigned BOOM & MEGABOOM by Ultimate Ears iOS mobile app, you will also have one-touch access to all of your favorite playlists on Apple Music, which offers an entire catalog of more than 45 million songs. Music fans can also use the Magic Button to access their playlists on Deezer Premium—which offers 53 million tracks—on Android and soon on iOS. Additional music services will be added.

Introducing Ultimate Ears Boom 3 and Megaboom 3, Packed with New Features, Press Release dated Aug. 30, 2018 (available at <https://www.ultimateears.com/en-us/press.html>).

The all-new Magic Button, introduced on the BOOM 3 and MEGABOOM 3, allows you to play, pause, and skip tracks directly on the speakers, without reaching for your phone in your pocket or another room. Now, Amazon Music customers around the world have one-touch access to their music by long-pressing the Magic Button to launch their favorite playlists, albums, songs, and stations, and can even skip through playlists by long-pressing again. Additional music services that work with the Magic Button include Apple Music®, Spotify® for Android® and Deezer Premium.

Ultimate Ears Adds Amazon Music Integration for Magic Button on Boom 3 and Megaboom 3, Press Release dated Dec. 11, 2019 (available at <https://www.ultimateears.com/en-us/press.html>).

22. MEGABOOM 3 includes a Bluetooth radio. Bluetooth is a wireless communication technology that uses adaptive frequency-hopping spread spectrum, a specific type of frequency-hopping spread spectrum, for wireless data transfer.

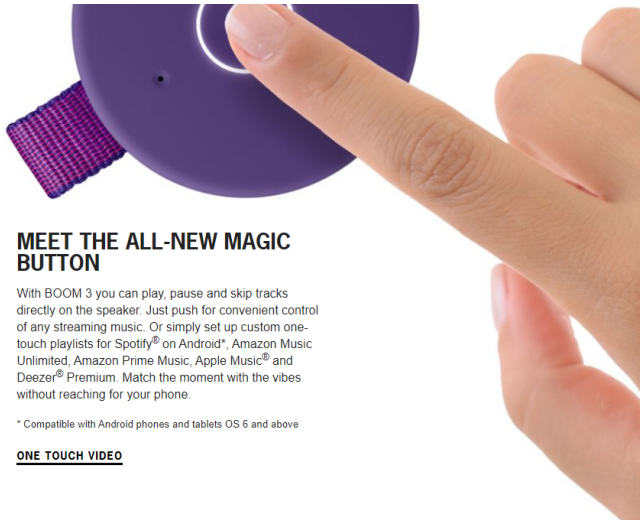
SPECIFICATIONS

<p>CUSTOMIZABLE EQ</p> <p>Select the best Sound for different occasions with 4 different presets and a customized tuner.</p>	<p>POWER</p> <p>Rechargeable Lithium-Ion Battery for up to 20 hours of battery life** between Micro USB charges.</p>	<p>AUDIO</p> <p>Maximum Sound Level: 90dB(A). Frequency Range: 60Hz - 20kHz. Drivers: Two 50mm (2 in), 4 ohm full range drivers and two 55mm x 86mm passive radiators.</p>	<p>WIRELESS CAPABILITIES</p> <p>Pair up to 8 Bluetooth enabled source devices - Connect up to two source devices at the same time. Mobile range of play is up to 45 m (150 ft).</p>
<p>COMPATIBILITY</p> <p>For Audio Playback: Smartphones, tablets and other devices that support Bluetooth and Bluetooth® Smart wireless audio profile [Advanced Audio Distribution Profile (A2DP)].</p>	<p>DIMENSIONS</p> <p>Diameter: 87 mm (3 3/8"). Height: 225 mm (8 7/8"). Weight: 925 g</p>	<p>WARRANTY</p> <p>2-year limited hardware warranty</p>	

1 <https://www.ultimateears.com/en-us/wireless-speakers/megaboom-3.html>.

2 23. BOOM 3 pairs with a mobile device, laptop, or desktop computer (i.e., a personal
3 computer) configured to access and receive media content from a world wide network (e.g., from
4 Apple Music, Deezer, Pandora, Spotify, Amazon Music). A mobile device, laptop, or desktop
5 computer (personal computer) includes a processor (i.e., a controller), memory, a network
6 connection device (e.g., a baseband processor, a network card, a Bluetooth radio), a display
7 system (e.g., a display and associated hardware and software for controlling the display), and an
8 input/output system (e.g., a touch screen and associated hardware and software for controlling
9 the i/o system). The processor (i.e., controller) is configured to communicate with the memory,
10 network connection device, display system, and input/output system via a system bus.

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13 **ONE
14 TOUCH
15 TO
16 YOUR
17 MUSIC**



18 **MEET THE ALL-NEW MAGIC
19 BUTTON**

20 With BOOM 3 you can play, pause and skip tracks
21 directly on the speaker. Just push for convenient control
22 of any streaming music. Or simply set up custom one-
23 touch playlists for Spotify® on Android*, Amazon Music
24 Unlimited, Amazon Prime Music, Apple Music® and
25 Deezer® Premium. Match the moment with the vibes
26 without reaching for your phone.

27 * Compatible with Android phones and tablets OS 6 and above

[ONE TOUCH VIDEO](#)

28 <https://www.ultimateears.com/en-us/wireless-speakers/boom-3.html>.

29 **COMPATIBILITY**

30 For Audio Playback: Smartphones,
31 tablets and other devices that
32 support *Bluetooth* and *Bluetooth*
33 Smart® wireless audio profile
34 [Advanced Audio Distribution Profile
35 (A2DP)]

1 *Id.*

2 24. BOOM 3 (i.e., an information appliance) can be paired with multiple BOOM 3
3 speakers (i.e., information appliances), as well as MEGABOOM 3 and previous MEGABOOM
4 and BOOM generations.



13 <https://www.ultimateears.com/en-us/wireless-speakers/boom-3.html#features>.

14 25. BOOM 3 is an information appliance configured to communicate with a mobile
15 device, laptop, or desktop computer (i.e., a personal computer) via Bluetooth (i.e., a bi-
16 directional communication link).

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SPECIFICATIONS

<p>CUSTOMIZABLE EQ</p> <p>Select the best Sound for different occasions with 4 different presets and a customized tuner.</p>	<p>POWER</p> <p>Rechargeable Lithium-Ion Battery for up to 15 hours of battery life** between Micro USB charges.</p>	<p>AUDIO</p> <p>Maximum Sound Level: 90dB. Frequency Range: 90Hz - 20kHz. Drivers: Two 2" drivers and two 2" x 4" Passive Radiators.</p>	<p>WIRELESS CAPABILITIES</p> <p>Pair up to 8 <i>Bluetooth</i> enabled source devices - Connect up to two source devices at the same time. Mobile range of play is up to 45 m (150 ft).</p>
<p>COMPATIBILITY</p> <p>For Audio Playback: Smartphones, tablets and other devices that support <i>Bluetooth</i> and <i>Bluetooth Smart</i>® wireless audio profile [Advanced Audio Distribution Profile (A2DP)]</p>	<p>DIMENSIONS</p> <p>Diameter: 73 mm (2.8"). Height: 184 mm (7.2"). Weight: 608 g (1.34 lb)</p>	<p>WARRANTY</p> <p>2-year limited hardware warranty</p>	

<https://www.ultimateears.com/en-us/wireless-speakers/boom-3.html#specifications>.

26. The mobile device (i.e., personal computer) is configured to broadcast media content (e.g., a music playlist) to the BOOM 3 (i.e., information appliance), and other paired speakers, via Bluetooth (i.e., the bi-directional communication link).

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SPECIFICATIONS

<p>CUSTOMIZABLE EQ</p> <p>Select the best Sound for different occasions with 4 different presets and a customized tuner.</p>	<p>POWER</p> <p>Rechargeable Lithium-Ion Battery for up to 15 hours of battery life** between Micro USB charges.</p>	<p>AUDIO</p> <p>Maximum Sound Level: 90dBA. Frequency Range: 90Hz - 20kHz. Drivers: Two 2" drivers and two 2" x 4" Passive Radiators.</p>	<p>WIRELESS CAPABILITIES</p> <p>Pair up to 8 <i>Bluetooth</i> enabled source devices - Connect up to two source devices at the same time. Mobile range of play is up to 45 m (150 ft).</p>
<p>COMPATIBILITY</p> <p>For Audio Playback: Smartphones, tablets and other devices that support <i>Bluetooth</i> and <i>Bluetooth Smart</i>® wireless audio profile [Advanced Audio Distribution Profile (A2DP)]</p>	<p>DIMENSIONS</p> <p>Diameter: 73 mm (2.8"). Height: 184 mm (7.2"). Weight: 608 g (1.34 lb)</p>	<p>WARRANTY</p> <p>2-year limited hardware warranty</p>	

Id.

27. BOOM 3 (i.e., information appliance) is configured to transmit control signals (e.g., play, pause, skip track) to the mobile device (i.e., personal computer) via Bluetooth (i.e., the bi-directional communication link). The control signals (e.g., play, pause, skip track) command the processor (i.e., controller) to broadcast a specified portion of the media content (e.g., a specific music track in a playlist) to a plurality of BOOM 3's (or other speakers) paired to the mobile device (i.e., personal computer).

ONE TOUCH TO YOUR MUSIC



MEET THE ALL-NEW MAGIC BUTTON

With BOOM 3 you can play, pause and skip tracks directly on the speaker. Just push for convenient control of any streaming music. Or simply set up custom one-touch playlists for Spotify® on Android*, Amazon Music Unlimited, Amazon Prime Music, Apple Music® and Deezer® Premium. Match the moment with the vibes without reaching for your phone.

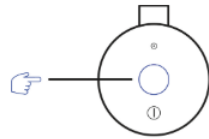
* Compatible with Android phones and tablets OS 6 and above

[ONE TOUCH VIDEO](#)

<https://www.ultimateears.com/en-us/wireless-speakers/boom-3.html>.

USE THE MAGIC BUTTON

USE THE MAGIC BUTTON TO CONTROL YOUR MUSIC
SHORT PRESS to play and pause
DOUBLE PRESS to skip a track



<https://support.ultimateears.com/en/guide/boom3/#four>.

28. Each BOOM 3 (or other paired speakers) can be located in a different room.

The all-new Magic Button allows you to play, pause and skip tracks directly on the speakers without fumbling around for your phone in a bag or far away room. When paired with the redesigned BOOM & MEGABOOM by Ultimate Ears iOS mobile app, you will also have one-touch access to all of your favorite playlists on Apple Music, which offers an entire catalog of more than 45 million songs. Music fans can also use the Magic Button to access their playlists on Deezer Premium—which offers 53 million tracks—on Android and soon on iOS. Additional music services will be added.

Introducing Ultimate Ears Boom 3 and Megaboom 3, Packed with New Features, Press Release dated Aug. 30, 2018 (available at <https://www.ultimateears.com/en-us/press.html>).

1 The all-new Magic Button, introduced on the BOOM 3, allows you to play, pause, and skip tracks directly on the speakers, without
 2 reaching for your phone in your pocket or another room. Android users with Spotify now have one-touch access to their music by
 3 long-pressing the button to launch their favorite playlists, albums, songs, and podcasts, and can even skip through playlists by
 long-pressing again. Magic Button also currently works with Apple Music and Deezer[®] Premium, with additional music services
 planned to be added.

4 Ultimate Ears Adds Spotify Integration for Magic Button on Boom 3, Press Release dated Nov.
 5 26, 2019 (available at <https://www.ultimateears.com/en-in/press.html>).

6 The all-new Magic Button, introduced on the BOOM 3 and MEGABOOM 3, allows you to play, pause, and skip tracks directly on
 7 the speakers, without reaching for your phone in your pocket or another room. Now, Amazon Music customers around the world
 8 have one-touch access to their music by long-pressing the Magic Button to launch their favorite playlists, albums, songs, and
 stations, and can even skip through playlists by long-pressing again. Additional music services that work with the Magic Button
 include Apple Music[®], Spotify[®] for Android[™] and Deezer Premium.

9 Ultimate Ears Adds Amazon Music Integration for Magic Button on Boom 3 and Megaboom 3,
 10 Press Release dated Dec. 11, 2019 (available at <https://www.ultimateears.com/en-us/press.html>).

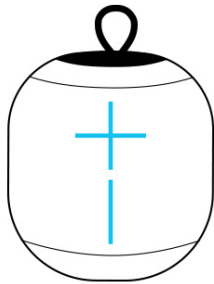
11 29. BOOM 3 includes a Bluetooth radio. Bluetooth is a wireless communication
 12 technology that uses adaptive frequency-hopping spread spectrum, a specific type of frequency-
 13 hopping spread spectrum, for wireless data transfer.

SPECIFICATIONS

<p>CUSTOMIZABLE EQ</p> <p>Select the best Sound for different occasions with 4 different presets and a customized tuner.</p>	<p>POWER</p> <p>Rechargeable Lithium-Ion Battery for up to 15 hours of battery life** between Micro USB charges.</p>	<p>AUDIO</p> <p>Maximum Sound Level: 90dBA. Frequency Range: 90Hz - 20kHz. Drivers: Two 2" drivers and two 2" x 4" Passive Radiators.</p>	<p>WIRELESS CAPABILITIES</p> <p>Pair up to 8 Bluetooth enabled source devices - Connect up to two source devices at the same time. Mobile range of play is up to 45 m (150 ft).</p>
<p>COMPATIBILITY</p> <p>For Audio Playback: Smartphones, tablets and other devices that support Bluetooth and Bluetooth Smart[®] wireless audio profile [Advanced Audio Distribution Profile (A2DP)]</p>	<p>DIMENSIONS</p> <p>Diameter: 73 mm (2.8"). Height: 184 mm (7.2"). Weight: 608 g (1.34 lb)</p>	<p>WARRANTY</p> <p>2-year limited hardware warranty</p>	

26 <https://www.ultimateears.com/en-us/wireless-speakers/boom-3.html#specifications>.

1 30. WONDERBOOM pairs with a mobile device, laptop, or desktop computer (i.e., a
2 personal computer) configured to access and receive media content from a world wide network
3 (e.g., from Apple Music, Deezer, Pandora, Spotify, Amazon Music). A mobile device, laptop, or
4 desktop computer (personal computer) includes a processor (i.e., a controller), memory, a
5 network connection device (e.g., a baseband processor, a network card, a Bluetooth radio), a
6 display system (e.g., a display and associated hardware and software for controlling the display),
7 and an input/output system (e.g., a touch screen and associated hardware and software for
8 controlling the i/o system). The processor (i.e., controller) is configured to communicate with
9 the memory, network connection device, display system, and input/output system via a system
10 bus.



PLAY MUSIC

Once WONDERBOOM is on and connected to your mobile device, just hit play to begin streaming your music.

You can control the volume from your mobile device, or directly from your WONDERBOOM by pressing the "+" or "-" button.

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18 <https://support.ultimateears.com/en/guide/wonderboom/>.

COMPATIBILITY

For audio playback: smartphones, tablets and other devices that support *Bluetooth*[®] and *Bluetooth*[®] Smart wireless audio profile [Advanced Audio Distribution Profile (A2DP)].

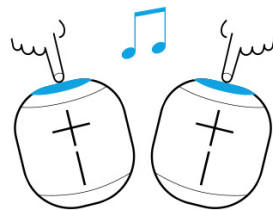
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26 <https://www.ultimateears.com/en-us/wireless-speakers/wonderboom.html>.

1 31. WONDERBOOM (i.e., an information appliance) can be paired with multiple
2 WONDERBOOM speakers (i.e., information appliances).

3 **DOUBLE UP TO** 4 **DOUBLE THE FUN**

5 If you think one Ultimate Ears WONDERBOOM
6 speaker sounds great, you'll love how two of them
7 sound together. Then turn things up, get a little
8 crazy and dance like nobody's looking.

8 *Id.*



9 **DOUBLE-UP**

10 Connect two WONDERBOOMS together for bigger sound. Long press the
11 ULTIMATE EARS button on both speakers at the same time until you hear
12 the pairing tone. Once pairing succeeds, you will hear another tone and
13 music playing on both speakers!

13 <https://support.ultimateears.com/en/guide/wonderboom/>.

14 32. WONDERBOOM is an information appliance configured to communicate with a
15 mobile device, laptop, or desktop computer (i.e., a personal computer) via Bluetooth (i.e., a bi-
16 directional communication link).

SPECIFICATIONS

<p>WATERPROOF</p> <p>Waterproof – IPX7 rated: WONDERBOOM can be immersed in liquid up to 1 m for up to 30 minutes.</p>	<p>360° SOUND</p> <p>Maximum sound level: 86 dBC Frequency range: 80 Hz – 20 kHz Drivers: two 40 mm active drivers and two 46.1 mm x 65.2 mm passive radiators</p>	<p>POWER</p> <p>Rechargeable lithium-ion battery for up to 10 hours of battery life between micro-USB charges. Charge time: 2.8 hrs</p>	<p>WIRELESS CAPABILITIES</p> <p>Connect up to 2 source devices simultaneously, wirelessly play (stream) music from either one. Wirelessly play (stream) to 2 WONDERBOOMS from one source. Mobile range - (33 m) 100 ft</p>
<p>COMPATIBILITY</p> <p>For audio playback: smartphones, tablets and other devices that support <i>Bluetooth</i>® and <i>Bluetooth</i>® Smart wireless audio profile [Advanced Audio Distribution Profile (A2DP)].</p>	<p>WIRELESS RANGE</p> <p>Mobile range for music playback is up to 33 m (100 ft)</p>	<p>DIMENSIONS</p> <p>Height (102 mm), diameter (93.5 mm), weight (425 g) (speaker only)</p>	<p>WARRANTY</p> <p>2-YEAR Limited Hardware Warranty</p>

<https://www.ultimateears.com/en-us/wireless-speakers/wonderboom.html>.

33. The mobile device (i.e., personal computer) is configured to broadcast media content (e.g., a music playlist) to the WONDERBOOM (i.e., information appliance) via Bluetooth (i.e., the bi-directional communication link).

SPECIFICATIONS

<p>WATERPROOF</p> <p>Waterproof – IPX7 rated: WONDERBOOM can be immersed in liquid up to 1 m for up to 30 minutes.</p>	<p>360° SOUND</p> <p>Maximum sound level: 86 dBC Frequency range: 80 Hz – 20 kHz Drivers: two 40 mm active drivers and two 46.1 mm x 65.2 mm passive radiators</p>	<p>POWER</p> <p>Rechargeable lithium-ion battery for up to 10 hours of battery life between micro-USB charges. Charge time: 2.8 hrs</p>	<p>WIRELESS CAPABILITIES</p> <p>Connect up to 2 source devices simultaneously, wirelessly play (stream) music from either one. Wirelessly play (stream) to 2 WONDERBOOMS from one source. Mobile range - (33 m) 100 ft</p>
<p>COMPATIBILITY</p> <p>For audio playback: smartphones, tablets and other devices that support <i>Bluetooth®</i> and <i>Bluetooth®</i> Smart wireless audio profile [Advanced Audio Distribution Profile (A2DP)].</p>	<p>WIRELESS RANGE</p> <p>Mobile range for music playback is up to 33 m (100 ft)</p>	<p>DIMENSIONS</p> <p>Height (102 mm), diameter (93.5 mm), weight (425 g) (speaker only)</p>	<p>WARRANTY</p> <p>2-YEAR Limited Hardware Warranty</p>

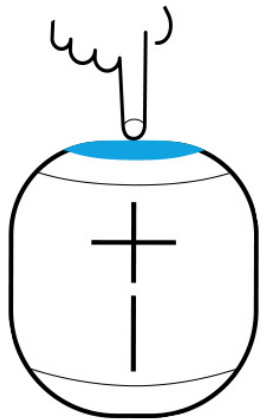
Id.

34. WONDERBOOM (i.e., information appliance) is configured to transmit control signals (e.g., play, pause, skip track) to the mobile device (i.e., personal computer) via Bluetooth (i.e., the bi-directional communication link). The control signals (e.g., play, pause, skip track) command the processor (i.e., controller) to broadcast a specified portion of the media content (e.g., a specific music track in a playlist) to a plurality of WONDERBOOM's paired to the mobile device (i.e., personal computer).

EASY PLAY, PAUSE, SKIP

Control your music right from the speaker. Pressing the Ultimate Ears/UE button on the top of the speaker lets you easily play, pause, and skip songs.

<https://www.ultimateears.com/en-us/wireless-speakers/wonderboom.html>.



CONTROL MUSIC

You can control the music directly from your WONDERBOOM without picking up your phone. **To pause the stream, simply press the ULTIMATE EARS button** located on the top of the speaker. Press it again to resume playing. Double press the button will skip to the next track.

<https://support.ultimateears.com/en/guide/wonderboom>

35. Each WONDERBOOM can be located in a different room.

SPECIFICATIONS

<p>WATERPROOF</p> <p>Waterproof – IPX7 rated: WONDERBOOM can be immersed in liquid up to 1 m for up to 30 minutes.</p>	<p>360° SOUND</p> <p>Maximum sound level: 86 dBC Frequency range: 80 Hz – 20 kHz Drivers: two 40 mm active drivers and two 46.1 mm x 65.2 mm passive radiators</p>	<p>POWER</p> <p>Rechargeable lithium-ion battery for up to 10 hours of battery life between micro-USB charges. Charge time: 2.8 hrs</p>	<p>WIRELESS CAPABILITIES</p> <p>Connect up to 2 source devices simultaneously, wirelessly play (stream) music from either one. Wirelessly play (stream) to 2 WONDERBOOMS from one source. Mobile range - (33 m) 100 ft</p>
<p>COMPATIBILITY</p> <p>For audio playback: smartphones, tablets and other devices that support <i>Bluetooth®</i> and <i>Bluetooth®</i> Smart wireless audio profile [Advanced Audio Distribution Profile (A2DP)].</p>	<p>WIRELESS RANGE</p> <p>Mobile range for music playback is up to 33 m (100 ft)</p>	<p>DIMENSIONS</p> <p>Height (102 mm), diameter (93.5 mm), weight (425 g) (speaker only)</p>	<p>WARRANTY</p> <p>2-YEAR Limited Hardware Warranty</p>

<https://www.ultimateears.com/en-us/wireless-speakers/wonderboom.html>.

All playback functions are handled through a single button on the top of the speaker; A single tap pauses and plays the current track, while a double tap skips to the next track. This resembles the tap controls of the UE mobile app, minus the app’s visual feedback. The UE button also handles pairing with another Wonderboom – holding down the button for a moment on both speakers simultaneously will pair the two. It’s a simple process and results in expanded sound, or even a quick multiroom setup. You can’t use the two speakers as a stereo pair, however, as you can with two UE Booms or UE Rolls.

Brendan Hesse, Ultimate Ears Wonderboom Bluetooth Review (Apr. 12, 2017) (available at <https://www.digitaltrends.com/wireless-speaker-reviews/ultimate-ears-wonderboom-bluetooth-review/>).

36. WONDERBOOM includes a Bluetooth radio. Bluetooth is a wireless communication technology that uses adaptive frequency-hopping spread spectrum, a specific type of frequency-hopping spread spectrum, for wireless data transfer.

SPECIFICATIONS

<p>WATERPROOF</p> <p>Waterproof – IPX7 rated: WONDERBOOM can be immersed in liquid up to 1 m for up to 30 minutes.</p>	<p>360° SOUND</p> <p>Maximum sound level: 86 dBC Frequency range: 80 Hz – 20 kHz Drivers: two 40 mm active drivers and two 46.1 mm x 65.2 mm passive radiators</p>	<p>POWER</p> <p>Rechargeable lithium-ion battery for up to 10 hours of battery life between micro-USB charges. Charge time: 2.8 hrs</p>	<p>WIRELESS CAPABILITIES</p> <p>Connect up to 2 source devices simultaneously, wirelessly play (stream) music from either one. Wirelessly play (stream) to 2 WONDERBOOMs from one source. Mobile range - (33 m) 100 ft</p>
<p>COMPATIBILITY</p> <p>For audio playback: smartphones, tablets and other devices that support Bluetooth® and Bluetooth® Smart wireless audio profile [Advanced Audio Distribution Profile (A2DP)].</p>	<p>WIRELESS RANGE</p> <p>Mobile range for music playback is up to 33 m (100 ft)</p>	<p>DIMENSIONS</p> <p>Height (102 mm), diameter (93.5 mm), weight (425 g) (speaker only)</p>	<p>WARRANTY</p> <p>2-YEAR Limited Hardware Warranty</p>

1 <https://www.ultimateears.com/en-us/wireless-speakers/wonderboom.html>.

2 37. Adiona is entitled to recover from Defendant the damages sustained by Adiona as
3 a result of Defendant's infringement of the '520 patent in an amount subject to proof at trial,
4 which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed
5 by this Court under 35 U.S.C. § 284.

6 **WILLFULNESS AND INDIRECT INFRINGEMENT**

7 38. Adiona repeats and realleges the allegations of paragraphs 1 through 37 as if fully
8 set forth herein.

9 39. Defendants have been on notice of the '520 patent since, at the latest, their receipt
10 of Adiona's licensing agent's letter dated June 4, 2019.

11 40. Upon information and belief, Defendants have not altered their infringing conduct
12 after receiving the June 4, 2019 letter.

13 41. Upon information and belief, Defendants' continued infringement despite their
14 knowledge of the '520 patent and the claim chart enclosed in the June 4, 2019 letter that
15 evidenced infringement has been objectively reckless and willful.

16 42. In particular, Defendants' customers' and end-users' use of Defendants' Bluetooth
17 speakers, such as the Accused Devices, is facilitated by the use of technology patented under the
18 '520 patent. Thus, Defendants' customers and end-users are able to listen to broadcasted content
19 when using such products.

20 43. On information and belief, in order to generate profits and revenues, Defendants
21 market and promote, e.g., through their website and sales personnel, the use of their products that
22 infringe the '520 patent when used as intended by Defendants' customers and end-users.
23 Defendants' customers and end-users use such products. Defendants further instruct their
24 customers and end-users how to use such products in a manner that infringes the '520 patent
25 (e.g., through on-line technical documentation, instructions, and technical support). Defendants
26 further instruct their customers and end-users to infringe the '520 patent through their products
27 themselves, e.g., through manuals and on-line instructions.

1 44. In particular, Defendants instruct their customers and end-users through at least
2 on-line support instructions and documentation over the Internet how to set-up and use the
3 Accused Devices to play streaming content from a computer (e.g., smartphone, tablet, laptop, or
4 desktop computer) located in a different room or on two Accused Devices located in different
5 rooms.

6 45. Defendants still further make such products accessible to their customers and end-
7 users, thus enabling and encouraging their customers and end-users to use such products,
8 including supporting software apps, to infringe the '520 patent.

9 46. On information and belief, even though Defendants have been aware of the '520
10 patent and that their customers and end-users infringe this patent since as of their receipt of the
11 June 4, 2019 letter and Defendants have neither made any changes to the functionality,
12 operations, marketing, sales, technical support, etc. of such products to avoid infringing the '520
13 patent nor informed their customers or end-users how to avoid infringing the '520 patent. To
14 date, Defendants have not identified a single action that it has taken to avoid infringement (e.g.,
15 by designing around or notifying their customers or end-users how to avoid infringement) by
16 themselves or their customers or end-users since it became aware of the '520 patent.

17 47. On information and belief, Defendants themselves are unaware of any legal or
18 factual basis that their actions solely, or in combination with the actions of their customers and
19 end-users, do not constitute direct or indirect infringement of the '520 patent. To date,
20 Defendants have not produced any opinion of counsel, request for opinion of counsel, evaluation,
21 analysis, or investigation relating to the validity, scope, interpretation, construction,
22 enforceability, unenforceability, or the infringement or potential infringement of any claim of the
23 '520 patent.

24 48. As such, on information and belief, despite the information Defendants obtained
25 from the June 4, 2019 letter, Defendants continue to specifically intend for and encourage their
26 customers and end-users to use their products in a manner that infringe the claims of the '520
27 patent. In addition, since at least their receipt of the June 4, 2019 letter, Defendants have

1 deliberately avoided taking any actions (e.g., designing around, or providing notice to their
2 customers) to avoid confirming that their actions continue to specifically encourage their
3 customers and end-users to use their products in a manner that infringe the claims of the '520
4 patent.

5 49. Defendants' actions of, *inter alia*, making, importing, using, offering for sale,
6 and/or selling such products constitute an objectively high likelihood of infringement of the '520
7 patent, which was duly issued by the United States Patent and Trademark Office and is presumed
8 valid. Since at least their receipt of the June 4, 2019 letter, Defendants are aware that there is an
9 objectively high likelihood that their actions constituted, and continue to constitute, infringement
10 of the '520 patent and that the '520 patent is valid. Despite Defendants' knowledge of that risk,
11 on information and belief, Defendants have not made any changes to the relevant operation of
12 their products and have not provided their users and/or customers with instructions on how to
13 avoid infringing the '520 patents. Instead, Defendants have continued to, and still are continuing
14 to, among other things, make, use, offer for sale, and/or sell products patented under the '520
15 patent. As such, Defendants willfully, wantonly and deliberately infringed and are infringing the
16 '520 patent in disregard of Adiona's rights under the '520 patent.

17 **JURY DEMAND**

18 Adiona hereby demands a trial by jury on all issues so triable.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Adiona requests that this Court enter judgment against Defendant as
21 follows:

- 22 A. An adjudication that Defendants have infringed the '520 patent;
- 23 B. A judgment that Defendants have induced infringement of the '520 patent;
- 24 C. An award of damages to be paid by Defendant adequate to compensate Adiona
25 for Defendants' past infringement of the '520 patent and any continuing or future infringement
26 through the date such judgment is entered, including interest, costs, expenses and an accounting
27 of all infringing acts including, but not limited to, those acts not presented at trial;

1 D. An award of enhanced damages pursuant to 35 U.S.C. § 284 for Defendants'
2 willful infringement of the '520 patent subsequent to the date of their notice of the '520 patent;

3 E. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of
4 Adiona's reasonable attorneys' fees; and

5 F. An award to Adiona of such further relief at law or in equity as the Court deems
6 just and proper.

7
8 Dated: January 3, 2020

/s/ Shekhar Vyas
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