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and AMAZON.COM SERVICES LLC.

10  
11  
12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
14 SOUTHERN DIVISION

15  
16 AMAZON.COM, INC., a Delaware  
corporation; and  
17 AMAZON.COM SERVICES LLC, a  
18 Delaware corporation,

19 Plaintiffs,

20 v.

21 2BCOM, LLC, a Delaware limited  
22 liability company,

23 Defendant.  
24  
25  
26  
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Case No. 8:20-cv-00822

**COMPLAINT FOR  
DECLARATORY JUDGMENT  
DEMAND FOR JURY TRIAL**

1 Plaintiffs Amazon.com, Inc. and Amazon.com Services LLC (collectively  
2 “Amazon”) bring this Complaint for Declaratory Judgment against Defendant  
3 2BCom, LLC (“2BCom”) and allege as follows:

4 **PARTIES**

5 1. Amazon.com, Inc. is a corporation organized under the laws of  
6 Delaware, with its headquarters at 410 Terry Avenue North, Seattle, Washington  
7 98109.

8 2. Amazon.com Services LLC is a corporation organized under the laws  
9 of Delaware, with its headquarters at 410 Terry Avenue North, Seattle,  
10 Washington 98109.

11 3. Upon information and belief, 2BCom is a limited liability company  
12 organized under the laws of Delaware, with its headquarters at 1603 Orrington  
13 Ave., Suite 600, Evanston, Illinois 60201.

14 4. Upon information and belief, 2BCom’s sole business is litigating and  
15 licensing patents.

16 **NATURE OF THE CASE**

17 5. On April 15, 2020, 2BCom sent Amazon.com, Inc. a letter (the  
18 “Letter”) and a draft complaint against Amazon alleging patent infringement (the  
19 “Threatened Complaint”), copies of which are submitted herewith as Exhibits 1  
20 and 2 respectively.

21 6. In the Letter and the Threatened Complaint, 2BCom alleged that it  
22 owns U.S. Patent Nos. 6,885,643 (“the ’643 patent”), 6,928,166 (“the ’166  
23 patent”), 7,039,445 (“the ’445 patent”) and 7,127,210 (“the ’210 patent”)  
24 (collectively the “Threatened Patents”), copies of which are submitted herewith as  
25 Exhibits 3 through 6 respectively.

26 7. In the Letter, 2BCom stated that it has prepared, and plans to serve,  
27 the Threatened Complaint alleging that Amazon has infringed the Threatened  
28 Patents.

1           8.     In the Threatened Complaint, 2BCom alleges that Amazon has  
2 infringed each of the Threatened Patents.

3           9.     In the Letter, 2BCom provided instructions for downloading materials  
4 related to the Threatened Complaint (the “Threatened Complaint Materials”).

5           10.    The Threatened Complaint Materials include copies of the Threatened  
6 Patents.

7           11.    The Threatened Complaint Materials also include a document titled  
8 “Exhibit 1 – Amazon Accused Products.pdf” (the “Accused Products List”), a copy  
9 of which is submitted herewith as Exhibit 7.

10          12.    In the Accused Product List, 2BCom identifies the Amazon eero,  
11 Amazon eero Pro, Amazon eero Beacon, Amazon Echo Dot (3rd generation),  
12 Amazon Echo Dot (1st and 2nd Generation), Amazon Echo Plus (2nd and 3rd  
13 generations), Amazon Echo Plus (1st generation), Amazon Tap, Amazon Echo  
14 (2nd and 3rd generation), Amazon Echo (1st generation), Amazon Echo Show,  
15 Amazon Kindle Fire HD 8 (2018), Amazon Kindle Fire HD 10 (2015), Amazon  
16 Kindle Fire HDX 8.9 (2014), Amazon Kindle Fire HD 10 (2017), Amazon Kindle  
17 Fire HD 10 (2019), Amazon Kindle Fire HDX 8.9 (2013), Amazon Kindle Fire  
18 HDX (2013), Amazon Kindle Fire HD (2013), Amazon Kindle Fire HD 8.9  
19 (2012), Amazon Kindle Fire HD 7 (2012), Amazon Kindle Fire (2012), Amazon  
20 Kindle Fire (2011), Amazon Kindle Fire (2015), Amazon Kindle Fire HD 10  
21 (2015), Amazon Kindle Fire HD 6 (2014), Amazon Kindle Fire HD 7 (2014),  
22 Amazon Kindle Fire 7 (2017), Amazon Kindle Fire HD 8 (2017), and Amazon  
23 Kindle Fire HD 8 (2016) (collectively the “Accused Products”) as each allegedly  
24 infringing one or more of the Threatened Patents.

25          13.    In the Threatened Complaint, 2BCom alleges that Amazon has  
26 infringed each of the Threatened Patents based upon making, using, importing,  
27 selling and/or offering for sale allegedly infringing products including, but not  
28 limited to, the Accused Products.

1           14. The Threatened Complaint Materials include copies of claim charts  
2 (the “Threatened Claim Charts”) that allege that Amazon’s: (a) Echo Dot (3rd  
3 generation) infringes claim 1 of the ’643 patent, (b) Echo Dot infringes claim 13 of  
4 the ’166 patent, (c) eero router infringes claim 13 of the ’445 patent, and (d) Echo  
5 Dot infringes claim 20 of the ’210 patent. The Threatened Claim Charts are  
6 submitted herewith as Exhibits 8-11, respectively.

7           15. 2BCom has not identified any alleged infringement by Amazon of any  
8 specific claim of the Threatened Patents except for the identifications in the  
9 Threatened Claim Charts.

10           16. In the Threatened Complaint, 2BCom alleges that users and retailers  
11 of the Accused Products have directly infringed the Threatened Patents based upon  
12 their use of the Accused Products.

13           17. In the Threatened Complaint, 2BCom alleges that Amazon has  
14 induced users and retailers of the Accused Products to directly infringe the  
15 Threatened Patents by, for example, promoting the Accused Products on  
16 www.amazon.com and/or providing customers with instructions and/or manuals  
17 for using the Accused Products through www.amazon.com.

18           18. Amazon has not infringed the Threatened Patents and has not induced  
19 users or retailers to infringe the Threatened Patents.

20           19. Amazon.com Services LLC has promoted and sold a substantial  
21 number of Accused Products to users and retailers in the Central District of  
22 California.

23           20. The majority of the design and development of at least some of the  
24 Accused Products, and specifically accused Echo products, has occurred in  
25 California.

26           21. Before filing this Complaint, 2BCom filed four other patent  
27 infringement actions in the Central District of California: (1) *2BCom, LLC v. KIA*  
28 *Motors America, Inc.*, Case No. 8:20-cv-00676-DOC-ADS (C.D. Cal., filed April

1 7, 2020); (2) *2BCom, LLC v. D-Link Systems, Inc.*, Case No. 8:20-cv-00686-JVS-  
2 JDE (C.D. Cal., filed April 8, 2020); (3) *2BCom, LLC v. TP-Link USA*  
3 *Corporation*, Case No. 8:20-cv-00708-JVS-JDE (C.D. Cal., filed April 10, 2020);  
4 (4) *2BCOM, LLC v. Bayerische Motoren Werke AG et al*, Case No. 2:20-cv-03537-  
5 JAK-JEM (C.D. Cal., filed April 16, 2020) (collectively referred to as the “Other  
6 California Actions”). 2BCom has also filed another patent infringement action  
7 outside of California: *2BCOM, LLC v. FCA US LLC et al*, Case No. 2:20-cv-  
8 10023-LVP-EAS (E.D. Mich., filed April 7, 2020).

9 22. In each of the Other California Actions, 2BCom alleges infringement  
10 of at least some of the Threatened Patents. In *2BCom v. KIA*, 2BCom alleges  
11 infringement of the ’166 and ’210 patents. In *2BCom v. D-Link*, 2BCom alleges  
12 infringement of the ’643, ’166, and ’445 patents. In *2BCom v. TP-Link*, 2BCom  
13 alleges infringement of the all four of the Threatened Patents. In *2BCom v. BMW*,  
14 2BCom alleges infringement of the ’643, ’166, and ’620 patents.

15 23. In each of the Other California Actions, 2BCom it is represented by  
16 the Witkow Baskin law firm located in Woodland Hills, California in this District.

17 24. In the Letter, 2BCom states that it “will temporarily refrain from  
18 serving the complaint upon Amazon” and requests a response to the Letter “within  
19 two (2) weeks from the date of this letter [April 15, 2020],” thereby implying that  
20 2BCom plans to file and/or serve the Threatened Complaint on Amazon on  
21 approximately April 29, 2020.

## 22 JURISDICTION AND VENUE

23 25. This is an action for a declaratory judgment of non-infringement  
24 arising under the patent laws of the United States, Title 35 of the United States  
25 Code, and the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, to  
26 address an actual, substantial, and continuing justiciable controversy that exists  
27 between Amazon and 2BCom.

28

1           26. This Court has subject-matter jurisdiction over this action pursuant to  
2 28 U.S.C. §§ 1331 and 1338(a).

3           27. This Court has personal jurisdiction over 2BCom at least because this  
4 Court has specific jurisdiction over 2BCom as it relates to this action. 2BCom has  
5 purposefully directed its activities at residents of California. For example, 2BCom  
6 has alleged that users and retailers of Amazon's Accused Products, which include a  
7 substantial number of users and retailers in California, have directly infringed the  
8 Threatened Patents and that Amazon has induced that infringement. Amazon's  
9 claims in this action for declaratory judgment of non-infringement arise out of and  
10 relate to 2BCom's activities within California, including its allegations of  
11 infringement based on Accused Products within California. For example, this  
12 action relates to 2BCom's Other California Actions, which 2BCom filed in the  
13 Central District of California within the previous month, alleging infringement of  
14 the Threatened Patents. As another example, 2BCom has alleged that Amazon's  
15 Echo products, which were designed and developed primarily in California,  
16 infringe the Threatened Patents. Accordingly, 2BCom has at least minimum  
17 contacts with California relevant for the Court to exercise specific personal  
18 jurisdiction over it in this action. Further, 2BCom has purposefully availed itself  
19 of the privilege of conducting activities within California. For example, 2BCom  
20 has purposefully availed itself of the privilege of conducting litigation within  
21 California by filing its Other California Actions in the Central District of  
22 California within the previous month, alleging infringement of the Threatened  
23 Patents. 2BCom has retained counsel in this District (the Witkow Baskin law firm)  
24 and that counsel is representing 2BCom in the Other California Actions, which  
25 also relate to the Threatened Patents. 2BCom's filing of the Other California  
26 Actions and its retention of counsel in California to represent it for litigating the  
27 Threatened Patents in the Other California Actions are examples of its contacts  
28 with California. The filing and maintenance of these California Actions represents

1 the primary or core business activity of 2BCom. Accordingly, the exercise of  
2 personal jurisdiction over 2BCom for this action related to the Threatened Patents  
3 is reasonable and fair, and will not offend traditional notions of fair play and  
4 substantial justice.

5 28. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(c). A  
6 substantial part of the events giving rise to the claims of this action occurred in this  
7 District. For example, 2BCom has alleged that users and retailers of Amazon's  
8 Accused Products, which include a substantial number of users and retailers in this  
9 District, have directly infringed the Threatened Patents and that Amazon has  
10 induced that infringement. 2BCom's allegations of infringement based on  
11 substantial actions in this District give rise to Amazon's claims here for declaratory  
12 judgment of non-infringement. Further, upon information and belief, 2BCom  
13 conducts the majority of its sole business—litigating and licensing patents—within  
14 this District. For example, 2BCom filed all four of its Other California Actions in  
15 this District. 2BCom has retained the Witkow Baskin law firm in this District, and  
16 that counsel is representing 2BCom in its Other California Actions also related to  
17 the Threatened Patents. Other than those four Other California Actions and this  
18 action, 2BCom has been a party to only one other patent action. Accordingly,  
19 2BCom resides in this District within the meaning of 28 U.S.C. § 1391 at least  
20 because it conducts the majority of its business in this District and has sufficient  
21 contacts with this District to subject it to personal jurisdiction in this District.

22 **COUNT I**

23 **(Declaratory Judgment of Non-Infringement of the '643 patent)**

24 29. Amazon incorporates by reference its allegations contained in  
25 Paragraphs 1 through 28 of this Complaint as though set forth fully herein.

26 30. 2BCom has alleged that Amazon has directly infringed one or more  
27 claims of the '643 patent, literally and/or under the doctrine of equivalents.

28

1           31. 2BCom has alleged that users and retailers of Amazon's Accused  
2 Products have directly infringed one or more claims of the '643 patent. 2BCom  
3 has alleged that Amazon has indirectly infringed the '643 patent through inducing  
4 that alleged direct infringement by users and retailers by promoting the Accused  
5 Products online and/or providing customers with instructions and/or manuals for  
6 using the Accused Products.

7           32. The only claim of the '643 patent that 2BCom has specifically alleged  
8 that Amazon or users or retailers of the Accused Products have infringed is  
9 claim 1.

10           33. The only Accused Product that 2BCom has provided any analysis for  
11 regarding any alleged infringement of the '643 patent is Amazon's Echo Dot (3rd  
12 generation). 2BCom provided a Threatened Claim Chart alleging infringement of  
13 claim 1 of the '643 patent based on Amazon's Echo Dot (3rd generation).

14           34. Amazon denies that it has infringed, directly or indirectly, claim 1 of  
15 the '643 patent. In particular, claim 1 of the '643 patent includes a limitation  
16 requiring that the claimed terminal device comprise "a wireless link information  
17 storage section for storing the acquired or updated wireless link information as  
18 Descriptor information referable by the remote communicating entity[.]"

19           35. Amazon's Echo Dot (3rd generation) does not comprise "a wireless  
20 link information storage section for storing acquired or updated wireless link  
21 information as Descriptor information referable by a remote communicating  
22 entity" as claimed. Amazon and users and retailers of the Accused Products have  
23 not infringed the '643 patent for at least that reason. 2BCom has not provided any  
24 analysis supporting any allegation of infringement of the '643 patent based on any  
25 other claim or based on any other Accused Product.

26           36. An actual, substantial, and justiciable controversy exists regarding the  
27 alleged infringement of the '643 patent by Amazon. That controversy has  
28



1 sufficient immediacy and reality to warrant the issuance of a declaratory judgment  
2 that Amazon has not infringed any claim of the '643 patent.

3 **COUNT II**

4 **(Declaratory Judgment of Non-Infringement of the '166 patent)**

5 37. Amazon incorporates by reference its allegations contained in  
6 Paragraphs 1 through 28 of this Complaint as though set forth fully herein.

7 38. 2BCom has alleged that Amazon has infringed one or more claims of  
8 the '166 patent, literally and/or under the doctrine of equivalents.

9 39. 2BCom has alleged that users and retailers of Amazon's Accused  
10 Products have directly infringed one or more claims of the '166 patent. 2BCom  
11 has alleged that Amazon has indirectly infringed the '166 patent through inducing  
12 that alleged direct infringement by users and retailers by promoting the Accused  
13 Products online and/or providing customers with instructions and/or manuals for  
14 using the Accused Products.

15 40. The only claim of the '166 patent that 2BCom has specifically alleged  
16 that Amazon or users or retailers of the Accused Products have infringed is  
17 claim 13.

18 41. The only Accused Product that 2BCom has provided any analysis for  
19 regarding any alleged infringement of the '166 patent is Amazon's Echo Dot.  
20 2BCom provided a Threatened Claim Chart alleging infringement of claim 13 of  
21 the '166 patent based on Amazon's Echo Dot.

22 42. Amazon denies that it has infringed, directly or indirectly, claim 13 of  
23 the '166 patent. In particular, claim 13 of the '166 patent includes a limitation  
24 requiring that the claimed method comprises "selecting a security level from a  
25 plurality of security levels in accordance with a condition of the radio  
26 communication[.]"

27 43. The use and operation of Amazon's Echo Dot does not comprise  
28 "selecting a security level from a plurality of security levels in accordance with a

1 condition of a radio communication.” Amazon and users and retailers of the  
2 Accused Products have not infringed the ’166 patent for at least that reason.  
3 2BCom has not provided any analysis supporting any allegation of infringement of  
4 the ’166 patent based on any other claim or based on any other Accused Product.

5 44. An actual, substantial, and justiciable controversy exists regarding the  
6 alleged infringement of the ’166 patent by Amazon. That controversy has  
7 sufficient immediacy and reality to warrant the issuance of a declaratory judgment  
8 that Amazon has not infringed any claim of the ’166 patent.

9 **COUNT III**

10 **(Declaratory Judgment of Non-Infringement of the ’445 patent)**

11 45. Amazon incorporates by reference its allegations contained in  
12 Paragraphs 1 through 28 of this Complaint as though set forth fully herein.

13 46. 2BCom has alleged that Amazon has directly infringed one or more  
14 claims of the ’445 patent, literally and/or under the doctrine of equivalents.

15 47. Amazon asserts that it has not infringed and is not infringing any  
16 claim of the ’445 patent, literally and/or under the doctrine of equivalents.

17 48. 2BCom has alleged that users and retailers of Amazon’s Accused  
18 Products have directly infringed one or more claims of the ’445 patent. 2BCom  
19 has alleged that Amazon has indirectly infringed the ’445 patent through inducing  
20 that alleged direct infringement by users and retailers by promoting the Accused  
21 Products online and/or providing customers with instructions and/or manuals for  
22 using the Accused Products.

23 49. The only claim of the ’445 patent that 2BCom has specifically alleged  
24 that Amazon or users or retailers of the Accused Products have infringed is  
25 claim 13.

26 50. The only Accused Product that 2BCom has provided any analysis for  
27 regarding any alleged infringement of the ’445 patent is Amazon’s eero router.  
28

1 2BCom provided a Threatened Claim Chart alleging infringement of claim 13 of  
2 the '445 patent based on Amazon's eero router.

3 51. Amazon denies that it has infringed, directly or indirectly, claim 13 of  
4 the '445 patent. Claim 13 of the '445 patent includes a limitation requiring that the  
5 claimed method comprises "setting a range for a message transmitted from the first  
6 device in a main body of the first device and outputting first control information in  
7 accordance with the set range from the main body, wherein the message is for  
8 searching for the second device[.]"

9 52. The use and operation of Amazon's eero router does not comprise  
10 "setting a range for a message transmitted from a first device in a main body of the  
11 first device and outputting first control information in accordance with the set  
12 range from the main body, wherein the message is for searching for the second  
13 device." Amazon and users and retailers of the Accused Products have not  
14 infringed the '445 patent for at least that reason.

15 53. The use and operation of Amazon's eero router does not infringe  
16 claim 13 of the '445 patent or any other claim of that patent. Further, 2BCom has  
17 not provided any analysis supporting any allegation of infringement of the '445  
18 patent based on any other Accused Product. Amazon has not infringed and is not  
19 infringing any claim of the '445 patent. 2BCom has not provided any analysis  
20 supporting any allegation of infringement of the '445 patent based on any other  
21 claim or based on any other Accused Product.

22 54. An actual, substantial, and justiciable controversy exists regarding the  
23 alleged infringement of the '445 patent by Amazon. That controversy has  
24 sufficient immediacy and reality to warrant the issuance of a declaratory judgment  
25 that Amazon has not infringed any claim of the '445 patent.

26 ///

27  
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**COUNT IV**

**(Declaratory Judgment of Non-Infringement of the '210 patent)**

1  
2  
3 55. Amazon incorporates by reference its allegations contained in  
4 Paragraphs 1 through 28 of this Complaint as though set forth fully herein.

5 56. 2BCom has alleged that Amazon has infringed one or more claims of  
6 the '210 patent, literally and/or under the doctrine of equivalents.

7 57. 2BCom has alleged that users and retailers of Amazon's Accused  
8 Products have directly infringed one or more claims of the '210 patent. 2BCom  
9 has alleged that Amazon has indirectly infringed the '210 patent through inducing  
10 that alleged direct infringement by users and retailers by promoting the Accused  
11 Products online and/or providing customers with instructions and/or manuals for  
12 using the Accused Products.

13 58. The only claim of the '210 patent that 2BCom has specifically alleged  
14 that Amazon or users or retailers of the Accused Products have infringed is  
15 claim 20.

16 59. The only Accused Product that 2BCom has provided any analysis for  
17 regarding any alleged infringement of the '210 patent is Amazon's Echo Dot.  
18 2BCom provided a Threatened Claim Chart alleging infringement of claim 20 of  
19 the '210 patent based on Amazon's Echo Dot.

20 60. Amazon denies that it has infringed, directly or indirectly, claim 20 of  
21 the '210 patent. In particular, claim 20 of the '210 patent includes a limitation  
22 requiring that the claimed communication apparatus comprises "a unit configured  
23 to control a connection from a second wireless communication apparatus...wherein  
24 the control unit sets up a second mode in which, in a state where the connection  
25 with the first wireless communication device is established, the communication  
26 apparatus is inhibited from establishing a connection with the second wireless  
27 communication apparatus with respect to a connection request from the second  
28 wireless communication device."



1 D. a declaration that Amazon has not infringed and is not infringing any  
2 claim the '210 patent, directly, indirectly, literally, or under the doctrine of  
3 equivalents;

4 E. finding this exceptional case under 35 U.S.C. § 285; and

5 F. awarding Amazon its costs and attorneys' fees in connection with this  
6 Action; and

7 G. such further and additional relief as the Court deems just and proper.

8 **JURY DEMAND**

9 Amazon demands a jury trial on all issues and claims so triable.

10  
11 Respectfully submitted,

12 KNOBBE, MARTENS, OLSON & BEAR, LLP

13  
14 Dated: April 28, 2020

By: /s/ Joseph R. Re

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