

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LITL LLC,

Plaintiff,

v.

LENOVO (UNITED STATES), INC. and
LENOVO (BEIJING) LTD.

Defendants.

Civil Action No. 1:20-cv-00689-RGA

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

Pursuant to Federal Rule of Civil Procedure 15(A)(1), Plaintiff LiTL LLC (“Plaintiff” or “LiTL”) files this First Amended Complaint, which amends LiTL’s complaint for patent infringement (D.I. 1, the “Original Complaint”) against Defendants Lenovo (United States), Inc. and Lenovo (Beijing) Ltd. (collectively, “Defendants” or “Lenovo”).

INTRODUCTION

1. This is a civil action for patent infringement under the laws of the United States, 35 U.S.C. § 1, *et seq.*
2. Defendants have infringed and continue to infringe, have induced and continue to induce the infringement of one or more claims of U.S. Patent Nos. 8,289,688 (“the ’688 patent”); 8,624,844 (“the ’844 patent”); 10,289,154 (“the ’154 patent”); 9,880,715 (“the ’715 patent”); 8,612,888 (“the ’888 patent”); and 8,577,957 (“the ’957 patent”) (collectively, the “Asserted Patents”) at least by making, using, selling, offering for sale, and importing into the United States computing devices that infringe one or more claims of each of the Asserted Patents.

3. LiTL is the legal owner by assignment of the entire right, title and interest in and to the Asserted Patents, which were duly and legally issued by the United States Patent and Trademark Office (“USPTO”). LiTL seeks monetary damages and injunctive relief to address ongoing infringement of its valuable patent portfolio.

THE PARTIES

4. Plaintiff LiTL LLC is a Delaware company, having its principal place of business at 501 Boylston Street, Boston, Massachusetts 02116.

5. Defendant Lenovo (United States) Inc. (“Lenovo US”) is a corporation organized under the laws of the State of Delaware, with its principal place of business at 1009 Think Place, Building One, Morrisville, North Carolina 27560. Lenovo US is a wholly-owned, indirect subsidiary of Lenovo Group, the ultimate parent corporation.

6. Defendant Lenovo (Beijing) Ltd. (“Lenovo Beijing”) is a company organized under the laws of the People’s Republic of China, with its principal place of business at No. 6 Chuang Ye Road, Shangdi Information Industry Base, Haidan District, Beijing, China. Lenovo Beijing is a wholly-owned subsidiary of Lenovo Group.

JURISDICTION AND VENUE

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

8. This Court has personal jurisdiction over Lenovo US for at least each of the following reasons. First, Lenovo US appeared in this Court and responded to LiTL’s Original Complaint without contesting personal jurisdiction in this Court. (D.I. 10.) Second, Lenovo US is incorporated in this District, and so Lenovo US is at home in this District. Third, Lenovo US

has sold one or more of the Accused Products (defined below) in this District, giving rise to LiTL's claims in this action.

9. This Court has personal jurisdiction over Lenovo Beijing under either Federal Rule of Civil Procedure 4(k)(1) and the Del. Code. Ann. Tit. 3, § 3104 (the "Delaware Long Arm Statute") or under Federal Rule of Civil Procedure 4(k)(2).

10. Lenovo Beijing is the registrant of the <https://www.lenovo.com> domain (the "Lenovo.com Domain"). On information and belief, Lenovo Beijing registered the Lenovo.com Domain in 2002 and Lenovo Beijing renewed and/or updated its registration of the Lenovo.com Domain in 2020. Lenovo Beijing registered the Lenovo.com Domain with MarkMonitor, Inc. ("MarkMonitor").

11. MarkMonitor is an Accredited Registrar with the Internet Corporation for Assigned Names and Numbers ("ICANN"). <https://www.icann.org/registrar-reports/accreditation-qualified-list.html> As an Accredited Registrar, MarkMonitor is bound by the terms of the 2013 Registrar Accreditation Agreement ("RAA"). <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en>

12. Under Section 3.7.10 of the RAA, MarkMonitor was required to provide Lenovo Beijing a copy of the Registrants' Benefits and Responsibilities Specification. On information and belief, MarkMonitor provided Lenovo Beijing with a copy of the Registrants' Benefits and Responsibilities Specification.

13. The Registrants' Benefits and Responsibilities Specification states, "You will assume sole responsibility for the registration and use of your domain name." On information and belief, Lenovo Beijing understood when registered and renewing/updating its registration of

the Lenovo.com Domain that it “assume[d] sole responsibility for the registration and use of” the Lenovo.com Domain.

14. MarkMonitor was required, under Section 3.7.7 of the RAA, to require all Registered Name Holdings, including Lenovo Beijing, to enter into a registration agreement with at least the provisions set forth in Subsections 3.7.7.1 through 3.7.7.12 of the RAA. On information and belief, Lenovo Beijing, as a Registered Name Holder, entered into a registration agreement that included provisions equivalent to Subsections 3.7.7.1 through 3.7.7.12 of the RAA.

15. Section 3.7.7.3 states, “[a] Registered Name Holder licensing use of a Registered Name according to this provision shall accept liability for harm caused by wrongful use of the Registered Name, unless it discloses the current contact information provided by the licensee and the identity of the licensee within seven (7) days to a party providing the Registered Name Holder reasonable evidence of actionable harm.” If Lenovo US is a licensee of the Lenovo.com Domain in the United States, then Lenovo Beijing was required to “accept liability for harm caused by wrongful use of” of the Lenovo.com Domain, unless it “discloses the current contact information provided by [Lenovo US] and the identity of [Lenovo US] within seven (7) days to a party providing [Lenovo Beijing] reasonable evidence of actionable harm.” LiTL provided evidence of actionable harm from sales of the Accused Products through the Lenovo.com Domain in its Original Complaint, and Lenovo Beijing did not provide Lenovo US’s identity and contact information to LiTL within 7 days.

16. On information and belief, as the registrant of the Lenovo.com Domain, Lenovo Beijing is solely responsible for what website the Lenovo.com Domain points to in various locations around the world. Lenovo Beijing intends to serve Delaware and the United States

with the Lenovo.com Domain by providing a specific website for those locations that appears when accessing the Lenovo.com Domain from those locations. Lenovo Beijing intends for people in Delaware and the United States to access and use the website that Lenovo.com Domain points to as a place to get information about the Accused Products and to shop for and buy the Accused Products. Both before and after the filing of the Original Complaint, LiTL's counsel was able to access the Accused Products from Lenovo Beijing's Lenovo.com Domain from Delaware. The website for the United States, which includes <https://www.lenovo.com/us/en/>, may differ in some respects from the website that appears automatically in other countries, but it is still on the Lenovo.com Domain.

17. The Lenovo.com Domain is accessible in Delaware and in the United States. People in Delaware and in the United States have accessed Lenovo.com Domain. The Lenovo.com Domain makes information about each of the Accused Products available to people in the United States and in Delaware, including customer support and warranty status information that is dynamically presented to be specific to a customer's products. People in the United States and Delaware have access to information about each of the Accused Products from the Lenovo.com Domain. Much of the information cited below by LiTL as evidence that Lenovo US and Lenovo Beijing directly or indirectly infringes the Asserted Patents is accessible from the Lenovo.com Domain. People in the United States and in Delaware have accessed that information.

18. All, or nearly all, of the Accused Products are for sale on Lenovo.com Domain, including to people in Delaware and the United States. On information and belief, people in the United States have purchased all of the Accused Products from the Lenovo.com Domain. On information and belief, people in Delaware have purchased all of the Accused Products from the

Lenovo.com Domain. People in the United States have purchased one or more of the Accused Products from the Lenovo.com Domain. People in Delaware have purchased one or more of the Accused Products from Lenovo.com Domain. Nothing on the Lenovo.com Domain indicates that Lenovo Beijing intended to exclude Delaware customers from purchasing the Accused Products from the Lenovo.com Domain.

19. Lenovo Beijing developed and designed one or more of the Accused Products. For example, Lenovo Beijing developed and designed the Yoga A940 All in One Desktop computer (“Yoga A940”).

20. On information and belief, the team at Lenovo that developed and designed one or more of the Accused Products included employees of Lenovo Beijing working with and sharing information with other Lenovo employees in the United States. <https://news.lenovo.com/labor-of-love-innovation-and-inspiration-behind-lenovos-next-generation-of-yoga/>.

21. Lenovo Beijing has developed and designed products. D.I. 28 (Sun Declaration), ¶ 6. Some of the products developed or designed by Lenovo Beijing have been used, offered for sale, or sold in the United States.

22. Lenovo Beijing developed and designed one or more of the Accused Products for use in the United States and Delaware, and to comply with regulations or other legal requirements applicable in those locations. For example, Lenovo Beijing developed and designed one or more of the Accused Products to comply with U.S. Federal Communication Commission (“FCC”) requirements and to meet the U.S. Environmental Protection Agency’s Energy Star requirements.

23. Lenovo Beijing was involved with developing or designing the Yoga A940.

24. On information and belief, Lenovo Beijing has employed Yang Liu as a “Compliance Engineer” since at least 2015. Yang Liu’s job responsibilities include submitting to the U.S. Federal Communication Commission (“FCC”) applications for equipment authorization.

25. Yang Liu submitted to the FCC an equipment authorization application for the Yoga A940. That application included a letter dated November 23, 2018, signed by Yang Liu, requesting the FCC to keep confidential certain materials in Lenovo Beijing’s application for equipment authorization for the Yoga A940, which authorization is required prior to marketing or importing the Yoga A940 in the United States. Lenovo Beijing’s letter to the FCC asserted that the public disclosure of documents containing proprietary information about the Yoga A940 “might be harmful to our company and would give competitor an unfair advantage in the market.”

26. Lenovo Beijing intended for one or more of the Accused Products to be imported into, sold, and used in Delaware or in the United States. Lenovo Beijing submitted documents relating to the Yoga A940 to the United States Federal Communication Commission (“FCC”). These documents are dated September 4, 2018 and list “Lenovo (Beijing) limited” as the applicant for certification of conformity under FCC regulations to permit importation and marketing of the Yoga A940. Lenovo Beijing regularly submits to the FCC applications for equipment authorization. Since 2011, Lenovo Beijing has submitted at least 107 applications for equipment authorization to the FCC so that its equipment could be imported into the United States and marketed there.

27. According to Lenovo’s 2019/20 Annual Report, Lenovo Beijing’s “Principal activities” are “Manufacturing and distribution of IT products and provision of IT services.”

<https://doc.irasia.com/listco/hk/lenovo/annual/2020/ar2020.pdf> On information and belief, the statement in the 2019 Annual Report that Lenovo Beijing that refers to Lenovo Beijing's "Principal activities" as "Manufacturing and distribution of IT products and provision of IT services" was not false.

28. On information and belief, Lenovo Beijing is involved with the manufacture of one or more of the Accused Products. On information and belief, Lenovo Beijing has some or significant control over the manufacture of the one or more of the Accused Products. On information and belief, Lenovo Beijing has quality control over the manufacture of the one or more of the Accused Products. On information and belief, if Lenovo Beijing does not manufacture an Accused Product, a company related to and subject to control and/or influence by Lenovo Beijing, whether direct or indirect, manufactures the Accused Product.

29. On information and belief, Lenovo Beijing is involved with the distribution of one or more of the Accused Products, including importation into the United States and Delaware. On information and belief, Lenovo Beijing has some or significant control over the distribution of the one or more of the Accused Products. On information and belief, if Lenovo Beijing does not distribute an Accused Product, a company related to and subject to control and/or influence by Lenovo Beijing, whether direct or indirect, distributes the Accused Product.

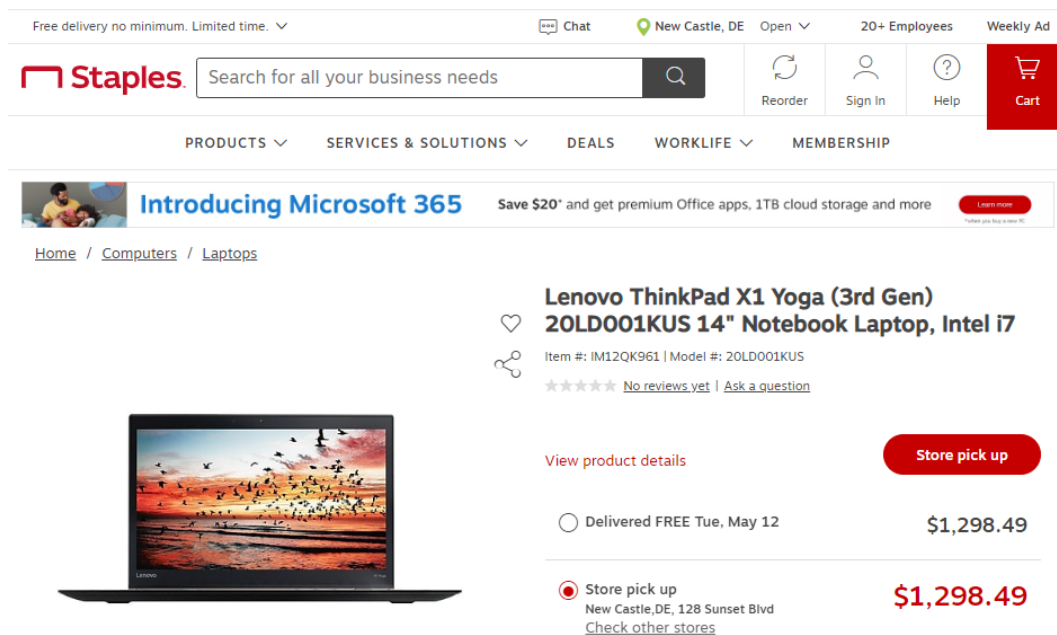
30. Lenovo has established distribution channels for the importation into the United States of the Accused Products and for the distribution within the United States, including to Delaware, of one or more of the Accused Products. Those established distribution channels are used for sales made through Lenovo Beijing's Lenovo.com Domain. On information and belief, Lenovo Beijing uses those established distribution channels for the importation into the United

States of one or more of the Accused Products and for the distribution within the United States, including to Delaware, of one or more of the Accused Products.

31. For example, a customer accessed the Lenovo.com Domain while in Delaware, used the Lenovo.com Domain to purchase a Yoga A940, and had the computer delivered to Wilmington, Delaware on November 30, 2020.

32. As further examples of the distribution channels that Lenovo has established, information accessible through Lenovo.com Domain states that, in addition to being available for purchase on www.lenovo.com, one or more of the Accused Products are available for purchase from retailers including Best Buy, Costco, Office Depot, Staples, and Walmart, each of which has locations in Delaware. <https://www.lenovo.com/us/en/landingpage/reseller-locator/>

33. For example, Staples offers for sale the 3rd Generation ThinkPad X1 Yoga, an Accused Product, which can be picked up in a Staples store located in New Castle, Delaware, as depicted in the screenshot of Staples' website below.



34. For example, a Best Buy located at Christiana Fashion Center in Newark, Delaware offers for sale the following Accused Devices: Yoga C740 (15 inch); Yoga C940 (14 inch); Yoga C740 (14 inch); ThinkPad L13 Yoga (13 inch); Yoga C940 (15 inch), as depicted in the screenshot of Best Buy's website below.

BEST BUY Credit Cards Top Deals Deal of the Day Gift Cards Gift Ideas For Your Business

Search Best Buy

Products Brands Deals Services Account Recently Viewed Order Status Saved Items

Important Update: We have new safety measures for getting your order. Learn more | Updates from Best Buy

Best Buy > Name Brands > Lenovo

2-in-1 Design Lenovo Laptops

Get it fast
Store Pickup at Christiana
☒ Pick up today

Category
PC Laptops

Features
☒ 2-in-1 Design
☐ Touch Screen
☐ Webcam Built-In
☐ Backlit Keyboard
☐ Bluetooth Enabled
☐ Numeric Keypad
☐ Headphone Jack
☐ HDMI Output
Show More

Processor Model
☐ Intel Core i5
☐ Intel Core i7

Screen Size
☐ 12" - 14"
☐ 14" - 15"
☐ 15" - 16"

Condition
☐ New
☐ Open-Box

RAM

8 items Sort By: Best Selling

Filters: 2-in-1 Design Clear all

See More Options

Amazon Alexa built in

Lenovo - Yoga C740 2-in-1 15.6" Touch-Screen Laptop - Intel Core i5 - 12GB Memory - 256GB Solid State Drive - Iron Gray

Model: 81T0000JUS SKU: 6367803

★★★★☆ (251)

Pick up in 1 hour at Christiana
Check all stores

Compare Save

Price Match Guarantee

\$749.99

Save \$100 Was \$849.99

Add to Cart

Open-Box: from \$609.99

Help

See More Options

Lenovo - Yoga C940 2-in-1 14" 4K Ultra HD Touch-Screen Laptop - Intel Core i7 - 16GB Memory - 512GB SSD - 32GB Optane - Mica

Model: 81Q9000JUS SKU: 6368421

★★★★☆ (137)

Pick up in 1 hour at Christiana
Check all stores

Compare Save

Price Match Guarantee

\$1,399.99

Save \$200 Was \$1,599.99

Add to Cart

Open-Box: from \$1,119.99

See More Options

Lenovo - Yoga C740 2-in-1 14" Touch-Screen Laptop - Intel Core i5 - 8GB Memory - 256GB Solid State Drive - Mica

Model: 81T0000JUS SKU: 6367803

★★★★☆ (311)

Pick up in 1 hour at Christiana
Check all stores

Compare Save

Price Match Guarantee

\$799.99

Price Drop Save \$100 Was \$899.99

Add to Cart

Open-Box: from \$735.99

See More Options

Lenovo - ThinkPad L13 Yoga 2-in-1 13.3" Touch-Screen Laptop - Intel Core i5 - 8GB Memory - 256GB SSD - Black

Model: 20R8A000US SKU: 6368283

★★★★☆ (23)

Pick up in 1 hour at Christiana
Check all stores

Compare Save

Price Match Guarantee

\$899.99

Add to Cart

Open-Box: from \$737.99

Help

See More Options

Amazon Alexa built in

Lenovo - Yoga C940 2-in-1 15.6" Touch-Screen Laptop - Intel Core i7 - 16GB Memory - NVIDIA GeForce GTX 1650 - 512GB SSD - Iron Gray

Model: 81T0000JUS SKU: 6367783

★★★★☆ (66)

Pick up in 1 hour at Christiana
Check all stores

Compare Save

Price Match Guarantee

\$1,699.99

Add to Cart

Open-Box: from \$1,529.99

1 of 5 items

35. Best Buy stores located at 1165 N. Dupont Highway, Dover, DE 19901 and 2700 Fashion Center Blvd, Newark, DE 19702 offer the accused Lenovo Yoga A940 for sale and provide the option of curbside pickup at these Delaware locations:

Lenovo

Lenovo - Yoga A940-27ICB 27" Touch-Screen All-In-One - Intel Core i7 - 16GB Memory - 1TB Hard Drive + 256GB Solid State Drive - Gray

Model: FOE50000US SKU: 6325579

★★★★★ 4.3 (92 Reviews) | 3 Expert Reviews | 23 Answered Questions

Price Match Guarantee

\$1,999.99

Save \$400 Was \$2,399.99

\$111.12/mo.*

suggested payments with 18-Month Financing

Show me how >


EXTENDED HOLIDAY RETURN PERIOD

When purchased now through Jan 2, you can return this item anytime until Jan 16. Learn more >

Free item with purchase A \$29.99 value

Hot offer \$20 Off Office Apps with Select Device

Open-Box: from \$1,479.99



Protect your computer

★★★★★ (945)

| | |
|--|--------------------------------------|
| <input type="checkbox"/> 1-Year Accidental Geek Squad Protection | \$179.99 About \$15.00/mo. |
| <input type="checkbox"/> 2-Year Accidental Geek Squad Protection | \$229.99 About \$9.58/mo. |
| <input type="checkbox"/> 3-Year Accidental Geek Squad Protection | \$279.99 About \$7.78/mo. |


Learn more

Get more done with Microsoft 365

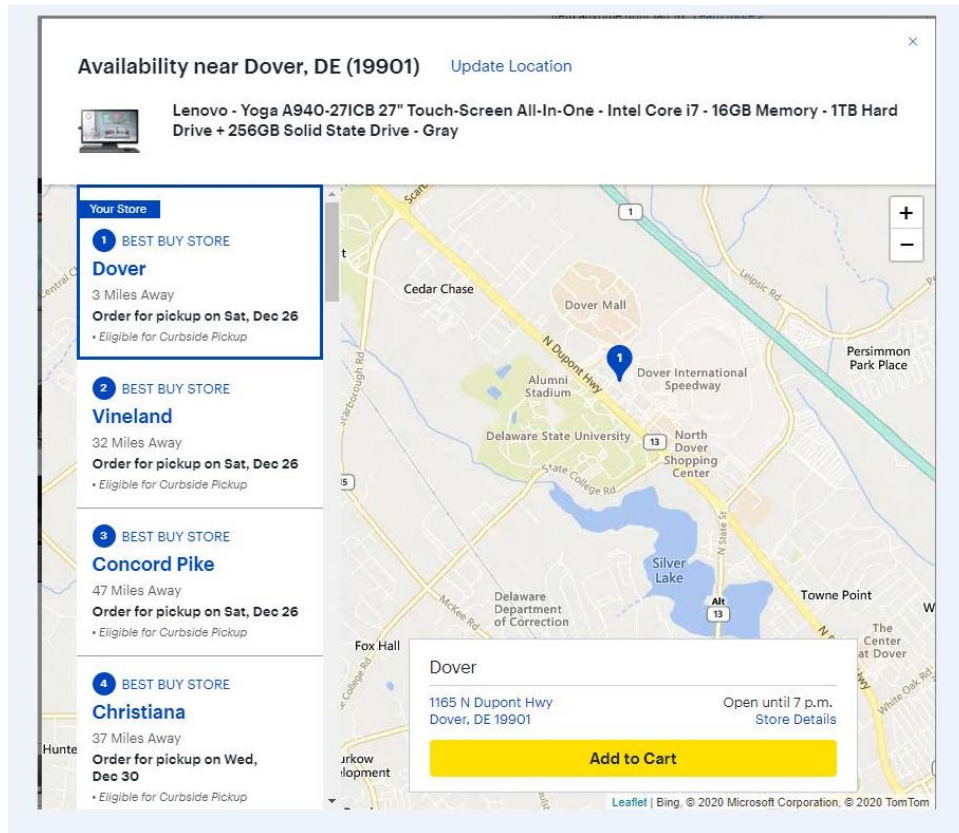
| | |
|--|--------------------------------------|
| <input type="checkbox"/> Microsoft 365 Family (Up to 6 People) (12-Month Subscription-Auto Renew) - Android, Chrome, Mac, Windows, iOS [Digital] | \$49.99 \$99.99 |
|--|--------------------------------------|

Auto renews. Cancel any time. See terms.

Get it today

 **Pickup:** Order now for pickup on Sat, Dec 26 at Dover

See all pickup locations

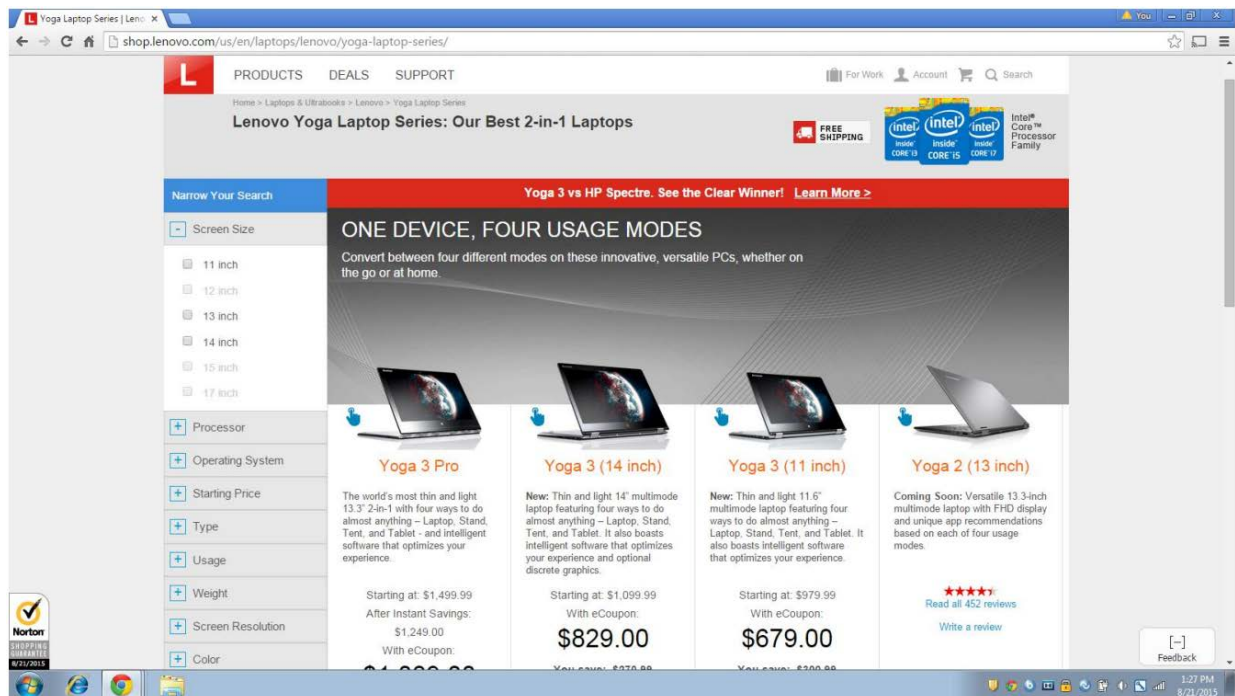


36. Lenovo Beijing owns numerous trademark registrations that Lenovo Beijing uses in connection with sales and offers for sale of the Accused Products within the United States.

37. Lenovo Beijing owns U.S. Registration No. 4,822,390 to the mark YOGA for goods that include “computers” and “portable computers.” When prosecuting the application that matured into the YOGA registration, the applicant Lenovo Beijing filed a Statement of Use on August 21, 2015, which included the statement: “The mark was first used by the applicant, or the applicant’s related company, licensee, or predecessor in interest at least as early as 10/00/2012, and first used in commerce at least as early as 10/00/2012, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) screen-shots of Applicant’s website showing sale of the products.” Lenovo Beijing submitted to the Trademark Office the two screenshots reproduced below.

<https://tsdr.uspto.gov/documentviewer?caseId=sn85585622&docId=SOU20150824165248#docIndex=4&page=1>

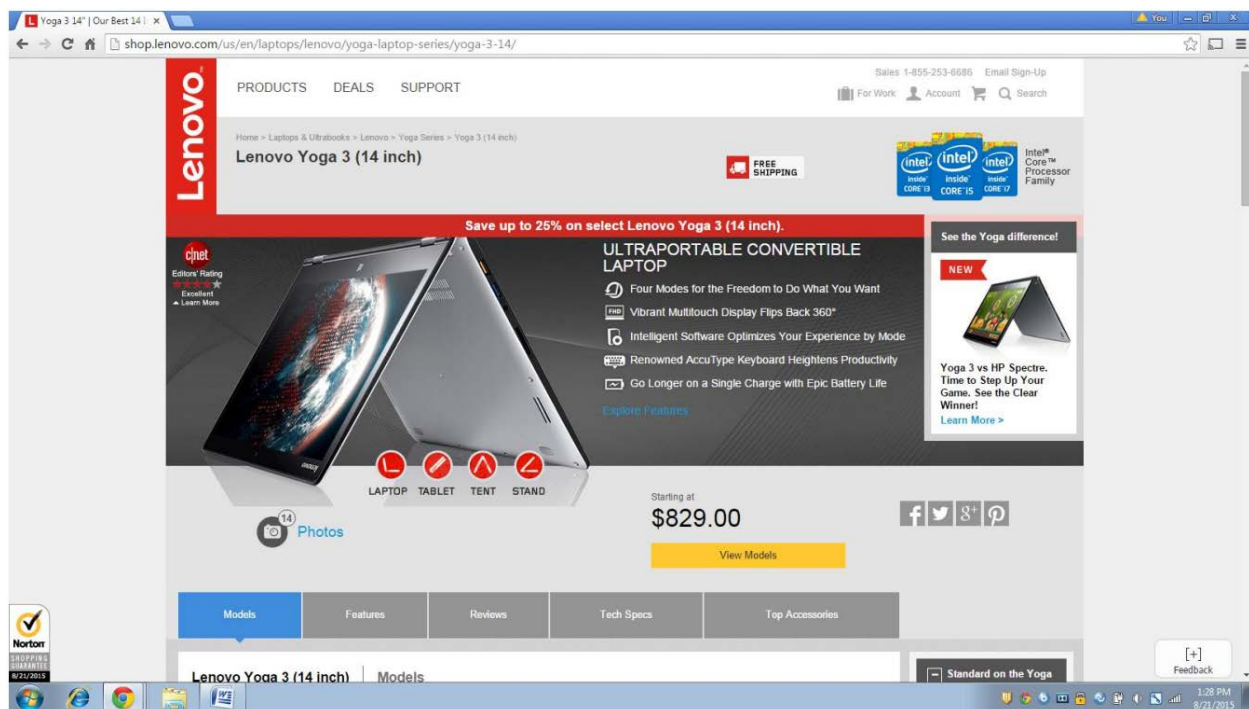
38. The first screenshot submitted by Lenovo Beijing shows the website https://www.lenovo.com/us/en/pc-nfe/?s_tnt=133500%3A1%3A0&adobe_mc_sdid=SDID%3D0DE8A22765823A5D-54865DF655F16C62%7CMCORGID%3DF6171253512D2B8C0A490D45%40AdobeOrg%7CTS%3D1609357172&adobe_mc_ref=https%3A%2F%2Fwww.lenovo.com%2Fus%2Fen%2F, which touts the four usage modes of the Yoga 3 Pro, Yoga 3 (14 inch), Yoga 3 (11 inch) and Yoga 2 (13 inch), each of which are included in the Accused Products defined below:



39. The second screenshot submitted by Lenovo Beijing shows the website

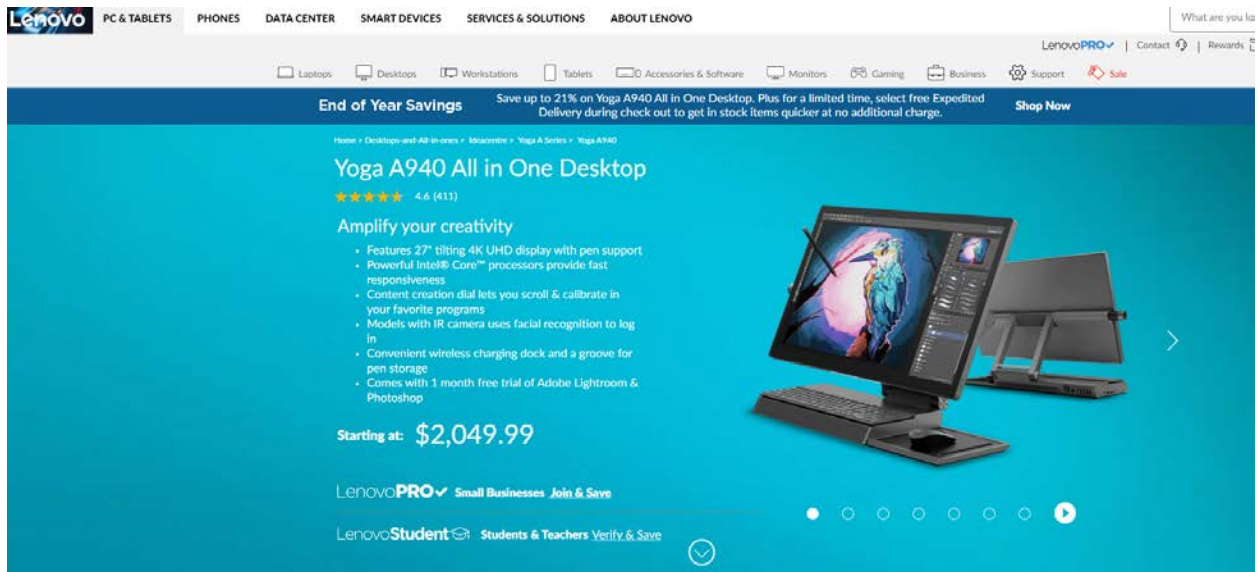
https://www.lenovo.com/us/en/pc-nfe/?s_tnt=133500%3A1%3A0&adobe_mc_sdid=SDID%3D0E717C6A62B94068-219E7A964456AC62%7CMCORGID%3DF6171253512D2B8C0A490D45%40AdobeOrg%7CTS%3D1609357248&adobe_mc_ref=https%3A%2F%2Fwww.lenovo.com%2Fus%2Fen%2F,

which offers to sell the Yoga 3 (14 inch) for \$829.00 and includes “Free Shipping.” The website touts “Four Modes for the Freedom to Do What You Want” and lists “Laptop,” “Tablet,” “Tent” and “Stand” beneath an image of the Lenovo Yoga 3 operating in tent mode:



40. The Statement of Use submitted by Lenovo Beijing included a declaration that stated that “the applicant is the owner of the mark sought to be registered; the mark is in use in commerce; for a trademark or service mark application, the applicant is using the mark in commerce on or in connection with all the goods/services in the application or notice of allowance.”

41. Lenovo Beijing uses the YOGA mark in its advertising of the Yoga A940 on the Lenovo.com Domain:



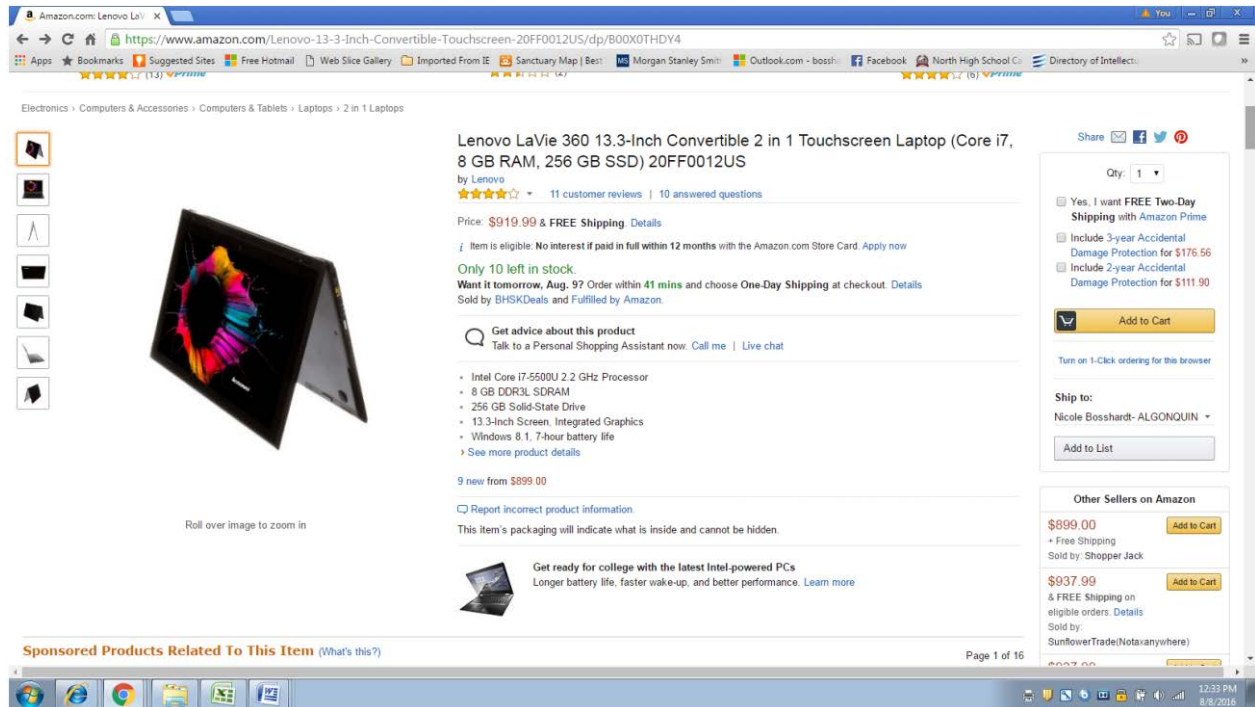
42. Lenovo Beijing uses its YOGA trademark on the back of the screen on the A940 in addition to materials that come with the Yoga A940, such as the setup guide seen below:



43. Lenovo Beijing's Lenovo.com Domain began touting the Yoga A940 using the YOGA and LENOVO marks in January 2019. <https://news.lenovo.com/pressroom/press-releases/lenovo-yoga-smartest-consumer-computers-yet/>; <https://news.lenovo.com/lenovo-unboxed-yoga-a940-all-in-one-pc/>

44. The Accused Products represent a significant portion of the personal computers that use the YOGA trademark that are advertised as available for sales from the Lenovo.com Domain. Lenovo Beijing's ownership of the YOGA mark in the United States illustrates its intent to use the mark in commerce in the United States.

45. On March 4, 2015, Lenovo Beijing submitted an application for U.S. Serial No. 86553493 to the mark LENOVO LAVIE for goods that include "laptop computers." On August 9, 2016, applicant Lenovo Beijing submitted a Statement of Use, which included the statement: "The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 05/00/2015, and first used in commerce at least as early as 05/00/2015, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) screen shot of websites showing product for sale." Lenovo Beijing submitted to the Trademark Office a screenshot of the website www.amazon.com/Lenovo-13-3-Inch-Convertible-Touchscreen-20FF0012US/dp/B00X0THDY4, which offers to sell for \$919.00 the Lenovo LaVie 360, which is included in the Accused Products defined below. The website includes an image of the Lenovo LaVie 360 operating in tent mode, and identifies Lenovo as the seller:



<http://tsdr.uspto.gov/documentviewer?caseId=sn86553493&docId=SOU20160810165541#docIndex=4&page=1>

46. The Statement of Use submitted by Lenovo Beijing in connection with the LENOVO LAVIE mark included a declaration stating that “the applicant is the owner of the mark sought to be registered; the mark is in use in commerce; for a trademark or service mark application, the applicant is using the mark in commerce on or in connection with all the goods/services in the application or notice of allowance.”

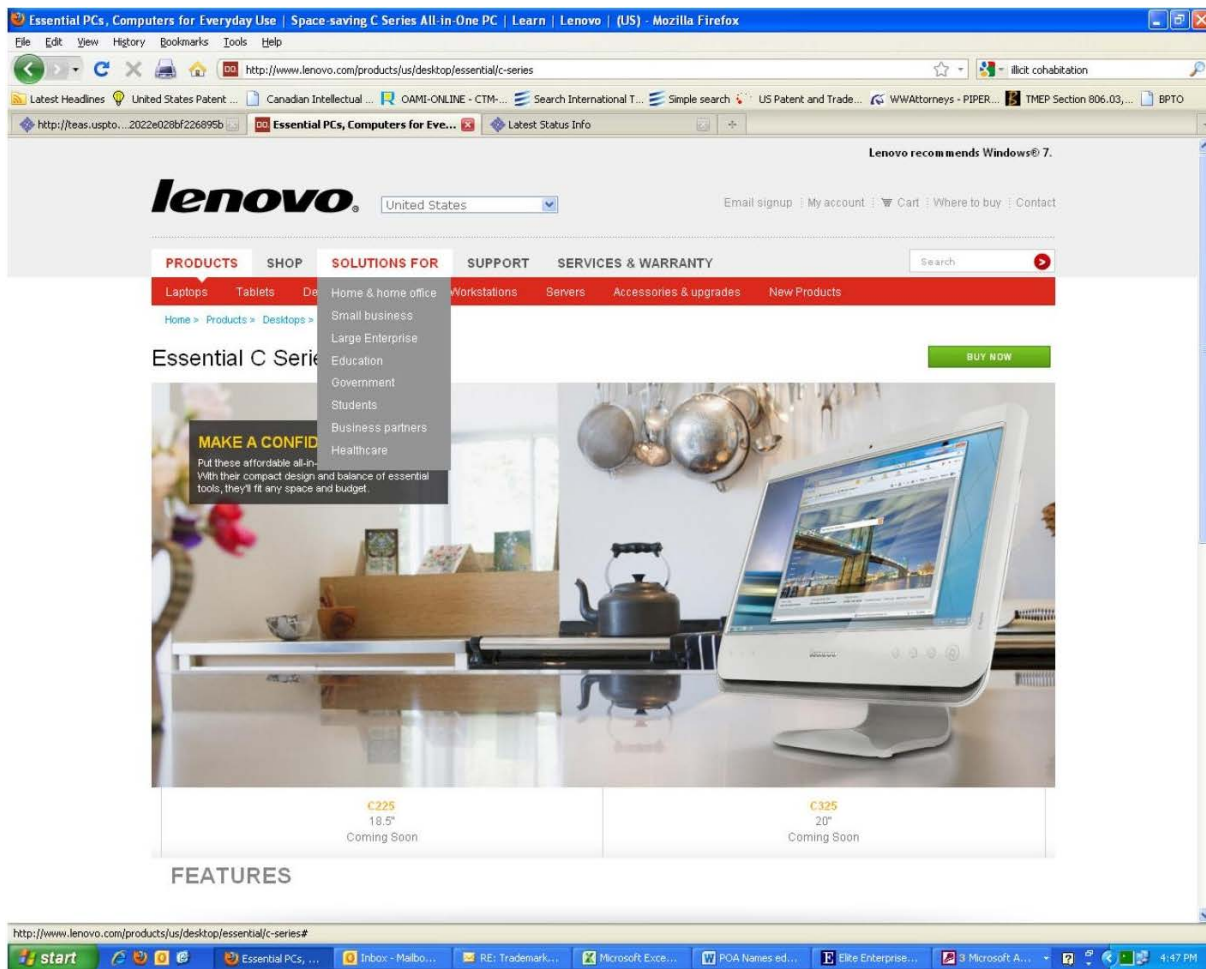
47. Lenovo Beijing owns U.S. Registration No. 3,149,377 to the mark LENOVO for goods that include “computers” and “notebook computers” and for services that include “installation, maintenance and repair of computer hardware.”

48. On October 13, 2011, Lenovo Beijing submitted a Declaration of Use that included the following declaration: “The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the

mark as used in commerce.”

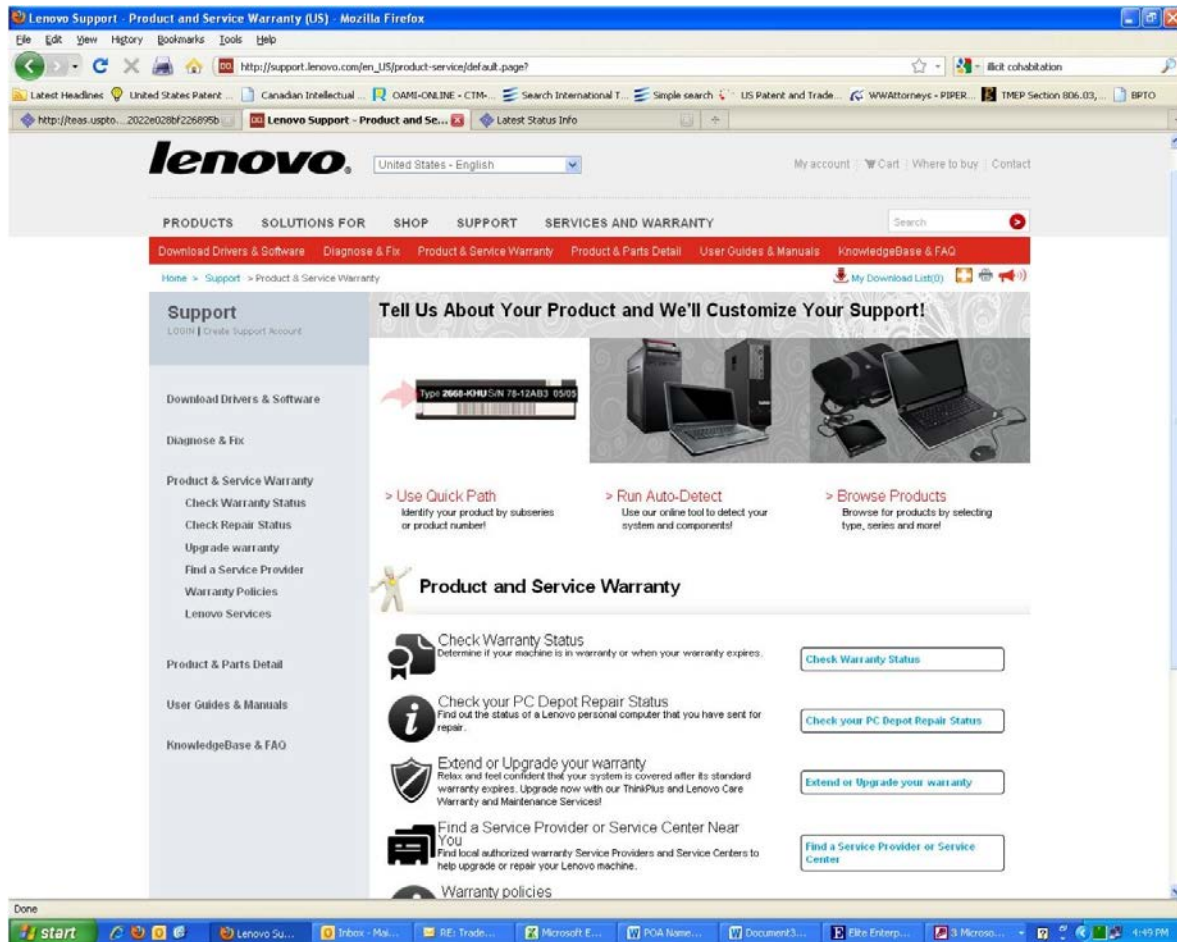
<http://tsdr.uspto.gov/documentviewer?caseId=sn78217242&docId=81520111014155540#docIndex=6&page=1>

49. Lenovo Beijing submitted a specimen on October 13, 2011 that included a screenshot of the Lenovo.com Domain, www.lenovo.com/products/us/desktop/essential/c-series, which advertised products to be offered for sale in the United States:



50. The specimen that Lenovo Beijing submitted on October 13, 2011 also included screenshots of the Lenovo.com Domain, www.lenovo.com/en_US/product-service/default.page?,

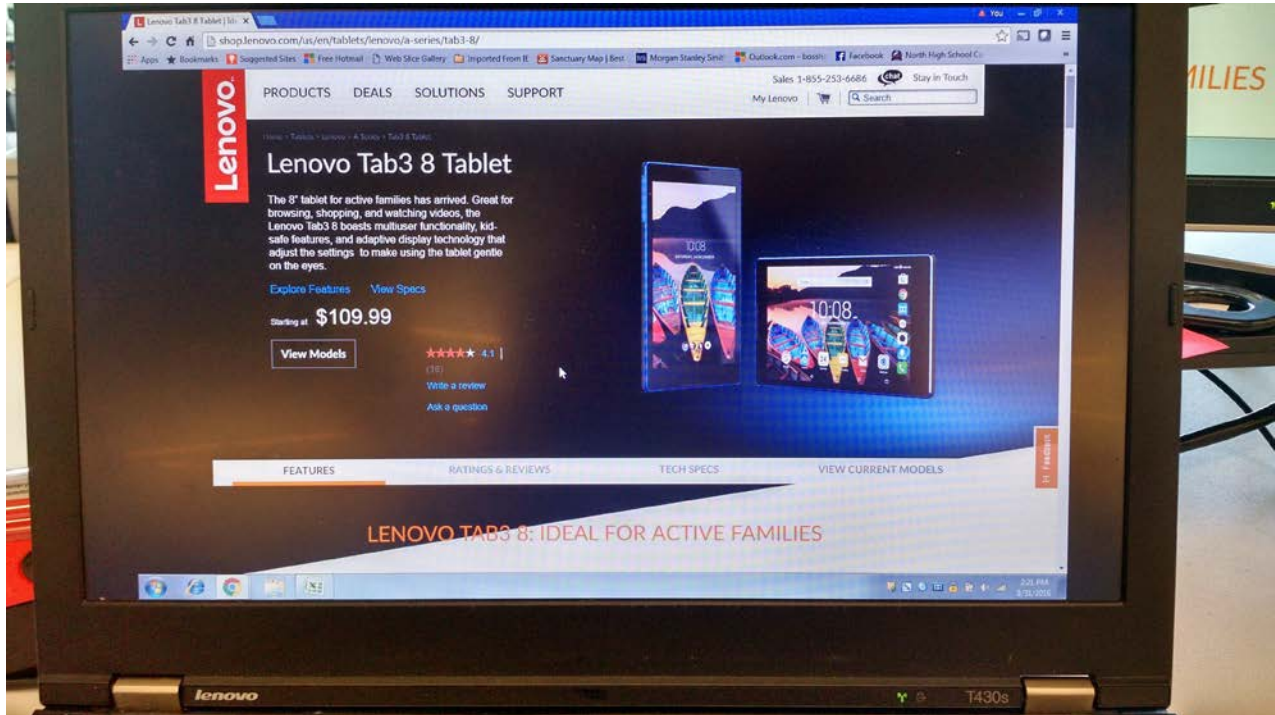
which allowed customers in the United States to check the status of their product and service warranty, upgrade their warranty, or access their warranty policies:



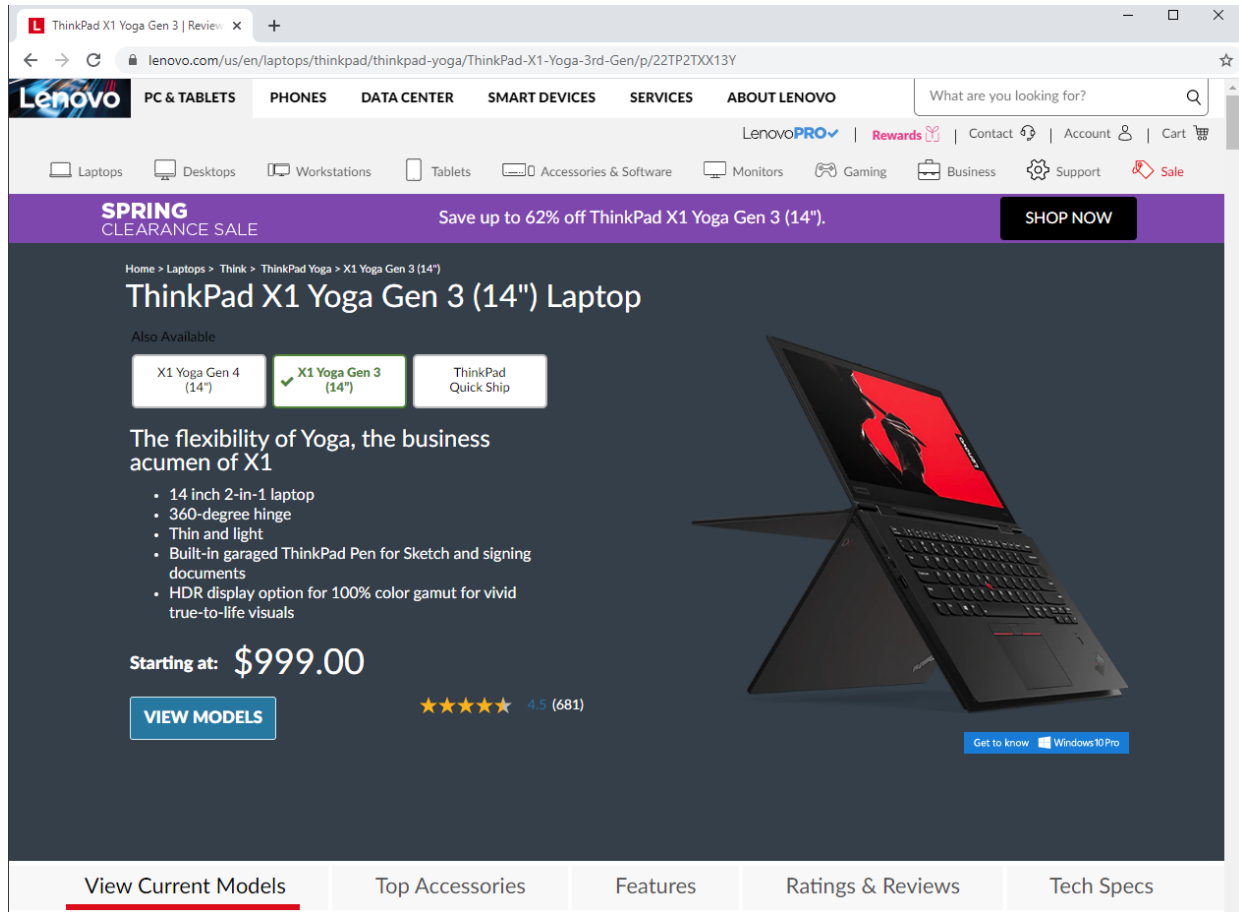
51. Lenovo Beijing continues to use the LENOVO mark on the Lenovo.com Domain, which allows customers in the United States who have purchased the Accused Products to lookup their warranty, purchase a warranty upgrade, or view their warranty policies.

The screenshot shows the Lenovo Warranty Lookup page. At the top, there is a navigation bar with the Lenovo logo, links for SHOP, SUPPORT, and COMMUNITY, a search icon, a 'My Account' link, and flags for language and region. Below the navigation bar, the page title is 'Warranty Lookup'. The main content area features a search bar with the placeholder text 'Search By Serial Number' and a 'Submit' button. Below the search bar is a 'Detect My Device' button. The page also includes six service tiles arranged in two rows. The first row contains 'Purchase a warranty upgrade', 'Register Products & Services', and 'View Warranty Policies'. The second row contains 'Contact us', 'Run batch query', and 'Option & Accessory Warranty'. A 'Feedback' button is located in the bottom right corner.

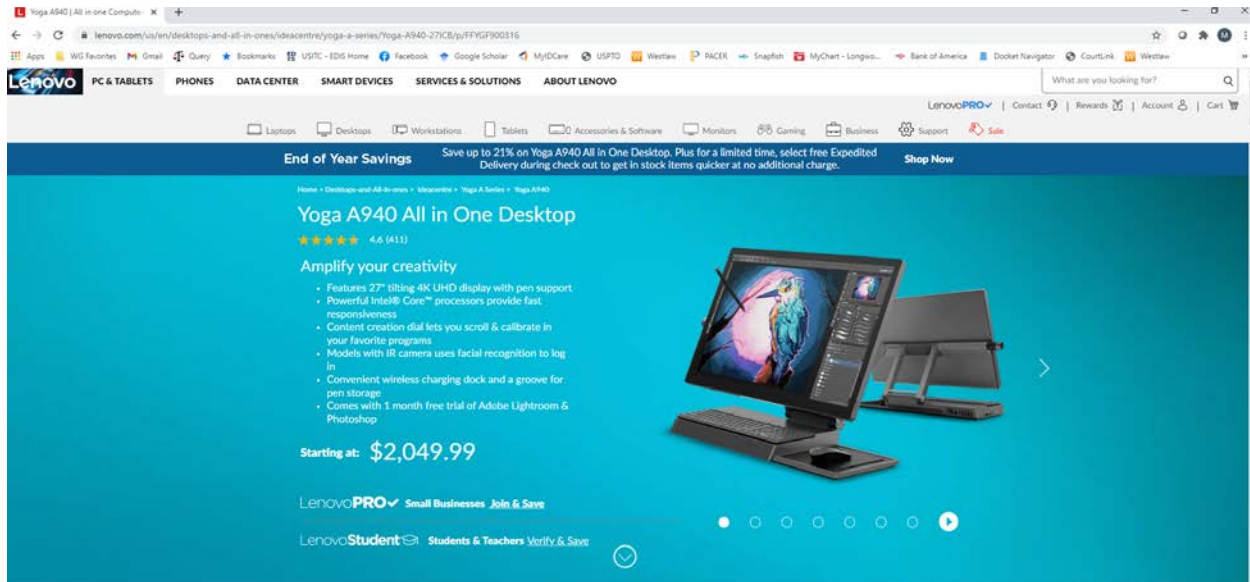
52. On August 31, 2016, Lenovo Beijing submitted a Declaration of Use that included a specimen in which the use of the LENOVO mark on Lenovo Beijing's Lenovo.com Domain is visible, and is used in connection with an offer to sell a product within the United States.



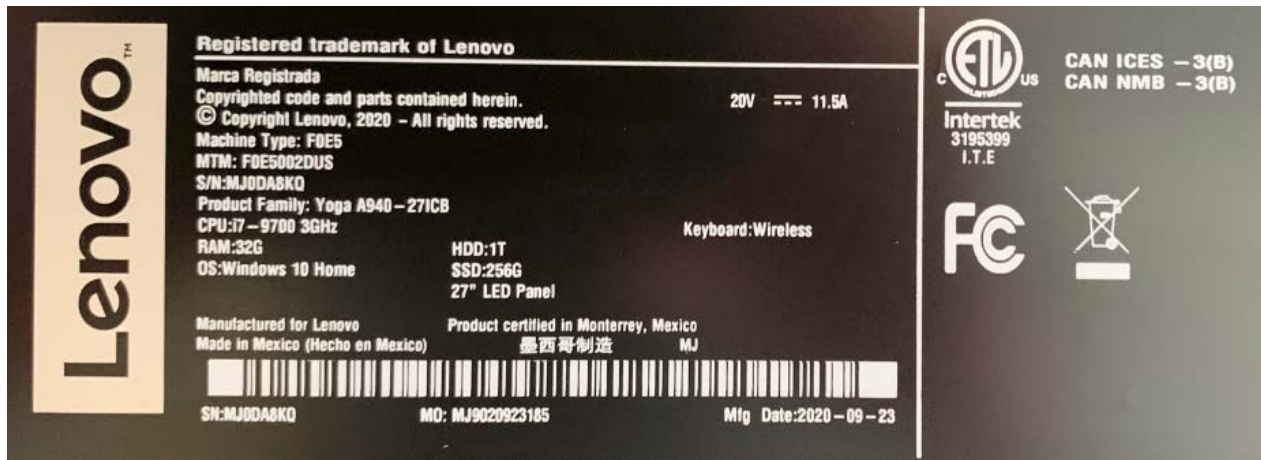
53. Lenovo Beijing continues to use the LENOVO mark on the Lenovo.com Domain in connection with offers to sell products within the United States, including each of the Accused Products (defined below). For example, Lenovo Beijing displays the LENOVO mark on the Lenovo.com Domain in connection with its offer to sell to customers within the United States, including customers within Delaware, the 3rd Generation ThinkPad X1 Yoga, which is included in the Accused Products.



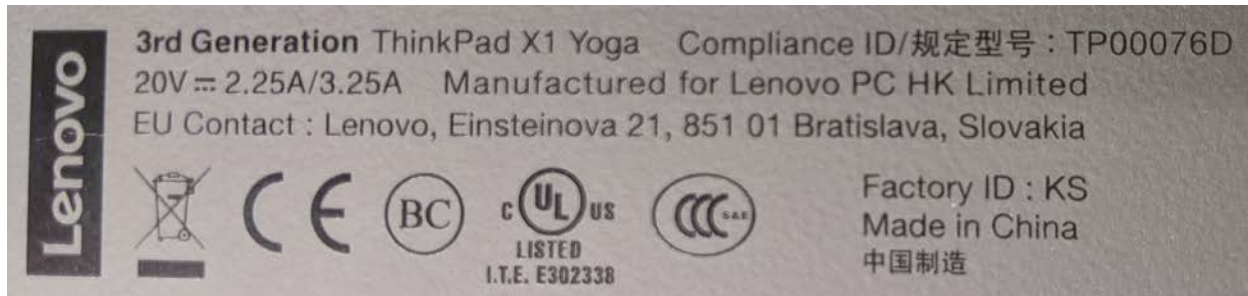
54. Lenovo Beijing also displays the LENOVO mark on the Lenovo.com Domain in connection with its offer to sell to customers within the United States, including customers within Delaware, the Lenovo A940 All in One Desktop, which is one of the Accused Products:



55. A Yoga A940, which is one of the Accused Products, was purchased in Delaware from the Lenovo.com Domain. The underside of the device bears Lenovo Beijing's LENOVO mark:



56. A 3rd Generation ThinkPad X1 Yoga, which is one of the Accused Products, was purchased in the United States from Lenovo Beijing's Lenovo.com Domain. The underside of the device bears Lenovo Beijing's LENOVO mark.



57. The Accused Products are a significant source of revenue for Lenovo. In May 2019, the president of Lenovo’s North America Intelligent Devices Group, Matthew Zielinski, stated: “We took back the lead as the No. 1 PC company in the world. We hit a global market share of 24.6 percent [for the fourth quarter of 2018, according to IDC], which is 16 percent growth. ... Through calendar Q4 of last year, we were the fastest-growing PC manufacturer in the largest five. Our shipments jumped 29 percent year to year, and in calendar Q4 we outgrew the market by 26 points—just some astounding growth numbers there. That is North America alone. Not only was it 26 percent year-on-year growth, but we were just way faster by a country mile relative to the competition. ... We’re absolutely on fire, and I’m extraordinarily bullish on our plans for next year.” <https://www.crn.com/slide-shows/mobility/lenovo-s-matthew-zielinski-intelligent-devices-group-is-absolutely-on-fire>. Lenovo’s 2019 Annual Report states that the PC and Smart Device (PCSD) Business, which is part of Lenovo’s Intelligent Devices Group, had “a record revenue of US \$38,475 million for the fiscal year, representing approximately 75 percent of the Group’s total revenue.” (2019 Annual Report, p. 18). The 2019 Annual Report stated that market share gain and revenue growth “were mainly driven by Asia Pacific (AP) and North America (NA).” (*Id.*) The Accused Products fall within Lenovo’s PCSD Business. Given that Lenovo accounts for nearly a quarter of global market share for personal computers, given Lenovo’s “astounding growth” in North America, given that the PCSD Business that supplies the Accused Products had over \$38 billion in revenues in 2019, and given the large number of

devices in the Accused Products (defined below), upon information and belief customers in United States, including in Delaware, have purchased the Accused Products from Lenovo Beijing's website in the past six years.

58. Lenovo Beijing plays a significant role in realizing the revenue for one or more of the Accused Products. For example, Lenovo Beijing's development and design of one or more of the Accused Products, its role with the manufacture and distribution of one or more of the Accused Products, its role getting authorization to import and sell one or more of the Accused Products in the United States and Delaware, its control over the trademarks used with the Accused Products, and its control over the Lenovo.com Domain are all important to generating the revenue associated with those Accused Products.

59. On information and belief, people in Delaware and in the United States who buy products from the Lenovo.com Domain understand that they are entering into a sales agreement with Lenovo Beijing. The Sales Agreement available on the Lenovo.com Domain generically refers to "Lenovo." <https://www.lenovo.com/us/en/legal/sales-agreement/>. A person in Delaware or the United States who used a WHOIS database to check who the "Lenovo" providing the Sales Agreement would learn that Lenovo Beijing owns the Lenovo.com Domain. <https://who.is/whois/lenovo.com>. Nothing on the Lenovo.com Domain indicates that the Sales Agreement between "Lenovo" and customers in Delaware and the United States is actually an agreement with Lenovo US. Consequently, on information and belief, people in Delaware and the United States understand that the Sales Agreement on the Lenovo.com Domain is with Lenovo Beijing.

60. Lenovo Beijing's purposeful contact with the United States and with Delaware is evidenced by the following Lenovo Beijing conduct: involvement in the development and design

of one or more of the Accused Products for use in the United States and Delaware; involvement in the manufacture and distribution of one or more of the Accused Products with the intent that one or more of the Accused Products would be used in the United States and Delaware; involvement in securing compliance with the FCC requirements for marketing, importing, selling and using one or more of the Accused Products in the United States and Delaware; ownership of and control over the trademarks used with the Accused Products; and ownership of, responsibility for and control over the Lenovo.com Domain. But for these purposeful contacts by Lenovo Beijing, one or more of the Accused Products would not have been imported, offered for sale, sold, and used within the United States and Delaware, and therefore LiTL's infringement claims arise from these contacts.

61. Lenovo has promoted one or more of the Accused Products at one or more conventions, conferences, or trade shows in the United States. <https://www.lenovo.com/us/en/events/ces/products>. On information and belief, Lenovo Beijing and one or more of its employees has assisted Lenovo with preparation for such conventions or has attended such conventions on Lenovo's behalf. On information and belief, at such events, Lenovo Beijing employees spoke with consumers in the United States, and offered to sell or sold one or more of the Accused Products to consumers in the United States, or assisted other in doing so. On information and belief, such consumers may have been from Delaware or received such purchased Accused Products in Delaware. For example, Yuanqing Yang, the CEO of Lenovo Group and the leader of Lenovo Beijing spoke at CES 2019 in Las Vegas, where many of the Accused Products were promoted:



<https://www.flickr.com/photos/lenovophotolibrary/46182094565/in/album-72157689698831183/>



<https://www.flickr.com/photos/lenovophotolibrary/40130936643/in/album-72157689698831183/>

62. The Yoga A940 was showcased and used on or around January 9, 2019, as evidenced by the below photo from an album entitled “Lenovo at CES 2019” in Lenovo’s official Flickr account, which states that the photo was “taken on January 9, 2019.”



<https://www.flickr.com/photos/lenovophotolibrary/32153906207/in/album-72157689698831183/>

63. Lenovo US and Lenovo Beijing are part of a coordinated operation for making, importing, offering to sell, selling, and/or using the Accused Products in the United States and Delaware. On information and belief, Lenovo US and Lenovo Beijing share the same management, common ownership, advertising platforms, facilities, distribution chains and platforms, and Accused Product lines and products involving related technologies. For example, Lenovo Group's CEO, Mr. Yang Yuanqing, "formulates and recommends the strategy of the Group"—defined to include Lenovo US and Lenovo Beijing—and then "executes the strategy agreed by the Board." <https://doc.irasia.com/listco/hk/lenovo/annual/2020/ar2020.pdf>. "The Group is controlled through the Board who is responsible for steering the success of the Group by overseeing the overall strategy and directing and supervising its affairs in a responsible and effective manner." Lenovo US and Lenovo Beijing are both parties of a coordinated operation that introduces the Accused Products into the stream of commerce with the knowledge, expectation, and intent that they will be sold and used in Delaware and the United States.

64. The Court exercising personal jurisdiction over Lenovo Beijing is reasonable and consistent with the constitutional requirement of “fair play and substantial justice.” As a resident of Delaware, LiTL’s interest in litigating in Delaware is high. Delaware’s interest in providing a forum for its residents to protect its rights is high, as is its interest in discouraging injuries in Delaware. Further, Delaware has a substantial interest in cooperating with other states to provide a forum for efficiently litigating LiTL’s cause of action.

65. The discovery burden on Lenovo Beijing is not significant. Lenovo Beijing asserts that discovery is limited in China, which if true, would mitigate the burden on Lenovo Beijing.

66. For the foregoing reasons, Lenovo Beijing is subject to the personal jurisdiction of this Court under Federal Rule of Civil Procedure 4(k)(1) and the Delaware Long Arm Statute. Alternatively, if Lenovo Beijing is not subject to the personal jurisdiction of the courts of Delaware, then it is subject to the personal jurisdiction of this Court under Federal Rule of Civil Procedure 4(k)(2) because it has minimum contacts with the United States.

67. On information and belief, jurisdictional discovery about the following types of conduct by Lenovo Beijing would reveal additional reasons that Lenovo Beijing is subject to the personal jurisdiction of this Court:

- registering and exercising control over the Lenovo.com Domain and the use of the Lenovo.com Domain by Lenovo US;
- developing and designing of any of the Accused Products to comply with United States regulations required to import, offer to sell, sell, and use those Accused Products in the United States, including Lenovo Beijing’s development and design of the Yoga A940;

- applying and securing approval from United States regulatory agencies to import, sell, and use one or more of the Accused Products in the United States;
- involvement with and control over the manufacture of the Accused Products;
- use of the established distribution networks for the Accused Products that Lenovo Beijing created, controls, or uses;
- involvement with importation and sales of Accused Products in the United States and Delaware;
- the extent of Lenovo Beijing's knowledge of and investigation of the Asserted Patents;
- registering trademarks in the United States and control over the use of those trademarks by Lenovo US;
- the importance of the Accused Products to Lenovo Beijing;
- involvement in realizing the revenue associated with the Accused Products;
- participation in conventions and conferences in the United States;
- the relationship between Lenovo Beijing and Lenovo US regarding the design, development, manufacture, distribution, importation into the United States, and sale in the United States and Delaware of the Accused Products; and
- the burdens on Lenovo Beijing associated with litigating in Delaware.

These topics of jurisdictional discovery are exemplary, and LiTL reserves to the right to seek other forms of jurisdictional discovery.

68. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). Lenovo US is incorporated in this District. Upon information and belief, Defendants have transacted business in this District and have committed acts of direct and indirect infringement in this

District by, among other things, making, using, offering to sell, selling, and/or importing products that infringe the Asserted Patents. Lenovo Beijing does not reside in the United States and venue lies in any judicial district pursuant to 28 U.S.C. § 1391(c)(3).

FACTUAL BACKGROUND

LiTL's Patented Technologies

69. In 2007, John Chuang had a vision for a new type of computer. He recognized that traditional computers are designed to meet the needs of everyone from a six year old to the largest employers on earth. Mr. Chuang set out to build a computer for the home that offered a simplified operating environment. Mr. Chuang founded LiTL and assembled a team of hardware and software engineers and user interface designers to achieve his vision.

70. LiTL developed a webbook, a portable computing device, which launched in 2009. LiTL focused on how a family typically uses the Internet in the home, and optimized the webbook's user interface for consuming Internet content.





<http://web.archive.org/web/20091204052449/http://www.litl.com/essays/hardware.htm>

71. The webbook provided multiple display modes. In laptop mode, users access a keyboard and touchpad to browse the Internet and access apps that can be arranged as a set of cards.



<http://web.archive.org/web/20091204052449/http://www.litl.com/essays/hardware.htm>

72. Rotating the webbook display into “easel mode” allows users to easily consume content from the Internet via a streamlined, intuitive interface.



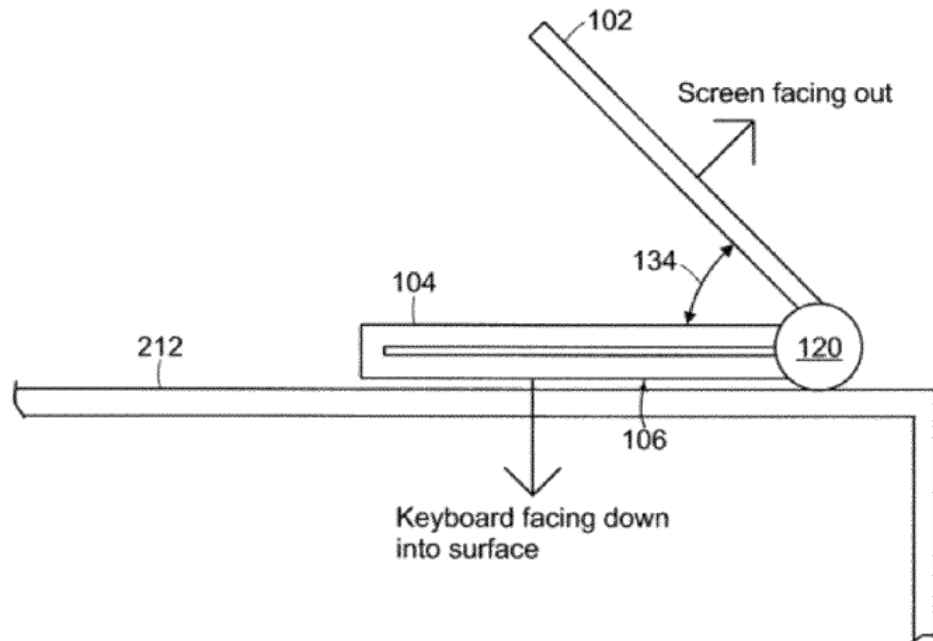
<http://web.archive.org/web/20091201114605/http://www.litl.com/easy-to-use/intuitive-interface.htm>

73. In easel mode the webbook's keyboard faces away from the user, and content is enlarged on the display for easier viewing from further away.



<http://web.archive.org/web/20130420102239/http://litl.com/webbook/meet-webbook/more-fun.htm>

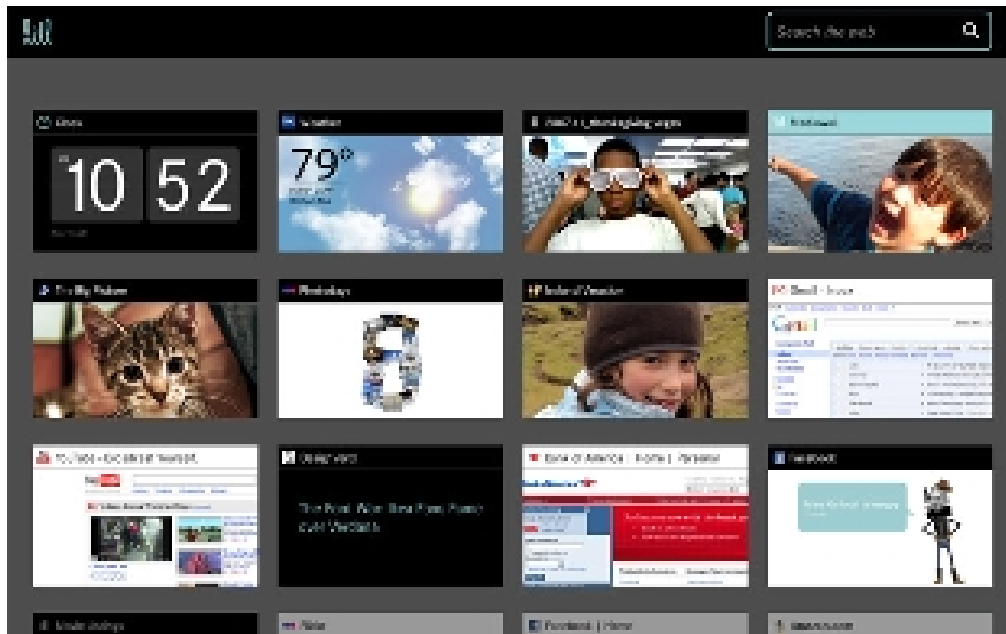
74. The webbook can also be configured in “frame mode,” in which the keyboard faces down into the surface on which the webbook rests.



'688 patent, Figure 26.

75. The webbook delivers content from a user's favorite websites via "channels" to provide an experience that resembles watching television.





<http://web.archive.org/web/20091204052453/http://www.litl.com/essays/software.htm>

76. LiTL's continuing investment in innovation has produced a portfolio that includes over 20 patents in the United States and other countries across the globe.

LiTL's Asserted Patents

77. This complaint focuses on six LiTL patents directed to various aspects of computing devices that can be used in multiple display modes.

78. LiTL is the current owner by assignment of the entire right, title and interest in and to the '688 patent titled "Portable computer with multiple display configurations." LiTL filed U.S. Pat. App. No. 12/170,939 on July 10, 2008, which published as U.S. Pub. No. 2009/0244832 ("832 Publication"), and the application issued as the '688 patent on October 16, 2012. The patent is generally directed to portable computers configurable between a plurality of display modes. A copy of the '688 patent is attached as Exhibit A.

79. LiTL is the current owner by assignment of the entire right, title and interest in and to the '844 patent titled "Portable computer with multiple display configurations." LiTL filed U.S. Pat. App. No. 12/170,951 on July 10, 2008, which published as U.S. Pub. No.

2009/0244012 (“’012 Published Application”), and the application issued as the ’844 patent on January 7, 2014. The patent is generally directed to portable computers configurable between a plurality of display modes. A copy of the ’844 patent is attached as Exhibit B.

80. LiTL is the current owner by assignment of the entire right, title and interest in and to the ’154 patent titled “Portable computer with multiple display configurations.” The ’154 patent was duly and legally issued on May 14, 2019. The patent is generally directed to portable computers configurable between a plurality of display modes. A copy of the ’154 patent is attached as Exhibit C.

81. LiTL is the current owner by assignment of the entire right, title and interest in and to the ’715 patent titled “System and method for streamlining user interaction with electronic content.” The ’715 patent was duly and legally issued on January 30, 2018. The patent is generally directed to a user interface configured to display a plurality of views of computer content. A copy of the ’715 patent is attached as Exhibit D.

82. LiTL is the current owner by assignment of the entire right, title and interest in and to the ’888 patent titled “Method and apparatus for managing digital media content.” The ’888 patent was duly and legally issued on December 17, 2013. The patent relates generally to accessing and managing digital media libraries on streamlined computing devices with a plurality of selectable I/O profiles. A copy of the ’888 patent is attached as Exhibit E.

83. LiTL is the current owner by assignment of the entire right, title and interest in and to the ’957 patent titled “System and method for streamlining user interaction with electronic content.” The ’957 patent was duly and legally issued on November 5, 2013. The patent is generally directed to streamlined computer devices configured to perform a remote access operation. A copy of the ’957 patent is attached as Exhibit F.

84. LiTL complied with its obligations under 35 U.S.C. § 287.

85. The Asserted Patents were well-known to personal computing companies because the Asserted Patents and their published applications are frequently cited during prosecution of patent applications owned by personal computing companies.

86. The Asserted Patents belong to a family whose members have been cited over 900 times in the prosecution of third-party patent applications.

87. The '688 patent and its corresponding published application have been cited at least 284 times in patents or publications assigned to major players in the personal computing space, as depicted below. Lenovo Group and its subsidiaries are fifth in the list of assignees whose patents and patent applications have cited the '688 patent and its published application

| Ultimate Parent of Assignee | Citations to '688 Patent | Citations to Published App. | Total Citations |
|------------------------------------|---------------------------------|------------------------------------|------------------------|
| Microsoft Corp. | 35 | 54 | 89 |
| Apple Inc. | 13 | 16 | 29 |
| Intel Corp. | 19 | 7 | 26 |
| Google Inc. | 10 | 2 | 12 |
| Lenovo Group Ltd. | 6 | 3 | 9 |
| Hewlett Packard Co. | 6 | 2 | 8 |
| Dell Inc. | 4 | 2 | 6 |
| Other (excluding LiTL) | 32 | 73 | 105 |
| Total | 125 | 159 | 284 |

88. The '844 patent and its corresponding published application have been cited at least 112 times in patents or publications assigned to major players in the personal computing space. Lenovo Group and its subsidiaries are third in the list of assignees whose patents and patent applications have cited the '844 patent and its published application.

| Ultimate Parent of Assignee | Citations to '844 Patent | Citations to Published App. | Total Citations |
|------------------------------------|---------------------------------|------------------------------------|------------------------|
| Microsoft Corp. | 16 | 1 | 17 |
| Apple Inc. | 0 | 12 | 12 |
| Lenovo Group Ltd. | 1 | 8 | 9 |
| Google Inc. | 3 | 5 | 8 |
| Intel Corp. | 2 | 2 | 4 |
| Dell Inc. | 2 | 1 | 3 |
| Other (excluding LiTL) | 24 | 35 | 59 |
| Total | 48 | 64 | 112 |

89. The '154, '715, '888 and '957 patents are descendants of the '688 and '844 patents.

90. According to a 2015 article by Lenovo Beijing employee Fred Gao, from the “Patent Management” department: “Lenovo’s IP strategy is an integral part of the innovation cycle and product design process. R&D teams work closely with the company’s IP lawyers from product conception through to manufacture and commercialization to develop effective IP strategies for new products. ... Lenovo’s Yoga Laptop, which combines its unique 360-degree rotating screen with standard tablet and laptop functionality, boasts around 100 patent and design rights.” https://www.wipo.int/wipo_magazine/en/2015/03/article_0002.html

91. Given the close working relationship between Lenovo Beijing’s R&D teams and the company’s IP lawyers, and the numerous patents directed to Lenovo Yoga laptops, several of which cite the '688 and '844 patents and corresponding published applications, on information and belief Lenovo Beijing was aware of each of the Asserted Patents before the filing of the Original Complaint and knew that the Yoga laptop’s 2-in-1 design infringes the Asserted Patents.

Lenovo’s Incorporation of LiTL’s Patented Technologies into Its Computing Devices

92. The allegations provided below are exemplary and without prejudice to LiTL’s infringement contentions. In providing these allegations, LiTL does not convey or imply any particular claim constructions or the precise scope of the claims. LiTL’s claim construction

contentions regarding the meaning and scope of the claim terms will be provided under the Court's scheduling order and local rules.

93. The infringing products include, but are not limited to, IdeaPad Yoga 13; IdeaPad Yoga 11S; Flex 2 (14 inch); Flex 2 (15 inch); Flex 3 (11 inch); Flex 3 (14 inch); Flex 3 (15 inch); Flex 4 (11 inch); Flex 4 (14 inch); Flex 4 (15 inch); Flex 5 (14 inch); Flex 5 (15 inch); Flex 6 (11 inch); Flex 6 (14 inch); Flex 10; Flex 14; Flex 14D; Flex 15; Flex 15D; Edge 15; Edge 2; Yoga 2 (11 inch); Yoga 2 (13 inch); Yoga 2 Pro; Yoga 3 (11 inch); Yoga 3 (14 inch); Yoga 3 Pro; Yoga 260; Yoga 300; Yoga 460; Yoga 500 (14 inch); Yoga 500 (15 inch); Yoga 510 (14 inch); Yoga 510 (15 inch); Yoga 520; Yoga 530; Yoga 700 (11 inch); Yoga 700 (14 inch); Yoga 710 (11 inch); Yoga 710 (14 inch); Yoga 710 (15 inch); Yoga 720 (12 inch); Yoga 720 (13 inch); Yoga 720 (15 inch); Yoga 730 (13 inch); Yoga 730 (15 inch); Yoga 900; Yoga 900S; Yoga 910; Yoga 920; Yoga Book with Windows; Yoga C630; Yoga C640; Yoga S730; Yoga C740 (14 inch); Yoga C740 (15 inch); Yoga S740 (14 inch); Yoga S740 (15 inch); Yoga C930; Yoga Book C930; Yoga C940 (14 inch); Yoga C940 (15 inch); Yoga Slim 7; Yoga P40; LaVie 360; 1st Generation ThinkPad Yoga 11e; 2nd Generation ThinkPad Yoga 11e; 3rd Generation ThinkPad Yoga 11e; 4th Generation ThinkPad Yoga 11e; 5th Generation ThinkPad Yoga 11e; ThinkPad Yoga 12; ThinkPad Yoga 14; ThinkPad Yoga 15; ThinkPad L380 Yoga; ThinkPad L390 Yoga; 1st Generation ThinkPad X1 Yoga; 2nd Generation ThinkPad X1 Yoga; 3rd Generation ThinkPad X1 Yoga; 4th Generation ThinkPad X1 Yoga; 5th Generation ThinkPad X1 Yoga; ThinkPad Yoga X380; ThinkPad Yoga X390; ThinkPad L13 Yoga; Lenovo 300e Windows; Lenovo 300e Winbook; Lenovo N23 Winbook (collectively "Accused Portable Products"); and Lenovo Yoga A940 (together with the Accused Portable Products, the "Accused Products"). The Accused Products are non-limiting examples that were identified based on publicly available information,

and LiTL reserves the right to identify additional infringing activities, products and services, including, for example, on the basis of information obtained during discovery.

94. The Accused Portable Products are convertible devices, which are capable of being used in multiple modes, including laptop mode, tent mode, and stand mode. From 2012 through the present, the Lenovo.com Domain has hosted press releases touting the multi-mode capabilities of the following Accused Portable Products. Lenovo intends that those press releases influence buyers in the United States and Delaware.

- IdeaPad Yoga 13 (October 9, 2012): <https://news.lenovo.com/pressroom/press-releases/lenovo-premiers-yoga-and-debuts-family-of-convertible-devices-designed-for-windows-8/>
- Yoga 11S (May 16, 2013): <https://news.lenovo.com/pressroom/press-releases/lenovo-launches-yoga-11s-convertible/>
- Yoga 2 Pro, ThinkPad Yoga, Flex 14, Flex 15 (September 5, 2013):
<https://news.lenovo.com/pressroom/press-releases/lenovo-expands-multimode-family-with-new-yoga-convertibles-and-flex-dual-mode-devices/>
- Yoga 2, Flex 14D, Flex 15D (January 6, 2014):
<https://news.lenovo.com/pressroom/press-releases/lenovo-adds-more-convertibles-and-detachable-devices-to-multimode-computing-roster/>
- Flex 2 (April 16, 2014): <https://news.lenovo.com/pressroom/press-releases/lenovo-flexes-multimode-muscle-with-new-dual-mode-laptops/>
- Edge 15 (September 4, 2014): <https://news.lenovo.com/pressroom/press-releases/new-lenovo-devices-transform-to-fit-the-board-room-game-room-and-beyond/>

- Yoga 3 Pro (October 9, 2014): <https://news.lenovo.com/pressroom/press-releases/new-lenovo-ultra-slim-yoga-3-pro-adapts-to-users/>
- Flex 3 (January 5, 2015): <https://news.lenovo.com/pressroom/press-releases/lenovo-brings-consumers-new-choices-for-mobile-and-home-computing/>
- LaVie 360 (January 5, 2015): <https://news.lenovo.com/pressroom/press-releases/lenovo-and-necp-introduce-two-lighter-than-air-lavie-z-ultraportables/>
- ThinkPad Yoga, Yoga 3 (January 5, 2015): <https://news.lenovo.com/pressroom/press-releases/lenovo-yoga-family-takes-flexibility-and-interactivity-even-further-with-new-technologies/>
- ThinkPad Yoga 11e (January 21, 2015): <https://news.lenovo.com/pressroom/press-releases/lenovo-gets-back-to-school-with-new-thinkpad-11e-laptops-series/>
- Yoga 260, Yoga 460 (September 2, 2015): <https://news.lenovo.com/pressroom/press-releases/new-thinkpad-yoga-and-thinkcentre-tiny-transform-business-computing/>
- Yoga 900 (October 19, 2015): <https://news.lenovo.com/pressroom/press-releases/new-lenovo-yoga-windows-10-pcs-primed-for-portability/>
- Yoga 700 (October 29, 2015): <https://news.lenovo.com/pressroom/press-releases/new-lenovo-yoga-700-offers-more-options-for-performance-and-portability/>
- Yoga P40 (December 1, 2015): <https://news.lenovo.com/pressroom/press-releases/creativity-without-limits-performance-without-compromise-lenovo-unveils-the-thinkpad-p40-yoga/>
- ThinkPad X1 Yoga (January 3, 2016): <https://news.lenovo.com/pressroom/press-releases/lenovo-unveils-pioneering-modular-thinkpad-x1-tablet/>

- Yoga 900S (January 4, 2016): <https://news.lenovo.com/pressroom/press-releases/lenovo-launches-yoga-900s-as-worlds-thinnest-convertible-laptop/>
- Yoga 510, Yoga 710, Flex 4 (February 21, 2016):
<https://news.lenovo.com/pressroom/press-releases/lenovo-launches-new-travel-ready-windows-10-tablet-and-yoga-laptops/>
- Lenovo N23 (May 10, 2016): <https://news.lenovo.com/pressroom/press-releases/lenovo-launches-new-n23-and-n42-laptops-designed-for-k-12-institutions/>
- Yoga 910 (August 31, 2016): <https://news.lenovo.com/pressroom/press-releases/lenovo-pushes-the-portability-envelope-with-latest-yoga-laptop-and-tablet/>
- Yoga Book (August 31, 2016): <https://news.lenovo.com/pressroom/press-releases/lenovo-reveals-the-yoga-book-the-2-in-1-tablet-for-productivity-and-creativity/>
- Yoga 520, Yoga 720 (February 27, 2017): <https://news.lenovo.com/pressroom/press-releases/lenovo-sets-stage-for-new-mobility-with-smart-connected-devices-services/>
- Yoga 920 (August 31, 2017): <https://news.lenovo.com/pressroom/press-releases/lenovo-connects-consumers-with-powerful-reality-of-todays-new-smart-devices/>
- Yoga 530, Yoga 730 (February 26, 2018): <https://news.lenovo.com/pressroom/press-releases/lenovo-sees-intelligence-transforming-everything-at-mwc-2018-from-devices-to-data-center/>
- Yoga C930 (August 30, 2018): <https://news.lenovo.com/pressroom/press-releases/raising-the-bar-lenovo-design-vp-on-the-new-yoga-c930/>

- Yoga C730 and Yoga A940 (January 8, 2019):
<https://news.lenovo.com/pressroom/press-releases/lenovo-yoga-smartest-consumer-computers-yet/>
- Lenovo 100e Windows, Lenovo 300e Windows (January 22, 2019):
<https://news.lenovo.com/pressroom/press-releases/lenovo-laptops-amplify-learning-experiences-through-digital-innovation/>
- ThinkPad X390 Yoga (February 25, 2019): <https://news.lenovo.com/pressroom/press-releases/intelligent-mobile-computing-showcased-by-latest-thinkpad-laptops-mwc/>
- <https://news.lenovo.com/pressroom/press-releases/smarter-lenovo-thinkpad-laptops-engineered-for-future-workforce/>
- Yoga C740, Yoga S740, Yoga C940 (September 5, 2019):
<https://news.lenovo.com/pressroom/press-releases/lenovo-launches-new-devices-offering-smarter-technology-for-all-ifa-tech-life/>
- Yoga Slim 7 (January 6, 2020): <https://news.lenovo.com/pressroom/press-releases/lenovo-breaks-barriers-with-new-consumer-technology-unveiled-at-ces-2020-2/>
- ThinkPad X13 Yoga, ThinkPad L13 Yoga (February 24, 2020):
<https://news.lenovo.com/pressroom/press-releases/updated-thinkpad-laptop-portfolio-empowers-choice-and-business-freedom/>

95. Convertible devices like the Accused Portable Products have played a significant role in the profitability of Lenovo entities. For example:

- According to a 2013 article, Lenovo's leadership recognized that convertible devices that use the Windows 8 operating system "are helping the company break into the

high-end segment for the North American market.”

<https://www.cio.com/article/2388774/windows-8-convertibles-help-lenovo-break-into-high-end-pc-market.html>

- In a 2013 interview with McKinsey, Lenovo’s leadership explained the impact that the Yoga had on Lenovo’s fortunes in the United States: “Yoga, our ultrabook that functions both as a laptop and tablet, is a good example. Before we launched it, we had never addressed the high-priced laptop market in the US. Now, since launching Yoga, we have a more than 40 percent market share in the \$900-and-above price band in the US retail market. That’s from this one product with just two models, a 13-inch and an 11-inch. It’s been a huge, huge success. And it’s not only helped us to grow our volume and market share but also to build our brand. It has repositioned us as a brand known for innovation.”

http://sites.utexas.edu/chinaecon/files/2015/06/McKinsey_Interview-Lenovo-CEO-Yang.pdf

- In a 2013 interview with the Economic Times, Lenovo’s leadership stated: “Yoga is a hybrid laptop that is also a tablet with touch capability. That’s the future of notebook.” <https://economictimes.indiatimes.com/opinion/interviews/lenovos-protect-and-attack-strategy-helped-it-expand-globally-yang-yuanqing-chairman-and-ceo-lenovo-group/articleshow/18281695.cms>
- In a 2013 interview with the Wall Street Journal, Lenovo’s leadership stated that “high-end products, like the IdeaPad Yoga” had “helped raise average selling prices.” <https://blogs.wsj.com/digits/2013/08/15/qalenovo-ceo-on-smartphones-and-blackberry/>

96. Lenovo entities make, use, sell, offer for sale and import the 3rd Generation ThinkPad X1 Yoga with a Windows 10 operating system and the device's features are described on Lenovo's website in various places, including but not limited to:

- <https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-yoga/ThinkPad-X1-Yoga-3rd-Gen/p/22TP2TXX13Y> ("ThinkPad Webpage")
- <https://www.lenovo.com//us/en/laptops/thinkpad/thinkpad-yoga/ThinkPad-X1-Yoga-3rd-Gen/p/22TP2TXX13Y/gallery/image> ("ThinkPad Photos")
- <https://www.lenovo.com//us/en/laptops/thinkpad/thinkpad-yoga/ThinkPad-X1-Yoga-3rd-Gen/p/22TP2TXX13Y/gallery/video> ("ThinkPad Video")
- https://psref.lenovo.com/syspool/Sys/PDF/Think_Tablets/ThinkPad_X1_Tablet_3rd_Gen/ThinkPad_X1_Tablet_3rd_Gen_Spec.PDF ("ThinkPad Specifications")
- <https://pcsupport.lenovo.com/us/en/products/accessory/pens-and-supplies/thinkpad-pen-pro-for-l380-yoga/solutions/VID500081> ("ThinkPad Yoga Modes")
- https://download.lenovo.com/pccbbs/mobiles_pdf/tp_x1_carbon-yoga_hmm_v3_en.pdf ("ThinkPad Hardware Maintenance Manual")
- <https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/thinkpad-x-series-laptops/thinkpad-x1-yoga-3rd-gen-type-20ld-20le-20lf-20lg/manuals/um500370> ("ThinkPad HTML User Guide")
- https://download.lenovo.com/pccbbs/mobiles_pdf/x1yoga_x1carbon_ug_en.pdf ("ThinkPad User Guide")

97. The user guide for the 3rd Generation ThinkPad X1 Yoga describes four operating modes.

Get to know YOGA modes (for X1 Yoga only)

Your computer display can be rotated to any angle up to 360 degrees.

Attention: Do not rotate the computer display with too much force, or apply too much force to the upper-right or upper-left corner of the computer display. Otherwise, the computer display or hinges might get damaged.



Your computer features the following four YOGA modes. You can switch among different modes according to your preference.

See ThinkPad User Guide, p. 28.

98. The keyboard is automatically disabled in three of the four operating modes.

Your computer features the following four YOGA modes. You can switch among different modes according to your preference.

Note: The keyboard and the pointing devices are automatically disabled in the stand mode, tent mode, and tablet mode. Use the touch screen to control your computer instead.

**Notebook mode****Stand mode****Tent mode****Tablet mode**

See ThinkPad User Guide, pp. 28-29.

99. On information and belief, the Accused Portable Products identified in the table below were and continue to be made, sold, and offered for sale with Windows 10 pre-installed and are capable of operating in the four operating modes described in the preceding paragraph:

| | |
|------------------|---|
| Flex 3 (11 inch) | https://www.lenovo.com/us/en/laptops/lenovo/flex-series/flex-3-11/ |
| Flex 3 (14 inch) | https://www.lenovo.com/us/en/laptops/lenovo/flex-series/flex-3-14/ |
| Flex 3 (15 inch) | https://www.lenovo.com/us/en/consumer-notebook/ideapad/ideapad-flex-series/Lenovo-Flex-3-1580/p/88LG8FX0647 |
| Flex 4 (11 inch) | https://www.lenovo.com/us/en/laptops/ideapad/ideapad-flex-series/IdeaPad-Flex-4-11-inch/p/88IP8FX0737 |
| Flex 4 (14 inch) | https://www.lenovo.com/us/en/laptops/ideapad/ideapad-flex-series/Lenovo-ideapad-FLEX-4-1470/p/88IP8FX0685 |

| | |
|--------------------|---|
| Flex 4 (15 inch) | https://www.lenovo.com/us/en/laptops/ideapad/ideapad-flex-series/Lenovo-ideapad-FLEX-4-1570/p/88IP8FX0686 |
| Flex 5 (14 inch) | https://www.lenovo.com/us/en/laptops/ideapad/ideapad-flex-series/Flex-5-14/p/88IP8FX0831 |
| Flex 5 (15 inch) | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/flex-series/flex-5-1570 |
| Flex 6 (11 inch) | https://www.lenovo.com/us/en/laptops/ideapad/ideapad-flex-series/Lenovo-FLEX-6-11IGM/p/88IP8FX0889 |
| Flex 6 (14 inch) | https://www.lenovo.com/us/en/laptops/ideapad/ideapad-flex-series/Lenovo-ideapad-FLEX-6-14IKB/p/88IP8FX0980 |
| Flex 14 | https://www.lenovo.com/us/en/laptops/ideapad/ideapad-flex-series/Lenovo-IdeaPad-FLEX-14IWL/p/88IP8FX1271 |
| Flex 15 | https://www.lenovo.com/us/en/laptops/ideapad/ideapad-flex-series/Lenovo-IdeaPad-FLEX-15IWL/p/88IP8FX1272 |
| Edge 2 | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/lenovo-edge-series-laptops/edge-2-1580 |
| Yoga 3 (14 inch) | https://www.lenovo.com/us/en/laptops/lenovo/yoga-laptop-series/yoga-3-14/ |
| Yoga 260 | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-yoga/Yoga-260/p/22TP2TX260 |
| Yoga 300 | https://www.lenovo.com/us/en/consumer-notebook/lenovo-yoga/essential/Yoga-300-11/p/88YG3000595 |
| Yoga 460 | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-yoga/Yoga-460/p/22TP2TSS460 |
| Yoga 500 (14 inch) | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-500-14isk |
| Yoga 500 (15 inch) | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-500-15isk |
| Yoga 510 (14 inch) | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-510-14ikb |
| Yoga 510 (15 inch) | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-510-15ikb |
| Yoga 520 | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-520-14ikb |
| Yoga 530 | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-530-14ikb |

| | |
|------------------------|---|
| Yoga 700 (11 inch) | https://www.lenovo.com/us/en/laptops/yoga/700-series/Lenovo-YOGA-700-11ISK/p/88YG7000616 |
| Yoga 700 (14 inch) | https://www.lenovo.com/us/en/laptops/yoga/700-series/yoga-700-14/ |
| Yoga 710 (11 inch) | https://www.lenovo.com/us/en/laptops/yoga/700-series/Yoga-710-11/p/88YG7000723 |
| Yoga 710 (14 inch) | https://www.lenovo.com/us/en/laptops/yoga/700-series/Lenovo-YOGA-710-14IKB/p/88YG7000771 |
| Yoga 710 (15 inch) | https://www.lenovo.com/us/en/laptops/yoga/700-series/Lenovo-YOGA-710-15IKB/p/88YG7000772 |
| Yoga 720 (12 inch) | https://www.lenovo.com/us/en/laptops/yoga/700-series/Yoga-720-12/p/88YG7000919 |
| Yoga 720 (13 inch) | https://www.lenovo.com/us/en/laptops/yoga/700-series/Yoga-720-13/p/88YG7000827 |
| Yoga 720 (15 inch) | https://www.lenovo.com/us/en/laptops/yoga/700-series/Yoga-720-15/p/88YG7000828 |
| Yoga 730 (13 inch) | https://www.lenovo.com/us/en/laptops/yoga/700-series/Yoga-730-13-/p/88YG7000964 |
| Yoga 730 (15 inch) | https://www.lenovo.com/us/en/laptops/yoga/700-series/Yoga-730-15/p/88YG7000965 |
| Yoga 900 | https://www.lenovo.com/us/en/laptops/yoga/yoga-900-series/Yoga-900-13/p/88YG9000571 |
| Yoga 900S | https://www.lenovo.com/us/en/laptops/yoga/yoga-900-series/Lenovo-YOGA-900S/p/88YG90S0572 |
| Yoga 910 | https://www.lenovo.com/us/en/laptops/yoga/yoga-900-series/Yoga-910/p/88YG9000786 |
| Yoga 920 | https://www.lenovo.com/us/en/laptops/yoga/yoga-900-series/Yoga-920-13/p/88YG9000859 |
| Yoga Book with Windows | https://www.lenovo.com/us/en/tablets/windows-tablets/yoga-book-windows-series/Yoga-Book-with-Windows/p/ZZITZTWYB2L |
| Yoga C630 | https://www.lenovo.com/us/en/laptops/yoga/yoga-c-series/Yoga-C630-13Q50/p/88YGC601090 |
| Yoga C640 | https://www.lenovo.com/us/en/laptops/yoga/yoga-c-series/Yoga-C640/p/88YGC601300 |
| Yoga S730 | https://www.lenovo.com/us/en/laptops/ideapad/ideapad-700-series/Yoga-S730/p/88YGS701077 |

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|--|---|
| Yoga C740 (14 inch) | https://www.lenovo.com/us/en/laptops/yoga/700-series/Lenovo-Yoga-C740-14/p/88YGC701292 |
| Yoga C740 (15 inch) | https://www.lenovo.com/us/en/laptops/yoga/700-series/Lenovo-Yoga-C740-15/p/88YGC701293 |
| Yoga S740 (14 inch) | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-s740-14iil |
| Yoga S740 (15 inch) | https://www.lenovo.com/us/en/laptops/ideapad/ideapad-700-series/Lenovo-IdeaPad-S740-15IRH/p/88IPS701212 |
| Yoga C930 | https://www.lenovo.com/us/en/laptops/yoga/yoga-900-series/Yoga-C930-13IKB/p/88YGC900982 |
| Yoga Book C930 | https://www.lenovo.com/us/en/laptops/yoga/yoga-900-series/Yoga-Book-C930/p/ZZIWZWBYB1J |
| Yoga C940 (14 inch) | https://www.lenovo.com/us/en/laptops/yoga/yoga-900-series/Lenovo-Yoga-C940-14IIL/p/88YGC901221 |
| Yoga C940 (15 inch) | https://www.lenovo.com/us/en/laptops/yoga/yoga-900-series/Lenovo-Yoga-C940-15IRH/p/88YGC901298 |
| Yoga S940 | https://www.lenovo.com/us/en/laptops/ideapad/ideapad-900-series/Lenovo-IdeaPad-S940-14IWL/p/88IPS901238 |
| Yoga Slim 7 (14 inch) | https://www.lenovo.com/us/en/coming-soon/IdeaPad-Slim-7-14ARE05/p/88IPS701400 |
| Yoga Slim 7 (15 inch) | https://www.lenovo.com/us/en/laptops/ideapad/ideapad-700-series/IdeaPad-Slim-7-15IIL05/p/88IPS701406 |
| Yoga P40 | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-p/ThinkPad-P40-Yoga/p/22TP2WPWP40 |
| LaVie 360 | https://www.lenovo.com/us/en/laptops/lenovo/lavie/lavie-360/ |
| 3 rd Generation ThinkPad Yoga 11e | https://www.lenovo.com/us/en/laptops/thinkpad/11e-and-chromebooks/20GA-MT/p/22TP2TX152E20GA |
| 4 th Generation ThinkPad Yoga 11e | https://www.lenovo.com/us/en/laptops/thinkpad/11e-and-chromebooks/ThinkPad-Yoga-11e-4th-Gen/p/22TP2TX153E20HU |
| 5 th Generation ThinkPad Yoga 11e | https://www.lenovo.com/us/en/outletus/laptops/thinkpad/thinkpad-11e-laptops-and-chromebooks/ThinkPad-Yoga-11e-5th-Gen/p/22TP2TX154E20LM |
| 6 th Generation ThinkPad Yoga 11e | https://www.lenovo.com/us/en/coming-soon/11e-Yoga-G6/p/22ED11E11N6 |
| ThinkPad Yoga 14 | https://www.lenovo.com/us/en/laptops/thinkpad/yoga-series/yoga-14/ |
| ThinkPad Yoga 15 | https://www.lenovo.com/us/en/laptops/thinkpad/yoga-series/yoga-15/ |

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|---------------------------------|---|
| ThinkPad L380 Yoga | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-yoga/ThinkPad-L380-Yoga/p/22TP2TBL38020M7 |
| ThinkPad L390 Yoga | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-l/ThinkPad-L390-Yoga/p/WMD00000384 |
| 1st Generation ThinkPad X1 Yoga | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-x/ThinkPad-X1-Yoga-1st-Gen/p/22TP2TXX11Y |
| 2nd Generation ThinkPad X1 Yoga | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-yoga/Thinkpad-X1-Yoga-2nd-Gen/p/22TP2TXX12Y |
| 3rd Generation ThinkPad X1 Yoga | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-yoga/ThinkPad-X1-Yoga-3rd-Gen/p/22TP2TXX13Y |
| 4th Generation ThinkPad X1 Yoga | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-x/X1-Yoga-Gen-4/p/22TP2TXX14Y |
| 5th Generation ThinkPad X1 Yoga | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-x/X1-Yoga-Gen-5/p/22TP2X1X1Y5 |
| ThinkPad Yoga X380 | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-x/ThinkPad-X380-Yoga/p/22TP2TXX380 |
| ThinkPad Yoga X390 | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-x/ThinkPad-X390-Yoga/p/22TP2TX390Y |
| ThinkPad L13 Yoga | https://www.lenovo.com/us/en/laptops/thinkpad/thinkpad-l/ThinkPad-L13-Yoga/p/22TPL13L3Y1 |
| Lenovo 300e Windows | https://www.lenovo.com/us/en/laptops/lenovo/student-laptops/Lenovo-300e-2nd-Gen/p/88EL10S9992 |
| Lenovo 300e Winbook | https://www.lenovo.com/us/en/laptops/lenovo/student-laptops/300e/p/88EL10S1024 |
| Lenovo N23 Winbook | https://www.lenovo.com/us/en/laptops/lenovo/lenovo-n-series/N23/p/88EL10S0756 |

100. According to the Lenovo.com Domain, the Accused Portable Products identified in the table below have been tested for compatibility with Windows 10.

<https://support.lenovo.com/us/en/solutions/ht103535>.

| | |
|------------------|---|
| IdeaPad Yoga 13 | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-13-notebook-ideapad |
| IdeaPad Yoga 11S | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-11s-notebook-ideapad |

| | |
|--|---|
| Flex 2 (14 inch) | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/flex-series/flex-2-14-notebook-lenovo |
| Flex 2 (15 inch) | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/flex-series/flex-2-15-notebook-lenovo |
| Flex 10 | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/flex-series/flex-10-notebook-lenovo |
| Flex 14D | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/flex-series/ideapad-flex-14d-notebook |
| Flex 15D | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/flex-series/ideapad-flex-15d-notebook |
| Edge 15 | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/lenovo-edge-series-laptops/edge-15-laptop-lenovo |
| Yoga 2 (11 inch) | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-2-11-notebook-lenovo |
| Yoga 2 (13 inch) | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-2-13-notebook-lenovo |
| Yoga 2 Pro | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-2-pro-lenovo |
| Yoga 3 (11 inch) | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-3-1170 |
| Yoga 3 Pro | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/yoga-series/yoga-3-pro-1370-laptop-lenovo |
| 1 st Generation ThinkPad Yoga 11e | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/thinkpad-yoga-series-laptops/thinkpad-yoga-11e |
| 2 nd Generation ThinkPad Yoga 11e | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/thinkpad-yoga-series-laptops/thinkpad-yoga-11e-20e5-20e7 |
| ThinkPad Yoga 12 | https://pcsupport.lenovo.com/us/en/products/laptops-and-netbooks/thinkpad-yoga-series-laptops/thinkpad-yoga-12 |

101. To the extent that Lenovo entities made, used, sold, offered to sell or imported any of the Accused Portable Products with a Windows operating system other than Windows 10, purchasers of such products were offered the ability to upgrade to Windows 10 for free until July 29, 2016. <https://support.lenovo.com/us/en/solutions/ht103748> and <https://www.lenovo.com/us/en/windows-10/>

102. On information and belief, the 3rd Generation ThinkPad X1 Yoga is representative of the Accused Portable Products with respect to the limitations recited in the claims of the Asserted Patents.

103. The Yoga A940 is an all-in-one personal computer with a customized user interface, an Intel i9 processor with 32 gigabytes of memory, and a 27-inch, 4K touchscreen. The rotating 4K display of the Yoga A940 can be placed in different computer system configurations using a rotating hinge. See <https://www.lenovo.com/us/en/desktops-and-all-in-ones/ideacentre/yoga-a-series/Yoga-A940-27ICB/p/FFYGF900316> (“the A940 Webpage”).

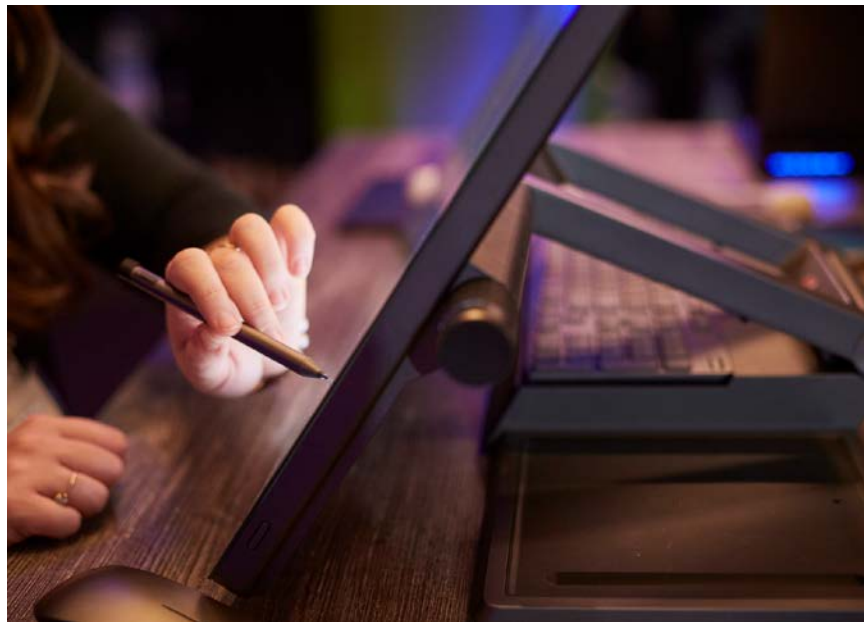
104. When the display is in an upright configuration the wireless keyboard is designed to be operable to receive input from an operator of the computer.



105. When the rotating display is folded down into a drafting configuration, the wireless keyboard is designed to be inoperable to receive input and is stowed under the display.



<https://www.youtube.com/watch?v=SlVSiK0LrtA>, at 15:21.



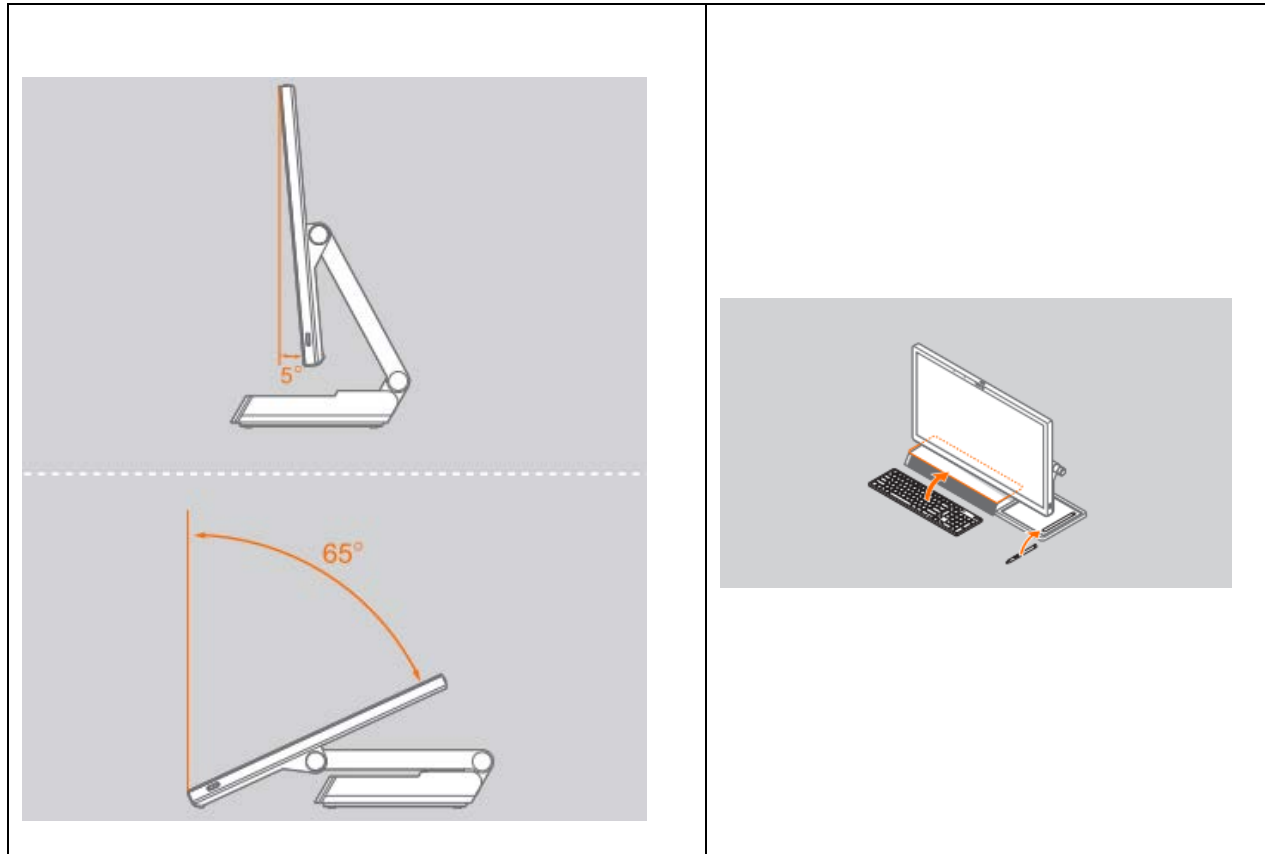
<https://www.flickr.com/photos/lenovophotolibrary/32153906207/in/album-72157689698831183/>

106. The functionality of the Yoga A940's configurable display with touchscreen has been touted on the Lenovo.com Domain since the product's launch.

<https://news.lenovo.com/pressroom/press-releases/lenovo-yoga-smartest-consumer-computers->

yet; <https://news.lenovo.com/lenovo-unboxed-yoga-a940-all-in-one-pc/>; see also <https://www.youtube.com/watch?v=3O66VahPxRk>.

107. The setup guide for Lenovo's Yoga A940 depicts the ability of the rotating display to be configured into different positions and the platform for the keyboard to be used when the display is rotated down into a drafting configuration:





See Lenovo's official Flickr page

(<https://www.flickr.com/photos/lenovophotolibrary/32153906207/in/album-72157689698831183/>).

108. The Yoga A940 was and continues to be made, sold, and offered for sale with Windows 10 Pro pre-installed and is capable of operating in the configurations described above.

109. As detailed below, each element of at least one claim of each of the Asserted Patents is literally present in the Accused Products, or is literally practiced by Lenovo personnel, agents or customers who use the Accused Products. To the extent that any element is not literally present or practiced, each such element is present or practiced under the doctrine of equivalents.

110. Lenovo has made extensive use of LiTL's patented technologies, including the technology described and claimed in the Asserted Patents. LiTL is committed to defending its proprietary and patented technology. LiTL requests that this Court award it damages sufficient to compensate for Lenovo's infringement of the Asserted Patents, find this case exceptional and

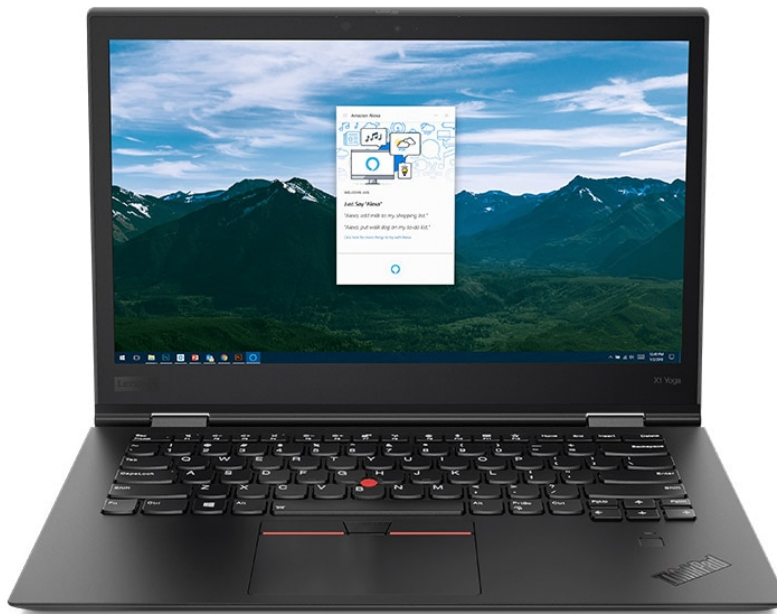
award LiTL its attorneys' fees and costs, and grant an injunction against Lenovo to prevent ongoing infringement of the Asserted Patents.

COUNT I

(Infringement of U.S. Patent No. 8,289,688)

111. LiTL incorporates by reference and realleges all the foregoing paragraphs of the First Amended Complaint as if fully set forth herein.

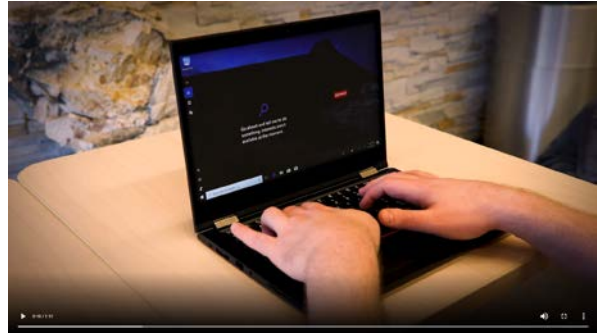
112. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) are portable computers that include a base unit comprising an integrated keyboard and a single display unit including a single display screen configured to display content. For example:



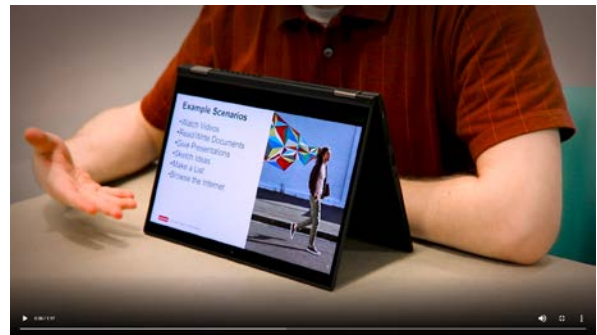
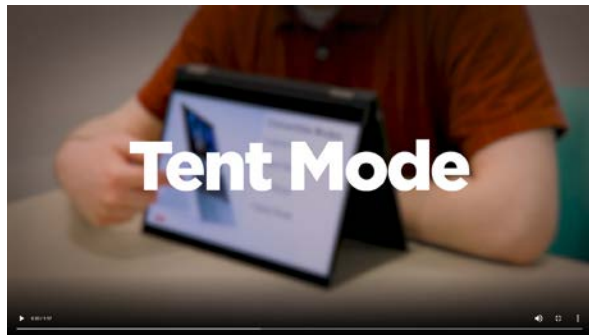
See, e.g., ThinkPad Photos.

113. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include an orientation sensor which detects a physical orientation of the single display unit relative to the base unit and a display orientation module which orients the content displayed on the single display screen responsive to the physical orientation detected by the orientation sensor

between at least a first content display orientation and a second content display orientation, the second content display orientation being 180 degrees relative to the first content display orientation. For example:

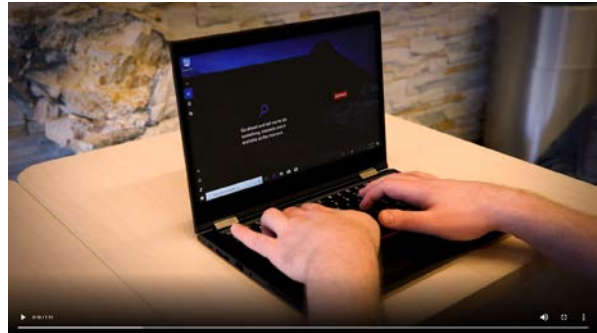


See, e.g., ThinkPad Yoga Modes at 0:14-0:23.



See, e.g., ThinkPad Yoga Modes at 0:32-0:36.

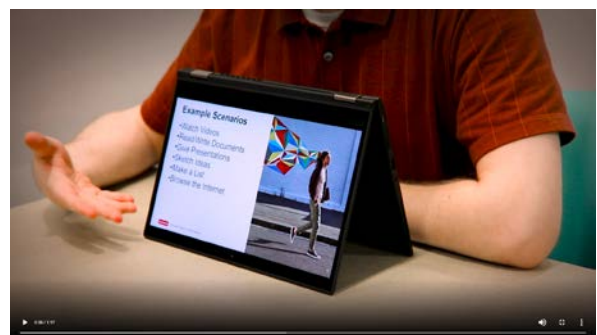
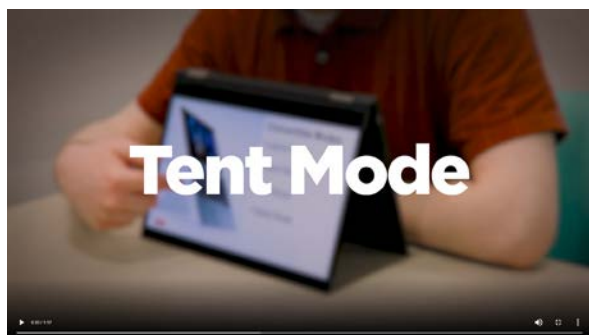
114. The Accused Portable Products (e.g., the 3rd Generation ThinkPad X1 Yoga) include a display orientation module that is configured to detect a change between a laptop mode, an easel mode, and a frame mode based on the detected physical orientation of the single display unit relative to the base unit. For example:



See, e.g., ThinkPad Yoga Modes at 0:14-0:23.



See, e.g., ThinkPad Photos, image with caption: “Lenovo ThinkPad X1 Yoga (3rd Gen) in laptop mode.”



See, e.g., ThinkPad Yoga Modes at 0:32-0:36.



See, e.g., ThinkPad Photos, image with caption: “Lenovo ThinkPad X1 Yoga (3rd Gen) in tent mode with Skype for Business.”

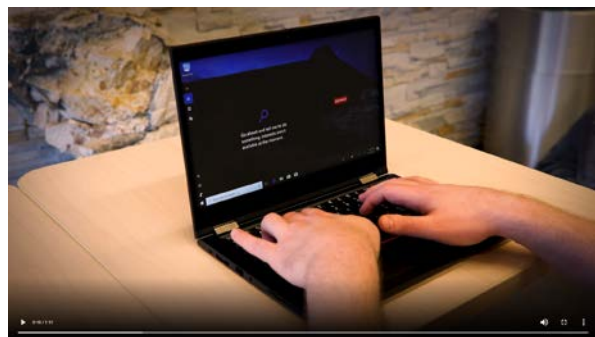


See, e.g., ThinkPad Yoga Modes at 0:24-0:31.

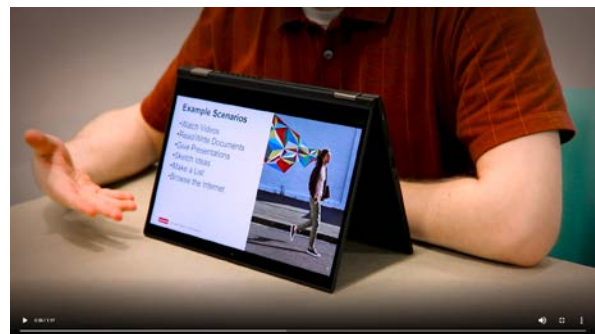


See, e.g., ThinkPad Photos, image with caption: “Lenovo ThinkPad X1 Yoga (3rd Gen) in stand mode with home design app.” See, e.g., ThinkPad Video at 0:36-0:43.

115. The Accused Portable Products (e.g., the 3rd Generation ThinkPad X1 Yoga) include a display orientation module further configured to trigger a display inversion from one of the first and second content display orientations to the other of the first and second content display orientations responsive to the orientation sensor detecting the change between the laptop mode and the easel mode. For example:



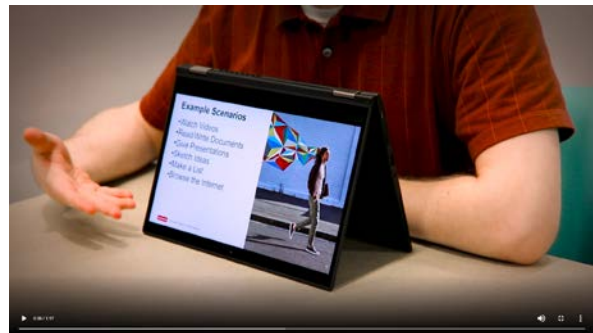
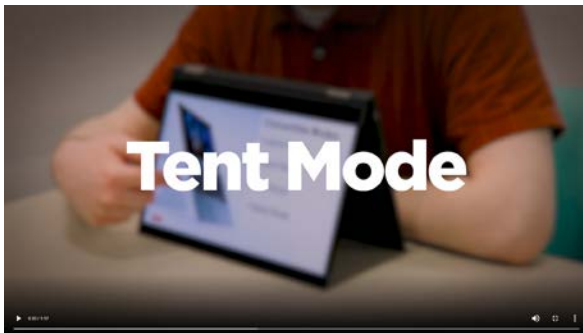
See, e.g., ThinkPad Yoga Modes at 0:14-0:23.



See, e.g., ThinkPad Yoga Modes at 0:32-0:36.

116. The Accused Portable Products (e.g., the 3rd Generation ThinkPad X1 Yoga) include a display orientation module further configured to trigger a display inversion from one of the first and second content display orientations to the other of the first and second content

display orientations responsive to the orientation sensor detecting the change between the easel mode and the frame mode. For example:



See, e.g., ThinkPad Yoga Modes at 0:32-0:36.



See, e.g., ThinkPad Yoga Modes at 0:24-0:31.

Lenovo US

117. Lenovo US has directly infringed and continues to directly infringe, literally and/or equivalently, one or more claims of the '688 patent, including at least claim 19, including by importing, using, selling, and offering for sale in the United States certain computing devices with multiple display modes, including at least the Accused Products. D.I. 27 (Noble Declaration), ¶ 2.

118. Since at least the filing of the Original Complaint, Lenovo US knew of the '688 patent.

119. Since at least the filing of the Original Complaint, Lenovo US knew that the Accused Portable Products infringe at least claim 19 of the '688 patent when used by customers or other users, when sold or offered for sale by resellers, and when imported by Lenovo entities.

120. Since at least the filing of the Original Complaint, Lenovo US has had the intent to encourage customers or other users to directly infringe at least claim 19 of the '688 patent by continuing to advertise, offer for sale, or sell, or by encouraging resellers to offer for sale or sell the Accused Portable Products in the United States, including in Delaware. Since at least the filing of the Original Complaint, Lenovo US has provided with the Accused Portable Products and on the website <https://www.lenovo.com/us/en> manuals, product documentation, and advertising materials that induce customers or other users to infringe at least claim 19 of the '688 patent by encouraging the use of the Accused Portable Products. For example, the ThinkPad HTML User Guide Lenovo instructs users that the 3rd Generation ThinkPad X1 Yoga “can be opened to any angle within a range of up to 360 degrees” and that “[b]y rotating the display to different angle, your computer features the following four operating modes”:



See ThinkPad HTML User Guide, Using Your ThinkPad / Using your computer / Operating modes.

121. Since at least the filing of the Original Complaint, Lenovo US's infringement of at least claim 19 of the '688 patent has been willful. Lenovo US's offers for sale, sales, and use of the Accused Portable Products with provision of manuals and instruction to purchasers that encourage use it knows will infringe the '688 patent constitutes willful infringement. Lenovo US is a large corporation with substantial resources. Lenovo US's failure to fully investigate the allegations of infringement against it, its ongoing offers for sale, sales, and use of the Accused Portable Products, and its failure to take remedial action to avoid infringement evidences its willful infringement.

122. The foregoing description of Lenovo US's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Portable Products that it obtains during discovery.

123. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Lenovo US's infringement of the '688 patent.

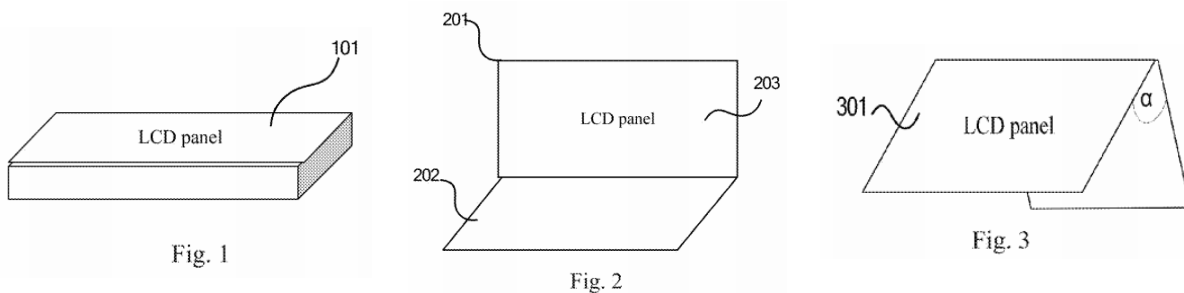
124. Lenovo US's infringement of the '688 patent has damaged and continues to damage LiTL in an amount yet to be determined, of at least a reasonable royalty.

Lenovo Beijing

125. Lenovo Beijing has had knowledge of the '688 patent since before the filing of the Original Complaint.

126. On March 13, 2013, Lenovo Beijing filed U.S. Patent Application No. 14/209,145 ("the Lenovo '145 application"). In a list of references cited by the examiner dated September 15, 2016, a USPTO examiner identified to Lenovo Beijing the '688 patent.

127. On November 13, 2013, Lenovo Beijing filed U.S. Patent Application No. 14/079,046 ("the Lenovo '046 application"), which disclosed an electronic device that provides "a triangle supporting state of the electronic device, in which the notebook computer does not need the user to support the notebook with hands." U.S. Pub. No. 2014/0132486, ¶ [006]. In the "triangle supporting state" an LCD display is rotated into the shape of an inverted "V" like LiTL's easel mode, as depicted below in Figures 1, 2 and 3 of U.S. Pub. No. 2014/0132486.



128. In office actions dated January 27, 2015, May 21, 2015, December 11, 2015, and April 18, 2016, a USPTO examiner rejected pending claims 4 and 14 of the Lenovo '046 application as obvious in view of, among other references, U.S. Patent Application Publication

No. 2009/0244832 (“the ’832 Publication”), which issued as the ’688 patent and contains the same specification. In a response dated March 23, 2015, Lenovo Beijing admitted that “Behar [the ’832 Publication] teaches a portable computer that has a laptop mode and an easel mode in which the base of the computer and its display component stand vertically forming an inverted ‘V’ and the base of the computer comprises a keyboard (Fig. 1 and Fig. 4).”

129. On February 14, 2014, Lenovo Beijing filed U.S. Patent Application No. 14/181,072 (“the Lenovo ’072 Application”). In an office action dated October 21, 2016, a USPTO examiner issued a non-final rejection of pending claim 17 of the Lenovo ’072 Application as obvious in view of, among other references, the ’832 Publication, which issued as the ’688 patent and contains the same specification. On March 31, 2017, the examiner issued a notice of references cited, and identified to Lenovo Beijing the ’688 patent.

130. On September 30, 2016, Lenovo Beijing filed U.S. Patent Application No. 29/579,625 (“the Lenovo ’625 Application”) directed to an ornamental design for a tablet computer. Figures 7 and 8 depict front and back perspectives of the tablet computer with the stand in a first position. Figures 9 and 10 depict the tablet computer in a horizontal orientation.



Fig. 7

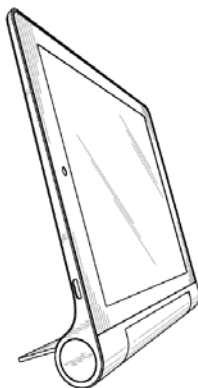


Fig. 8

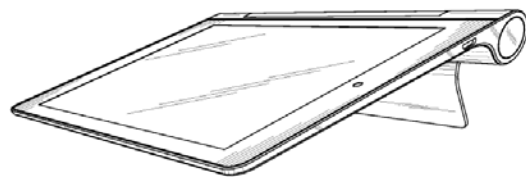


Fig. 9

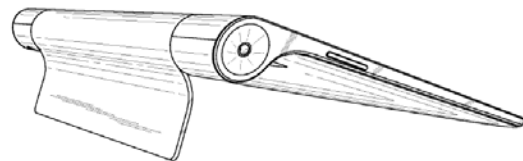


Fig. 10

131. On March 20, 2017, Lenovo Beijing identified the '688 patent in an information disclosure statement submitted to the USPTO in connection with the Lenovo '625 Application.

132. On September 30, 2016, Lenovo Beijing filed U.S. Patent Application No. 29/579,629 ("the Lenovo '629 Application") directed to an ornamental design for a tablet computer. On May 22, 2017, Lenovo Beijing identified the '688 patent in an information disclosure statement submitted to the USPTO in connection with the Lenovo '629 Application.

133. On August 8, 2017, the USPTO issued U.S. Patent No. 9,727,091 ("the Lenovo '091 Patent") to Lenovo Beijing. The '688 patent is cited on the face of the Lenovo '091 Patent.

134. Lenovo Beijing's R&D teams work closely with intellectual property (IP) lawyers from product conception through manufacture and commercialization to develop effective IP strategies for new products, such as the Yoga-branded laptops.

https://www.wipo.int/wipo_magazine/en/2015/03/article_0002.html

135. Since at least 2016 Lenovo Beijing knew or should have known, or at a minimum acted with willful blindness to the fact that, the Accused Portable Products sold on its website and bearing its marks infringe one or more claims of the '688 patent based on at least the following:

- the USPTO's repeated rejections of claims in Lenovo Beijing patent applications based on the '688 patent or its published application;
- Lenovo Beijing's disclosure of the '688 patent in information disclosure statements;
- Lenovo Beijing's admission, when prosecuting a patent application directed to an electronic device having multiple configurations, including LiTL's easel mode configuration, that the specification of the '688 patent discloses "a portable computer that has a laptop mode and an easel mode in which the base of the computer and its

display component stand vertically forming an inverted ‘V’ and the base of the computer comprises a keyboard”;

- the close working relationship between Lenovo Beijing’s R&D teams and its IP lawyers and Lenovo Beijing’s substantial patent prosecution activities directed to electronic devices having the 2-in-1 functionality of the Accused Portable Products, including the YOGA-branded laptop products; and
- the frequency with which the ’688 patent, and related patents and patent application publications, has been cited by the USPTO during prosecution of patent applications owned by major players in the personal computing space, including Lenovo Beijing and other Lenovo subsidiaries.

136. The repeated citation of the ’688 patent and its published application during prosecution of Lenovo Beijing’s patent applications, including applications directed to 2-in-1 laptops having multiple viewing modes, and the importance of one or more of the Accused Portable Products to Lenovo’s revenue and reputation in the United States provided Lenovo Beijing since at least 2016 with knowledge of the ’688 patent and knowledge that use of the Accused Portable Products infringes the ’688 patent.

137. On information and belief, Lenovo Beijing is a sophisticated company regarding patents and business in the United States, and citation of patents that cover any of Lenovo’s products is a significant concern to Lenovo Beijing. In a 2007 press release, Lenovo’s leadership stated that “one of the most important goals of international business” is “the protection of intellectual property,” and “[a]s a global corporate citizen, Lenovo is deeply committed to the protection of intellectual property. We continue to take the lead by encouraging more businesses and individual users to respect and protect intellectual property as a means of building an

innovation-friendly business environment.” <https://news.lenovo.com/pressroom/press-releases/lenovo-joins-forces-with-microsoft-to-continue-driving-support-for-intellectual-property-rights/>. In a 2018 press release, Lenovo’s leadership noted that “[i]ntellectual property is a strategic asset for Lenovo” that “not only protects our investment in invention and innovation, but also positions Lenovo’s businesses to flourish and grow.”

138. On information and belief, Lenovo Beijing has procedures to evaluate whether Lenovo products have freedom to operate in the United States, particularly where the products comprise a significant portion of Lenovo’s revenue. On information and belief, the Accused Portable Products comprise a significant portion of Lenovo’s revenue, and since at least 2016 Lenovo Beijing knew that use of the Accused Portable Products infringes the ’688 patent.

139. On information and belief, citation of the ’688 patent and its application during the USPTO prosecution of Lenovo Beijing patents caused Lenovo Beijing to investigate, become aware of, and consider the ’688 patent, related patents, and the rest of LiTL’s patent portfolio. Beyond Lenovo Beijing’s actual knowledge of the ’688 patent, these citations during Lenovo Beijing’s USPTO prosecution gave Lenovo Beijing the subjective belief that the ’688 patent existed, and failure to learn of the existence of the ’688 patent would have required Lenovo Beijing to deliberately avoid reviewing or understanding the prosecution documents. On information and belief, Lenovo Beijing would not have done so in a matter so important to the Accused Portable Products and the revenue and reputation derived therefrom.

140. In addition, Lenovo Beijing has known that the Accused Portable Products sold on its website and bearing its marks infringe one or more claims of the ’688 patent since at least 2016, or at least since the time that it received notice of the Original Complaint, or at least since September 29, 2020.

141. Lenovo Beijing's Lenovo.com Domain continues to market and offer for sale the Accused Portable Products bearing Lenovo Beijing's marks into the United States and Delaware since the filing of the Original Complaint, which thoroughly detailed how the Accused Portable Products infringe at least claim 19 of the '688 patent.

142. Lenovo Beijing has known or should have known since it first became aware of the '688 patent, and at least by September 29, 2020, that end users, importers, distributors, retailers, repair and service technicians, Lenovo US and its employees and contractors, and other users of the Accused Portable Products are infringing the '688 patent.

143. Lenovo Beijing is responsible for content displayed on the Lenovo.com Domain, including the press releases identified in Paragraph 90 above, which encourage users of the Accused Portable Products in the United States and Delaware to infringe at least claim 19 of the '688 patent by using the Accused Portable Products. Since at least 2016, Lenovo Beijing has encouraged customers to use the Accused Portable Products by providing the Lenovo.com Domain to host press releases that encourage customers to use the Accused Portable Products. Lenovo Beijing's conduct since 2016 demonstrates an intent to induce customers to directly infringe at least claim 19 of the '688 patent. Lenovo Beijing's conduct since at least 2016 also demonstrates an intent to induce Lenovo US to infringe the '688 patent by selling, offering for sale, and using the Accused Portable Products.

144. Lenovo Beijing has actively and knowingly induced infringement, and is actively and knowingly inducing infringement of one or more claims of the '688 patent, literally and/or equivalently, at least by inducing end users, repair and service technicians, Lenovo employees and contractors, and others to use the Accused Portable Products in an infringing manner. Lenovo Beijing makes available the Lenovo.com Domain to disseminate manuals, product

documentation and other advertising material that encourages customers to infringe the asserted claims by using the Accused Portable Products.

145. For example, in the ThinkPad HTML User Guide Lenovo instructs users that the 3rd Generation ThinkPad X1 Yoga “can be opened to any angle within a range of up to 360 degrees” and that “[b]y rotating the display to different angle, your computer features the following four operating modes”:



See ThinkPad HTML User Guide, Using Your ThinkPad / Using your computer / Operating modes.

146. Lenovo Beijing has had knowledge of the '688 patent and its infringement of the '688 patent since it first became aware of the '688 patent in 2016, and at least by the filing of the Original Complaint. Lenovo Beijing has induced infringement of the '688 patent with specific intent to induce infringement of that patent.

147. Lenovo Beijing's willful infringement is evidenced by the following: Lenovo Beijing's intellectual property lawyers' detailed knowledge of LiTL's patents, as demonstrated by Lenovo Beijing's admissions during prosecution of Lenovo Beijing's patent applications; the close working relationship between Lenovo Beijing's IP and research and design departments;

the similarities between how the Accused Portable Products operate, the functionality that Lenovo Beijing sought to claim in its patent applications, and the requirements of claim 19 of the '688 patent; Lenovo Beijing's significant size and resources; and Lenovo Beijing's failure to take remedial action to avoid infringement. Lenovo Beijing's infringement of the '688 patent has been willful since it first became aware of the '688 patent in 2016, or at least since the filing of the Original Complaint, or at least since September 29, 2020. Lenovo Beijing's ongoing infringement of the '688 patent continues to be willful. Lenovo Beijing has chosen to manufacture or control manufacture of the Accused Portable Products with the intent that the Accused Portable Products would be imported, offered for sale, sold, and/or used in the United States, to distribute or control distribution of the Accused Products in Lenovo's established distribution channels with the intent that the Accused Products would be imported, offered for sale, sold, and/or used in the United States, as explained in more detail above, and knowing that doing so infringes the '688 patent, and despite receiving notice from LiTL that continuing to do so would infringe the '688 patent.

148. The foregoing description of Lenovo Beijing's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Portable Products that it obtains during discovery.

149. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Lenovo Beijing's infringement of the '688 patent.

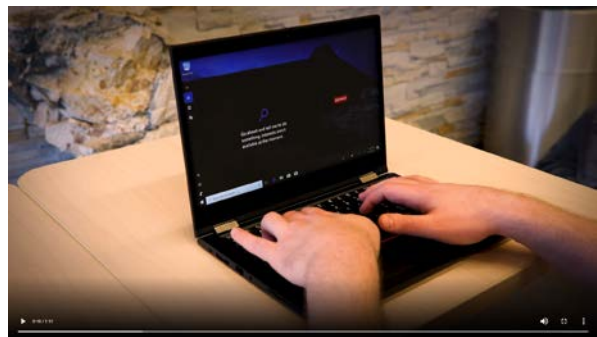
150. Lenovo Beijing's infringement of the '688 patent has damaged and continues to damage LiTL in an amount yet to be determined, of at least a reasonable royalty.

COUNT II

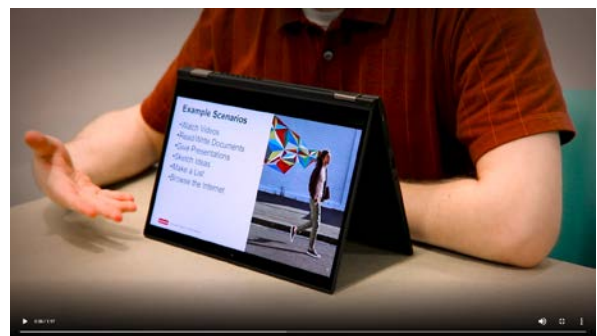
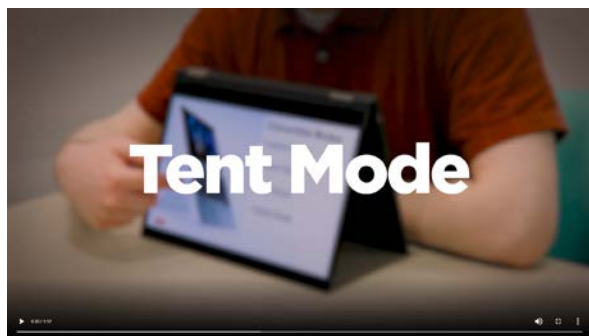
(Infringement of U.S. Patent No. 8,624,844)

151. LiTL incorporates by reference and realleges all the foregoing paragraphs of the First Amended Complaint as if fully set forth herein.

152. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) are portable computers that are configurable between a plurality of display modes including a laptop mode and an easel mode wherein transitions between the plurality of display modes permit an operator to interact with a single display screen in each of the plurality of display modes. For example:

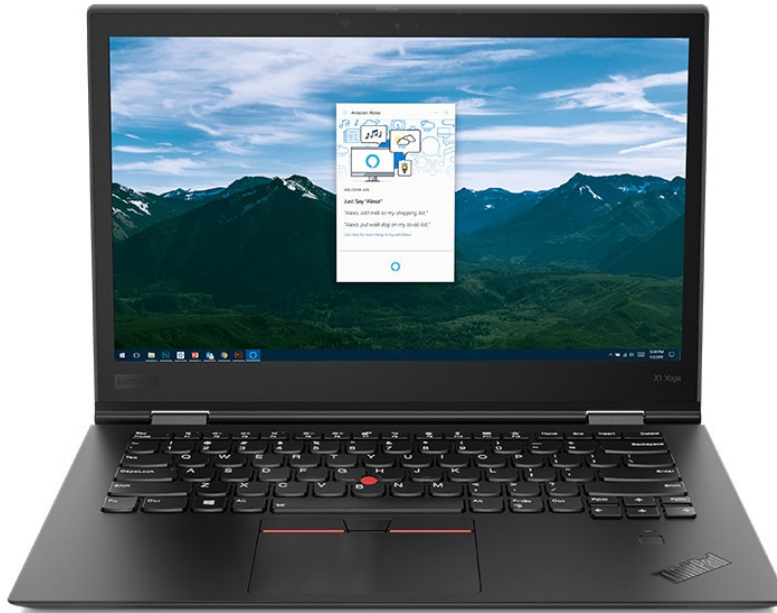


See, e.g., ThinkPad Yoga Modes at 0:14-0:23.



See, e.g., ThinkPad Yoga Modes at 0:32-0:36.

153. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) are portable computers that include a base including a keyboard, a main display component rotatably coupled to the base and including the single display screen which displays content. For example:



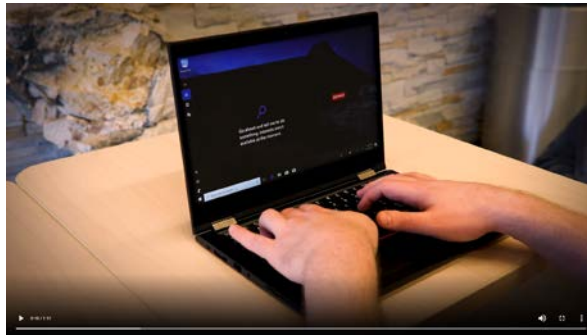
See, e.g., ThinkPad Photos.

154. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a hinge assembly disposed at least partially within the base. For example:

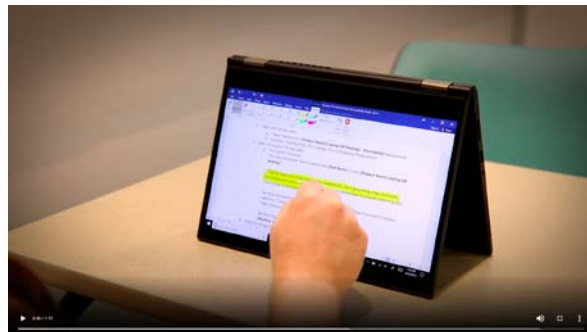


See, e.g., ThinkPad Photos.

155. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a main display component that defines an axis of rotation about which both the base and the main display component are rotatable to transition the portable computer between at least the laptop mode and the easel mode, wherein the transition between the laptop mode and the easel mode allows the operator to operate the portable computer while viewing the single display screen in each of the plurality of display modes. For example:

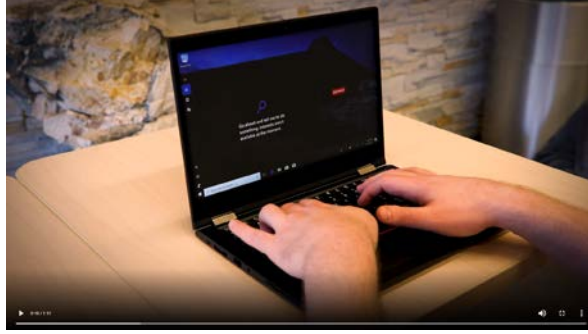


See, e.g., ThinkPad Yoga Modes at 0:14-0:23.



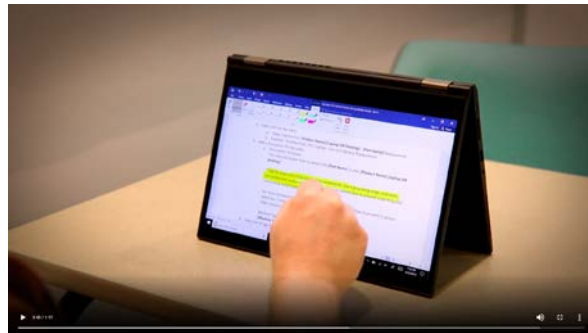
See, e.g., ThinkPad Yoga Modes at 0:42-0:47.

156. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a laptop mode that is configured to display to a user on the main display component a first content mode having a first content display orientation with the main display component oriented towards the user and the keyboard oriented to receive input from the user. For example:



See, e.g., ThinkPad Yoga Modes at 0:14-0:23.

157. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include an easel mode that is configured to display to the user on the main display component a second content mode having a second content display orientation with the main display component oriented towards the user and the keyboard oriented away from the user. For example:



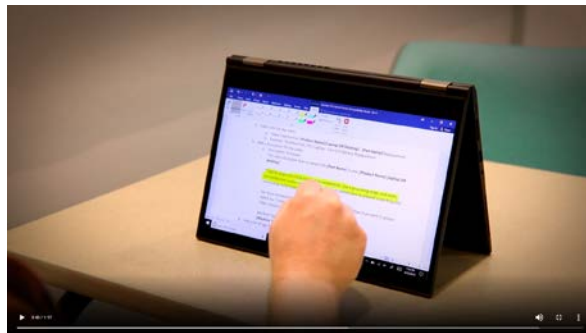
See, e.g., ThinkPad Yoga Modes at 0:42-0:47.

158. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include first and second content display orientations that are 180 degrees relative to each other. For example:



See, e.g., ThinkPad Yoga Video at 0:38-0:42.

159. The Accused Portable Products (e.g., the 3rd Generation ThinkPad X1 Yoga) include portable computers that are operable in the easel mode to enable the user to interact with displayed content without interacting with the keyboard. For example:



See, e.g., ThinkPad Yoga Modes at 0:42-0:47.

160. The Accused Portable Products (e.g., the 3rd Generation ThinkPad X1 Yoga) include a navigation control accessible in each of the plurality of display modes and configured to permit a user to manipulate at least one of operating parameters of the portable computer and

the content displayed on the single display screen. For example, the 3rd Generation ThinkPad X1 Yoga includes a touchscreen that is accessible in any mode.

Display Type ⓘ

14.0" FHD (1920 x 1080) IPS anti-reflective, anti-smudge, touchscreen, 300 nits

See, e.g., ThinkPad Webpage.

161. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a plurality of modes that includes a frame mode in which the main display component is oriented towards the operator, the base contacts a substantially horizontal surface, and the keyboard faces the substantially horizontal surface.



See, e.g., ThinkPad Yoga Modes at 0:24-0:31.

Lenovo US

162. Lenovo US has directly infringed and continues to directly infringe, literally and/or equivalently, one or more claims of the '844 patent, including at least claim 10, including by importing, using, selling, and offering for sale in the United States certain computing devices with multiple display modes, including at least the Accused Products. D.I. 27 (Noble Declaration), ¶ 2.

163. Since at least the filing of the Original Complaint, Lenovo US knew of the '844 patent.

164. Since at least the filing of the Original Complaint, Lenovo US knew that the Accused Portable Products infringe at least claim 10 of the '844 patent when used by customers or other users, when sold or offered for sale by resellers, and when imported by Lenovo entities.

165. Since at least the filing of the Original Complaint, Lenovo US has had the intent to encourage customers or other users to directly infringe at least claim 10 of the '844 patent by continuing to advertise, offer for sale, or sell, or by encouraging resellers to offer for sale or sell the Accused Portable Products in the United States, including in Delaware. Since at least the filing of the Original Complaint, Lenovo US has provided with the Accused Portable Products and on the website <https://www.lenovo.com/us/en> manuals, product documentation, and advertising materials that induce customers or other users to infringe at least claim 10 of the '844 patent by encouraging the use of the Accused Portable Products. For example, in the ThinkPad HTML User Guide Lenovo instructs users that the 3rd Generation ThinkPad X1 Yoga “can be opened to any angle within a range of up to 360 degrees” and that “[b]y rotating the display to different angle, your computer features the following four operating modes”:



See ThinkPad HTML User Guide, Using Your ThinkPad / Using your computer / Operating modes.

166. Since at least the filing of the Original Complaint, Lenovo US's infringement of at least claim 10 of the '844 patent has been willful. Lenovo US's offers for sale, sales, and use of the Accused Portable Products with provision of manuals and instruction to purchasers that encourage use it knows will infringe the '844 patent constitutes willful infringement. Lenovo US is a large corporation with substantial resources. Lenovo US's failure to fully investigate the allegations of infringement against it, its ongoing offers for sale, sales, and use of the Accused Portable Products, and its failure to take remedial action to avoid infringement evidences its willful infringement.

167. The foregoing description of Lenovo US's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Portable Products that it obtains during discovery.

168. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Lenovo US's infringement of the '844 patent.

169. Lenovo US's infringement of the '844 patent has damaged and continues to damage LiTL in an amount yet to be determined, of at least a reasonable royalty.

Lenovo Beijing

170. Lenovo Beijing has had knowledge of the '844 patent since before the filing of the Original Complaint.

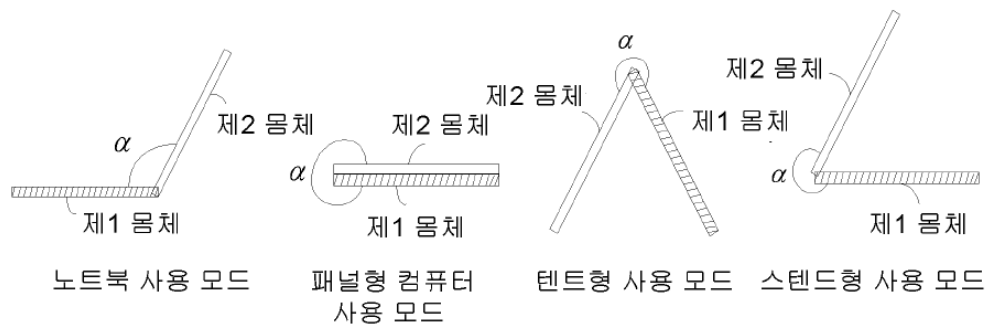
171. On January 7, 2014, the '844 patent issued from U.S. Patent Application No. 12/170,951, which had earlier published on October 1, 2009 as U.S. Patent Application Publication No. 2009/0244012 ("the LiTL '012 publication").

172. Since at least 2012 Lenovo Beijing has had knowledge of the LiTL '012 publication.

173. On October 22, 2012, the Chinese Intellectual Property Office issued a search report to Lenovo Beijing identifying the LiTL '012 publication in connection with Lenovo's Chinese Patent Application No. 2010102585153. The Chinese Intellectual Property Office issued three office actions dated November 26, 2012, August 1, 2013 and February 24, 2014, which rejected Lenovo Beijing's pending claims based on the disclosures in the LiTL '012 publication. In particular, the first office action stated that the LiTL '012 publication disclosed that: "Laptop computers can be configured between modes, includes an off mode, a laptop mode (corresponding to a first state), an easel mode (corresponding to a second state different from the first state), a flattened mode, and a frame mode."

174. In an examination report dated February 14, 2014, the Korean Intellectual Property Office rejected several claims in Lenovo Beijing's Korean Patent Application No. 10-2013-0025594 ("the Lenovo '594 Korean application") in view of the LiTL '012 publication. Figure 2 of the Lenovo '594 Korean application depicts four usage modes of a notebook computer that embodies the subject matter disclosed therein:

대 표 도 - 도2



175. Figure 18 of the Lenovo '594 Korean application depicts a notebook computer that embodies the subject matter disclosed therein:

도면18



176. The Lenovo '594 Korean application is a foreign counterpart to Lenovo Beijing's U.S. Patent Application No. 13/793,836 ("the Lenovo '836 application"). When prosecuting the Lenovo '836 application, Lenovo Beijing filed an information disclosure statement dated January 28, 2015, in which it identified to the USPTO the LiTL '012 publication and the Korean Intellectual Property Office examination report dated February 14, 2014.

177. The Lenovo '836 application, paragraph 59, describes Figure 2, which "is an exemplary view of four usage modes in an electrical device provided in the embodiments of the present disclosure." Figure 2 of the Lenovo '836 application is depicted below:

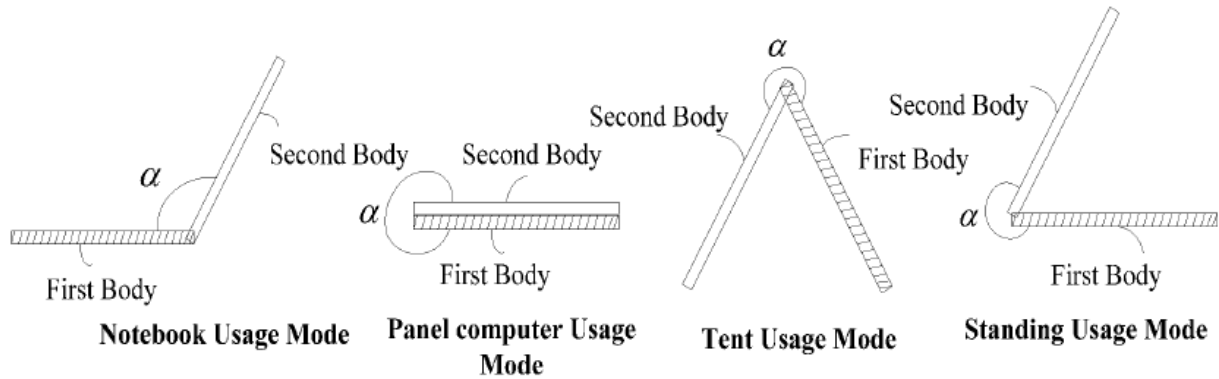


Fig. 2

178. The '836 application, paragraph 75, describes Figures 18a to 18d, which “illustrate the four usage modes in the notebook computer according to the embodiment of the present disclosure.” Figures 18a to 18d of the Lenovo '836 application are depicted below:

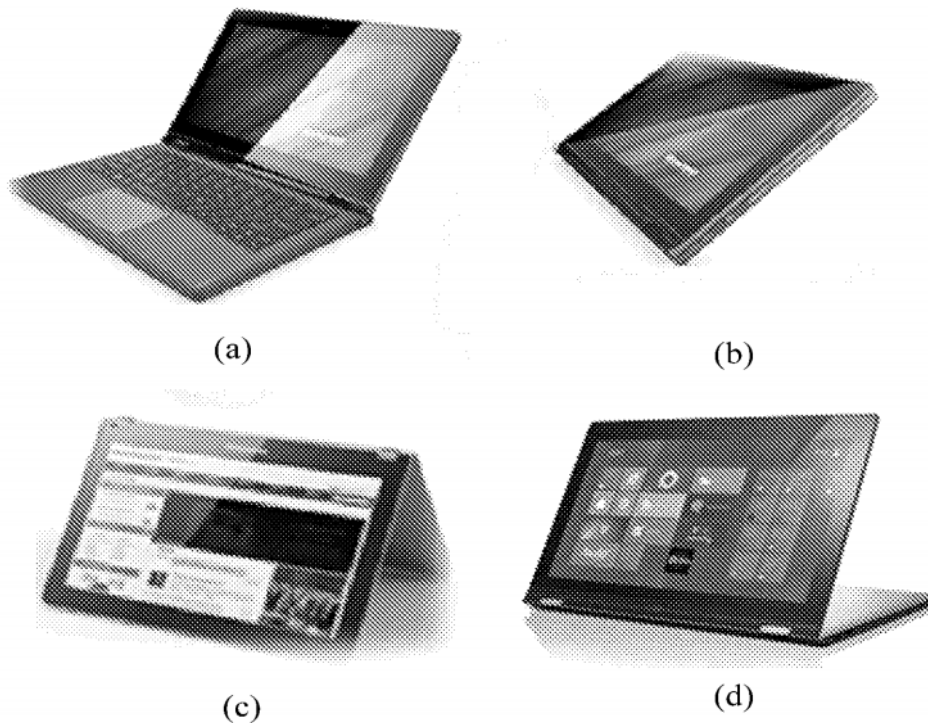


Fig.18

179. The notebook computer depicted in Figure 18 of the Lenovo '836 application and of Figure 18 of its Korean counterpart, the Lenovo '594 Korean application, appears to be one of Lenovo's Yoga notebooks. The four modes disclosed in the Lenovo '836 application and in the Lenovo '594 Korean application are the same four operating modes of the Accused Products. For example, Lenovo depicted the four modes in product literature for the 3rd Generation ThinkPad X1 Yoga.

Get to know YOGA modes (for X1 Yoga only)

Your computer display can be rotated to any angle up to 360 degrees.

Attention: Do not rotate the computer display with too much force, or apply too much force to the upper-right or upper-left corner of the computer display. Otherwise, the computer display or hinges might get damaged.



Your computer features the following four YOGA modes. You can switch among different modes according to your preference.

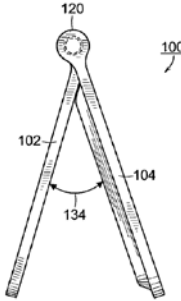
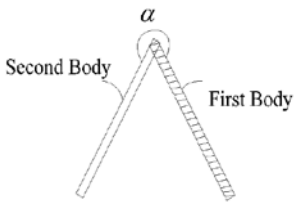

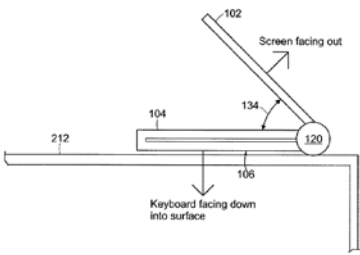
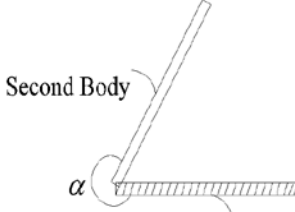

See ThinkPad User Guide, p. 28.



See ThinkPad User Guide, pp. 28-29.

180. The three modes disclosed in Figures 1, 5 and 26 of the LiTL '012 publication and claimed as the “laptop mode,” “easel mode” and “frame mode” in claim 10 of the '844 patent match the “notebook usage mode,” “tent usage mode” and “standing usage mode” of the Lenovo '836 application and also the Lenovo '594 Korean application, whose claims were rejected over the LiTL '012 publication:

| | | |
|--|---|---|
| <p>FIG. 1</p> | <p>First Body Second Body α Notebook Usage Mode</p> | |
| <p>LiTL '012 publication, Fig. 1 Laptop Mode</p> | <p>Lenovo '836 application, Fig. 2</p> | <p>Lenovo '594 Korean application, Fig. 18(a)</p> |

| | | |
|--|--|--|
|  <p>FIG. 5</p> |  <p>Tent Usage Mode</p> |  |
| <p>LiTL '012 publication, Fig. 5 Easel Mode</p> | <p>Lenovo '836 application, Fig. 2</p> | <p>Lenovo '594 Korean application, Fig. 18</p> |
|  <p>FIG. 26</p> |  <p>Standing Usage Mode</p> |  |
| <p>LiTL '012 publication, Fig. 26 Frame Mode</p> | <p>Lenovo '836 application, Fig. 2</p> | <p>Lenovo '594 Korean application, Fig. 18</p> |

181. Lenovo has extensive experience with intellectual property. Lenovo Beijing has been the owner of over 2,500 patent applications and over 2,200 patents. Over the past decade, Lenovo US has been involved in over 200 patent litigations in the United States, and has been a party in over 50 *inter partes* review proceedings before the U.S. Patent Trial and Appeals Board. The Lenovo 2019 Annual Report identifies intellectual property (IP) risk as one of the “key risks that the Group considers to be of great significance to the Group as it stands today.”

<https://doc.irasia.com/listco/hk/lenovo/annual/2019/ar2019.pdf>, page22. For example, the report recognizes that Lenovo could suffer “reputational harm if found to infringe a third party’s valid patents.” <https://doc.irasia.com/listco/hk/lenovo/annual/2019/ar2019.pdf>, page 27. To manage and mitigate its IP risk, Lenovo plans to: “Monitor, develop and execute IP litigation defense

strategy” and “License IP as appropriate and monitor its continued validity and value to the Group.”

182. Consistent with Lenovo Beijing’s sophistication with IP matters, on information and belief, Lenovo Beijing was aware by 2016 of the family of LiTL patents and applications to which the ’844 patent belongs.

183. LiTL’s U.S. Patent No. 9,003,315 (“the ’315 patent”) states that “application No. 12/170,951, filed on Jul. 10, 2008, [is] now Pat. No. 8,624,844.” Lenovo Beijing knew of the ’315 patent by at least 2016, when it was cited to Lenovo Beijing by the USPTO during prosecution of Lenovo Beijing’s U.S. Patent Application No. 14/209,145. During prosecution of that application, Lenovo Beijing received an office action dated September 15, 2016 that cited LiTL’s U.S. Patent No. 9,003,315 (“the ’315 patent”). By at least September 15, 2016, Lenovo Beijing knew or should have known that the LiTL U.S. Pat. Application No. 12/170,951, which published as the LiTL ’012 publication, had issued as the ’844 patent on January 7, 2014.

184. Since at least 2016 Lenovo Beijing knew or should have known, or at a minimum acted with willful blindness to the fact, that the Accused Portable Products sold on its website and bearing its marks infringe one or more claims of the ’844 patent based on at least the following:

- The frequency with which the ’844 patent, and related patents and patent application publications (including the LiTL ’012 publication), has been cited by the USPTO during prosecution of patent applications owned by major players in the personal computing space, including Lenovo Beijing and other Lenovo subsidiaries;
- the Lenovo Beijing patent applications that were rejected over or cited to the LiTL ’012 publication were also directed to subject matter embodied by the Accused

Products, including the usage modes such as the laptop mode, tent/easel mode, and stand/frame mode, which are recited in claim 10 of the '844 patent;

- Lenovo Beijing's disclosure of the LiTL '012 publication in information disclosure statements;
- the close working relationship between Lenovo Beijing's R&D teams and its IP lawyers and Lenovo Beijing's substantial patent prosecution activities directed to electronic devices having the 2-in-1 functionality of the Accused Portable Products, including the YOGA-branded laptop products; and
- Lenovo Beijing knew or should have known, or was willfully blind to the fact, that the LiTL '012 publication had issued as the '844 patent.

185. The repeated citation of the LiTL '012 publication during the prosecution of Lenovo Beijing patents, including applications directed to 2-in-1 laptops having multiple viewing modes, and the importance of one or more of the Accused Portable Products to Lenovo's revenue and reputation in the United States provided Lenovo Beijing since at least 2016 with knowledge of the '844 patent and knowledge that use of the Accused Portable Products infringes the '844 patent.

186. On information and belief, Lenovo Beijing is a sophisticated company regarding patents and business in the United States, and citation of patents that cover any of Lenovo's products is a significant concern to Lenovo Beijing. In a 2007 press release, Lenovo's leadership stated that "one of the most important goals of international business" is "the protection of intellectual property," and "[a]s a global corporate citizen, Lenovo is deeply committed to the protection of intellectual property. We continue to take the lead by encouraging more businesses and individual users to respect and protect intellectual property as a means of building an

innovation-friendly business environment.” See <https://news.lenovo.com/pressroom/press-releases/lenovo-joins-forces-with-microsoft-to-continue-driving-support-for-intellectual-property-rights/>. In a 2018 press release, Lenovo’s leadership noted that “[i]ntellectual property is a strategic asset for Lenovo” that “not only protects our investment in invention and innovation, but also positions Lenovo’s businesses to flourish and grow.”

187. On information and belief, Lenovo Beijing has procedures to evaluate whether Lenovo products have freedom to operate in the United States, particularly where the products comprise a significant portion of Lenovo’s revenue. On information and belief, the Accused Portable Products comprise a significant portion of Lenovo’s revenue, and since at least 2016 Lenovo Beijing knew that use of the Accused Portable Products infringes the ’844 patent.

188. On information and belief, citation of the ’844 patent’s published application during the USPTO and foreign prosecution of Lenovo Beijing patents caused Lenovo Beijing to investigate, become aware of, and consider the ’844 patent, related patents, and the rest of LiTL’s patent portfolio. Beyond Lenovo Beijing’s actual knowledge of the ’844 patent, these citations during Lenovo Beijing’s USPTO and foreign prosecution gave Lenovo Beijing the subjective belief that the ’844 patent existed, and failure to learn of the existence of the ’844 patent would have required Lenovo Beijing to deliberately avoid reviewing or understanding the prosecution documents. On information and belief, Lenovo Beijing would not have done so in a matter so important to the Accused Portable Products and the revenue and reputation derived therefrom.

189. In addition, Lenovo Beijing has known that the Accused Portable Products sold on its website and bearing its marks infringe one or more claims of the ’844 patent since at least

2016, or since at least the time that it received notice of the Original Complaint, or since at least September 29, 2020.

190. Lenovo Beijing's Lenovo.com Domain continues to market and offer for sale the Accused Portable Products bearing Lenovo Beijing's marks into the United States and Delaware since the filing of the Original Complaint, which thoroughly detailed how the Accused Portable Products infringe at least claim 10 of the '844 patent.

191. Lenovo Beijing has known or should have known since it first became aware of the '844 patent, and at least by September 29, 2020, that end users, importers, distributors, retailers, repair and service technicians, Lenovo US and its employees and contractors, and other users of the Accused Portable Products are infringing the '844 patent.

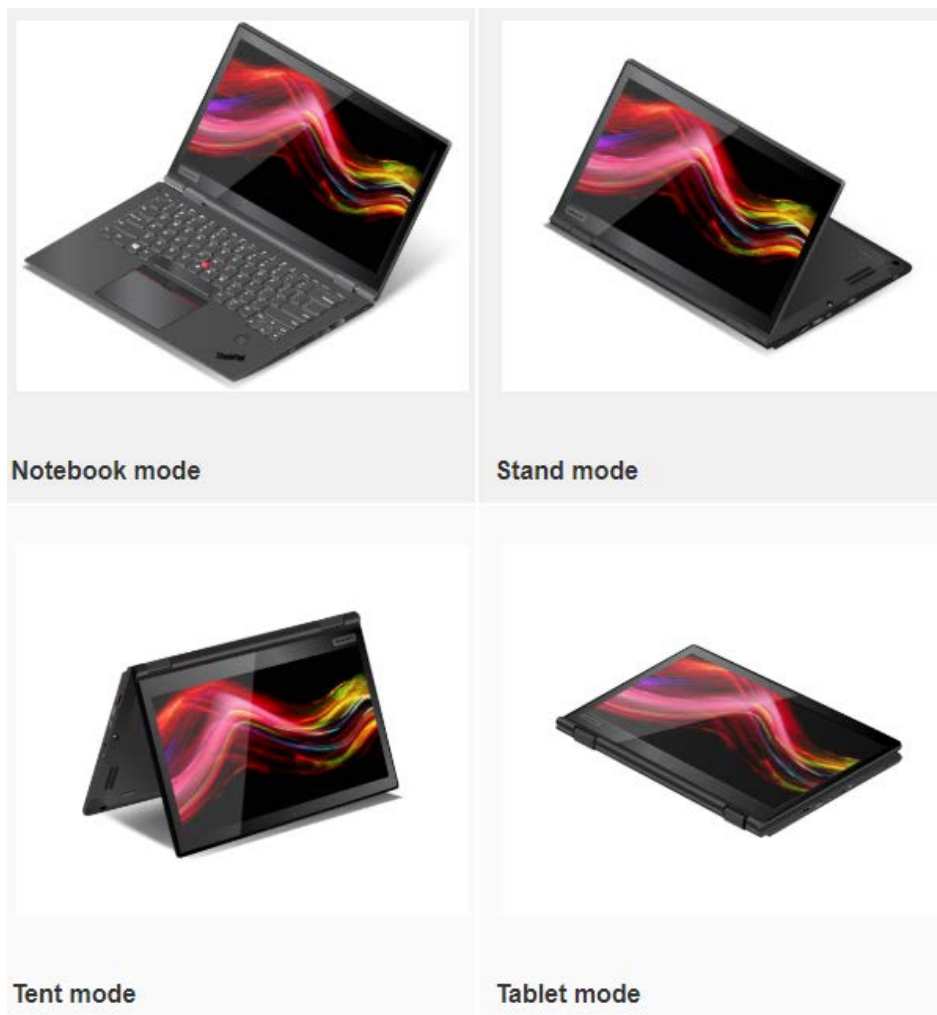
192. Lenovo Beijing is responsible for content displayed on the Lenovo.com Domain, including the press releases identified in Paragraph 90 above, which encourage users of the Accused Portable Products in the United States and Delaware to infringe at least claim 10 of the '844 patent by using the Accused Portable Products. Since at least 2016, Lenovo Beijing has encouraged customers to use the Accused Portable Products by providing the Lenovo.com Domain to host press releases that encourage customers to use the Accused Portable Products. Lenovo Beijing's conduct since at least 2016 demonstrates an intent to induce customers to directly infringe at least claim 10 of the '844 patent. Lenovo Beijing's conduct since at least 2016 also demonstrates an intent to induce Lenovo US to infringe the '844 patent by selling, offering for sale, and using the Accused Portable Products.

193. Lenovo Beijing has actively and knowingly induced infringement, and is actively and knowingly inducing infringement of one or more claims of the '844 patent, literally and/or equivalently, at least by inducing end users, repair and services technicians, Lenovo employees

and contractors, and others to use the Accused Portable Products in an infringing manner.

Lenovo Beijing makes available the Lenovo.com Domain to disseminate manuals, product documentation and other advertising material that encourages customers to infringe the asserted claims by using the Accused Portable Products.

194. For example, in the ThinkPad HTML User Guide Lenovo instructs users that the 3rd Generation ThinkPad X1 Yoga “can be opened to any angle within a range of up to 360 degrees” and that “[b]y rotating the display to different angle, your computer features the following four operating modes”:



See ThinkPad HTML User Guide, Using Your ThinkPad / Using your computer / Operating modes.

195. Lenovo Beijing has had knowledge of the '844 patent and its infringement of the '844 patent since it first became aware of the '844 patent in 2016, and by at least the time it received notice of the Original Complaint. Lenovo Beijing has induced infringement of the '844 patent with specific intent to induce infringement of that patent.

196. Lenovo Beijing's willful infringement is evidenced by the following: Lenovo Beijing's intellectual property lawyers disclosed the LiTL '012 publication during the course of prosecution of Lenovo Beijing's patents before the USPTO, and with full knowledge of repeated citation to it as prior art by foreign patent prosecution bodies; the close working relationship between Lenovo Beijing's IP and research and design departments; the similarities between how the Accused Portable Products operate, the functionality that Lenovo Beijing sought to claim in its patent applications, and the requirements of claim 10 of the '844 patent; Lenovo Beijing's significant size and resources; and Lenovo Beijing's failure to take remedial action to avoid infringement. Lenovo Beijing's infringement of the '844 patent has been willful since it first became aware of the '844 patent in 2016, or at least since the time it received notice of the Original Complaint, or at least since September 29, 2020. Lenovo Beijing's ongoing infringement of the '844 patent continues to be willful. Lenovo Beijing has chosen to manufacture or control manufacture of the Accused Portable Products with the intent that the Accused Portable Products would be imported, offered for sale, sold, and/or used in the United States, to distribute or control distribution of the Accused Portable Products in Lenovo's established distribution channels with the intent that the Accused Portable Products would be imported, offered for sale, sold, and/or used in the United States, as explained in more detail

above, and knowing that doing so would infringe the '844 patent, and despite receiving notice from LiTL that continuing to do so would infringe the '844 patent.

197. The foregoing description of Lenovo Beijing's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Products that it obtains during discovery.

198. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Lenovo Beijing's infringement of the '844 patent.

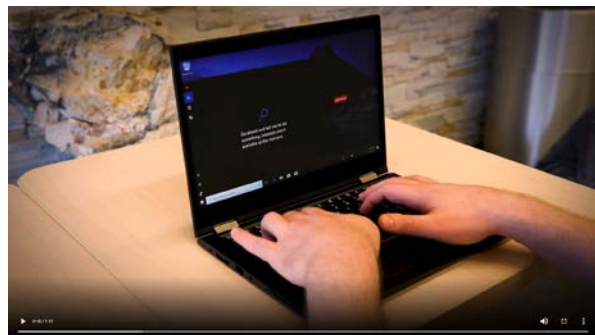
199. Lenovo Beijing's infringement of the '844 patent has damaged and continues to damage LiTL in an amount yet to be determined, of at least a reasonable royalty.

COUNT III

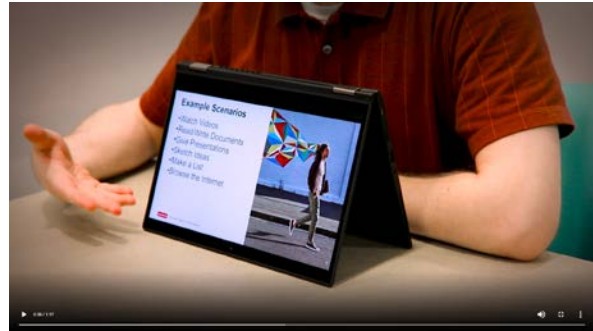
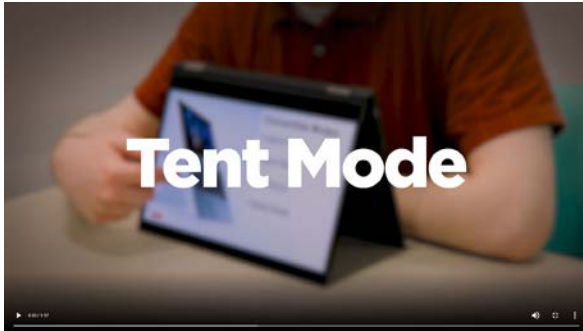
(Infringement of U.S. Patent No. 10,289,154)

200. LiTL incorporates by reference and realleges all the foregoing paragraphs of the First Amended Complaint as if fully set forth herein.

201. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) are portable computers that are configurable between a plurality of display modes comprising a first mode, a second mode, and a third mode. For example:



See, e.g., ThinkPad Yoga Modes at 0:14-0:23.

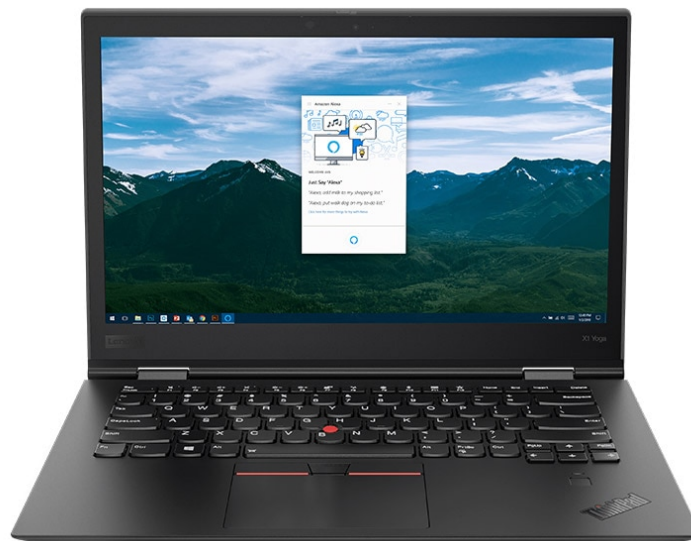


See, e.g., ThinkPad Yoga Modes at 0:32-0:36.



See, e.g., ThinkPad Yoga Modes at 0:24-0:31.

202. The Accused Portable Products (e.g., the 3rd Generation ThinkPad X1 Yoga) include a display component comprising a surface and a display screen disposed in the surface of the display component. For example:



See, e.g., ThinkPad Photos.

203. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a camera disposed in the surface of the display component. For example:



See, e.g., ThinkPad Yoga Video at 0:50.

204. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a base comprising a first surface and a second surface, a keyboard disposed in the first surface of the base, and a touchpad disposed in the first surface of the base.



See, e.g., ThinkPad Photos.

205. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a power button disposed in the second surface of the base. For example:



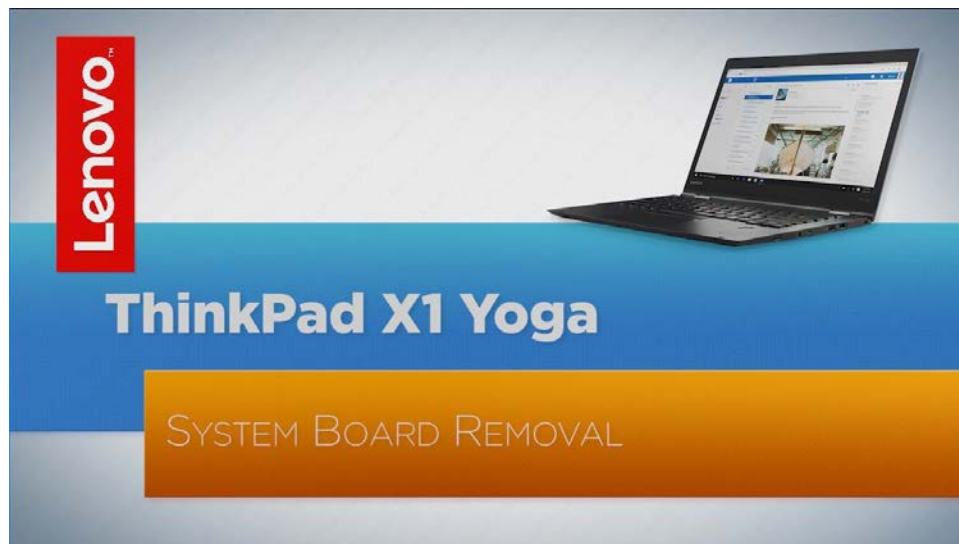
See, e.g., ThinkPad Photos.

206. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a central processing unit disposed in the base. For example:

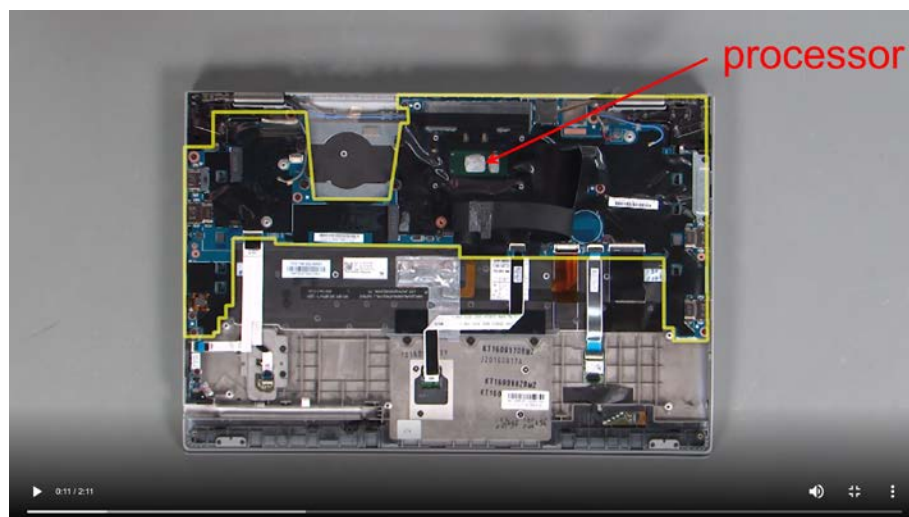
Processor ⓘ

8th Generation Intel® Core™ i5-8250U Processor (1.60 GHz, up to 3.40 GHz with Turbo Boost, 4 Cores, 8 Threads, 6 MB Cache)

See, e.g., ThinkPad Webpage.



See, e.g., https://download.lenovo.com/lts/RTPW1610/FOF/RTPW1610-X1Yoga_REM_FRU_14_SystemBoard.mp4.



See, e.g., https://download.lenovo.com/lts/RTPW1610/FOF/RTPW1610-X1Yoga_REM_FRU_14_SystemBoard.mp4 at 0:11 (annotations added).

207. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a hinge assembly that rotatably couples the base to the display component, the hinge assembly being configured to permit the display component to rotate relative to the base up to at least 270 degrees from a closed position where the surface of the display component faces the first surface of the base. For example:

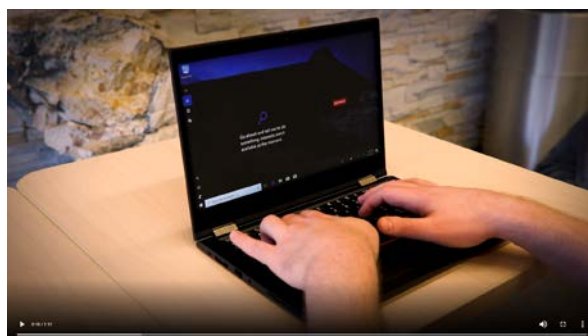


See, e.g., ThinkPad Yoga Video at 0:38-0:42.

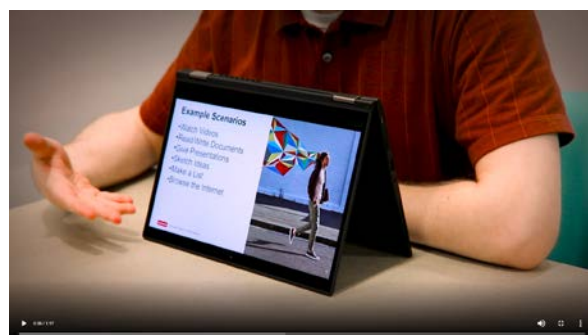


See ThinkPad User Guide, p. 29.

208. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include an orientation sensor configured to generate orientation information indicative of an orientation of at least part of the portable computer and a display manager configured to detect a current display mode from among the plurality of display modes based at least in part on the orientation information, display content in a first orientation when the current display mode is the first mode or the third mode, display content in a second orientation that is rotated 180 degrees relative to the first orientation when the current display mode is the second mode, and enlarge at least some computer content displayed on the display screen when the current display mode transitions from the first mode to the second mode.



See, e.g., ThinkPad Yoga Modes at 0:14-0:23.



See, e.g., ThinkPad Yoga Modes at 0:32-0:36.



See, e.g., ThinkPad Yoga Modes at 0:24-0:31.

Lenovo US

209. Lenovo US has directly infringed and continues to directly infringe, literally and/or equivalently, one or more of the claims of the '154 patent, including at least claim 11, including by importing, using, selling, and offering for sale in the United States certain computing devices with multiple display modes, including at least the Accused Products. D.I. 27 (Noble Declaration), ¶ 2.

210. Since at least the filing of the Original Complaint Lenovo US knew of the '154 patent.

211. Since at least the filing of the Original Complaint, Lenovo US knew that the Accused Portable Products infringe at least claim 11 of the '154 patent when used by customers or other users, when sold or offered for sale by resellers, and when imported by Lenovo entities.

212. Since at least the filing of the Original Complaint, Lenovo US has had the intent to encourage customers or other users to directly infringe at least claim 11 of the '154 patent by continuing to advertise, offer for sale, or sell, or by encouraging resellers to offer for sale or sell the Accused Portable Products in the United States, including in Delaware. Since at least the filing of the Original Complaint, Lenovo US has provided with the Accused Portable Products and on the website https://www.lenovo.com/us/en/pc-nfe/?s_tnt=133500%3A1%3A0&adobe_mc_sdid=SDID%3D16149CC949FC05AE-4D0E38E96242D744%7CMCORGID%3DF6171253512D2B8C0A490D45%40AdobeOrg%7CTS%3D1609296681&adobe_mc_ref=https%3A%2F%2Fwww.lenovo.com%2Fus%2Fen manuals, product documentation, and advertising materials that induce customers or other users to infringe at least claim 11 of the '154 patent by encouraging the use of the Accused Portable Products.

213. For example, in the ThinkPad HTML User Guide Lenovo instructs users that the 3rd Generation ThinkPad X1 Yoga “can be opened to any angle within a range of up to 360 degrees” and that “[b]y rotating the display to different angle, your computer features the following four operating modes”:



See ThinkPad User Guide, p. 29.

214. Since at least the filing of the Original Complaint, Lenovo US's infringement of at least claim 11 of the '154 patent has been willful. Lenovo US's offers for sale, sales, or use of the Accused Portable Products with provision of manuals and instruction to purchasers that encourage use it knows will infringe the '154 patent constitutes willful infringement. Lenovo US is a large corporation with substantial resources. Lenovo US's failure to fully investigate the allegations of infringement against it, its ongoing offers for sale, sales, and use of the Accused Portable Products, and its failure to take remedial action to avoid infringement evidences its willful infringement.

215. The foregoing description of Lenovo US's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Portable Products that it obtains during discovery.

216. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Lenovo US's infringement of the '154 patent.

217. Lenovo US's infringement of the '154 patent has damaged and continues to damage LiTL in an amount yet to be determined, of at least a reasonable royalty.

Lenovo Beijing

218. On information and belief, Lenovo Beijing has had knowledge of the '154 patent since before the filing of the Original Complaint.

219. Lenovo has extensive experience with intellectual property. Lenovo Beijing has been the owner of over 2,500 patent applications and over 2,200 patents. Over the past decade, Lenovo US has been involved in over 200 patent litigations in the United States, and has been a party in over 50 *inter partes* review proceedings before the U.S. Patent Trial and Appeals Board. The Lenovo 2019 Annual Report identifies intellectual property (IP) risk as one of the "key risks that the Group considers to be of great significance to the Group as it stands today."

<https://doc.irasia.com/listco/hk/lenovo/annual/2019/ar2019.pdf>, page 22. For example, the report recognizes that Lenovo could suffer "reputational harm if found to infringe a third party's valid patents." <https://doc.irasia.com/listco/hk/lenovo/annual/2019/ar2019.pdf>, page 27. To manage and mitigate its IP risk, Lenovo plans to: "Monitor, develop and execute IP litigation defense strategy" and "License IP as appropriate and monitor its continued validity and value to the Group." Lenovo Beijing's R&D teams work closely with IP lawyers from product conception through manufacture and commercialization to develop effective IP strategies for new products, such as the Yoga-branded laptops.

https://www.wipo.int/wipo_magazine/en/2015/03/article_0002.html.

220. Consistent with Lenovo Beijing's sophistication with IP matters and the fact that the Asserted Patents belong to a patent family that has been frequently cited in patent

applications of major players in the personal computing space, on information and belief, Lenovo Beijing was aware by 2016 of the family of LiTL patents and applications to which the '154 patent belongs.

221. Since at least 2019 Lenovo Beijing knew or should have known, or at a minimum acted with willful blindness to the fact that, the Accused Portable Products sold on its website and bearing its marks infringe one or more claims of the '154 patent based on at least the following:

- Lenovo Beijing's sophistication and substantial resources with respect to intellectual property matters;
- Lenovo Beijing's knowledge of the patent family to which the '154 patent belongs;
- Lenovo Beijing's knowledge since at least 2016 of the '688 and '844 patents, which are ancestors to the '154 patent, and citation to these patents and their corresponding publications in Lenovo Beijing patent applications since at least 2016; and
- the close working relationship between Lenovo Beijing's R&D teams and its IP lawyers and Lenovo Beijing's substantial patent prosecution activities directed to electronic devices having the 2-in-1 functionality of the Accused Portable Products, including the YOGA-branded laptop products.

222. On information and belief, Lenovo Beijing has known, should have known, or has been willfully blind to the existence of the '154 patent, since at least 2019. As a descendant of the '688 and '844 patents (and their corresponding published patent applications), which have been frequently cited during prosecution of patent applications owned by major players in the

personal computing space, including the Lenovo Group and its subsidiaries, Lenovo Beijing knew or was willfully blind to the existence of the '154 patent.

223. On information and belief, Lenovo Beijing is a sophisticated company regarding patents and business in the United States, and citation of patents that cover any of Lenovo's products is a significant concern to Lenovo Beijing. In a 2007 press release, Lenovo's leadership stated that "one of the most important goals of international business" is "the protection of intellectual property." He also noted that "[a]s a global corporate citizen, Lenovo is deeply committed to the protection of intellectual property. We continue to take the lead by encouraging more businesses and individual users to respect and protect intellectual property as a means of building an innovation-friendly business environment." *See* <https://news.lenovo.com/pressroom/press-releases/lenovo-joins-forces-with-microsoft-to-continue-driving-support-for-intellectual-property-rights/>. In a 2018 press release, Lenovo's leadership noted that "[i]ntellectual property is a strategic asset for Lenovo" that "not only protects our investment in invention and innovation, but also positions Lenovo's businesses to flourish and grow."

224. On information and belief, Lenovo Beijing has procedures to evaluate whether Lenovo products have freedom to operate in the United States, particularly where the products comprise a significant portion of Lenovo's revenue. On information and belief, the Accused Portable Products comprise a significant portion of Lenovo's revenue, and since at least 2019 Lenovo Beijing knew that use of the Accused Portable Products infringes the '154 patent.

225. On information and belief, citation of the '688 and '844 patents and/or their corresponding published applications during the USPTO prosecution of Lenovo Beijing patents

caused Lenovo Beijing to investigate, become aware of, and consider descendant patents, including the '154 patent, and the rest of LiTL's patent portfolio.

226. Since at least 2019 Lenovo Beijing knew or should have known, or at a minimum acted with willful blindness to the fact that, the Accused Portable Products sold on its website and bearing its marks infringe one or more claims of the '154 patent since the patent is a descendant of LiTL's frequently cited ancestor patents (and related published applications), which Lenovo Beijing cited during the prosecution of multiple patents.

227. In addition, Lenovo Beijing has known that the Accused Portable Products sold on its website and bearings its marks infringe one or more of the claims of the '154 patent since at least the time that it received notice of the Original Complaint, or since at least September 29, 2020.

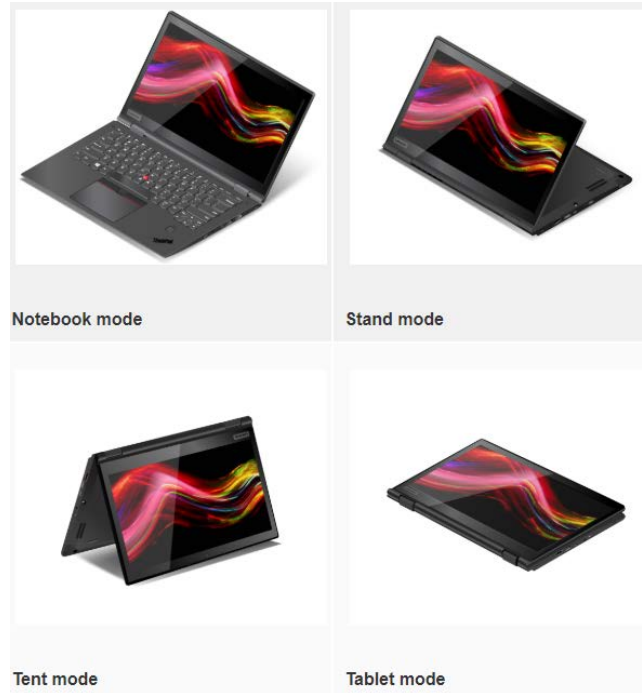
228. Lenovo Beijing's Lenovo.com Domain continues to market and offer for sale the Accused Products bearing Lenovo Beijing's marks into the United States and Delaware since the filing of the Original Complaint, which thoroughly detailed how the Accused Portable Products infringe at least claim 11 of the '154 patent.

229. Lenovo Beijing has known or should have known since it first became aware of the '154 patent, and at least by September 29, 2020, that end users, importers, distributors, retailers, repair and service technicians, Lenovo US and its employees and contractors, and other users of the Accused Portable Products are infringing the '154 patent.

230. Lenovo Beijing is responsible for what is posted on the Lenovo.com Domain, including its press releases identified in Paragraph 90 above, which encourage users of the Accused Products in the United States and Delaware to infringe at least claim 11 of the '154 patent by using the Accused Portable Products. Since at least 2019, Lenovo Beijing has

encouraged customers to use the Accused Portable Products by providing the Lenovo.com Domain to host press releases that encourage customers to use the Accused Portable Products. Lenovo Beijing's conduct since 2019 demonstrates an intent to induce customers to directly infringe at least claim 11 of the '154 patent. Lenovo Beijing's conduct since 2019 also demonstrates an intent to induce Lenovo US to infringe the '154 patent by selling, offering for sale, and using the Accused Portable Products.

231. Lenovo Beijing has actively and knowingly induced infringement, and is actively and knowingly inducing infringement of one or more claims of the '154 patent, literally and/or equivalently, at least by inducing end users, repair and service technicians, Lenovo employees and contractors, and others to use the Accused Portable Products in an infringing manner. Lenovo Beijing makes available the Lenovo.com Domain to disseminate manuals, product documentation and other advertising material that encourages customers to infringe the asserted claims by using the Accused Portable Products. For example, in the ThinkPad HTML User Guide Lenovo instructs users that the 3rd Generation ThinkPad X1 Yoga “can be opened to any angle within a range of up to 360 degrees” and that “[b]y rotating the display to different angle, your computer features the following four operating modes”:



See ThinkPad HTML User Guide, Using Your ThinkPad / Using your computer / Operating modes.

232. Lenovo Beijing has had knowledge of the '154 patent and its infringement of the '154 patent since it first became aware of the '154 patent in 2019, and since at least the time it received notice of the Original Complaint or at least by September 29, 2020. Lenovo Beijing has induced infringement of the '154 patent with specific intent to induce infringement of that patent.

233. Lenovo Beijing's infringement of the '154 patent has been willful since it first became aware of the '154 patent in 2019, or since at least the time it received notice of the Original Complaint, and its ongoing infringement of the '154 patent continues to be willful. Lenovo Beijing's willful infringement is evidenced by the following: the close working relationship between Lenovo Beijing's IP and research and design departments; the similarities between how the Accused Portable Products operate, the functionality that Lenovo Beijing sought to claim in its patent applications, and the requirements of claim 11 of the '154 patent; Lenovo Beijing's significant size and resources; and Lenovo Beijing's failure to take remedial

action to avoid infringement. Lenovo Beijing has chosen to manufacture or control manufacture of the Accused Portable Products with the intent that the Accused Products would be imported, offered for sale, sold, and/or used in the United States, to distribute or control distribution of the Accused Products in Lenovo's established distribution channels with the intent that the Accused Products would be imported, offered for sale, sold, and/or used in the United States, as explained in more detail above, and knowing that doing so would infringe the '154 patent, and despite receiving notice from LiTL that continuing to do so would infringe the '154 patent.

234. The foregoing description of Lenovo Beijing's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Portable Products that it obtains during discovery.

235. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Lenovo Beijing's infringement of the '154 patent.

236. Lenovo Beijing's infringement of the '154 patent has damaged and continues to damage LiTL in an amount yet to be determined, of at least a reasonable royalty.

COUNT IV

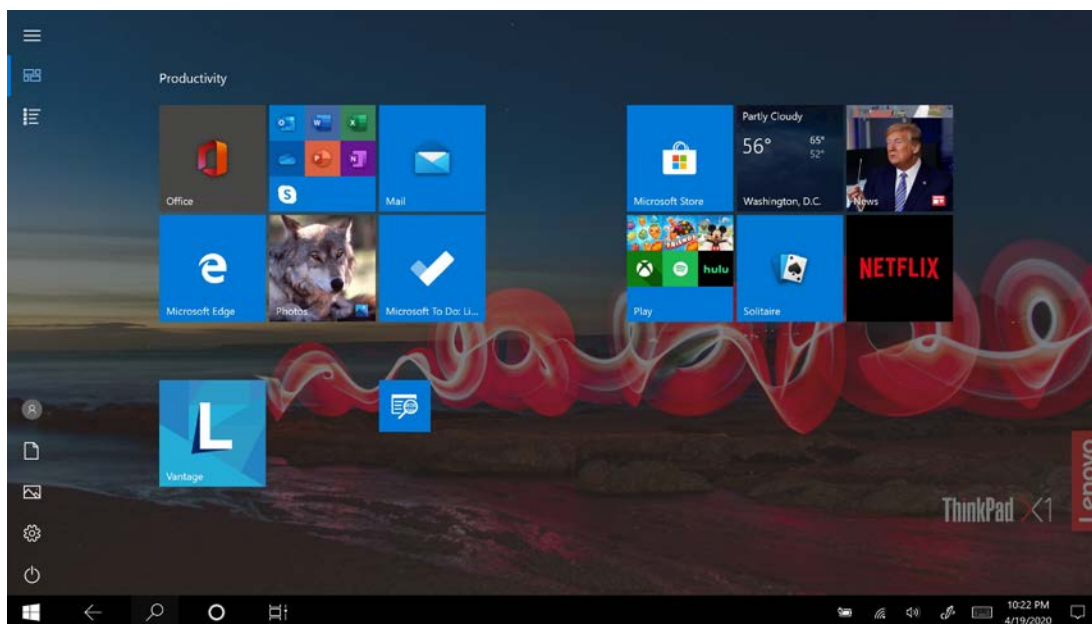
(Infringement of U.S. Patent No. 9,880,715)

237. LiTL incorporates by reference and realleges all the foregoing paragraphs of the First Amended Complaint as if fully set forth herein.

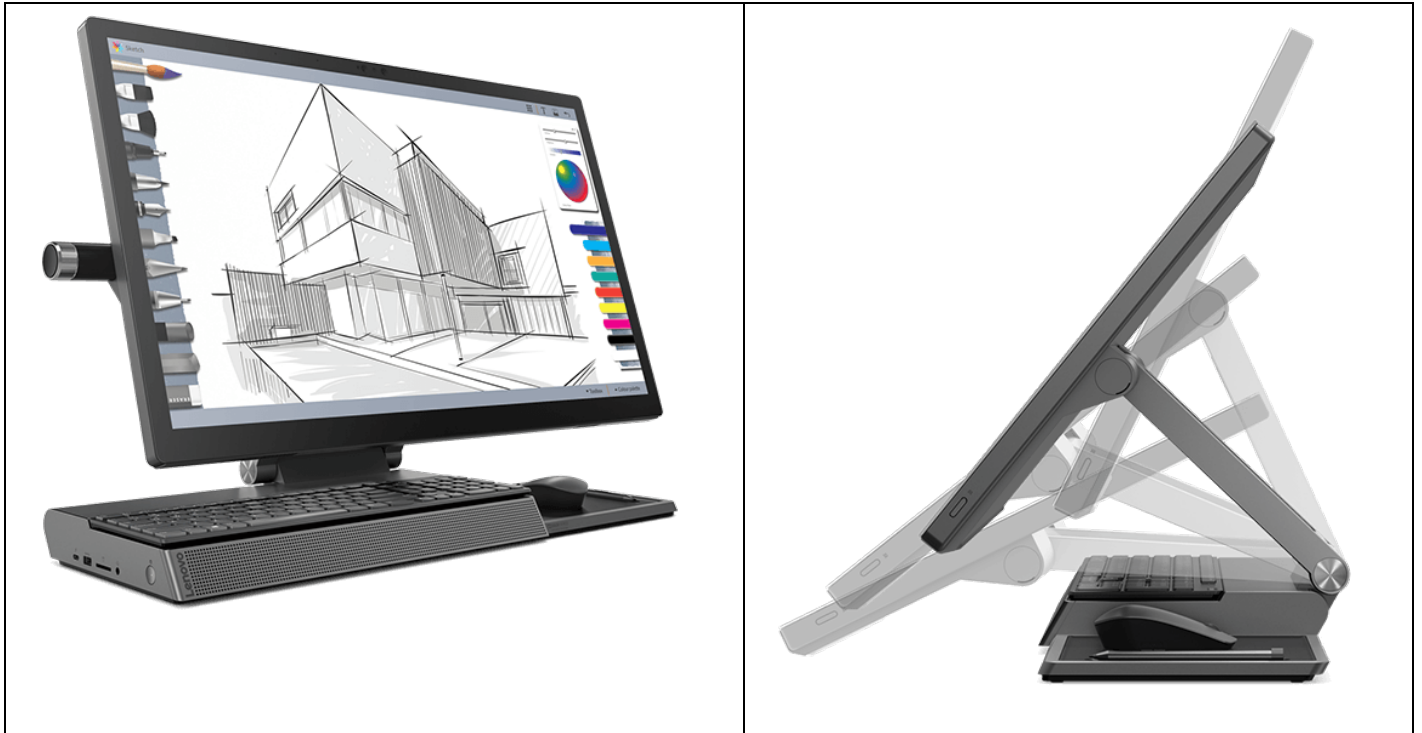
238. The Accused Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga, the Yoga A940) include a customized user interface to display computer content on a display component of a computer system including a keyboard. For example:



See, e.g., ThinkPad Photos, caption: Lenovo ThinkPad X1 Yoga (3rd Gen) front view with Windows 10 Pro.



Screenshot from 3rd Generation ThinkPad X1 Yoga, home screen in tablet mode.



<https://www.lenovo.com/us/en/desktops-and-all-in-ones/ideacentre/yoga-a-series/Yoga-A940-27ICB/p/FFYGF900316>.

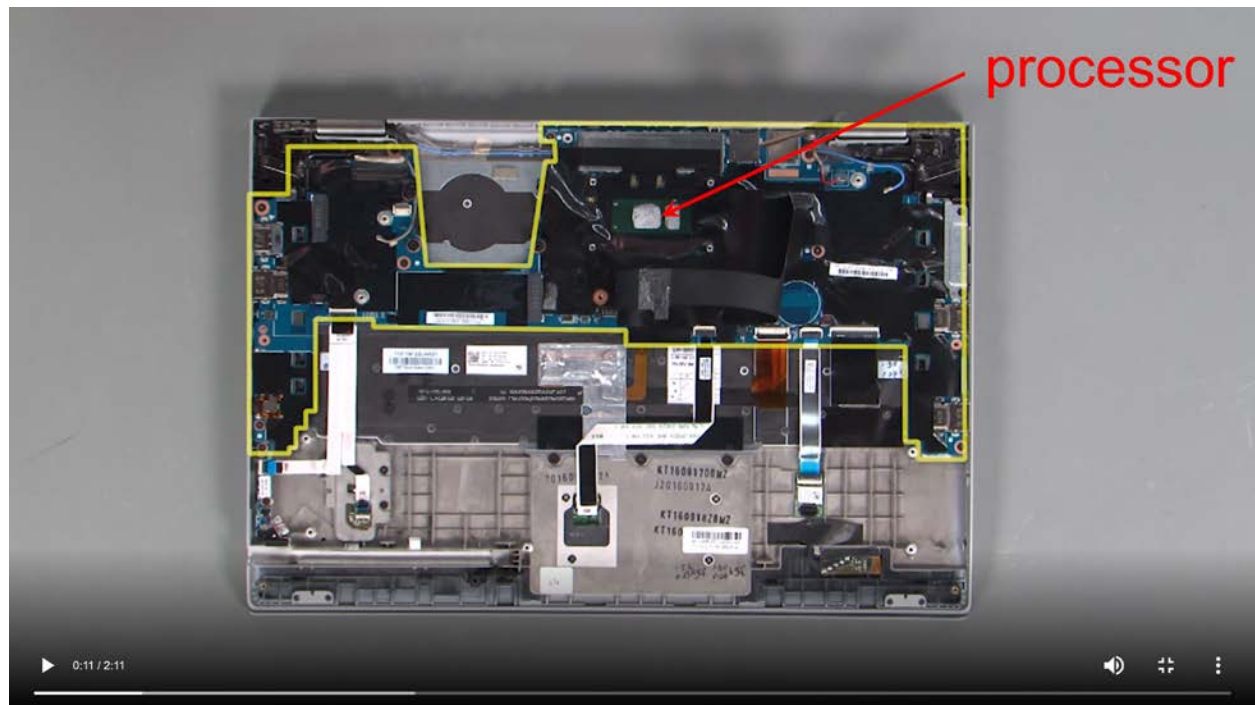
239. The Accused Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga, Yoga A940) include a user interface comprising: at least one processor operatively connected to a memory of the computer system. For example:

| 3 rd Generation ThinkPad X1 Yoga | YOGA A940 |
|--|--|
| Processor ⓘ 8th Generation Intel® Core™ i5-8250U Processor (1.60 GHz, up to 3.40 GHz with Turbo Boost, 4 Cores, 8 Threads, 6 MB Cache) | Processor ⓘ 9th Generation Intel® Core™ i7-9700 Processor with vPro™ (3.00GHz, up to 4.70 GHz with Turbo boost, 8 Cores, 12MB Cache) |
| Operating System ⓘ Windows 10 Pro 64 | Operating System ⓘ Windows 10 Home 64 |
| Display Type ⓘ 14.0" FHD (1920 x 1080) IPS anti-reflective, anti-smudge, touchscreen, 300 nits | Display Type ⓘ 27" 4K UHD (3840 x 2160) IPS, multi-touch |
| Memory ⓘ 8 GB LPDDR3 2133MHz (Soldered) | Memory ⓘ 32 GB DDR4 2666MHz (2 x 16 GB) |
| Hard Drive ⓘ 512 GB PCIe SSD | Hard Drive ⓘ 1TB 5400 RPM + 256GB SSD PCIe |

See, e.g., ThinkPad Webpage, A940 Webpage.



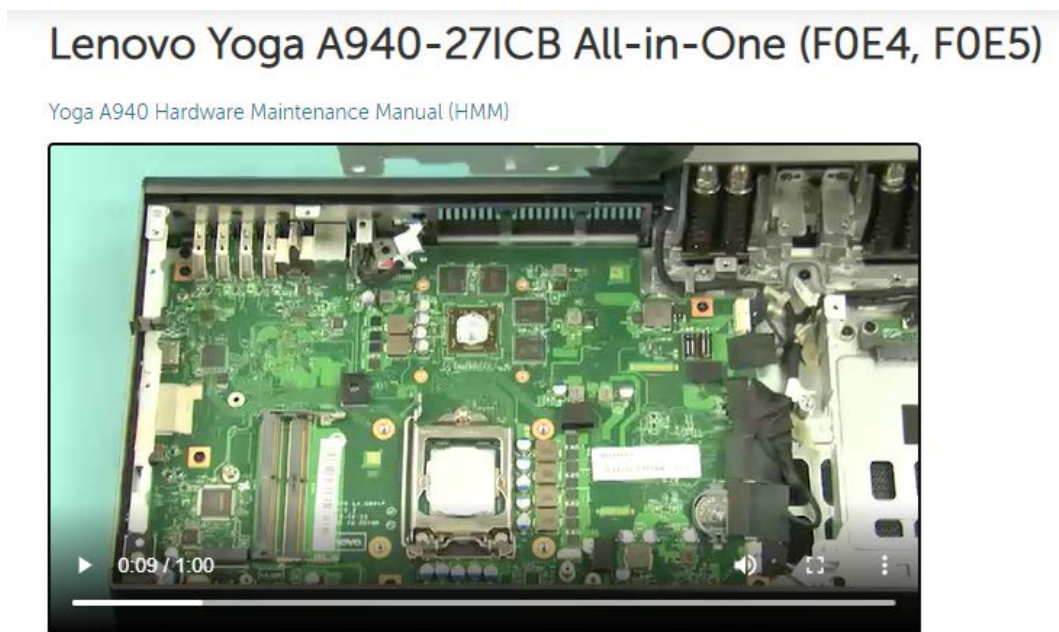
See, e.g., https://download.lenovo.com/its/RTPW1610/FOF/RTPW1610-X1Yoga_REM_FRU_14_SystemBoard.mp4.



See, e.g., https://download.lenovo.com/its/RTPW1610/FOF/RTPW1610-X1Yoga_REM_FRU_14_SystemBoard.mp4 at 0:11 (annotations added).



See, e.g., <https://support.lenovo.com/us/en/solutions/ht508724-removal-and-replacement-videos-lenovo-yoga-a940-27icb-all-in-one-f0e4-f0e5>



See, e.g., <https://support.lenovo.com/us/en/solutions/ht508724-removal-and-replacement-videos-lenovo-yoga-a940-27icb-all-in-one-f0e4-f0e5>.

240. The Accused Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga, Yoga A940) include a graphical user interface, executing on the at least one processor, configured to display the computer content on the display component of the computer system. For example:

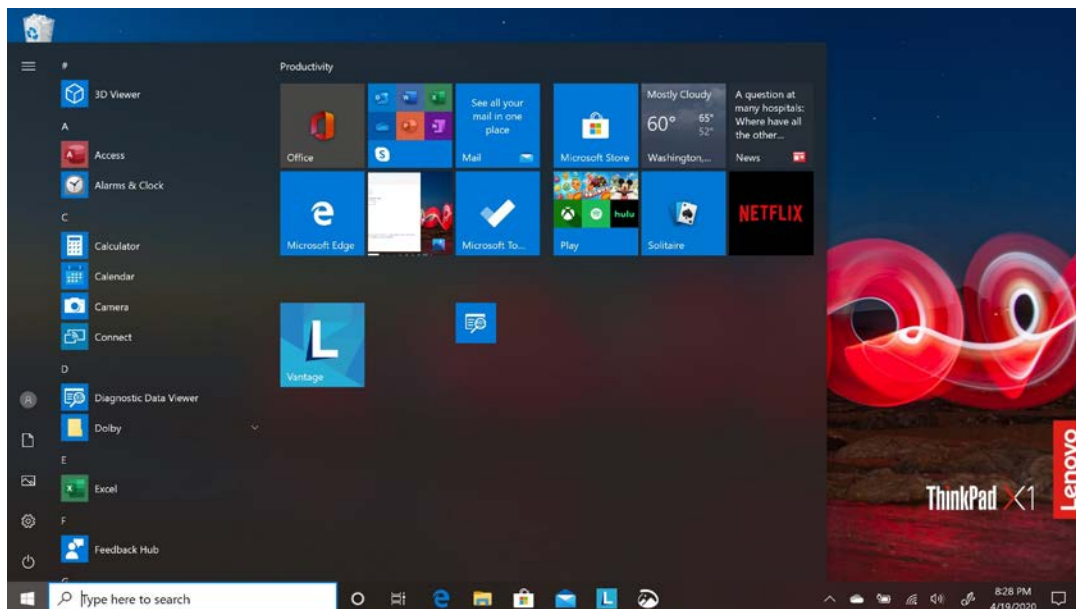


See, e.g., ThinkPad Photos, caption: Lenovo ThinkPad X1 Yoga (3rd Gen) front view with Windows 10 Pro.

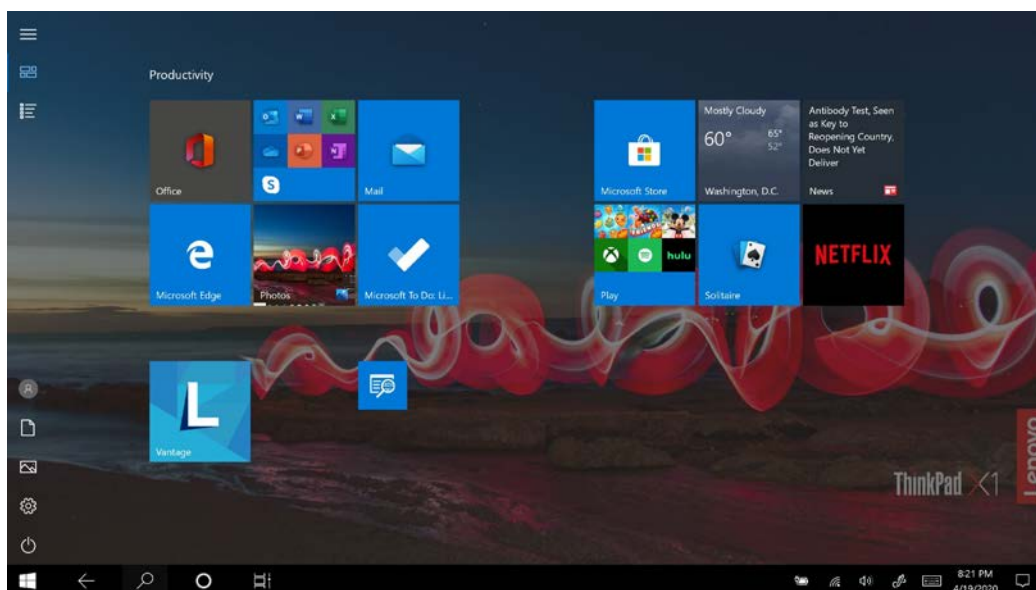


See, e.g., <https://www.youtube.com/watch?v=3O66VahPxRk>.

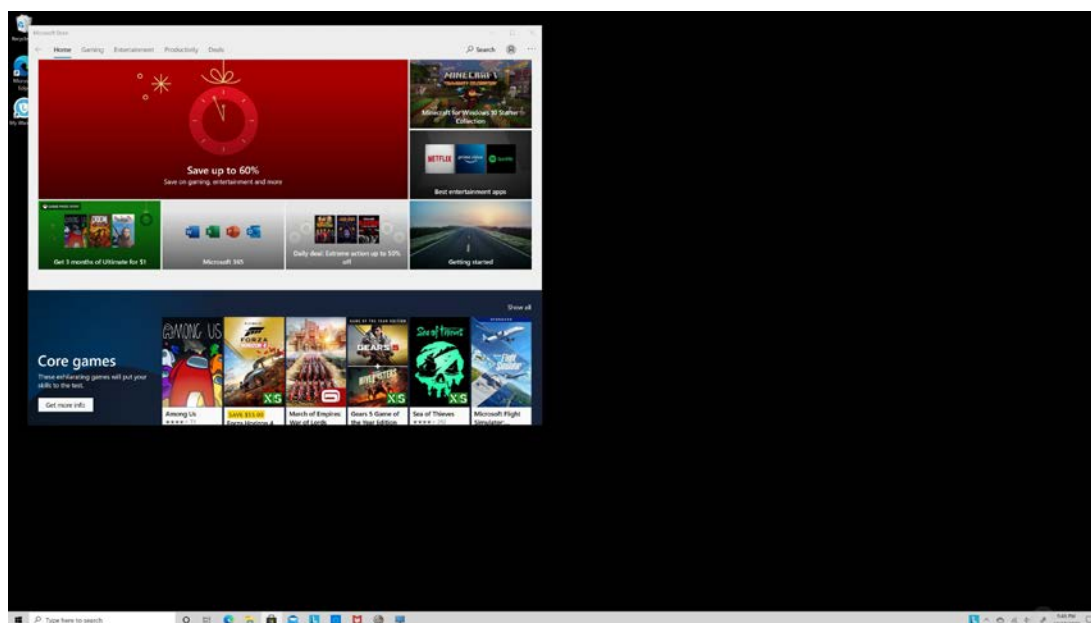
241. The Accused Products (e.g., the 3rd Generation ThinkPad X1 Yoga, Yoga A940) include a graphical user interface configured to: display a plurality of views of a plurality of visual representations of computer content. For example, the 3rd Generation ThinkPad X1 Yoga is configured to display a home screen in laptop mode and a home screen in tablet mode:



Screenshot from 3rd Generation ThinkPad X1 Yoga, home screen in laptop mode.



Screenshot from 3rd Generation ThinkPad X1 Yoga, home screen in tablet mode.

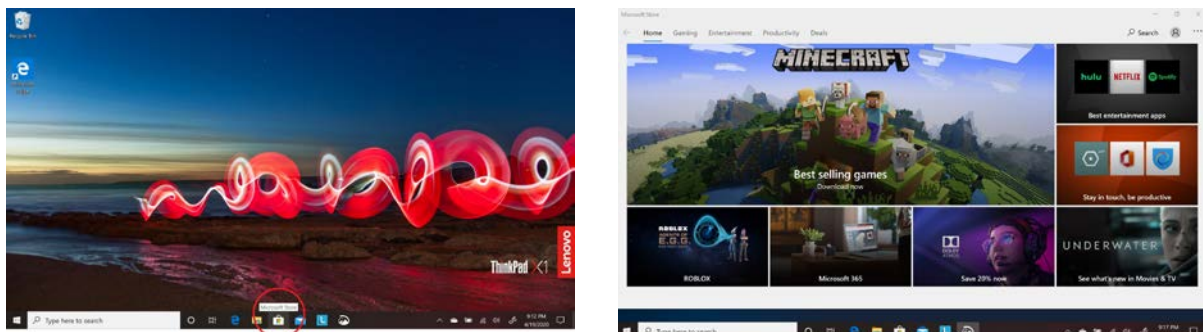


Screenshot from Yoga A940, upright position, home screen in normal mode.

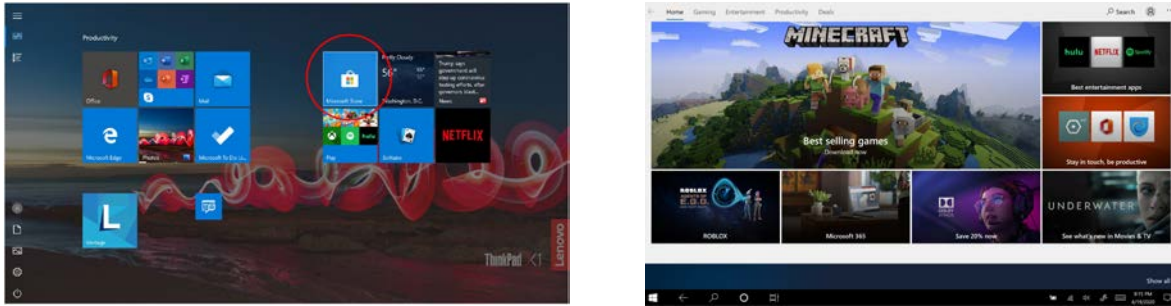


Screenshot from Yoga A940, drafting position, home screen in tablet mode.

242. The Accused Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga, Yoga A940) include computer content that includes at least one of selectable digital content, selectable computer operations and passive digital content. For example, the Microsoft Store app can be selected from the task bar in laptop mode and in tablet mode:



Screenshots from 3rd Generation ThinkPad X1 Yoga, Microsoft Store selected in laptop mode.



Screenshots from 3rd Generation ThinkPad X1 Yoga, Microsoft Store selected in tablet mode.

243. The Accused Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga, Yoga A940) include an execution component, executing on the at least one processor, configured to: detect a current computer system configuration from at least a first computer system configuration where the keyboard is operable to receive input from an operator of the computer system to control the computer system and a second computer system configuration where the keyboard is inoperable to receive input from the operator of the computer system to control the computer system; select one of the plurality of views for display on the computer system in response to the detected current computer system configuration; and transition the display component to the selected one of the plurality of views.

244. For example, the keyboard in the 3rd Generation ThinkPad XI Yoga is operable in notebook mode and inoperable in tent mode:

Your computer features the following four YOGA modes. You can switch among different modes according to your preference.

Note: The keyboard and the pointing devices are automatically disabled in the stand mode, tent mode, and tablet mode. Use the touch screen to control your computer instead.

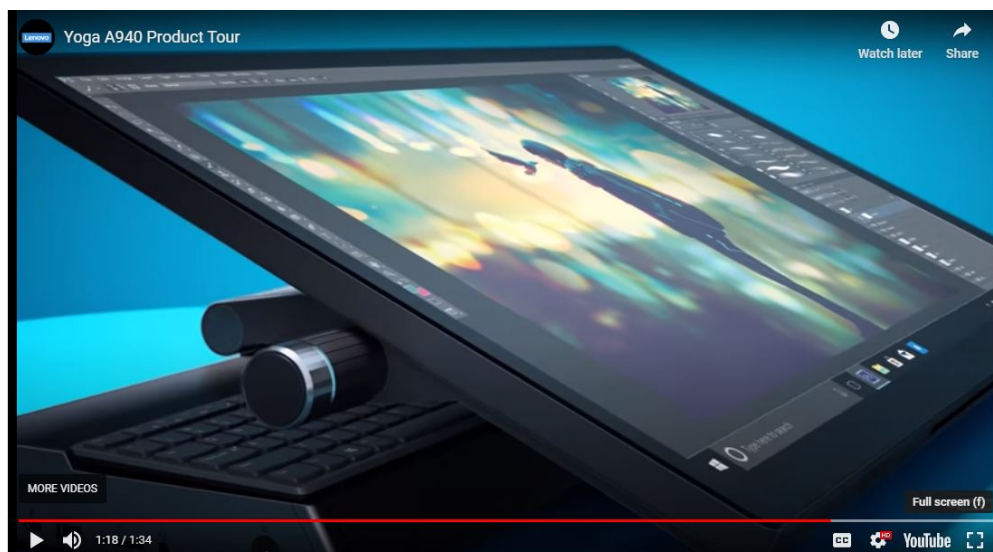


See ThinkPad User Guide, pp. 28-29.

245. For example, in a first computer system configuration in which the display is oriented in an upright position the keyboard in the Yoga A940 is operable to receive input from an operator, and the normal mode can be selected in Microsoft Windows 10. In a second computer system configuration in which the display is lowered into drafting mode, the keyboard is inoperable to receive input from an operator, and the tablet mode can be selected in Microsoft Windows 10:



See <https://www.youtube.com/watch?v=3O66VahPxRk> at 0:06.



See <https://www.youtube.com/watch?v=3O66VahPxRk> at 1:18.

Lenovo US

246. Lenovo US has directly infringed and continues to directly infringe, literally and/or equivalently, one or more of the claims of the '715 patent, including at least claim 1, including by importing, using, selling, and offering for sale in the United States certain

computing devices with multiple display modes, including at least the Accused Products. D.I. 27 (Noble Declaration), ¶ 2.

247. Since at least the filing of the Original Complaint Lenovo US knew of the '715 patent.

248. Since at least the filing of the Original Complaint, Lenovo US knew that the Accused Portable Products infringe at least claim 1 of the '715 patent when used by customers or other users, when sold or offered for sale by resellers, and when imported by Lenovo entities.

249. Since at least the filing of the Original Complaint, Lenovo US has had the intent to encourage customers or other users to directly infringe at least claim 1 of the '715 patent by continuing to advertise, offer for sale, or sell, or by encouraging resellers to offer for sale or sell the Accused Portable Products in the United States, including in Delaware. Since at least the filing of the Original Complaint, Lenovo US has provided with the Accused Portable Products and on the website <https://www.lenovo.com/us/en> manuals, product documentation, and advertising materials that induce customers or other users to infringe at least claim 1 of the '715 patent by encouraging the use of the Accused Portable Products.

250. For example, in the ThinkPad HTML User Guide Lenovo instructs users that the 3rd Generation ThinkPad X1 Yoga “can be opened to any angle within a range of up to 360 degrees” and that “[b]y rotating the display to different angle, your computer features the following four operating modes”:



Notebook mode



Stand mode



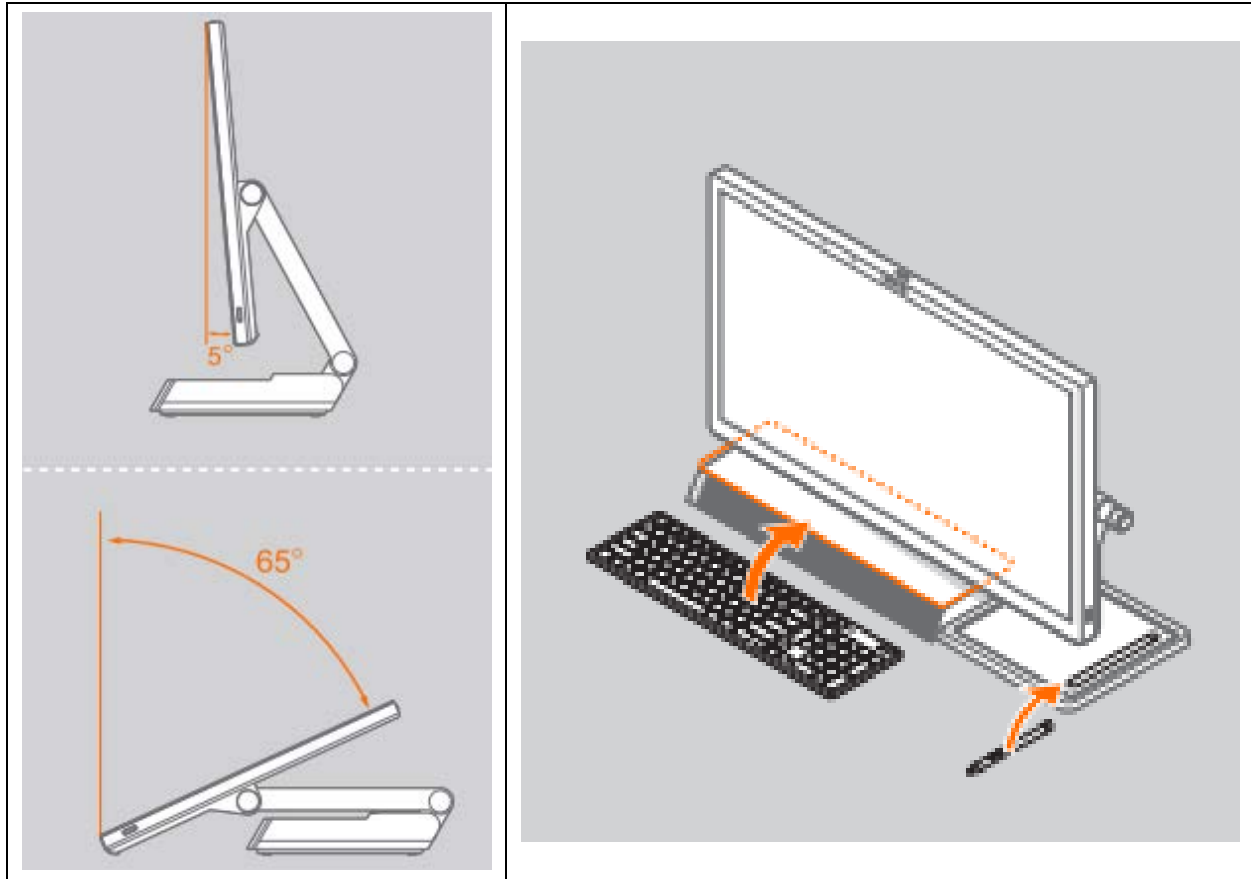
Tent mode



Tablet mode

See ThinkPad User Guide, p. 29.

251. For example, the Yoga A940 Setup guide instructs users that the Yoga A940 can be configured into the following computer system configurations:



252. Since at least the filing of the Original Complaint, Lenovo US's infringement of at least claim 1 of the '715 patent has been willful. Lenovo US's offers for sale, sales, or use of the Accused Portable Products with provision of manuals and instruction to purchasers that encourage use it knows will infringe the '715 patent constitutes willful infringement. Lenovo US is a large corporation with a plethora of resources. Lenovo US's failure to fully investigate the allegations of infringement against it, its ongoing offers for sale, sales, and use of the Accused Portable Products, and its failure to take remedial action to avoid infringement evidences its willful infringement.

253. The foregoing description of Lenovo US's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Portable Products that it obtains during discovery.

254. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Lenovo US's infringement of the '715 patent.

255. Lenovo US's infringement of the '715 patent has damaged and continues to damage LiTL in an amount yet to be determined, of at least a reasonable royalty.

Lenovo Beijing

256. On information and belief, Lenovo Beijing has had knowledge of the '715 patent since before the filing of the Original complaint.

257. Lenovo Beijing has extensive experience with intellectual property. Lenovo Beijing has been the owner of over 2,500 patent applications and over 2,200 patents. Over the past decade, Lenovo US has been involved in over 200 patent litigations in the United States, and has been a party in over 50 *inter partes* review proceedings before the U.S. Patent Trial and Appeals Board. The Lenovo 2019 Annual Report identifies intellectual property (IP) risk as one of the "key risks that the Group considers to be of great significance to the Group as it stands today." <https://doc.irasia.com/listco/hk/lenovo/annual/2019/ar2019.pdf>, page 22. For example, the report recognizes that Lenovo could suffer "reputational harm if found to infringe a third party's valid patents." <https://doc.irasia.com/listco/hk/lenovo/annual/2019/ar2019.pdf>, page 27. To manage and mitigate its IP risk, Lenovo plans to: "Monitor, develop and execute IP litigation defense strategy" and "License IP as appropriate and monitor its continued validity and value to the Group." Lenovo Beijing's R&D teams work closely with IP lawyers from product conception through manufacture and commercialization to develop effective IP strategies for new products, such as the Yoga-branded laptops.

https://www.wipo.int/wipo_magazine/en/2015/03/article_0002.html.

258. Consistent with Lenovo Beijing's sophistication with IP matters and the fact that the Asserted Patents belong to a patent family that has been frequently cited in patent

applications of major players in the personal computing space, on information and belief, Lenovo Beijing was aware by 2016 of the family of LiTL patents and applications to which the '715 patent belongs.

259. Since at least 2017, Lenovo Beijing has been aware of the published application, U.S. 2009/303676 ("the LiTL '676 publication"), which issued as U.S. Patent No. 9,003,315 ("the '315 patent"), and from which the '715 patent is a continuation.. On September 8, 2016, the USPTO issued an office action rejecting claims in Lenovo Beijing's U.S. Patent Application No. 13/971,229 as obvious over, inter alia, the LiTL '676 publication. On August 18, 2017, the USPTO issued an office action rejecting claims in Lenovo Beijing's U.S. Patent Application No. 14/079,046 as obvious over, inter alia, the LiTL '676 publication. On September 15, 2016, the USPTO an office action dated September 15, 2016 citing the '315 patent in Lenovo Beijing's U.S. Patent Application No. 14/209,145.

260. Since at least 2018 Lenovo Beijing knew or should have known, or at a minimum acted with willful blindness to the fact that, the Accused Products sold on its website and bearing its marks infringe one or more claims of the '715 patent based on at least the following:

- Lenovo Beijing's sophistication and substantial resources with respect to intellectual property matters;
- Lenovo Beijing's knowledge of and citation to the LiTL '676 publication, which is the parent to the '715 patent, during prosecution of three of Lenovo Beijing's U.S. patent applications as early as 2016;
- Lenovo Beijing's knowledge of the patent family to which the '715 patent belongs;

- Lenovo Beijing's knowledge since at least 2016 of the '688 and '844 patents, which are ancestors to the '715 patent, and citation to these patents and their corresponding publications in Lenovo Beijing patent applications since at least 2016; and
- the close working relationship between Lenovo Beijing's R&D teams and its IP lawyers and Lenovo Beijing's substantial patent prosecution activities directed to electronic devices having the 2-in-1 functionality of the Accused Portable Products, including the YOGA-branded laptop products.

261. On information and belief, Lenovo Beijing has known, should have known, or has been willfully blind to the existence of the '715 Patent, since at least 2018. As a descendant of the '688 and '844 patents (and their corresponding published patent applications), which have been frequently cited during prosecution of patent applications owned by major players in the personal computing space, including the Lenovo Group and its subsidiaries, Lenovo Beijing knew or was willfully blind to the existence of the '715 patent.

262. On information and belief, Lenovo Beijing is a sophisticated company regarding patents and business in the United States, and citation of patents that cover any of Lenovo's products is a significant concern to Lenovo Beijing. In a 2007 press release, Lenovo's leadership stated that "one of the most important goals of international business" is "the protection of intellectual property." He also noted that "[a]s a global corporate citizen, Lenovo is deeply committed to the protection of intellectual property. We continue to take the lead by encouraging more businesses and individual users to respect and protect intellectual property as a means of building an innovation-friendly business environment." *See*

<https://news.lenovo.com/pressroom/press-releases/lenovo-joins-forces-with-microsoft-to->

[continue-driving-support-for-intellectual-property-rights/](#). In a 2018 press release, Lenovo's leadership noted that "[i]ntellectual property is a strategic asset for Lenovo" that "not only protects our investment in invention and innovation, but also positions Lenovo's businesses to flourish and grow."

263. On information and belief, Lenovo Beijing has procedures to evaluate whether Lenovo products have freedom to operate in the United States, particularly where the products comprise a significant portion of Lenovo's revenue. On information and belief, the Accused Portable Products comprise a significant portion of Lenovo's revenue, and since at least 2018 Lenovo Beijing knew that use of the Accused Portable Products infringes the '715 patent.

264. On information and belief, citation of the '688 and '844 patents and their corresponding published applications during the USPTO prosecution of Lenovo Beijing patents caused Lenovo Beijing to investigate, become aware of, and consider descendant patents, including the '715 patent, and the rest of LiTL's patent portfolio.

265. Since at least 2018 Lenovo Beijing knew or should have known, or at a minimum acted with willful blindness to the fact that, the Accused Products sold on its website and bearing its marks infringe one or more claims of the '715 patent since the patent is a descendant of LiTL's frequently cited ancestor patents (and related published applications), which Lenovo Beijing cited during the prosecution of multiple patents.

266. In addition, Lenovo Beijing has known that the Accused Products sold on its website and bearing its marks infringe one or more of the claims of the '715 patent since at least the time that it received notice of the Original Complaint, or since at least September 29, 2020.

267. Lenovo Beijing's Lenovo.com Domain continues to market and offer for sale the Accused Products bearing Lenovo Beijing's marks into the United States and Delaware since the

filing of the Original Complaint, which thoroughly detailed how the Accused Portable Products infringe at least claim 1 of the '715 patent.

268. Lenovo Beijing has known or should have known since it first became aware of the '715 patent, and at least by September 29, 2020, that end users, importers, distributors, retailers, repair and service technicians, Lenovo US and its employees and contractors, and other users of the Accused Portable Products are infringing the '715 patent.

269. Lenovo Beijing is responsible for what is posted on the Lenovo.com Domain, including its press releases identified in Paragraph 90 above, which encourage users of the Accused Products in the United States and Delaware to infringe at least claim 1 of the '715 patent by using the Accused Portable Products. Since at least 2018, Lenovo Beijing has encouraged customers to use the Accused Portable Products by providing the Lenovo.com Domain to host press releases that encourage customers to use the Accused Products. Lenovo Beijing's conduct since 2018 demonstrates an intent to induce customers to directly infringe at least claim 1 of the '715 patent. Lenovo Beijing's conduct since 2018 also demonstrates an intent to induce Lenovo US to infringe the '715 patent by selling, offering for sale, and using the Accused Portable Products.

270. Lenovo Beijing has actively and knowingly induced infringement, and is actively and knowingly inducing infringement of the '715 patent, literally and/or equivalently, at least by inducing end users, repair and service technicians, Lenovo employees and contractors, and others to use the Accused Products in an infringing manner. Lenovo Beijing makes available the Lenovo.com Domain to disseminate manuals, product documentation and other advertising material that encourages customers to infringe the asserted claims by using the Accused Products.

271. For example, in the ThinkPad HTML User Guide Lenovo instructs users that the 3rd Generation ThinkPad X1 Yoga “can be opened to any angle within a range of up to 360 degrees,” that “[b]y rotating the display to different angle, your computer features the following four operating modes,” and that “[t]he keyboard and the pointing devices are automatically disabled in the stand mode, tent mode, and tablet mode”:

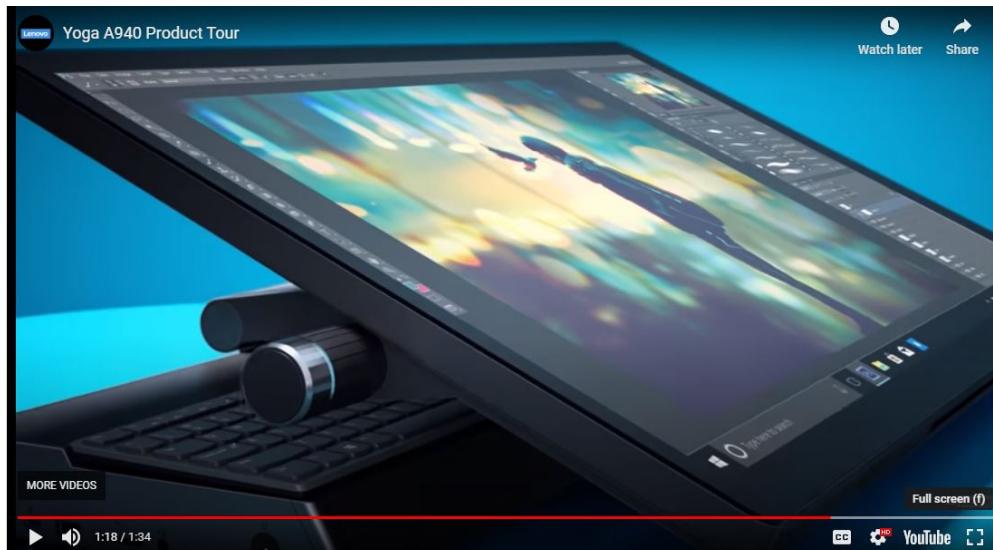


See ThinkPad HTML User Guide, Using Your ThinkPad / Using your computer / Operating modes.

272. For example, Lenovo’s promotional materials for the Yoga A940 demonstrate the intent for users to use a 25° hinge to adjust the display into different computer system configurations. *See* <https://news.lenovo.com/lenovo-unboxed-yoga-a940-all-in-one-pc/> at 1:56, 14:45. In an upright position, the keyboard is operable to receive input. In a lower position, the keyboard is stowed underneath the display and is therefore inoperable to receive input.



See A940 Webpage, Yoga A940 Product Tour at 0:06.



See A940 Webpage, Yoga A940 Product Tour at 1:18.

273. Lenovo Beijing has had knowledge of the '715 patent and its infringement of the '715 patent since it first became aware of the '715 patent in 2018, and since at least the time it received notice of the Original Complaint or at least by September 29, 2020. Lenovo Beijing has induced infringement of the '715 patent with specific intent to induce infringement of that patent.

274. Lenovo Beijing's infringement of the '715 patent has been willful since it first became aware of the '715 patent in 2018, or since at least the time it received notice of the

Original Complaint, and its ongoing infringement of the '715 patent continues to be willful. Lenovo Beijing's willful infringement is evidenced by the following: the citation of the LiTL '676 publication and '315 patent (which is the parent to the '715 patent) to Lenovo Beijing during prosecution of three of its U.S. patent applications; the close working relationship between Lenovo Beijing's IP and research and design departments; the similarities between how the Accused Portable Products operate, the functionality that Lenovo Beijing sought to claim in its patent applications, and the requirements of claim 11 of the '154 patent; Lenovo Beijing's significant size and resources; and Lenovo Beijing's failure to take remedial action to avoid infringement. Lenovo Beijing has chosen to manufacture or control manufacture of the Accused Products with the intent that the Accused Products would be imported, offered for sale, sold, and/or used in the United States, to distribute or control distribution of the Accused Products in Lenovo's established distribution channels with the intent that the Accused Products would be imported, offered for sale, sold, and/or used in the United States, as explained in more detail above, and knowing that doing so would infringe the '715 patent, and despite receiving notice from LiTL that continuing to do so would infringe the '715 patent.

275. The foregoing description of Lenovo Beijing's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Products that it obtains during discovery.

276. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Lenovo Beijing's infringement of the '715 patent.

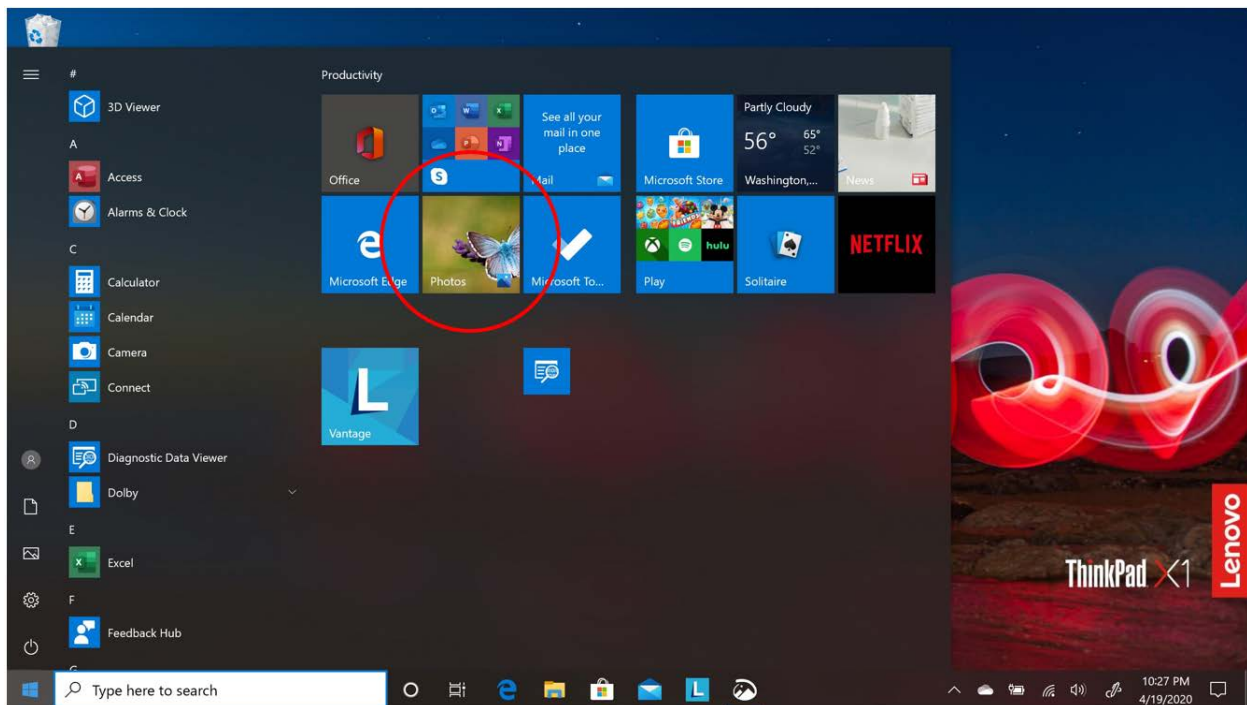
277. Lenovo Beijing's infringement of the '715 patent has damaged and continues to damage LiTL in an amount yet to be determined, of at least a reasonable royalty.

COUNT V

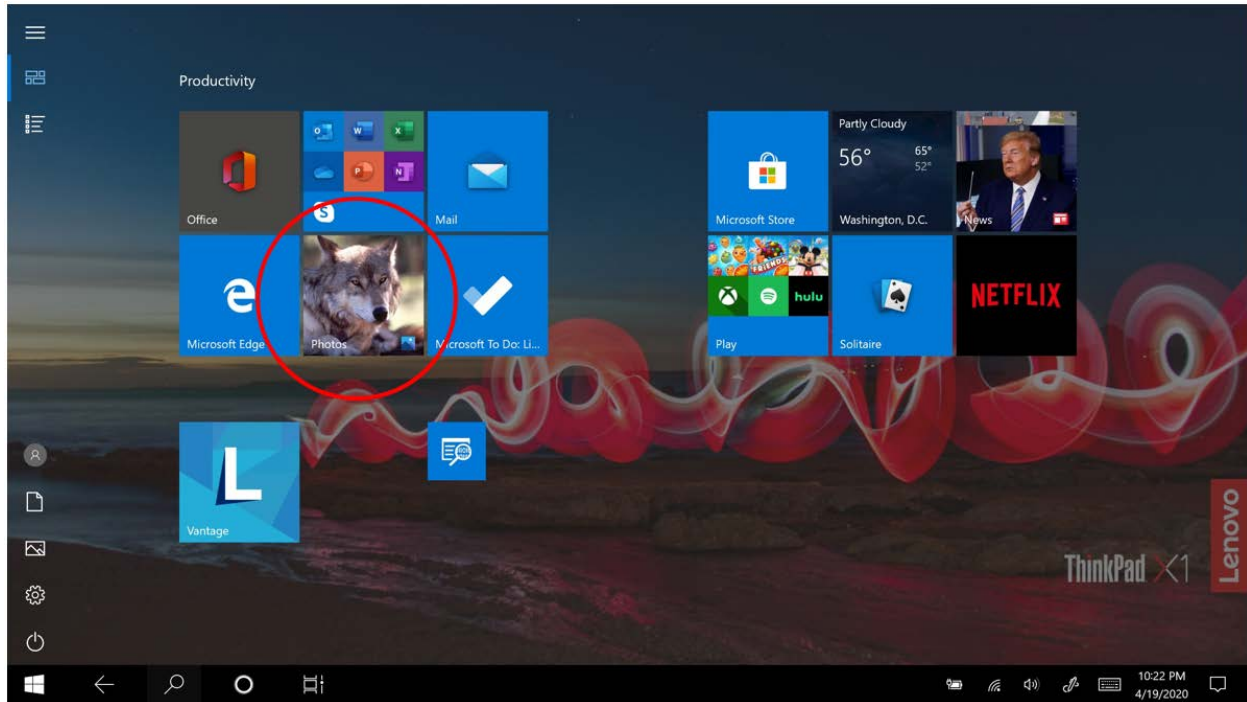
(Infringement of U.S. Patent No. 8,612,888)

278. LiTL incorporates by reference and realleges all the foregoing paragraphs of the First Amended Complaint as if fully set forth herein.

279. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a system for accessing and managing digital media libraries with a plurality of selectable I/O profiles. For example, the 3rd Generation ThinkPad X1 Yoga includes the Microsoft Photos app, which can be accessed in tablet mode and in laptop mode:

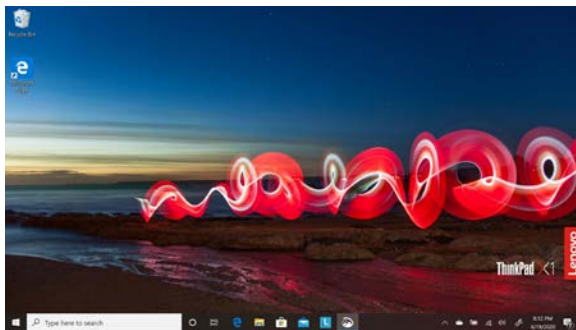


Screenshot from 3rd Generation ThinkPad X1 Yoga, Microsoft Photos (circled) in laptop mode.



Screenshot from 3rd Generation ThinkPad X1 Yoga, Microsoft Photos (circled) in tablet mode.

280. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a display component configured to display a graphical user interface on a computing device, wherein the graphical user interface comprises at least a plurality of views of digital media content, wherein the plurality of views include at least one of a plurality of visual representations. For example, the 3rd Generation ThinkPad X1 Yoga includes a laptop mode and a tablet mode:



Laptop Mode



Tablet Mode

Screenshot from 3rd Generation ThinkPad X1 Yoga, home screen in laptop and tablet modes.

281. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include an execution component configured to transition the graphical user interface between the plurality of views in response to selection of an I/O profile. For example, the 3rd Generation ThinkPad X1 Yoga is configured to transition between a plurality of views in response to selection of laptop and tablet modes.



Laptop Mode



Tablet Mode

Screenshot from 3rd Generation ThinkPad X1 Yoga, home screen in laptop and tablet modes.

282. Selecting the I/O profile within the Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) includes: responding to user rotation of a display component of the computing device about a longitudinal axis running along an interface between the display component and a base of the streamlined computing device; responding to rotation of the display component about the longitudinal from a closed mode to a first physical orientation configures the computing device into a laptop mode having a first physical configuration of the display component and the base with one of the plurality of views as a default display; and responding to rotation of the display component about the longitudinal axis from the closed mode to a second physical orientation configures the computing device into another display mode having a second physical configuration of the display component and the base with another one of the plurality of views as the default display. For example, the 3rd Generation ThinkPad X1 Yoga can display a

laptop mode when rotated from a closed mode to a notebook mode, and can further display a tablet mode when rotated from a notebook mode to a tent mode.

Get to know YOGA modes (for X1 Yoga only)

Your computer display can be rotated to any angle up to 360 degrees.

Attention: Do not rotate the computer display with too much force, or apply too much force to the upper-right or upper-left corner of the computer display. Otherwise, the computer display or hinges might get damaged.



Your computer features the following four YOGA modes. You can switch among different modes according to your preference.

ThinkPad User Guide, p. 28.

Your computer features the following four YOGA modes. You can switch among different modes according to your preference.

Note: The keyboard and the pointing devices are automatically disabled in the stand mode, tent mode, and tablet mode. Use the touch screen to control your computer instead.



Notebook mode



Stand mode



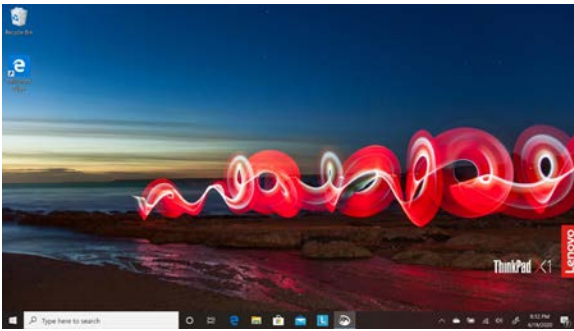
Tent mode



Tablet mode

See ThinkPad User Guide, pp. 28-29.

283. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a view selector component configured to transition between the plurality of views in response to activation. For example, when powered on the 3rd Generation ThinkPad X1 Yoga is configured to transition between a laptop mode and a tablet mode:



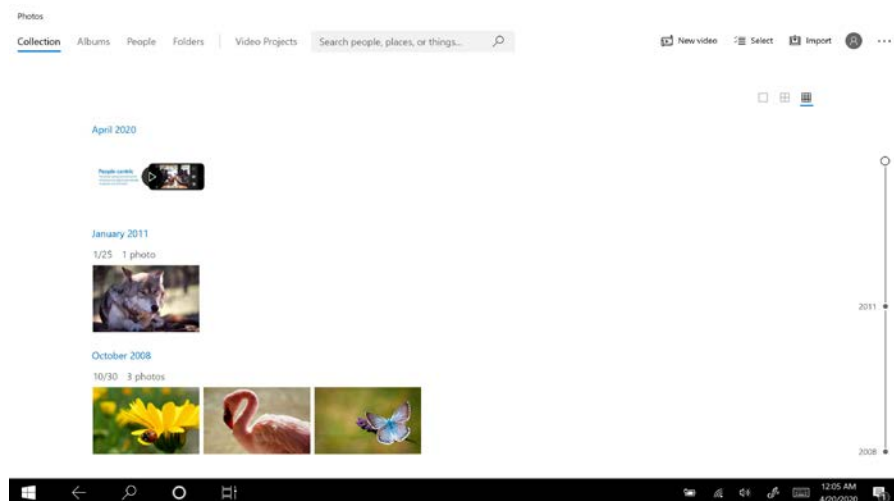
Laptop Mode



Tablet Mode

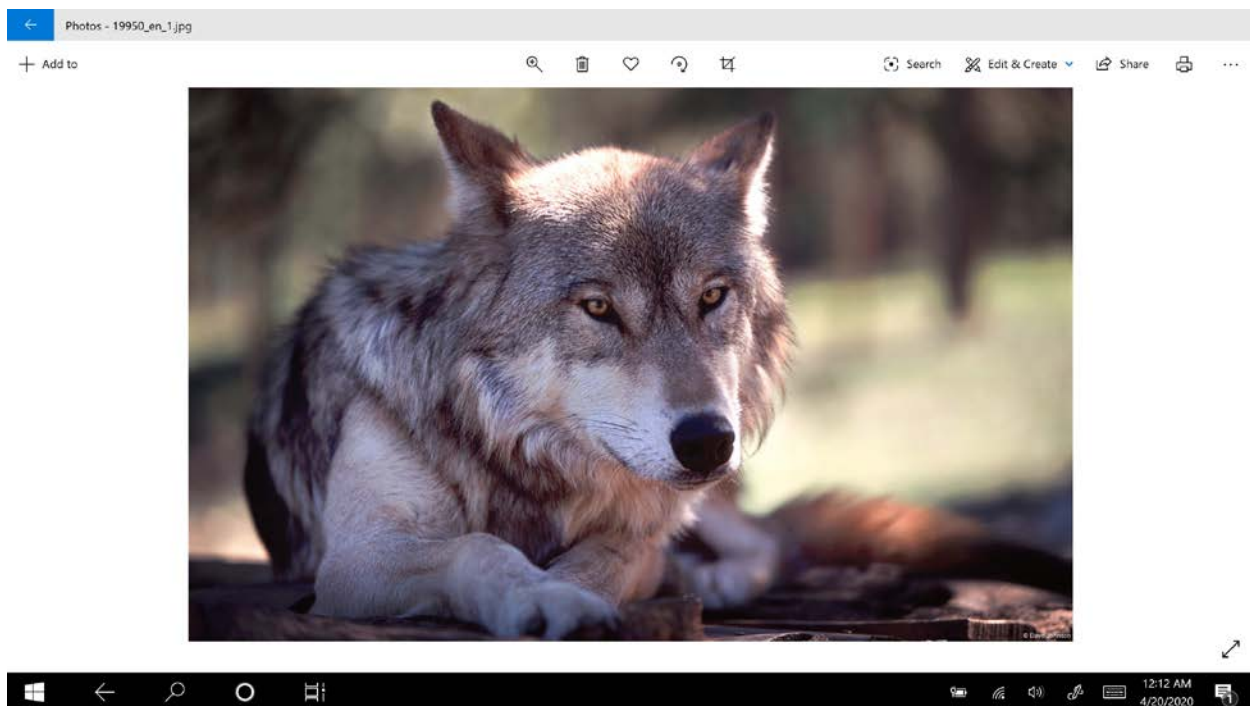
Screenshot from 3rd Generation ThinkPad X1 Yoga, home screen in laptop and tablet modes.

284. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a storage component configured to store an association between at least one of a plurality of visual representations and digital media content. For example, the 3rd Generation ThinkPad X1 Yoga includes the Microsoft Photos app, which is configured to store an association between thumbnail previews of content and digital media content:



Screenshot from 3rd Generation ThinkPad X1 Yoga, Microsoft Photos app.

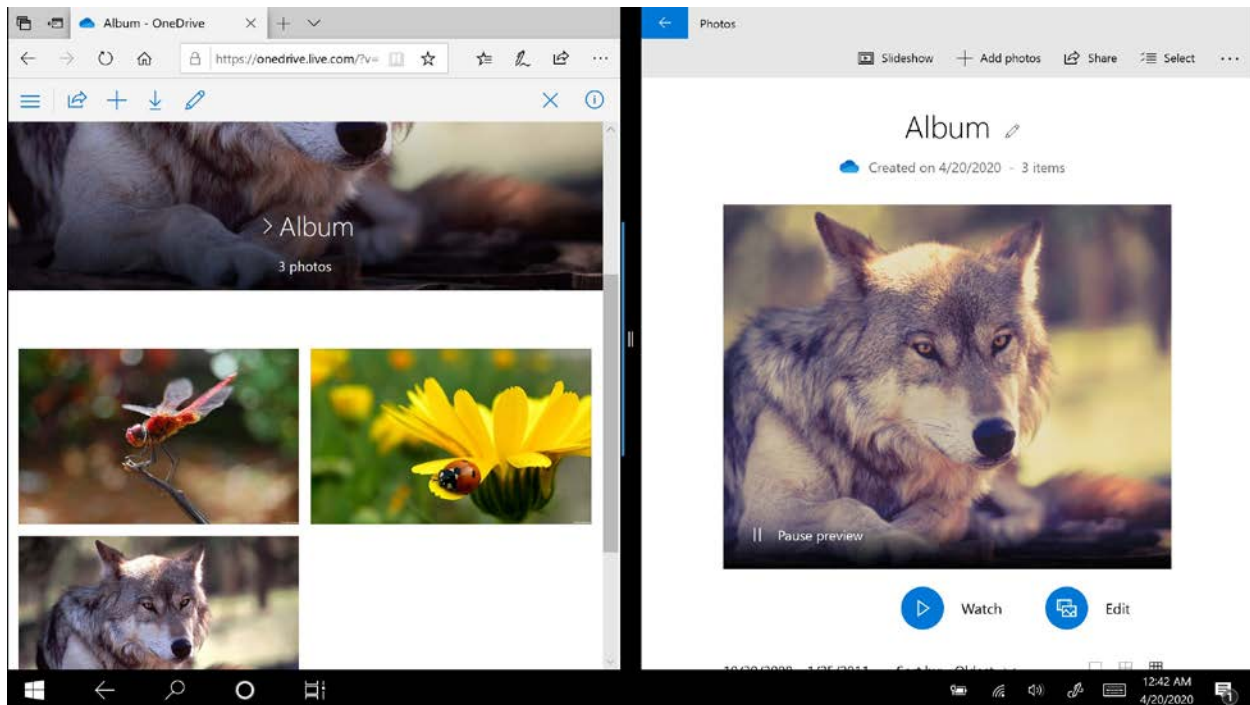
285. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include an execution component further configured to execute the association with the at least one of the plurality of visual representations with digital media content in response to selection and transition the display to a view of the digital media content in response to the act of executing the association. For example, selecting a thumbnail preview in the Microsoft Photos app transitions to a view of the digital media content:



Screenshot from 3rd Generation ThinkPad X1 Yoga, Microsoft Photos app.

286. The Accused Portable Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga) include a display component configured to display user digital media content and referenced digital media content in the view of the digital media content. For example, the 3rd Generation ThinkPad X1 Yoga includes the Microsoft Photos app, which is configured to permit users to

manage digital media content libraries (e.g., in an album located locally or in a remote location such as OneDrive):



Screenshot from 3rd Generation ThinkPad X1 Yoga, OneDrive album and Microsoft Photos app.

Lenovo US

287. Lenovo US has directly infringed and continues to directly infringe, literally and/or equivalently, one or more of the claims of the '888 patent, including at least claim 27, including by importing, using, selling, and offering for sale in the United States certain computing devices with multiple display modes, including at least the Accused Products. D.I. 27 (Noble Declaration), ¶ 2.

288. Since at least the filing of the Original Complaint Lenovo US knew of the '888 patent.

289. Since at least the filing of the Original Complaint, Lenovo US knew that the Accused Portable Products infringe at least claim 27 of the '888 patent when used by customers or other users, when sold or offered for sale by resellers, and when imported by Lenovo entities.

290. Since at least the filing of the Original Complaint, Lenovo US has had the intent to encourage customers or other users to directly infringe at least claim 27 of the '888 patent by continuing to advertise, offer for sale, or sell, or by encouraging resellers to offer for sale or sell the Accused Portable Products in the United States, including in Delaware. Since at least the filing of the Original Complaint, Lenovo US has provided with the Accused Portable Products and on the website <https://www.lenovo.com/us/en> manuals, product documentation, advertising materials and pre-installed software that induce customers or other users to infringe at least claim 27 of the '888 patent by encouraging the use of the Accused Portable Products. For example, in the ThinkPad HTML User Guide Lenovo instructs users that the 3rd Generation ThinkPad X1 Yoga “can be opened to any angle within a range of up to 360 degrees” and that “[b]y rotating the display to different angle, your computer features the following four operating modes”:

Your computer features the following four YOGA modes. You can switch among different modes according to your preference.

Note: The keyboard and the pointing devices are automatically disabled in the stand mode, tent mode, and tablet mode. Use the touch screen to control your computer instead.



Notebook mode



Stand mode



Tent mode



Tablet mode

See ThinkPad User Guide, p. 29.

291. Since at least the filing of the Original Complaint, Lenovo US's infringement of at least claim 27 of the '888 patent has been willful. Lenovo US's offers for sale, sales, or use of the Accused Portable Products with provision of manuals and instruction to purchasers that encourage use it knows will infringe the '888 patent constitutes willful infringement. Lenovo US is a large corporation with a plethora of resources. Lenovo US's failure to fully investigate the allegations of infringement against it, its offers for sale, sales, and use of the Accused Portable Products, and its failure to take remedial action to avoid infringement evidences its willful infringement.

292. The foregoing description of Lenovo US's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Portable Products that it obtains during discovery.

293. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Lenovo US's infringement of the '888 patent.

294. Lenovo US's infringement of the '888 patent has damaged and continues to damage LiTL in an amount yet to be determined, of at least a reasonable royalty.

Lenovo Beijing

295. On information and belief, Lenovo Beijing has had knowledge of the '888 patent since before the filing of the Original Complaint.

296. Lenovo Beijing has extensive experience with intellectual property. Lenovo Beijing has been the owner of over 2,500 patent applications and over 2,200 patents. Over the past decade, Lenovo US has been involved in over 200 patent litigations in the United States, and has been a party in over 50 *inter partes* review proceedings before the U.S. Patent Trial and Appeals Board. The Lenovo 2019 Annual Report identifies intellectual property (IP) risk as one

of the “key risks that the Group considers to be of great significance to the Group as it stands today.” <https://doc.irasia.com/listco/hk/lenovo/annual/2019/ar2019.pdf, page22>. For example, the report recognizes that Lenovo could suffer “reputational harm if found to infringe a third party’s valid patents.” <https://doc.irasia.com/listco/hk/lenovo/annual/2019/ar2019.pdf, page 27>. To manage and mitigate its IP risk, Lenovo plans to: “Monitor, develop and execute IP litigation defense strategy” and “License IP as appropriate and monitor its continued validity and value to the Group.” Lenovo Beijing’s R&D teams work closely with IP lawyers from product conception through manufacture and commercialization to develop effective IP strategies for new products, such as the Yoga-branded laptops.

https://www.wipo.int/wipo_magazine/en/2015/03/article_0002.html.

297. Consistent with Lenovo Beijing’s sophistication with IP matters and the fact that the Asserted Patents belong to a patent family that has been frequently cited in patent applications of major players in the personal computing space, on information and belief, Lenovo Beijing was aware by 2016 of the family of LiTL patents and applications to which the ’888 patent belongs.

298. Since at least 2016 Lenovo Beijing knew or should have known, or at a minimum acted with willful blindness to the fact that, the Accused Portable Products sold on its website and bearing its marks infringe one or more claims of the ’888 patent based on at least the following:

- Lenovo Beijing’s sophistication and substantial resources with respect to intellectual property matters;
- Lenovo Beijing’s knowledge of the patent family to which the ’888 patent belongs; and

- Lenovo Beijing's knowledge since at least 2016 of the '688 and '844 patents, which are ancestors to the '888 patent, and citation to these parent patent publications in Lenovo Beijing patent applications since at least 2016; and
- the close working relationship between Lenovo Beijing's R&D teams and its IP lawyers and Lenovo Beijing's substantial patent prosecution activities directed to electronic devices having the 2-in-1 functionality of the Accused Portable Products, including the YOGA-branded laptop products.

299. On information and belief, Lenovo Beijing has known, should have known, or has been willfully blind to the existence of the '888 Patent, since at least 2016. As a descendant of the '688 and '844 patents (and their corresponding published patent applications), which have been frequently cited during prosecution of patent applications owned by major players in the personal computing space, including the Lenovo Group and its subsidiaries, Lenovo Beijing knew, should have known, or was willfully blind to the existence of the '888 patent.

300. On information and belief, Lenovo Beijing is a sophisticated company regarding patents and business in the United States, and citation of patents that cover any of Lenovo's products is a significant concern to Lenovo Beijing. In a 2007 press release, Lenovo's leadership stated that "one of the most important goals of international business" is "the protection of intellectual property." He also noted that "[a]s a global corporate citizen, Lenovo is deeply committed to the protection of intellectual property. We continue to take the lead by encouraging more businesses and individual users to respect and protect intellectual property as a means of building an innovation-friendly business environment." *See* <https://news.lenovo.com/pressroom/press-releases/lenovo-joins-forces-with-microsoft-to-continue-driving-support-for-intellectual-property-rights/>. In a 2018 press release, Lenovo's

leadership noted that “[i]ntellectual property is a strategic asset for Lenovo” that “not only protects our investment in invention and innovation, but also positions Lenovo’s businesses to flourish and grow.”

301. On information and belief, Lenovo Beijing has procedures to evaluate whether Lenovo products have freedom to operate in the United States, particularly where the products comprise a significant portion of Lenovo’s revenue. On information and belief, the Accused Portable Products comprise a significant portion of Lenovo’s revenue, and since at least 2016 Lenovo Beijing knew that use of the Accused Portable Products infringes the ’888 patent.

302. On information and belief, citation of the ’688 and ’844 patents and their corresponding published applications during the USPTO prosecution of Lenovo Beijing patents caused Lenovo Beijing to investigate, become aware of, and consider descendant patents, including the ’888 patent, and the rest of LiTL’s patent portfolio.

303. Since at least 2016 Lenovo Beijing knew or should have known, or at a minimum acted with willful blindness to the fact that, the Accused Portable Products sold on its website and bearing its marks infringe one or more claims of the ’888 patent since the patent is a descendant of LiTL’s frequently cited ancestor patents (and related published applications), which Lenovo Beijing cited during the prosecution of multiple patents.

304. In addition, Lenovo Beijing has known that the Accused Portable Products sold on its website and bearing its marks infringe one or more of the claims of the ’888 patent since at least the time that it received notice of the Original Complaint, or since at least September 29, 2020.

305. Lenovo Beijing’s Lenovo.com Domain continues to market and offer for sale the Accused Products bearing Lenovo Beijing’s marks into the United States and Delaware since the

filing of the Original Complaint, which thoroughly detailed how the Accused Portable Products infringe at least claim 27 of the '888 patent.

306. Lenovo Beijing has known or should have known since it first became aware of the '888 patent, and at least by September 29, 2020, that end users, importers, distributors, retailers, repair and service technicians, Lenovo US and its employees and contractors, and other users of the Accused Products are infringing the '888 patent.

307. Lenovo Beijing is responsible for what is posted on the Lenovo.com Domain, including its press releases identified in Paragraph 90 above, which encourage users of the Accused Products in the United States and Delaware to infringe at least claim 27 of the '888 patent by using the Accused Portable Products. Since at least 2016, Lenovo Beijing has encouraged customers to use the Accused Portable Products by providing the Lenovo.com Domain to host press releases that encourage customers to use the Accused Portable Products. Lenovo Beijing's conduct since 2016 demonstrates an intent to induce customers to directly infringe at least claim 27 of the '888 patent. Lenovo Beijing's conduct since 2016 also demonstrates an intent to induce Lenovo US to infringe the '888 patent by selling, offering for sale, and using the Accused Portable Products.

308. Lenovo Beijing has actively and knowingly induced infringement, and is actively and knowingly inducing infringement of one or more claims of the '888 patent, literally and/or equivalently, at least by inducing end users, repair and service technicians, Lenovo employees and contractors, and others to use the Accused Products in an infringing manner. For example, Lenovo instructs such users by way of manuals or product documentation to infringe the asserted claims by using the Accused Portable Products. *See, e.g.,* <https://pcsupport.lenovo.com/us/en/solutions/msh500092>.

309. Lenovo Beijing has had knowledge of the '888 patent and its infringement of the '888 patent since it first became aware of the '888 patent in 2016, and since at least the time it received notice of the Original Complaint or at least by September 29, 2020. Lenovo Beijing has induced infringement of the '888 patent with specific intent to induce infringement of that patent.

310. Lenovo Beijing's infringement of the '888 patent has been willful since it first became aware of the '154 patent in 2016, or since at least the time it received notice of the Original Complaint, and its ongoing infringement of the '888 patent continues to be willful. Lenovo Beijing's willful infringement is evidenced by the following: the close working relationship between Lenovo Beijing's IP and research and design departments; the similarities between how the Accused Portable Products operate, the functionality that Lenovo Beijing sought to claim in its patent applications, and the requirements of claim 27 of the '888 patent; Lenovo Beijing's significant size and resources; and Lenovo Beijing's failure to take remedial action to avoid infringement. Lenovo Beijing has chosen to manufacture or control manufacture of the Accused Products with the intent that the Accused Products would be imported, offered for sale, sold, and/or used in the United States, to distribute or control distribution of the Accused Products in Lenovo's established distribution channels with the intent that the Accused Products would be imported, offered for sale, sold, and/or used in the United States, as explained in more detail above, and knowing that doing so would infringe the '888 patent, and despite receiving notice from LiTL that continuing to do so would infringe the '888 patent.

311. The foregoing description of Lenovo Beijing's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Portable Products that it obtains during discovery.

312. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Lenovo Beijing's infringement of the '888 patent.

313. Lenovo Beijing's infringement of the '888 patent has damaged and continues to damage LiTL in an amount yet to be determined, of at least a reasonable royalty.

COUNT VI

(Infringement of U.S. Patent No. 8,577,957)

314. LiTL incorporates by reference and realleges all the foregoing paragraphs of the First Amended Complaint as if fully set forth herein.

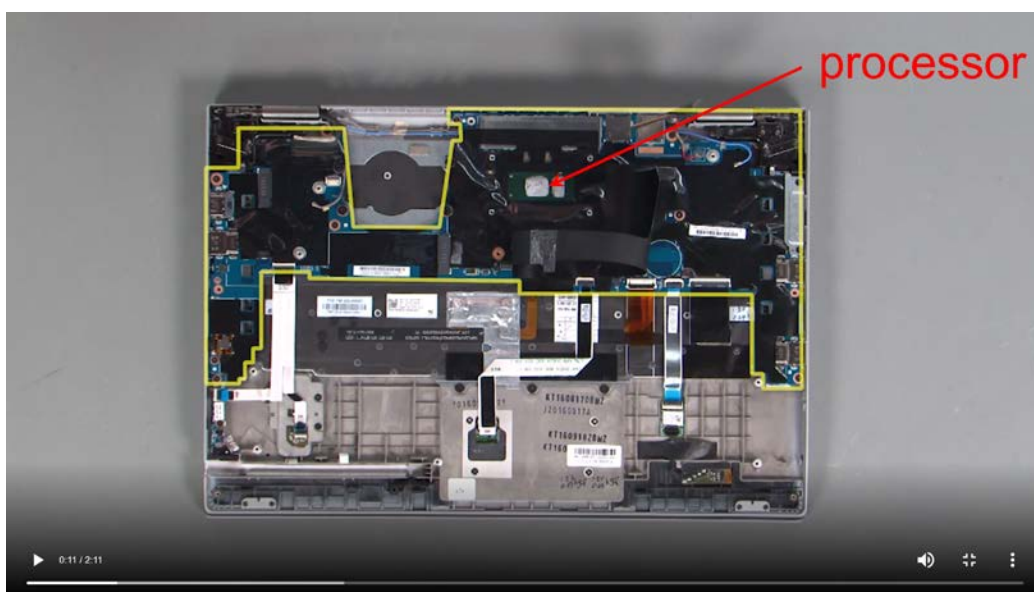
315. The Accused Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga, Yoga A940) include a streamlined computer device, the device comprising: at least one processor operatively connected to a memory. For example:

| 3 rd Generation ThinkPad X1 Yoga | YOGA A940 |
|--|--|
| Processor ⓘ 8th Generation Intel® Core™ i5-8250U Processor (1.60 GHz, up to 3.40 GHz with Turbo Boost, 4 Cores, 8 Threads, 6 MB Cache) | Processor ⓘ 9th Generation Intel® Core™ i7-9700 Processor with vPro™ (3.00GHz, up to 4.70 GHz with Turbo boost, 8 Cores, 12MB Cache) |
| Operating System ⓘ Windows 10 Pro 64 | Operating System ⓘ Windows 10 Home 64 |
| Display Type ⓘ 14.0" FHD (1920 x 1080) IPS anti-reflective, anti-smudge, touchscreen, 300 nits | Display Type ⓘ 27" 4K UHD (3840 x 2160) IPS, multi-touch |
| Memory ⓘ 8 GB LPDDR3 2133MHz (Soldered) | Memory ⓘ 32 GB DDR4 2666MHz (2 x 16 GB) |
| Hard Drive ⓘ 512 GB PCIe SSD | Hard Drive ⓘ 1TB 5400 RPM + 256GB SSD PCIe |

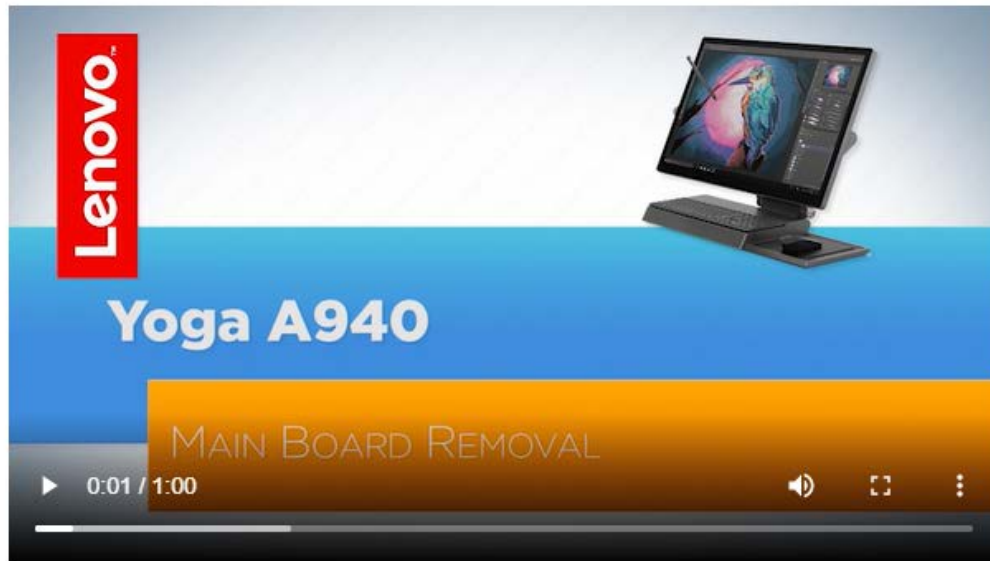
See, e.g., ThinkPad Webpage; A940 Webpage



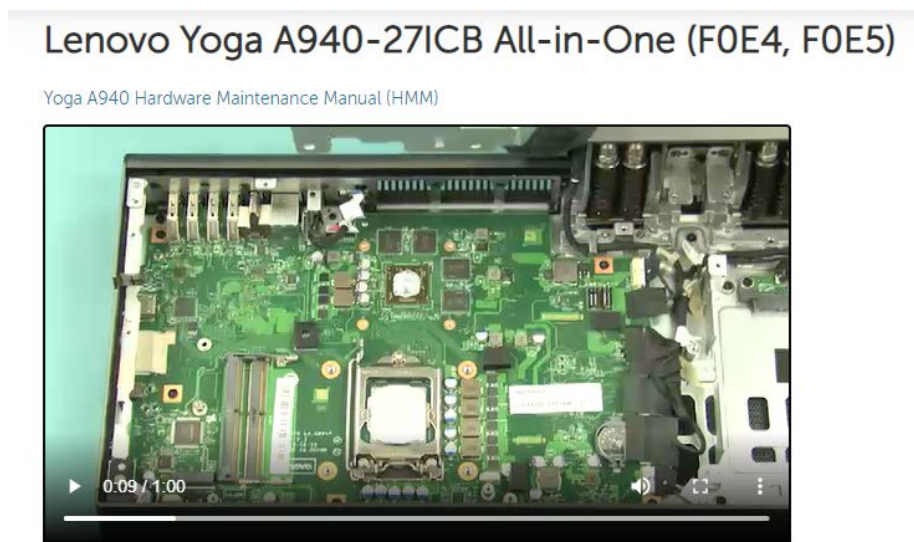
See, e.g., https://download.lenovo.com/its/RTPW1610/FOF/RTPW1610-X1Yoga_REM_FRU_14_SystemBoard.mp4.



See, e.g., https://download.lenovo.com/its/RTPW1610/FOF/RTPW1610-X1Yoga_REM_FRU_14_SystemBoard.mp4 at 0:11 (annotations added).



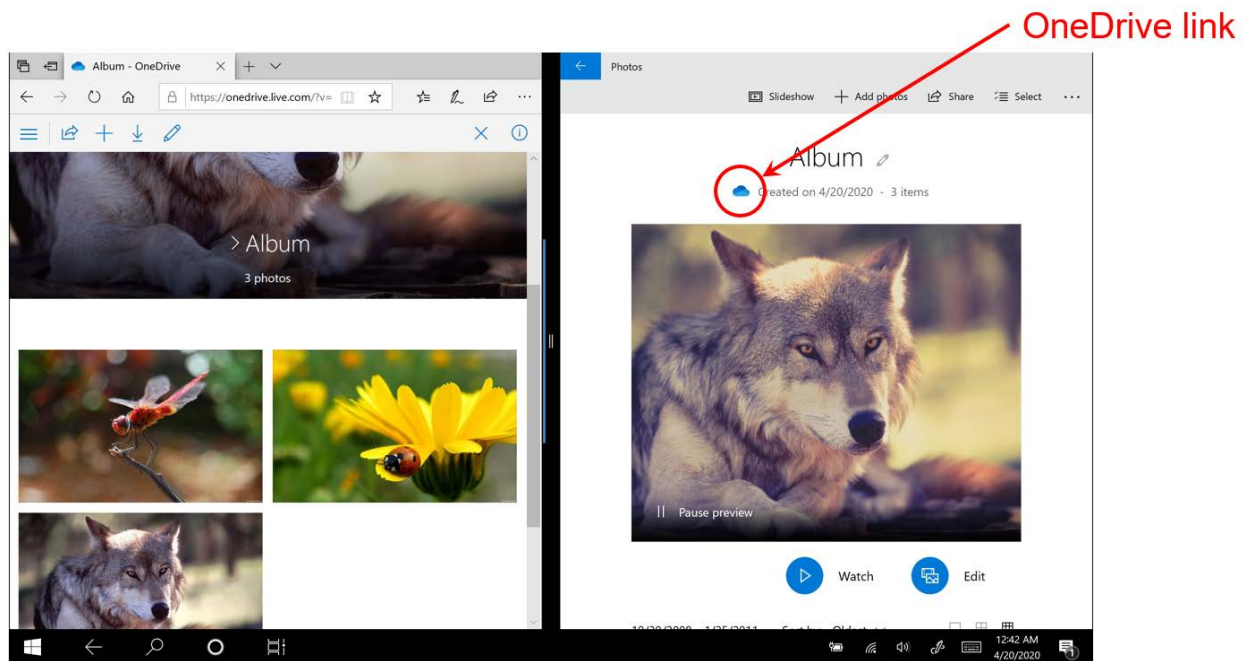
See, e.g., <https://support.lenovo.com/us/en/solutions/ht508724-removal-and-replacement-videos-lenovo-yoga-a940-27icb-all-in-one-f0e4-f0e5>



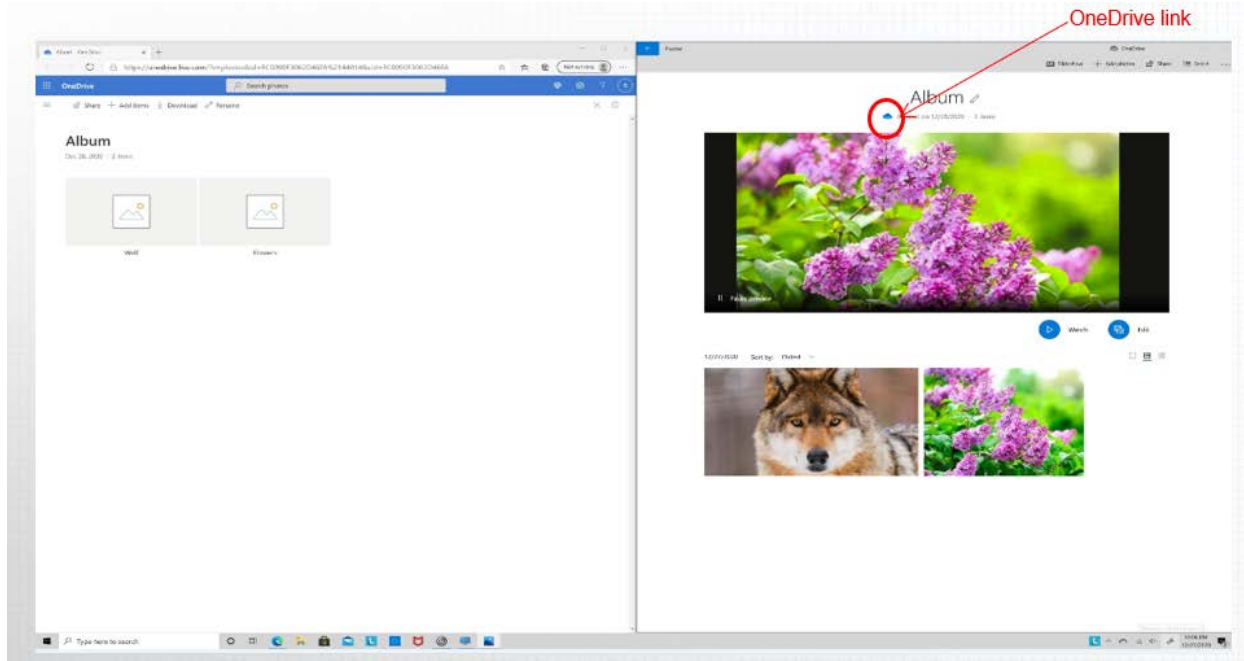
See, e.g., <https://support.lenovo.com/us/en/solutions/ht508724-removal-and-replacement-videos-lenovo-yoga-a940-27icb-all-in-one-f0e4-f0e5> at 0:09 (annotations added)

316. The Accused Products (e.g., the 3rd Generation ThinkPad X1 Yoga, Yoga A940) include a processor that when executing is configured to cause the device to: receive electronic content hosted by a server system; render electronic content to a user in a graphical user

interface; receive selection through the graphical user interface, by the user, of at least one executable operation provided by the server system within the electronic content; determine that the at least one executable operation performs a local access operation, and transform the at least one executable operation into a remote access operation. For example, the 3rd Generation ThinkPad X1 Yoga and the Yoga A940 include the Microsoft Photos app, which is configured to provide access to digital media albums stored OneDrive by clicking on a OneDrive link:

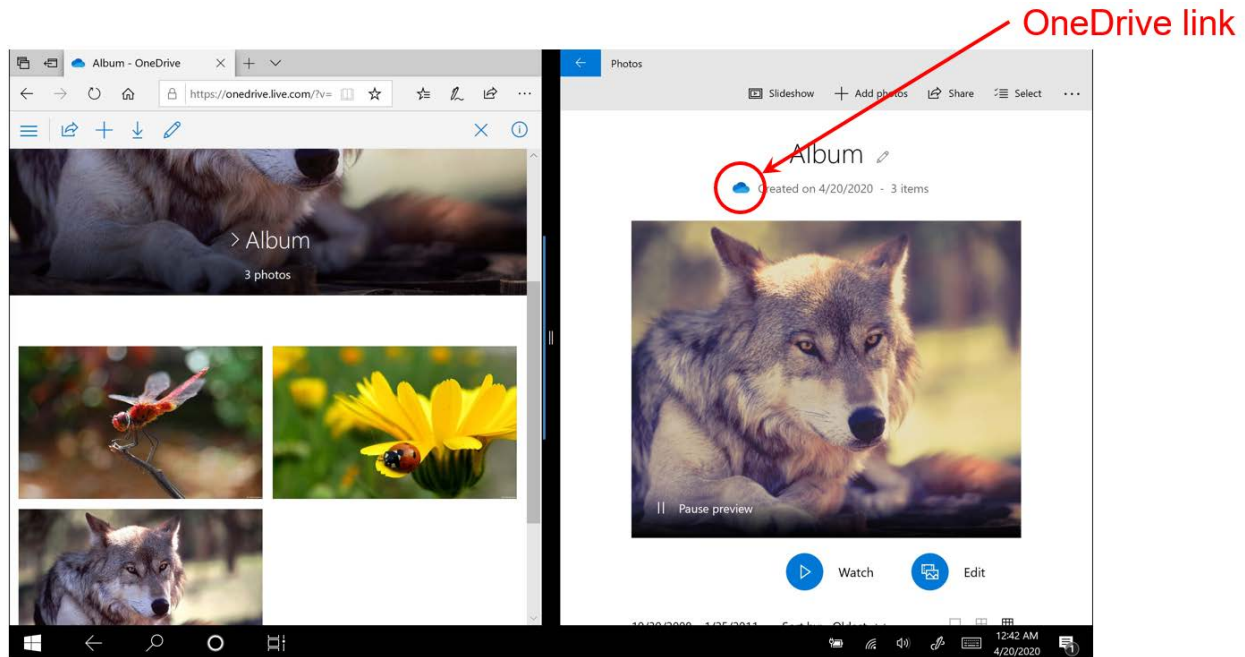


Screenshot from 3rd Generation ThinkPad X1 Yoga, OneDrive album and Microsoft Photos app.



Screenshot from Yoga A940, One Drive album and Microsoft Photos app.

317. The Accused Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga, Yoga A940) include a transforming that includes: identifying at least one characteristic of the at least one executable operation; accessing a profile to retrieve information on at least one available remote services responsive to the at least one identified characteristics of the executable operation; selecting an available remote service from the at least one available remote service; retrieving the service access information for the selected remote service; wherein transforming is executed based on the at least one characteristic of the at least one executable operation and the service access information; and transmit the remote access operation to the server system. For example, clicking on a OneDrive album link in the Microsoft Photos app in the Accused Products (*e.g.*, the 3rd Generation ThinkPad X1 Yoga, Yoga A940) accesses OneDrive user profile information in order to access content on a user's OneDrive album:



Screenshot from 3rd Generation ThinkPad X1 Yoga, OneDrive album and Microsoft Photos app.

Lenovo US

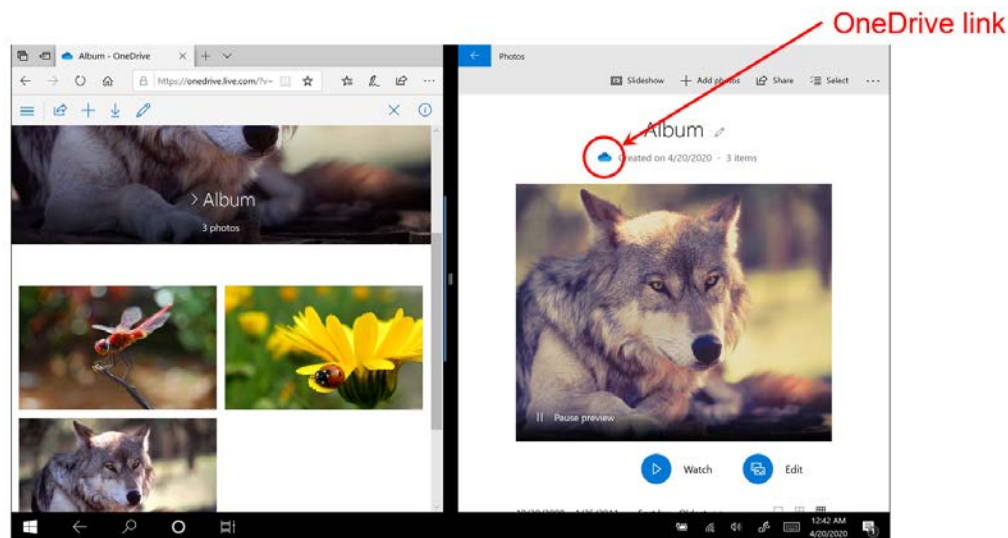
318. Lenovo US has directly infringed and continues to directly infringe, literally and/or equivalently, one or more of the claims of the '957 patent, including at least claim 19, including by importing, using, selling, and offering for sale in the United States certain computing devices with multiple display modes, including at least the Accused Products. D.I. 27 (Noble Declaration), ¶ 2.

319. Since at least the filing of the Original Complaint Lenovo US knew of the 957 patent.

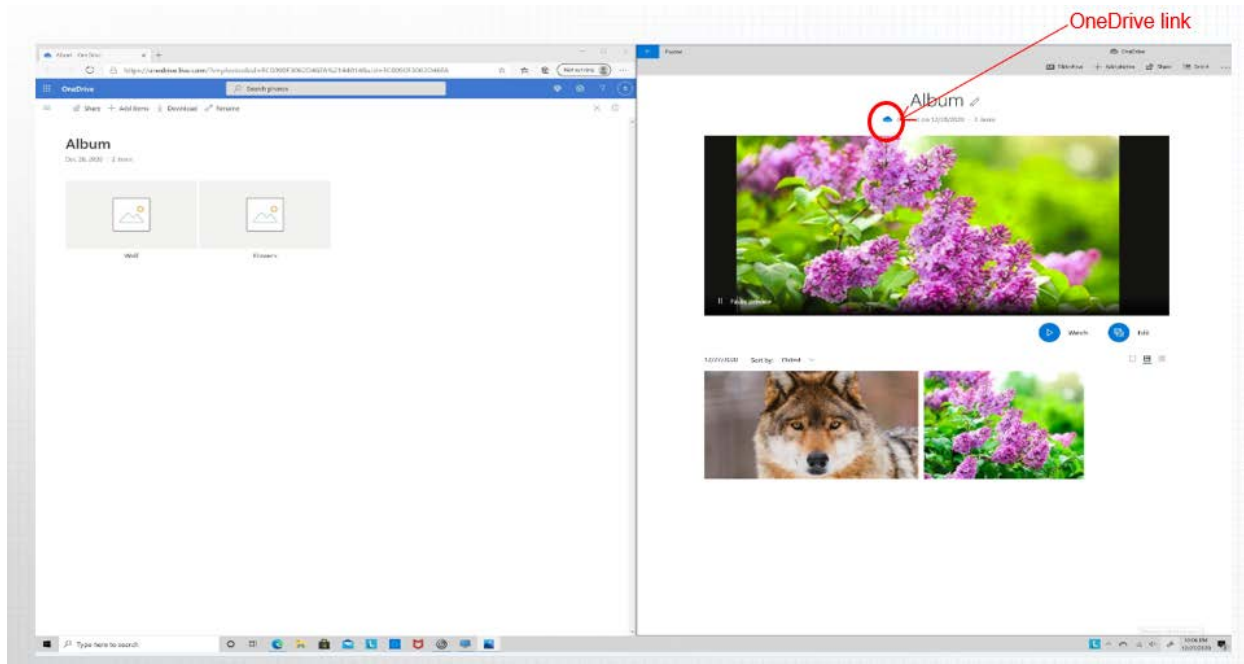
320. Since at least the filing of the Original Complaint, Lenovo US knew that the Accused Products infringe at least claim 19 of the '957 patent when used by customers or other users, when sold or offered for sale by resellers, and when imported by Lenovo entities.

321. Since at least the filing of the Original Complaint, Lenovo US has had the intent to encourage customers or other users to directly infringe at least claim 19 of the '957 patent by

continuing to advertise, offer for sale, or sell, or by encouraging resellers to offer for sale or sell the Accused Products in the United States, including in Delaware. Since at least the filing of the Original Complaint, Lenovo US has provided with the Accused Products and on the website <https://www.lenovo.com/us/en> manuals, product documentation, advertising materials and pre-installed software that induce customers or other users to infringe at least claim 19 of the '957 patent by encouraging the use of the Accused Products. For example, the 3rd Generation ThinkPad X1 Yoga and the Yoga A940 include the Microsoft Photos app, which is configured to provide access to digital media albums stored OneDrive by clicking on a OneDrive link:



Screenshot from 3rd Generation ThinkPad X1 Yoga, OneDrive album and Microsoft Photos app.



Screenshot from Yoga A940, One Drive album and Microsoft Photos app.

322. Since at least the filing of the Original Complaint, Lenovo US's infringement of at least claim 19 of the '957 patent has been willful. Lenovo US's offers for sale, sales, or use of the Accused Portable Products with provision of manuals and instruction to purchasers that encourage use it knows will infringe the '957 patent constitutes willful infringement. Lenovo US is a large corporation with substantial resources. Lenovo US's failure to fully investigate the allegations of infringement against it, its ongoing offers for sale, sales, and use of the Accused Portable Products, and its failure to take remedial action evidences its willful infringement.

323. The foregoing description of Lenovo US's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Portable Products that it obtains during discovery.

324. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Lenovo US's infringement of the '957 patent.

325. Lenovo US's infringement of the '957 patent has damaged and continues to damage LiTL in an amount yet to be determined, of at least a reasonable royalty.

Lenovo Beijing

326. Lenovo US and Lenovo Beijing have had knowledge of the '957 patent since before the filing of the Original Complaint.

327. On November 5, 2013, the '957 patent issued from U.S. Patent Application No. 12/416,503, which had earlier published on December 3, 2009 as U.S. Patent Application Publication No. 2009/0300511 ("the LiTL '511 publication").

328. Since at least 2017 Lenovo Beijing has had knowledge of the LiTL '511 publication.

329. On March 14, 2017, the Chinese Intellectual Property Office issued a search report to Lenovo Beijing identifying the LiTL '511 publication in connection with Lenovo's Chinese Patent Application No. 201500267712. Lenovo Beijing has extensive experience with intellectual property. Lenovo Beijing has been the owner of over 2,500 patent applications and over 2,200 patents. Over the past decade, Lenovo US has been involved in over 200 patent litigations in the United States, and has been a party in over 50 *inter partes* review proceedings before the U.S. Patent Trial and Appeals Board. The Lenovo 2019 Annual Report identifies intellectual property (IP) risk as one of the "key risks that the Group considers to be of great significance to the Group as it stands today."

<https://doc.irasia.com/listco/hk/lenovo/annual/2019/ar2019.pdf>, page 22. For example, the report recognizes that Lenovo could suffer "reputational harm if found to infringe a third party's valid patents." <https://doc.irasia.com/listco/hk/lenovo/annual/2019/ar2019.pdf>, page 27. To manage and mitigate its IP risk, Lenovo plans to: "Monitor, develop and execute IP litigation defense strategy" and "License IP as appropriate and monitor its continued validity and value to the

Group.” Lenovo Beijing’s R&D teams work closely with IP lawyers from product conception through manufacture and commercialization to develop effective IP strategies for new products, such as the Yoga-branded laptops.

https://www.wipo.int/wipo_magazine/en/2015/03/article_0002.html.

330. Consistent with Lenovo’s sophistication with IP matters and the fact that the Asserted Patents belong to a patent family that has been frequently cited in patent applications of major players in the personal computing space, on information and belief, Lenovo Beijing was aware by 2017 of the family of LiTL patents and applications to which the ’957 patent belongs.

331. Since at least 2017 Lenovo Beijing knew or should have known, or at a minimum acted with willful blindness to the fact, that its Accused Products infringe one or more claims of the ’957 patent based on at least the following:

- the Chinese Intellectual Property Office’s citation of the LiTL ’511 publication to Lenovo Beijing during prosecution of Lenovo’s own patent application;
- Lenovo Beijing’s sophistication and substantial resources with respect to intellectual property matters;
- Lenovo Beijing’s knowledge of the patent family to which the ’957 patent belongs;
- Lenovo Beijing’s knowledge since at least 2016 of the ’688 and ’844 patents, which are ancestors to the ’957 patent, and citation to these patents and their corresponding publications in Lenovo Beijing patent applications since at least 2016; and
- the close working relationship between Lenovo Beijing’s R&D teams and its IP lawyers and Lenovo Beijing’s substantial patent prosecution activities directed to electronic devices having the 2-in-1 functionality of the Accused Portable Products, including the YOGA-branded laptop products.

332. On information and belief, Lenovo Beijing has known, should have known, or has been willfully blind to the existence of the '957 Patent, since at least 2017. As a descendant of the '688 and '844 patents (and their corresponding published patent applications), which have been frequently cited during prosecution of patent applications owned by major players in the personal computing space, including the Lenovo Group and its subsidiaries, Lenovo Beijing knew or was willfully blind to the existence of the '957 patent.

333. On information and belief, Lenovo Beijing is a sophisticated company regarding patents and business in the United States, and citation of patents that cover any of Lenovo's products is a significant concern to Lenovo Beijing. In a 2007 press release, Lenovo's leadership stated that "one of the most important goals of international business" is "the protection of intellectual property," and "[a]s a global corporate citizen, Lenovo is deeply committed to the protection of intellectual property. We continue to take the lead by encouraging more businesses and individual users to respect and protect intellectual property as a means of building an innovation-friendly business environment." <https://news.lenovo.com/pressroom/press-releases/lenovo-joins-forces-with-microsoft-to-continue-driving-support-for-intellectual-property-rights/>. In a 2018 press release, Lenovo's leadership noted that "[i]ntellectual property is a strategic asset for Lenovo" that "not only protects our investment in invention and innovation, but also positions Lenovo's businesses to flourish and grow." On information and belief, Lenovo Beijing has procedures to evaluate whether Lenovo products have freedom to operate in the United States, particularly where the products comprise a significant portion of Lenovo's revenue. On information and belief, the Accused Portable Products comprise a significant portion of Lenovo's revenue, and since at least 2017 Lenovo Beijing knew that use of the Accused Portable Products infringes the '957 patent.

334. On information and belief, citation of the LiTL '511 publication during the USPTO prosecution of Lenovo Beijing patents caused Lenovo Beijing to investigate, become aware of, and consider the '957 patent, related patents, and the rest of LiTL's patent portfolio. Beyond Lenovo Beijing's actual knowledge of the '957 patent, these citations during Lenovo Beijing's USPTO prosecution gave Lenovo Beijing the subjective belief that the '957 patent existed, and failure to learn of the existence of the '957 patent would have required Lenovo Beijing to deliberately avoid reviewing or understanding the prosecution documents. On information and belief, Lenovo Beijing would not have done so in a matter so important to the Accused Products and the revenue and reputation derived therefrom.

335. In addition, Lenovo Beijing has known that the Accused Products sold on its website and bearing its marks infringe one or more claims of the '957 patent since at least 2017, or since at least the time that it received notice of the Original Complaint, or since at least September 29, 2020.

336. Lenovo Beijing's Lenovo.com Domain continues to market and offer for sale the Accused Portable Products bearing Lenovo Beijing's marks into the United States and Delaware since the filing of the Original Complaint, which thoroughly detailed how the Accused Portable Products infringe at least claim 19 of the '957 patent.

337. Lenovo Beijing has known or should have known since it first became aware of the '957 patent, and at least by September 29, 2020, that end users, importers, distributors, retailers, repair and service technicians, Lenovo US and its employees and contractors, and other users of the Accused Products are infringing the '957 patent.

338. Lenovo Beijing is responsible for content displayed on the Lenovo.com Domain, including the press releases identified in Paragraph 90 above, which encourage users of the

Accused Portable Products in the United States and Delaware to infringe at least claim 19 of the '957 patent by using the Accused Portable Products. Since at least 2017, Lenovo Beijing has encouraged customers to use the Accused Portable Products by providing the Lenovo.com Domain to host press releases that encourage customers to use the Accused Portable Products. Lenovo Beijing's conduct since at least 2017 demonstrates an intent to induce customers to directly infringe at least claim 19 of the '957 patent. Lenovo Beijing's conduct since at least 2017 also demonstrates an intent to induce Lenovo US to infringe the '957 patent by selling, offering for sale, and using the Accused Portable Products.

339. Lenovo Beijing has actively and knowingly induced infringement, and is actively and knowingly inducing infringement of one or more claims of the '957 patent, literally and/or equivalently, at least by inducing end users, repair and service technicians, Lenovo employees and contractors, and others to use the Accused Products in an infringing manner. For example, Lenovo instructs such users by way of manuals or product documentation to infringe the asserted claims by using the Accused Products. *See, e.g.,* <https://support.lenovo.com/us/en/solutions/msh500022>.

340. Lenovo Beijing has had knowledge of the '957 patent and its infringement of the '957 patent since it first became aware of the '957 patent in 2017, and by at least the time it received notice of the Original Complaint. Lenovo Beijing has induced infringement of the '957 patent with specific intent to induce infringement of that patent.

341. Lenovo Beijing's infringement of the '957 patent has been willful since it first became aware of the '957 patent in 2017. Lenovo Beijing's willful infringement is evidenced by the following: the citation of the '511 publication to Lenovo Beijing during prosecution of a Chinese patent; the close working relationship between Lenovo Beijing's IP and research and

design departments; the similarities between how the Accused Portable Products operate, the functionality that Lenovo Beijing sought to claim in its patent applications, and the requirements of claim 19 of the '957 patent; Lenovo Beijing's significant size and resources; and Lenovo Beijing's failure to take remedial action to avoid infringement. Lenovo Beijing's infringement of the '957 patent has been willful since it first became aware of the '957 patent in 2017, or at least since the time it received notice of the Original Complaint, or at least since September 29, 2020. Lenovo Beijing's ongoing infringement of the '957 patent continues to be willful. Lenovo Beijing has chosen to manufacture or control manufacture of the Accused Products with the intent that the Accused Products would be imported, offered for sale, sold, and/or used in the United States, to distribute or control distribution of the Accused Products in Lenovo's established distribution channels with the intent that the Accused Products would be imported, offered for sale, sold, and/or used in the United States, as explained in more detail above, and knowing that doing so would infringe the '957 patent, and despite receiving notice from LiTL that continuing to do so would infringe the '957 patent.

342. The foregoing description of Lenovo Beijing's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Products that it obtains during discovery.

343. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Lenovo Beijing's infringement of the '957 patent.

344. Lenovo Beijing's infringement of the '957 patent has damaged and continues to damage LiTL in an amount yet to be determined, of at least a reasonable royalty.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff LiTL respectfully requests that this Court enter judgment as follows:

- a. Declaring that Defendants have infringed the '688, '844, '154, '715, '888 and '957 patents;
- b. Granting a permanent injunction, enjoining Defendants and their officers, agents, servants, employees, attorneys, and all other persons acting in concert or participation with them, from further infringement of the '688, '844, '154, '715, '888 and '957 patents, including but not limited to the enjoining the manufacture, sale, offer for sale, importation or use of the Accused Products and any further development of the Accused Products;
- c. Awarding LiTL damages adequate to compensate it for Defendants' infringing activities, including supplemental damages for any post-verdict infringement up until entry of the final judgment with an accounting as needed, together with pre-judgment and post-judgment interest on the damages awarded;
- d. Finding Defendants' infringement to be willful and awarding enhanced damages in an amount up to treble the amount of compensatory damages as justified under 35 U.S.C. § 284;
- e. Finding this to be an exceptional case and awarding LiTL its attorneys' fees and costs under 35 U.S.C. § 285 as a result of Defendants' willful infringement of the asserted patents; and
- f. Awarding LiTL any such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

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

Date: December 30, 2020

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CERTIFICATE OF SERVICE

I, Adam W. Poff, hereby certify that on December 30, 2020, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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