

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BLACKBIRD TECH LLC d/b/a
BLACKBIRD TECHNOLOGIES,

Plaintiff,

v.

HP INC.,

Defendant.

Case No. 1:21-cv-00132-MN

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Blackbird Tech LLC d/b/a Blackbird Technologies (“Blackbird Technologies”) hereby alleges against HP Inc. (“HP” or “Defendant”), on personal knowledge as to its own activities and on information and belief as to all other matters, as follows:

THE PARTIES

1. Plaintiff Blackbird Technologies is a Delaware limited liability company with its principal place of business located at 200 Baker Ave., Ste. 303, Concord, MA 01742.

2. HP is a Delaware corporation with its principal place of business located at 1501 Page Mill Road, Palo Alto, CA 94304. HP may be served with process at its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code §§ 100, *et seq.*

4. This Court has subject matter jurisdiction over this action per 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1338(a) (patent jurisdiction).

5. This Court has personal jurisdiction over HP at least because HP is a citizen of the State of Delaware, being incorporated in the State of Delaware. HP transacts business in the State of Delaware, and also transacts business with citizens of the State of Delaware. HP sells its products through a number of resellers in the State of Delaware including Office Depot, Best Buy, Staples, and Walmart. HP also maintains an interactive website (HP.com) accessible to citizens of the State of Delaware. HP has previously consented to personal jurisdiction in the State of Delaware, including in patent infringement lawsuits, in the District of Delaware. HP has committed acts of patent infringement in the State of Delaware, as explained further below.

6. Venue is proper in the District of Delaware pursuant to 28 U.S.C. § 1400(b) at least because HP is incorporated and resides in the State of Delaware, and has committed acts of infringement in this District.

THE PATENTS-IN-SUIT

7. U.S. Patent No. 8,090,961 (the “’961 patent”) entitled, “Security Switch,” was duly and legally issued by the U.S. Patent and Trademark Office on January 3, 2012. Blackbird Technologies is the exclusive licensee of the ’961 patent, with all substantial rights under the ’961 patent, including all rights to recover for any and all infringement thereof. The ’961 patent is valid and enforceable. A true and correct copy of the ’961 patent is attached as Exhibit A.

8. U.S. Patent No. 8,522,309 (the “’309 patent”) entitled, “Security Switch,” was duly and legally issued by the U.S. Patent and Trademark Office on August 27, 2013. Blackbird Technologies is the exclusive licensee of the ’309 patent, with all substantial rights under the ’309 patent, including all rights to recover for any and all infringement thereof. The ’309 patent is valid and enforceable. A true and correct copy of the ’309 patent is attached as Exhibit B.

9. U.S. Patent No. 8,924,708 (the “’708 patent”) entitled, “Security Switch,” was duly and legally issued by the U.S. Patent and Trademark Office on December 30, 2014. Blackbird Technologies is the exclusive licensee of the ’708 patent, with all substantial rights under the ’708 patent, including all rights to recover for any and all infringement thereof. The ’708 patent is valid and enforceable. A true and correct copy of the ’708 patent is attached as Exhibit C.

10. The claimed inventions solve a problem created in the computer world (*i.e.*, hacking and cybercrime), where hackers can access peripheral devices such as webcams and microphones on a user’s personal device (*e.g.*, mobile phone, laptop computer, desktop computer). Prior to the claimed invention, the problem of unauthorized access to these devices was handled by different types of security software programs, such as firewalls, anti-virus programs, or anti-spyware programs. (*See, e.g.*, Ex. A, 2:19-24). In addition, existing hardware security solutions were not truly isolated from the device itself and could still be hacked or manipulated by the software of the device or by some external factor. (*Id.* at 2:65-3:10). The claims of the ’961, ’309, and ’708 patents (together “the Asserted Patents”) are directed to a hardware security solution for protecting information on personal devices by utilizing an internal isolated security switch/controller having operating functions that cannot be affected by either the personal device core, the peripheral device, or any other external operation. (*See, e.g.*, Ex. A, 1:45-58, 3:24-30, 5:14-29, Claim 1). As a result, the isolated physical hardware switch/controller improves the overall security of personal devices (and peripheral devices) by using a purely hardware solution that cannot be hacked or manipulated by software or by external users.

COUNT I – INFRINGEMENT OF THE '961 PATENT

11. Blackbird Technologies reasserts and incorporates by reference the preceding paragraphs of this First Amended Complaint as if fully set forth herein.

12. HP infringes one or more claims of the '961 patent, including at least claim 1, by making, using, offering to sell, selling, and/or importing in this judicial district and/or elsewhere in the United States, personal computing devices, including at least the HP Spectre series laptop computers that include a “Webcam Kill Switch,” and the HP Envy series laptop computers that include a camera shutter button.

13. HP provides “A system for securing a personal device that includes a device core and at least one peripheral device,” as claimed.

14. The HP Spectre and ENVY series laptops (“the Accused HP Products”) are personal devices that include a device core (central processing unit). For example, the HP Spectre x360 has the following core options:

Processor, graphics & memory	Intel® Core™ i5-1035G4 (1.1 GHz, up to 3.7 GHz, 6 MB cache, 4 cores)+ Intel® Iris® Plus Graphics+8 GB Memory (onboard) Intel® Core™ i7-1065G7 (1.3 GHz, up to 3.9 GHz, 8 MB cache, 4 cores)+ Intel® Iris® Plus Graphics+8 GB Memory (onboard) Intel® Core™ i7-1065G7 (1.3 GHz, up to 3.9 GHz, 8 MB cache, 4 cores)+Intel® Iris® Plus Graphics+16 GB Memory(onboard)(WWAN)
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https://store.hp.com/us/en/pdp/hp-spectre-x360-laptop-13t-touch-7al88av-1?jumpid=ma_2017-spectre-family_product_tile_hp-spectre-x-360_1_7al88av-1_hp-spectre-x360-lapt). The HP

ENVY - 13t-ba100 has the following core options:

Processor, graphics & memory

Intel® Core™ i5-1135G7 (up to 4.2 GHz, 8 MB L3 cache, 4 cores) + 8 GB (onboard) + Intel® Iris® Xe Graphics
Intel® Core™ i5-1135G7 (up to 4.2 GHz, 8 MB L3 cache, 4 cores) + 16 GB (onboard) + Intel® Iris® Xe Graphics
Intel® Core™ i5-1135G7 (up to 4.2 GHz, 8 MB L3 cache, 4 cores) + 8 GB (onboard) + NVIDIA® GeForce® MX450 (2 GB)
Intel® Core™ i7-1165G7 (up to 4.7 GHz, 12 MB L3 cache, 4 cores) + 8 GB (onboard) + Intel® Iris® Xe Graphics
Intel® Core™ i7-1165G7 (up to 4.7 GHz, 12 MB L3 cache, 4 cores) + 16 GB (onboard) + Intel® Iris® Xe Graphics
Intel® Core™ i7-1165G7 (up to 4.7 GHz, 12 MB L3 cache, 4 cores) + 16 GB (onboard) + NVIDIA® GeForce® MX450 (2 GB)

<https://store.hp.com/us/en/pdp/hp-envy-laptop-13t-ba100-touch-optional-1f513av-1>).

15. The Accused HP Products include peripheral devices such as webcams. For example, the HP Spectre x360 includes peripheral devices such as the “HP TrueVision HD IR Camera with integrated dual array digital microphone.” (https://store.hp.com/us/en/pdp/hp-spectre-x360-laptop-13t-touch-7a188av-1?jumpid=ma_2017-spectre-family_product_tile_hp-spectre-x-360_1_7a188av-1_hp-spectre-x360-lapt). The HP ENVY - 13t-ba100 includes peripheral devices such as the “HP Wide Vision HD camera with camera shutter and integrated dual array digital microphone.” (<https://store.hp.com/us/en/pdp/hp-envy-laptop-13t-ba100-touch-optional-1f513av-1>).

16. As shown below, the Accused HP Products provide “[a] system for securing a personal device...from unauthorized access or operation, comprising an internal isolated switch having operating functions that cannot be affected by either the personal device core or the at least one peripheral device, wherein the switch is selected from the group consisting of a mechanical switch without an electrically operated bypass and an electronic/electrical switch separated electrically from elements or components of the personal device,” as claimed.

HP SPRECTRE SERIES LAPTOP COMPUTERS

17. HP describes its Spectre series laptop computers as “[p]acked with security features” including an “unhackable Webcam kill switch”:

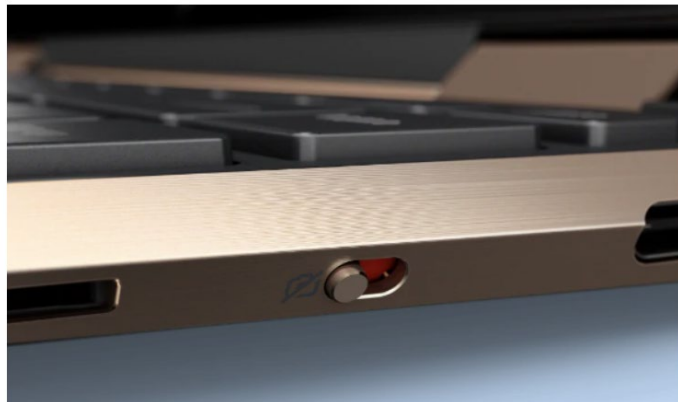
Designed to ease your mind

Packed with security features to bring you peace of mind. An unhackable Webcam kill switch and microphone mute button that you can quickly activate and know it's on or off with a LED indicator.

(https://store.hp.com/us/en/pdp/hp-spectre-x360-laptop-13t-touch-7a188av-1?jumpid=ma_2017-spectre-family_product-tile_hp-spectre-x-360_1_7a188av-1_hp-spectre-x360-lapt).

18. The “Webcam Kill Switch” on the HP Spectre series laptop computers is “an internal isolated switch having operating functions that cannot be affected by either the personal device core or the at least one peripheral device,” as claimed.

19. HP describes the “Webcam Kill Switch” (pictured below) as a “physical switch that cuts the power to your laptop webcam, making it unhackable”:



Webcam Kill Switch

On, or Off? Know for sure. Peace of mind comes with a physical switch that cuts the power to your laptop webcam, making it unhackable. So go ahead. Dance like nobody's watching.

(<https://www8.hp.com/us/en/laptops/2-in-1s/spectre-x360-15-convertible-laptop.html>). Upon information and belief, because the isolated physical “Webcam Kill Switch” is “unhackable,” its operating functions cannot be affected by either the device core or the webcam.

20. The “Webcam Kill Switch” on the HP Spectre series laptop computers is “selected from the group consisting of a mechanical switch without an electrically operated bypass and an electronic/electrical switch separated electrically from elements or components of the personal device,” as claimed.

21. Upon information and belief, the “Webcam Kill Switch” (as pictured below) is a mechanical element that can be operated manually (*i.e.*, switched on/off) without an electrically operated bypass.



In addition, upon information and belief, because the “Webcam Kill Switch” is “a physical switch that cuts the power to your laptop webcam” and is “unhackable,” the switch is separated electrically from elements or components of the laptop computer, such as software elements that could allow hacking of the Webcam Kill Switch function.

(<https://www8.hp.com/us/en/laptops/2-in-1s/spectre-x360-15-convertible-laptop.html>).

HP ENVY SERIES LAPTOP COMPUTERS

22. HP’s ENVY series laptop computers include an “unhackable camera shutter”:

Privacy for your peace of mind
Keep it confidential with an unhackable camera shutter and dedicated microphone mute button.

(<https://store.hp.com/us/en/pdp/hp-envy-laptop-13t-ba100-touch-optional-1f513av-1>);

(<https://www8.hp.com/us/en/laptops/2-in-1s/envy-x360s-convertible-laptop.html> (“Ensure your privacy with a visible shutter that turns off your PC’s camera.”)).

23. The camera shutter on the HP ENVY series laptop computers is “an internal isolated switch having operating functions that cannot be affected by either the personal device core or the at least one peripheral device,” as claimed.

24. HP describes the camera shutter feature (pictured below) as a “visible shutter that turns off your PC’s camera”:

Keep it confidential

Useful privacy features help to keep your private moments, private.

Camera Shutter

Ensure your privacy with a visible shutter that turns off your PC's camera.

Mute Mic

Fingerprint Reader

Privacy Screen



(<https://www8.hp.com/us/en/laptops/envy/envy-13-17-laptop.html>). Upon information and belief, because the isolated physical camera shutter is “unhackable,” its operating functions cannot be affected by the either the device core or the webcam.

25. The camera shutter on the HP ENVY series laptop computers is “selected from the group consisting of a mechanical switch without an electrically operated bypass and an electronic/electrical switch separated electrically from elements or components of the personal device,” as claimed.

26. Upon information and belief, the camera shutter button is a mechanical element that can be activated manually. In addition, upon information and belief, because the camera shutter is a “visible shutter that turns off your PC’s camera” and is “unhackable,” the switch

would not have an electrically operated bypass and would be separated electrically from elements or components of the laptop computer, such as software elements that could allow hacking of the camera shutter function.

COUNT II – INFRINGEMENT OF THE '708 PATENT

27. Blackbird Technologies reasserts and incorporates by reference the preceding paragraphs of this First Amended Complaint as if fully set forth herein.

28. HP infringes one or more claims of the '708 patent, including at least claim 1, by making, using, offering to sell, selling, and/or importing in this judicial district and/or elsewhere in the United States, personal computing devices, including at least the HP Spectre series laptop computers that include a “Webcam Kill Switch,” and the HP ENVY series laptop computers that include a camera shutter button.

29. HP provides “A system for securing a personal device that includes a device core and a peripheral device, ...the personal device having an envelope or surface,” as claimed.

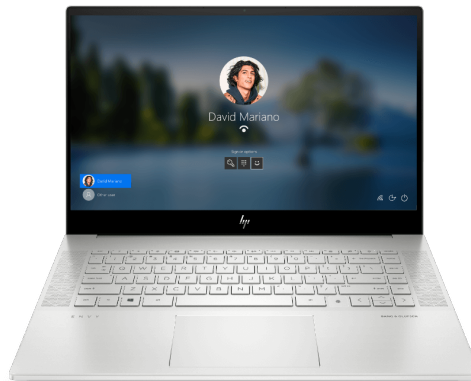
30. The Accused HP Products are personal devices that include a device core. (*See* Paragraph 14).

31. The Accused HP Products include peripheral devices. (*See* Paragraph 15).

32. As shown below, the Accused HP Products have “an envelope or surface,” as claimed.



Envelope/Surface of HP Spectre Laptop



Envelope/Surface of HP ENVY Laptop

33. As shown, below, the Accused HP Products provide a “[a] system for securing a personal device...from unauthorized access or operation,...the system comprising an internal isolated switch having operating functions that cannot be affected by either the personal device core or by a peripheral device, wherein the isolated switch includes an internal component located within the envelope or at least partially on the surface of the personal device and wherein the isolated switch internal component is selected from the group consisting of a mechanical element without an electrically operated bypass and an electronic/electrical element separated electrically from elements or components of the personal device,” as claimed.

HP SPRECTRE SERIES LAPTOP COMPUTERS

34. HP describes its Spectre series laptop computers as “[p]acked with security features” including an “unhackable Webcam kill switch”:

Designed to ease your mind

Packed with security features to bring you peace of mind. An unhackable Webcam kill switch and microphone mute button that you can quickly activate and know it's on or off with a LED indicator.

(https://store.hp.com/us/en/pdp/hp-spectre-x360-laptop-13t-touch-7a188av-1?jumpid=ma_2017-spectre-family_product_tile_hp-spectre-x-360_1_7a188av-1_hp-spectre-x360-lapt).

35. The “Webcam Kill Switch” on the HP Spectre series laptop computers is “an internal isolated switch having operating functions that cannot be affected by either the personal device core or the at least one peripheral device,” as claimed. (*See* Paragraphs 18-19).

36. The “Webcam Kill Switch” on the HP Spectre series laptop computers “includes an internal component located within the envelope or at least partially on the surface of the personal device,” as claimed.

37. As shown below, the “Webcam Kill Switch” is an internal component that is located within the envelope or at least partially on the surface of the HP Spectre laptop computer:



(<https://www8.hp.com/us/en/laptops/2-in-1s/spectre-x360-15-convertible-laptop.html>).

38. The “Webcam Kill Switch” on the HP Spectre series laptop computers is “selected from the group consisting of a mechanical switch without an electrically operated bypass and an electronic/electrical switch separated electrically from elements or components of the personal device,” as claimed. (*See* Paragraphs 20-21).

HP ENVY SERIES LAPTOP COMPUTERS

39. HP’s ENVY series laptop computers include an “unhackable camera shutter”:

Privacy for your peace of mind

Keep it confidential with an unhackable camera shutter and dedicated microphone mute button.

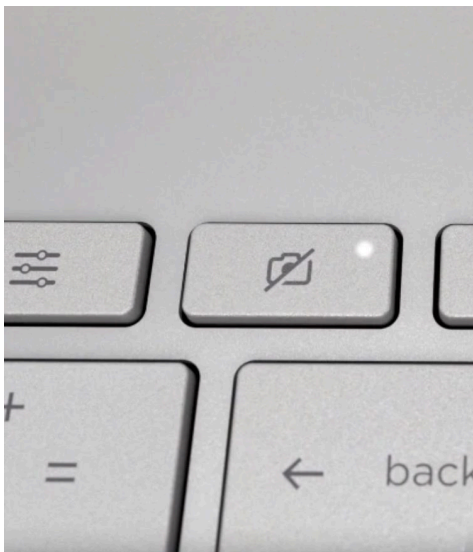
(<https://store.hp.com/us/en/pdp/hp-envy-laptop-13t-ba100-touch-optional-1f513av-1>);

(<https://www8.hp.com/us/en/laptops/2-in-1s/envy-x360s-convertible-laptop.html> (“Ensure your privacy with a visible shutter that turns off your PC’s camera.”)).

40. The camera shutter on the HP ENVY series laptop computers is “an internal isolated switch having operating functions that cannot be affected by either the personal device core or the at least one peripheral device,” as claimed. (See Paragraphs 23-24).

41. The camera shutter on the HP ENVY series laptop computers “includes an internal component located within the envelope or at least partially on the surface of the personal device,” as claimed.

42. As shown below, the camera shutter switch is an internal component that is located within the envelope or at least partially on the surface of the HP ENVY laptop computer:



(<https://www8.hp.com/us/en/laptops/envy/envy-13-17-laptop.html>).

43. The camera shutter on the HP ENVY series laptop computers is “selected from the group consisting of a mechanical switch without an electrically operated bypass and an

electronic/electrical switch separated electrically from elements or components of the personal device,” as claimed. (*See* Paragraphs 25-26).

COUNT III – INFRINGEMENT OF THE '309 PATENT

44. Blackbird Technologies reasserts and incorporates by reference the preceding paragraphs of this First Amended Complaint as if fully set forth herein.

45. HP infringes one or more claims of the '309 patent, including at least claim 1, by making, using, offering to sell, selling, and/or importing in this judicial district and/or elsewhere in the United States, personal computing devices, including at least the HP ENVY series laptop computers that include a camera shutter button.

46. HP provides “A system for securing a personal device that includes a device core and at least one peripheral device,” as claimed.

47. The HP ENVY series laptops are personal devices that include a device core. (*See* Paragraph 14).

48. The HP ENVY series laptops include at least one peripheral device. (*See* Paragraph 15).

49. As shown below, the HP ENVY series laptop computers include “[a] system for securing a personal device...from unauthorized access or operation, comprising an internal isolated switch having operating functions that cannot be affected by either the personal device core or by the at least one peripheral device, wherein the isolated switch includes an isolated controller which can send a signal to the at least one peripheral device but which cannot be operated or affected by the personal device, the isolated controller thereby being capable of affecting operation of the at least one peripheral device.” as claimed.

50. HP’s ENVY series laptop computers include an “unhackable camera shutter”:

Privacy for your peace of mind

Keep it confidential with an unhackable camera shutter and dedicated microphone mute button.

(<https://store.hp.com/us/en/pdp/hp-envy-laptop-13t-ba100-touch-optional-1f513av-1>);

(<https://www8.hp.com/us/en/laptops/2-in-1s/envy-x360s-convertible-laptop.html> (“Ensure your privacy with a visible shutter that turns off your PC’s camera.”)).

51. The camera shutter on the HP ENVY series laptop computers is “an internal isolated switch having operating functions that cannot be affected by either the personal device core or the at least one peripheral device,” as claimed. (See Paragraphs 23-24).

52. Upon information and belief, the camera shutter feature on the HP ENVY series laptop computers “includes an isolated controller which can send a signal to the at least one peripheral device but which cannot be operated or affected by the personal device, the isolated controller thereby being capable of affecting operation of the at least one peripheral device,” as claimed.

53. HP describes the camera shutter feature (pictured below) as a “visible shutter that turns off your PC’s camera”:

Keep it confidential

Useful privacy features help to keep your private moments, private.

Camera Shutter

Ensure your privacy with a visible shutter that turns off your PC’s camera.

Mute Mic

Fingerprint Reader

Privacy Screen



(<https://www8.hp.com/us/en/laptops/envy/envy-13-17-laptop.html>). Upon information and belief, because the isolated physical camera shutter is “unhackable,” upon activating the camera shutter switch, a controller that would have to be isolated sends a signal to the camera shutter to open or close.

DAMAGES

54. Blackbird Technologies has sustained damages as a direct and proximate result of HP’s infringement of the Asserted Patents.

55. As a consequence of HP’s past infringement of the Asserted Patents, Blackbird Technologies is entitled to the recovery of past damages in the form of, at a minimum, a reasonable royalty.

56. All marking requirements under 35 U.S.C. § 287 have been complied with.

57. As a consequence of HP’s continued and future infringement of the Asserted Patents, Blackbird Technologies is entitled to royalties for its infringement of the Asserted Patents on a going-forward basis.

PRAYER FOR RELIEF

WHEREFORE, Blackbird Technologies respectfully requests that this Court enter judgment against Defendant, as follows:

A. Adjudging that Defendant has infringed the Asserted Patents, in violation of 35 U.S.C. § 271(a);

B. An award of damages to be paid by Defendant adequate to compensate Blackbird Technologies for Defendant’s past infringement and any continuing or future infringement up until the date such judgment is entered, and in no event less than a reasonable royalty, including interest, costs, and disbursements pursuant to 35 U.S.C. § 284 and, if necessary to adequately

compensate Blackbird Technologies for Defendant's infringement, an accounting of all infringing sales including, but not limited to, those sales not presented at trial;

C. Ordering Defendant to continue to pay royalties to Blackbird Technologies for infringement of the Asserted Patents on a going-forward basis;

D. Awarding that this case be exceptional under 35 U.S.C. § 285 and awarding costs, expenses, and attorneys' fees to Blackbird Technologies;

E. Awarding Blackbird Technologies pre-judgment and post-judgment interest at the maximum rate permitted by law on its damages; and

F. Granting Blackbird Technologies such further relief as this Court deems just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Blackbird Technologies demands a trial by jury on all claims and issues so triable.

Dated: February 18, 2021

STAMOULIS & WEINBLATT LLC

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Blackbird Tech LLC
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on Defendant
on February 18, 2021 via U.S. Mail as follows:

HP Inc.
1501 Page Mill Road
Palo Alto, CA 94304.

/s/ Stamatios Stamoulis
Stamatios Stamoulis