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11 *Attorneys for Plaintiff*
12 *Onscreen Dynamics, LLC*

13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

16 ONSCREEN DYNAMICS, LLC,

17 Plaintiff,

18 v.

19 BMW OF NORTH AMERICA LLC,

20 Defendant.

Case No.: 2:21-cv-6796

**COMPLAINT FOR PATENT
INFRINGEMENT**

1 Plaintiff Onscreen Dynamics, LLC (“Onscreen” or “Plaintiff”), for its Complaint against
2 Defendant BMW of North America LLC. (“BMW” or “Defendant”), alleges the following:

3 **NATURE OF THE ACTION**

4 1. This is an action for patent infringement arising under the Patent Laws of the
5 United States, 35 U.S.C. § 1 *et seq.*

6 **THE PARTIES**

7 2. Plaintiff is a limited liability company organized under the laws of the State of
8 Delaware with a place of business at 717 N. Union Street, Wilmington, DE, 19805.

9 3. Upon information and belief BMW is a corporation organized and existing under
10 the laws of Delaware, with a principal place of business located at 300 Chestnut Ridge Road,
11 Woodcliff, NJ 07677. Upon information and belief, BMW sells and offers to sell products and
12 services throughout the United States, including in this judicial district, and introduces products
13 and services into the stream of commerce and that incorporate infringing technology knowing
14 that they would be sold in this judicial district and elsewhere in the United States.

15 **JURISDICTION AND VENUE**

16 4. This is an action for patent infringement arising under the Patent Laws of the
17 United States, Title 35 of the United States Code.

18 5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

19 6. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b). BMW
20 maintains an established place of business in the state of California and the Central District of
21 California, specifically including BMW-owned facilities at 5650 Arcturus Ave, Oxnard, CA
22 93033, and 2201 Corporate Center Drive, Newbury Park, CA 91320 in this District.

23 7. On information and belief, Defendant is subject to this Court’s general and
24 specific personal jurisdiction because Defendant has sufficient minimum contacts within the
25 State of California and this District, pursuant to due process and/or the because Defendant
26 purposefully availed itself of the privileges of conducting business in the State of California and
27 in this District, because Defendant regularly conducts and solicits business within the State of
28 California and within this District, and because Plaintiff’s causes of action arise directly from

1 each of Defendant's business contacts and other activities in the State of California and this
2 District. Having purposefully availed itself the privilege of conducting business within this
3 District, Defendant should reasonably and fairly anticipate being brought into court here.

4 8. Defendant has committed acts of infringement within the state of California, as
5 alleged herein.

6 9. For the above reasons, personal jurisdiction exists and venue is proper in this
7 Court for Defendant

8 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 9,395,917**

9 10. The allegations set forth in the foregoing paragraphs 1 through 9 are incorporated
10 into this First Claim for Relief.

11 11. On July 19, 2016, U.S. Patent No. 9,395,917 ("the '917 patent"), entitled
12 "Electronic Display with a Virtual Bezel," was duly and legally issued by the United States
13 Patent and Trademark Office. A true and correct copy of the '917 patent is attached as Exhibit
14 A.

15 12. The inventions of the '917 patent resolve technical problems related to how to
16 prevent unintended registering of touching of a touchscreen electronic display, and thereby avoid
17 unintended actions. Those problems also included placing components and controls, for example
18 a camera, a speaker, or sensors to avoid obstruction of the content on the touchscreen display.
19 Those problems further included increasing or maximizing display area while providing
20 functionality of a physical bezel. *See, e.g.*, '917 patent at 1:21–59.

21 13. The technological improvements described and claimed in the '917 patent were not
22 conventional or generic at the time of their invention, but rather required novel and non-obvious
23 solutions to problems and shortcomings in the art at the time. *See, e.g.*, '917 patent at 1:21-9:41.
24 For example, claim 1 of the '917 patent is directed to a display screen having a virtual bezel area
25 and an active touchscreen region, both of which display portions of content but have different
26 modes of response to certain touch-based inputs.

27 14. The inventions claimed in the '917 patent cover more than just the performance of
28 well-understood, routine or conventional activities known in the art. *See, e.g.*, '917 patent at

1 1:21-9:41. For example, claim 1 of the '917 patent is directed to a display screen having a virtual
2 bezel area and an active touchscreen region, both of which display portions of content but have
3 different modes of response to certain touch-based inputs.

4 15. The '917 patent claims inventions that provide technological solutions to
5 technological problems. The written description of the '917 patent describes in technical detail
6 each of the elements of the claims, including a display screen having a virtual bezel area and an
7 active touchscreen region, both of which display portions of content but have different modes of
8 response to certain touch-based inputs.

9 16. Each of the claims of the '917 patent capture the improvements described and
10 illustrated in the specification. For example, claim 1 of the '917 patent is directed to a display
11 screen having a virtual bezel area and an active touchscreen region, both of which display portions
12 of content but have different modes of response to certain touch-based inputs.

13 17. The written description describes each of the elements such that persons of ordinary
14 skill in the art understand what the claims and their elements cover and how the non-conventional
15 and non-generic combination of claim elements differ markedly from, and improved upon, the
16 art. *See, e.g.*, '917 patent at 1:21-9:41. For example, claim 1 of the '917 patent is directed to a
17 display screen having a virtual bezel area and an active touchscreen region, both of which
18 display portions of content but have different modes of response to certain touch-based inputs.

19 18. Technology leaders including Microsoft Technology Licensing LLC, Amazon
20 Technologies, Inc., Samsung Electronics Co., Ltd., and the USPTO have cited the '917 patent as
21 a reference over 20 times. *See* <https://patents.google.com/patent/US9395917B2/en> (last accessed
22 April 13, 2021); 37 CFR 1.104, Nature of Examination (“the examiner must cite the best
23 references at his or her command.”).

24 19. Viewed in light of the specification of the '917 patent, the claims are not directed
25 to basic tools of scientific and technological work, nor are they directed to a fundamental economic
26 practice. *See, e.g.*, '917 patent at 1:21-12:21. For example, claim 1 of the '917 patent is directed
27 to a display screen having a virtual bezel area and an active touchscreen region, both of which
28 display portions of content but have different modes of response to certain touch-based inputs.

1 20. The claims of the '917 patent are not directed to the use of an abstract mathematical
2 formula. *See, e.g.*, '917 patent at 1:21-12:21. For example, claim 1 of the '917 patent is directed
3 to a display screen having a virtual bezel area and an active touchscreen region, both of which
4 display portions of content but have different modes of response to certain touch-based inputs.

5 21. The claims of the '917 patent are not directed to the use of a general-purpose
6 computer. *See, e.g.*, '917 patent at 1:21-12:21. For example, claim 1 of the '917 patent is
7 directed to a display screen having a virtual bezel area and an active touchscreen region, both of
8 which display portions of content but have different modes of response to certain touch-based
9 inputs.

10 22. The claims of the '917 patent are not directed to implementation of a mathematical
11 formula. *See, e.g.*, '917 patent at col. 1:21-12:21. For example, claim 1 of the '917 patent is
12 directed to a display screen having a virtual bezel area and an active touchscreen region, both of
13 which display portions of content but have different modes of response to certain touch-based
14 inputs. Moreover, the prior art includes touch screen displays, yet the claims of the '917 patent
15 were deemed novel and non-obvious, demonstrating (among other reasons) the non-
16 conventionality of the technology described and claimed in the '917 patent.

17 23. The claims of the '917 patent are not directed to generalized steps to be performed
18 on a computer using conventional activity. *See, e.g.*, '917 patent at 1:21-12:21. For example,
19 claim 1 of the '917 patent is directed to a display screen having a virtual bezel area and an active
20 touchscreen region, both of which display portions of content but have different modes of
21 response to certain touch-based inputs.

22 24. The claims of the '917 patent are not directed to a method of organizing human
23 activity or to a fundamental economic practice long prevalent in our system of commerce. *See,*
24 *e.g.*, '917 patent at 1:21-12:21. For example, claim 1 of the '917 patent is directed to a display
25 screen having a virtual bezel area and an active touchscreen region, both of which display
26 portions of content but have different modes of response to certain touch-based inputs.

27 25. The claims of the '917 patent do not take a well-known or established business
28 method or process and apply it to, or using, a general-purpose computer. *See, e.g.*, '917 patent at

1 1:21-12:21. For example, claim 1 of the '917 patent is directed to a display screen having a
2 virtual bezel area and an active touchscreen region, both of which display portions of content but
3 have different modes of response to certain touch-based inputs.

4 26. The claims of the '917 patent do not preempt the field of their inventions or
5 preclude the use of other methods and systems because the claims recite specific elements that
6 include more than the performance of well-understood, routine, and conventional activities
7 previously known to the art. *See, e.g.*, '917 patent at 1:21-12:21. For example, claim 1 of the
8 '917 patent is directed to a display screen having a virtual bezel area and an active touchscreen
9 region, both of which display portions of content but have different modes of response to certain
10 touch-based inputs.

11 27. Plaintiff is the assignee and owner of the right, title and interest in and to the '917
12 patent, including the right to assert all causes of action arising under said patents and the right to
13 any remedies for infringement of them.

14 28. Upon information and belief, Defendant has and continues to directly infringe at
15 least claims 1-3 of the '917 patent by making, using, selling, importing and/or providing and
16 causing to be used vehicles with electronic devices having touchscreen capabilities, including the
17 use of a virtual bezel (the "Accused Instrumentalities"), as set forth in detail in the attached
18 preliminary and exemplary claim charts provided in Exhibit C.

19 29. The Accused Instrumentalities identified in Exhibit C are examples that were
20 identified based on publicly available information. Plaintiff reserves its right to identify
21 additional infringing activities, products, and services, including, for example, on the basis of
22 information obtained during discovery and as Defendant introduces new infringing devices
23 through the end of trial.

24 30. The Accused Instrumentalities include a display screen having a virtual bezel
25 suitable for use as part of an electronic device where the display screen includes: (a) a virtual
26 bezel area, having a touchscreen layer with a first mode of response to a first set of touch-based
27 inputs from a user of the display screen, the virtual bezel area functioning to display a first
28 portion of content on the display screen; (b) an active touchscreen region substantially disposed

1 within the virtual bezel area, the active touchscreen region having a touchscreen layer with a
2 second mode of response to the first set of touch-based inputs from the user of the display screen,
3 the active touchscreen region functioning to display a second portion of the content on the
4 display screen; and (c) a gestural software application in communication with the display screen
5 having a virtual bezel, the gestural software application functioning to produce the first mode of
6 response in the virtual bezel area, wherein the first mode of response is configured to selectively
7 interpret touch-based inputs as intentional user input intended to affect the display of the second
8 portion of the content on the active touchscreen region. *See* attached claim charts for the '917
9 patent, Exhibit C.

10 31. On information and belief, these Accused Instrumentalities are used, marketed,
11 provided to, and/or used by or for each of Defendant's partners, clients, customers, and end users
12 across the country and in this District.

13 32. Plaintiff has been harmed by Defendant's infringing activities.

14 **COUNT II – INFRINGEMENT OF U.S. PATENT NO. 9,645,663**

15 33. The allegations set forth in the foregoing paragraphs 1 through 32 are
16 incorporated into this Second Claim for Relief.

17 34. On May 9, 2017, U.S. Patent No. 9,645,663 ("the '663 patent"), entitled
18 "Electronic Display with a Virtual Bezel," was duly and legally issued by the United States
19 Patent and Trademark Office. A true and correct copy of the '663 patent is attached as Exhibit
20 B.

21 35. The inventions of the '663 patent resolve technical problems related to how to
22 prevent unintended registering of touching of a touchscreen electronic display, and thereby
23 avoiding unintended actions. Those problem also included placing components and controls, for
24 example a camera, a speaker, or sensors to avoid obstruction of the content on the touchscreen
25 display. Those problems further included increasing or maximizing display area while providing
26 functionality of a physical bezel. *See, e.g.*, '663 patent at 1:21-59.

27 36. The technological improvements described and claimed in the '663 patent were
28 not conventional or generic at the time of their invention, but rather required novel and non-

1 obvious solutions to problems and shortcomings in the art at the time. *See, e.g.*, '663 patent at
2 1:21-9:41. For example, claim 1 and 14 of the '663 patent are directed to a display screen having
3 a virtual bezel region and an active touchscreen region, both of which display portions of content
4 but have different modes of response to certain touch-based inputs. Moreover, the prior art
5 includes touch screen displays, yet the claims of the '663 patent were deemed novel and non-
6 obvious, demonstrating (among other reasons) the non-conventionality of the technology
7 described and claimed in the '663 patent.

8 37. The inventions claimed in the '663 patent cover more than just the performance of
9 well-understood, routine, or conventional activities known in the art. *See, e.g.*, '663 patent at
10 1:21-9:41. For example, claim 1 of the '663 patent is directed to a display screen having a
11 virtual bezel region and an active touchscreen region, both of which display portions of content
12 but have different modes of response to certain touch-based inputs.

13 38. The '663 patent claims inventions that provide technological solutions to
14 technological problems. The written description of the '663 patent describes in technical detail
15 each of the elements of the claims, including a display screen having a virtual bezel region and
16 an active touchscreen region, both of which display portions of content but have different modes
17 of response to certain touch-based inputs.

18 39. The written description describes the elements of the claims such that persons of
19 ordinary skill in the art understand what the claims cover and how the non-conventional and non-
20 generic combination of claim elements differ markedly from and improved upon the art. *See,*
21 *e.g.*, '663 patent at 1:21-9:41.

22 40. Technology leaders including Microsoft Technology Licensing LLC, Amazon
23 Technologies, Inc., Samsung Electronics Co., Ltd., and the USPTO have cited the '663 patent
24 family over 20 times. *See* <https://patents.google.com/patent/US9645663B2/en> (last accessed
25 April 13, 2021); 37 CFR 1.104, Nature of Examination (“the examiner must cite the best
26 references at his or her command.”).

27 41. Viewed in light of the specification of the '663 patent, the claims are not directed
28 to basic tools of scientific and technological work, nor are they directed to a fundamental economic

1 practice. *See, e.g.*, '663 patent at 1:21-12:44. For example, claim 1 of the '663 patent is directed
2 to a display screen having a virtual bezel region and an active touchscreen region, both of which
3 display portions of content but have different modes of response to certain touch-based inputs.

4 42. The claims of the '663 patent are not directed to the use of an abstract mathematical
5 formula. *See, e.g.*, '663 patent at 1:21-12:44. For example, claim 1 of the '663 patent is directed
6 to a display screen having a virtual bezel region and an active touchscreen region, both of which
7 display portions of content but have different modes of response to certain touch-based inputs.

8 43. The claims of the '663 patent are not directed to the use of a general-purpose
9 computer. *See, e.g.*, '663 patent at 1:21-12:44. For example, claim 1 of the '663 patent is
10 directed to a display screen having a virtual bezel region and an active touchscreen region, both of
11 which display portions of content but have different modes of response to certain touch-based
12 inputs.

13 44. The claims of the '663 patent are not directed to implementation of a mathematical
14 formula. *See, e.g.*, '663 patent at 1:21-12:44. For example, claim 1 of the '663 patent is directed
15 to a display screen having a virtual bezel region and an active touchscreen region, both of which
16 display portions of content but have different modes of response to certain touch-based inputs.

17 45. The claims of the '663 patent are not directed to generalized steps to be performed
18 on a computer using conventional activity. *See, e.g.*, '663 patent at 1:21-12:44. For example,
19 claim 1 of the '663 patent is directed to a display screen having a virtual bezel region and an
20 active touchscreen region, both of which display portions of content but have different modes of
21 response to certain touch-based inputs.

22 46. The claims of the '663 patent are not directed to a method of organizing human
23 activity or to a fundamental economic practice long prevalent in our system of commerce. *See,*
24 *e.g.*, '663 patent at 1:21-12:44. For example, claim 1 of the '663 patent is directed to a display
25 screen having a virtual bezel region and an active touchscreen region, both of which display
26 portions of content but have different modes of response to certain touch-based inputs.

27 47. The claims of the '663 patent do not take a well-known or established business
28 method or process and apply it to, or using, a general-purpose computer. *See, e.g.*, '663 patent at

1 1:21-12:44. For example, claim 1 of the '663 patent is directed to a display screen having a
2 virtual bezel region and an active touchscreen region, both of which display portions of content
3 but have different modes of response to certain touch-based inputs.

4 48. The claims of the '663 patent do not preempt the field of their inventions or
5 preclude the use of other methods and systems because the claims recite specific elements that
6 include more than the performance of well-understood, routine, and conventional activities
7 previously known to the art. *See, e.g.*, '663 patent at 1:21-12:44. For example, claim 1 of the
8 '663 patent is directed to a display screen having a virtual bezel region and an active touchscreen
9 region, both of which display portions of content but have different modes of response to certain
10 touch-based inputs.

11 49. The claims of the '663 patent capture the improvements described and illustrated
12 in the specification. For example, claim 1 of the '663 patent is directed to a display screen
13 having a virtual bezel region and an active touchscreen region, both of which display portions of
14 content but have different modes of response to certain touch-based inputs.

15 50. Plaintiff is the assignee and owner of the right, title and interest in and to the '663
16 patent, including the right to assert all causes of action arising under said patents and the right to
17 any remedies for infringement of them.

18 51. Upon information and belief, Defendant has and continues to directly infringe at
19 least claims 1-2 of the '663 patent by making, using, selling, importing and/or providing and
20 causing to be used vehicles with electronic devices having touchscreen capabilities, including the
21 use of a virtual bezel (the "Accused Instrumentalities"), as set forth in detail in the attached
22 preliminary and exemplary claim charts provided in Exhibit D.

23 52. The Accused Instrumentalities identified in Exhibit D are examples that were
24 identified based on publicly available information. Plaintiff reserves its right to identify
25 additional infringing activities, products, and services, including, for example, on the basis of
26 information obtained during discovery and as Defendant introduces new infringing devices
27 through the end of trial.

53. The Accused Instrumentalities include electronic devices having a display system, the display system including: (a) an active touchscreen region having a touchscreen layer with a first mode of response to touch-based inputs from a user of the electronic device, the active touchscreen region configured to display a first portion of the content on the virtual bezel display screen; (b) a virtual bezel region along one or more edges of the display screen and adjacent to the active touchscreen region, the virtual bezel region having a touchscreen layer with a second mode of response to touch-based inputs from a user of the electronic device, the virtual bezel region configured to display a second portion of content on the display screen; and (c) non-transitory memory storing a gestural software application in communication with the display screen; wherein the second mode of response is configured to selectively interpret touch-based inputs as intentional user input intended to affect the display of the first portion of the content on the active touchscreen region of the display screen. *See* attached claim chart for the '663 patent, Exhibit D.

54. On information and belief, these Accused Instrumentalities are used marketed, provided to, and/or used by or for each of Defendant's partners, clients, customers, and end users across the country and in this District.

55. Plaintiff has been harmed by Defendant's infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '917 patent and the '633 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for Defendant's past infringement of the '917 patent and the '633 patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

1 C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of
2 Plaintiff's reasonable attorneys' fees; and

3 D. An award to Plaintiff of such further relief at law or in equity as the Court deems
4 just and proper.

5
6
7 Dated: August 23, 2021

Respectfully submitted,

8 DEVLIN LAW FIRM LLC

9
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