

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

**SONGBIRD TECH, LLC,**

Plaintiff

v.

**LG ELECTRONICS, INC.**

Defendant

**Case No. 6:24-cv-00042**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Songbird Tech, LLC (“Plaintiff” or “Songbird”) hereby asserts the following claims for patent infringement against LG Electronics, Inc. (“Defendant” or “LGE”), and alleges, on information and belief, as follows:

**THE PARTIES**

1. Songbird Tech, LLC is a limited liability company organized and existing under the laws of the State of Texas with a principal place of business in Waco, Texas.
2. Upon information and belief, LGE, Inc. is a Korean corporation, with a place of business located at LG Twin Towers, 128 Yeoui-daero, Yeongdungpo-gu, Seoul, 07366, South Korea.

**JURISDICTION AND VENUE**

3. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1391 and 1400.

4. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and this judicial district and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

5. Venue is proper in this District under 28 U.S.C. § 1391(c)(3) because Defendant is a foreign corporation.

### **THE PATENT-IN SUIT**

6. Songbird is the lawful owner of all right, title, and interest in United States Patent No. 8,825,787 (the “787 Patent”), entitled “Audio message Driven Customer Interaction Queuing System,” including the right to sue and to recover for infringement thereof. The ’787 Patent was duly and legally issued on September 2, 2014.

### **ACCUSED PRODUCTS**

7. On information and belief, Defendant makes, uses, imports, sells, and/or offers for sale a multitude of television computer products, including but not limited to the CX 65 inch Class 4K Smart OLD TV w/ AI ThinQ (Alexa), CX 65 inch Class 4K Smart OLD TV w/ AI ThinQ (Google Assistant), Gram 16” Ultra-Lightweight Laptop (Cortana), K40, G8 ThinQ (Google Assistant), and InstaView Door-in-Door fridge (Alexa) (collectively, the “Accused Products”).

8. On information and belief, the Accused Products are made, used, sold, offered for sale, and/or imported in the United States by Defendant.

### **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,825,787**

9. Songbird repeats and realleges the allegations of each of the above paragraphs as if fully set forth herein.

10. Claim 10 of the '787 Patent recites:

10. An electronic device of a user, said electronic device comprising:

a non-transitory computer readable storage medium configured to store a client application;

at least one processor communicatively coupled to said non-transitory computer readable storage medium, said at least one processor configured to execute said client application;

at least one input device communicatively coupled to said processor, wherein said input device comprises a microphone; and

said client application configuring said at least one processor to:

locally record an audio query message received through said microphone;

store said recorded audio query message on said electronic device;

and

transmit said stored audio query message.

11. On information and belief, Defendant, without license or authorization, has directly infringed and continue to infringe the '787 Patent by making, using, importing, selling, and/or, offering for sale the Accused Products in the United States.

12. On information and belief, as illustrated below with respect to the LG CX 65 TV, Defendant's actions satisfy each and every element of claim 10:

*10. An electronic device of a user, said electronic device comprising:*

The LG TV is an electronic computer device and satisfies as the claimed electronic device of a user.

*a non-transitory computer readable storage medium configured to store a client application;*

The LG TV includes system memory that stores applications including the Alexa application. This memory satisfies as the claimed non-transitory computer readable storage medium.

*at least one processor communicatively coupled to said non-transitory computer readable storage medium, said at least one processor configured to execute said client application;*

The LG TV includes a microprocessor that executes stored applications including the Alexa application. This processor satisfies as the claim processor.

*at least one input device communicatively coupled to said processor, wherein said input device comprises a microphone; and*

The LG TV has a microphone, which satisfies as the claimed input device that comprises a microphone.

*said client application configuring said at least one processor to:*

The LG TV includes the Windows Alexa application, which satisfies as the claimed client application.

*locally record an audio query message received through said microphone;*

The Alexa application records audio queries spoken by a user of the device, which satisfies as the claimed client application configured to locally record an audio query message.

*store said recorded audio query message on said electronic device; and*

The Alexa application stores audio queries in memory, which satisfies as the

claimed client application configured to store audio query messages.

*transmit said stored audio query message.*

The Alexa voice virtual assistant application encrypts stored audio to a network server, which satisfies as the claimed client application configured to transmit stored audio query messages.

13. Songbird has been damaged by Defendants' infringing activities.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendants:

WHEREFORE, Songbird requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendants have infringed the '787 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Songbird for Defendant's past infringement of the '787 patents 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;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Songbird's reasonable attorneys' fees; and
- D. An award to Songbird of such further relief at law or in equity as the Court deems just and proper.

**JURY DEMAND**

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: January 18, 2024

Respectfully Submitted

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