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25 **UNITED STATES DISTRICT COURT**  
26 **SOUTHERN DISTRICT OF CALIFORNIA**

27 SMITH INTERFACE  
28 TECHNOLOGIES, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 3:23-cv-1187-TWR-BGS

**THIRD AMENDED  
COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

1 Plaintiff Smith Interface Technologies, LLC (“Plaintiff” or “Smith Interface”)  
2 brings this action for patent infringement against Defendant Apple Inc. (“Defendant”  
3 or “Apple”), and alleges as follows:

4 **THE PARTIES**

5 1. Smith Interface is an entity organized and existing under the laws of the  
6 State of Texas with its principal place of business at PO Box 1567, Cedar Park, TX  
7 78630.

8 2. Apple is an entity organized and existing under the laws of the State of  
9 California with its principal place of business at One Apple Park Way, Cupertino,  
10 California 95014. Apple may be served pursuant to Fed. R. Civ. P. 4(f)(1).

11 3. Apple designs, manufactures, makes, uses, imports into the United  
12 States, sells, and/or offers for sale in the United States devices like iPhones, iPads,  
13 iPods, and Apple Watches. Apple’s devices are marketed, used, offered for sale,  
14 and/or sold throughout the United States, including within this district.

15 **JURISDICTION AND VENUE**

16 4. This is an action arising under the patent laws of the United States, 35  
17 U.S.C. § 101 *et seq.*

18 5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and  
19 1338.

20 6. This Court has personal jurisdiction over Apple because it is organized  
21 and exists under the laws of California.

22 7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b),  
23 1391(c), and 1400(b). Venue is appropriate under 28 U.S.C. § 1400(b) at least  
24 because Apple is incorporated in California, Apple has committed acts of  
25 infringement in this district, and has a regular and established place of business in  
26 this district. Apple’s acts of infringement in this district include, but are not limited  
27 to, sales of the Accused Products at Apple Store locations in this district, including,  
28 but not limited to, 7007 Friars Road, San Diego, CA 92108 and 4305 La Jolla Village

1 Drive, San Diego, CA 92122.

2 8. Upon information and belief, Apple currently employs close to 1,000  
3 people in San Diego, and plans to expand its workforce in San Diego to at least 5,000  
4 by 2026. *See* Mike Freeman, *Apple to expand San Diego engineering hub boosting*  
5 *workforce to 5,000 over five years*, THE SAN DIEGO UNION-TRIBUNE (April 26, 2021),  
6 [www.sandiegouniontribune.com/business/story/2021-04-26/apple-to-expand-san-](http://www.sandiegouniontribune.com/business/story/2021-04-26/apple-to-expand-san-diego-engineering-hub-boosting-workforce-to-5-000-over-five-years)  
7 [diego-engineering-hub-boosting-workforce-to-5-000-over-five-years](http://www.sandiegouniontribune.com/business/story/2021-04-26/apple-to-expand-san-diego-engineering-hub-boosting-workforce-to-5-000-over-five-years); *see also*  
8 Nicole Gomez, *5K Jobs By 2026: Apple Plans to Expand San Diego Workforce*, NBC  
9 SAN DIEGO (April 26, 2021), [www.nbcsandiego.com/news/local/apple-to-add-5k-](http://www.nbcsandiego.com/news/local/apple-to-add-5k-new-jobs-in-san-diego-by-2026/2587748/)  
10 [new-jobs-in-san-diego-by-2026/2587748/](http://www.nbcsandiego.com/news/local/apple-to-add-5k-new-jobs-in-san-diego-by-2026/2587748/). Indeed, Apple is currently “one of the top  
11 technology employers in the greater San Diego area.” *See* Jennifer Van Grove, *Apple*  
12 *grows presence in Rancho Bernardo*, THE SAN DIEGO UNION-TRIBUNE (June 15,  
13 2022), [www.sandiegouniontribune.com/pomerado-news/business/story/2022-06-](http://www.sandiegouniontribune.com/pomerado-news/business/story/2022-06-15/apple-grows-presence-in-rancho-bernardo-now-largest-tech-tenant-in-the-market)  
14 [15/apple-grows-presence-in-rancho-bernardo-now-largest-tech-tenant-in-the-](http://www.sandiegouniontribune.com/pomerado-news/business/story/2022-06-15/apple-grows-presence-in-rancho-bernardo-now-largest-tech-tenant-in-the-market)  
15 [market](http://www.sandiegouniontribune.com/pomerado-news/business/story/2022-06-15/apple-grows-presence-in-rancho-bernardo-now-largest-tech-tenant-in-the-market).

16 9. Apple has a regular and established place of business in University City,  
17 San Diego, including a “100,000 square-foot research/office building” and a second  
18 204,000 square-foot building employing Apple personnel. Mike Freeman, *Apple to*  
19 *lease second San Diego office as it grows local engineering workforce*, THE SAN  
20 DIEGO UNION-TRIBUNE (Nov. 13, 2019), [www.sandiegouniontribune.com/business/](http://www.sandiegouniontribune.com/business/technology/story/2019-11-13/apple-inks-deal-for-second-utc-building-as-part-of-san-diego-expansoin)  
21 [technology/story/2019-11-13/apple-inks-deal-for-second-utc-building-as-part-of-](http://www.sandiegouniontribune.com/business/technology/story/2019-11-13/apple-inks-deal-for-second-utc-building-as-part-of-san-diego-expansoin)  
22 [san-diego-expansoin](http://www.sandiegouniontribune.com/business/technology/story/2019-11-13/apple-inks-deal-for-second-utc-building-as-part-of-san-diego-expansoin).

23 10. Apple states that the San Diego “location has plans for extensive growth  
24 throughout this area.” *Careers at Apple – San Diego*, APPLE,  
25 <https://jobs.apple.com/en-us/search?location=san-diego-SDO> (last visited June 20,  
26 2023); *see also* Jack Rogers, *Apple Buys 816K SF Office Complex in San Diego for*  
27 *\$445M*, GLOBEST.COM (July 29, 2022), [www.globest.com/2022/07/29/apple-buys-](http://www.globest.com/2022/07/29/apple-buys-816k-sf-office-complex-in-san-diego-for-445m/?slreturn=20230518233551)  
28 [816k-sf-office-complex-in-san-diego-for-445m/?slreturn=20230518233551](http://www.globest.com/2022/07/29/apple-buys-816k-sf-office-complex-in-san-diego-for-445m/?slreturn=20230518233551) (“In

1 recent weeks, Apple inked two office leases in San Diego. . . .”). According to San  
2 Diego records, Apple’s corporate office addresses, among others, include at least  
3 12220 Scripps Summit Dr., San Diego, CA 92131-3698. *See* San Diego County  
4 Property Assessment, OPENGOVUS, [https://opengovus.com/san-diego-county-](https://opengovus.com/san-diego-county-property/3163300400)  
5 [property/3163300400](https://opengovus.com/san-diego-county-property/3163300400) (last visited June 20, 2023).

6 11. Apple is currently advertising over 400 open positions in San Diego,  
7 with 362 out of those 490 positions relating to the development and/or design of the  
8 iOS, iPads, iPhones, and/or watchOS. *See Careers at Apple*, APPLE, [https://jobs.](https://jobs.apple.com/en-us/search?location=san-diego-SDO)  
9 [apple.com/en-us/search?location=san-diego-SDO](https://jobs.apple.com/en-us/search?location=san-diego-SDO) (last visited June 26, 2023).

10 12. For example, one of the open positions is for a software engineer in the  
11 “Camera and Photos” team, which “focuses on user-experience” of the Camera and  
12 Photos applications. *Camera Tuning & Image Quality Engineer*, APPLE,  
13 [https://jobs.apple.com/en-us/details/200480038/camera-tuning-image-quality-](https://jobs.apple.com/en-us/details/200480038/camera-tuning-image-quality-engineer?team=SFTWR)  
14 [engineer?team=SFTWR](https://jobs.apple.com/en-us/details/200480038/camera-tuning-image-quality-engineer?team=SFTWR) (last visited June 19, 2023).

15 13. Another example of Apple’s many available positions in San Diego is  
16 for a “Systems Experience” manager to lead a team of engineers to test “Notification  
17 Center interactions, Control Center, Dock and Mission Control to Sidecar, Universal  
18 Control and Stage Manager” and “many features that provide great system  
19 experience.” *QA Manager - System Experience*, APPLE, [https://jobs.apple.com/en-](https://jobs.apple.com/en-us/details/200326451/qa-manager-system-experience?team=SFTWR)  
20 [us/details/200326451/qa-manager-system-experience?team=SFTWR](https://jobs.apple.com/en-us/details/200326451/qa-manager-system-experience?team=SFTWR) (last visited  
21 June 19, 2023).

22 14. Apple has also filed lawsuits in the Southern District of California. For  
23 example, Apple sued Qualcomm and Motorola Mobility LLC for patent infringement  
24 in this District in 2017 and 2012, respectively. *Apple Inc. v. Qualcomm Inc.*, No.  
25 3:17-cv-108 (S.D. Cal. Jan. 20, 2017); *Apple Inc. v. Motorola Mobility, Inc.*, No.  
26 3:12-cv-355 (S.D. Cal. Feb. 10, 2012). Apple has also sought transfer into the  
27 Southern District of California for various patent infringement cases. *See, e.g.,*  
28 *Fastvo LLC v. Apple Inc. et al*, No. 3:16-cv-385, Dkt. 75 (S.D. Cal. Feb. 17, 2016)

1 (transferring case from Eastern District of Texas); *see also Wi-LAN USA, Inc. et al.*  
2 *v. Apple Inc.*, No. 3:13-cv-00798-DMS-BLM, Dkt. 39 (S.D. Cal. Feb. 20, 2013)  
3 (Apple arguing that California federal courts have state-wide subpoena power under  
4 Cal. Civ. Proc. Code § 1989).

### 5 THE TECHNOLOGY

6 15. Dr. Michael Smith, the inventor of the Asserted Patents, is known in  
7 the Silicon Valley technological community due to his scholarship, education  
8 initiatives, and work with a number of high-profile Silicon Valley technology  
9 companies (including Apple). Dr. Smith spent several years developing and  
10 marketing cutting-edge innovative solutions which resulted in the sale of two of his  
11 start-up companies; one company (MetaRAM) was sold to Google and the other  
12 (iReady) was sold to Nvidia.

13 16. Dr. Smith served as a professor of electrical engineering at the  
14 University of Hawaii and in the late 1990's Dr. Smith spent several years working  
15 with Apple's Advanced Technology Group ("ATG") to promote and evangelize  
16 students to use Apple products. *See* Apple Advanced Technology Group,  
17 [WWW.WIKIPEDIA.ORG](https://www.wikipedia.org) (March 14, 2024),  
18 [https://en.wikipedia.org/wiki/Apple\\_Advanced\\_Technology\\_Group](https://en.wikipedia.org/wiki/Apple_Advanced_Technology_Group). Apple and the  
19 ATG encouraged Dr. Smith to give presentations at Apple-supported conferences on  
20 his evangelization efforts. As part of Dr. Smith-Apple's collaboration efforts, Dr.  
21 Smith developed and gave one of the first telelectures between Stanford and Apple.  
22 Apple presented Dr. Smith with an "Excellence in Education" award.

23 17. In 1997, Dr. Smith published a standard reference work on ASIC design  
24 titled "Application-Specific Integrated Circuits." *See* Michael J.S. Smith,  
25 *APPLICATION-SPECIFIC INTEGRATED CIRCUITS* (1st ed. 1997). Dr. Smith's  
26 book has been translated into different languages and thousands of copies have been  
27 sold worldwide. While working on education and writing his book, Dr. Smith worked  
28 and collaborated with the National Science Foundation, several universities, and

1 dozens of engineers from many different companies that were formative in the  
2 creation of Silicon Valley including Apple, VLSI Technology, LSI Logic, Xilinx,  
3 and Altera, all in the area of integrated circuit design.

4 18. In his research, inventor Dr. Smith recognized that as processor power  
5 and speed and memory capacity increased, mobile devices such as smartphones  
6 would become increasingly capable of more complex tasks and running feature-rich  
7 applications rivaling those even on desktop computers. But unlike desktop  
8 computers, mobile devices, being small and light, would always have miniature  
9 displays with highly limited screen real-estate. This severe constraint meant that  
10 interacting with feature-rich mobile applications would necessarily require different  
11 input and output techniques than those used on desktop computers. For example,  
12 instead of a mouse pointer indicating a single pixel with a mouse click, a user's finger  
13 touches a larger oval's worth of pixels all at once, creating the need for finger-sized  
14 targets. New user interface widgets taking such considerations into account would be  
15 required to intuitively and effectively operate mobile device applications.

16 19. Therefore, to enable users to operate these new powerful mobile devices  
17 and their feature-rich applications, Dr. Smith developed new advanced input and  
18 output techniques for mobile user interfaces. A particular approach Dr. Smith used  
19 was to develop multi-part gestures, where users can take successive actions, such as  
20 by touching, tapping, long-pressing, or sliding, and receive feedback at each step,  
21 whether visual or tactile (or both). Working in tandem with Dr. Smith's gestures were  
22 integrated forms of feedback, such as using menus offering contextual actions or  
23 vibrotactile pulses used to confirm certain actions. Dr. Smith's intuitive and fluid  
24 combination of input and output enabled users to much more easily and effectively  
25 operate feature-rich interfaces on miniature displays with severely limited screen  
26 real-estate. These innovations represent a new class of user interface interactions  
27 distinct from those used on the desktop and helped to usher in the next phase of  
28 mobile computing.

1           20.    These mobile UI advances resulted in numerous patents, including U.S.  
2 Patent Nos. 10,642,413 (the “’413 Patent”); 10,649,578 (the “’578 Patent”);  
3 10,649,580 (the “’580 Patent”); 10,656,754 (the “’754 Patent”); 10,656,755 (the  
4 “’755 Patent”); 10,656,758 (the “’758 Patent”); 10,671,212 (the “’212 Patent”);  
5 10,725,581 (the “’581 Patent”); 10,936,114 (the “’114 Patent”); and 11,740,727 (the  
6 “’727 Patent”) (collectively, the “Asserted Patents”).

7           21.    The ’413 Patent, titled “Gesture-equipped touch screen system, method,  
8 and computer program product,” issued on May 5, 2020. *See* Ex. 1. Dr. Smith is the  
9 sole named inventor of the ’413 Patent. The ’413 Patent application (No. 16/169,961)  
10 was filed October 24, 2018 and is a continuation of and claims priority to numerous  
11 patents, patent applications, and provisional patent applications dating back to U.S.  
12 Provisional Application No. 61/515,835, filed August 5, 2011. Smith Interface is the  
13 assignee and sole owner of the ’413 Patent and has the full and exclusive right to  
14 bring action and recover damages for Apple’s infringement of the ’413 Patent.

15           22.    The ’578 Patent, titled “Gesture-equipped touch screen system, method,  
16 and computer program product,” issued on May 12, 2020. *See* Ex. 2. Dr. Smith is the  
17 sole named inventor of the ’578 Patent. The ’578 Patent application (No. 16/559,606)  
18 was filed September 3, 2019 and is a continuation of and claims priority to numerous  
19 patents, patent applications, and provisional patent applications dating back to U.S.  
20 Provisional Application No. 61/515,835, filed August 5, 2011. Smith Interface is the  
21 assignee and sole owner of the ’578 Patent and has the full and exclusive right to  
22 bring action and recover damages for Apple’s infringement of the ’578 Patent.

23           23.    The ’580 Patent, titled “Devices, methods, and graphical use interfaces  
24 for manipulating user interface objects with visual and/or haptic feedback,” issued  
25 on May 12, 2020. *See* Ex. 3. Dr. Smith is the sole named inventor of the ’580 Patent.  
26 The ’580 Patent application (No. 16/664,777) was filed October 25, 2019 and is a  
27 continuation of and claims priority to numerous patents, patent applications, and  
28 provisional patent applications dating back to U.S. Provisional Application No.

1 61/515,835, filed August 5, 2011. Smith Interface is the assignee and sole owner of  
2 the '580 Patent and has the full and exclusive right to bring action and recover  
3 damages for Apple's infringement of the '580 Patent.

4 24. The '754 Patent, titled "Devices and methods for navigating between  
5 user interfaces," issued on May 19, 2020. *See* Ex. 4. Dr. Smith is the sole named  
6 inventor of the '754 Patent. The '754 Patent application (No. 16/438,455) was filed  
7 June 11, 2019 and is a continuation of and claims priority to numerous patents, patent  
8 applications, and provisional patent applications dating back to U.S. Provisional  
9 Application No. 61/515,835, filed August 5, 2011. Smith Interface is the assignee  
10 and sole owner of the '754 Patent and has the full and exclusive right to bring action  
11 and recover damages for Apple's infringement of the '754 Patent.

12 25. The '755 Patent, titled "Gesture-equipped touch screen system, method,  
13 and computer program product," issued on May 19, 2020. *See* Ex. 5. Dr. Smith is the  
14 sole named inventor of the '755 Patent. The '755 Patent application (No. 16/558,022)  
15 was filed August 30, 2019 and is a continuation of and claims priority to numerous  
16 patents, patent applications, and provisional patent applications dating back to U.S.  
17 Provisional Application No. 61/515,835, filed August 5, 2011. Smith Interface is the  
18 assignee and sole owner of the '755 Patent and has the full and exclusive right to  
19 bring action and recover damages for Apple's infringement of the '755 Patent.

20 26. The '758 Patent, titled "Gesture-equipped touch screen system, method,  
21 and computer program product," issued on May 19, 2020. *See* Ex. 6. Dr. Smith is the  
22 sole named inventor of the '758 Patent. The '758 Patent application (No. 16/664,780)  
23 was filed October 25, 2019 and is a continuation of and claims priority to numerous  
24 patents, patent applications, and provisional patent applications dating back to U.S.  
25 Provisional Application No. 61/515,835, filed August 5, 2011. Smith Interface is the  
26 assignee and sole owner of the '758 Patent and has the full and exclusive right to  
27 bring action and recover damages for Apple's infringement of the '758 Patent.

28 27. The '212 Patent, titled "Gesture-equipped touch screen system, method,



1 and computer program product,” issued on June 2, 2020. *See* Ex. 7. Dr. Smith is the  
2 sole named inventor of the ’212 Patent. The ’212 Patent application (No. 16/558,028)  
3 was filed August 30, 2019 and is a continuation of and claims priority to numerous  
4 patents, patent applications, and provisional patent applications dating back to U.S.  
5 Provisional Application No. 61/515,835, filed August 5, 2011. Smith Interface is the  
6 assignee and sole owner of the ’212 Patent and has the full and exclusive right to  
7 bring action and recover damages for Apple’s infringement of the ’212 Patent.

8 28. The ’581 Patent, titled “Devices, methods and graphical user interfaces  
9 for manipulating user interface objects with visual and/or haptic feedback,” issued  
10 on July 28, 2020. *See* Ex. 8. Dr. Smith is the sole named inventor of the ’581 Patent.  
11 The ’581 Patent application (No. 16/687,649) was filed November 18, 2019 and is a  
12 continuation of and claims priority to numerous patents, patent applications, and  
13 provisional patent applications dating back to U.S. Provisional Application No.  
14 61/515,835, filed August 5, 2011. Smith Interface is the assignee and sole owner of  
15 the ’581 Patent and has the full and exclusive right to bring action and recover  
16 damages for Apple’s infringement of the ’581 Patent.

17 29. The ’114 Patent, titled “Gesture-equipped touch screen system, method,  
18 and computer program product” issued on March 2, 2021. *See* Ex. 9. Dr. Smith is the  
19 sole named inventor of the ’114 Patent. The ’114 Patent application (No. 16/588,026)  
20 was filed August 30, 2019 and is a continuation of and claims priority to numerous  
21 patents, patent applications, and provisional patent applications dating back to U.S.  
22 Provisional Application No. 61/515,835, filed August 5, 2011. Smith Interface is the  
23 assignee and sole owner of the ’114 Patent and has the full and exclusive right to  
24 bring action and recover damages for Apple’s infringement of the ’114 Patent.

25 30. The ’727 Patent, titled “Devices, methods and graphical user interfaces  
26 for manipulating user interface objects with visual and/or haptic feedback” issued on  
27 August 29, 2023. *See* Ex. 10. Dr. Smith is the sole named inventor of the ’727 Patent.  
28 The ’727 Patent application (No. 17/206,107) was filed March 18, 2021 and is a

1 continuation of and claims priority to numerous patents, patent applications, and  
2 provisional patent applications dating back to U.S. Provisional Application No.  
3 61/515,835, filed August 5, 2011. Smith Interface is the assignee and sole owner of  
4 the '727 Patent and has the full and exclusive right to bring action and recover  
5 damages for Apple's infringement of the '727 Patent.

### 6 **APPLE iOS AND THE ACCUSED PRODUCTS**

7 31. Apple infringes the Asserted Patents by making, using, selling, offering  
8 to sell, and importing its smartphones, portable media players, tablets, and  
9 smartwatches that run Apple iOS, iPadOS, and watchOS. Exemplary accused  
10 infringing smartphones and tablets include, but are not limited to, Apple's iPhone,  
11 iPhone SE, iPhone Pro, iPad, iPad Pro, iPad Air, iPad mini, iPod Touch, Apple  
12 Watch, and Apple Watch SE (collectively the "Accused Products").

13 32. At the core of Apple's DNA is a focus on providing simple, yet powerful  
14 user interface experiences to users. *See* Protectstar Inc., *iPhone 1 - Steve Jobs*  
15 *MacWorld keynote in 2007 - Full Presentation, 80 mins*, YOUTUBE (May 16, 2013),  
16 [www.youtube.com/watch?v=VQKMoT-6XSg](http://www.youtube.com/watch?v=VQKMoT-6XSg). Apple understands that touchscreen  
17 gestures are a "key way" to create "a close personal connection" between the user  
18 and their device. *Touchscreen Gestures*, APPLE DEVELOPER,  
19 [https://developer.apple.com/design/human-interface-guidelines/](https://developer.apple.com/design/human-interface-guidelines/touchscreen-gestures)  
20 *touchscreen-gestures* (last visited June 26, 2023).

21 33. On September 18, 2013 Apple released iOS 7. iOS 7 introduced new  
22 features to its operating system such as "distinct functional layers" to "help establish  
23 hierarchy and order" and added "translucency" to "give [the user] a sense of [the  
24 user's] context." OhMyGeek!, *Apple iOS 7 - WWDC Video Demo (with John Ive)*,  
25 YOUTUBE (June 10, 2013), [www.youtube.com/watch?v=xKibbvhajOA](http://www.youtube.com/watch?v=xKibbvhajOA).

26 34. Apple characterized iOS 7 as "the most significant iOS update since the  
27 original iPhone" and added "a stunning new user interface." *Apple Unveils iOS 7*,  
28 APPLE NEWSROOM (June 10, 2013), [www.apple.com/newsroom/2013/06/10Apple-](http://www.apple.com/newsroom/2013/06/10Apple-)

1 Unveils-iOS-7/. Some of these “great new features” include “Control Center,  
2 Notification Center, [and] improved Multitasking. . . .” *Id.*

3 35. On September 19, 2019 Apple released iOS 13 which included a new  
4 Core Haptics framework that uses “haptics to engage users physically, with tactile  
5 and audio feedback that gets attention and reinforces actions.” *Core Haptics*, APPLE  
6 DEVELOPER, <https://developer.apple.com/documentation/corehaptics> (last visited  
7 June 26, 2023).

8 36. With each iteration of Apple’s iOS, iPadOS, and watchOS, Apple’s user  
9 interface offers more and more advanced gesture functionality.

10 **APPLE’S KNOWLEDGE OF SMITH’S INVENTIONS**

11 37. The Asserted Patents, along with patent publications and patents sharing  
12 a common claim of priority, inventorship, and/or ownership with the Asserted Patents  
13 (“Smith Patent Family”), have been cited more than 500 times in the United States  
14 Patent and Trademark Office (USPTO) during the prosecution of other U.S. patent  
15 applications.

16 38. Among those citations, at least 350 Apple patents and patent  
17 publications include citations to patents and patent publications in the Smith Patent  
18 Family. *See* Ex. 11 (List of 350 Apple Citations to Smith Patent Family) Below are  
19 some examples.

20 39. On January 20, 2017, August 24, 2017, February 13, 2020, and March  
21 9, 2020 during the prosecution of Apple’s U.S. Patent No. 10,698,598, Apple  
22 identified four members of the Smith Patent Family in a filing to the United States  
23 Patent and Trademark Office.

24 40. On January 24, 2017, August 25, 2017, February 21, 2020, and March  
25 6, 2020 during the prosecution of Apple’s U.S. Patent No. 10,754,542, Apple  
26 identified four members of the Smith Patent Family in a filing to the United States  
27 Patent and Trademark Office.

28 41. On September 11, 2018 and February 28, 2020 during the prosecution

1 of Apple’s U.S. Patent No. 10,775,994, Apple identified four members of the Smith  
2 Patent Family in a filing to the United States Patent and Trademark Office.

3 42. On January 11, 2019 and March 2, 2020 during the prosecution of  
4 Apple’s U.S. Patent No. 10,775,999, Apple identified four members of the Smith  
5 Patent Family in a filing to the United States Patent and Trademark Office.

6 43. On April 5, 2018 and June 8, 2020 during the prosecution of Apple’s  
7 U.S. Patent No. 10,782,871, Apple identified three members of the Smith Patent  
8 Family in a filing to the United States Patent and Trademark Office.

9 44. On October 28, 2019, February 7, 2020, and April 30, 2020 during the  
10 prosecution of Apple’s U.S. Patent No. 10,841,484, Apple identified four members  
11 of the Smith Patent Family in a filing to the United States Patent and Trademark  
12 Office.

13 45. On February 14, 2019, February 24, 2020, April 15, 2020, and August  
14 25, 2020 during the prosecution of Apple’s U.S. Patent No. 10,884,591, Apple  
15 identified five members of the Smith Patent Family in a filing to the United States  
16 Patent and Trademark Office.

17 46. On April 9, 2019, February 10, 2020, March 27, 2020, and August 4,  
18 2020 during the prosecution of Apple’s U.S. Patent No. 10,884,608, Apple identified  
19 five members of the Smith Patent Family in a filing to the United States Patent and  
20 Trademark Office.

21 47. On June 7, 2017, September 6, 2017, March 3, 2020, and September 30,  
22 2020 during the prosecution of Apple’s U.S. Patent No. 10,908,808, Apple identified  
23 five members of the Smith Patent Family in a filing to the United States Patent and  
24 Trademark Office.

25 48. On March 2, 2021 during the prosecution of Apple’s U.S. Patent No.  
26 11,371,953, Apple identified a member of the Smith Patent Family in a filing to the  
27 United States Patent and Trademark Office.

28 49. Below is a list of over eighty instances where Apple cited the US

1 2016/0188181, the latest publication in the priority chain of the Asserted Patents  
 2 which also shares a common specification with the Asserted Patents, after at least  
 3 one Asserted Patent was issued.

No.	Apple Patent No.
1	US 11,009,970
2	US 11,019,193
3	US 11,037,565
4	US 11,039,074
5	US 11,054,973
6	US 11,061,372
7	US 11,070,949
8	US 11,087,759
9	US 11,102,414
10	US 11,112,964
11	US 11,120,372
12	US 11,126,400
13	US 11,128,792
14	US 11,152,002
15	US 11,161,010
16	US 11,165,949
17	US 11,169,616
18	US 11,178,335
19	US 11,204,692
20	US 11,212,449
21	US 11,223,771
22	US 11,231,831
23	US 11,240,424
24	US 11,243,627
25	US 11,245,837

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26	US 11,250,385
27	US 11,257,504
28	US 11,301,130
29	US 11,314,407
30	US 11,321,116
31	US 11,321,857
32	US 11,327,634
33	US 11,330,184
34	US 11,336,961
35	US 11,340,757
36	US 11,340,778
37	US 11,350,026
38	US 11,354,033
39	US 11,360,577
40	US 11,367,163
41	US 11,369,028
42	US 11,372,137
43	US 11,372,659
44	US 11,380,310
45	US 11,385,860
46	US 11,388,280
47	US 11,388,291
48	US 11,397,449
49	US 11,402,669
50	US 11,405,466
51	US 11,416,134
52	US 11,418,699
53	US 11,423,886
54	US 11,430,571
55	US 11,431,642

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56	US 11,442,414
57	US 11,467,802
58	US 11,468,625
59	US 11,487,364
60	US 11,490,017
61	US 11,500,672
62	US 11,516,537
63	US 11,526,256
64	US 11,526,368
65	US 11,532,306
66	US 11,533,817
67	US 11,538,469
68	US 11,539,831
69	US 11,539,876
70	US 11,550,465
71	US 11,550,471
72	US 11,550,542
73	US 11,557,310
74	US 11,580,990
75	US 11,599,331
76	US 11,617,022
77	US 11,630,525
78	US 11,632,591
79	US 11,636,869
80	US 11,641,517
81	US 11,644,917
82	US 11,657,813
83	US 11,657,820
84	US 11,660,503
85	US 11,669,985

86	US 11,670,289
87	US 11,671,920

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4       50. Apple is familiar with the specification of many Smith Patent Family  
5 members since Apple has propounded arguments to the USPTO attempting to  
6 distinguish the US 2016/0188181 publication from Apple’s own claimed technology.  
7 *See* Ex. 12 (June 14, 2021 Apple Appeal Brief). Upon information and belief, due to  
8 Apple’s research efforts related to its appeal brief, Apple researched the Smith Patent  
9 Family and the Asserted Patents (not including the ’727 Patent) no later than June  
10 14, 2021 and understood the Asserted Patents’ (not including the ’727 Patent)  
11 relevance to both the field of mobile user interfaces and its own products.

12       51. Further, the Smith Patent Family is known in the technology industry  
13 and has been cited in numerous U.S. patents since the earliest publication of the Smith  
14 Patent Family. Indeed, Apple’s largest competitors also cite to the Smith Patent  
15 Family and/or have the Smith Patent Family cited to them during prosecution of their  
16 patents. These citations were on patents assigned to well-known Apple competitors:  
17 Samsung, Microsoft, IBM, Intel, Micron, Oracle, and Snap, Inc. *See, e.g.*,  
18 <https://patents.google.com/patent/US20160188181A1/en?q=US20160188181> (last  
19 visited June 13, 2023); [https://patents.google.com/patent/US9417754B2/en](https://patents.google.com/patent/US9417754B2/en?q=9417754)  
20 [?q=9417754](https://patents.google.com/patent/US9417754B2/en?q=9417754) (last visited June 13, 2023); [https://patents.google.com/patent/](https://patents.google.com/patent/US10275087B1/en?q=10275087)  
21 [US10275087B1/en?q=10275087](https://patents.google.com/patent/US10275087B1/en?q=10275087) (last visited June 13, 2023).

22       52. Upon information and belief, and based on the many repeated references  
23 to the Smith Patent Family in Apple’s own patents and Apple’s appeal brief filed  
24 after the issuance the Asserted Patent (not including the ’727 Patent), as early as May  
25 2020 or as late as June 14, 2021 Apple was aware of, had actual knowledge of, and  
26 was following the prosecution of the Smith Patent Family and knew of its relevance  
27 to both the field of mobile user interfaces and its own products. *See generally* Exs.  
28 11, 12.



1           53. Upon information and belief, Apple was following the Smith Patent  
2 Family as it obtained each of the patents-in-suit and had Apple engineers review the  
3 specification and claims of each Asserted Patent.

4           54. Upon information and belief, Apple is aware of, and closely follows  
5 patent infringement lawsuits related to mobile device technologies. Upon  
6 information and belief, Apple is aware of, and closely followed, the litigation  
7 between Smith Interface and Samsung since the July 29, 2022 complaint filing date.  
8 *See Smith Interface Tech., LLC v. Samsung Elec. Co., Ltd. et al*, No. 2:22-cv-290-  
9 JRG-RSP, Dkt. No. 1 (E.D. Tex. July 29, 2022) (“Samsung Litigation”). Several  
10 Asserted Patents overlap with the Samsung Litigation, for example the ’754 Patent.  
11 *Id.* at 6.

12           55. On March 10, 2023, Samsung Electronics Co., Ltd. and Samsung  
13 Electronics America, Inc. (collectively, “Samsung”) served a subpoena, pursuant to  
14 Fed. R. Civ. P. 45, to Apple that requested, among other things, documents and  
15 tangible things. *See generally* Ex. 13 at 3, 7–35 (Apple’s March 24, 2023 Subpoena  
16 Objections and Response); Ex. 15 (March 10, 2023 Samsung Subpoena). Upon  
17 information and belief, as a result of Samsung’s subpoena, Apple investigated the  
18 patents asserted in the Samsung Litigation, as well as each issued Smith Patent  
19 Family patent, and learned of the Asserted Patents’ relevance to both the field of  
20 mobile user interfaces and its own products as early as March 10, 2023.

21           56. On March 24, 2023, Apple served its response to Samsung’s subpoena.  
22 *See generally* Ex. 13. Among Apple’s various objections, “Apple objects to the  
23 Subpoena, including all Requests, as imposing undue expense on a non-party to this  
24 dispute, and as unduly burdensome and irrelevant to the litigation, especially to the  
25 extent that it may purport to require search and production from electronic mail  
26 systems or archival storage systems.” *Id.* at 5. Apple incorporated its “General  
27 Objections and Responses” into each of Samsung’s requests. *See id.* at 7–35. Apple  
28 had a Fed. R. Civ. P. 11 burden to investigate the facts and circumstances surrounding

1 Samsung's subpoena requests which includes Smith Interface's patent infringement  
2 allegations, the Samsung Litigation asserted patents, and claims asserted in the  
3 Samsung Litigation.

4 57. Under Fed. R. Civ. P. 11, Apple was obligated to assert nonfrivolous  
5 arguments and objections including Apple's objection that each of Samsung's  
6 requests were "irrelevant to the litigation." *Id.* at 5. Upon information and belief, as  
7 a result of Apple's investigation into the Samsung Litigation, Apple further  
8 investigated the Smith Patent Family. Upon information and belief, due to Apple's  
9 investigative efforts it has notice and actual, or constructive, knowledge of each  
10 Asserted Patent (not including the '727 Patent) and the Smith Patent Family no later  
11 than March 24, 2023.

12 58. Upon information and belief, and based on Apple's actual knowledge of  
13 the Smith Patent Family and its relevance to the field of mobile user interfaces, Apple  
14 has notice and actual, or constructive, knowledge of each of the Asserted Patents the  
15 day each Asserted Patent issued, or in the alternative no later than March 24, 2023  
16 (not including the '727 Patent).

17 59. In the alternative, upon information and belief and based on the many  
18 repeated references to the Smith Patent Family in Apple's own patents, Apple's June  
19 14, 2021 appeal brief, and Apple's investigation of the Samsung Litigation, Apple  
20 was willfully blind to the Smith Patent Family and deliberately failed to probe, at  
21 least by choosing not to sufficiently investigate the Smith Patent Family in view of  
22 the high probability of infringement, the Smith Patent Family's relevance to both the  
23 field of mobile user interfaces and Apple's own products.

24 60. Upon information and belief, despite Apple's actual knowledge of, or  
25 willful blindness to, the Smith Patent Family, Apple used, implemented, and/or  
26 developed iOS, iPadOS, and watchOS features that infringe the Asserted Patents (not  
27 including the '727 Patent).

28 61. In addition, Apple has actual knowledge of the Asserted Patents by

1 virtue of this litigation and, at least, as of the date it received notice of the Original  
2 Complaint.

3 **APPLE’S KNOWLEDGE OF ITS INFRINGEMENT**

4 62. As discussed above, on March 24, 2023, Apple served its response to  
5 Samsung’s subpoena. *See generally* Ex. 13. In its response, Apple stated that “[the  
6 following objections and responses are based on Apple’s current knowledge,  
7 information and belief after making a reasonable inquiry within the time allotted by  
8 the Subpoena. Apple’s investigation into this matter is ongoing, and it is willing to  
9 meet and confer with [Samsung] regarding the scope of the information sought.” *Id.*  
10 at 3. Apple thus admits it performed a reasonable inquiry, in accordance with its Fed.  
11 R. Civ. P. 11 burden to investigate the Samsung’s subpoena, and developed  
12 “knowledge, information, and belief[s]” regarding facts and circumstances of the  
13 subpoena. *Id.*

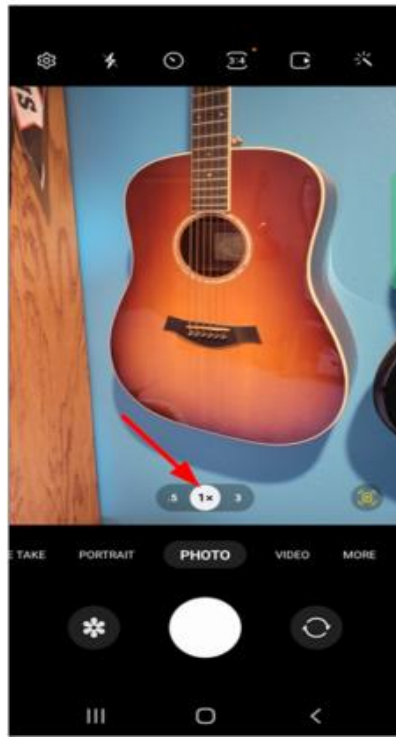
14 63. Upon information and belief, a reasonable inquiry into the Samsung  
15 subpoena, sufficient to discharge Apple’s Fed. R. Civ. P. 11 duties, would include  
16 review, study, and/or analysis of the then-operative Complaint, the December 6, 2022  
17 Samsung First Amended Complaint (Ex. 14, “Samsung Complaint”). Upon  
18 information and belief, Apple performed this reasonable inquiry and reviewed the  
19 Samsung Complaint, including the infringement allegations. In so reviewing the  
20 infringement allegations in the Samsung Complaint, Apple became aware of the  
21 accused features of Samsung’s OneUI and how Smith Interface contended those  
22 features corresponded to the claims of the asserted patents. In conducting this review,  
23 Apple was aware that iOS contains UI elements and functionality that, at a minimum,  
24 closely correspond to the accused Samsung OneUI elements and functionality and,  
25 thus, became aware of how Smith Interface’s infringement mappings likewise  
26 applied to iOS.

27 64. As one example, upon information and belief, in evaluating Samsung’s  
28 subpoena and reviewing the Samsung Complaint, Apple reviewed Paragraphs 206-

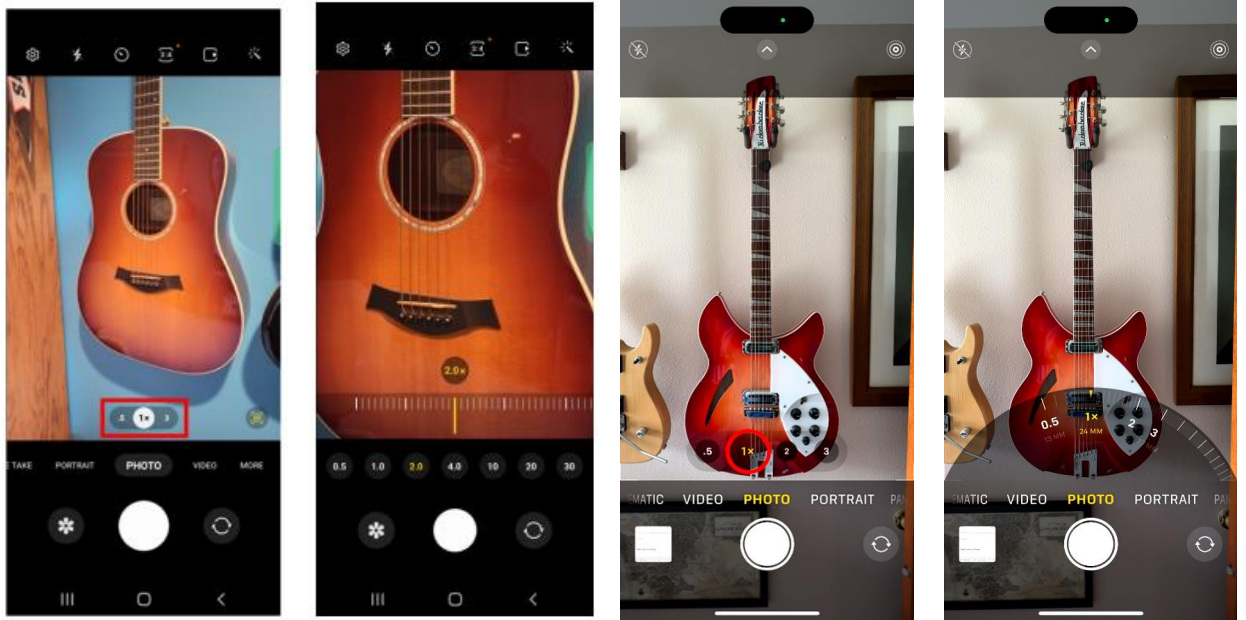
1 213 of the Samsung Complaint containing Smith Interface’s narrative and pictorial  
2 demonstration of why Samsung’s OneUI met at least one claim of the ’508 Patent.  
3 In particular, Smith Interface provided a narrative mapping of how images of  
4 Samsung’s OneUI camera application met Claim 1 of the ’580 Patent by displaying  
5 a user interface element made up of numerical zoom values, displaying, in response  
6 to a touch exceeding a threshold, a series of markings in the form of a ruler containing  
7 more detailed zoom values in a transparent layer shallower than the camera image,  
8 and, in response to a touch movement on those markings, moving the markings and  
9 performing a zoom operation on the image but not the markings. Ex. 14 at ¶¶ 206-  
10 213. As demonstrated in the side-by-side images below, Apple was aware that iOS  
11 contains UI elements and functionality, that, at a minimum, closely correspond to the  
12 accused Samsung OneUI elements and functionality and, thus, became aware of how  
13 Smith Interface’s ’508 Patent infringement mapping likewise applied to iOS.

14 65. Smith Interface provided a narrative and pictorial mapping accusing the  
15 Samsung OneUI camera application displaying an image captured by the camera (the  
16 claimed “first virtual display layer including contents”) and a user interface element  
17 with numerical zoom values (the claimed “at least one user interface element”). Ex.  
18 14 at ¶¶ 207-208. This feature is likewise found in iOS:  
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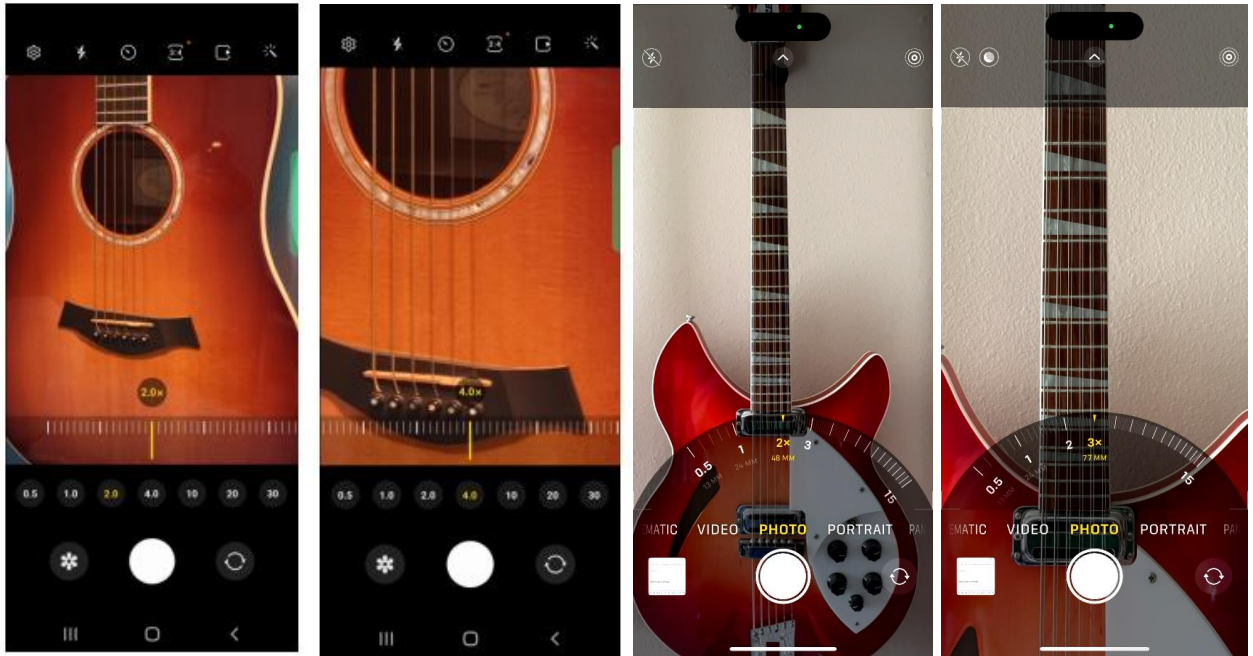


66. Smith Interface further provided a narrative and pictorial mapping showing Samsung OneUI, in response to the claimed “touch [] detected to surpass a threshold,” displayed a transparent ruler (the claimed “plurality of markings in a second virtual display layer that appears to have a lesser depth than the first virtual display layer, where at least a portion of the second virtual display layer is visible through at least a portion of the at least second virtual display layer”). Ex. 14 at ¶ 210. This feature is likewise found in iOS:



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67. Smith Interface further provided a narrative and pictorial mapping showing Samsung OneUI, in response to a movement touch on the plurality of markings, displaying a movement of the transparent ruler (the claimed “movement of the markings”) and performing a zoom operation on the image but not the transparent ruler (the claimed “perform[ing] a zoom operation on the at least portion of the contents of the first virtual display layer without performing the zoom operation to the plurality of markings in the second virtual display layer”). Ex. 14 at ¶¶ 211-213. This feature is likewise found in iOS:



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11 68. Accordingly, given the similarity in accused functionality, upon  
 12 reviewing Smith Interface’s ’508 Patent infringement mapping to Samsung OneUI  
 13 as set forth in the Samsung Complaint, Apple became aware of how Smith Interface’s  
 14 ’508 Patent infringement mapping likewise applied to iOS.

15 69. As another example, upon information and belief, in evaluating  
 16 Samsung’s subpoena and reviewing the Samsung Complaint, Apple reviewed  
 17 Paragraphs 228-235 of the Samsung Complaint containing Smith Interface’s  
 18 narrative and pictorial demonstration of why Samsung’s OneUI met at least one claim  
 19 of the ’758 Patent. In particular, Smith Interface provided a narrative mapping of how  
 20 images of the Samsung OneUI’s OS met Claim 1 of the ’758 Patent by launching an  
 21 application (such as a Mail app) when a touch is determined to be less than a first  
 22 time threshold, displaying one or more action options objects such as “compose”  
 23 when a touch is evaluated to be greater than the first time threshold, and enabling the  
 24 application icon to be dragged when the touch is evaluated to be greater than a second  
 25 time threshold that is greater than the first time threshold. Ex. 14 at ¶¶ 228-235. As  
 26 demonstrated in the side-by-side images below, Apple was aware that iOS contains  
 27 UI elements and functionality, that, at a minimum, closely correspond to the accused  
 28 Samsung OneUI elements and functionality and, thus, became aware of how Smith

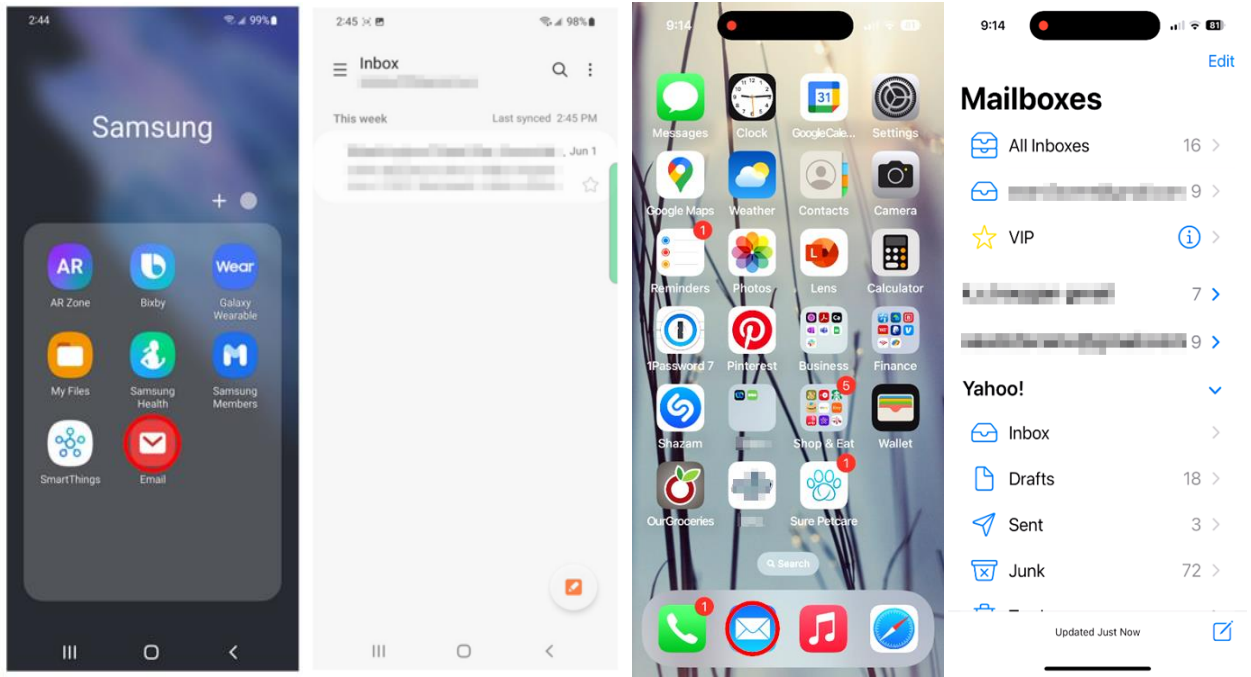
1 Interface’s ’758 Patent infringement mapping likewise applied to iOS.

2 70. Smith Interface provided a narrative and pictorial mapping accusing  
3 Samsung OneUI displaying a screen of application icons (the claimed “application  
4 launching user interface that includes a plurality of application icons for launching  
5 corresponding applications”) and evaluating the duration of a touch at a location  
6 corresponding to the application icon to determine an action. Ex. 14 at ¶¶ 229-231.  
7 This feature is likewise found in iOS:



19 71. Smith Interface further provided a narrative and pictorial mapping  
20 showing Samsung OneUI, “in accordance with a determination” that the duration of  
21 a touch input “is evaluated to be less than a first time threshold, launching the first  
22 application” such as a Mail application. Ex. 14 at ¶ 232. This feature is likewise found  
23 in iOS:



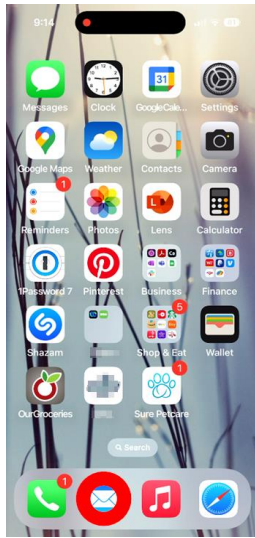
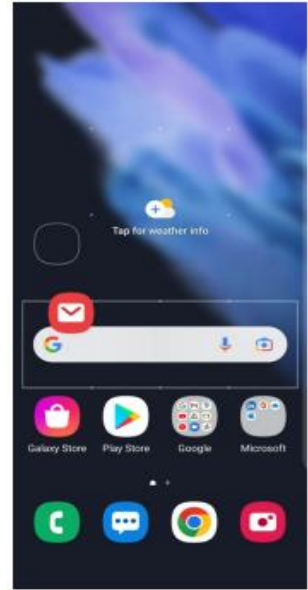


72. Smith Interface further provided a narrative and pictorial mapping showing Samsung OneUI, “in accordance with a determination” that the duration of a touch input “is evaluated to be greater than a first time threshold,” displaying a pop up menu for actions associated with the application such as an option to compose a new mail message in a Mail application without launching the application (the claimed “displaying one or more action objections associated with the first application without launching the first application”). Ex. 14 at ¶ 233. This feature is likewise found in iOS:



1           73. Smith Interface further provided a narrative and pictorial mapping  
2 showing Samsung OneUI, “in accordance with a determination” that the duration of  
3 a touch input “is evaluated to be greater than a second time threshold that is greater  
4 than a first time threshold,” altering application icon characteristics in the form of  
5 moving, relocating, and/or animating the application icon, etc. (the claimed  
6 “performing an operation in connection with the first application icon”) and moving  
7 the application icon in response to a movement touch (the claimed “in accordance  
8 with a determination that the first single-finger touch input meets the one or more  
9 movement criteria, moving the first application icon in a foreground virtual display  
10 later so that the first application icon appears to float above a background virtual  
11 display”). Ex. 14 at ¶¶ 234-235. This feature is likewise found in iOS:

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74. Accordingly, given the similarity in accused functionality, upon reviewing Smith Interface’s ’758 Patent infringement mapping to Samsung OneUI as set forth in the Samsung Complaint, Apple became aware of how Smith Interface’s ’758 Patent infringement mapping likewise applied to iOS.

75. Upon information and belief, based on Apple’s and/or its outside counsel’s review, study, and/or analysis of the Samsung Complaint, Apple’s outside counsel informed Apple of the infringement risk posed by the Smith Patent Family, including at least the ’413 Patent, ’580 Patent, ’754 Patent, ’758 Patent, and ’212 Patent.

1           76. Upon information and belief, based on Apple’s and/or its outside  
2 counsel’s review, study, and/or analysis of the Samsung Complaint, Apple knew, or  
3 should have known, of the infringement risk posed by the Smith Patent Family  
4 because of the high likelihood that its products practice one or more claims asserted  
5 in the Samsung Litigation.

6           77. As demonstrated above, iOS UI elements and functionality  
7 corresponding to the accused Samsung OneUI functionality were readily apparent to  
8 Apple upon review of the accused Samsung OneUI functionality. Apple has accused  
9 Samsung of copying “every element of the iPhone” in the first of the famous series  
10 of litigations between Apple and Samsung beginning in 2011. *Apple Inc. v. Samsung*  
11 *Electronics Co.*, No. 5:11-cv-01846-LHK-PSG, Dkt. No. 1547 at 319:8–9 (N.D. Cal.  
12 Jul. 31, 2012) (Apple’s opening statements). Apple further explained to the jury that  
13 it learned that J.K. Shin, the head of Samsung’s mobile division at the time, “told  
14 [Samsung’s] senior executives that their major customers, the phone carriers, were  
15 urging Samsung to, quote, ‘make something like the iPhone.’” *Id.* at 320:13–16; *see*  
16 *also id.* at 320:2–6 (“So [Mr. Shin is] talking about [Samsung’s 2010 phone offering]  
17 and he says the user interface of Samsung’s Omnia could not compete with the  
18 iPhone. . . . He said the iPhone has become the standard.”).

19           78. Apple has taken the position that Samsung’s desire to introduce phones  
20 and tablets that compete with Apple’s products would necessarily mean copying  
21 Apple’s design—in particular its user interface. For example, in 2011, to protect  
22 various user interface features, Apple asserted Samsung infringed certain utility  
23 patents “covering fundamental features of the Multi-Touch™ user interface that  
24 enable Apple’s devices to understand user gestures and respond by performing a wide  
25 variety of functions, such as selecting, scrolling, pinching, and zooming.” *Apple Inc.*  
26 *v. Samsung Elects. Co.*, No. 5:11-cv-01846-LHK-PSG, Dkt. No. 75 ¶ 26 (N.D. Cal.  
27 Apr. 15, 2011) (Apple’s Amended Complaint). And, in 2012, Apple stated that  
28 “[r]ather than innovate and develop its own technology and a unique Samsung style

1 for its smart phone and tablet computer products, Samsung has chosen to copy  
2 Apple’s technology, user interface, and innovative style in its phone, media player,  
3 and tablet computer products.” *Apple Inc. v. Samsung Elects. Co.*, 5:12-cv-00630-  
4 LHK-PSG, Dkt. No. 1 ¶ 13 (N.D. Cal. Feb. 8, 2012) (Apple’s Original Complaint).

5 79. As recently as 2022, Mr. Gregory Joswiak, Apple’s Senior Vice  
6 President of Worldwide Marketing, told the *Wall Street Journal* that Samsung  
7 “ripped off [Apple’s] technology” and “created a poor copy of it. . . .” Joanna Stern,  
8 *The iPhone at 15: An Inside Look at How Apple Transformed a Generation* at 14:0 -  
9 12, *Wall Street Journal* (Jun. 28, 2022), available at:  
10 [https://www.wsj.com/video/series/iphone-baby/the-iphone-at-15-an-inside-look-at-](https://www.wsj.com/video/series/iphone-baby/the-iphone-at-15-an-inside-look-at-how-apple-transformed-a-generation/4E458113-42D7-4DC0-8DAE-1F66EB93AE99)  
11 [how-apple-transformed-a-generation/4E458113-42D7-4DC0-8DAE-](https://www.wsj.com/video/series/iphone-baby/the-iphone-at-15-an-inside-look-at-how-apple-transformed-a-generation/4E458113-42D7-4DC0-8DAE-1F66EB93AE99)  
12 [1F66EB93AE99](https://www.wsj.com/video/series/iphone-baby/the-iphone-at-15-an-inside-look-at-how-apple-transformed-a-generation/4E458113-42D7-4DC0-8DAE-1F66EB93AE99). Mr. Joswiak addressed the effect(s) of the alleged copying by  
13 Samsung and other manufacturers of Android devices. *Id.*; see also Jack Nicas, *Apple*  
14 *and Samsung End Smartphone Patent Wars*, *New York Times* (Jun. 27, 2018),  
15 [https://www.nytimes.com/2018/06/27/technology/apple-samsung-smartphone-](https://www.nytimes.com/2018/06/27/technology/apple-samsung-smartphone-patent.html)  
16 [patent.html](https://www.nytimes.com/2018/06/27/technology/apple-samsung-smartphone-patent.html) (“[I]t is a fact that Samsung blatantly copied our design.”).

17 80. Upon information and belief, based on Apple’s outspoken stance that  
18 Samsung copies Apple’s UI design, Apple knew, or should have known, after its  
19 review, study, and/or analysis of the Samsung Complaint that the accused infringing  
20 Samsung OneUI functionality was also in Apple’s UI software design. Upon  
21 information and belief, despite knowledge of infringement, or knowledge of the high  
22 infringement risk, Apple deliberately and intentionally infringed Smith Interface’s  
23 patents.

24 81. Upon information and belief, based on Apple’s investigation into the  
25 Samsung Litigation, Apple’s stance that Samsung copies all aspects of its products,  
26 Dr. Smith’s prominence, Apple’s relationship with Dr. Smith, Apple’s PTAB appeal  
27 brief, and the repeated references to the Smith Patent Family during prosecution of  
28 Apple’s own patents, Apple knew, or should have known, there was a high risk of

1 infringing Smith Patent Family patents, and at least the '413 Patent, '580 Patent, '754  
2 Patent, '758 Patent, and '212 Patent. Upon information and belief, despite knowledge  
3 of infringement, or knowledge of the high infringement risk, Apple deliberately and  
4 intentionally infringed Smith Interface's patents.

5 82. In the alternative, upon information and belief and based on Apple's  
6 investigation into the Samsung Litigation, Apple's stance that Samsung copies all  
7 aspects of its products, Dr. Smith's prominence, Apple's relationship with Dr. Smith,  
8 Apple's PTAB appeal brief, and the repeated references to the Smith Patent Family  
9 during prosecution of Apple's own patents, Apple was willfully blind to the Smith  
10 Patent Family, and at least the '413 Patent, '580 Patent, '754 Patent, '758 Patent, and  
11 '212 Patent, and deliberately failed to probe, at least by choosing not to sufficiently  
12 investigate the Smith Patent Family, and at least by choosing not to sufficiently  
13 investigate the '413 Patent, '580 Patent, '754 Patent, '758 Patent, and '212 Patent, in  
14 view of the high probability and risk of infringement. Upon information and belief,  
15 despite being willfully blind Apple deliberately and intentionally infringed Smith  
16 Interface's patents.

17 83. In the alternative, in addition to the foregoing and upon information and  
18 belief, based on Apple's outspoken stance that Samsung copies Apple's UI design,  
19 Apple knew, or should have known, of the high risk of infringement after its review,  
20 study, and/or analysis of the Samsung Complaint and that the accused Samsung  
21 OneUI functionality was also in Apple's UI software design since Apple believes  
22 that Samsung "copies" Apple's UI. Upon information and belief, despite knowledge  
23 of infringement, or knowledge of the high infringement risk, Apple deliberately and  
24 intentionally infringed Smith Interface's patents.

25 84. In the alternative, in addition to the foregoing and upon information and  
26 belief, Samsung's subpoena requested many different user interface functions that  
27 were accused, including iOS 4, 7.1, 11, 12, and 13, which Apple should have  
28 recognized and launched an investigation to both understand the breadth of

1 Samsung's requests and the infringement allegations. This would have, or should  
2 have, further alerted Apple to its deliberate and intentional infringement of Smith  
3 Interface's patents, and at least the '413 Patent, '580 Patent, '754 Patent, '758 Patent,  
4 and '212 Patent.

5 **COUNT I**

6 **(CLAIM FOR PATENT INFRINGEMENT OF THE '413 PATENT)**

7 85. Smith Interface incorporates the foregoing paragraphs by reference as if  
8 fully set forth herein.

9 86. A true and accurate copy of the '413 Patent is attached hereto as Exhibit  
10 1.

11 87. All claims of the '413 Patent are valid and enforceable, and each enjoys  
12 a statutory presumption of validity under 35 U.S.C. § 282.

13 88. The claims of the '413 Patent are directed to an improvement of the user  
14 interface on a mobile device and not an abstract idea.

15 89. Smith Interface is the sole owner of the '413 Patent and possess the  
16 rights to past damages.

17 90. Independent claim 50 of the '413 Patent recites:

18 50. A method, comprising:

19 at an electronic device including a display, a touch interface, and  
20 memory coupled to one or more processors:

21 displaying, utilizing the display, a graphical user interface;

22 with the graphical user interface being displayed, detecting, utilizing  
23 the touch interface, a first gesture that begins in connection with  
24 a first edge of the display and moves inward;

25 in response to the detection of the first gesture that begins in  
26 connection with the first edge and moves inward, displaying,  
27 utilizing the display, a first menu as sliding in and including one  
28 or more first menu items, and blurring at least a portion of the

1 graphical user interface such that a magnitude of the blurring of  
2 the at least portion of the graphical user interface increases as a  
3 function of an increase in a magnitude of the first gesture being  
4 detected;  
5 with the first menu being displayed including the one or more first  
6 menu items:  
7 detecting, utilizing the touch interface, a first duration of contact on  
8 at least one of the one or more first menu items,  
9 in response to the first duration of contact on the at least one of the  
10 one or more first menu items being detected to not surpass a  
11 threshold, performing a first operation, and  
12 in response to the first duration of contact on the at least one of the  
13 one or more first menu items being detected to surpass the  
14 threshold, performing a second operation;  
15 with the graphical user interface being displayed, detecting, utilizing  
16 the touch interface, a second gesture that begins in connection  
17 with a second edge of the display and moves inward;  
18 in response to the detection of the second gesture that begins in  
19 connection with the second edge and moves inward, displaying,  
20 utilizing the display, a second menu including one or more second  
21 menu items, such that the graphical user interface is displayed in  
22 at least one virtual display layer, and at least one of the first menu  
23 or the second menu is displayed in at least one other virtual  
24 display layer;  
25 with the second menu being displayed including the one or more  
26 second menu items:  
27 detecting, utilizing the touch interface, a selection contact on at least  
28 one of the one or more second menu items, and



1                   in response to the selection contact being detected on the at least one  
2                   of the one or more second menu items, performing a third  
3                   operation.

4           91.    In violation of 35 U.S.C. § 271, Apple has been and is still infringing  
5 (both literally and/or under the doctrine of equivalents), contributing to infringement,  
6 and/or inducing others to infringe of the '413 Patent by making, using, offering for  
7 sale, selling, importing, or encouraging and intending that others to use mobile  
8 devices that practice at least claim 50 of the '413 Patent, including but not limited to  
9 the Accused Products.

10          92.   As described above, Apple designs, manufactures, makes, uses,  
11 provides, imports into the United States, sells and/or offers for sale in the United  
12 States the Accused Products and thus directly infringes (both literally and/or under  
13 the doctrine of equivalents) the '413 Patent.

14          93.   On information and belief, Apple is currently and will continue to  
15 actively induce and encourage infringement of the '413 Patent. Apple has known of  
16 the '413 Patent as described above and, at a minimum, at least since the time the  
17 Original Complaint was filed and served on Apple. On information and belief, Apple  
18 nevertheless actively encourages others to infringe the '413 Patent. On information  
19 and belief, Apple knowingly induces infringement by others, including resellers,  
20 retailers, and end users of the Accused Products. For example, Apple's customers  
21 and the end users of the Accused Products test and/or operate the Accused Products  
22 in the United States in accordance with Apple's instructions contained in, for  
23 example, its user manuals, and as Apple intends iOS and iPadOS to be used, thereby  
24 also performing the claimed methods and directly infringing the asserted claims of  
25 the Accused Products requiring such operation. *See e.g. iPhone User Guide Find*  
26 *your apps in App Library on iPhone*, APPLE, [https://support.apple.com/](https://support.apple.com/guide/iphone/find-your-apps-in-app-library-iph87abad19a/17.0/ios/17.0)  
27 [guide/iphone/find-your-apps-in-app-library-iph87abad19a/17.0/ios/17.0](https://support.apple.com/guide/iphone/find-your-apps-in-app-library-iph87abad19a/17.0/ios/17.0) (last visited  
28 Oct. 13, 2023); *iPhone User Guide Use and customize Control Center on iPhone*,

1 APPLE, [https://support.apple.com/guide/iphone/use-and-customize-control-center-](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0)  
2 [iph59095ec58/17.0/ios/17.0](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0) (last visited Oct. 13, 2023). These facts give rise to a  
3 reasonable inference that Apple knowingly induces others, including resellers,  
4 retailers, and end users, to directly infringe the '413 Patent, and that Apple possesses  
5 a specific intent to cause such infringement.

6 94. Apple also contributes to infringement of the '413 Patent by selling for  
7 importation into the United States, importing into the United States, and/or selling  
8 within the United States after importation the accused devices and the non-staple  
9 constituent parts of those devices, which are not suitable for substantial noninfringing  
10 use and which embody a material part of the invention described in the '413 Patent.  
11 These mobile devices are known by Apple to be especially made or especially  
12 adapted for use in the infringement of the '413 Patent. Specifically, on information  
13 and belief, Apple sells the accused devices to resellers, retailers, and end users with  
14 knowledge that the devices are used for infringement. End users of those mobile  
15 electronic devices directly infringe the '413 Patent.

16 95. Smith Interface has, to the extent required, complied with the marking  
17 statute, 35 U.S.C. § 287.

18 96. As a result of Apple's infringement of the '413 Patent, Smith Interface  
19 has suffered and continues to suffer damages. Thus, Smith Interface is entitled to  
20 recover from Apple the damages Smith Interface sustained (and continues to sustain)  
21 as a result of Apple's wrongful and infringing acts in an amount no less than a  
22 reasonable royalty.

23 97. Apple's infringement of the '413 Patent has been willful. Apple has  
24 known of the '413 Patent as described above and, at a minimum, at least since the  
25 time of or shortly after filing of the Original Complaint. Further, at least since the  
26 time of or shortly after filing of the Original Complaint, Apple has been aware of  
27 how iOS and iPadOS infringes at least claim 50 of the '413 Patent as detailed in the  
28 Original Complaint. Since that time, Apple has not updated or modified iOS or

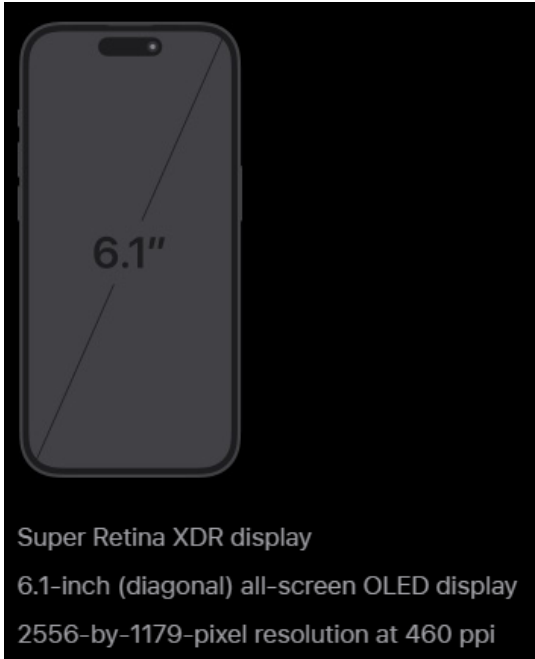
1 iPadOS to cease its infringement of the '413 Patent. Upon information and belief,  
2 Apple deliberately and intentionally infringed, and continues to deliberately and  
3 intentionally infringe, the '413 Patent. Apple knew or should have known that its  
4 actions would cause infringement of the '413 Patent, yet, Apple has, and continues  
5 to, infringe the '413 Patent.

6 98. This is an exceptional case warranting an award of treble damages to  
7 Smith Interface under 35 U.S.C. § 284, and an award of Smith Interface's attorney's  
8 fees under 35 U.S.C. § 285.

9 99. By way of non-limiting example(s), set forth below (with claim  
10 language in bold and italics) is exemplary evidence of infringement of claim 50 of  
11 the '413 Patent by the Accused Products. This description is based on publicly  
12 available information. Smith Interface reserves the right to modify this description,  
13 including, for example, on the basis of information about the Accused Products that  
14 it obtains during discovery.

15 100. ***50(a): "A method, comprising: at an electronic device including a***  
16 ***display, a touch interface, and memory coupled to one or more processors:"***— The  
17 Accused Products practice a method comprising an electronic device including a  
18 display, a touch interface, and memory coupled to one or more processors. An  
19 example is shown below:  
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<b>Capacity<sup>1</sup></b>	128GB	128GB
	256GB	256GB
	512GB	512GB
	1TB	1TB

**Chip**

A16

A16 Bionic chip

6-core CPU with 2 performance and 4 efficiency cores

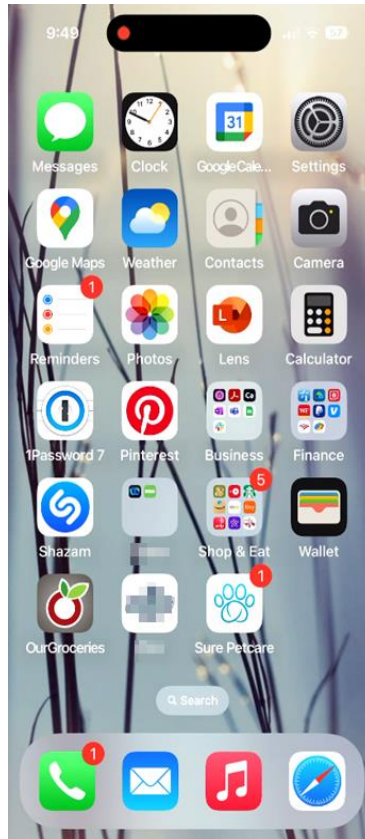
5-core GPU

16-core Neural Engine

<https://www.apple.com/iphone-14-pro/specs/>

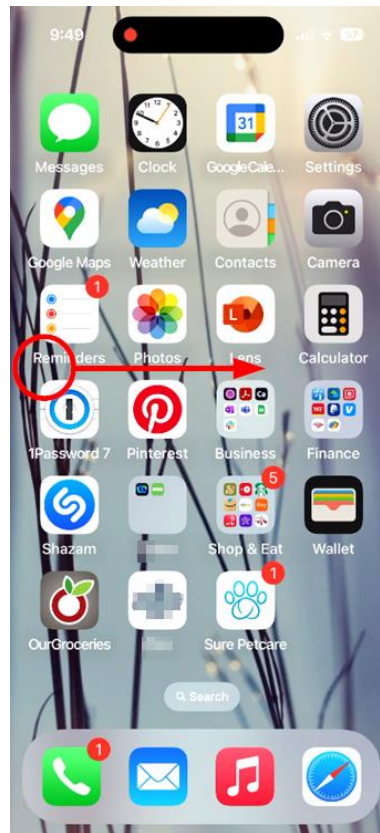
101. *50(b): “displaying, utilizing the display, a graphical user interface;”*—  
The Accused Products are designed to display, utilizing the display, a graphical user interface. An example is shown below:

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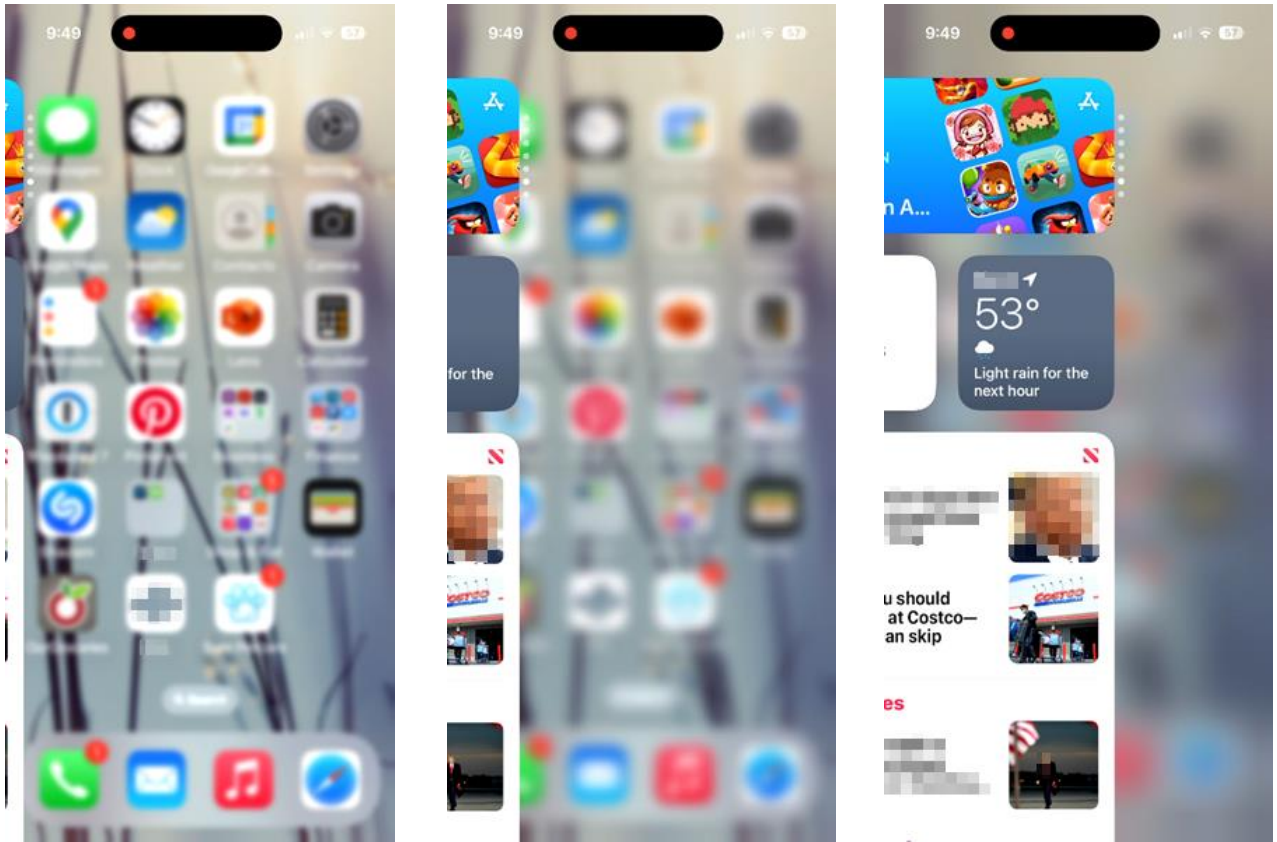
102. *50(c): “with the graphical user interface being displayed, detecting, utilizing the touch interface, a first gesture that begins in connection with a first edge of the display and moves inward;”*— The Accused Products are designed such that the graphical user interface being displayed, detects, utilizing the touch interface, a first gesture that begins in connection with a first edge of the display and moves inward. An example is shown below:

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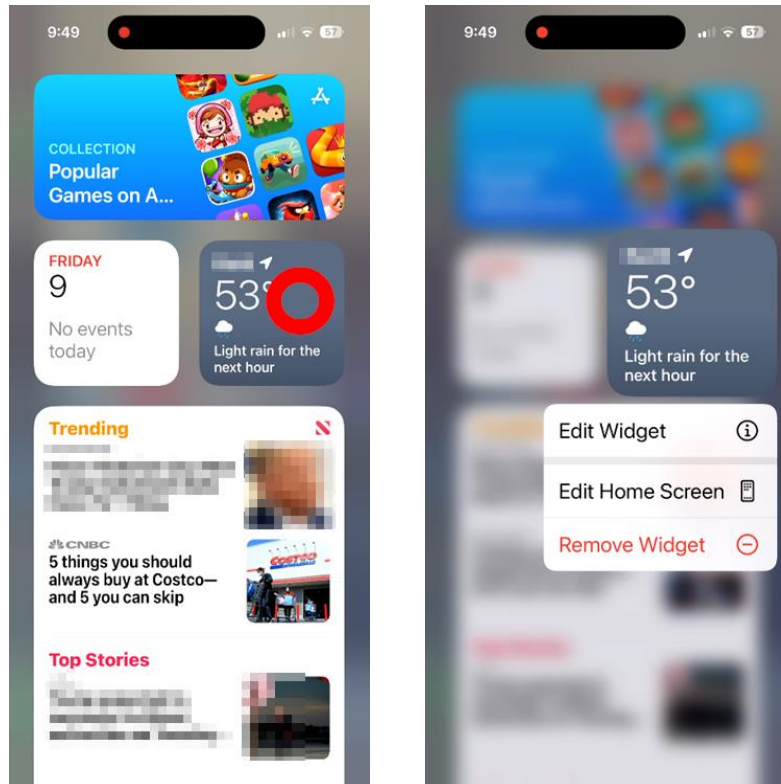
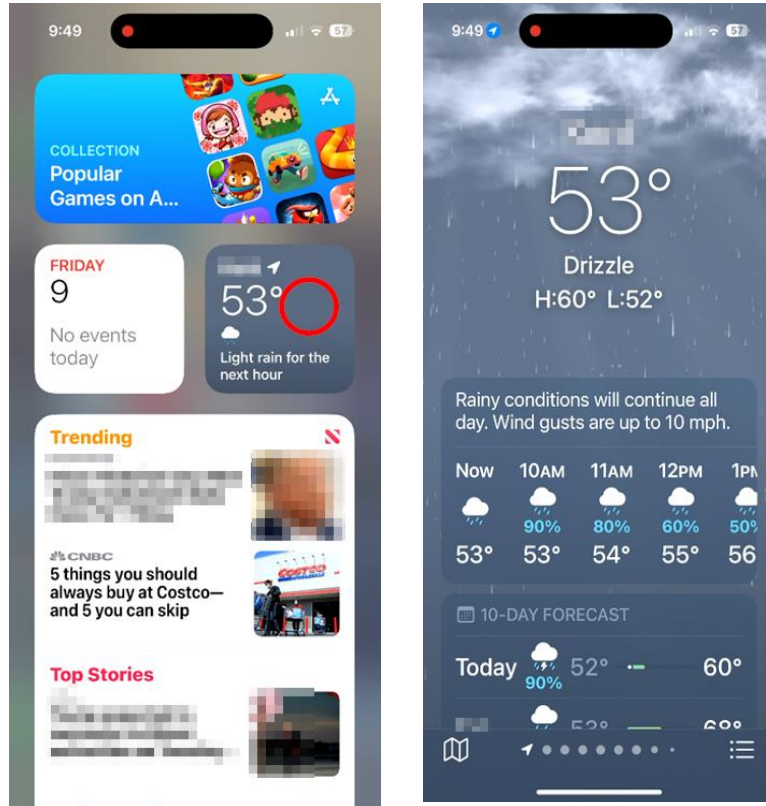
103. *50(d): “in response to the detection of the first gesture that begins in connection with the first edge and moves inward, displaying, utilizing the display, a first menu as sliding in and including one or more first menu items, and blurring at least a portion of the graphical user interface such that a magnitude of the blurring of the at least portion of the graphical user interface increases as a function of an increase in a magnitude of the first gesture being detected;”*— The Accused Products are designed that in response to the detection of the first gesture that begins in connection with the first edge and moves inward, display, utilizing the display, a first menu as sliding in and including one or more first menu items, and blurring at least a portion of the graphical user interface such that a magnitude of the blurring of the at least portion of the graphical user interface increases as a function of an increase in a magnitude of the first gesture being detected. An example is shown below:

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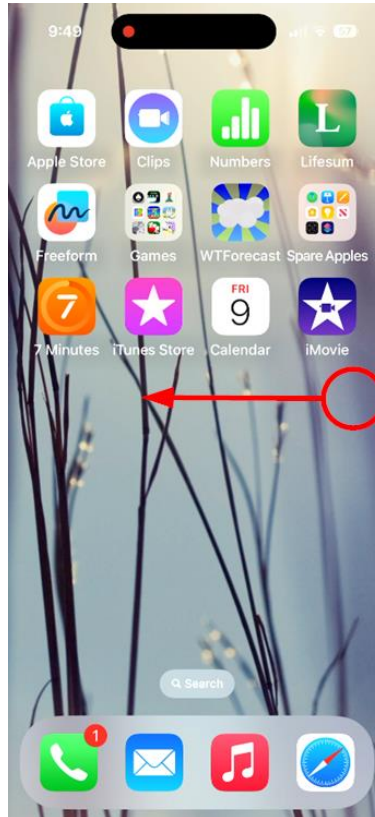
104. 50(e): “with the first menu being displayed including the one or more first menu items: detecting, utilizing the touch interface, a first duration of contact on at least one of the one or more first menu items, in response to the first duration of contact on the at least one of the one or more first menu items being detected to not surpass a threshold, performing a first operation, and in response to the first duration of contact on the at least one of the one or more first menu items being detected to surpass the threshold, performing a second operation;”— The Accused Products are designed such that the first menu being displayed includes the one or more first menu items: detecting, utilizing the touch interface, a first duration of contact on at least one of the one or more first menu items, in response to the first duration of contact on the at least one of the one or more first menu items being detected to not surpass a threshold, performing a first operation, and in response to the first duration of contact on the at least one of the one or more first menu items

1 being detected to surpass the threshold, performing a second operation. An example  
2 is shown below:



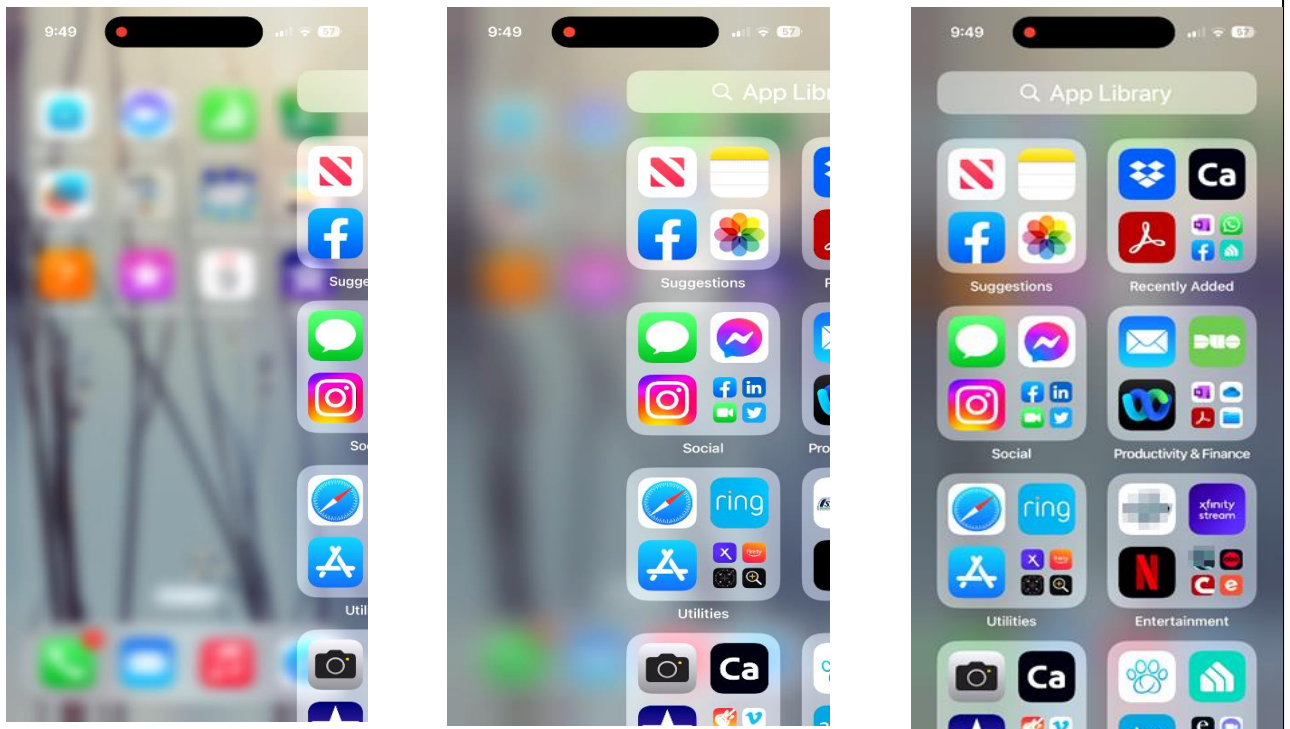
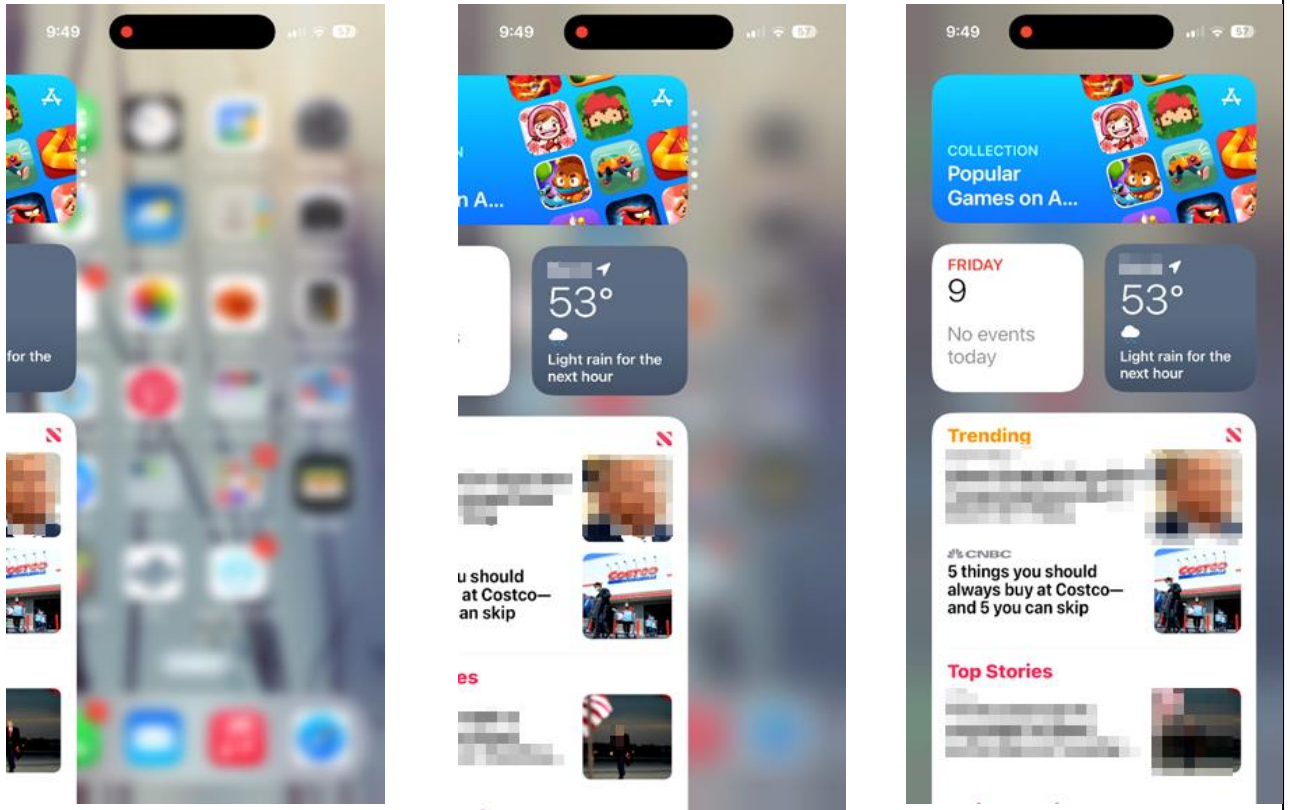


1           105. *50(f): “with the graphical user interface being displayed, detecting,*  
2 *utilizing the touch interface, a second gesture that begins in connection with a*  
3 *second edge of the display and moves inward;”*— The Accused Products are  
4 designed that when the graphical user interface is displayed, detect, utilizing the  
5 touch interface, a second gesture that begins in connection with a second edge of the  
6 display and moves inward. An example is shown below:

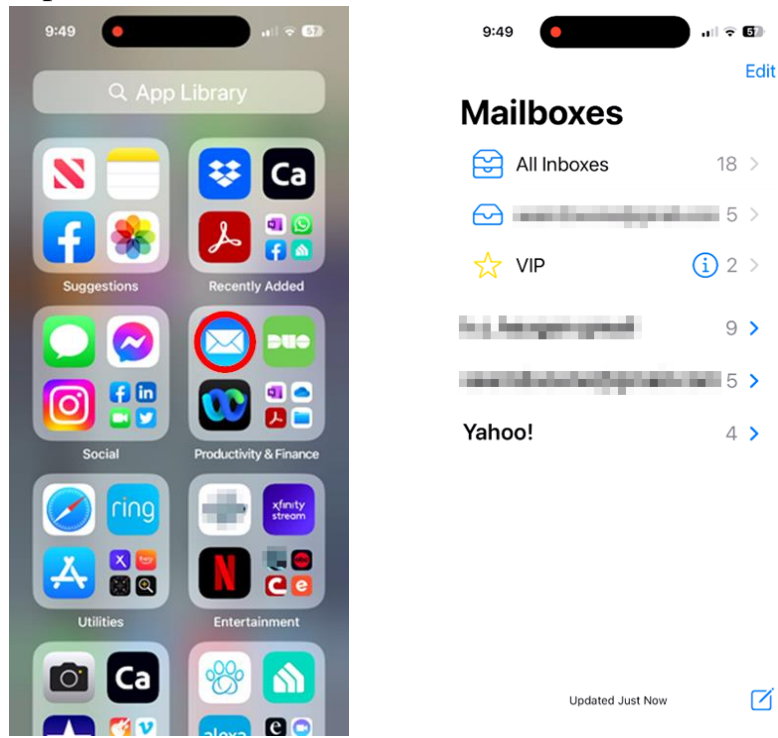


20           106. *50(g): “in response to the detection of the second gesture that begins*  
21 *in connection with the second edge and moves inward, displaying, utilizing the*  
22 *display, a second menu including one or more second menu items, such that the*  
23 *graphical user interface is displayed in at least one virtual display layer, and at*  
24 *least one of the first menu or the second menu is displayed in at least one other*  
25 *virtual display layer;”*— The Accused Products are designed that in response to the  
26 detection of the second gesture that begins in connection with the second edge and  
27 moves inward, they display, utilizing the display, a second menu including one or  
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1 more second menu items, such that the graphical user interface is displayed in at least  
2 one virtual display layer, and at least one of the first menu or the second menu is  
3 displayed in at least one other virtual display layer. An example is shown below:



1 107. *1(h): “with the second menu being displayed including the one or*  
2 *more second menu items: detecting, utilizing the touch interface, a selection*  
3 *contact on at least one of the one or more second menu items, and in response to*  
4 *the selection contact being detected on the at least one of the one or more second*  
5 *menu items, performing a third operation.”—* The Accused Products are designed  
6 that the second menu being displayed includes the one or more second menu items:  
7 detecting, utilizing the touch interface, a selection contact on at least one of the one  
8 or more second menu items, and in response to the selection contact being detected  
9 on the at least one of the one or more second menu items, performing a third  
10 operation. An example is shown below:



23 **COUNT II**

24 **(CLAIM FOR PATENT INFRINGEMENT OF THE '578 PATENT)**

25 108. Smith Interface incorporates the foregoing paragraphs by reference as if  
26 fully set forth herein.

27 109. A true and accurate copy of the '578 Patent is attached hereto as Exhibit  
28

1 2.

2 110. All claims of the '578 Patent are valid and enforceable, and each enjoys  
3 a statutory presumption of validity under 35 U.S.C. § 282.

4 111. The claims of the '578 Patent are directed to an improvement of the user  
5 interface on a mobile device and not an abstract idea.

6 112. Smith Interface is the sole owner of the '578 Patent and possess the  
7 rights to past damages.

8 113. Independent claim 1 of the '578 Patent recites:

9 1. An electronic device, comprising:

10 a display;

11 a touch interface;

12 one or more processors;

13 memory; and

14 one or more programs, wherein the one or more programs are stored in  
15 the memory and configured to be executed by the one or more  
16 processors, the one or more programs including instructions for:

17 displaying a home screen on the display, the home screen including an  
18 icon associated with an application;

19 while displaying the home screen, detecting a first input by a first  
20 contact on the icon;

21 in response to detecting the first input, replacing the home screen with  
22 a user interface of the application;

23 while displaying the user interface of the application, detecting a  
24 second input by a second contact that includes movement across  
25 the display in a direction;

26 in response to detecting the second input and in accordance with a  
27 determination that the second input meets one or more criteria that  
28 is met when the second input is detected to include a movement

1 parameter that is above a movement threshold, displaying at least a  
2 portion of the user interface of the application in a first virtual  
3 display layer that appears at a lesser depth as compared to a second  
4 virtual display layer, such that the at least portion of the user  
5 interface of the application is reduced in size and is further  
6 displayed in its entirety when displayed in the first virtual display  
7 layer; and

8 in response to detecting the second input and in accordance with a  
9 determination that the second input does not meet the one or more  
10 criteria that is met when the second input is detected to include the  
11 movement parameter that is above the movement threshold,  
12 replacing the user interface of the application with the home screen  
13 including the icon associated with the application.

14 114. In violation of 35 U.S.C. § 271, Apple has been and is still infringing  
15 (both literally and/or under the doctrine of equivalents), contributing to infringement,  
16 and/or inducing others to infringe of the '578 Patent by making, using, offering for  
17 sale, selling, importing, or encouraging and intending that others to use mobile  
18 devices that practice at least claim 1 of the '578 Patent, including but not limited to  
19 the Accused Products.

20 115. As described above, Apple designs, manufactures, makes, uses,  
21 provides, imports into the United States, sells and/or offers for sale in the United  
22 States the Accused Products and thus directly infringes (both literally and/or under  
23 the doctrine of equivalents) the '578 Patent.

24 116. On information and belief, Apple is currently and will continue to  
25 actively induce and encourage infringement of the '578 Patent. Apple has known of  
26 the '578 Patent as described above and, at a minimum, at least since the time the  
27 Original Complaint was filed and served on Apple. On information and belief, Apple  
28 nevertheless actively encourages others to infringe the '578 Patent. On information

1 and belief, Apple knowingly induces infringement by others, including resellers,  
2 retailers, and end users of the Accused Products. For example, Apple's customers  
3 and the end users of the Accused Products test and/or operate the Accused Products  
4 in the United States in accordance with Apple's instructions contained in, for  
5 example, its user manuals, and as Apple intends iOS and iPadOS to be used, thereby  
6 also performing the claimed methods and directly infringing the asserted claims of  
7 the Accused Products requiring such operation. *See e.g. iPhone User Guide Use and*  
8 *customize Control Center on iPhone*, APPLE, [https://support.apple.com/guide](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0)  
9 [/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0) (last visited  
10 Oct. 16, 2023); *iPhone User Guide Switch between open apps on iPhone*, APPLE,  
11 [https://support.apple.com/guide/iphone/switch-between-open-apps-iph1a1f981ad](https://support.apple.com/guide/iphone/switch-between-open-apps-iph1a1f981ad/17.0/ios/17.0)  
12 [/17.0 /ios/17.0](https://support.apple.com/guide/iphone/switch-between-open-apps-iph1a1f981ad/17.0/ios/17.0) (last visited Oct. 16, 2023). These facts give rise to a reasonable  
13 inference that Apple knowingly induces others, including resellers, retailers, and end  
14 users, to directly infringe the '578 Patent, and that Apple possesses a specific intent  
15 to cause such infringement.

16 117. Apple also contributes to infringement of the '578 Patent by selling for  
17 importation into the United States, importing into the United States, and/or selling  
18 within the United States after importation the accused devices and the non-staple  
19 constituent parts of those devices, which are not suitable for substantial noninfringing  
20 use and which embody a material part of the invention described in the '578 Patent.  
21 These mobile devices are known by Apple to be especially made or especially  
22 adapted for use in the infringement of the '578 Patent. Specifically, on information  
23 and belief, Apple sells the accused devices to resellers, retailers, and end users with  
24 knowledge that the devices are used for infringement. End users of those mobile  
25 electronic devices directly infringe the '578 Patent.

26 118. Smith Interface has, to the extent required, complied with the marking  
27 statute, 35 U.S.C. § 287.

28 119. As a result of Apple's infringement of the '578 Patent, Smith Interface

1 has suffered and continues to suffer damages. Thus, Smith Interface is entitled to  
2 recover from Apple the damages Smith Interface sustained (and continues to sustain)  
3 as a result of Apple's wrongful and infringing acts in an amount no less than a  
4 reasonable royalty.

5 120. Apple's infringement of the '578 Patent has been willful. Apple has  
6 known of the '578 Patent as described above and, at a minimum, at least since the  
7 time of or shortly after filing of the Original Complaint. Further, at least since the  
8 time of or shortly after filing of the Original Complaint, Apple has been aware of  
9 how iOS and iPadOS infringe at least claim 1 of the '578 Patent as detailed in the  
10 Original Complaint. Since that time, Apple has not updated or modified iOS or  
11 iPadOS to cease its infringement of the '578 Patent. Upon information and belief,  
12 Apple deliberately and intentionally infringed, and continues to deliberately and  
13 intentionally infringe, the '578 Patent. Apple knew or should have known that its  
14 actions would cause infringement of the '578 Patent, yet, Apple has, and continues  
15 to, infringe the '578 Patent.

16 121. This is an exceptional case warranting an award of treble damages to  
17 Smith Interface under 35 U.S.C. § 284, and an award of Smith Interface's attorney's  
18 fees under 35 U.S.C. § 285.

19 122. By way of non-limiting example(s), set forth below (with claim  
20 language in bold and italics) is exemplary evidence of infringement of claim 1 of the  
21 '578 Patent by the Accused Products. This description is based on publicly available  
22 information. Smith Interface reserves the right to modify this description, including,  
23 for example, on the basis of information about the Accused Products that it obtains  
24 during discovery.


25 123. *1(a): "An electronic device, comprising: a display; a touch interface;*  
26 *one or more processors; memory; and one or more programs, wherein the one or*  
27 *more programs are stored in the memory and configured to be executed by the one*  
28 *or more processors, the one or more programs including instructions for displaying*

1 *a home screen on the display, the home screen including an icon associated with*  
 2 *an application;”—* The Accused Products are electronic devices comprising a  
 3 display, a touch interface, one or more processors, memory, and one or more  
 4 programs. The one or more programs are stored in the memory and configured to be  
 5 executed by the one or more processors. The one or more programs include  
 6 instructions for displaying a home screen on the display and the home screen includes  
 7 an icon associated with an application. An example is shown below:



Super Retina XDR display  
 6.1-inch (diagonal) all-screen OLED display  
 2556-by-1179-pixel resolution at 460 ppi

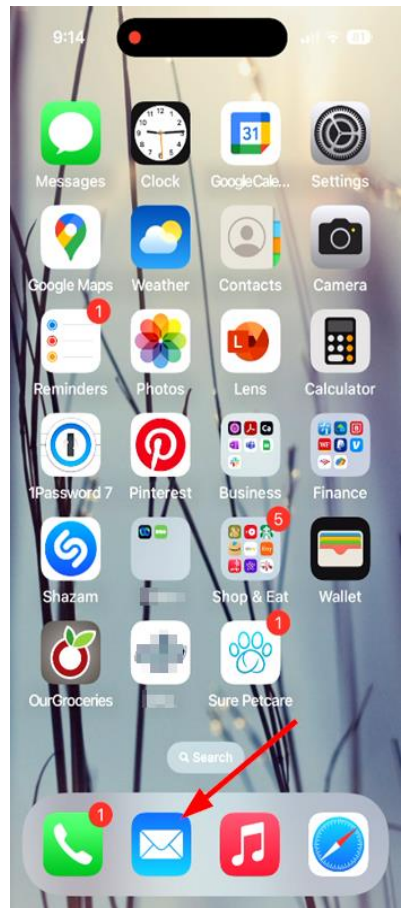
<b>Capacity<sup>1</sup></b>	128GB	128GB
	256GB	256GB
	512GB	512GB
	1TB	1TB

<b>Chip</b>		A16 Bionic chip
		6-core CPU with 2 performance and 4 efficiency cores
		5-core GPU
		16-core Neural Engine

<https://www.apple.com/iphone-14-pro/specs/>

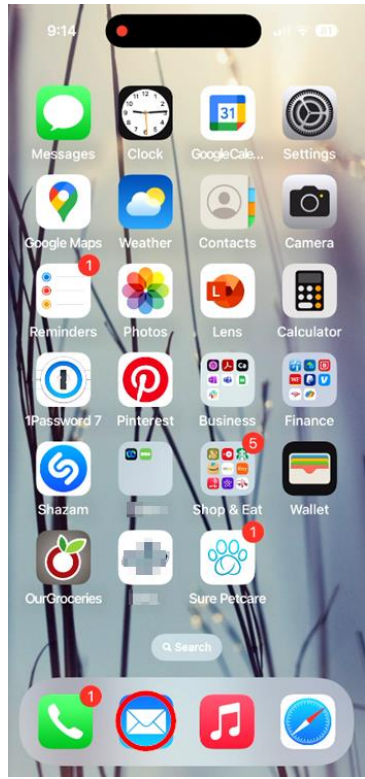


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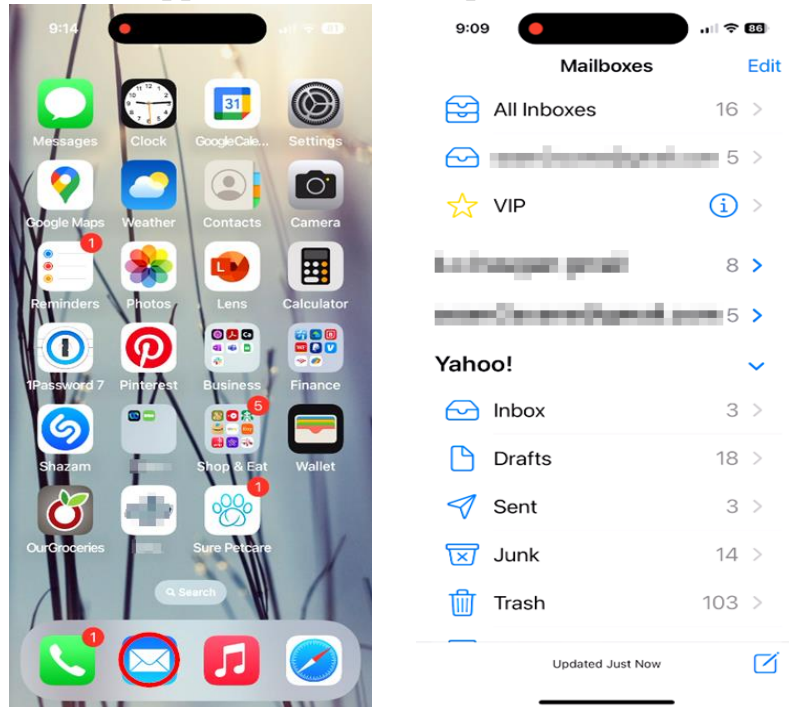


124. *1(b): “while displaying the home screen, detecting a first input by a first contact on the icon;”*— The Accused Products are designed that while displaying the home screen, they detect a first input by a first contact on the icon. An example is shown below:

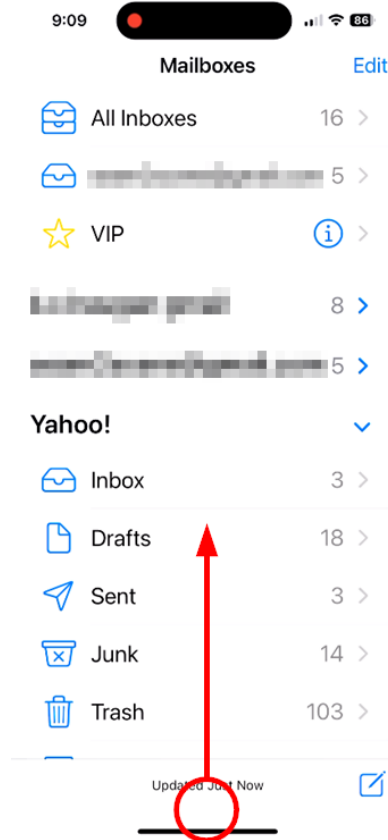
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125. *1(c): “in response to detecting the first input, replacing the home screen with a user interface of the application;”*— The Accused Products are designed that in response to detecting the first input, they replace the home screen with a user interface of the application. An example is shown below:

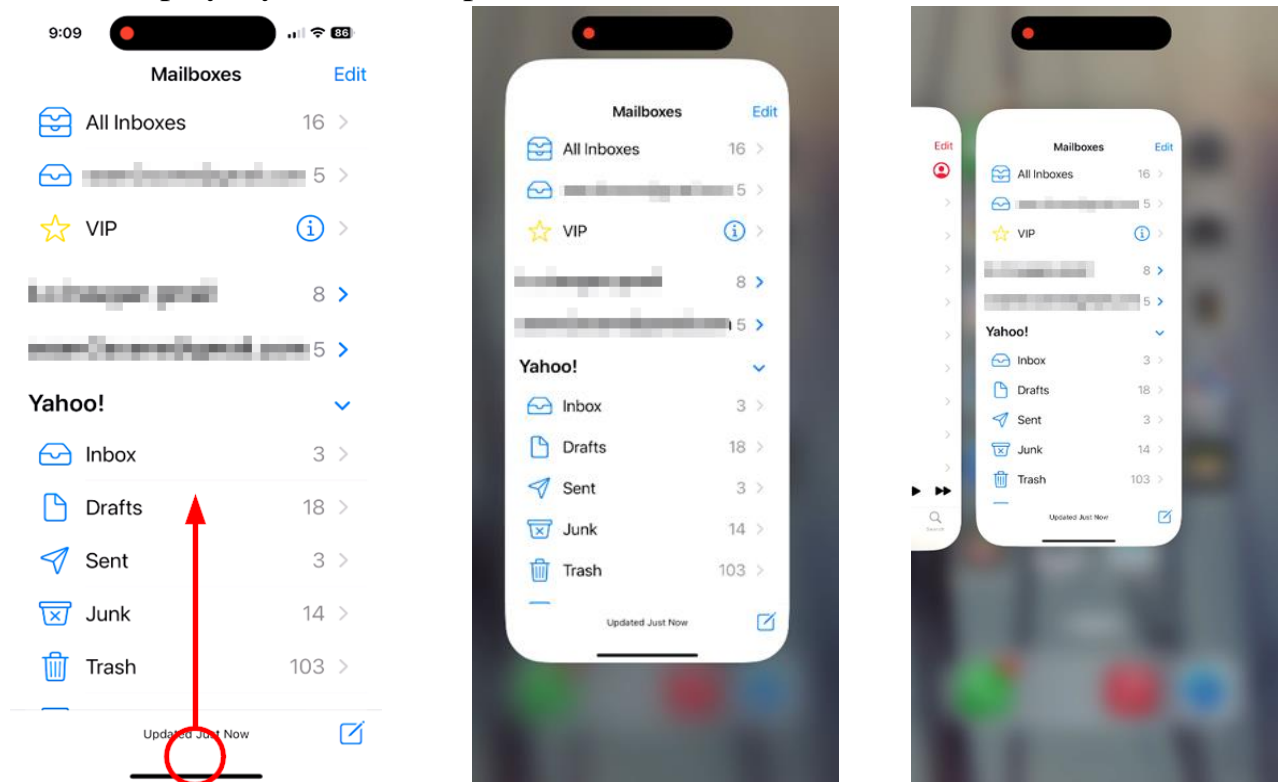


1           126. *1(d): “while displaying the user interface of the application, detecting*  
2 *a second input by a second contact that includes movement across the display in a*  
3 *direction;”*— The Accused Products are designed that while displaying the user  
4 interface of the application, they detect a second input by a second contact that  
5 includes movement across the display in a direction. An example is shown below:



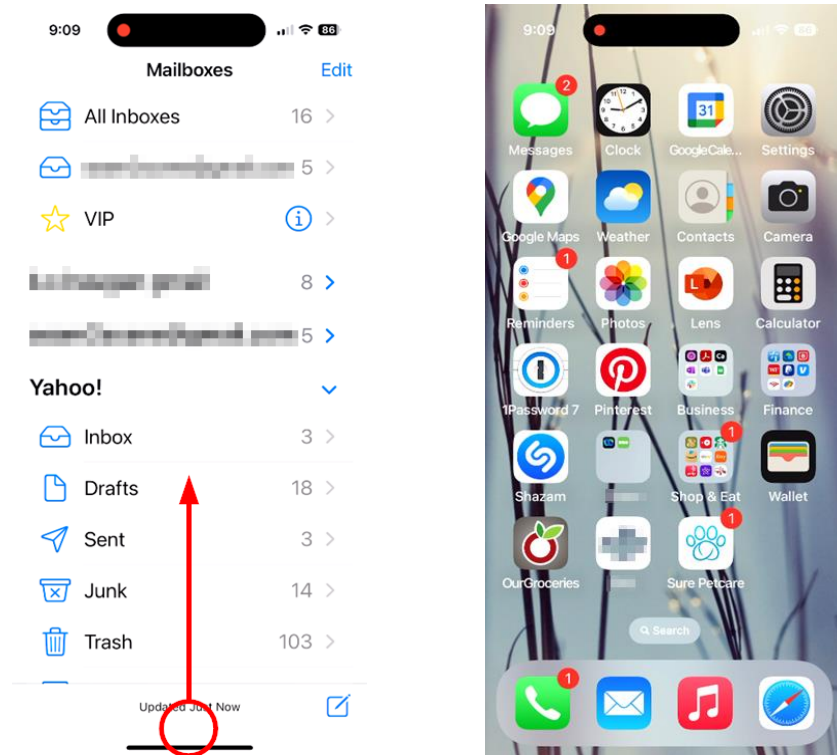
20           127. *1(e): “in response to detecting the second input and in accordance*  
21 *with a determination that the second input meets one or more criteria that is met*  
22 *when the second input is detected to include a movement parameter that is above a*  
23 *movement threshold, displaying at least a portion of the user interface of the*  
24 *application in a first virtual display layer that appears at a lesser depth as compared*  
25 *to a second virtual display layer, such that the at least portion of the user interface*  
26 *of the application is reduced in size and is further displayed in its entirety when*  
27 *displayed in the first virtual display layer; and”*— The Accused Products are  
28 designed that in response to detecting the second input and in accordance with a

1 determination that the second input meets one or more criteria that is met when the  
 2 second input is detected to include a movement parameter that is above a movement  
 3 threshold, they display at least a portion of the user interface of the application in a  
 4 first virtual display layer that appears at a lesser depth as compared to a second virtual  
 5 display layer, such that the at least portion of the user interface of the application is  
 6 reduced in size and is further displayed in its entirety when displayed in the first  
 7 virtual display layer. An example is shown below:



21 128. *1(f): “in response to detecting the second input and in accordance with*  
 22 *a determination that the second input does not meet the one or more criteria that*  
 23 *is met when the second input is detected to include the movement parameter that is*  
 24 *above the movement threshold, replacing the user interface of the application with*  
 25 *the home screen including the icon associated with the application.”—* The  
 26 Accused Products are designed that in response to detecting the second input and in  
 27 accordance with a determination that the second input does not meet the one or more  
 28 criteria that is met when the second input is detected to include the movement

1 parameter that is above the movement threshold, they replace the user interface of  
2 the application with the home screen including the icon associated with the  
3 application. An example is shown below:



16 **COUNT III**

17 **(CLAIM FOR PATENT INFRINGEMENT OF THE '580 PATENT)**

18 129. Smith Interface incorporates the foregoing paragraphs by reference as if  
19 fully set forth herein.

20 130. A true and accurate copy of the '580 Patent is attached hereto as Exhibit  
21 3.

22 131. All claims of the '580 Patent are valid and enforceable, and each enjoys  
23 a statutory presumption of validity under 35 U.S.C. § 282.

24 132. The claims of the '580 Patent are directed to an improvement of the user  
25 interface on a mobile device and not an abstract idea.

26 133. Smith Interface is the sole owner of the '580 Patent and possess the  
27 rights to past damages.

28

1 134. Independent claim 22 of the '580 Patent recites:

2 22. A method, comprising:

3 at a device with at least one non-transitory memory, a touch screen, a  
4 camera, and one or more processors in communication with the at  
5 least one non-transitory memory, the touch screen, and the camera:  
6 displaying, via the touch screen, a first virtual display layer including  
7 contents;

8 detecting, via the touch screen, at least a portion of touch;

9 in response to an aspect of the touch being detected to surpass a  
10 threshold, displaying, via the touch screen, a plurality of markings in  
11 a second virtual display layer that appears to have a lesser depth than  
12 the first virtual display layer, where at least a portion of the second  
13 virtual display layer is at least partially translucent so that at least a  
14 portion of the contents of the first virtual display layer is visible  
15 through the at least portion of the second virtual display layer;

16 detecting, via the touch screen, another touch on at least one of the  
17 plurality of marking; and

18 in response to detection of the another touch on the at least one of the  
19 plurality of marking in the second virtual display layer that appears  
20 to have the lesser depth than the first virtual display layer, displaying,  
21 via the touch screen, a movement of one or more of the plurality of  
22 markings in the second virtual display layer; and

23 performing a zoom operation on the at least portion of the contents of  
24 the first virtual display layer without performing the zoom operation  
25 on the plurality of markings in the second virtual display layer, where  
26 the zoom operation is performed based on the movement of the one  
27 or more of the plurality of markings in the second virtual display  
28 layer, and the at least portion of the second virtual display layer is at

1           least partially translucent so that a result of the zoom operation on  
2           the at least portion of the contents of the first virtual display layer is  
3           visible through the at least portion of the second virtual display layer.

4           135. In violation of 35 U.S.C. § 271, Apple has been and is still infringing  
5 (both literally and/or under the doctrine of equivalents), contributing to infringement,  
6 and/or inducing others to infringe of the '580 Patent by making, using, offering for  
7 sale, selling, importing, or encouraging and intending that others to use mobile  
8 devices that practice at least claim 22 of the '580 Patent, including but not limited to  
9 the Accused Products.

10           136. As described above, Apple designs, manufactures, makes, uses,  
11 provides, imports into the United States, sells and/or offers for sale in the United  
12 States the Accused Products and thus directly infringes (both literally and/or under  
13 the doctrine of equivalents) the '580 Patent.

14           137. On information and belief, Apple is currently and will continue to  
15 actively induce and encourage infringement of the '580 Patent. Apple has known of  
16 the '580 Patent as described above and, at a minimum, at least since the time the  
17 Original Complaint was filed and served on Apple. On information and belief, Apple  
18 nevertheless actively encourages others to infringe the '580 Patent. On information  
19 and belief, Apple knowingly induces infringement by others, including resellers,  
20 retailers, and end users of the Accused Products. For example, Apple's customers  
21 and the end users of the Accused Products test and/or operate the Accused Products  
22 in the United States in accordance with Apple's instructions contained in, for  
23 example, its user manuals, and as Apple intends iOS and iPadOS to be used, thereby  
24 also performing the claimed methods and directly infringing the asserted claims of  
25 the Accused Products requiring such operation. *See e.g. iPhone User Guide iPhone*  
26 *camera basics*, APPLE, [https://support.apple.com/guide/iphone/camera-basics-](https://support.apple.com/guide/iphone/camera-basics-iph263472f78/17.0/ios/17.0)  
27 [iph263472f78/17.0/ios/17.0](https://support.apple.com/guide/iphone/camera-basics-iph263472f78/17.0/ios/17.0) (last visited Oct. 16, 2023). These facts give rise to a  
28 reasonable inference that Apple knowingly induces others, including resellers,

1 retailers, and end users, to directly infringe the '580 Patent, and that Apple possesses  
2 a specific intent to cause such infringement.

3 138. Apple also contributes to infringement of the '580 Patent by selling for  
4 importation into the United States, importing into the United States, and/or selling  
5 within the United States after importation the accused devices and the non-staple  
6 constituent parts of those devices, which are not suitable for substantial noninfringing  
7 use and which embody a material part of the invention described in the '580 Patent.  
8 These mobile devices are known by Apple to be especially made or especially  
9 adapted for use in the infringement of the '580 Patent. Specifically, on information  
10 and belief, Apple sells the accused devices to resellers, retailers, and end users with  
11 knowledge that the devices are used for infringement. End users of those mobile  
12 electronic devices directly infringe the '580 Patent.

13 139. Smith Interface has, to the extent required, complied with the marking  
14 statute, 35 U.S.C. § 287.

15 140. As a result of Apple's infringement of the '580 Patent, Smith Interface  
16 has suffered and continues to suffer damages. Thus, Smith Interface is entitled to  
17 recover from Apple the damages Smith Interface sustained (and continues to sustain)  
18 as a result of Apple's wrongful and infringing acts in an amount no less than a  
19 reasonable royalty.

20 141. Apple's infringement of the '580 Patent has been willful. Apple has  
21 known of the '580 Patent as described above and, at a minimum, at least since the  
22 time of or shortly after filing of the Original Complaint. Further, at least since the  
23 time of or shortly after filing of the Original Complaint, Apple has been aware of  
24 how iOS and iPadOS infringe at least claim 22 of the '580 Patent as detailed in the  
25 Original Complaint. Since that time, Apple has not updated or modified iOS or  
26 iPadOS to cease its infringement of the '580 Patent. Upon information and belief,  
27 Apple deliberately and intentionally infringed, and continues to deliberately and  
28 intentionally infringe, the '580 Patent. Apple knew or should have known that its



1 actions would cause infringement of the '580 Patent, yet, Apple has, and continues  
2 to, infringe the '580 Patent.

3 142. This is an exceptional case warranting an award of treble damages to  
4 Smith Interface under 35 U.S.C. § 284, and an award of Smith Interface's attorney's  
5 fees under 35 U.S.C. § 285.

6 143. By way of non-limiting example(s), set forth below (with claim  
7 language in bold and italics) is exemplary evidence of infringement of claim 22 of  
8 the '580 Patent by the Accused Products. This description is based on publicly  
9 available information. Smith Interface reserves the right to modify this description,  
10 including, for example, on the basis of information about the Accused Products that  
11 it obtains during discovery.

12 144. ***22(a): "A method, comprising: at a device with at least one non-***  
13 ***transitory memory, a touch screen, a camera, and one or more processors in***  
14 ***communication with the at least one non-transitory memory, the touch screen, and***  
15 ***the camera:"***—The Accused Products practice a method comprising a device with  
16 at least one non-transitory memory, a touch screen, a camera, and one or more  
17 processors in communication with the at least one non-transitory memory, the touch  
18 screen, and the camera. An example is shown below:

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<b>Capacity<sup>1</sup></b>	128GB	128GB
	256GB	256GB
	512GB	512GB
	1TB	1TB

Super Retina XDR display  
6.1-inch (diagonal) all-screen OLED display  
2556-by-1179-pixel resolution at 460 ppi

<b>Chip</b>		A16 Bionic chip
		6-core CPU with 2 performance and 4 efficiency cores
		5-core GPU
		16-core Neural Engine

<https://www.apple.com/iphone-14-pro/specs/>

145. *22(b): “displaying, via the touch screen, a first virtual display layer including contents;”*—The Accused Products are designed to display, via the touch screen, a first virtual display layer including contents. An example is shown below:

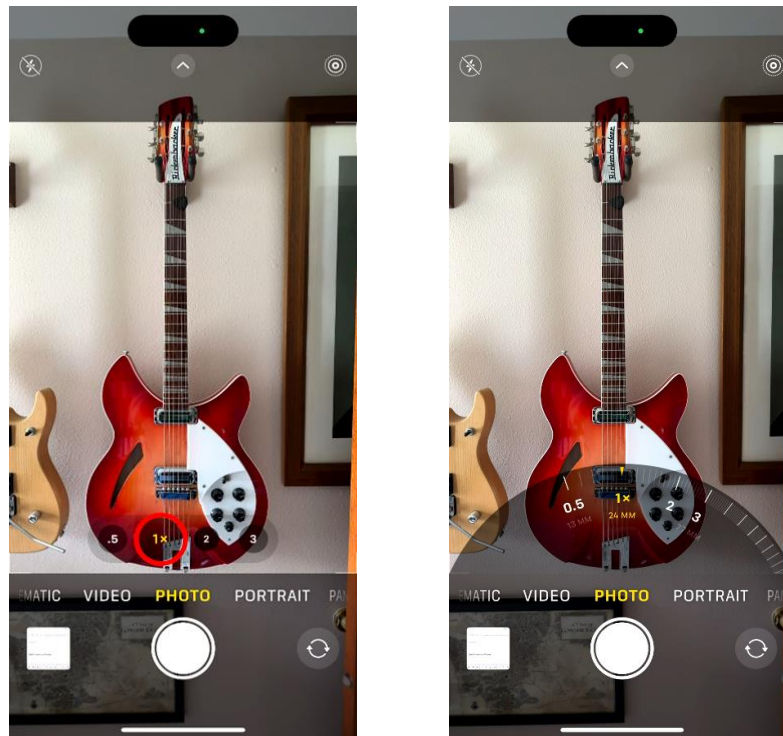
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146. 22(c): “detecting, via the touch screen, at least a portion of touch;”—  
The Accused Products are designed to detect, via the touch screen, at least a portion of touch. An example is shown below:

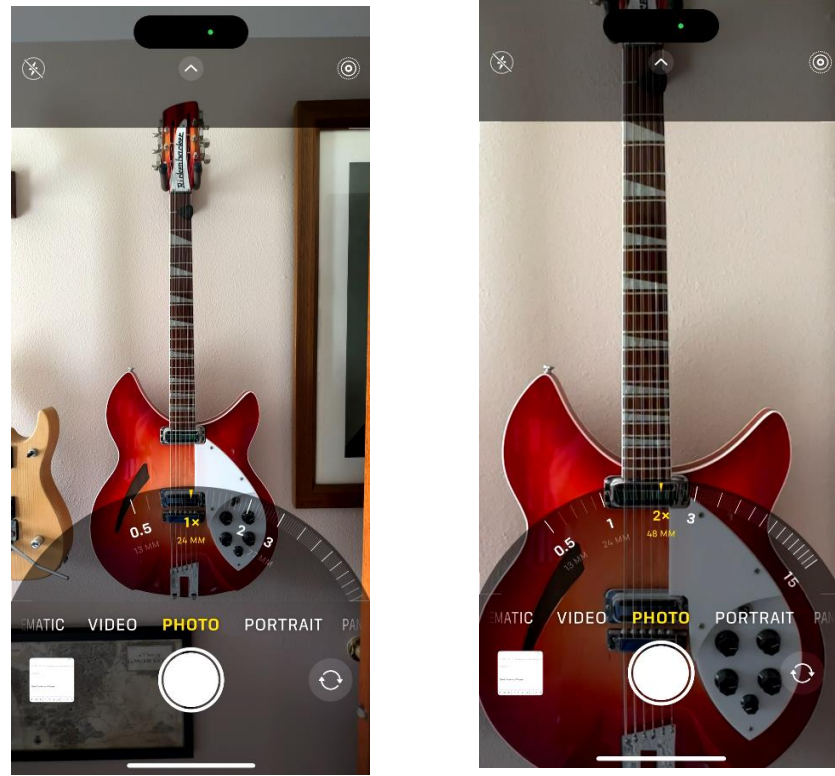


1 147. 22(d): *“in response to an aspect of the touch being detected to surpass*  
 2 *a threshold, displaying, via the touch screen, a plurality of markings in a second*  
 3 *virtual display layer that appears to have a lesser depth than the first virtual display*  
 4 *layer, where at least a portion of the second virtual display layer is at least partially*  
 5 *translucent so that at least a portion of the contents of the first virtual display layer*  
 6 *is visible through the at least portion of the second virtual display layer;”*—The  
 7 Accused Products are designed such that in response to an aspect of the touch being  
 8 detected to surpass a threshold, display, via the touch screen, a plurality of markings  
 9 in a second virtual display layer that appears to have a lesser depth than the first  
 10 virtual display layer, where at least a portion of the second virtual display layer is at  
 11 least partially translucent so that at least a portion of the contents of the first virtual  
 12 display layer is visible through the at least portion of the second virtual display layer.  
 13 An example is shown below:

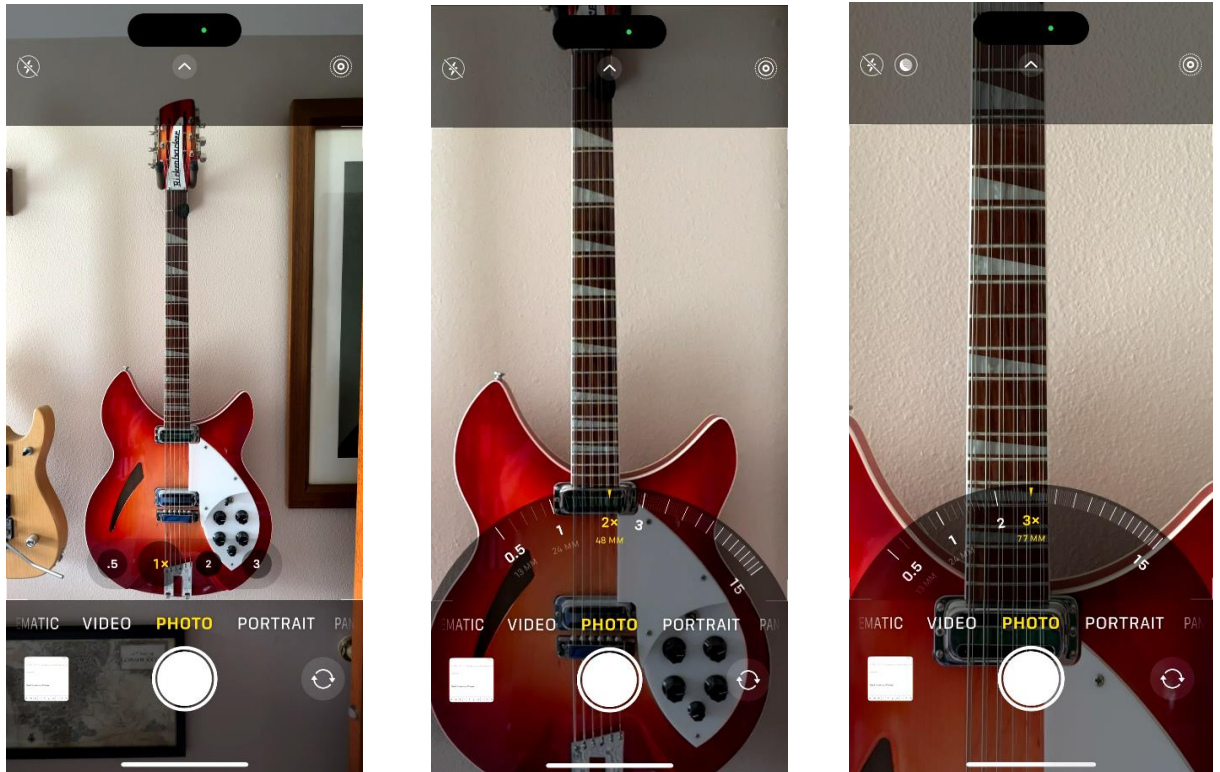


26  
27 148. 22(e): *“detecting, via the touch screen, another touch on at least one*  
 28 *of the plurality of marking; and”* —The Accused Products are designed such that

1 they detect, via the touch screen, another touch on at least one of the plurality of  
 2 marking. An example is shown below:



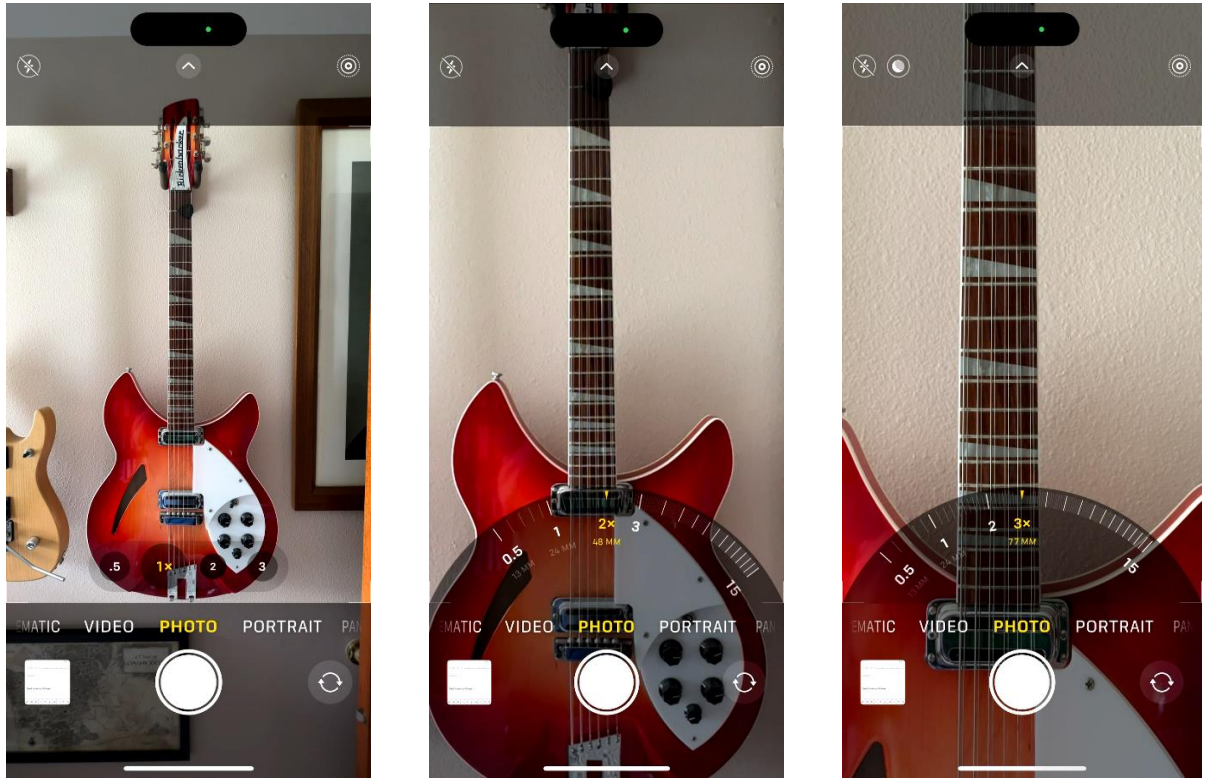
149. 22(f): *“in response to detection of the another touch on the at least one of the plurality of marking in the second virtual display layer that appears to have the lesser depth than the first virtual display layer, displaying, via the touch screen, a movement of one or more of the plurality of markings in the second virtual display layer; and”* —The Accused Products are designed such that in response to detection of the another touch on the at least one of the plurality of marking in the second virtual display layer that appears to have the lesser depth than the first virtual display layer, display, via the touch screen, a movement of one or more of the plurality of markings in the second virtual display layer. An example is shown below:



150. 22(g): *“performing a zoom operation on the at least portion of the contents of the first virtual display layer without performing the zoom operation on the plurality of markings in the second virtual display layer, where the zoom operation is performed based on the movement of the one or more of the plurality of markings in the second virtual display layer, and the at least portion of the second virtual display layer is at least partially translucent so that a result of the zoom operation on the at least portion of the contents of the first virtual display layer is visible through the at least portion of the second virtual display layer.”*—

The Accused Products are designed such that they perform a zoom operation on the at least portion of the contents of the first virtual display layer without performing the zoom operation on the plurality of markings in the second virtual display layer, where the zoom operation is performed based on the movement of the one or more of the plurality of markings in the second virtual display layer, and the at least portion of the second virtual display layer is at least partially translucent so that a result of the zoom operation on the at least portion of the contents of the first virtual display

1 layer is visible through the at least portion of the second virtual display layer. An  
2 example is shown below:



15  
16 **COUNT IV**

17 **(CLAIM FOR PATENT INFRINGEMENT OF THE '754 PATENT)**

18 151. Smith Interface incorporates the foregoing paragraphs by reference as if  
19 fully set forth herein.

20 152. A true and accurate copy of the '754 Patent is attached hereto as Exhibit  
21 4.

22 153. All claims of the '754 Patent are valid and enforceable, and each enjoys  
23 a statutory presumption of validity under 35 U.S.C. § 282.

24 154. The claims of the '754 Patent are directed to an improvement of the user  
25 interface on a mobile device and not an abstract idea.

26 155. Smith Interface is the sole owner of the '754 Patent and possess the  
27 rights to past damages.

28 156. Independent claim 2 of the '754 Patent recites:

1                   2. An apparatus, comprising:  
2                   at least one non-transitory memory;  
3                   a touch screen; and  
4                   one or more processors in communication with the at least one non-  
5                   transitory memory, and the touch screen, wherein the one or more  
6                   processors execute instructions in the at least one non-transitory  
7                   memory, to cause the apparatus to:  
8                   display an object and at least one other object;  
9                   detect at least part of a gesture on the touch screen; and  
10                  during detection of at least a portion of the gesture before a completion  
11                  thereof is detected, blur, based on a change in a magnitude of the  
12                  gesture being detected on the touch screen, at least a portion of the  
13                  at least one other object.

14                157. In violation of 35 U.S.C. § 271, Apple has been and is still infringing  
15 (both literally and/or under the doctrine of equivalents), contributing to infringement,  
16 and/or inducing others to infringe of the '754 Patent by making, using, offering for  
17 sale, selling, importing, or encouraging and intending that others to use mobile  
18 devices that practice at least claim 2 of the '754 Patent, including but not limited to  
19 the Accused Products.

20                158. As described above, Apple designs, manufactures, makes, uses,  
21 provides, imports into the United States, sells and/or offers for sale in the United  
22 States the Accused Products and thus directly infringes (both literally and/or under  
23 the doctrine of equivalents) the '754 Patent.

24                159. On information and belief, Apple is currently and will continue to  
25 actively induce and encourage infringement of the '754 Patent. Apple has known of  
26 the '754 Patent as described above and, at a minimum, at least since the time the  
27 Original Complaint was filed and served on Apple. On information and belief, Apple  
28 nevertheless actively encourages others to infringe the '754 Patent. On information



1 and belief, Apple knowingly induces infringement by others, including resellers,  
2 retailers, and end users of the Accused Products. For example, Apple's customers  
3 and the end users of the Accused Products test and/or operate the Accused Products  
4 in the United States in accordance with Apple's instructions contained in, for  
5 example, its user manuals, and as Apple intends iOS and iPadOS to be used, thereby  
6 also performing the claimed methods and directly infringing the asserted claims of  
7 the Accused Products requiring such operation. *See e.g. iPhone User Guide Use and*  
8 *customize Control Center on iPhone*, APPLE,  
9 [https://support.apple.com/guide/iphone/use-and-customize-control-center-](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0)  
10 [iph59095ec58/17.0/ios/17.0](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0) (last visited Oct. 16, 2023); *iPhone User Guide Find*  
11 *your apps in App Library on iPhone*, APPLE, [https://support.apple.com/](https://support.apple.com/guide/iphone/find-your-apps-in-app-library-iph87abad19a/17.0/ios/17.0)  
12 [guide/iphone/find-your-apps-in-app-library-iph87abad19a/17.0/ios/17.0](https://support.apple.com/guide/iphone/find-your-apps-in-app-library-iph87abad19a/17.0/ios/17.0) (last visited  
13 Oct. 13, 2023); *iPhone User Guide Use and customize Control Center on iPhone*,  
14 APPLE, [https://support.apple.com/guide/iphone/use-and-customize-control-center-](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0)  
15 [iph59095ec58/17.0/ios/17.0](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0) (last visited Oct. 16, 2023); *iPhone User Guide Search*  
16 *with Spotlight on iPhone*, APPLE, [https://support.apple.com/guide/iphone/search-on-](https://support.apple.com/guide/iphone/search-on-iphone-iph3c511548/ios)  
17 [iphone-iph3c511548/ios](https://support.apple.com/guide/iphone/search-on-iphone-iph3c511548/ios) (last visited Oct. 16, 2023). These facts give rise to a  
18 reasonable inference that Apple knowingly induces others, including resellers,  
19 retailers, and end users, to directly infringe the '754 Patent, and that Apple possesses  
20 a specific intent to cause such infringement.

21 160. Apple also contributes to infringement of the '754 Patent by selling for  
22 importation into the United States, importing into the United States, and/or selling  
23 within the United States after importation the accused devices and the non-staple  
24 constituent parts of those devices, which are not suitable for substantial noninfringing  
25 use and which embody a material part of the invention described in the '754 Patent.  
26 These mobile devices are known by Apple to be especially made or especially  
27 adapted for use in the infringement of the '754 Patent. Specifically, on information  
28 and belief, Apple sells the accused devices to resellers, retailers, and end users with

1 knowledge that the devices are used for infringement. End users of those mobile  
2 electronic devices directly infringe the '754 Patent.

3 161. Smith Interface has, to the extent required, complied with the marking  
4 statute, 35 U.S.C. § 287.

5 162. As a result of Apple's infringement of the '754 Patent, Smith Interface  
6 has suffered and continues to suffer damages. Thus, Smith Interface is entitled to  
7 recover from Apple the damages Smith Interface sustained (and continues to sustain)  
8 as a result of Apple's wrongful and infringing acts in an amount no less than a  
9 reasonable royalty.

10 163. Apple's infringement of the '754 Patent has been willful. Apple has  
11 known of the '754 Patent as described above and, at a minimum, at least since the  
12 time of or shortly after filing of the Original Complaint. Further, at least since the  
13 time of or shortly after filing of the Original Complaint, Apple has been aware of  
14 how iOS and iPadOS infringe at least claim 2 of the '754 Patent as detailed in the  
15 Original Complaint. Since that time, Apple has not updated or modified iOS or  
16 iPadOS to cease its infringement of the '754 Patent. Upon information and belief,  
17 Apple deliberately and intentionally infringed, and continues to deliberately and  
18 intentionally infringe, the '754 Patent. Apple knew or should have known that its  
19 actions would cause infringement of the '754 Patent, yet, Apple has, and continues  
20 to, infringe the '754 Patent.

21 164. This is an exceptional case warranting an award of treble damages to  
22 Smith Interface under 35 U.S.C. § 284, and an award of Smith Interface's attorney's  
23 fees under 35 U.S.C. § 285.

24 165. By way of non-limiting example(s), set forth below (with claim  
25 language in bold and italics) is exemplary evidence of infringement of claim 2 of the  
26 '754 Patent by the Accused Products. This description is based on publicly available  
27 information. Smith Interface reserves the right to modify this description, including,  
28 for example, on the basis of information about the Accused Products that it obtains

during discovery.

166. 2(a): “An apparatus, comprising: at least one non-transitory memory; a touch screen; and one or more processors in communication with the at least one non-transitory memory, and the touch screen, wherein the one or more processors execute instructions in the at least one non-transitory memory, to cause the apparatus to:” — The Accused Products comprise, at least one non-transitory memory, a touch screen, and one or more processors in communication with the at least one non-transitory memory, and the touch screen, wherein the one or more processors execute instructions in the at least one non-transitory memory. An example is shown below:



<b>Capacity<sup>1</sup></b>	128GB	128GB
	256GB	256GB
	512GB	512GB
	1TB	1TB

<b>Chip</b>		A16 Bionic chip
		6-core CPU with 2 performance and 4 efficiency cores
		5-core GPU
		16-core Neural Engine

<https://www.apple.com/iphone-14-pro/specs/>

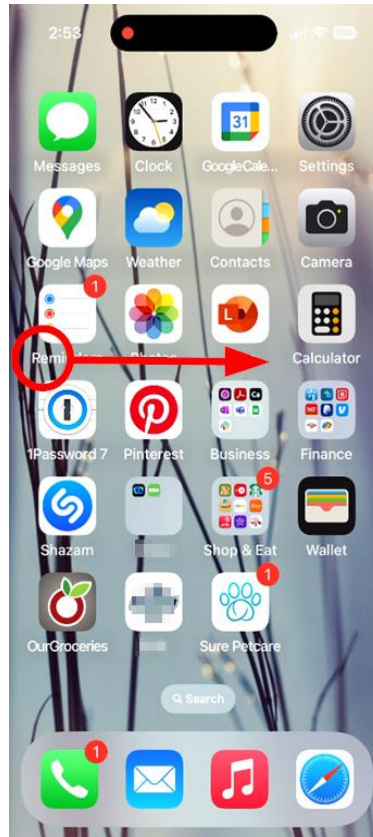
167. 2(b): “display an object and at least one other object;”— The Accused Products are designed to display an object and at least one other object. An example

1 is shown below:



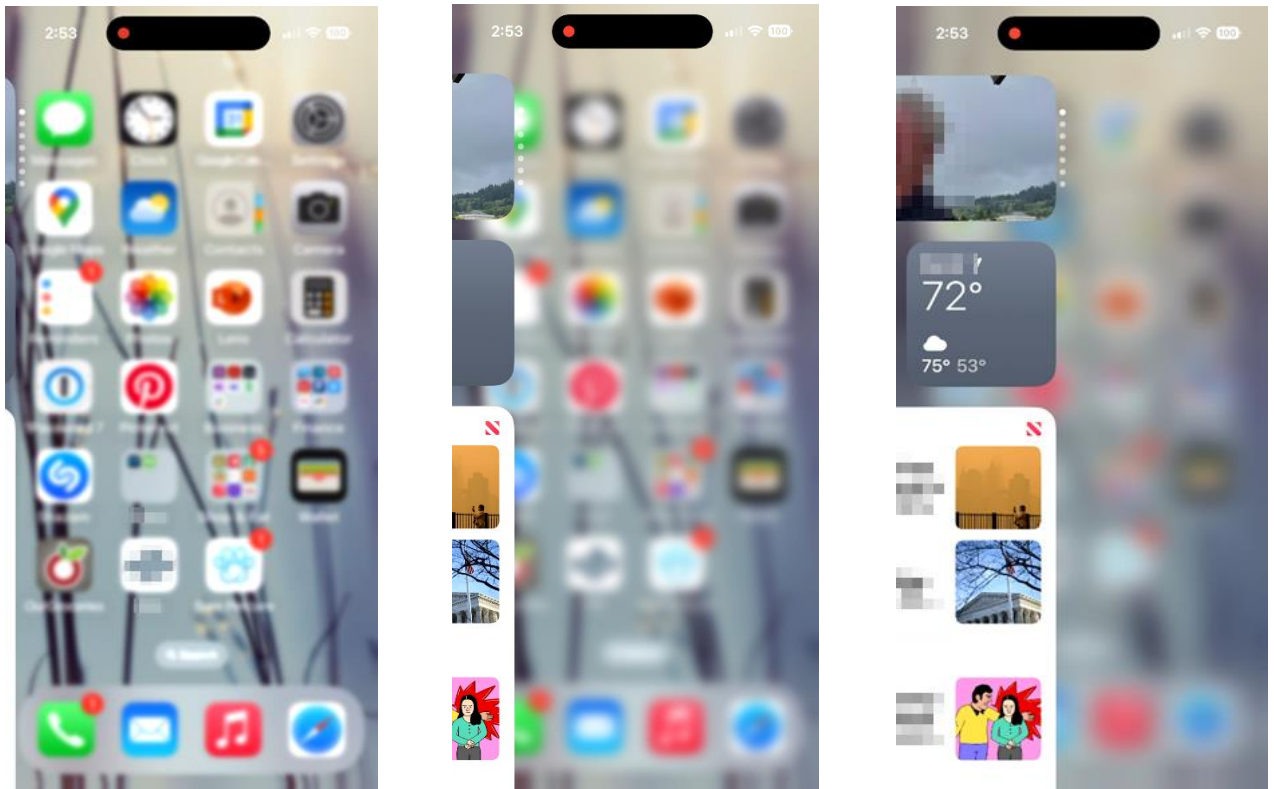
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16 168. 2(c): “detect at least part of a gesture on the touch screen; and”— The  
17 Accused Products are designed to detect at least part of a gesture on the touch screen.  
18 An example is shown below:

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169. 2(d): *“during detection of at least a portion of the gesture before a completion thereof is detected, blur, based on a change in a magnitude of the gesture being detected on the touch screen, at least a portion of the at least one other object.”*— The Accused Products are designed to, during detection of at least a portion of the gesture before a completion thereof is detected, blur, based on a change in a magnitude of the gesture being detected on the touch screen, at least a portion of the at least one other object. An example is shown below:

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**COUNT V**

**(CLAIM FOR PATENT INFRINGEMENT OF THE '755 PATENT)**

170. Smith Interface incorporates the foregoing paragraphs by reference as fully set forth herein.

171. A true and accurate copy of the '755 Patent is attached hereto as Exhibit 5.

172. All claims of the '755 Patent are valid and enforceable, and each enjoys a statutory presumption of validity under 35 U.S.C. § 282.

173. The claims of the '755 Patent are directed to an improvement of the user interface on a mobile device and not an abstract idea.

174. Smith Interface is the sole owner of the '755 Patent and possess the rights to past damages.

175. Independent claim 1 of the '755 Patent recites:

- 1. An electronic device, comprising:

1 a display;  
2 a touch-sensitive surface;  
3 one or more processors;  
4 memory; and  
5 one or more programs, wherein the one or more programs are stored in  
6 the memory and configured to be executed by the one or more  
7 processors, the one or more programs including instructions for:  
8 displaying a first user interface on the display, wherein the first user  
9 interface includes:  
10 a background with an appearance, and  
11 one or more foreground objects;  
12 while displaying the first user interface on the display, detecting a  
13 first input by a first contact on the touch-sensitive surface at a  
14 location in the first user interface that corresponds to the  
15 background of the first user interface; and  
16 in response to detecting the first input by the first contact, in  
17 accordance with a determination that the first contact has a  
18 magnitude that is above a threshold, dynamically changing the  
19 appearance of the background of the first user interface without  
20 changing an appearance of the one or more foreground objects in  
21 the first user interface, wherein the dynamic change in the  
22 appearance of the background of the first user interface is based  
23 at least in part on the magnitude of the first contact and wherein  
24 the dynamic change in the appearance of the background of the  
25 first user interface includes displaying in sequence at least some  
26 of a plurality of images based at least in part on the magnitude of  
27 the first contact.

28 176. In violation of 35 U.S.C. § 271, Apple has been and is still infringing

1 (both literally and/or under the doctrine of equivalents), contributing to infringement,  
2 and/or inducing others to infringe of the '755 Patent by making, using, offering for  
3 sale, selling, importing, or encouraging and intending that others to use mobile  
4 devices that practice at least claim 1 of the '755 Patent, including but not limited to  
5 the Accused Products.

6 177. As described above, Apple designs, manufactures, makes, uses,  
7 provides, imports into the United States, sells and/or offers for sale in the United  
8 States the Accused Products and thus directly infringes (both literally and/or under  
9 the doctrine of equivalents) the '755 Patent.

10 178. On information and belief, Apple is currently and will continue to  
11 actively induce and encourage infringement of the '755 Patent. Apple has known of  
12 the '755 Patent as described above and, at a minimum, at least since the time the  
13 Original Complaint was filed and served on Apple. On information and belief, Apple  
14 nevertheless actively encourages others to infringe the '755 Patent. On information  
15 and belief, Apple knowingly induces infringement by others, including resellers,  
16 retailers, and end users of the Accused Products. For example, Apple's customers  
17 and the end users of the Accused Products test and/or operate the Accused Products  
18 in the United States in accordance with Apple's instructions contained in, for  
19 example, its user manuals, and as Apple intends iOS and iPadOS to be used, thereby  
20 also performing the claimed methods and directly infringing the asserted claims of  
21 the Accused Products requiring such operation. *See e.g. iPhone User Guide Take*  
22 *Live Photos with your iPhone camera*, APPLE, [https://support.apple.com/guide](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0)  
23 [/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0) (last visited  
24 Oct. 16, 2023). These facts give rise to a reasonable inference that Apple knowingly  
25 induces others, including resellers, retailers, and end users, to directly infringe the  
26 '755 Patent, and that Apple possesses a specific intent to cause such infringement.

27 179. Apple also contributes to infringement of the '755 Patent by selling for  
28 importation into the United States, importing into the United States, and/or selling



1 within the United States after importation the accused devices and the non-staple  
2 constituent parts of those devices, which are not suitable for substantial noninfringing  
3 use and which embody a material part of the invention described in the '755 Patent.  
4 These mobile devices are known by Apple to be especially made or especially  
5 adapted for use in the infringement of the '755 Patent. Specifically, on information  
6 and belief, Apple sells the accused devices to resellers, retailers, and end users with  
7 knowledge that the devices are used for infringement. End users of those mobile  
8 electronic devices directly infringe the '755 Patent.

9 180. Smith Interface has, to the extent required, complied with the marking  
10 statute, 35 U.S.C. § 287.

11 181. As a result of Apple's infringement of the '755 Patent, Smith Interface  
12 has suffered and continues to suffer damages. Thus, Smith Interface is entitled to  
13 recover from Apple the damages Smith Interface sustained (and continues to sustain)  
14 as a result of Apple's wrongful and infringing acts in an amount no less than a  
15 reasonable royalty.

16 182. Apple's infringement of the '755 Patent has been willful. Apple has  
17 known of the '755 Patent as described above and, at a minimum, at least since the  
18 time of or shortly after filing of the Original Complaint. Further, at least since the  
19 time of or shortly after filing of the Original Complaint, Apple has been aware of  
20 how iOS and iPadOS infringe at least claim 1 of the '755 Patent as detailed in the  
21 Original Complaint. Since that time, Apple has not updated or modified iOS or  
22 iPadOS to cease its infringement of the '755 Patent. Upon information and belief,  
23 Apple deliberately and intentionally infringed, and continues to deliberately and  
24 intentionally infringe, the '755 Patent. Apple knew or should have known that its  
25 actions would cause infringement of the '755 Patent, yet, Apple has, and continues  
26 to, infringe the '755 Patent.

27 183. This is an exceptional case warranting an award of treble damages to  
28 Smith Interface under 35 U.S.C. § 284, and an award of Smith Interface's attorney's

1 fees under 35 U.S.C. § 285.

2 184. By way of non-limiting example(s), set forth below (with claim  
3 language in bold and italics) is exemplary evidence of infringement of claim 1 of the  
4 '755 Patent by the Accused Products. This description is based on publicly available  
5 information. Smith Interface reserves the right to modify this description, including,  
6 for example, on the basis of information about the Accused Products that it obtains  
7 during discovery.

8 185. ***1(a): “An electronic device, comprising: a display; a touch-sensitive***  
9 ***surface; one or more processors; memory; and one or more programs, wherein the***  
10 ***one or more programs are stored in the memory and configured to be executed by***  
11 ***the one or more processors, the one or more programs including instructions for***  
12 ***displaying a first user interface on the display, wherein the first user interface***  
13 ***includes a background with an appearance, and one or more foreground objects;”***

14 — The Accused Products are electronic devices comprising a display, a touch-  
15 sensitive surface, one or more processors, memory, and one or more programs. The  
16 one or more programs are stored in the memory and configured to be executed by the  
17 one or more processors, the one or more programs include instructions for displaying  
18 a first user interface on the display, wherein the first user interface includes a  
19 background with an appearance, and one or more foreground objects. An example is  
20 shown below:

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<b>Capacity<sup>1</sup></b>	128GB	128GB
	256GB	256GB
	512GB	512GB
	1TB	1TB

Super Retina XDR display  
 6.1-inch (diagonal) all-screen OLED display  
 2556-by-1179-pixel resolution at 460 ppi

**Chip**

A16

- A16 Bionic chip
- 6-core CPU with 2 performance and 4 efficiency cores
- 5-core GPU
- 16-core Neural Engine

<https://www.apple.com/iphone-14-pro/specs/>

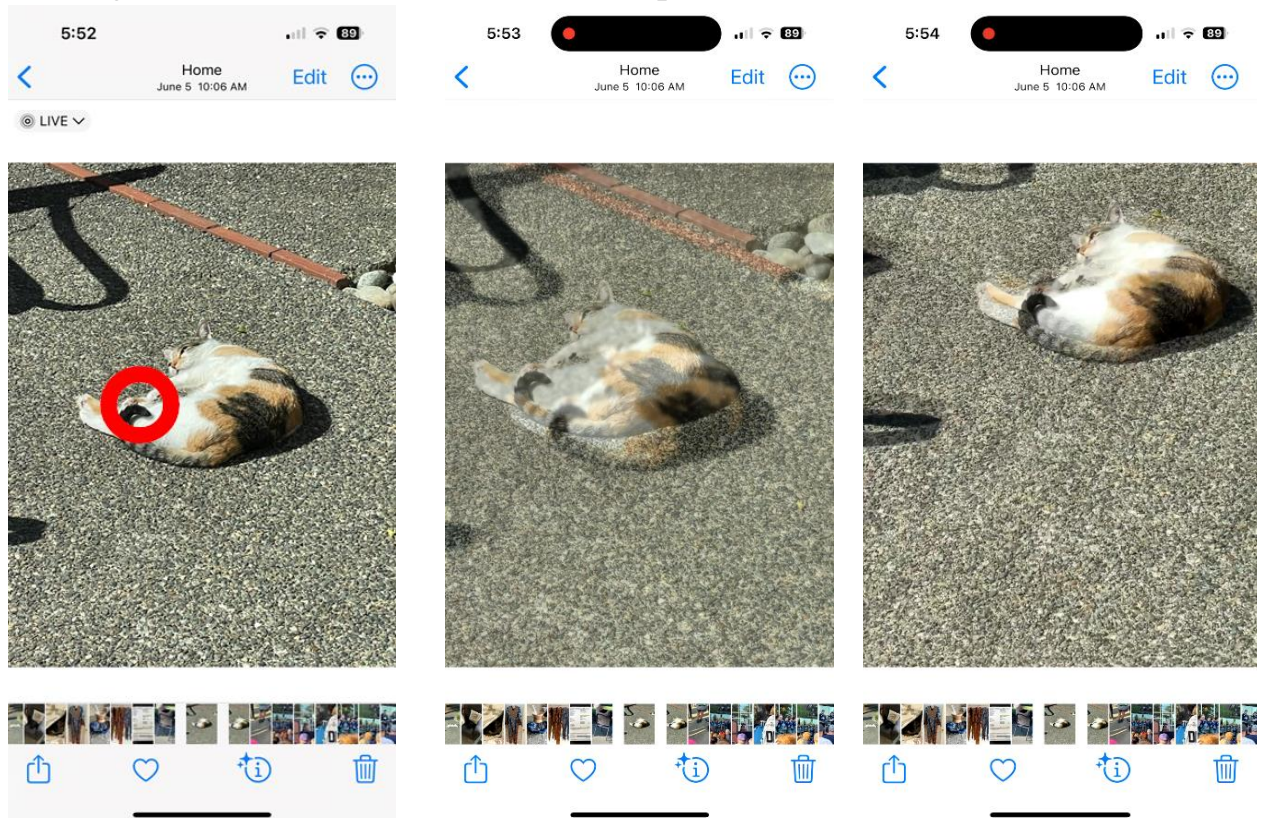


1           186. *1(b): “while displaying the first user interface on the display, detecting*  
2 *a first input by a first contact on the touch-sensitive surface at a location in the*  
3 *first user interface that corresponds to the background of the first user interface;*  
4 *and”* — The Accused Products are designed such that while displaying the first user  
5 interface on the display, they detect a first input by a first contact on the touch-  
6 sensitive surface at a location in the first user interface that corresponds to the  
7 background of the first user interface. An example is shown below:



22           187. *1(c): “in response to detecting the first input by the first contact, in*  
23 *accordance with a determination that the first contact has a magnitude that is*  
24 *above a threshold, dynamically changing the appearance of the background of the*  
25 *first user interface without changing an appearance of the one or more foreground*  
26 *objects in the first user interface, wherein the dynamic change in the appearance*  
27 *of the background of the first user interface is based at least in part on the*  
28 *magnitude of the first contact and wherein the dynamic change in the appearance*

1 *of the background of the first user interface includes displaying in sequence at*  
2 *least some of a plurality of images based at least in part on the magnitude of the*  
3 *first contact.”* — The Accused Products are designed such that in response to  
4 detecting the first input by the first contact, in accordance with a determination that  
5 the first contact has a magnitude that is above a threshold, dynamically changing the  
6 appearance of the background of the first user interface without changing an  
7 appearance of the one or more foreground objects in the first user interface, wherein  
8 the dynamic change in the appearance of the background of the first user interface is  
9 based at least in part on the magnitude of the first contact and wherein the dynamic  
10 change in the appearance of the background of the first user interface includes  
11 displaying in sequence at least some of a plurality of images based at least in part on  
12 the magnitude of the first contact. An example is shown below:



**COUNT VI**

**(CLAIM FOR PATENT INFRINGEMENT OF THE '758 PATENT)**

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2  
3 188. Smith Interface incorporates the foregoing paragraphs by reference as if  
4 fully set forth herein.

5 189. A true and accurate copy of the '758 Patent is attached hereto as Exhibit  
6 6.

7 190. All claims of the '758 Patent are valid and enforceable, and each enjoys  
8 a statutory presumption of validity under 35 U.S.C. § 282.

9 191. The claims of the '758 Patent are directed to an improvement of the user  
10 interface on a mobile device and not an abstract idea.

11 192. Smith Interface is the sole owner of the '758 Patent and possess the  
12 rights to past damages.

13 193. Independent claim 1 of the '758 Patent recites:

14 1. An electronic device, comprising:

15 a display;

16 a touch-sensitive surface;

17 one or more processors;

18 memory; and

19 one or more programs, wherein the one or more programs are stored in

20 the memory and configured to be executed by the one or more

21 processors, the one or more programs including instructions for:

22 displaying, on the display, an application launching user interface that

23 includes a plurality of application icons for launching corresponding

24 applications;

25 while displaying the application launching user interface, detecting a

26 first single-finger touch input that includes detecting the first single-

27 finger touch input at a location on the touch-sensitive surface that

28 corresponds to a first application icon of the plurality of application

1 icons, wherein the first application icon is for launching a first  
2 application that is associated with one or more corresponding action  
3 options; and  
4 in response to detecting the first single-finger touch input, determining  
5 a response to the first single-finger touch input based on evaluating  
6 the first single-finger touch input against at least one of a plurality of  
7 criteria, including evaluating a duration of the first single-finger  
8 touch input against at least one of:  
9 one or more application-launch criteria, one or more action-option-  
10 display criteria, or one or more operation criteria, and further  
11 including evaluating a movement of the first single-finger touch  
12 input against one or more movement criteria, for:  
13 in accordance with a determination that the first single-finger touch  
14 input meets the one or more application-launch criteria that is met  
15 when the duration of the first single-finger touch input is evaluated  
16 to be less than a first time threshold, launching the first application,  
17 in accordance with a determination that the first single-finger touch  
18 input meets the one or more action-option-display criteria that is met  
19 when the duration of the first single-finger touch input is evaluated  
20 to be greater than the first time threshold, displaying one or more  
21 action option objects associated with the first application without  
22 launching the first application,  
23 in accordance with a determination that the first single-finger touch  
24 input meets the one or more operation criteria that is met when the  
25 duration of the first single-finger touch input is evaluated to be  
26 greater than a second time threshold that is greater than the first time  
27 threshold, performing an operation in connection with the first  
28 application icon, and

1 in accordance with a determination that the first single-finger touch  
2 input meets the one or more movement criteria, moving the first  
3 application icon in a foreground virtual display layer so that the first  
4 application icon appears to float above a background virtual display  
5 layer.

6 194. In violation of 35 U.S.C. § 271, Apple has been and is still infringing  
7 (both literally and/or under the doctrine of equivalents), contributing to infringement,  
8 and/or inducing others to infringe of the '758 Patent by making, using, offering for  
9 sale, selling, importing, or encouraging and intending that others to use mobile  
10 devices that practice at least claim 1 of the '758 Patent, including but not limited to  
11 the Accused Products.

12 195. As described above, Apple designs, manufactures, makes, uses,  
13 provides, imports into the United States, sells and/or offers for sale in the United  
14 States the Accused Products and thus directly infringes (both literally and/or under  
15 the doctrine of equivalents) the '758 Patent.

16 196. On information and belief, Apple is currently and will continue to  
17 actively induce and encourage infringement of the '758 Patent. Apple has known of  
18 the '758 Patent as described above and, at a minimum, at least since the time of the  
19 Original Complaint was filed and served on Apple. On information and belief, Apple  
20 nevertheless actively encourages others to infringe the '758 Patent. On information  
21 and belief, Apple knowingly induces infringement by others, including resellers,  
22 retailers, and end users of the Accused Products. For example, Apple's customers  
23 and the end users of the Accused Products test and/or operate the Accused Products  
24 in the United States in accordance with Apple's instructions contained in, for  
25 example, its user manuals, and as Apple intends iOS and iPadOS to be used, thereby  
26 also performing the claimed methods and directly infringing the asserted claims of  
27 the Accused Products requiring such operation. *See e.g. iPhone User Guide Organize*  
28 *your apps in folders on iPhone,* APPLE,



1 [https://support.apple.com/guide/iphone/organize-your-apps-in-folders-](https://support.apple.com/guide/iphone/organize-your-apps-in-folders-iph822ece7dd/17.0/ios/17.0)  
2 [iph822ece7dd/17.0/ios/17.0](https://support.apple.com/guide/iphone/organize-your-apps-in-folders-iph822ece7dd/17.0/ios/17.0) (last visited Oct. 16, 2023); *iPhone User Guide Open*  
3 *apps on iPhone*, APPLE, [https://support.apple.com/guide/iphone/open-apps-](https://support.apple.com/guide/iphone/open-apps-iphca3d8b4e3/17.0/ios/17.0)  
4 [iphca3d8b4e3/17.0/ios/17.0](https://support.apple.com/guide/iphone/open-apps-iphca3d8b4e3/17.0/ios/17.0) (last visited Oct. 16, 2023). These facts give rise to a  
5 reasonable inference that Apple knowingly induces others, including resellers,  
6 retailers, and end users, to directly infringe the '758 Patent, and that Apple possesses  
7 a specific intent to cause such infringement.

8 197. Apple also contributes to infringement of the '758 Patent by selling for  
9 importation into the United States, importing into the United States, and/or selling  
10 within the United States after importation the accused devices and the non-staple  
11 constituent parts of those devices, which are not suitable for substantial noninfringing  
12 use and which embody a material part of the invention described in the '758 Patent.  
13 These mobile devices are known by Apple to be especially made or especially  
14 adapted for use in the infringement of the '758 Patent. Specifically, on information  
15 and belief, Apple sells the accused devices to resellers, retailers, and end users with  
16 knowledge that the devices are used for infringement. End users of those mobile  
17 electronic devices directly infringe the '758 Patent.

18 198. Smith Interface has, to the extent required, complied with the marking  
19 statute, 35 U.S.C. § 287.

20 199. As a result of Apple's infringement of the '758 Patent, Smith Interface  
21 has suffered and continues to suffer damages. Thus, Smith Interface is entitled to  
22 recover from Apple the damages Smith Interface sustained (and continues to sustain)  
23 as a result of Apple's wrongful and infringing acts in an amount no less than a  
24 reasonable royalty.

25 200. Apple's infringement of the '758 Patent has been willful. Apple has  
26 known of the '758 Patent as described above and, at a minimum, at least since the  
27 time of or shortly after filing of the Original Complaint. Further, at least since the  
28 time of or shortly after filing of the Original Complaint, Apple has been aware of

1 how iOS and iPadOS infringe at least claim 1 of the '758 Patent as detailed in the  
2 Original Complaint. Since that time, Apple has not updated or modified iOS or  
3 iPadOS to cease its infringement of the '758 Patent. Upon information and belief,  
4 Apple deliberately and intentionally infringed, and continues to deliberately and  
5 intentionally infringe, the '758 Patent. Apple knew or should have known that its  
6 actions would cause infringement of the '758 Patent, yet, Apple has, and continues  
7 to, infringe the '758 Patent.

8 201. This is an exceptional case warranting an award of treble damages to  
9 Smith Interface under 35 U.S.C. § 284, and an award of Smith Interface's attorney's  
10 fees under 35 U.S.C. § 285.

11 202. By way of non-limiting example(s), set forth below (with claim  
12 language in bold and italics) is exemplary evidence of infringement of claim 1 of the  
13 '758 Patent by the Accused Products. This description is based on publicly available  
14 information. Smith Interface reserves the right to modify this description, including,  
15 for example, on the basis of information about the Accused Products that it obtains  
16 during discovery.

17 203. *1(a): “An electronic device, comprising: a display; a touch-sensitive*  
18 *surface; one or more processors; memory; and one or more programs, wherein the*  
19 *one or more programs are stored in the memory and configured to be executed by*  
20 *the one or more processors, the one or more programs including instructions*  
21 *for:”*— The Accused Products are electronic devices that comprise a display, a  
22 touch-sensitive surface, one or more processors, memory, and one or more programs,  
23 wherein the one or more programs are stored in the memory and configured to be  
24 executed by the one or more processors, the one or more programs including  
25 instructions for. An example is shown below:  
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<b>Capacity<sup>1</sup></b>	128GB	128GB
	256GB	256GB
	512GB	512GB
	1TB	1TB
	1TB	1TB

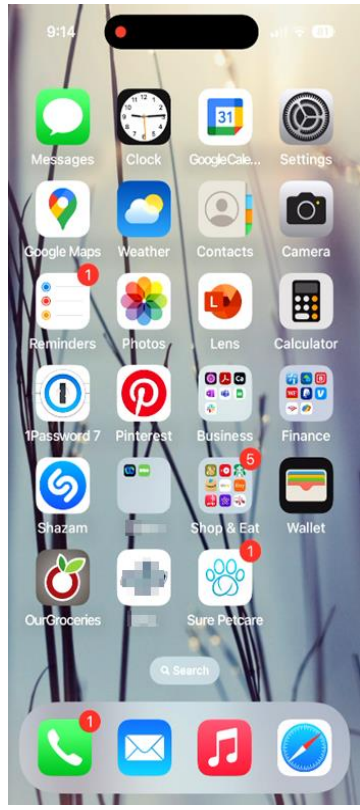
Super Retina XDR display  
6.1-inch (diagonal) all-screen OLED display  
2556-by-1179-pixel resolution at 460 ppi

<b>Chip</b>		A16 Bionic chip
		6-core CPU with 2 performance and 4 efficiency cores
		5-core GPU
		16-core Neural Engine

<https://www.apple.com/iphone-14-pro/specs/>

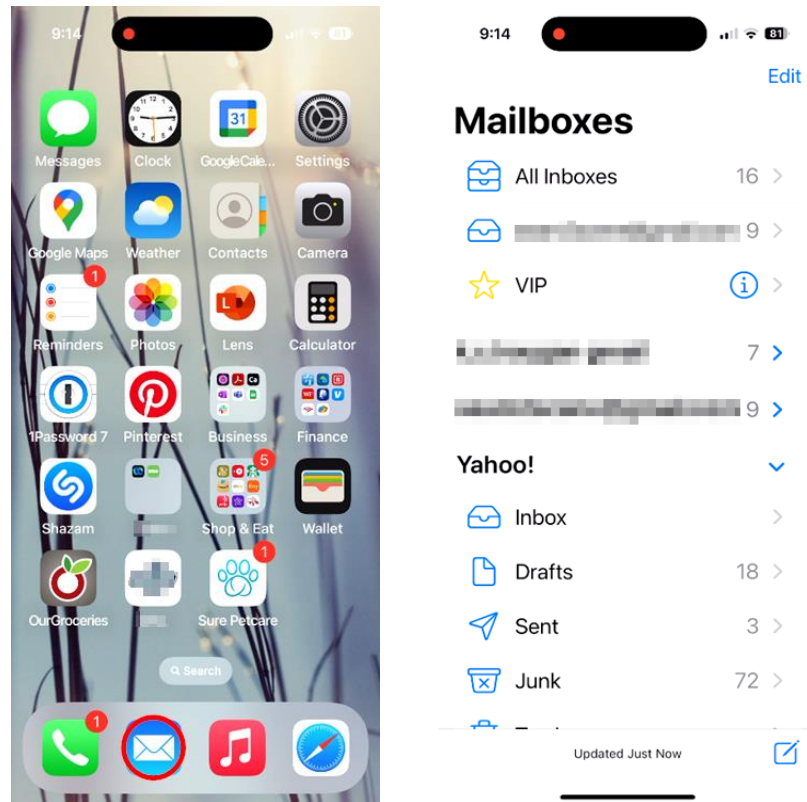
204. *1(b): “displaying, on the display, an application launching user interface that includes a plurality of application icons for launching corresponding applications;”*— The Accused Products are designed for displaying, on the display, an application launching user interface that includes a plurality of application icons for launching corresponding applications. An example is shown below:

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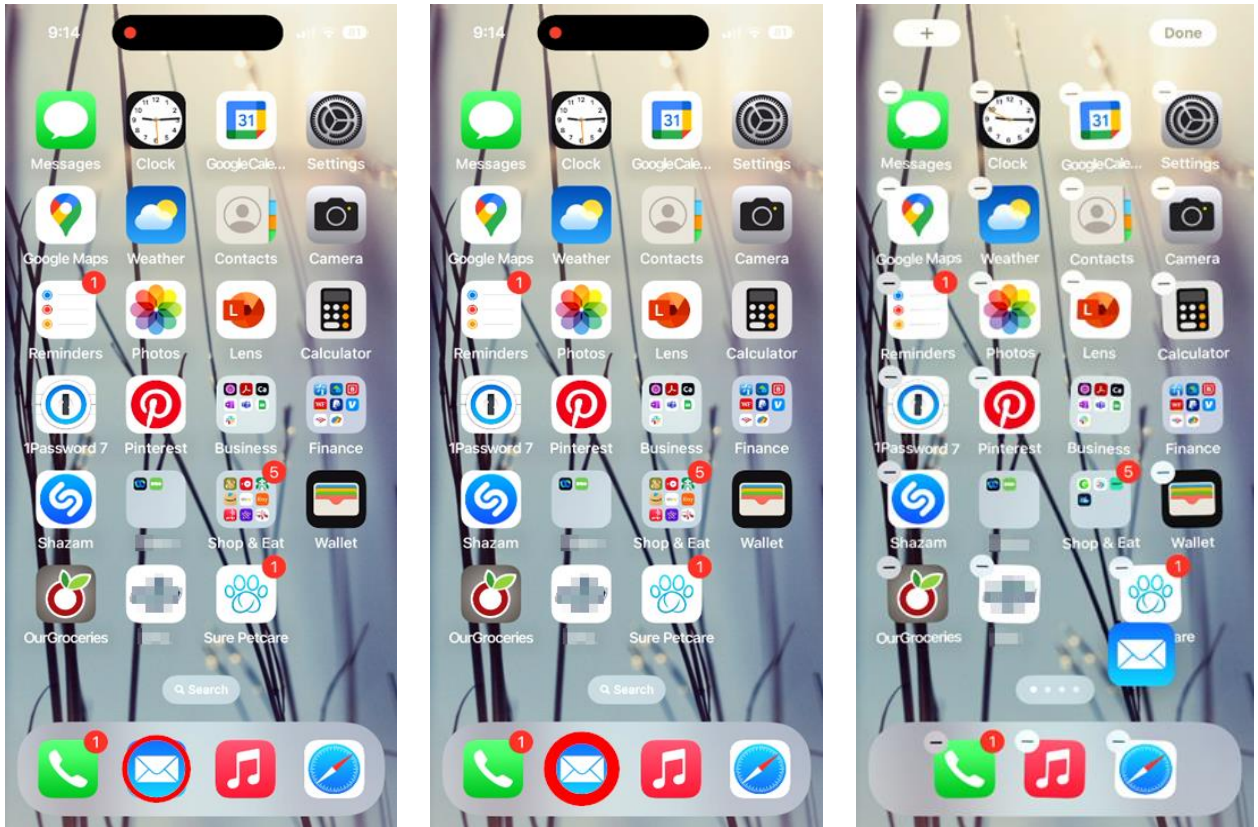
205. *1(c): “while displaying the application launching user interface, detecting a first single-finger touch input that includes detecting the first single-finger touch input at a location on the touch-sensitive surface that corresponds to a first application icon of the plurality of application icons, wherein the first application icon is for launching a first application that is associated with one or more corresponding action options; and”*— The Accused Products are designed for, while displaying the application launching user interface, detecting a first single-finger touch input that includes detecting the first single-finger touch input at a location on the touch-sensitive surface that corresponds to a first application icon of the plurality of application icons, wherein the first application icon is for launching a first application that is associated with one or more corresponding action options. An example is shown below:

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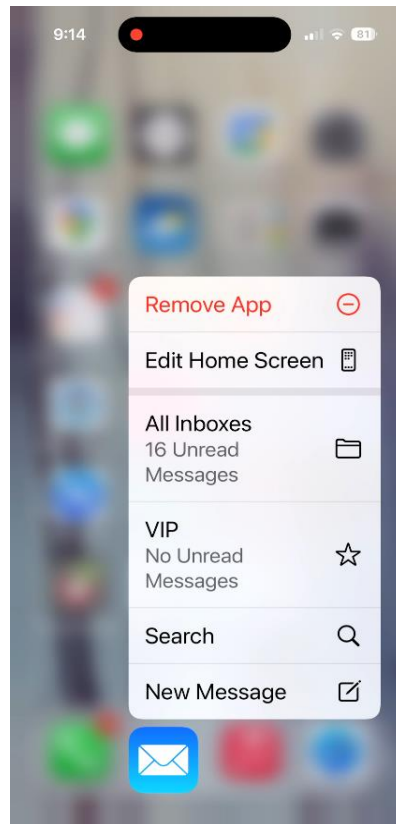
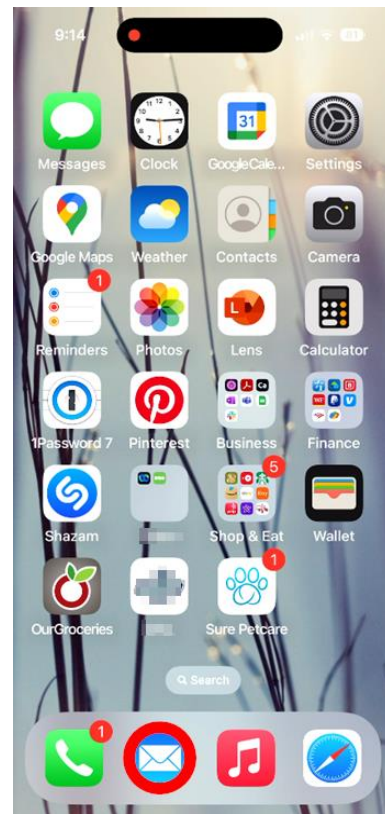
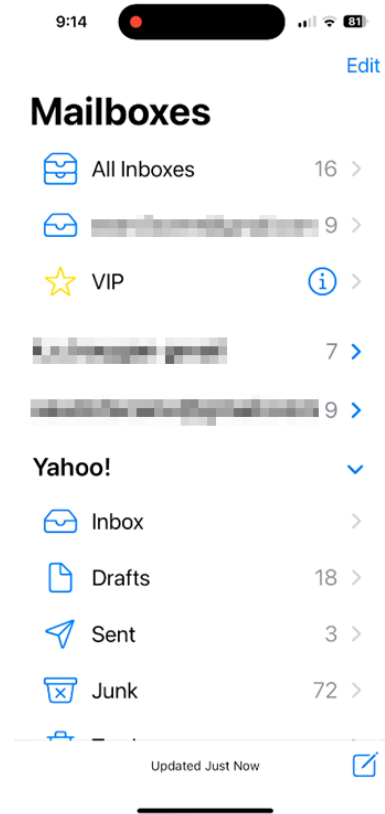
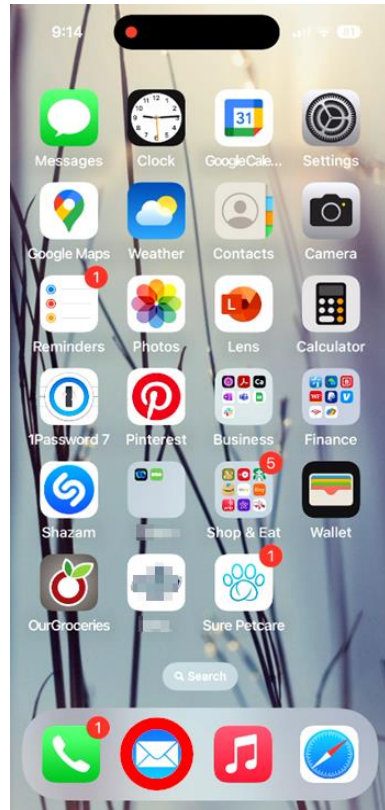
206. *1(d): “in response to detecting the first single-finger touch input, determining a response to the first single-finger touch input based on evaluating the first single-finger touch input against at least one of a plurality of criteria, including evaluating a duration of the first single-finger touch input against at least one of:”*— The Accused Products are designed for, in response to detecting the first single-finger touch input, determining a response to the first single-finger touch input based on evaluating the first single-finger touch input against at least one of a plurality of criteria, including evaluating a duration of the first single-finger touch input against at least one of a plurality of criteria. An example is shown below:

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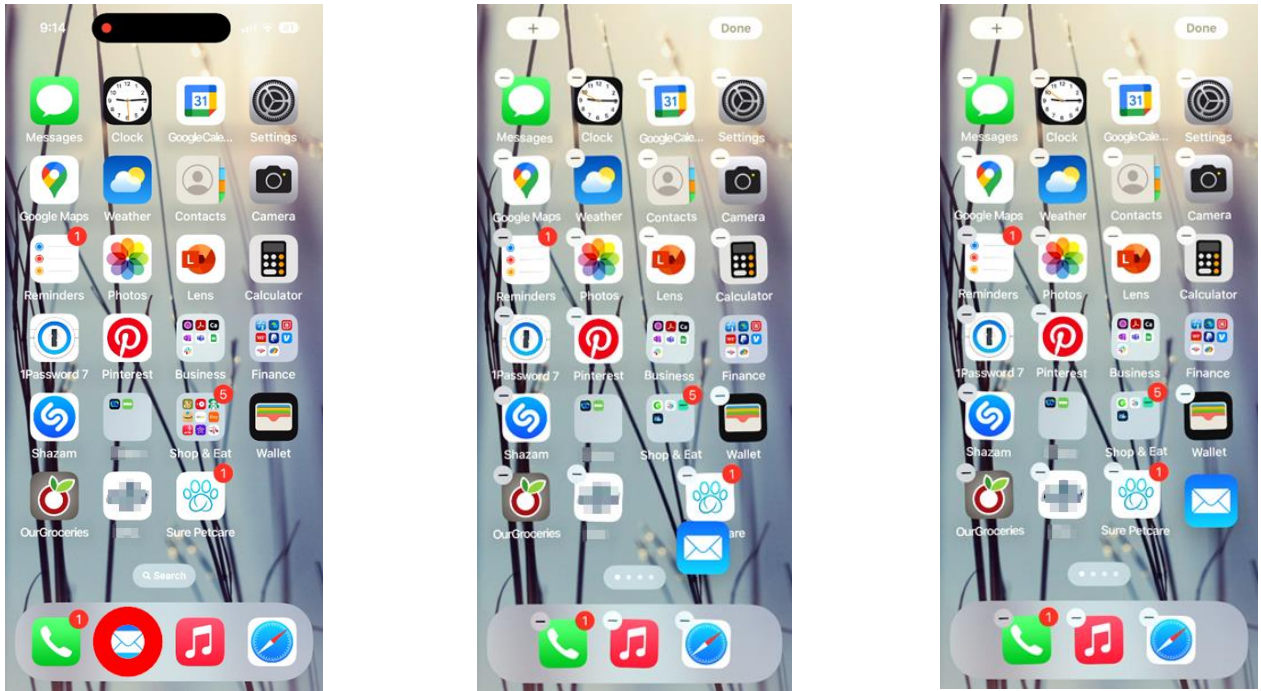


207. *1(e): “one or more application-launch criteria, one or more action-option-display criteria, or one or more operation criteria, and further including evaluating a movement of the first single-finger touch input against one or more movement criteria, for:”*— The Accused Products include one or more application-launch criteria, one or more action-option-display criteria, or one or more operation criteria, and further including evaluating a movement of the first single-finger touch input against one or more movement criteria. An example is shown below:

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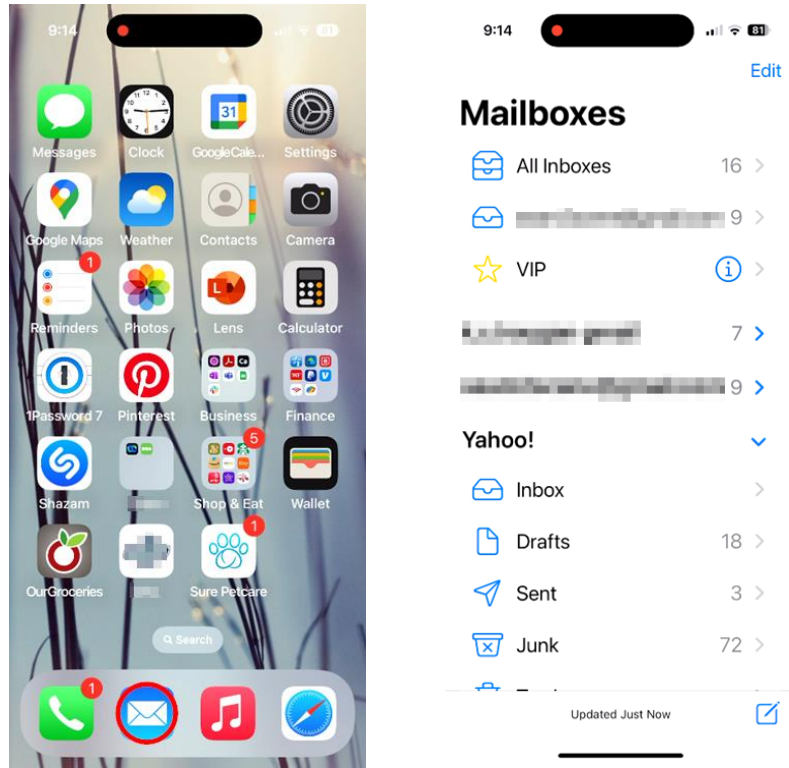
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208. *1(f): “in accordance with a determination that the first single-finger touch input meets the one or more application-launch criteria that is met when the duration of the first single-finger touch input is evaluated to be less than a first time threshold, launching the first application,”*— The Accused Products are designed for, in accordance with a determination that the first single-finger touch input meets the one or more application-launch criteria that is met when the duration of the first single-finger touch input is evaluated to be less than a first time threshold, and launching the first application. An example is shown below:

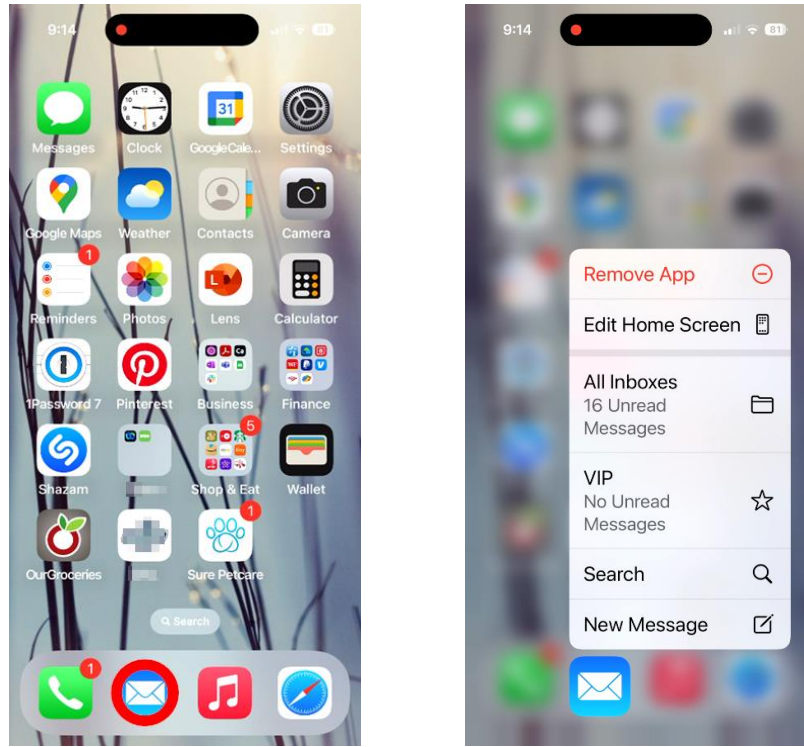


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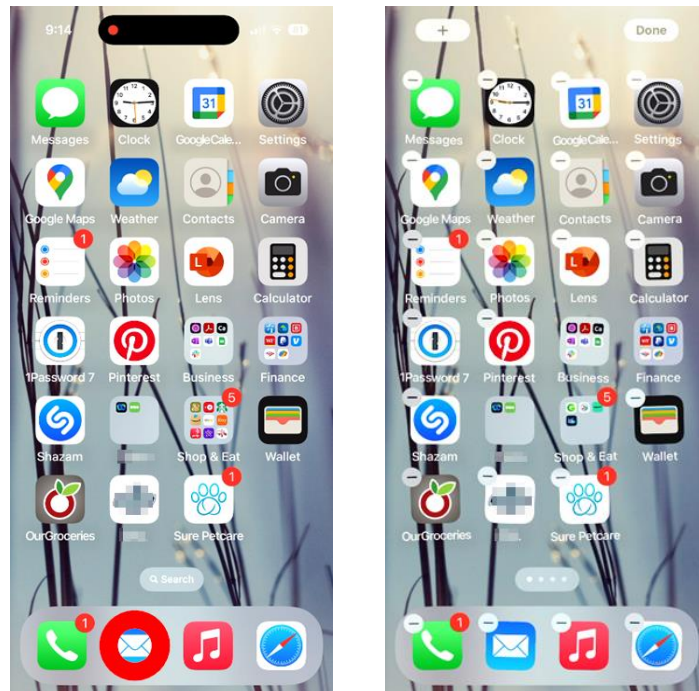
209. *1(g): “in accordance with a determination that the first single-finger touch input meets the one or more action-option-display criteria that is met when the duration of the first single-finger touch input is evaluated to be greater than the first time threshold, displaying one or more action option objects associated with the first application without launching the first application,”*— The Accused Products are designed for, in accordance with a determination that the first single-finger touch input meets the one or more action-option-display criteria that is met when the duration of the first single-finger touch input is evaluated to be greater than the first time threshold, displaying one or more action option objects associated with the first application without launching the first application. An example is shown below:

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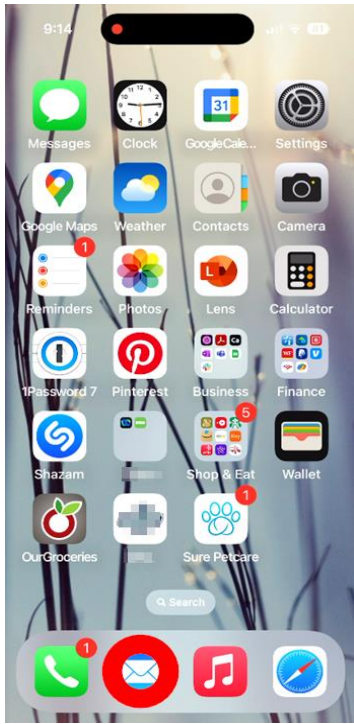
210. *1(h): “in accordance with a determination that the first single-finger touch input meets the one or more operation criteria that is met when the duration of the first single-finger touch input is evaluated to be greater than a second time threshold that is greater than the first time threshold, performing an operation in connection with the first application icon, and”*— The Accused Products are designed for, in accordance with a determination that the first single-finger touch input meets the one or more operation criteria that is met when the duration of the first single-finger touch input is evaluated to be greater than a second time threshold that is greater than the first time threshold, performing an operation in connection with the first application icon. An example is shown below:

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211. *1(i): “in accordance with a determination that the first single-finger touch input meets the one or more movement criteria, moving the first application icon in a foreground virtual display layer so that the first application icon appears to float above a background virtual display layer”*— The Accused Products are designed for, in accordance with a determination that the first single-finger touch input meets the one or more movement criteria, moving the first application icon in a foreground virtual display layer so that the first application icon appears to float above a background virtual display layer. An example is shown below:

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**COUNT VII**

**(CLAIM FOR PATENT INFRINGEMENT OF THE '212 PATENT)**

212. Smith Interface incorporates the foregoing paragraphs by reference as if fully set forth herein.

213. A true and accurate copy of the '212 Patent is attached hereto as Exhibit 7.

214. All claims of the '212 Patent are valid and enforceable, and each enjoys a statutory presumption of validity under 35 U.S.C. § 282.

215. The claims of the '212 Patent are directed to an improvement of the user interface on a mobile device and not an abstract idea.

216. Smith Interface is the sole owner of the '212 Patent and possess the rights to past damages.

217. Independent claim 1 of the '212 Patent recites:

- 1. A non-transitory computer-readable media storing computer instructions that; when executed by at least one processor of a mobile

1 device including a touch screen, a memory, and an actuator coupled to  
2 the at least one processor; cause the mobile device to:  
3 display indicia associated with an application, utilizing the touch screen;  
4 when a first duration of a touch being applied to the touch screen is  
5 detected as ceasing in connection with the indicia, perform an  
6 operation;  
7 when a second duration of the touch, that is different than the first  
8 duration of the touch, being applied to the touch screen is detected in  
9 connection with the indicia after the first duration is detected without  
10 the ceasing, output feedback that is perceptible by touch, utilizing the  
11 actuator;  
12 when the second duration of the touch being applied to the touch screen  
13 is detected in connection with the indicia after the first duration of  
14 the touch is detected without the ceasing, display at least one menu  
15 including a plurality of particular actions;  
16 when a selection touch being applied to the touch screen is detected in  
17 connection with at least one of the particular actions of the at least  
18 one menu after the second duration of the touch being applied to the  
19 touch screen is detected in connection with the indicia after the first  
20 duration of the touch is detected without the ceasing, perform the at  
21 least one particular action; and  
22 when a slide or swipe gesture being applied to the touch screen  
23 is detected after the second duration of the touch being  
24 applied to the touch screen is detected in connection with  
25 the indicia after the first duration of the touch is detected  
26 without the ceasing, change at least one aspect of the display  
27 of the at least one menu.

28 218. In violation of 35 U.S.C. § 271, Apple has been and is still infringing

1 (both literally and/or under the doctrine of equivalents), contributing to infringement,  
2 and/or inducing others to infringe of the '212 Patent by making, using, offering for  
3 sale, selling, importing, or encouraging and intending that others to use mobile  
4 devices that practice at least claim 1 of the '212 Patent, including but not limited to  
5 the Accused Products.

6 219. As described above, Apple designs, manufactures, makes, uses,  
7 provides, imports into the United States, sells and/or offers for sale in the United  
8 States the Accused Products and thus directly infringes (both literally and/or under  
9 the doctrine of equivalents) the '212 Patent.

10 220. On information and belief, Apple is currently and will continue to  
11 actively induce and encourage infringement of the '212 Patent. Apple has known of  
12 the '212 Patent as described above and, at a minimum, at least since the time the  
13 Original Complaint was filed and served on Apple. On information and belief, Apple  
14 nevertheless actively encourages others to infringe the '212 Patent. On information  
15 and belief, Apple knowingly induces infringement by others, including resellers,  
16 retailers, and end users of the Accused Products. For example, Apple's customers  
17 and the end users of the Accused Products test and/or operate the Accused Products  
18 in the United States in accordance with Apple's instructions contained in, for  
19 example, its user manuals, and as Apple intends iOS and iPadOS to be used, thereby  
20 also performing the claimed methods and directly infringing the asserted claims of  
21 the Accused Products requiring such operation. *See e.g. iPhone User Guide Change*  
22 *iPhone sounds and vibrations*, APPLE, [https://support.apple.com/](https://support.apple.com/guide/iphone/change-sounds-and-vibrations-iph07c867f28/17.0/ios/17.0)  
23 [guide/iphone/change-sounds-and-vibrations-iph07c867f28/17.0/ios/17.0](https://support.apple.com/guide/iphone/change-sounds-and-vibrations-iph07c867f28/17.0/ios/17.0) (last  
24 visited Oct. 13, 2023); *iPhone User Guide Change iPhone sounds and vibrations*,  
25 APPLE, [https://support.apple.com/guide/iphone/perform-quick-actions-iphcc8f419db](https://support.apple.com/guide/iphone/perform-quick-actions-iphcc8f419db/17.0/ios/17.0)  
26 [/17.0/ios/17.0](https://support.apple.com/guide/iphone/perform-quick-actions-iphcc8f419db/17.0/ios/17.0). These facts give rise to a reasonable inference that Apple knowingly  
27 induces others, including resellers, retailers, and end users, to directly infringe the  
28 '212 Patent, and that Apple possesses a specific intent to cause such infringement.

1           221. Apple also contributes to infringement of the '212 Patent by selling for  
2 importation into the United States, importing into the United States, and/or selling  
3 within the United States after importation the accused devices and the non-staple  
4 constituent parts of those devices, which are not suitable for substantial noninfringing  
5 use and which embody a material part of the invention described in the '212 Patent.  
6 These mobile devices are known by Apple to be especially made or especially  
7 adapted for use in the infringement of the '212 Patent. Specifically, on information  
8 and belief, Apple sells the accused devices to resellers, retailers, and end users with  
9 knowledge that the devices are used for infringement. End users of those mobile  
10 electronic devices directly infringe the '212 Patent.

11           222. Smith Interface has, to the extent required, complied with the marking  
12 statute, 35 U.S.C. § 287.

13           223. As a result of Apple's infringement of the '212 Patent, Smith Interface  
14 has suffered and continues to suffer damages. Thus, Smith Interface is entitled to  
15 recover from Apple the damages Smith Interface sustained (and continues to sustain)  
16 as a result of Apple's wrongful and infringing acts in an amount no less than a  
17 reasonable royalty.

18           224. Apple's infringement of the '212 Patent has been willful. Apple has  
19 known of the '212 Patent as described above and, at a minimum, at least since the  
20 time of or shortly after filing of the Original Complaint. Further, at least since the  
21 time of or shortly after filing of the Original Complaint, Apple has been aware of  
22 how iOS and iPadOS infringe at least claim 1 of the '212 Patent as detailed in the  
23 Original Complaint. Since that time, Apple has not updated or modified iOS or  
24 iPadOS to cease its infringement of the '212 Patent. Upon information and belief,  
25 Apple deliberately and intentionally infringed, and continues to deliberately and  
26 intentionally infringe, the '212 Patent. Apple knew or should have known that its  
27 actions would cause infringement of the '212 Patent, yet, Apple has, and continues  
28 to, infringe the '212 Patent.

1           225. This is an exceptional case warranting an award of treble damages to  
2 Smith Interface under 35 U.S.C. § 284, and an award of Smith Interface’s attorney’s  
3 fees under 35 U.S.C. § 285.

4           226. By way of non-limiting example(s), set forth below (with claim  
5 language in bold and italics) is exemplary evidence of infringement of claim 1 of the  
6 ’212 Patent by the Accused Products. This description is based on publicly available  
7 information. Smith Interface reserves the right to modify this description, including,  
8 for example, on the basis of information about the Accused Products that it obtains  
9 during discovery.

10           227. *1(a): “A non-transitory computer-readable media storing computer*  
11 *instructions that; when executed by at least one processor of a mobile device*  
12 *including a touch screen, a memory, and an actuator coupled to the at least one*  
13 *processor; cause the mobile device to:”*— The Accused Products include a non-  
14 transitory computer-readable media storing computer instructions that, when  
15 executed by at least one processor of a mobile device including a touch screen, a  
16 memory, and an actuator coupled to the at least one processor, cause the mobile  
17 device to perform. An example is shown below:



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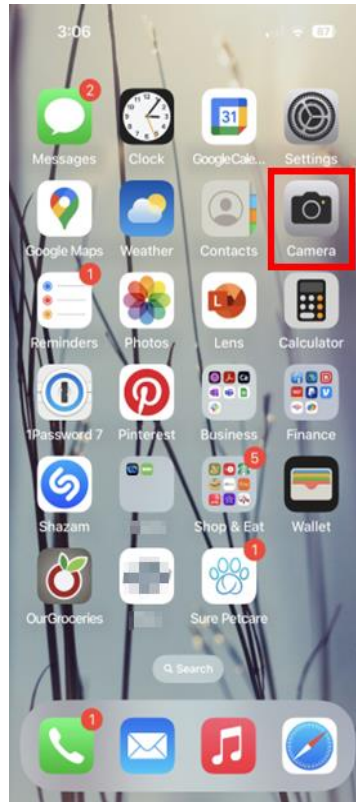
<b>Capacity<sup>1</sup></b>	128GB	128GB
	256GB	256GB
	512GB	512GB
	1TB	1TB

<b>Chip</b>		A16 Bionic chip
		6-core CPU with 2 performance and 4 efficiency cores
		5-core GPU
		16-core Neural Engine

<https://www.apple.com/iphone-14-pro/specs/>

228. *1(b): “display indicia associated with an application, utilizing the touch screen;”*— The Accused Products are designed to display indicia associated with an application, utilizing the touch screen. An example is shown below:

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229. *1(c): “when a first duration of a touch being applied to the touch screen is detected as ceasing in connection with the indicia, perform an operation;”*— The Accused Products are designed that when a first duration of a touch being applied to the touch screen is detected as ceasing in connection with the indicia, perform an operation. An example is shown below:

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230. *1(d): “when a second duration of the touch, that is different than the first duration of the touch, being applied to the touch screen is detected in connection with the indicia after the first duration is detected without the ceasing, output feedback that is perceptible by touch, utilizing the actuator;”*— The Accused Products are designed that when a second duration of the touch, that is different than the first duration of the touch, being applied to the touch screen is detected in connection with the indicia after the first duration is detected without the ceasing, output feedback that is perceptible by touch, utilizing the actuator. An example is shown below:

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231. *1(e): “when the second duration of the touch being applied to the touch screen is detected in connection with the indicia after the first duration of the touch is detected without the ceasing, display at least one menu including a plurality of particular actions;”*— The Accused Products are designed that when the second duration of the touch being applied to the touch screen is detected in connection with the indicia after the first duration of the touch is detected without the ceasing, display at least one menu including a plurality of particular actions. An example is shown below:

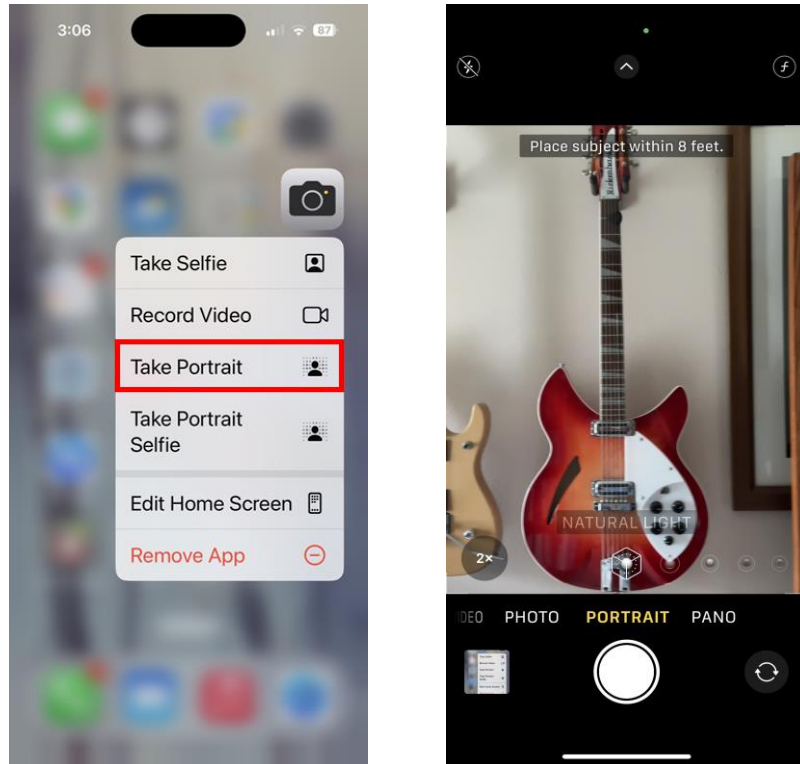
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232. *1(f): “when a selection touch being applied to the touch screen is detected in connection with at least one of the particular actions of the at least one menu after the second duration of the touch being applied to the touch screen is detected in connection with the indicia after the first duration of the touch is detected without the ceasing, perform the at least one particular action; and”*—

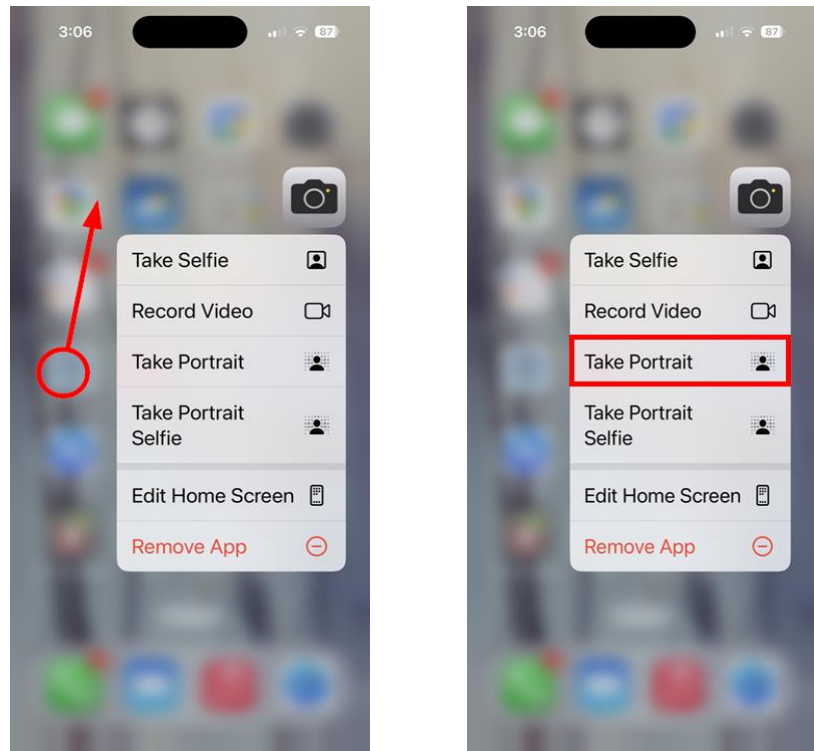
The Accused Products are designed that when a selection touch being applied to the touch screen is detected in connection with at least one of the particular actions of the at least one menu after the second duration of the touch being applied to the touch screen is detected in connection with the indicia after the first duration of the touch is detected without the ceasing, perform the at least one particular action. An example is shown below:

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233. *1(g): “when a slide or swipe gesture being applied to the touch screen is detected after the second duration of the touch being applied to the touch screen is detected in connection with the indicia after the first duration of the touch is detected without the ceasing, change at least one aspect of the display of the at least one menu.”*— The Accused Products are designed that when a slide or swipe gesture being applied to the touch screen is detected after the second duration of the touch being applied to the touch screen is detected in connection with the indicia after the first duration of the touch is detected without the ceasing, change at least one aspect of the display of the at least one menu. An example is shown below:

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**COUNT VIII**

**(CLAIM FOR PATENT INFRINGEMENT OF THE '581 PATENT)**

234. Smith Interface incorporates the foregoing paragraphs by reference as if fully set forth herein.

235. A true and accurate copy of the '581 Patent is attached hereto as Exhibit 8.

236. All claims of the '581 Patent are valid and enforceable, and each enjoys a statutory presumption of validity under 35 U.S.C. § 282.

237. The claims of the '581 Patent are directed to an improvement of the user interface on a mobile device and not an abstract idea.

238. Smith Interface is the sole owner of the '581 Patent and possess the rights to past damages.

239. Independent claim 1 of the '581 Patent recites:

- 1. An electronic device, comprising:  
a display;

1 a touch-sensitive interaction surface;  
2 an actuator;  
3 one or more processors;  
4 memory; and  
5 one or more programs, wherein the one or more programs are stored in  
6 the memory and configured to be executed by the one or more  
7 processors, the one or more programs including instructions to:  
8 display, on the display and via a user interface of a network browser  
9 application, a first web page including a hyperlink that identifies  
10 a second web page;  
11 detect a first contact starting at a first contact point at a first contact  
12 time on the touch-sensitive interaction surface;  
13 detect an end of the first contact at a second contact time;  
14 determine a duration of the first contact as a difference between the  
15 first contact time and the second contact time;  
16 determine whether there is a contact movement of the first contact  
17 between the first contact point and a second contact point;  
18 determine whether the first contact point of the first contact  
19 corresponds with a location of the hyperlink of the first web page;  
20 when: the first web page is displayed via the user interface of the  
21 network browser application, the duration of the first contact is  
22 determined to be less than a first user-configurable predefined  
23 duration, and the end of the first contact is detected: avoid display,  
24 on the first web page, a result of any operation based on the first  
25 contact;  
26 when: the first web page is displayed via the user interface of the  
27 network browser application, the duration of the first contact is  
28 determined to be greater than the first user-configurable



1 predefined duration and less than a second user-configurable  
2 predefined duration, the first contact point of the first contact is  
3 determined to correspond with the location of the hyperlink of the  
4 first web page, it is not determined that there is the contact  
5 movement of the first contact between the first contact point and  
6 the second contact point, and the end of the first contact is  
7 detected: replace the display of the first web page with the second  
8 web page via the user interface of the network browser  
9 application; and

10 when: the first web page is displayed via the user interface of the  
11 network browser application, the duration of the first contact is  
12 determined to be greater than the second user-configurable  
13 predefined duration, the first contact point of the first contact is  
14 determined to correspond with the location of the hyperlink of the  
15 first web page, it is not determined that there is the contact  
16 movement of the first contact between the first contact point and  
17 the second contact point, and the end of the first contact is not  
18 detected: output, utilizing the actuator, a first feedback that is  
19 perceptible by touch and display a menu including at least one  
20 option for, in response to detection of a selection thereof,  
21 performing an operation on a web address associated with the  
22 hyperlink of the first web page, and further display at least a  
23 portion of the second web page, such that at least the at least  
24 portion of the second web page is displayed in at least one first  
25 virtual display layer which appears above at least one second  
26 virtual display layer that includes at least a portion of the user  
27 interface of the network browser application that remains at least  
28 partially visible.

1           240. In violation of 35 U.S.C. § 271, Apple has been and is still infringing  
2 (both literally and/or under the doctrine of equivalents), contributing to infringement,  
3 and/or inducing others to infringe of the '581 Patent by making, using, offering for  
4 sale, selling, importing, or encouraging and intending that others to use mobile  
5 devices that practice at least claim 1 of the '581 Patent, including but not limited to  
6 the Accused Products.

7           241. As described above, Apple designs, manufactures, makes, uses,  
8 provides, imports into the United States, sells and/or offers for sale in the United  
9 States the Accused Products and thus directly infringes (both literally and/or under  
10 the doctrine of equivalents) the '581 Patent.

11           242. On information and belief, Apple is currently and will continue to  
12 actively induce and encourage infringement of the '581 Patent. Apple has known of  
13 the '581 Patent as described above and, at a minimum, at least since the time the  
14 Original Complaint was filed and served on Apple. On information and belief, Apple  
15 nevertheless actively encourages others to infringe the '581 Patent. On information  
16 and belief, Apple knowingly induces infringement by others, including resellers,  
17 retailers, and end users of the Accused Products. For example, Apple's customers  
18 and the end users of the Accused Products test and/or operate the Accused Products  
19 in the United States in accordance with Apple's instructions contained in, for  
20 example, its user manuals, and as Apple intends iOS and iPadOS to be used, thereby  
21 also performing the claimed methods and directly infringing the asserted claims of  
22 the Accused Products requiring such operation. *See e.g. iPhone User Guide Browse*  
23 *the web using Safari on iPhone*, APPLE, <https://support.apple.com/guide/iphone/browse-the-web-iph1fbef4daa/17.0/ios/17.0>  
24 (last visited Oct. 16, 2023); *iPhone User Guide Adjust how iPhone responds to your*  
25 *touch*, APPLE, [https://support.apple.com/guide/iphone/adjust-how-iphone-responds-](https://support.apple.com/guide/iphone/adjust-how-iphone-responds-to-your-touch-iph77bcdd132/17.0/ios/17.0)  
26 [to-your-touch-iph77bcdd132/17.0/ios/17.0](https://support.apple.com/guide/iphone/adjust-how-iphone-responds-to-your-touch-iph77bcdd132/17.0/ios/17.0) (last visited Oct. 16, 2023). These facts  
27 give rise to a reasonable inference that Apple knowingly induces others, including  
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1 resellers, retailers, and end users, to directly infringe the '581 Patent, and that Apple  
2 possesses a specific intent to cause such infringement.

3 243. Apple also contributes to infringement of the '581 Patent by selling for  
4 importation into the United States, importing into the United States, and/or selling  
5 within the United States after importation the accused devices and the non-staple  
6 constituent parts of those devices, which are not suitable for substantial noninfringing  
7 use and which embody a material part of the invention described in the '581 Patent.  
8 These mobile devices are known by Apple to be especially made or especially  
9 adapted for use in the infringement of the '581 Patent. Specifically, on information  
10 and belief, Apple sells the accused devices to resellers, retailers, and end users with  
11 knowledge that the devices are used for infringement. End users of those mobile  
12 electronic devices directly infringe the '581 Patent.

13 244. Smith Interface has, to the extent required, complied with the marking  
14 statute, 35 U.S.C. § 287.

15 245. As a result of Apple's infringement of the '581 Patent, Smith Interface  
16 has suffered and continues to suffer damages. Thus, Smith Interface is entitled to  
17 recover from Apple the damages Smith Interface sustained (and continues to sustain)  
18 as a result of Apple's wrongful and infringing acts in an amount no less than a  
19 reasonable royalty.

20 246. Apple's infringement of the '581 Patent has been willful. Apple has  
21 known of the '581 Patent as described above and, at a minimum, at least since the  
22 time of or shortly after filing of the Original Complaint. Further, at least since the  
23 time of or shortly after filing of the Original Complaint, Apple has been aware of  
24 how iOS and iPadOS infringe at least claim 1 of the '581 Patent as detailed in the  
25 Original Complaint. Since that time, Apple has not updated or modified iOS or  
26 iPadOS to cease its infringement of the '581 Patent. Upon information and belief,  
27 Apple deliberately and intentionally infringed, and continues to deliberately and  
28 intentionally infringe, the '581 Patent. Apple knew or should have known that its

1 actions would cause infringement of the '581 Patent, yet, Apple has, and continues  
2 to, infringe the '581 Patent.

3 247. This is an exceptional case warranting an award of treble damages to  
4 Smith Interface under 35 U.S.C. § 284, and an award of Smith Interface's attorney's  
5 fees under 35 U.S.C. § 285.

6 248. By way of non-limiting example(s), set forth below (with claim  
7 language in bold and italics) is exemplary evidence of infringement of claim 1 of the  
8 '581 Patent by the Accused Products. This description is based on publicly available  
9 information. Smith Interface reserves the right to modify this description, including,  
10 for example, on the basis of information about the Accused Products that it obtains  
11 during discovery.

12 249. ***1(a): "An electronic device, comprising: a display; a touch-sensitive***  
13 ***interaction surface; an actuator; one or more processors; memory; and one or***  
14 ***more programs, wherein the one or more programs are stored in the memory and***  
15 ***configured to be executed by the one or more processors, the one or more programs***  
16 ***including instructions to:"***— The Accused Products are electronic devices  
17 comprising a display, a touch-sensitive interaction surface, an actuator, one or more  
18 processors, memory, and one or more programs, wherein the one or more programs  
19 are stored in the memory and configured to be executed by the one or more  
20 processors, the one or more programs including instructions to. An example is shown  
21 below:

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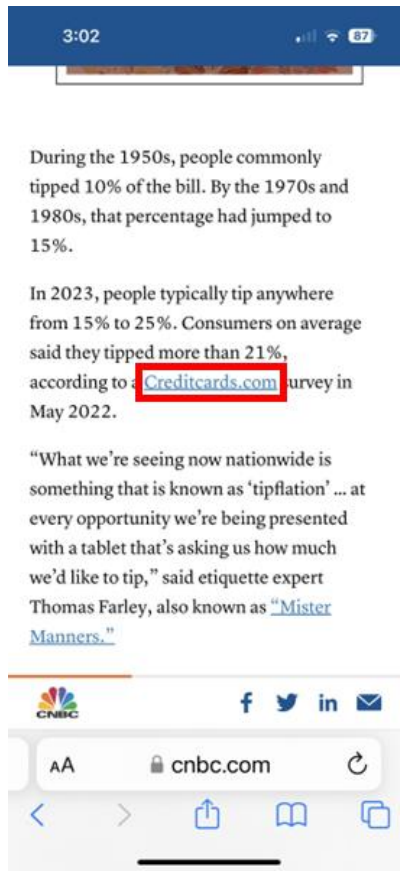
<b>Capacity<sup>1</sup></b>	128GB	128GB
	256GB	256GB
	512GB	512GB
	1TB	1TB

<b>Chip</b>		A16 Bionic chip
		6-core CPU with 2 performance and 4 efficiency cores
		5-core GPU
		16-core Neural Engine

<https://www.apple.com/iphone-14-pro/specs/>

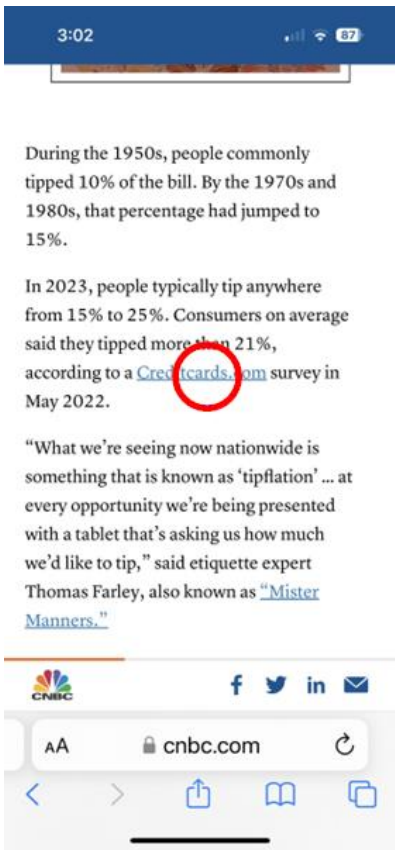
250. *1(b): “display, on the display and via a user interface of a network browser application, a first web page including a hyperlink that identifies a second web page;”*— The Accused Products are designed to display, on the display and via a user interface of a network browser application, a first web page including a hyperlink that identifies a second web page. An example is shown below:

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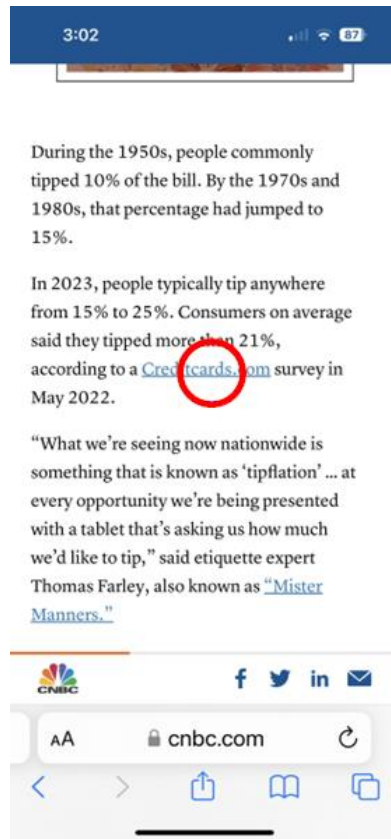
251. *1(c): “detect a first contact starting at a first contact point at a first contact time on the touch-sensitive interaction surface; detect an end of the first contact at a second contact time; determine a duration of the first contact as a difference between the first contact time and the second contact time; determine whether there is a contact movement of the first contact between the first contact point and a second contact point”*— The Accused Products are designed to detect a first contact starting at a first contact point at a first contact time on the touch-sensitive interaction surface; detect an end of the first contact at a second contact time; determine a duration of the first contact as a difference between the first contact time and the second contact time; determine whether there is a contact movement of the first contact between the first contact point and a second contact point. An example is shown below:

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252. 1(d): “determine whether the first contact point of the first contact corresponds with a location of the hyperlink of the first web page;”— The Accused Products are designed to determine whether the first contact point of the first contact corresponds with a location of the hyperlink of the first web page. An example is shown below:

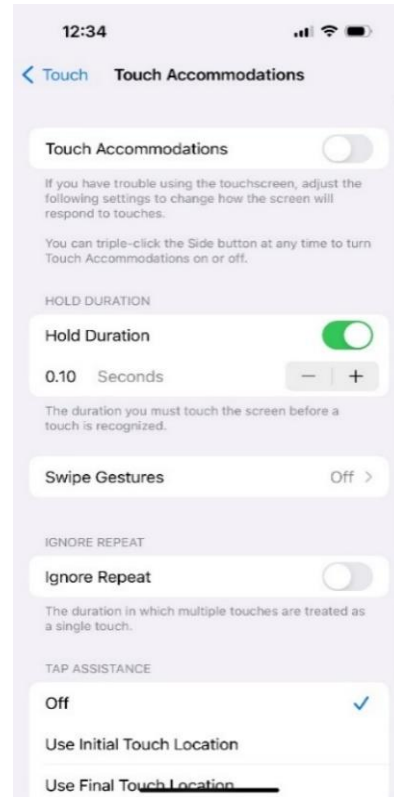
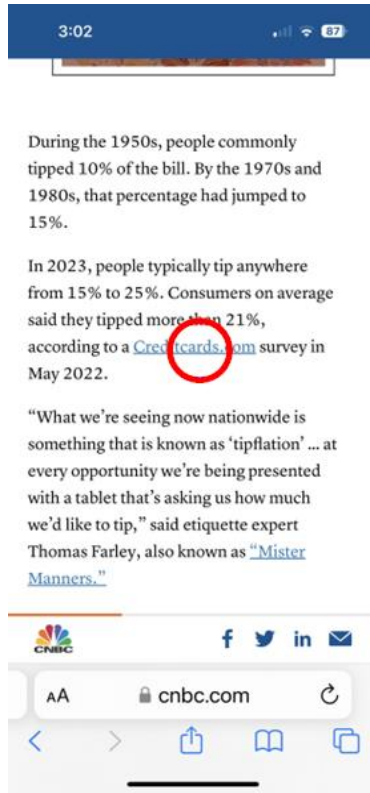
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253. *1(e): “when: the first web page is displayed via the user interface of the network browser application, the duration of the first contact is determined to be less than a first user-configurable predefined duration, and the end of the first contact is detected: avoid display, on the first web page, a result of any operation based on the first contact;”*— The Accused Products are designed such that when: the first web page is displayed via the user interface of the network browser application, the duration of the first contact is determined to be less than a first user-configurable predefined duration, and the end of the first contact is detected: avoid display, on the first web page, a result of any operation based on the first contact. An example is shown below:

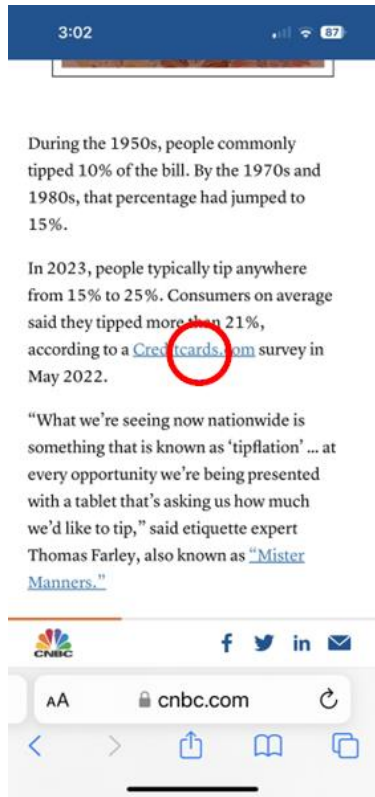


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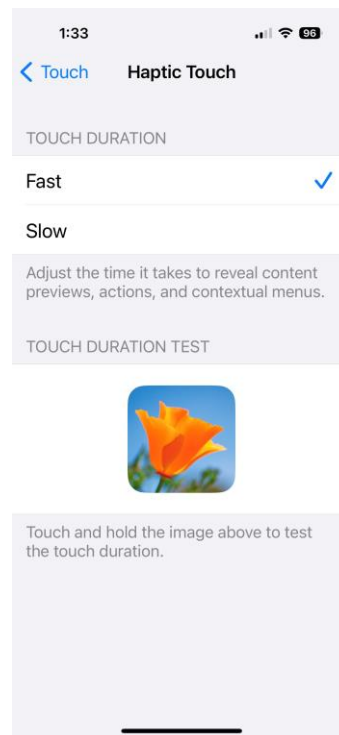


254. *1(f): “when: the first web page is displayed via the user interface of the network browser application, the duration of the first contact is determined to be greater than the first user-configurable predefined duration and less than a second user-configurable predefined duration, the first contact point of the first contact is determined to correspond with the location of the hyperlink of the first web page, it is not determined that there is the contact movement of the first contact between the first contact point and the second contact point, and the end of the first contact is detected: replace the display of the first web page with the second web page via the user interface of the network browser application; and”*— The Accused Products are designed such that when: the first web page is displayed via the user interface of the network browser application, the duration of the first contact is determined to be greater than the first user-configurable predefined duration and less than a second user-configurable predefined duration, the first contact point of the first contact is determined to correspond with the location of the hyperlink of the first

1 web page, it is not determined that there is the contact movement of the first contact  
2 between the first contact point and the second contact point, and the end of the first  
3 contact is detected: replace the display of the first web page with the second web  
4 page via the user interface of the network browser application. An example is shown  
5 below:



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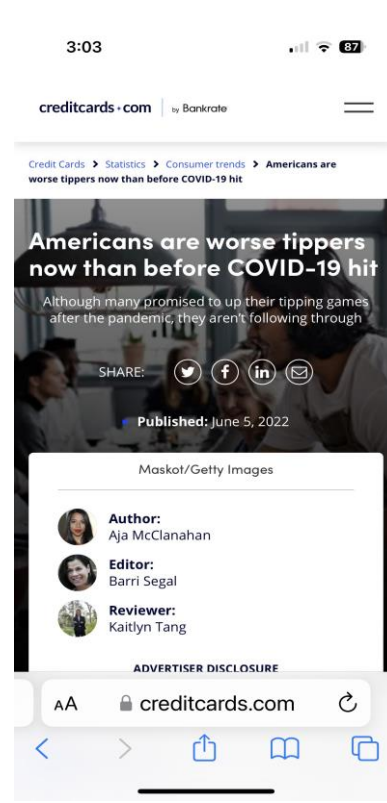
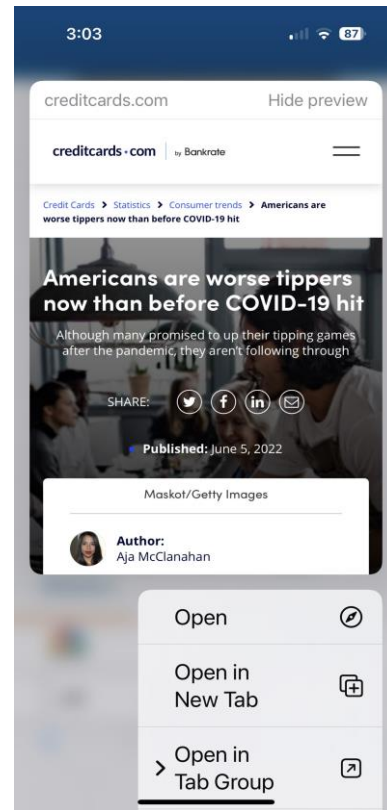
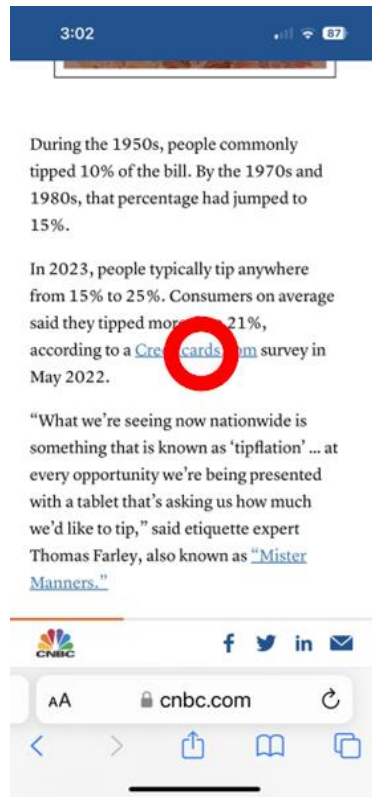


255. *1(g): “when: the first web page is displayed via the user interface of the network browser application, the duration of the first contact is determined to*

1 *be greater than the second user-configurable predefined duration, the first contact*  
2 *point of the first contact is determined to correspond with the location of the*  
3 *hyperlink of the first web page, it is not determined that there is the contact*  
4 *movement of the first contact between the first contact point and the second contact*  
5 *point, and the end of the first contact is not detected: output, utilizing the actuator,*  
6 *a first feedback that is perceptible by touch and display a menu including at least*  
7 *one option for, in response to detection of a selection thereof, performing an*  
8 *operation on a web address associated with the hyperlink of the first web page, and*  
9 *further display at least a portion of the second web page, such that at least the at*  
10 *least portion of the second web page is displayed in at least one first virtual display*  
11 *layer which appears above at least one second virtual display layer that includes at*  
12 *least a portion of the user interface of the network browser application that remains*  
13 *at least partially visible.”*— The Accused Products are designed such that when: the

14 first web page is displayed via the user interface of the network browser application,  
15 the duration of the first contact is determined to be greater than the second user-  
16 configurable predefined duration, the first contact point of the first contact is  
17 determined to correspond with the location of the hyperlink of the first web page, it  
18 is not determined that there is the contact movement of the first contact between the  
19 first contact point and the second contact point, and the end of the first contact is not  
20 detected: output, utilizing the actuator, a first feedback that is perceptible by touch  
21 and display a menu including at least one option for, in response to detection of a  
22 selection thereof, performing an operation on a web address associated with the  
23 hyperlink of the first web page, and further display at least a portion of the second  
24 web page, such that at least the at least portion of the second web page is displayed  
25 in at least one first virtual display layer which appears above at least one second  
26 virtual display layer that includes at least a portion of the user interface of the network  
27 browser application that remains at least partially visible. An example is shown  
28 below:

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**COUNT IX**

**(CLAIM FOR PATENT INFRINGEMENT OF THE '114 PATENT)**

256. Smith Interface incorporates the foregoing paragraphs by reference as if fully set forth herein.

257. A true and accurate copy of the '114 Patent is attached hereto as Exhibit 9.

258. All claims of the '114 Patent are valid and enforceable, and each enjoys a statutory presumption of validity under 35 U.S.C. § 282.

259. The claims of the '114 Patent are directed to an improvement of the user interface on a mobile device and not an abstract idea.

260. Smith Interface is the sole owner of the '114 Patent and possess the rights to past damages.

261. Independent claim 27 of the '114 Patent recites:

27. An apparatus, comprising:  
at least one non-transitory memory storing instructions and a plurality of applications;  
a touch screen; and  
one or more processors in communication with the at least one non-transitory memory and the touch screen, wherein the one or more processors execute the instructions to cause the apparatus to:  
display an object on at least a portion of an interface;  
detect a gesture via the touch screen on the object;  
perform a first function in a first touch state;  
perform a second function in a second touch state; and  
during detection of at least a portion of the gesture and based on a change in a duration of the gesture being detected via the touch screen on the object, perform a scale operation in connection with the at least portion of the interface, where the scale operation

1 includes a reduction in a size that is inversely related to the duration  
2 of the gesture being detected via the touch screen on the object.

3 262. In violation of 35 U.S.C. § 271, Apple has been and is still infringing  
4 (both literally and/or under the doctrine of equivalents), contributing to infringement,  
5 and/or inducing others to infringe of the '114 Patent by making, using, offering for  
6 sale, selling, importing, or encouraging and intending that others to use mobile  
7 devices that practice at least claim 27 of the '114 Patent, including but not limited to  
8 the Accused Products.

9 263. As described above, Apple designs, manufactures, makes, uses,  
10 provides, imports into the United States, sells and/or offers for sale in the United  
11 States the Accused Products and thus directly infringes (both literally and/or under  
12 the doctrine of equivalents) the '114 Patent.

13 264. On information and belief, Apple is currently and will continue to  
14 actively induce and encourage infringement of the '114 Patent. Apple has known of  
15 the '114 Patent as described above and, at a minimum, at least since the time the  
16 Original Complaint was filed and served on Apple. On information and belief, Apple  
17 nevertheless actively encourages others to infringe the '114 Patent. On information  
18 and belief, Apple knowingly induces infringement by others, including resellers,  
19 retailers, and end users of the Accused Products. For example, Apple's customers  
20 and the end users of the Accused Products test and/or operate the Accused Products  
21 in the United States in accordance with Apple's instructions contained in, for  
22 example, its user manuals, and as Apple intends iOS, iPadOS, and watchOS to be  
23 used, thereby also performing the claimed methods and directly infringing the  
24 asserted claims of the Accused Products requiring such operation. *See e.g. Apple*  
25 *Watch User Guide Open apps on Apple Watch*, APPLE, [https://support.apple.com](https://support.apple.com/guide/watch/open-apps-apda1bf1a95b/watchos)  
26 [/guide/watch/open-apps-apda1bf1a95b/watchos](https://support.apple.com/guide/watch/open-apps-apda1bf1a95b/watchos) (last visited Oct. 16, 2023); *Apple*  
27 *Watch User Guide Apple Watch faces and their features*, APPLE,  
28 <https://support.apple.com/guide/watch/faces-and-features-apde9218b440/watchos>

1 (last visited Oct. 16, 2023); *iPhone User Guide Use and customize Control Center*  
2 *on iPhone*, APPLE, [https://support.apple.com/guide/iphone/use-and-customize-](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0)  
3 [control-center-iph59095ec58/17.0/ios/17.0](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0) (last visited Oct. 16, 2023). These facts  
4 give rise to a reasonable inference that Apple knowingly induces others, including  
5 resellers, retailers, and end users, to directly infringe the '114 Patent, and that Apple  
6 possesses a specific intent to cause such infringement.

7         265. Apple also contributes to infringement of the '114 Patent by selling for  
8 importation into the United States, importing into the United States, and/or selling  
9 within the United States after importation the accused devices and the non-staple  
10 constituent parts of those devices, which are not suitable for substantial noninfringing  
11 use and which embody a material part of the invention described in the '114 Patent.  
12 These mobile devices are known by Apple to be especially made or especially  
13 adapted for use in the infringement of the '114 Patent. Specifically, on information  
14 and belief, Apple sells the accused devices to resellers, retailers, and end users with  
15 knowledge that the devices are used for infringement. End users of those mobile  
16 electronic devices directly infringe the '114 Patent.

17         266. Smith Interface has, to the extent required, complied with the marking  
18 statute, 35 U.S.C. § 287.

19         267. As a result of Apple's infringement of the '114 Patent, Smith Interface  
20 has suffered and continues to suffer damages. Thus, Smith Interface is entitled to  
21 recover from Apple the damages Smith Interface sustained (and continues to sustain)  
22 as a result of Apple's wrongful and infringing acts in an amount no less than a  
23 reasonable royalty.

24         268. Apple's infringement of the '114 Patent has been willful. Apple has  
25 known of the '114 Patent as described above and, at a minimum, at least since the  
26 time of or shortly after filing of the Original Complaint. Further, at least since the  
27 time of or shortly after filing of the Original Complaint, Apple has been aware of  
28 how iOS, iPadOS, and watchOS infringe at least claim 27 of the '114 Patent as



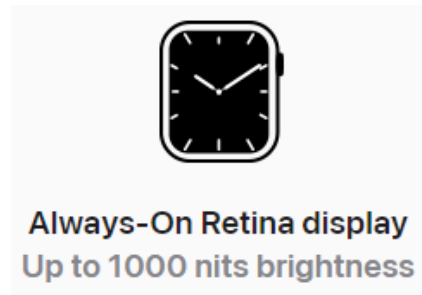
1 detailed in the Original Complaint. Since that time, Apple has not updated or  
2 modified iOS, iPadOS, or watchOS to cease its infringement of the '114 Patent. Upon  
3 information and belief, Apple deliberately and intentionally infringed, and continues  
4 to deliberately and intentionally infringe, the '114 Patent. Apple knew or should have  
5 known that its actions would cause infringement of the '114 Patent, yet, Apple has,  
6 and continues to, infringe the '114 Patent.

7 269. This is an exceptional case warranting an award of treble damages to  
8 Smith Interface under 35 U.S.C. § 284, and an award of Smith Interface's attorney's  
9 fees under 35 U.S.C. § 285.

10 270. By way of non-limiting example(s), set forth below (with claim  
11 language in bold and italics) is exemplary evidence of infringement of claim 27 of  
12 the '114 Patent by the Accused Products. This description is based on publicly  
13 available information. Smith Interface reserves the right to modify this description,  
14 including, for example, on the basis of information about the Accused Products that  
15 it obtains during discovery.

16 271. ***27(a): “An apparatus, comprising: at least one non-transitory memory***  
17 ***storing instructions and a plurality of applications; a touch screen; and one or***  
18 ***more processors in communication with the at least one non-transitory memory***  
19 ***and the touch screen, wherein the one or more processors execute the instructions***  
20 ***to cause the apparatus to:”***— The Accused Products comprise at least one non-  
21 transitory memory storing instructions and a plurality of applications, a touch screen,  
22 and one or more processors in communication with the at least one non-transitory  
23 memory and the touch screen, wherein the one or more processors execute the  
24 instructions to cause the apparatus to perform. An example is shown below:  
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272. 27(b): “display an object on at least a portion of an interface;”— The Accused Products are designed to display an object on at least a portion of an interface. An example is shown below:



273. 27(c): “detect a gesture via the touch screen on the object;”— The Accused Products are designed to detect a gesture via the touch screen on the object. An example is shown below:

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274. 27(d): “perform a first function in a first touch state;”— The Accused Products are designed to perform a first function in a first touch state. An example is shown below:



275. 27(e): “perform a second function in a second touch state; and”— The Accused Products are designed to perform a second function in a second touch state. An example is shown below:



1           276. 27(f): *“during detection of at least a portion of the gesture and based*  
 2 *on a change in a duration of the gesture being detected via the touch screen on the*  
 3 *object, perform a scale operation in connection with the at least portion of the*  
 4 *interface, where the scale operation includes a reduction in a size that is inversely*  
 5 *related to the duration of the gesture being detected via the touch screen on the*  
 6 *object.”*— The Accused Products are designed such that during detection of at least  
 7 a portion of the gesture and based on a change in a duration of the gesture being  
 8 detected via the touch screen on the object, perform a scale operation in connection  
 9 with the at least portion of the interface, where the scale operation includes a  
 10 reduction in a size that is inversely related to the duration of the gesture being  
 11 detected via the touch screen on the object. An example is shown below:



**COUNT X**

**(CLAIM FOR PATENT INFRINGEMENT OF THE '727 PATENT)**

21           277. Smith Interface incorporates the foregoing paragraphs by reference as if  
 22 fully set forth herein.

23           278. A true and accurate copy of the '727 Patent is attached hereto as Exhibit  
 24 10.

25           279. All claims of the '727 Patent are valid and enforceable, and each enjoys  
 26 a statutory presumption of validity under 35 U.S.C. § 282.

27           280. The claims of the '727 Patent are directed to an improvement of the user  
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1 interface on a mobile device and not an abstract idea.

2 281. Smith Interface is the sole owner of the '727 Patent and possess the  
3 rights to past damages.

4 282. Independent claim 1 of the '727 Patent recites:

5 1. A device, comprising:

6 at least one non-transitory memory;

7 a touch screen; and

8 one or more processors in communication with the at least one non-

9 transitory memory, and the touch screen, wherein the one or more

10 processors execute instructions in the at least one non-transitory

11 memory, to cause the device to:

12 display an object and at least one other object;

13 detect at least part of a gesture on the touch screen; and

14 during detection of at least a portion of the gesture before a

15 completion thereof is detected, blur, based on a change in a

16 distance magnitude of the gesture being detected on the touch

17 screen to thereby move the object on the touch screen, at least a

18 portion of the at least one other object that is not overlapped, such

19 that a magnitude of the blur itself, and not a magnitude of an area

20 of the touch screen that is blurred, is increased as a function of an

21 increase in the distance magnitude.

22 283. In violation of 35 U.S.C. § 271, Apple has been and is still infringing  
23 (both literally and/or under the doctrine of equivalents), contributing to infringement,  
24 and/or inducing others to infringe of the '727 Patent by making, using, offering for  
25 sale, selling, importing, or encouraging and intending that others to use mobile  
26 devices that practice at least claim 1 of the '727 Patent, including but not limited to  
27 the Accused Products.

28 284. As described above, Apple designs, manufactures, makes, uses,

1 provides, imports into the United States, sells and/or offers for sale in the United  
2 States the Accused Products and thus directly infringes (both literally and/or under  
3 the doctrine of equivalents) the '727 Patent.

4 285. On information and belief, Apple is currently and will continue to  
5 actively induce and encourage infringement of the '727 Patent. Apple has known of  
6 the '727 Patent as described above and, at a minimum, at least since the time the First  
7 Amended Complaint was filed and served on Apple. On information and belief,  
8 Apple nevertheless actively encourages others to infringe the '727 Patent. On  
9 information and belief, Apple knowingly induces infringement by others, including  
10 resellers, retailers, and end users of the Accused Products. For example, Apple's  
11 customers and the end users of the Accused Products test and/or operate the Accused  
12 Products in the United States in accordance with Apple's instructions contained in,  
13 for example, its user manuals, and as Apple intends iOS and iPadOS to be used,  
14 thereby also performing the claimed methods and directly infringing the asserted  
15 claims of the Accused Products requiring such operation. *See e.g. iPhone User Guide*  
16 *Use and customize Control Center on iPhone*, APPLE,  
17 [https://support.apple.com/guide/iphone/use-and-customize-control-center-](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0)  
18 [iph59095ec58/17.0/ios/17.0](https://support.apple.com/guide/iphone/use-and-customize-control-center-iph59095ec58/17.0/ios/17.0) (last visited Oct. 16, 2023). These facts give rise to a  
19 reasonable inference that Apple knowingly induces others, including resellers,  
20 retailers, and end users, to directly infringe the '727 Patent, and that Apple possesses  
21 a specific intent to cause such infringement.

22 286. Apple also contributes to infringement of the '727 Patent by selling for  
23 importation into the United States, importing into the United States, and/or selling  
24 within the United States after importation the accused devices and the non-staple  
25 constituent parts of those devices, which are not suitable for substantial noninfringing  
26 use and which embody a material part of the invention described in the '727 Patent.  
27 These mobile devices are known by Apple to be especially made or especially  
28 adapted for use in the infringement of the '727 Patent. Specifically, on information

1 and belief, Apple sells the accused devices to resellers, retailers, and end users with  
2 knowledge that the devices are used for infringement. End users of those mobile  
3 electronic devices directly infringe the '727 Patent.

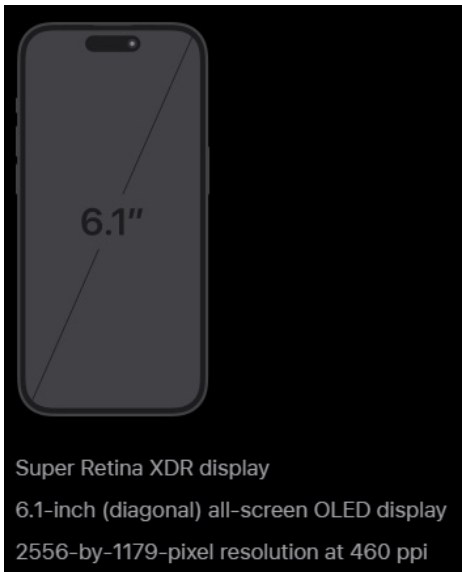
4 287. As a result of Apple's infringement of the '727 Patent, Smith Interface  
5 has suffered and continues to suffer damages. Thus, Smith Interface is entitled to  
6 recover from Apple the damages Smith Interface sustained (and continues to sustain)  
7 as a result of Apple's wrongful and infringing acts in an amount no less than a  
8 reasonable royalty.

9 288. Apple's infringement of the '727 Patent is willful. Apple has known of  
10 the '727 Patent as described above and, at a minimum, at least since the time of or  
11 shortly after filing of the First Amended Complaint. Further, at least since the time  
12 of or shortly after filing of the First Amended Complaint, Apple has been aware of  
13 how iOS and iPadOS, infringe at least claim 1 of the '727 Patent as detailed in the  
14 First Amended Complaint. Since that time, Apple has not updated or modified iOS  
15 or iPadOS to cease its infringement of the '727 Patent. Upon information and belief,  
16 Apple deliberately and intentionally infringed, and continues to deliberately and  
17 intentionally infringe, the '727 Patent. Apple knew or should have known that its  
18 actions would cause infringement of the '727 Patent, yet, Apple has, and continues  
19 to, infringe the '727 Patent.

20 289. This is an exceptional case warranting an award of treble damages to  
21 Smith Interface under 35 U.S.C. § 284, and an award of Smith Interface's attorney's  
22 fees under 35 U.S.C. § 285.

23 290. By way of non-limiting example(s), set forth below (with claim  
24 language in bold and italics) is exemplary evidence of infringement of claim 1 of the  
25 '727 Patent by the Accused Products. This description is based on publicly available  
26 information. Smith Interface reserves the right to modify this description, including,  
27 for example, on the basis of information about the Accused Products that it obtains  
28 during discovery.

1           291. *1(a): “A device, comprising: at least one non-transitory memory; a*  
 2 *touch screen; and one or more processors in communication with the at least one*  
 3 *non-transitory memory, and the touch screen, wherein the one or more processors*  
 4 *execute instructions in the at least one non-transitory memory, to cause the device*  
 5 *to:”*— The Accused Products comprise at least one non-transitory memory, a touch  
 6 screen, and one or more processors in communication with the at least one non-  
 7 transitory memory, and the touch screen, wherein the one or more processors execute  
 8 instructions in the at least one non-transitory memory, to cause the device to perform.  
 9 An example is shown below:



<b>Capacity<sup>1</sup></b>	128GB	128GB
	256GB	256GB
	512GB	512GB
	1TB	1TB

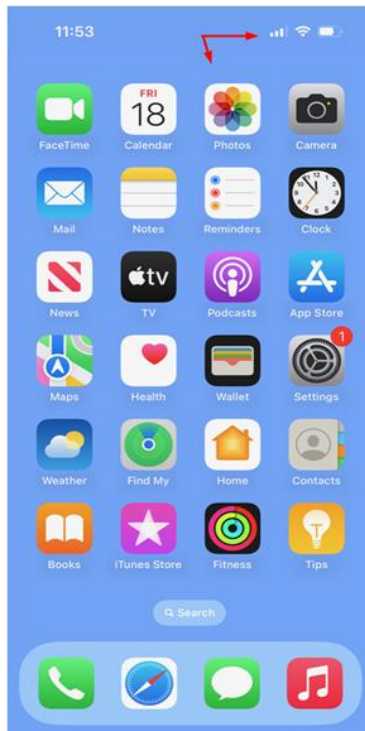
<b>Chip</b>		A16 Bionic chip
		6-core CPU with 2 performance and 4 efficiency cores
		5-core GPU
		16-core Neural Engine

26 <https://www.apple.com/iphone-14-pro/specs/>

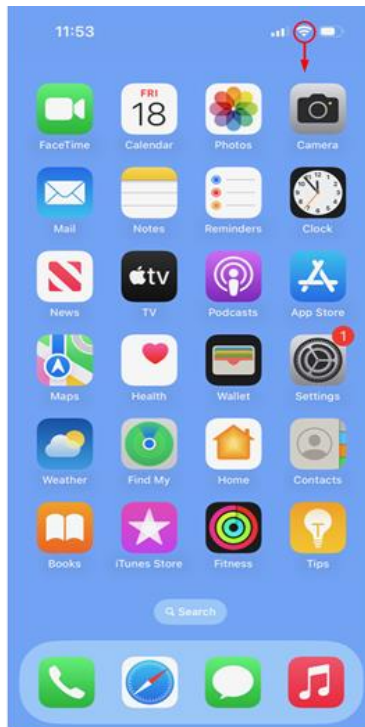
27           292. *1(b): “display an object and at least one other object;”*— The Accused  
 28 Products display an object and at least one other object. An example is shown below:



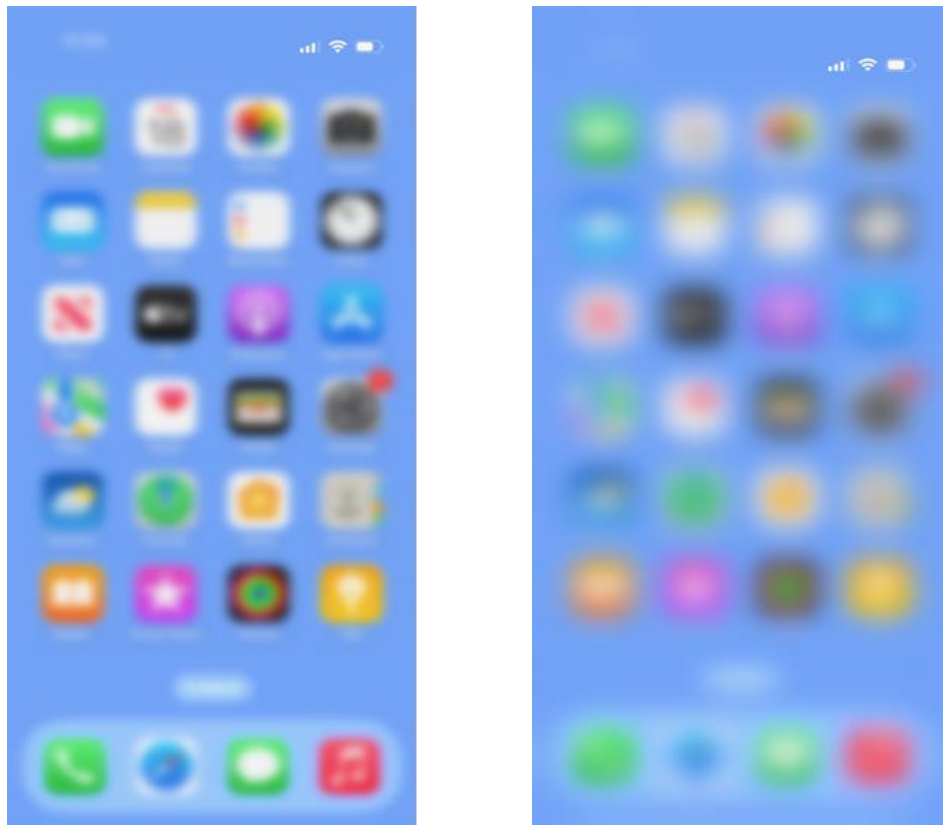
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***1(c): “detect at least part of a gesture on the touch screen; and”***— The Accused Products detects at least part of a gesture on the touch screen.



1           293. *1(d): “during detection of at least a portion of the gesture before a*  
2 *completion thereof is detected, blur, based on a change in a distance magnitude of*  
3 *the gesture being detected on the touch screen to thereby move the object on the*  
4 *touch screen, at least a portion of the at least one other object that is not overlapped,*  
5 *such that a magnitude of the blur itself, and not a magnitude of an area of the*  
6 *touch screen that is blurred, is increased as a function of an increase in the*  
7 *distance magnitude.”*— The Accused Products are designed to, during detection of  
8 at least a portion of the gesture before a completion thereof is detected, blur, based  
9 on a change in a distance magnitude of the gesture being detected on the touch screen  
10 to thereby move the object on the touch screen, at least a portion of the at least one  
11 other object that is not overlapped, such that a magnitude of the blur itself, and not a  
12 magnitude of an area of the touch screen that is blurred, is increased as a function of  
13 an increase in the distance magnitude. An example is shown below:



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**JURY DEMAND**

294. Smith Interface demands, pursuant to Federal Rules of Civil Procedure 38, a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

295. Smith Interface respectfully requests that the Court:

- A. Adjudge that Apple has and is infringing the Asserted Patents;
- B. Adjudge that Apple’s infringement of the Asserted Patents has been willful;
- C. Award Smith Interface damages in an amount adequate to compensate Smith Interface for Apple’s infringement of the Asserted Patents, but in no event less than a reasonable royalty under 35 U.S.C. § 284;
- D. Award enhanced damages pursuant to 35 U.S.C. § 284;
- E. Enter an order finding that this is an exceptional case and awarding Smith Interface its costs, attorney’s fees, and expenses, whether under 35 U.S.C. § 285 or otherwise;
- F. Award pre-judgment and post-judgment interest on the damages awarded at the highest rate allowed by law;
- G. Order an accounting of all damages; and
- H. Grant Smith Interface such other and further relief, general and special, at law or in equity, as the Court deems just and equitable.

1 Dated: March 19, 2023

Respectfully submitted,

2 \_\_\_\_\_  
/s/ Brett C. Govett

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