IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STATE FARM MUTUAL AUTOMOBILE INSURANCE CO., Plaintiff, v. AMAZON.COM, INC. and AMAZON.COM SERVICES LLC, Defendants.	CIVIL ACTION NO. 1:22-CV-01447 (CJB) **JURY TRIAL DEMANDED** **REDACTED** **PUBLIC VERSION**

SECOND AMENDED COMPLAINT

Plaintiff State Farm Mutual Automobile Insurance Company ("State Farm" or "Plaintiff") files this Second Amended Complaint for Patent Infringement, Trade Secret Misappropriation, Breach of Contract, Fraud, and Unfair Competition and Demand for Jury Trial against Amazon.com, Inc. and Amazon.com Services LLC (collectively, "Amazon" or "Defendants").

INTRODUCTION

1. This is a case about innovation, and the infringement and theft of intellectual property that threatens to undermine it. The technologies at issue in this case concern key elder care advancements that State Farm developed and partnered with Amazon to adapt for Amazon Alexa-enabled devices until Amazon took State Farm's technology and used its vast marketing power to launch its own product to its millions of users.

2. State Farm welcomes fair competition and does not bring litigation lightly. In fact, it had never before filed suit for patent infringement. But Amazon's blatant, willful infringement, misappropriation of trade secrets, misrepresentations and other unfair conduct creates an unfair playing field and threatens the ability to innovate. Amazon's conduct is so contrary to State

Farm's core values of being "a good neighbor"—both in terms of the irreparable harm it has caused State Farm, and to innovation as a whole—that State Farm had no choice but to bring this action and this amended complaint. As noted in further detail below, this is just the latest example of Amazon unfairly using its widespread platform and global scale to siphon other companies' innovations for its own gain.

3. State Farm was founded in 1922 by a visionary farmer in central Illinois to provide affordable automobile insurance to farmers and rural drivers, and has been well-known for a hundred years as a leading provider of insurance and financial services, servicing its customers first, and not being beholden to stockholders. Innovation has always been at the core of State Farm's mission to help its customers and improve customer service, beginning with its founder's visionary ideas to better match insurance pricing to risk, resulting in lower cost insurance for rural insureds.

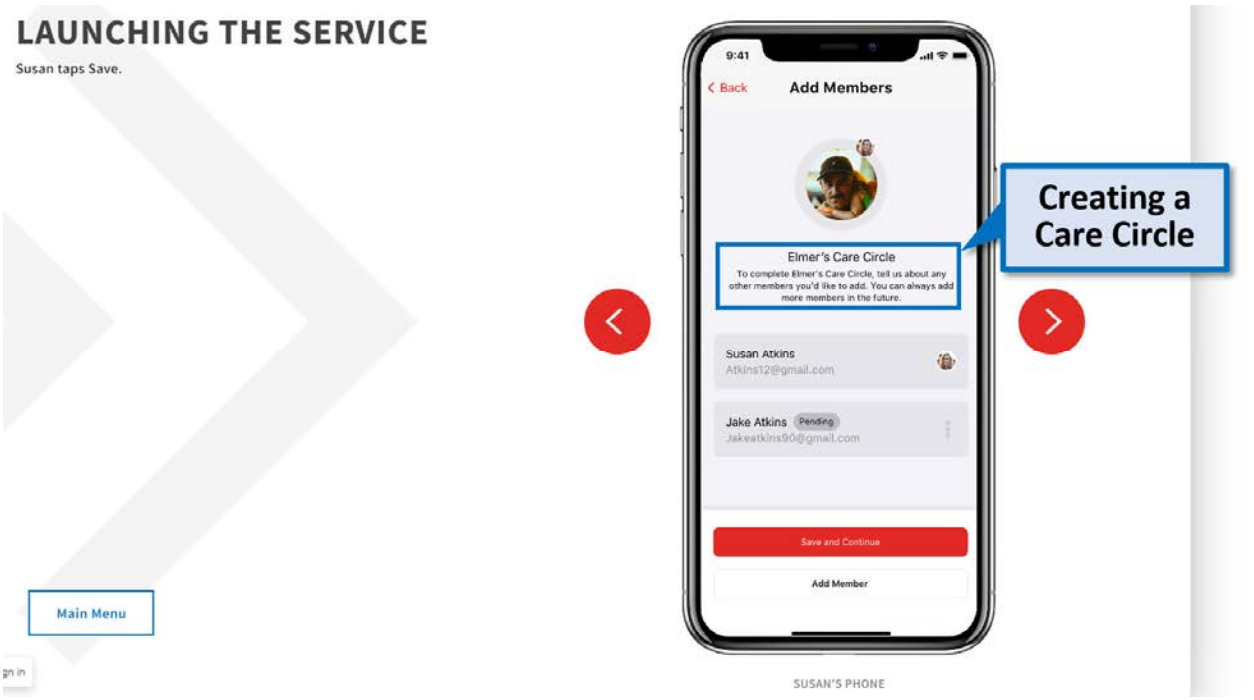
4. State Farm has continued to develop innovative technologies relating to its core business since its founding, devoting significant resources to identifying, researching, and developing critical technologies for the betterment of its customers. Among its many technological innovations, State Farm has fostered key advancements in automobile safety, home safety and security, disaster response, sustainability, and energy efficiency. More recently, since founding its RED Labs department in 2017, State Farm has advanced the use of aerial drone images to model risk and assess damage to homes, virtual reality to improve employee training and post-training retention, smart monitoring to reduce electrical fire risk, and the elder care technologies at issue in this case.

5. Such technological innovation requires extensive investments. To that end, State Farm employs technicians, engineers, and product developers throughout the United States, and has

spent millions of dollars to research new and emerging technologies and develop a wide range of products that allow it to provide better and more efficient services to its customers, as well as make the lives of its customers better in ways that were not previously attainable. To protect its substantial investments in research and development, State Farm has been awarded over 1,500 United States patents for its key technical innovations to date.

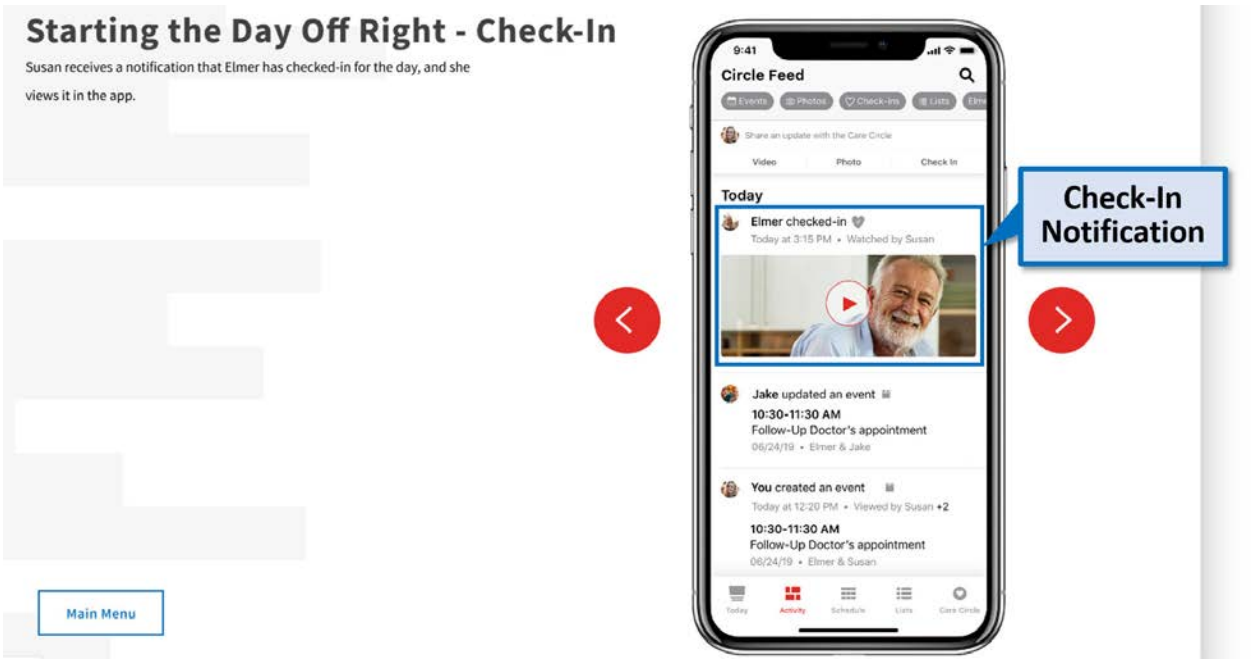
6. Among its many innovations, State Farm is responsible for key, specific technological advancements associated with "Senior Living," the primary goal of which is to allow seniors to live independently and remain in their homes longer. Some of those innovations resulted in a novel Engagement and Care Support Platform ("ECSP"), which culminated in a product called "Sundial®," and which is protected by the patents asserted in this suit. Arising out of a multi-year research and development process, and focusing on assisting seniors who wish to remain in their own homes as they age, State Farm's novel ECSP includes specific technological functionality that facilitates allowing elderly users to maintain their independence, while simultaneously permitting caregivers and family members to maintain insight into the activity levels of the elderly user, all through a new technological platform designed and developed by State Farm.

7. As shown in the design document excerpted below, Sundial® includes a virtual care hub which provides family members, neighbors, friends, and other caregivers specific technological functionality allowing them to connect and communicate.



Ex. 7, Sundial® Design Document (annotations in blue added).

8. As depicted below, a primary feature of Sundial® was a specific technological mechanism providing the ability to monitor a senior's use of their electronic devices and send notifications to the mobile devices of their virtual care circle members once the senior had used an electronic device for the first time in the morning, *i.e.*, a "check-in" feature.



Ex. 8, Sundial® Design Document (annotations in blue added).

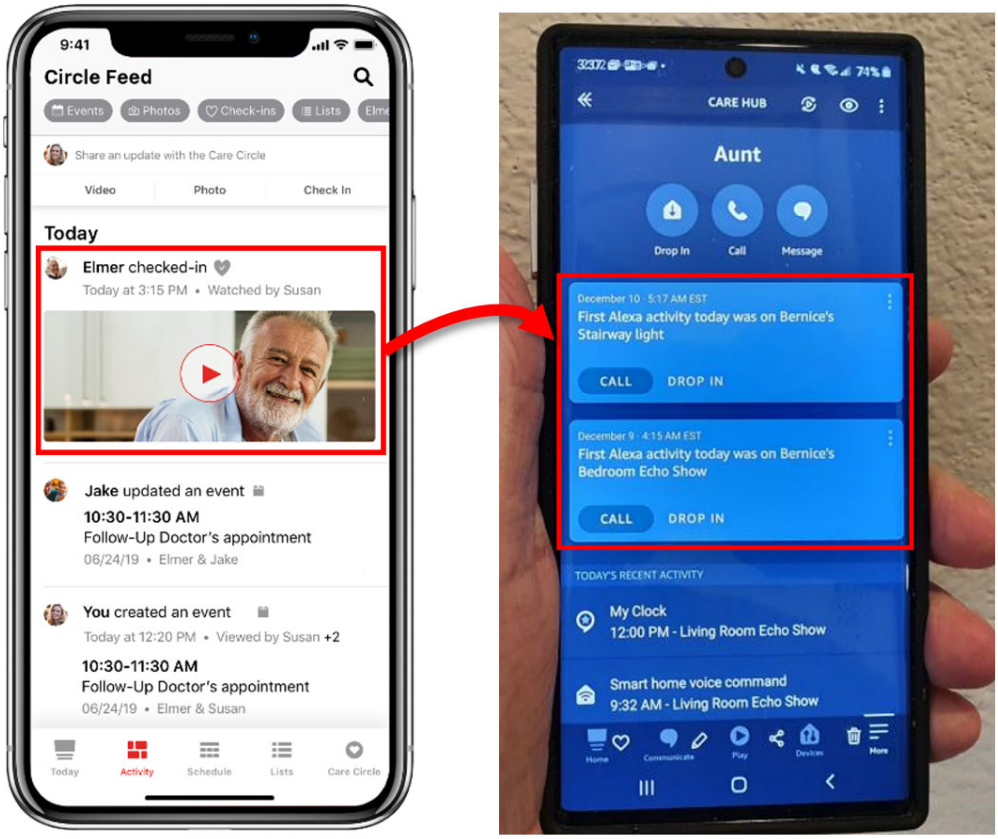
9. State Farm publicly launched its Sundial® product on June 22, 2020. Ex. 9, Dave Phillips, Sundial Points the Way to Connected Living, GOOD NEIGHBOR STORIES, June 22, 2020, *available at* https://newsroom.statefarm.com/sundial-points-the-way-to-connected-living/.

10. Amazon's story, when it comes to the matters at issue in this case, is quite different from State Farm's. Amazon was founded in 1994 as an online marketplace. It has since expanded into multiple product categories, including virtual assistant technology, such as Amazon's "Alexa" device. However, unlike State Farm, Amazon was unable to independently produce technological innovations in that area that were suited to meeting the aforementioned needs of elderly users and their caregivers. Instead, over the course of 2019 and 2020, in connection with State Farm's efforts to adapt its Sundial® application for Amazon Alexa-enabled devices, Amazon closely watched as State Farm's senior product and technical personnel completed development of State Farm's patented Sundial® technology. Amazon held regular meetings with State Farm, received materials concerning State Farm's innovative, patent-pending

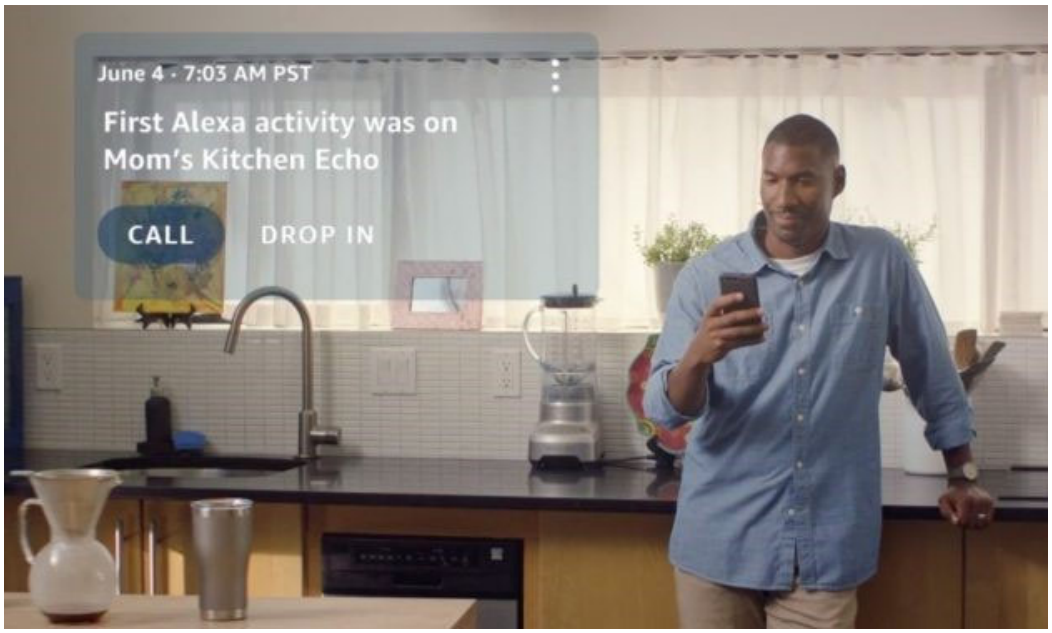
technologies, and Amazon's engineers, executives, and other personnel learned about the structure, operation, functions of, and applications for those patented technologies.

11. But Amazon did not stop at merely watching; instead, its egregious actions, under the guise of an alleged partnership, reflect blatant, willful infringement. Rather than viewing its work with State Farm as the partnership it was intended to be, Amazon saw an opportunity to copy State Farm's pioneering, proprietary technologies and avoid the expensive and time-consuming effort that would have been necessary to develop its own innovations in the elder care space for Alexa. Amazon did not have a comparable product in the elder care space until it launched Alexa "Care Hub" in November 2020, over a year after it was introduced to State Farm's patented ECSP product. In September 2020, just over two months after State Farm publicly launched its Sundial® product, Amazon began promoting its Alexa "Care Hub" product. Amazon's Alexa "Care Hub" even included its own "check-in" feature similar to that provided by Sundial® as shown below—reflecting unabashed copying.

SUNDIAL® **CARE HUB**



Ex. 8, Sundial® Design Document (annotations added); Ex. 10, Frank Engelman, Alexa Care Hub: How To Advice, TECH-ENHANCED LIFE, September 10, 2020, *available at* https://www.techenhancedlife.com/citizen-research/alexa-care-hub-set-up (last visited November 2, 2022) (annotations added).



Ex. 11, Khari Johnson, Amazon launches Care Hub for family to monitor senior citizens, VENTUREBEAT, September 24, 2020, *available at* https://venturebeat.com/2020/09/24/amazon-launches-care-hub-for-family-to-monitor-senior-citizens/ (last visited November 2, 2022).

12. The timing of Amazon's advertising and product launch was no coincidence, and State Farm promptly notified Amazon that its products used State Farm's patented technology. Even then, Amazon did not stop. To the contrary, within six months, Amazon launched a new subscription version of the Alexa Care Hub, called "Alexa Together," which, like the Alexa Care Hub, also infringes State Farm's patents. Indeed, Alexa Together incorporates even more of State Farm's highly innovative and patented features—including the innovative "circle of friends" technology, which provides a specific, technical approach to allowing family members and other caregivers to share responsibilities in providing support for their relatives.

13. Shortly after Amazon's announcement, State Farm again informed Amazon that Alexa Together used State Farm's patents. Undeterred, in December 2021, despite full notice of its infringement of State Farm's patents, Amazon launched Alexa Together in blatant disregard of State Farm's intellectual property rights.

14. Amazon's disregard for State Farm's investments in product development and intellectual property rights goes beyond infringing patents. State Farm does not bring the additional accusations that Amazon is guilty of (i) trade secret misappropriation, (ii) breach of contract, (iii) fraud, and (iv) unfair competition lightly. However, recent facts reveal exactly that happened. For instance, during the period in which State Farm was adapting its Sundial® application for Amazon Alexa-enabled devices, and despite the apparent working relationship between State Farm and Amazon, Amazon misrepresented and concealed that it was building a product that would directly compete with the Sundial® application. Amazon not only kept its competing product secret from State Farm, it expressly indicated to State Farm that Amazon was not developing a competing application for Alexa. Based on State Farm's understanding that the development of a senior living-focused application for Alexa was solely State Farm's initiative, and not Amazon's, State Farm invested heavily in the development of the Sundial® application and its integration with Alexa, including purchasing [redacted] promotional codes for Echo devices from Amazon so that State Farm could offer free Alexa Echo devices to customers as part of a promotion. But Amazon's representations were false and misled State Farm. Amazon continued to, in parallel, develop an application that would compete directly with State Farm's Sundial®, but intentionally hid that information from State Farm. Amazon's misrepresentation resulted in State Farm spending substantial time and resources developing Sundial® including purchasing products from Amazon—something State Farm never would have done had it known that after it launched Sundial®, it would face Amazon's own nearly-identical Alexa-branded Care Hub and Alexa Together applications.

15. Amazon further leveraged its concealment and misdirection by misappropriating State Farm's confidential trade secret information. In connection with State Farm's efforts to integrate

Sundial® with Alexa, and pursuant to [redacted], State Farm shared confidential details about Sundial® with certain Amazon business team members. Believing that it was providing information necessary to integrate Sundial® with Amazon's Alexa platform and to partner with Amazon for purposes of marketing Sundial®, State Farm provided critical technical information including, detailed information concerning the features it had developed and their descriptions, roadmaps, technical architecture documents, and marketing plans and materials, as well as confidential demonstrations of unreleased prototypes. [redacted] Amazon's misappropriation of State Farm's trade secrets and misuse of State Farm's confidential information directly violated the [redacted] Ex. 34, AMZ_0006917 §§ 1, 3e. And once again, Amazon never informed State Farm that it was developing a competing product, [redacted]

16. Despite State Farm repeatedly notifying Amazon of its infringement and State Farm's attempts to resolve this issue amicably, Amazon continues its unlawful campaign. As such, State Farm has no choice but to bring this lawsuit to protect its intellectual property investments and to hold Amazon accountable for its willful infringement, fraudulent misrepresentations,

misappropriation and blatant disregard for State Farm's intellectual property rights. Amazon's actions have caused harm, and continue to cause harm, to State Farm by incorporating State Farm's intellectual property into Amazon's products.

17. Sadly, this conduct is not new for Amazon. This is just the latest example of a pattern of anticompetitive behavior, including intellectual property infringement and other flagrant violations of the partnership agreements into which it has entered. Amazon's repeated efforts to run roughshod over other companies that develop their own products, services, and technologies—documented repeatedly by a variety of sources—significantly harms innovation and undermines the intent of the U.S. patent laws. *See, e.g.*, Ex. 12, Dana Mattioli, ***How Amazon Wins: By Steamrolling Rivals and Partners***, The Wall Street Journal (last updated December 22, 2020), *available at* https://www.wsj.com/articles/amazon-competition-shopify-wayfair-allbirds-antitrust-11608235127 (detailing Amazon's aggressive tactics with partners and competitors); Ex. 13, Dana Mattioli and Cara Lombardo, ***Amazon Met With Startups About Investing, Then Launched Competing Products***, The Wall Street Journal (last updated July 23, 2020) *available at* https://www.wsj.com/articles/amazon-tech-startup-echo-bezos-alexa-investment-fund-11595520249 (detailing how Amazon exploits information and data that is shared with the company and uses it to create competing services); Ex. 14, Aditya Kalra and Steve Stecklow, ***Amazon Copied Products and Rigged Search Results to Promote Its Own Brands, Documents Show***, Reuters (last updated October 13, 2021), *available at* https://www.reuters.com/investigates/special-report/amazon-india-rigging/ (detailing how Amazon's internal documents show how it copied goods and boosted its own search results in India); Ex. 15, Dana Mattioli, ***Amazon Scooped Up Data From Its Own Sellers to Launch Competing Products***, The Wall Street Journal (last updated April 23, 2020), *available at*

https://www.wsj.com/articles/amazon-scooped-up-data-from-its-own-sellers-to-launch-competing-products-11587650015 (detailing how Amazon used data from independent sellers on their platform to develop competing products); Ex. 16, Charles Duhigg, ***Is Amazon Unstoppable?***, The New Yorker (Oct. 10, 2019), *available at* https://www.newyorker.com/magazine/2019/10/21/is-amazon-unstoppable (discussing Amazon's history of copying products of third parties, noting "Amazon's obsession with expansion made it the corporate equivalent of a colonizer, ruthlessly invading new industries and subjugating many smaller companies along the way.").

18. Indeed, even after receiving an additional explanation of its infringement of State Farm's patents when State Farm filed its original Complaint (Dkt. 1) over a year ago on November 3, 2022, Amazon has continued to market and sell its infringing products undeterred.

19. If Amazon's improper use of State Farm's technologies allows Amazon to avoid the investments in time and money needed to independently develop new products, other companies will be encouraged to simply use others' proprietary technologies rather than hire engineers, invest in innovation, and develop new technologies organically, and true innovators will simply give up or give in. Amazon should therefore be enjoined from improperly infringing State Farm's lawful patent rights and misappropriating State Farm's trade secrets.

NATURE OF THE CASE

20. Plaintiff brings claims under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, for the willful infringement of the following United States patents: U.S. Patent Nos. 11,107,581 ("the '581 patent"), 11,114,203 ("the '203 patent"), 11,056,235 ("the '235 patent"), 11,393,585 ("the '585 patent"), 10,825,318 ("the '318 patent"), and 11,094,180 ("the '180 patent") (collectively, the "Patents-in-Suit").

21. Plaintiff also brings claims under the Defend Trade Secrets Act (DTSA) and the Delaware Trade Secrets Act for misappropriation of trade secrets, a claim for breach of contract, and claims of common law fraud and unfair competition under Illinois law.

THE PARTIES

22. State Farm is a mutual insurance company organized under the laws of the State of Illinois, with its principal place of business at One State Farm Plaza, Bloomington, Illinois 61710.

23. Amazon.com, Inc. is a corporation organized under the laws of the State of Delaware, with its principal place of business at 410 Terry Avenue North, Seattle, Washington 98109.

24. Amazon.com Services LLC is a corporation organized under the laws of the State of Delaware, with its principal place of business at 410 Terry Avenue North, Seattle, Washington 98109.

JURISDICTION & VENUE

25. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

26. This Court also has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332, and the trade secret laws of the United States, 18 U.S.C. §§ 1836 and 1839. This Court also has supplemental jurisdiction over the asserted state law claims pursuant to 28 U.S.C. § 1367(a) because the federal and state law claims derive from a common nucleus of operative facts.

27. The Court has personal jurisdiction over Amazon in this action because each Amazon Defendant is incorporated in the State of Delaware. Amazon has also committed acts within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

28. Amazon also conducts business in this District by making, shipping, distributing, offering for sale, selling, and advertising its products and services in this District. Amazon has, either

directly or through intermediaries, purposefully and voluntarily placed one or more of its infringing products and/or services into the stream of commerce with the intention and expectation that they will be purchased and used by customers in this District.

29. For example, Amazon distributes, sells, and delivers infringing products and/or services to consumers in this District. A customer seeking to purchase infringing products and/or services can do so from the Amazon website, Amazon.com. On the Amazon.com website, customers can purchase third-party products intended to be used in an infringing manner with Amazon's infringing products and/or services. *See, e.g.*, Ex. 17, https://www.amazon.com/Vayyar-Care-Touchless-Detection-Subscription/dp/B09JXV82Z6, last visited November 2, 2022. These products are identified as shipped from and sold by "Amazon.com." *Id.* By making, shipping, distributing, offering for sale, selling, and advertising its products and services to Delaware residents, Amazon purposefully places its infringing products and/or services into the stream of commerce.

30. Further, as described below, Amazon has a regular and established place of business in this District, including a 3.8 million square-foot fulfillment center, the "largest operational Amazon facility in the country." Ex. 18, https://www.delawareonline.com/story/money/business/2021/09/21/amazon-opens-mega-warehouse-delaware/8347000002/. Amazon also has fulfillment centers in this District in Middletown and New Castle. Exs. 12, 13. Amazon has purposefully directed its activities at this State and District and should reasonably expect to be hauled into this Court.

31. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Amazon is incorporated within this District, regularly conducts business within this District, has a regular and established place of business in this District, and has committed acts of infringement within

this District. Amazon's regular and established places of business in this District include the Wilmington, Middletown, and New Castle fulfillment centers. Amazon also employs more than 3,500 people in the District of Delaware and sells and offers to sell infringing products and services to customers in the District of Delaware. Ex. 19, https://www.choosedelaware.com/press-releases/amazon-invests-in-delaware-new-fulfillment-center/.

32. Amazon advertises that it has invested more than $2.5 billion in Delaware since 2010. *See, e.g.*, Ex. 19, https://www.choosedelaware.com/press-releases/amazon-invests-in-delaware-new-fulfillment-center/.

33. Amazon further designs, uses, distributes, sells, and/or offers for sale infringing products and/or services to consumers and businesses in this District, as described above.

BACKGROUND

STATE FARM IS A LEADING PROVIDER OF IMPORTANT TECHNOLOGIES FOR ITS INSURED IN ADDITION TO INSURANCE AND FINANCIAL SERVICES

34. For 100 years, State Farm has been a leading provider of insurance and financial services. Founded in 1922 by George Mecherle, an Illinois farmer who wanted to provide fair and honest insurance for other farmers, State Farm was initially a small auto insurance company that used word of mouth to grow its business. State Farm is now the number one provider of home and auto insurance in the United States. Its more than 19,400 agents and approximately 53,400 employees serve over 87 million policies and accounts, which include auto, fire, life, health, and commercial policies and financial services accounts.

35. Beyond providing insurance, State Farm invests in improving the safety and lives of its customers and communities. State Farm launched its first auto-safety campaign in the 1920s and continues to educate and promote auto safety for drivers and passengers. In 1955, State

Farm launched its auto safety testing program and expanded into seatbelt and airbag safety testing in the 1960s. State Farm is also a founding member of the Insurance Institute for Highway Safety, Advocates for Highway & Auto Safety, Insurance Institute for Business and Home Safety, and Mcity Leadership Circle, among others.

36. State Farm has invested and continues to invest in qualitative, quantitative, and user-experience research to improve the quality and safety of homes and vehicles. For example, in 1997, the Children's Hospital of Philadelphia and State Farm formed Partners for Child Passenger Safety (PCPS) to create the first national child-focused surveillance system of motor vehicle crashes. The study (the largest of its kind in the world) collected information from more than 875,000 crashes involving more than 600,000 children from birth through age 15. The decade-long PCPS effort led to significant gains in child passenger safety. State Farm is also responsible for other advancements, including through its Arson Dog Program (through which State Farm has sponsored the training of over 400 arson dogs), Vehicle Research Facility, and Building Technology Research Laboratory, among others.

37. As part of its ongoing and extensive commitment to technological research and development, State Farm founded its Innovation Team in the early 2010s, which ultimately led to the formation of RED Labs in 2017. RED Labs focuses exclusively on fostering and developing new technologies. State Farm also has other internal divisions primarily focused on innovation, including teams within its Enterprise Technology department.

38. State Farm employs thousands of technical personnel devoted to innovation and has invested hundreds of millions in research and development. The technological innovations that have emerged from RED Labs have proven key to State Farm's customers, including, for example, the technologies related to the use of aerial drone images to model risk and assess damage to

property, and to using virtual reality to improve employee training and post-training retention. Other RED Labs' innovation projects relate to aerial data insights, artificial intelligence, machine learning, blockchain, care support, computer vision, digital life and health, emerging products within the digital economy, mobility and transportation, parametric insurance, the platform economy, quantum computing, and residential research. State Farm has over 1,500 United States patents to date, further reflecting the importance of those innovations.

STATE FARM DEVELOPED ITS PROPRIETARY SUNDIAL® APPLICATION FOR ELDER CARE

39. In 2018, State Farm, through RED Labs, began researching specific technology solutions that could be used to improve care for the elderly. Mark Oakley, the former head of State Farm's RED Labs, was inspired by his own personal experiences with caring for an elderly family member. State Farm also recognized that technological innovations that could be used in this area were sorely lacking, and there was a growing need for technological support among its elderly customers and their families, particularly for elders who wish to "age in place" in their own home and the families that provide support to them. State Farm's efforts culminated in August 2019 with a final design for a novel Engagement and Care Support Platform ("ECSP") and Sundial®. State Farm has been awarded numerous patents recognizing these innovations, including the patents asserted in this suit.

40. State Farm's novel ECSP allows elderly users to maintain their independence, while simultaneously providing remote caregivers insight into the activity levels of the elderly user. State Farm's improvements include concrete, specific technological requirements to address problems dealing with elderly users accessing interactive computing devices. Some of the key aspects of the ECSP, which are embodied in the patents asserted in this suit, include the use of technologies developed by State Farm to allow health and wellness monitoring for seniors to

blend into the background instead of requiring manual, intrusive check-ins or actively monitored camera systems.

41. In particular, the ECSP includes a novel "chatbot" to uniquely deploy the specific technology developed by State Farm. *See* Declaration of Dr. Stephen B. Wicker ("Wicker Decl.") § III.A. The technologies embodied in the patents asserted in this suit also include novel machine learning methods that interact with a variety of hardware sensors to determine patterns and detect anomalies that may indicate an individual in the home environment is suffering from a physical or other health issue, without the need for a caregiver to engage in any active monitoring or interaction. *Id.* § III.B. This technology further deploys specific, novel techniques for interacting with the senior user's activities to provide individualized monitoring and updates for each senior user and associated caregivers. *Id.* § III. State Farm's ECSP then offers specific additional improvements in senior care monitoring technology and in senior interaction and engagement technology. *Id.*

STATE FARM DEVELOPED TRADE SECRETS THAT WERE CRITICAL TO ITS SUNDIAL® APPLICATION

42. In addition to its patented technologies, State Farm maintained significant aspects of its Sundial® product and development processes in strict confidence as trade secrets to protect the substantial investment made by State Farm. This confidential information derived considerable value from not being publicly known outside of State Farm, at least because of the competitive advantage that the secret nature of the information conferred on State Farm from both a technological and business perspective.

43. Developing its proprietary and confidential technologies required significant time, effort, and monetary investment by State Farm. State Farm invested heavily in the development of its Sundial® product, spending [redacted] to develop the underlying technology. State

Farm additionally spent significant investment developing its confidential business information related to its Sundial® product, including confidential market research, analysis, and plans.

44. As part of its elder care application technology, State Farm developed and possessed numerous trade secrets including at least:

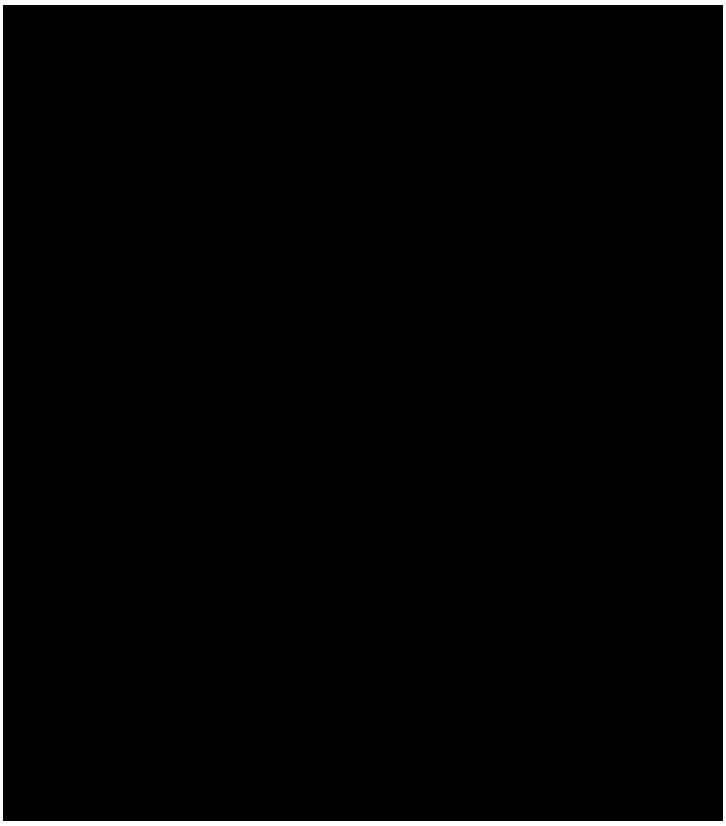
- proprietary sets of features developed and selected by State Farm to provide a comprehensive and cost-effective solution;
- solutions to technological [redacted]);
- analyses concerning the need for a solution addressing current problems with elder care;
- marketing and advertising plans for Sundial®;
- plans for developing and releasing the Sundial® product, including [redacted];
- user interface and product flow information, including those aspects of the Sundial® product and Sundial® prototypes;
- technical architecture diagrams, detailing [redacted] and;
- documents, including: [redacted] 08/19/2019, Ex. 36 (SF00165125); [redacted]

4/23/2019, Ex. 37 (SF00439356);“ 12/16/2019, Ex. 38 (SF00014033); , 4/1/2020, Ex. 39 (SF00024886); 5/6/2020, Ex. 41 (SF00225885), Ex. 42 (SF00225886), Ex. 43 (SF00225887); , 05/07/2020, Ex. 44 (SF00206280), Ex. 45 (SF00206285), Ex. 46 (SF00206287); , 05/11/2020, Ex. 50 (SF00018255); 5/21/2020, Ex. 52 (SF00115571); and the State Farm Sundial app source code.

45. The trade secret documents, for example, include :

Ex. 41, SF00225885.

46.



Ex. 42, SF00225886.

47. In addition to the documents, State Farm met with Amazon's business and marketing executives on a regular basis, where Amazon requested and State Farm provided proprietary information about its Sundial® product feature sets, its solutions to technical restrictions related to the implementation of the Sundial® application, and State Farm's development and release plans for the Sundial® application. [redacted] Ex. 53, SF00526934. Per Amazon's request, State Farm scheduled and held a meeting on September 9, 2019 with Amazon and Accenture to run a demonstration of State Farm's product and planned features, which included [redacted]. Ex. 54, SF00115468. Ms. Snell confirmed that "[i]t

was [her] understanding that Ben had some questions specifically about what [State Farm] [was] doing with the skill [redacted] That's what initiated the conversation. And so he indicated to me we just need to get to know more about it so we can understand what you're doing and how it – how the skill is working in alignment with skill expectations." Ex. 55, Snell Tr. at 319:4-18.

48. At this September 9, 2019 demonstration, State Farm and Accenture provided Amazon a detailed live demonstration of [redacted]

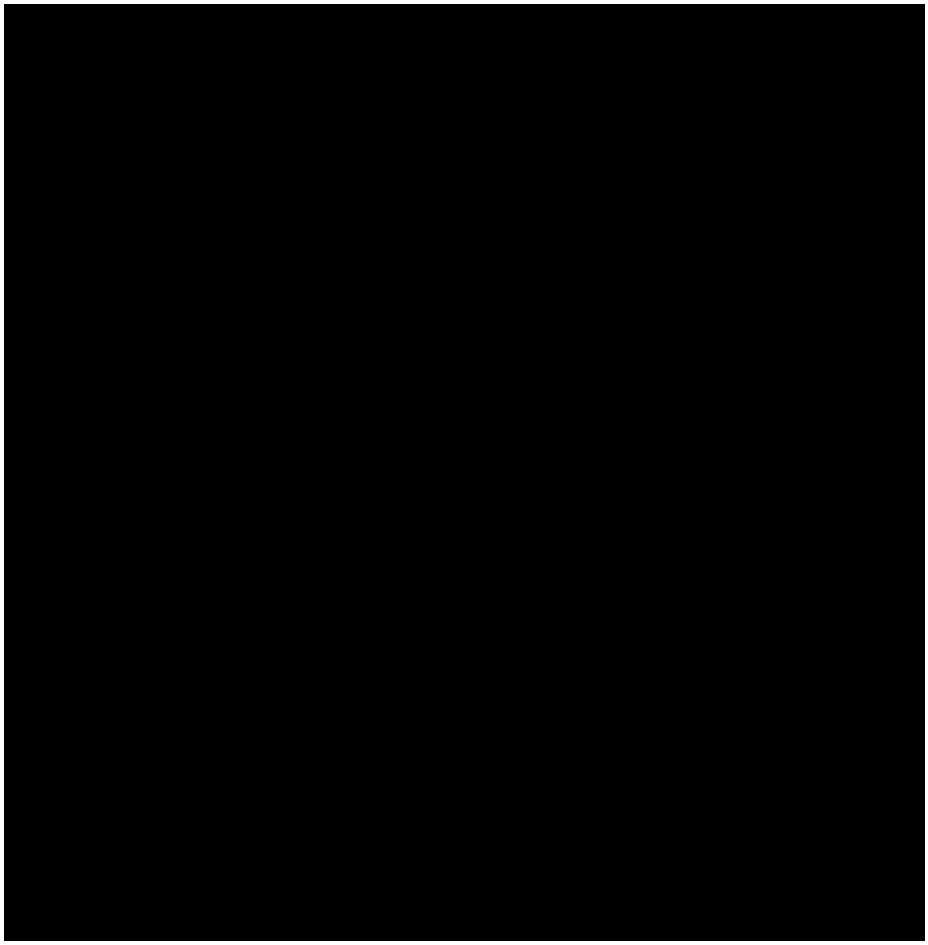
[redacted]

Ex. 56, AMZ_0460589 & AMZ_0460590 at -591-93

49. The demonstration further provided [redacted]:

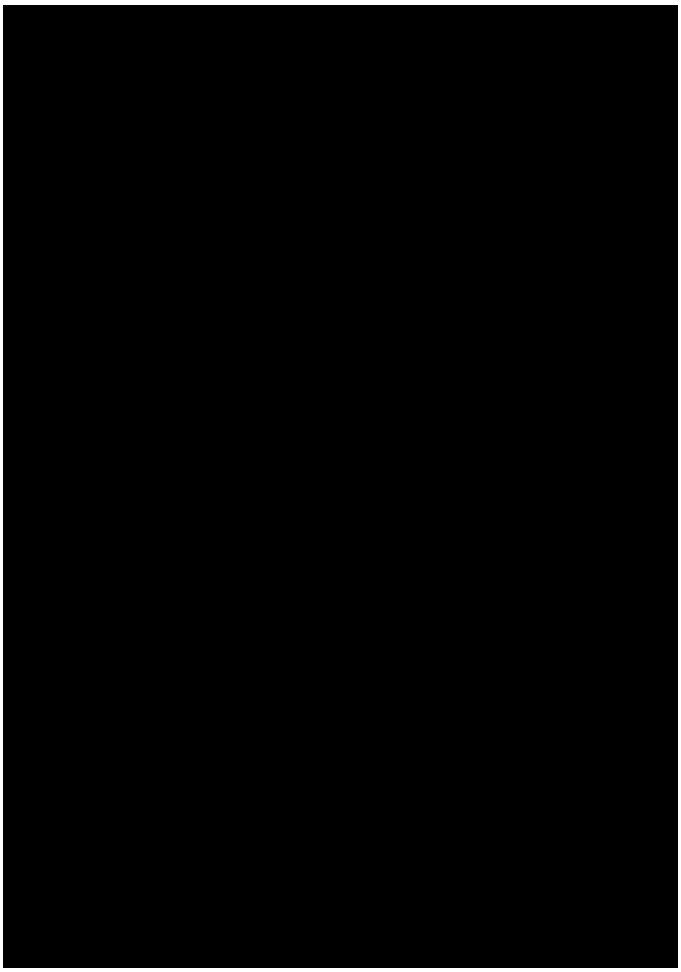
Ex. 56, AMZ_0460589 & AMZ_0460590 at -594-96

50. Next, the demonstration provided [redacted]:



Ex. 56, AMZ_0460589 & AMZ_0460590 at -597-98.

51. In addition to providing detailed



Ex. 56, AMZ_0460589 & AMZ_0460590 at -597-600.

52. In addition to providing [redacted].

53. There is no question that the above items were proprietary, confidential, and had great value in their secrecy. As Amazon's Head of Business-to-Business Enterprise Sales and development personnel confirmed, [redacted] Ex. 57, Hartwick Tr. at 169:21-170:9; *see, e.g.*, Ex. 58,

Shariff Tr. at 241:22-242:9 (confirming that [redacted]. Ms. Shariff, the lead of the "Amazon Care" development team, also agreed that, [redacted] Ex. 58, Shariff Tr. at 131:12-24. Ms. Shariff further agreed [redacted] *Id.* at 132:11-21. Mr. Cisneros agreed [redacted] Ex. 59, Cisneros Tr. at 38:21-39:6, 39:23-40:5.

STATE FARM TOOK REASONABLE MEASURES TO PROTECT ITS INTELLECTUAL PROPERTY

54. State Farm has taken extensive measures to protect its intellectual property through patent protection and maintaining the secrecy of its confidential information. For example, State Farm has a Confidentiality Policy that protects State Farm's confidential and proprietary information. State Farm's confidential materials exchanged with Amazon [redacted] were stored on State Farm's internal SharePoint sites, and State Farm takes reasonable steps to maintain the secrecy of the contents of the documents stored on those SharePoint sites. State Farm's SharePoint sites are not accessible to the public. Communication between a user's web browser and State Farm's SharePoint sites is also encrypted to prevent eavesdropping and interception.

55. State Farm also employs additional security measures to safeguard its trade secrets, including restricting access to information to select individuals within the company on a need-to-know basis; confidentiality labels; and a wide array of additional physical security and monitoring measures. As just one example of State Farm's physical security measures, it requires key card access, which can only be granted by State Farm, to enter into its buildings. Any visitors to State Farm's headquarters must be approved, provided a badge upon approval and after showing a government-issued photo identification, and escorted around the building at all times.

56. State Farm also relies on external confidentiality agreements to further protect its confidential and trade secret information. [redacted]

57. [redacted]

[redacted]

58. [redacted]

[redacted]

59. [redacted]

[redacted]

60. [redacted] Unbeknownst to State Farm, however, Amazon violated its agreement with State Farm when it distributed, stored, and used State Farm's confidential trade secrets to develop competing products.

AMAZON MISREPRESENTED AND CONCEALED THAT IT WAS WORKING ON A DIRECTLY COMPETING PRODUCT TO INDUCE STATE FARM TO SHARE ITS CONFIDENTIAL PLANS AND ENTER INTO THE PROMOTIONAL CODE AGREEMENT FOR PURCHASING ALEXA DEVICES

61. Unlike State Farm, however, Amazon was unable to produce technological innovations that could be used for elder care and was primed for assistance in that area. Thus, in early 2019, Amazon was introduced to State Farm by personnel at Accenture who at the time were working together with both companies, to work together in the elder care market. Before long, State Farm and Amazon entered into an agreement for State Farm to adapt its ECSP and Sundial® technologies for use on the Alexa-enabled devices.

62. Critically, however, Amazon withheld the fact that it was separately developing its own elder application for Alexa-enabled devices and intended to compete directly with State Farm's Sundial® technologies. Instead, Amazon led State Farm to believe the opposite; specifically, that only State Farm was developing an elder care application for Alexa-based devices, not Amazon, and that Amazon's success in the space was directly tied to successful application development by State Farm. Over many months in 2019, Amazon lured State Farm to invest in the development and integration of State Farm's Sundial® product for Alexa. [redacted]

Ex. 60 (SF00529205). [redacted]

Ex. 61 (SF00244885). Amazon repeatedly misrepresented and/or concealed the fact that it was working on a competing elder care product, specifically its "Alexa Care" product, which was launched as Alexa Care Hub, and later as Alexa Together. [redacted] *Id; see* Ex. 62, Fields Tr. at 239:1-20 ([redacted] "was a factor in [State Farm] believing that [Amazon was] not competing in this skill area."). REDACTED . *See, e.g.*, Ex. 59, Cisneros Tr. at 186:12-23. [redacted] *See, e.g.*, Ex. 57, Hartwick Tr. at 168:17-169:1. [redacted]

For example, over the course of several meetings between Amazon and State Farm regarding the development of the Sundial skill, Mr. Cisneros grilled Beth Snell, Director of Technology at State Farm, as to specific technical details of the Sundial® app, under the false pretense that he was seeking to understand whether State Farm's app violated Amazon's developer terms of service. Ms. Snell noted that, "[i]t was [her] understanding that Ben had some questions specifically about what [State Farm] [was] doing with the skill and [redacted] That's what initiated the conversation. And so he indicated to me we just need to get to know more about it so we can

understand what you're doing and how it – how the skill is working in alignment with skill expectations." Ex. 55, Snell Tr. at 319:4-18; *see also* Ex. 53, SF00526934 ([redacted]). In particular, Mr. Cisneros repeatedly questioned Ms. Snell as to how State Farm was dealing with the [redacted] under the false impression that he was seeking that information to assist in the development of Sundial®, when in fact he wanted the information for Amazon's competing product development.

63. Amazon's representations to State Farm were untrue. At the same time it was telling State Farm that State Farm, not Amazon, was the one developing the senior care application, Amazon was in fact developing a nearly identical product that Amazon would end up launching mere months after State Farm's. Ex. 58, Shariff Tr. at 201:4-202:19; Ex. 63, AMZ_0015375. Far from betting on State Farm's success, REDACTED Ex. 61 (SF00244885); Ex. 64, AMZ_0006900 ([redacted]). Amazon intended to make a quick buck off of State Farm's purchase of Alexa devices, learn what it could about State Farm's initiatives, and then launch a competing product under a shortened development timeline that would squash State Farm's innovative offering. Amazon kept that critical information from State Farm and made no effort to right the record. Instead, Amazon reaped the benefit of its misrepresentations to State Farm. By keeping State Farm on the hook, Amazon [redacted]

[redacted] and ensured that State Farm would continue developing its application for the Alexa platform.

64. Moreover, as described below, Amazon also leveraged its misrepresentations to gain invaluable insight into State Farm's confidential business and marketing plans, and technical trade secret information. Ex. 65, SF00206351 [redacted] Not surprisingly, State Farm believed Amazon and fully committed significant resources to developing its Sundial® application for Alexa. For example, Beth Snell explained, that "I think that if we had known that Amazon was developing a competing product we certainly would have taken that in serious consideration on where we were going with Sundial." Ex. 55, Snell Tr. at 319:24-320:2. Similarly, Mike Fields, Vice President of RED Labs at State Farm explained, "[W]e absolutely would have had a different approach, if, you know, we knew that Amazon or had been told that they were building in the same area of the Skill." Ex. 62, Fields Tr. at 239:25-240:2; *id.* at 240:4-12 (Amazon's development would "have been a significant development that would have had us review our plans in light of that in a competitive landscape."). State Farm further believed Amazon's statements [redacted] Ex. 61, SF00244885; Ex. 62, Fields Tr. at 239:1-20. But, as described further below, those statements were untrue and Amazon never took any steps to correct its false statements. As Mr. Fields explained, "we had no knowledge that a competing Skill was being developed." Ex. 62, Fields Tr. at 240:14-20; *id.* at 240:24-241:4 ("I'm not aware of any communication to State Farm informing us of a competing Skill prior to us discovering it in the public."). As a

result, State Farm spent [redacted] developing its application that it believed would be the only Alexa-based senior living application, including [redacted] purchases of Alexa devices from Amazon, as Mr. Fields and Ms. Snell explained. Ex. 62, Fields Tr. at 239:25-240:3 ("[W]e absolutely would have had a different approach if, you know, we knew that Amazon or had been told that they were building in the same area of the Skill. We continued on building the product and iterating."); Ex. 55, Snell Tr. at 320:5-16 ("[Amazon] definitely led us to believe that they thought what we were doing was interesting and that they wanted to help us do that. Early on we thought it would be much more of a partner relationship. There was thoughts that there would be co-branded press releases, there's documents to that effect, so we were incredibly shocked to see Amazon developing a competing product."). Moreover, State Farm worked cooperatively with Amazon under the impression that Amazon was a good-faith collaborator, and not the soon-to-be-competitor that it actually was.

65. In August 2019, Amazon and State Farm entered a Code Schedule agreement by which State Farm would purchase the rights to promo codes redeemable by customers for purchasing certain Alexa-enabled devices. The agreement was intended to promote Sundial® as well as demonstrate a partnership between State Farm and Amazon, which was highlighted in a joint press release using specific language requested by Amazon. Believing that Amazon was not developing a competing product, State Farm spent a substantial amount of money to purchase [redacted] promotional codes for Amazon Echo devices.

66. State Farm began a friends and family pilot for its Sundial® product in September 2019, and publicly released Sundial in June 2020. Amazon did not have a similar product in the elder care space until it began advertising Alexa Care Hub in September 2020, with its launch in November 2020. Although Alexa Care Hub shared some functionalities with Sundial®, it

lacked other key features that were later incorporated into a subsequent Amazon subscription product called Alexa Together—a fact that Amazon would later admit in email correspondence with State Farm. Had State Farm been aware of the truth—that Amazon was secretly developing a directly competing product that it planned to launch mere months after State Farm's—State Farm would not have invested in the development of its application for the Alexa platform. Nor would State Farm have [redacted] if it were aware that Amazon intended to target the same customers as users of Amazon's application. Instead of competing with Amazon, the manufacturer of the Alexa device, in development of an Alexa-based application, State Farm could have worked with any other smart home device provider or avoided development altogether. But because Amazon misrepresented the situation to State Farm, and never took any steps to rectify the issue, State Farm spent [redacted] in development and marketing costs that it would have otherwise avoided and allocated to other endeavors.

67. Amazon on the other hand unfairly received significant benefits at State Farm's expense. Amazon [redacted] knowing that, upon Amazon's launch of its competing product, State Farm's ability to sell its Sundial® products would be severely diminished.

AMAZON [redacted] AND MISAPPROPRIATED STATE FARM'S TRADE SECRET INFORMATION

68. Over the course of the following years, Amazon held regular meetings with State Farm and received materials concerning State Farm's innovative, patent-pending technologies and confidential information.

69. At the same time that Mr. Cisneros was affirming that State Farm was the one developing the elder care application, [redacted]

[redacted] Ex. 66, AMZ_0464946. [redacted] *Id.* [redacted] Ex. 58, Shariff Tr. at 42:3-7; 43:7-11; 44:18-45:1. [redacted]

70. [redacted] *see, e.g.*, Ex. 58, Shariff Tr. at 99:19-100:8, 224:3-14.

71. [redacted] Ex. 67, AMZ_0387355. [redacted] *Id.* [redacted]

72. While this was happening, Amazon knew it was improperly accessing and using State Farm's confidential information and took steps to conceal, but not stop, its misappropriation. [redacted] Ex. 68, AMZ_0032691. [redacted] Ex. 58, Shariff Tr. at 166:11-17. [redacted] Ex. 69, AMZ_0455685. [redacted]

73. Nevertheless, despite knowing what it was doing was wrong, Amazon did not do anything to change course. To the contrary, [redacted]

[redacted] Ex. 35, AMZ_0455655. [redacted] Ex. 58, Shariff Tr. at 184:11-24. [redacted] Ex. 35, AMZ_0455655. [redacted] Ex. 35, AMZ_0455655. [redacted] *Id.*

74. Even after State Farm closed the deal with Amazon on or about August 20, 2019 [redacted]

[redacted] Ex. 40, AMZ_0422020.

75. As another example, on September 9, 2019, as part of its work to integrate Sundial® with Alexa, and [redacted] State Farm provided a live demonstration of its Sundial® application to multiple Amazon employees, including [redacted]. The September 9 demonstration was provided by the key State Farm developers of Sundial®, such as Kami LaVallier and Stephen Dunstan. During this demonstration, State Farm not only demonstrated its current prototype product, but also provided Amazon with details [redacted] Ex. 56, AMZ_0460589 & AMZ_0460590; Ex. 58, Shariff Tr. at 224:7-14. The September 9 demonstration to Amazon also included [redacted].

76. [redacted] Ex. 58, Shariff Tr. at 216:22-24. [redacted]

77. [redacted] Ex. 56, AMZ_0460589 & AMZ_0460590.

78. Amazon's interest in State Farm's trade secret solutions was unsurprising [redacted] Ex. 48, AMZ_0234845. [redacted] *Id.* [redacted]

[redacted] Ex. 49, AMZ_0032589.

79. [redacted] it is also no coincidence that at the September 9 demonstration of State Farm's Sundial® prototype, Amazon was particularly interested in State Farm's confidential, proprietary, valuable, and novel implementations of its Sundial system, including how it was implementing features allowing caregivers and care recipients to remain connected through check-ins whereby a senior care recipient's act of opening the Sundial® app would send a check-in notification to a connected caregiver, letting the caregiver know that the care recipient was doing okay. [redacted]

AMAZON CONCEALED ITS MISAPPROPRIATION UNTIL THIS LITIGATION

80. In accordance with its plan to acquire and use State Farm's confidential information while concealing its true intention of developing and releasing a competing product, Amazon kept its actions hidden for years. It was not until recent discovery in this litigation, including through documents that were not produced until April of this year and facts that were unearthed during depositions within the last month, that State Farm became aware of Amazon's fraudulent acts and misappropriation. For example, despite State Farm's extensive efforts to obtain discovery concerning Amazon's development team, including documents that they possess concerning State Farm and their deposition testimony, key documents showing that Amazon was simultaneously developing its product and [redacted] were not produced until a month ago.

81. Had State Farm been aware of Amazon's misappropriation or misrepresentations earlier, State Farm could have sought a remedy to put a stop to Amazon's bad act. Unfortunately, however, Amazon concealed these acts until recently and State Farm is left with no other recourse than to enforce its rights at this time.

AMAZON WAS AWARE OF THE PATENTS-IN-SUIT BY AT LEAST JANUARY 2021, BUT IGNORED THEM AND LAUNCHED ITS NEAR-IDENTICAL COMPETING SERVICE ANYWAY

82. At least by January 2021, Amazon was aware of State Farm's pending patent applications for the technologies at issue in this action, and knowingly and blatantly continued to infringe. On January 4, 2021, State Farm sent a letter notifying Amazon of the publication of the applications that became the '235 and '581 patents, noting their applicability to both State Farm's Sundial® and Amazon's Alexa Care Hub. On April 30, 2021, State Farm again contacted Amazon, notifying it of the allowance and issue fee payment for the application that became the '235 patent. Similarly, in July 2021, State Farm informed Amazon of the allowance and issue fee payment for the applications that became the '203 and '581 patents, again noting that these patents applied to both Sundial® and Alexa Care Hub.

83. But Amazon was undeterred. On September 28, 2021, Amazon announced a new subscription product called Alexa Together, effectively forcing State Farm's Sundial® out of the market by offering a nearly identical service on the same platform. Like State Farm's Sundial® product, Alexa Together includes a "circle of support," which includes an identical, specific technical approach allowing additional family members to join together in supporting a relative, in addition to other copied Sundial® features. *See* Ex. 20, Amazon, Alexa Together, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (last visited November 2, 2022). Confirming the importance of State Farm's technologies, and Amazon's apparent copying of them, Amazon touted its copied versions of the Sundial® features in

Amazon's Alexa marketing materials: for example, referring to Sundial's® "Care Circle" as Amazon's "Circle of Support," and Sundial's® "Interactive Dashboard" as Amazon's "Activity Feed." *Compare* Ex. 20 *with* Exs. 7, 8; *see also* Ex. 1, '581 Patent, 25:6–8 ("The care circle can share information back to the senior – creating a virtual circle of *support*") (emphasis added), 35:6–8 ("automatically virtually posting the pro-active check-in event to a *care circle feed*") (emphasis added). On October 12, 2021, State Farm provided Amazon with further notice of Amazon's patent infringement, namely, that Amazon's Alexa Together infringes the '203, '581, and '235 patents.

84. In December 2021, despite full notice of its infringement of State Farm's patents, Amazon officially launched Alexa Together, in blatant disregard of State Farm's intellectual property rights. Amazon continues its willful infringement to this day, even after receiving further explicit explanations of its infringement, including through State Farm's filing of its Complaint for Patent Infringement on November 3, 2022 (Dkt. 1).

THE PATENTS-IN-SUIT

85. Each of the patents-in-suit offers specific improvements in health care monitoring technology and in senior interaction and engagement technology. *See* Wicker Decl. § III. As discussed in the patent backgrounds, while some conventional systems enabled caregivers to coordinate care for a senior user, those systems had many drawbacks and lacked the specific technical features of the patented inventions. *See, e.g.*, '581 patent at 1:43-52; Wicker Decl. § IV. For example, conventional systems merely kept a schedule of the coordinated care and did not facilitate senior engagement in their daily schedules. *See id.*; Wicker Decl. ¶ 37. In addition, prior systems required invasive cameras or wearable devices. *See, e.g.*, Ex. 21, Jennifer Pattison Tuohy, *Alexa Together Review: Keeping Tabs on Dad*, The Verge,

https://www.theverge.com/23066024/alexa-together-review-elder-care-urgent-response (last updated May 17, 2022); Wicker Decl. ¶¶ 37, 79. By contrast, the patented technologies allow elderly users to maintain their independence, while simultaneously permitting remote caregivers to non-intrusively maintain insight into the activity levels of the elderly user. Wicker Decl. § III.A.

86. For example, the '581, '235, '203, and '585 patents ("ECSP patents") claim a specific use of a novel "chatbot" to both facilitate a senior user's interactions with an engagement and care support platform device and to provide individualized monitoring and updates to the senior user's caregivers, without the need for those caregivers to engage in active or intrusive direct monitoring. This use of the novel chatbot was important because, for example, instead of a senior user having to physically check-in with the ECSP (*e.g.*, through a user interface of the device associated with the senior user) and/or the senior user and/or caregiver having to manually input each event of the senior user, each notification request of the senior user and caregivers, and/or each schedule item of the caregivers, the senior user and caregivers may give instructions to the chatbot (*e.g.*, through typing and/or speaking commands and/or questions using plain or colloquial language, rather than structured commands, into the chatbot through the ECSP). *See* Wicker Decl. § V.A.1. As these ECSP patents explain, "some senior users may desire a level of independence from their caregivers, and may only want or need assistance for certain tasks. Accordingly, the senior user may grow frustrated with unpredictable caregiver schedules and/or unnecessary caregiver presence." '235 Pat. at 4:49-53. The proactive and reactive check-in features of the chatbot functionality allow both senior users and their caregivers to avoid such unpredictability and unnecessary caregiver presence. *See* Wicker Decl. § V.A.1. Prior to these patents, there was no tool in the industry for

facilitating elder independence and minimizing intrusion in the senior's life while also providing accurate, timely information to a caregiver about a senior's status. The novel and concrete chatbot claimed in the ECSP patents allows a caregiver to know the status of a senior without having to invasively intrude on that senior's life. Wicker Decl. § V.A.1.

87. Further, the '318 and '180 patents include novel machine learning methods that interact with a variety of hardware sensors to determine patterns and detect anomalies that indicate that an individual in their home environment is suffering from a physical or other health issue, without the need for their caregiver to engage in any active monitoring or interaction. The technology claimed in each of the patents-in-suit allows seniors to maintain their independence, while providing real and tangible improvements in the ability of caregivers to monitor their health, wellness, and engagement without active monitoring or intrusion. Wicker Decl. § V.B. The claims of these patents recite a concrete solution to a specific problem arising in the realm of computer technology and improve upon prior art methods of monitoring individuals in a home environment by training machine learning models to identify conditions associated with individuals from home environment sensor data. *See, e.g.*, '180 Pat. at 1:27-33; Wicker Decl. § V.B.

The '581 Patent

88. On August 31, 2021, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '581 patent, entitled "Senior Living Engagement and Care Support Platforms." State Farm owns all rights, title, and interest in and to the '581 patent, and possesses all rights of recovery under the '581 patent. A true and accurate copy of the '581 patent is attached hereto as **Ex. 1**.

89. The '581 patent is valid and enforceable.

90. In the claims of the ’581 patent, the ECSP continuously monitors for a senior user interaction with the chatbot, and notifies the caregiver device of when the senior user has not interacted with the chatbot by the first expected time of interaction. Wicker Decl. ¶ 30. Dependent claims add further specific requirements; for example, claims 3–4 and 10 describe care circle functionality, using chatbot functionality that provides a concrete way to dynamically update and assign tasks so that each caregiver in the care circle has an accurate, up-to-date understanding of their responsibilities for the senior user at any given time. *Id.* ¶ 51. Additionally, claims 6-8 provide a specific parameter for the predefined period of time and/or the type of interaction required, which are concrete inputs into the determination of what kind of message to send, and when, based on a user’s interaction or non-interaction. *Id.* ¶ 52. And claim 9 requires a specific action to be taken in response to a failure of the senior user to interact with the chatbot during the predefined period of time, and further specifies the ways in which the specific action to be taken can be implemented. *Id*.

The ’203 Patent

91. On September 7, 2021, the USPTO duly and legally issued the ’203 patent, entitled “Senior Living Engagement and Care Support Platforms.” State Farm owns all rights, title, and interest in and to the ’203 patent, and possesses all rights of recovery under the ’203 patent. A true and accurate copy of the ’203 patent is attached hereto as **Ex. 2**.

92. The ’203 patent is valid and enforceable.

93. In the claims of the ’203 patent, the ECSP continuously monitors for a senior user interaction with the chatbot, determines an amount of time between the first senior user interaction and a current time without having detected a second senior user interaction, and notifies the caregiver device that the senior user has not interacted with the chatbot for the elapsed amount of time. Wicker Decl. ¶ 31. Dependent claims add further specific requirements; for example, claims

4 and 7 describe care circle functionality, using a chatbot that provides a concrete way to dynamically update and assign tasks so that each caregiver in the care circle has an accurate, up-to-date understanding of their responsibilities for the senior user at any given time. *Id.* ¶ 51. Additionally, claims 14-16 provide a specific parameter for the predefined period of time and/or the type of interaction required, which are concrete inputs into the determination of what kind of message to send, and when, based on a user's interaction or non-interaction. *Id.* ¶ 52. And claim 5 requires a specific action to be taken in response to a failure of the senior user to interact with the chatbot during the predefined period of time, and further specifies the ways in which the specific action to be taken can be implemented. *Id.*

The '235 Patent

94. On July 6, 2021, the USPTO duly and legally issued the '235 patent, entitled "Senior Living Engagement and Care Support Platforms." State Farm owns all rights, title, and interest in and to the '235 patent, and possesses all rights of recovery under the '235 patent. A true and accurate copy of the '235 patent is attached hereto as **Ex. 3**.

95. The '235 patent is valid and enforceable.

96. In the claims of the '235 patent, a novel utilization of senior user chatbot interaction data is used to determine the health status of said senior user and report that status to caregivers. Wicker Decl. ¶¶ 26-29. For example, the "continuous[] monitor[ing]" and detection functionality that detects "senior user interaction with the chatbot by the first expected time of interaction" makes independent senior user living viable in a specific way that other solutions did not. '235 Pat., claim 1. The '235 patent also uses data from the senior user's device to tailor notifications and updates to the second client device and accordingly, the associated caregiver. *Id.* at 2:8-11, 16:13-25, 17:10-12, claim 24. In addition, some claims determine a first expected time of interaction, or an expected time of day for the first interaction, allowing

for a more efficient and accurate trigger for when the ECSP device must contact the second device in the system. *Id.* at claim 1; Wicker Decl. ¶¶ 26-29.

97. Dependent claims add further specific requirements; for example, claims 6-8 describe care circle functionality, using chatbot functionality that provides a concrete way to dynamically update and assign tasks so that each caregiver in the care circle has an accurate, up-to-date understanding of their responsibilities for the senior user at any given time. Wicker Decl. ¶ 51. Additionally, claims 2-4 provide a specific parameter for the predefined period of time and/or the type of interaction required, which are concrete inputs into the determination of what kind of message to send, and when, based on a senior user's interaction or non-interaction. *Id.* ¶ 52. Claim 5 requires a specific action to be taken in response to a failure of the senior user to interact with the chatbot during the predefined period of time, and further specifies the ways in which the specific action to be taken can be implemented. *Id*. Additional dependent claims also relate to dynamic scheduling, task assignment, and event reminders functionality, such as claims 13-21. *Id.* ¶ 51.

98. As shown throughout the prosecution history of the '235 patent and as emphasized in the specification and claims of the '235 patent, interactions, or lack thereof, with a chatbot are determinative of the next steps taken by the ECSP, which facilitates the provision of timely and accurate information to caregivers, while also allowing a high degree of independence for the senior, who is not subjected to needless or inappropriately timed in-person check-ins with caregivers. *See* Wicker Decl. ¶¶ 27-29. The chatbot functionality provides a specific, technological improvement to prior art methods for monitoring the status of a senior. *Id.*

The '585 Patent

99. On July 19, 2022, the USPTO duly and legally issued the '585 patent, entitled "Senior Living Engagement and Care Support Platforms." State Farm owns all rights, title, and interest in and

to the ’585 patent, and possesses all rights of recovery under the ’585 patent. A true and accurate copy of the ’585 patent is attached hereto as **Ex. 4**.

100. The ’585 patent is valid and enforceable.

101. In the claims of the ’585 patent, the system includes at least two computer devices (one associated with the senior user and one for a caregiver). The system monitors senior user interaction with a microphone and notifies the caregiver if the senior user interacts with the senior user’s computer device before they are expected to. Wicker Decl. ¶¶ 32-33. Dependent claims add further specific requirements; for example, claims 6-9 describe care circle functionality, using chatbot functionality that provides a concrete way to dynamically update and assign tasks so that each caregiver in the care circle has an accurate, up-to-date understanding of their responsibilities for the senior user at any given time. *Id.* ¶ 51. Additionally, claims 2-4 provide a specific parameter for the predefined period of time and/or the type of interaction required, which are concrete inputs into the determination of what kind of message to send, and when, based on a senior user’s interaction or non-interaction. *Id.* ¶ 52. Claim 21 requires a specific action to be taken in response to a failure of the senior user to interact with the chatbot during the predefined period of time, and further specifies the ways in which the specific action to be taken can be implemented. *Id.* Additional dependent claims also relate to dynamic scheduling, task assignment, and event reminders functionality, such as claims 12-19. *Id.* ¶ 51.

The ’318 Patent

102. On November 3, 2020, the USPTO duly and legally issued the ’318 patent, entitled “Sensing Peripheral Heuristic Evidence, Reinforcement, and Engagement System,” and referred to herein as “SPHERES.” State Farm owns all rights, title, and interest in and to the

'318 patent, and possesses all rights of recovery under the '318 patent. A true and accurate copy of the '318 patent is attached hereto as **Ex. 5**.

103. The '318 patent is valid and enforceable.

104. In the claims of the '318 patent, a machine learning module is trained to identify abnormalities or anomalies in sensor data corresponding to individuals in home environments. Historical sensor data is detected by a plurality of sensors associated with a plurality of home environments, and historical condition data indicates conditions associated with individuals indicating medical, health, urgent or cognitive conditions. *See, e.g.*, '318 Pat., claim 1. The machine learning module identifies abnormalities or anomalies in the historical sensor data and is modified based upon the analysis and identification of the abnormalities or anomalies. *Id.* Once the current condition of the individual (including any abnormality or anomaly) has been identified using the data captured, analyzed, and compared using sensors and machine learning, the processor may generate for the caregiver a notification indicating the condition associated with the individual in the home environment. *Id.*, claim 3; Wicker Decl. ¶ 34.

105. The claims are directed to improving the operation of a computer/neural network. Additionally, the claims of the '318 patent delineate specifically ***how*** to accomplish the result of accurately monitoring abnormalities of an elder person at home by using a computer-implemented method for training a machine learning module by using sensors to capture data, analyzing such data with a processor to identify abnormalities, determining with the same processor a condition associated with an individual in a home environment, and generating a notification indicating the condition associated with the individual. '318 Pat., claim 1; Wicker Decl. ¶¶ 71-73. The claims further allow for an iterative process for capturing and analyzing data to identify anomalies and transmit a notification indicating the condition. '318 Pat., claim

3. Even if the caregiver lived with the senior, the caregiver would not be able, on her own, to accurately gather and process such data to determine anomalies. *See, e.g.*, claims 1, 2, 4, 5, 8, 9, 11; Wicker Decl. ¶ 73.

The '180 Patent

106. On August 17, 2021, the USPTO duly and legally issued the '180 patent, entitled "Sensing Peripheral Heuristic Evidence, Reinforcement, and Engagement System," and referred to herein as "SPHERES." State Farm owns all rights, title, and interest in and to the '180 patent, and possesses all rights of recovery under the '180 patent. A true and accurate copy of the '180 patent is attached hereto as **Ex. 6**.

107. The '180 patent is valid and enforceable.

108. In the claims of the '180 patent, a neural network model is trained using a plurality of datasets associated with a plurality of home environments. *See, e.g.*, '180 Pat., claim 1. Sensors associated with the home environment of an individual capture data, which the neural network model uses to identify abnormalities or anomalies, which are then further used to identify the condition of the individual based on the new behavior pattern. *Id.* A snapshot report indicating the condition is sent to the caregiver of the individual based on specific analyses. *Id.*; Wicker Decl. ¶¶ 35-36. The method taught in the '180 patent improves the speed, accuracy, and usability of teaching and modifying neural network models. '180 Pat. at 4:52-59, 5:11-14, 13:10-27. The claims include the additional element of a "neural network model" that is trained by using data from a "plurality of sensors" that detect conditions associated with an individual. *Id.* at claim 1.

INFRINGING PRODUCTS

109. The products accused of infringement in this case include, but are not limited to, Alexa Care Hub and Alexa Together, alone or in combination with third party functionality intended to be used with Alexa Together, such as Vayyar Care.

AMAZON IS WILLFULLY INFRINGING STATE FARM'S PATENTS

110. State Farm has earned its reputation for bettering the safety and quality of life of its customers through a century of hard work, financial investment, and innovation. Through its novel Sundial® product, State Farm continued its commitment to improving the lives of its customers, particularly the growing base of aging elders who require additional care and help.

111. As State Farm worked to patent its novel technology, State Farm simultaneously adapted State Farm's patented Sundial® technology to work on the Alexa platform. Significantly, Amazon gained knowledge, insight, and access to State Farm's innovative technologies as part of these development efforts. Indeed, Amazon watched closely as State Farm adapted its patented technologies for use on Alexa-enabled devices, [redacted]

112. Rather than viewing this as a partnership, Amazon saw an opportunity to copy State Farm's pioneering proprietary technologies and avoid the expensive and time-consuming effort that would have been necessary to develop its own innovations in the elder care space for Alexa. Months after State Farm launched its Sundial® product, Amazon not only introduced its comparable Alexa Care Hub, but also proceeded to expand its offerings with its release of Alexa Together. Significantly, Alexa Together incorporated even more of State Farm's highly innovative, patented features. State Farm even offered to license or sell its patent portfolio to Amazon—Amazon rejected all such offers.

113. Amazon was aware that the technologies it took from State Farm were subject to United States patents. State Farm filed its patent applications at the same time it was working with Amazon to adapt the patented technology for Alexa-enabled devices. In addition, State Farm repeatedly and consistently informed Amazon at crucial steps of its patenting efforts, notifying Amazon of the publication, allowance, and issue fee payment for its patents, as well as the applicability of these patents to Amazon's infringing products. State Farm even offered to license or sell its patent portfolio to Amazon—Amazon rejected all such offers.

114. Despite all this, Amazon continues undeterred in its promotion of its infringing products, touting the very functionalities that State Farm developed and patented. Amazon's infringement of State Farm's technologies has been crucial to Amazon's development and promotion of Alexa Together.

115. By this action, State Farm seeks to stop Amazon's willful, unauthorized, and improper use of State Farm's patented technologies, and to obtain damages for the significant harm caused to State Farm by Amazon's willful infringement of certain Patents-in-Suit.

FIRST CAUSE OF ACTION

Infringement of the '581 Patent by Amazon

116. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1–115 above as though fully set forth herein.

117. Amazon's products and/or services that infringe the '581 patent include, but are not limited to, Alexa Care Hub and Alexa Together (collectively "the ECSP Accused Products") and use thereof.

118. Amazon makes, uses, sells, offers for sale, and/or imports the ECSP Accused Products and components thereof in the United States.

119. Amazon directly infringes—literally and/or under the doctrine of equivalents—at least claim 1 of the '581 patent by making, using, selling, offering for sale, and/or importing into the United States its ECSP Accused Products and components thereof.

120. For example, claim 1 of the '581 patent recites:

> 1. An engagement and care support platform ("ECSP") computer device comprising at least one processor in communication with a chatbot and at least one memory device, the ECSP computer device in communication with a first client device associated with a senior user and a second client device associated with a caregiver, the at least one processor of the ECSP computer device is programmed to:
>
> > store user information for the senior user associated with the first client device and the caregiver associated with the second client device;
> >
> > determine for the senior user a first expected time of interaction with the chatbot via the first client device;
> >
> > continuously monitor for a senior user interaction indicating that the senior user has interacted with the chatbot; and
> >
> > in response to not detecting the senior user interaction with the chatbot by the first expected time of interaction, transmit a message to the second client device of the caregiver indicating that the senior user has not interacted with the chatbot by the first expected time of interaction.

121. The ECSP Accused Products practice each limitation of claim 1 of the '581 patent.

122. To the extent the preamble is construed to be limiting, the ECSP Accused Products include "[a]n engagement and care support platform ('ECSP') computer device comprising at least one processor in communication with a chatbot and at least one memory device," where for example, Alexa Together is the ECSP used with an Echo or Alexa-enabled device that is a "computer device comprising at least one processor in communication with a chatbot and at least one memory device":

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently. The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house. You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times. Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

What do I need to get started?

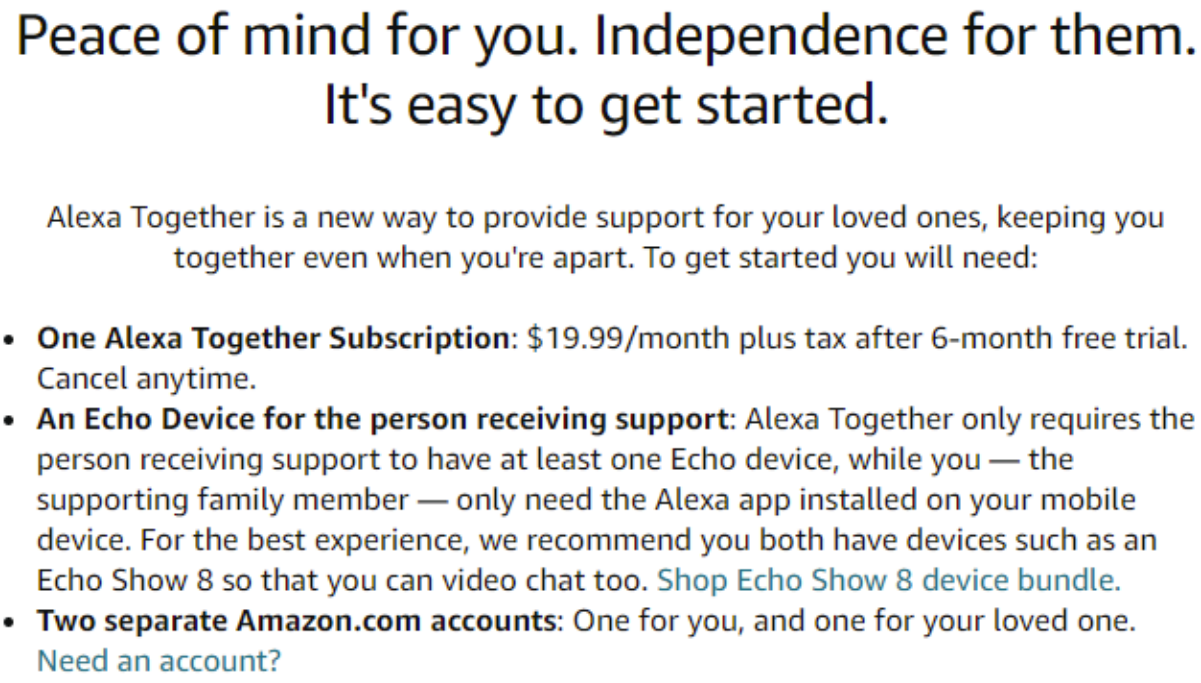
You will need to purchase one Alexa Together plan, either monthly or annual. If you are buying Alexa Together for yourself for peace of mind using Urgent Response, or receiving support from a family member, you will need an Echo or Alexa-enabled device and wifi. If you are the person providing support to a loved one, you only need the Alexa app downloaded to your phone. For a better experience, we do recommend that the person providing support also has an Echo device to use features like Alexa Calling or Drop In, or to enable video chat if both people have an Echo Show.

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

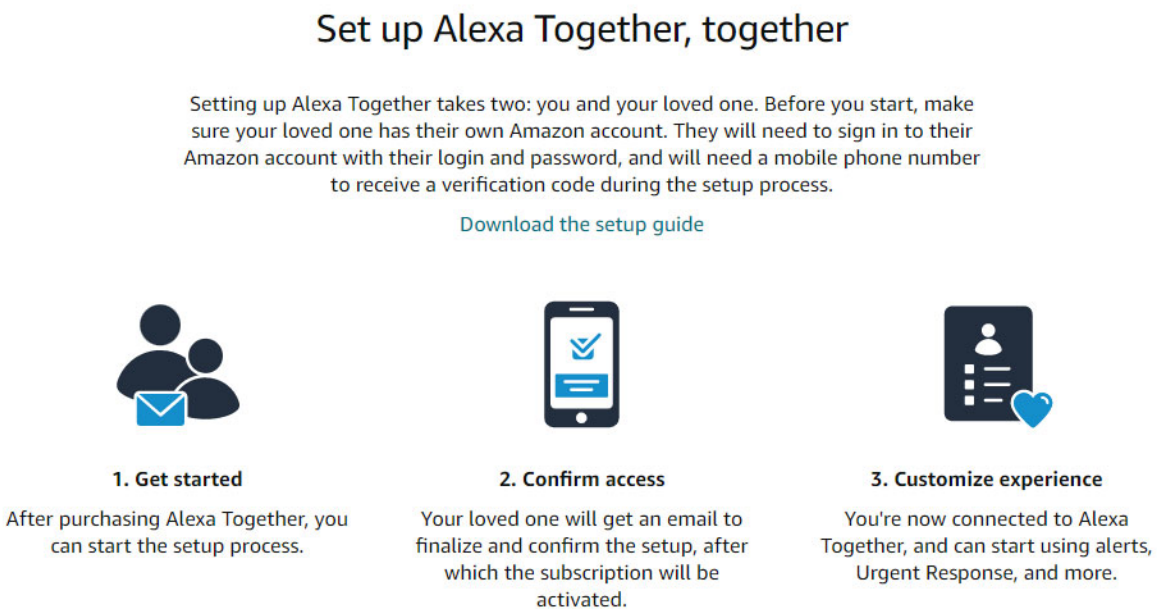
> Alexa is officially a chatbot. Yesterday, Amazon began rolling out a new feature on iOS that enables users to type their requests to Alexa and see responses on the screen. This is yet another update Amazon has made this year in its Alexa mobile app as the company attempts to extend the voice assistant's utility beyond the home. It will also be welcomed by many users as a big convenience since Alexa services will now be available without making a sound. Others will wonder why a chatbot is a necessary update.

Ex. 22, https://voicebot.ai/2020/12/01/alexa-becomes-a-chatbot-you-can-now-talk-to-alexa-by-typing/

123. To the extent the preamble is construed to be limiting, the ECSP computer device is "in communication with a first client device associated with a senior user and a second client device associated with a caregiver." For example, Alexa Together "requires the person receiving support" (senior user) "to have at least one Echo device," and for the service to work "the supporting family member" (caregiver) "need[s] the Alexa app installed on [their] mobile device." Ex. 20, Alexa Together, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022.



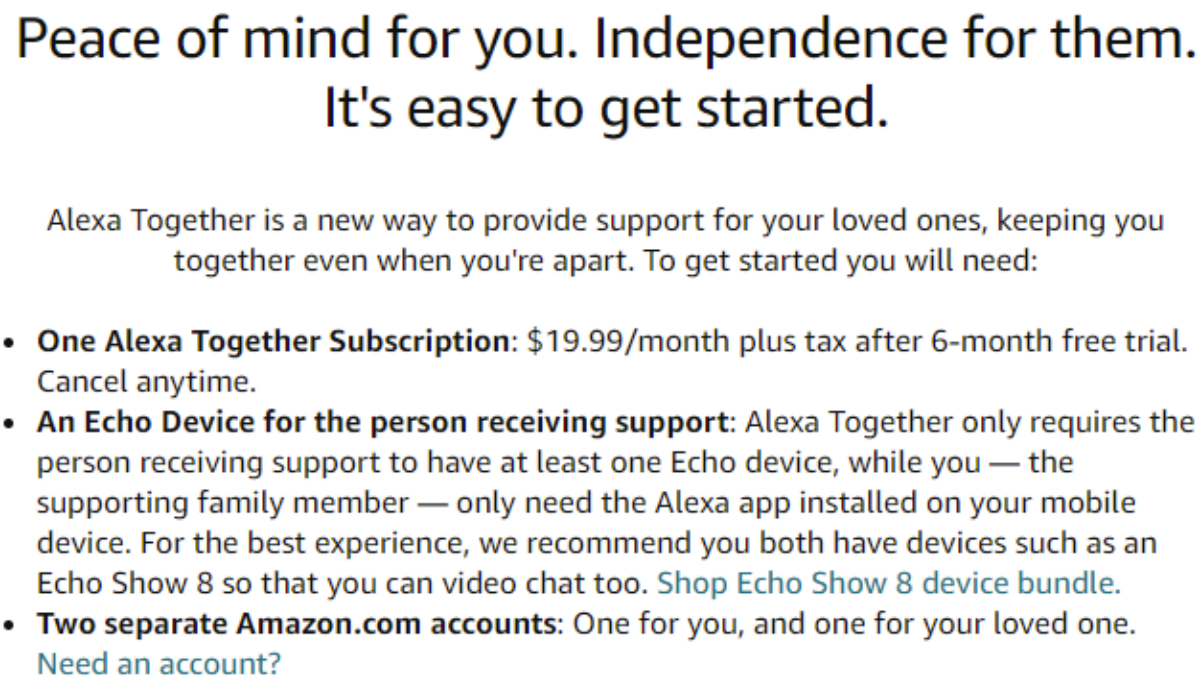
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



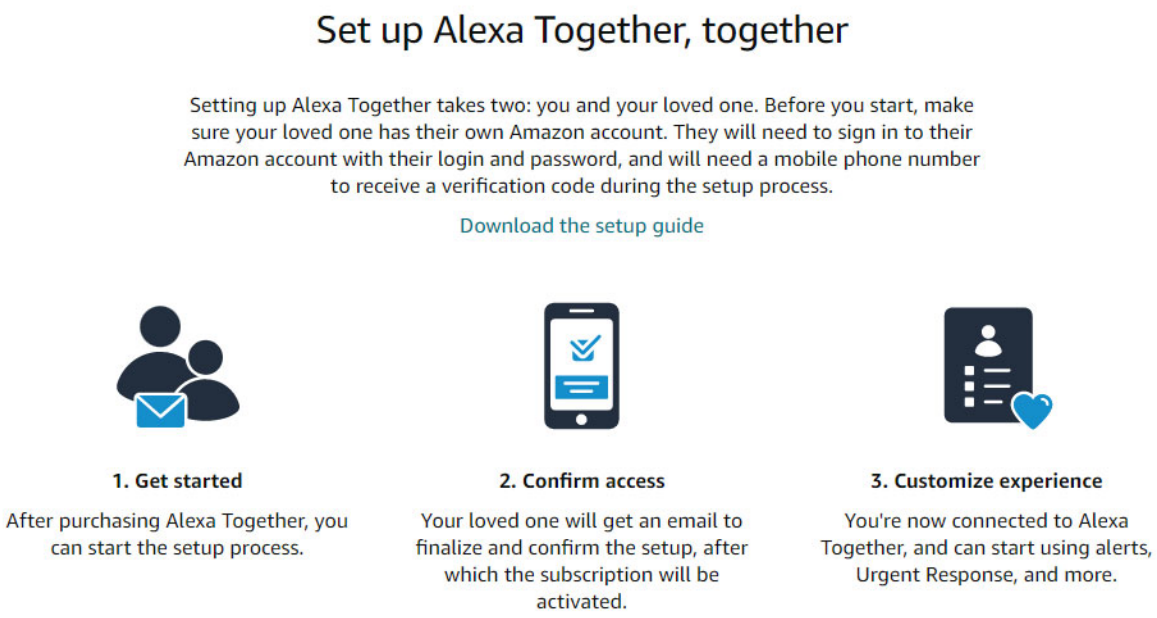
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

124. The ECSP Accused Products are programmed to "store user information for the senior user associated with the first client device and the caregiver associated with the second client

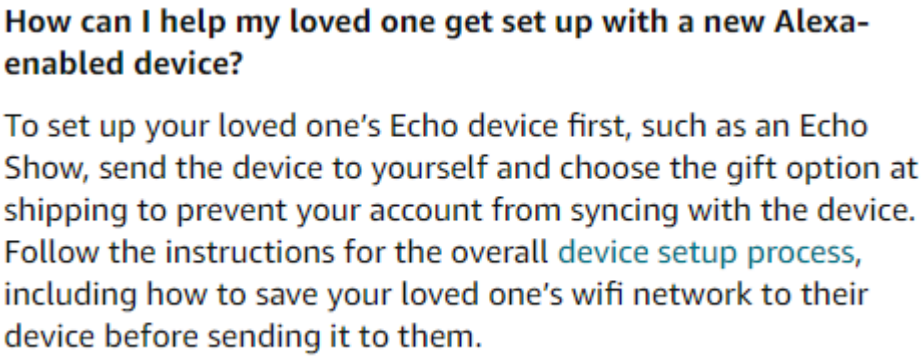
device," as required by claim 1 of the '581 patent. In the examples below, Alexa Together requires two separate Amazon accounts, one for the loved one (senior user) and one for the care provider (caregiver). For example, "loved ones" need "an Alexa-enabled device" (first client device) and care providers need to "download or update the Alexa app in [their] mobile device's app store," and Amazon recommends that both the loved one and care provider "both have devices such as an Echo Show 8" (second client device):



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

Set Up Your Alexa Together Connection

Follow the invitation steps to create an Alexa Together connection.

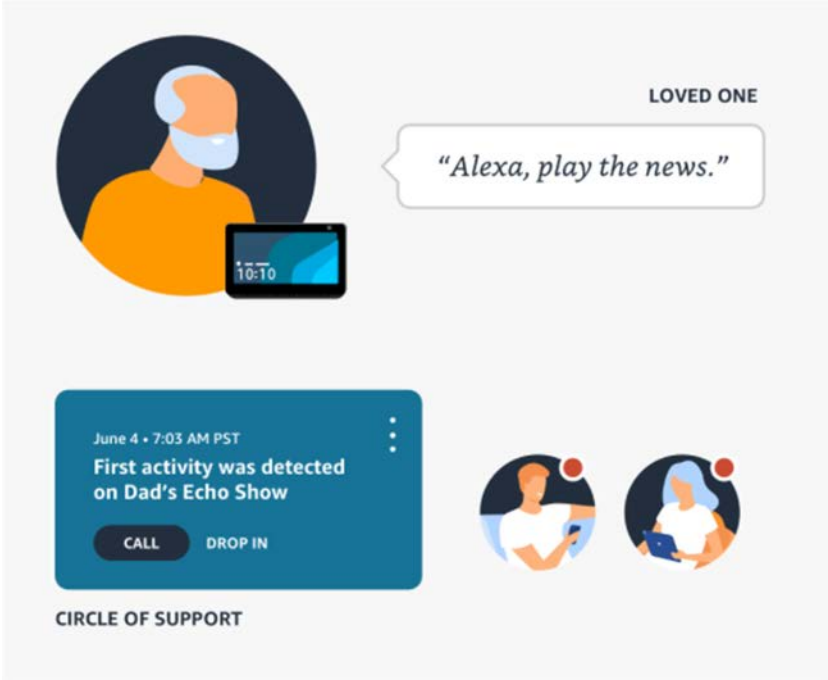
To use Alexa Together, care providers or their loved one will need one active Alexa Together subscription. Loved ones also need a separate Alexa account, an Alexa-enabled device, and Wi-Fi.

Tip: Before setup, download or update the Alexa app in your mobile device's app store. You can use the Alexa app or the Get Started page.

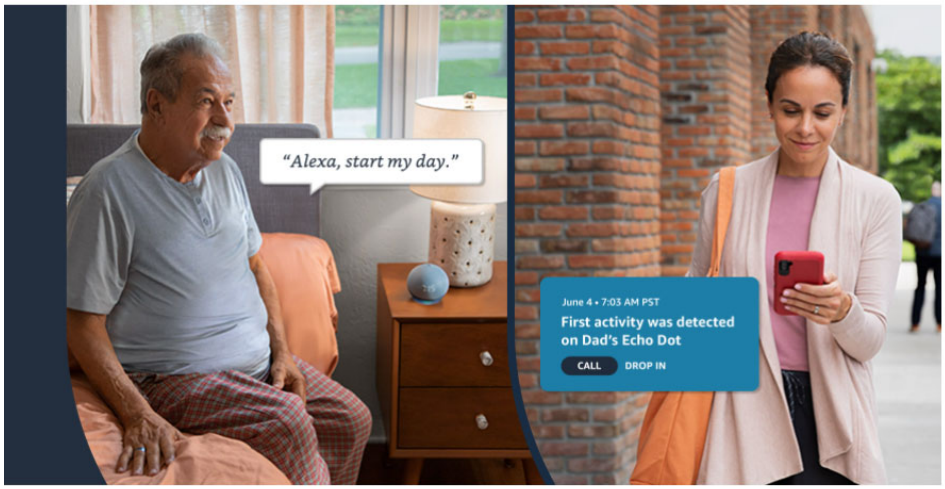
1. Open the Alexa app .
2. Open **More** and select **See More**.
3. Select **Alexa Together**.
4. Follow the on-screen steps to provide support or receive support from a loved one. You can send the invitation to any email address.
   Note: Loved ones must sign up with the same account registered to their Alexa enabled device. Care providers must wait 48 hours after an invitation is cancelled or declined to send a new Alexa Together invite.
5. If you're providing support, help your loved ones send an Alexa Together invitation by selecting **View Guide**.

Ex. 23, https://www.amazon.com/gp/help/customer/display.html?nodeId=GWZSHRX7PJUZNUDU

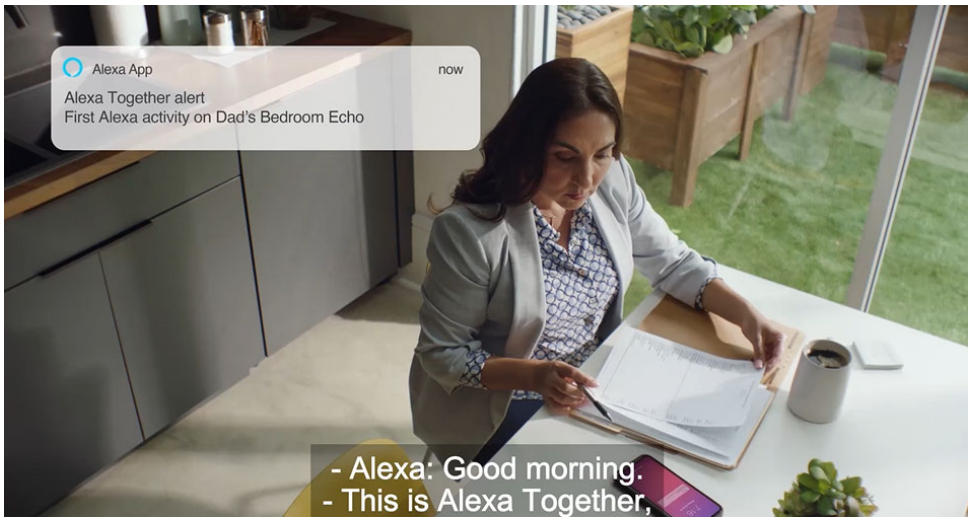
125. The ECSP Accused Products are programmed to "determine for the senior user a first expected time of interaction with the chatbot via the first client device," as required by claim 1 of the '581 patent. In the examples below, Alexa Together continuously monitors an elderly loved one's user interaction and indicates to the care provider that the senior user has interacted with Alexa. For example, users can "[s]et up daily alerts for [their] loved one's first Alexa use, or if it isn't used by a certain time." Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011. The ECSP Accused Products can also determine whether a loved one interacted with Alexa at specific times of the day:



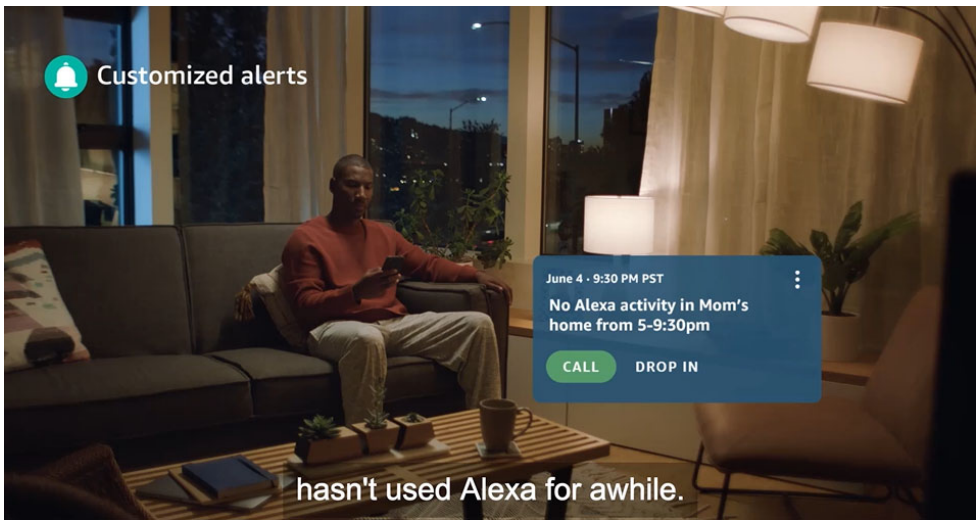
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



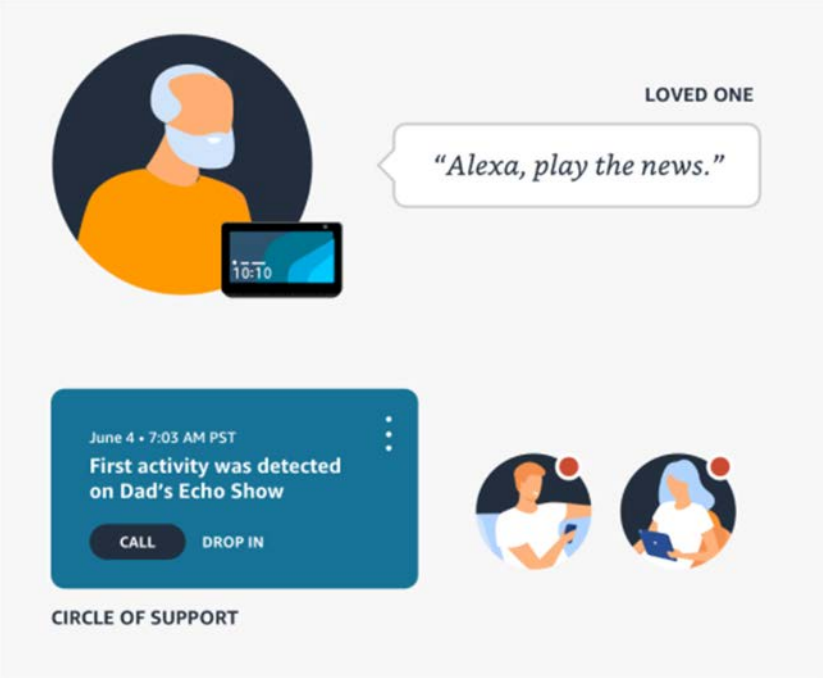
Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (video)



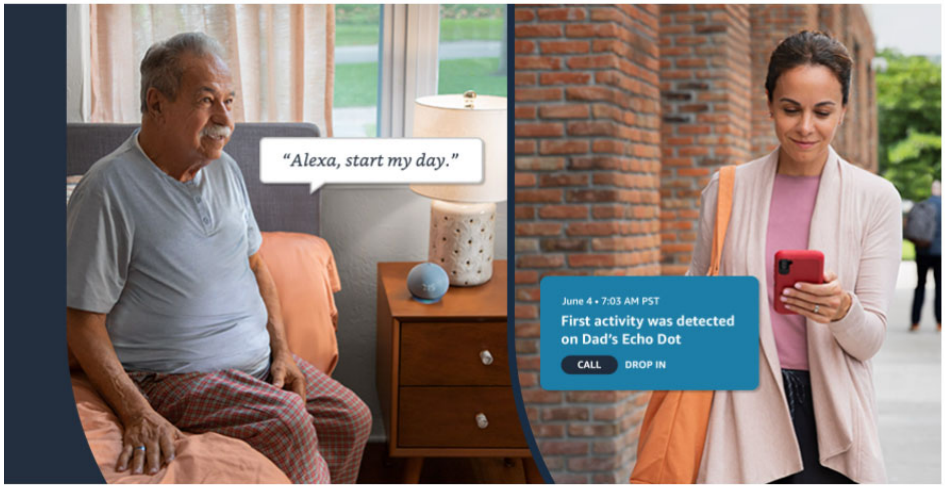
Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (video)

126. The ECSP Accused Products are programmed to "continuously monitor for a senior user interaction indicating that the senior user has interacted with the chatbot," as required by claim 1 of the '581 patent. In the examples below, Alexa Together continuously monitors an elderly loved one's user interaction and indicates to the care provider that the senior user has interacted with Alexa. For example, users can "[s]et up daily alerts for [their] loved one's first Alexa use, or if it isn't used by a certain time." Ex. 20, Alexa Together, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited

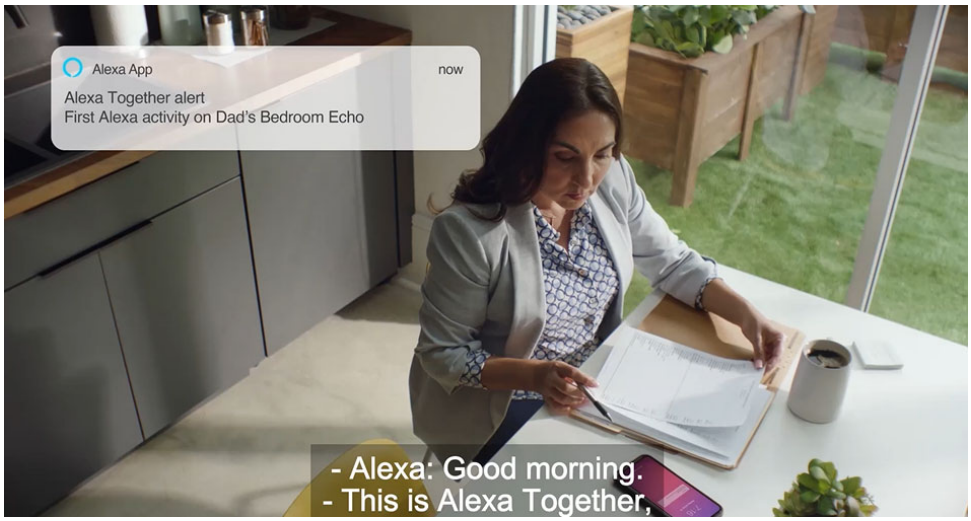
November 2, 2022. The ECSP Accused Products can also determine whether a loved one interacted with Alexa at specific times of the day:



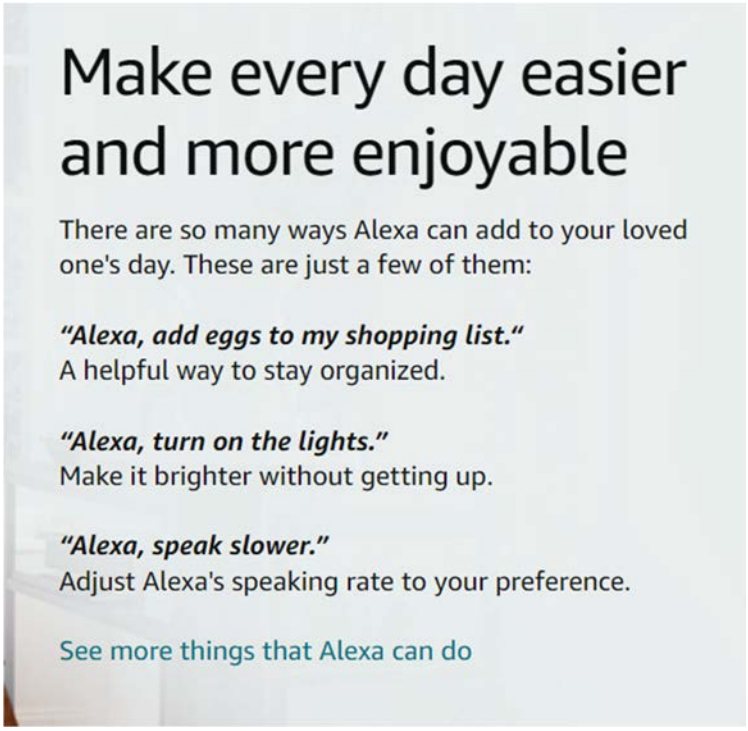
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (video)



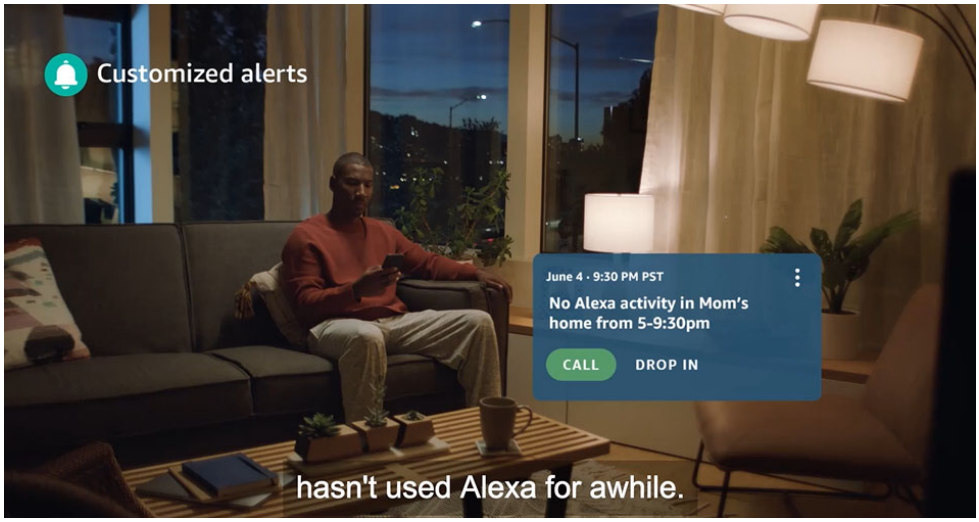
Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (video)



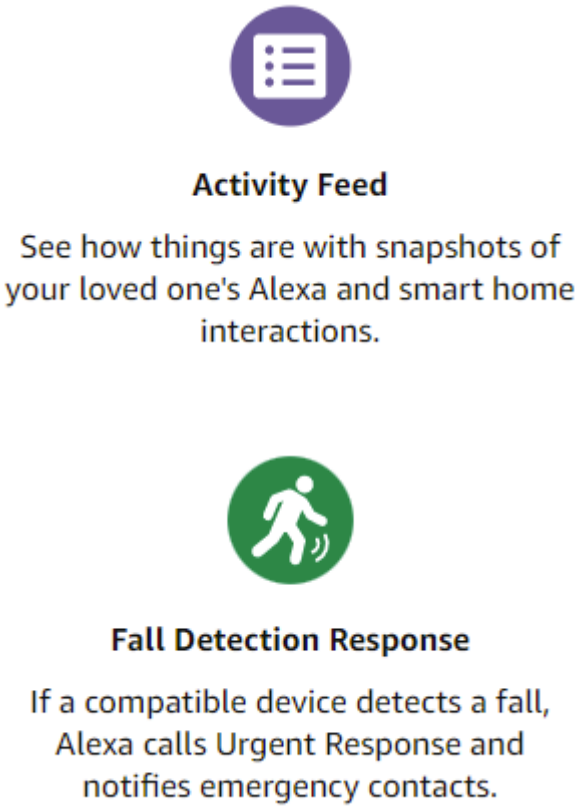
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

127. The ECSP Accused Products are programmed such that "in response to not detecting the senior user interaction with the chatbot by the first expected time of interaction, transmit a message to the second client device of the caregiver indicating that the senior user has not interacted with the chatbot by the first expected time of interaction," as required by claim 1 of

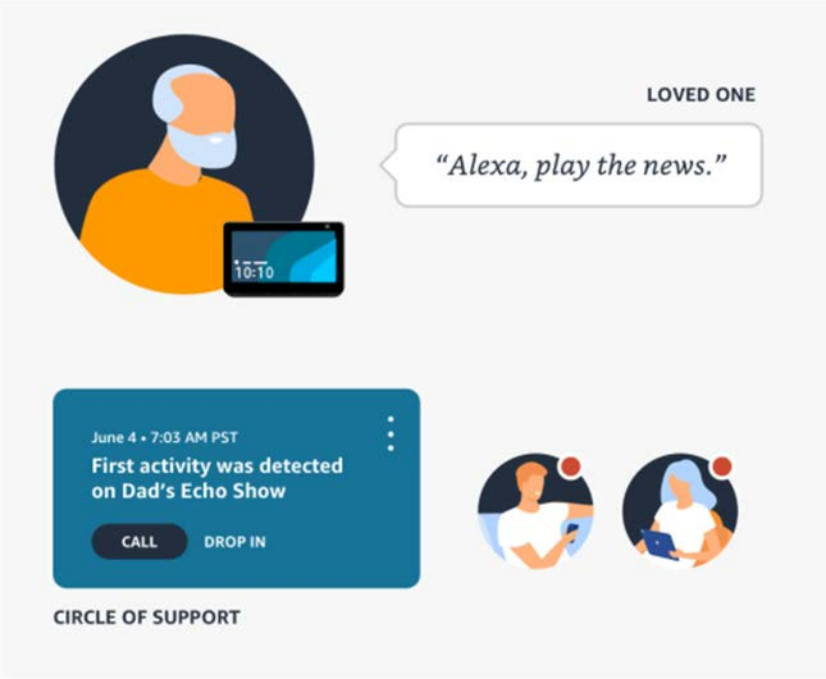
the ’581 patent. In the examples below, Alexa Together continuously monitors an elderly loved one’s user interaction and indicates to the care provider that the senior user has interacted with Alexa. For example, users can “[s]et up daily alerts for [their] loved one’s first Alexa use, or if it isn’t used by a certain time.” Ex. 20, Alexa Together, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022. The ECSP Accused Products can also determine whether a loved one interacted with Alexa at specific times of the day and send the caregiver notifications if the loved one has not interacted with Alexa at those times. *See* Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022.



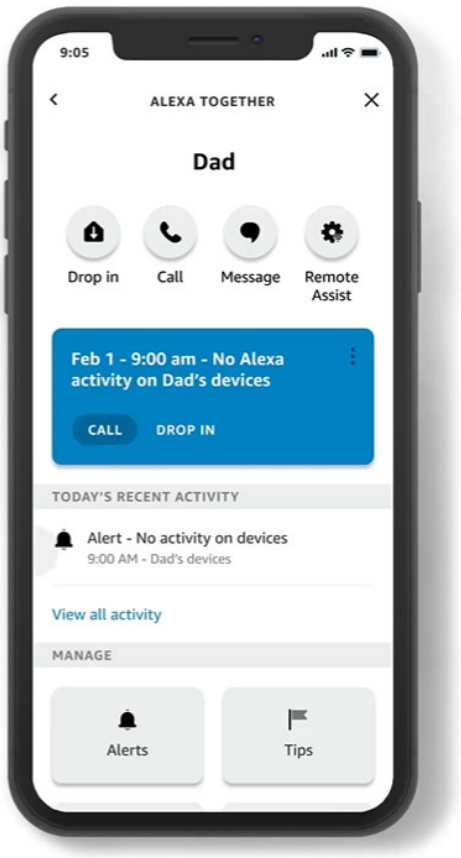
Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (video)



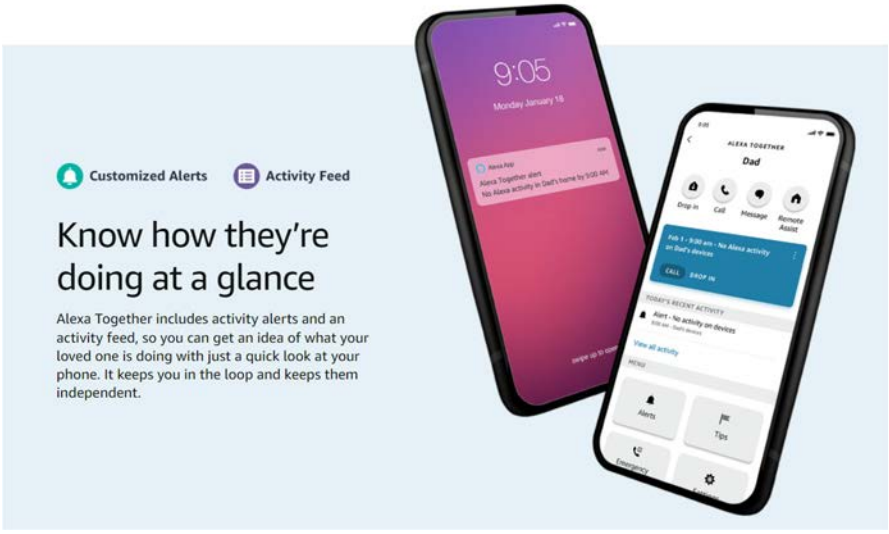
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

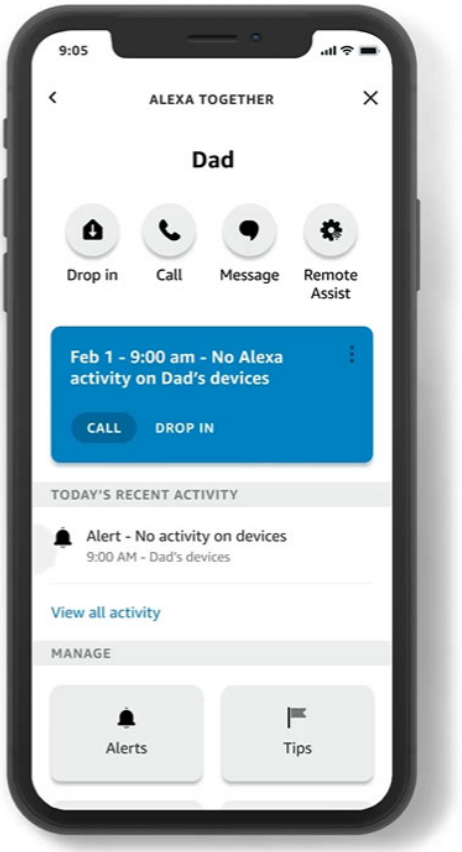
128. Amazon also directly infringes—literally and/or under the doctrine of equivalents—at least claim 5 of the ’581 patent by making, using, selling, offering for sale, and/or importing into the United States its ECSP Accused Products and components thereof.

129. For example, claim 5 of the ’581 patent recites:

> The ECSP computer device of claim 1, wherein the message causes the second client device to display a virtual button on a user interface of the second client device that when selected the virtual button initiates at least one of a video call or a telephone call from the second client device to the first client device.

130. As previously described, Amazon directly infringes claim 1 of the ’581 patent by making, using, selling, offering for sale, and/or importing into the United States its ECSP Accused Products and components thereof. Amazon also directly infringes claim 5 of the ’581 patent.

131. For example, the ECSP Accused Products are programmed such that “the message causes the second client device to display a virtual button on a user interface of the second client device that when selected the virtual button initiates at least one of a video call or a telephone call from the second client device to the first client device,” as required by claim 5 of the ’581 patent. The ECSP Accused Products can determine whether a loved one interacted with Alexa at specific times of the day and send the caregiver notifications if the loved one has not interacted with Alexa at those times. *See* Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022. Those notifications include two buttons, “Call” and “Drop In.” *Id.* The “Call” button initiates a telephone call from the caregivers device (the second client device) to the senior user (the first client device). *Id.*; Ex. 26. The “Drop In” button initiates a video call with the senior user. *Id.*



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

132. Each claim in the ’581 patent recites an independent invention. Neither claims 1 or 5, described above, nor any other individual claim is representative of all claims in the ’581 patent.

133. Amazon was aware of the ’581 patent since before the date of its issuance on August 31, 2021. On January 4, 2021, State Farm sent a letter to Amazon notifying it of the publishing of the application that became the ’581 patent and noting that it applied to State Farm’s Sundial® and Amazon’s Alexa Care Hub. On July 29, 2021, State Farm sent an email to Amazon notifying it of the allowance and issue fee payment for the applications that became the ’581 and ’203 patents. On October 12, 2021, State Farm sent Amazon an email notifying Amazon

that Alexa Together infringes the ’581, ’203, and ’235 patents and proposing a potential patent license.

134. Amazon has further been aware of the ’581 patent since at least the filing date of the Complaint on November 3, 2022.

135. Amazon actively induced and is actively inducing infringement of at least claims 1 and 5 of the ’581 patent, in violation of 35 U.S.C. § 271(b).

136. Amazon’s customers and end-users of the ECSP Accused Products directly infringe claims 1 and 5 of the ’581 patent, at least by using the ECSP Accused Products, as described above in Paragraphs 122-131.

137. Amazon knowingly induces infringement of at least claims 1 and 5 of the ’581 patent by customers and end-users of the ECSP Accused Products with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to selling, marketing, advertising, promotion, support, and distribution of the ECSP Accused Products in the United States.

138. Amazon knowingly instructs customers and end users, at least through its marketing, promotional, and instructional materials, to use the infringing ECSP Accused Products in an infringing manner, as described in detail above in Paragraphs 122-131.

139. Amazon advertises and instructs users on how to use the ECSP Accused Products. For example, Amazon publicly shares a “Frequently asked questions” website that instructs customers, *inter alia*, how to “[g]et started.” Ex. 24, Frequently asked questions, https://www.amazon.com/b/?node=23666031011, last visited November 2, 2022. Amazon also publicly shares an “Alexa Together Setup Guide,” a step-by-step user guide that instructs users how to purchase, install, and setup the ECSP Accused Products. Ex. 25, Alexa Together

Setup Guide, https://m.media-amazon.com/images/G/01/kindle/DP/Care-Launch/Alexa-Together-Setup-Guide-EN-V2.pdf?ref=at_setup_d, last visited November 2, 2022. Amazon also publicly shares a "Frequently asked questions" webpage that instructs users on various aspects of Alexa Together, including instructions regarding setup, activity feed, urgent response, alerts and notifications, Remote Assist, fall detection, Alexa Communication Features, and Circle of Support. Ex. 24, Alexa Together Frequently Asked Questions, https://www.amazon.com/b/?node=23666031011, last visited November 2, 2022.

140. Amazon further advertises and instructs that Alexa Together can notify users when their loved one "has had their first Alexa activity of the day or if no activity is detected by a certain time, such as 10 AM." *Id.* Amazon also advertises and instructs users regarding the information that will appear on the Alexa Together activity feed. *Id.* ("Alexa Together will show a high-level summary of your loved one's activity with Alexa or compatible smart home devices to give you a general sense that they are going about their day.").

141. Amazon also posts videos on its website that instruct third parties on how to use the ECSP Accused Products. (*See* Ex. 26, Amazon Alexa Together Video, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (video) (last visited November 2, 2022). These videos explain, *inter alia*, how care providers can be alerted regarding a loved one's first Alexa activity, "can receive notifications and stay informed about [their] loved one's well-being," and can "setup customized alerts, like a notification if [their] loved one hasn't used Alexa in a while." *Id.*

142. In addition to marketing the ECSP Accused Products for use in an infringing manner, Amazon also provides customer service to purchasers of the ECSP Accused Products that directs and encourages customers of the ECSP Accused Products to use the ECSP Accused

Products in an infringing manner. For example, Amazon provides Alexa Together Support and teaches customers "how to set up a connection, view activity, and get alerts with Alexa Together," (Ex. 27, Alexa Together Support, https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3, last visited November 2, 2022):

Digital Services and Device Support › Alexa Features Help ›

Alexa Together Support

Learn how to set up a connection, view activity, and get alerts with Alexa Together.

Getting Started

What is Alexa Together?
What are the Different Roles in a Circle of Support?
Purchase and Activate an Alexa Together Subscription
Help Loved Ones Set Up Their Echo Show Remotely

How To

Set Up Your Alexa Together Connection
Get Notifications About Your Loved One with Alexa Together
View Activity with the Alexa Together Dashboard
Connect Alexa Together to a Fall Detection Device
How Do Turn On Alexa Together Remote Assist?
Set Up an Alexa Routine
How Does Drop In Work?
Make Alexa Calls with Your Voice
Update Your Alexa Together Urgent Response Address
Update the Emergency Contact in Alexa Together
What Is an Alexa Emergency Contact?
Add Multiple Caregivers to an Alexa Together Subscription
Manage Your Alexa Together Circle of Support
Delete an Alexa Together Caregiver
Cancel Your Alexa Together Subscription

Troubleshooting

Set Up Doesn't Work with Alexa Together
Alexa Together Circle of Support Doesn't Work
Notifications Aren't Working on Alexa Together

143. Amazon has sales and technical support staff who assist Amazon's customers and end users and provide instructions for the use of the ECSP Accused Products in an infringing manner in the United States. *See, e.g., id.*

144. Amazon provides its customers and end users with additional instructions that direct the customers and end users to use the ECSP Accused Products in an infringing manner. Such instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. *See, e.g., id.*

145. Amazon contributed and is contributing to infringement of at least claims 1 and 5 of the '581 patent, in violation of 35 U.S.C. § 271(c).

146. Amazon's customers and end-users of the ECSP Accused Products directly infringe claims 1 and 5 of the '581 patent, at least by using the ECSP Accused Products, as described in detail above in Paragraphs 122-131.

147. Amazon contributes to infringement of the '581 patent by offering to sell, selling, and importing into the United States the ECSP Accused Products and components thereof, including, for example, the Alexa Together and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '581 patent and have no substantial non-infringing use.

148. The ECSP Accused Products and associated software applications and firmware supplied by Amazon are especially made and especially adapted for use in infringing the '581 patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

149. Amazon's infringement of the '581 patent is without license or other authorization.

150. At least because Amazon had knowledge of the ’581 patent and proceeded to knowingly directly and indirectly infringe the ’581 patent, Amazon’s infringement has been and continues to be willful. As previously alleged, Amazon intentionally and knowingly copied proprietary innovations developed and patented by State Farm, including technology that Amazon now markets as its own.

151. Amazon’s continued infringement of the ’581 patent has damaged and will continue to damage Plaintiff.

152. Unless and until enjoined by this Court, Amazon will continue to directly infringe as well as induce and contribute to infringement of the ’581 patent. Amazon’s infringing acts are causing and will continue to cause at least Plaintiff irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, Plaintiff is entitled to a permanent injunction against further infringement.

153. This case is exceptional, entitling Plaintiff to an award of attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

SECOND CAUSE OF ACTION

Infringement of the ’203 Patent by Amazon

154. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1–153 above as though fully set forth herein.

155. Amazon’s products and/or services that infringe the ’203 patent include, but are not limited to, the ECSP Accused Products and use thereof.

156. Amazon makes, uses, sells, offers for sale, and/or imports the ECSP Accused Products and components thereof in the United States.

157. Amazon directly infringes—literally and/or under the doctrine of equivalents—at least claim 1 of the '203 patent by making, using, selling, offering for sale, and/or importing into the United States its ECSP Accused Products and components thereof.

158. For example, claim 1 of the '203 patent recites:

> 1. An engagement and care support platform ("ECSP") computer device comprising at least one processor in communication with a chatbot and at least one memory device, the ECSP computer device in communication with a first client device associated with a senior user and a second client device associated with a caregiver, the at least one processor of the ECSP computer device is programmed to:
>
> > store user information for the senior user associated with the first client device and for the caregiver associated with the second client device;
> >
> > continuously monitor for a first senior user interaction indicating that the senior user has interacted with the chatbot;
> >
> > detect the first senior user interaction with the chatbot;
> >
> > continuously monitor for a second senior user interaction indicating that the senior user has interacted with the chatbot, wherein the second senior user interaction is subsequent to the first senior user interaction;
> >
> > determine an elapsed amount of time between detecting the first senior user interaction by the senior user and a current time without having detected the second senior user interaction with the chatbot; and
> >
> > when the elapsed amount of time between detecting the first senior user interaction and the current time without having detected the second senior user interaction with the chatbot exceeds a predetermined threshold, transmit a message to the second client device of the caregiver indicating that the senior user has not interacted with the chatbot for the elapsed amount of time.

159. The ECSP Accused Products practice each limitation of claim 1 of the '203 patent.

160. To the extent the preamble is construed to be limiting, the ECSP Accused Products include "[a]n engagement and care support platform ('ECSP') computer device comprising at least one processor in communication with a chatbot and at least one memory device," where for example, Alexa Together is the ECSP used with an Echo or Alexa-enabled device that is a

"computer device comprising at least one processor in communication with a chatbot and at least one memory device":

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently. The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house. You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times. Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

What do I need to get started?

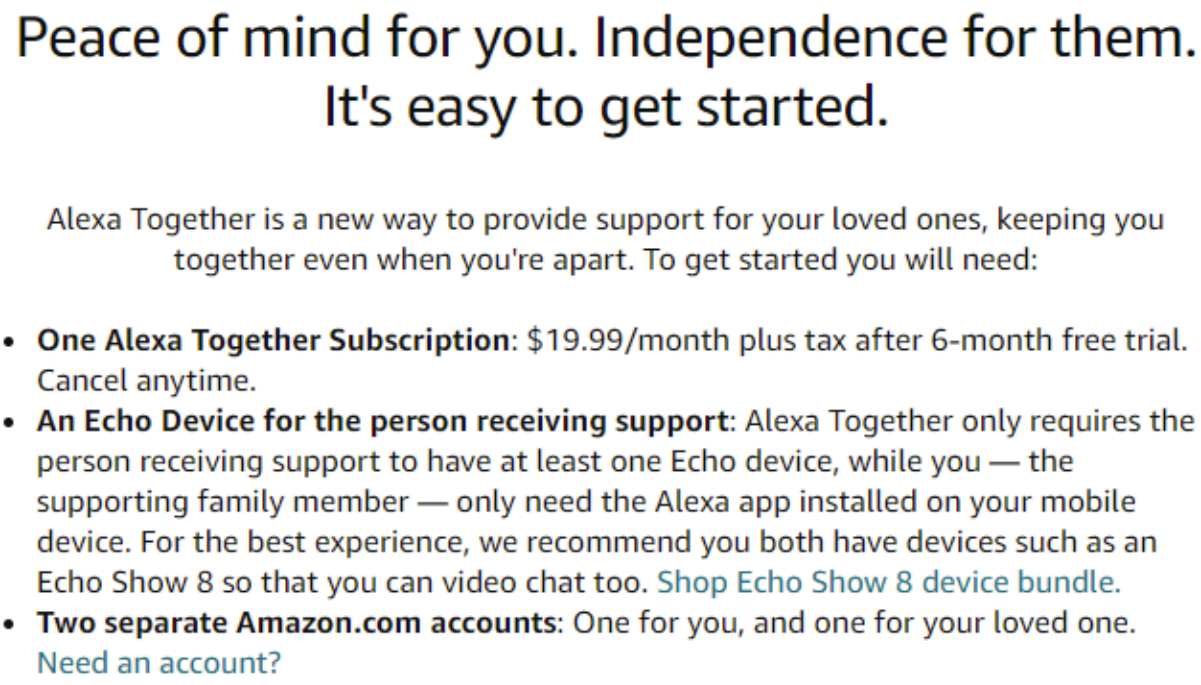
You will need to purchase one Alexa Together plan, either monthly or annual. If you are buying Alexa Together for yourself for peace of mind using Urgent Response, or receiving support from a family member, you will need an Echo or Alexa-enabled device and wifi. If you are the person providing support to a loved one, you only need the Alexa app downloaded to your phone. For a better experience, we do recommend that the person providing support also has an Echo device to use features like Alexa Calling or Drop In, or to enable video chat if both people have an Echo Show.

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

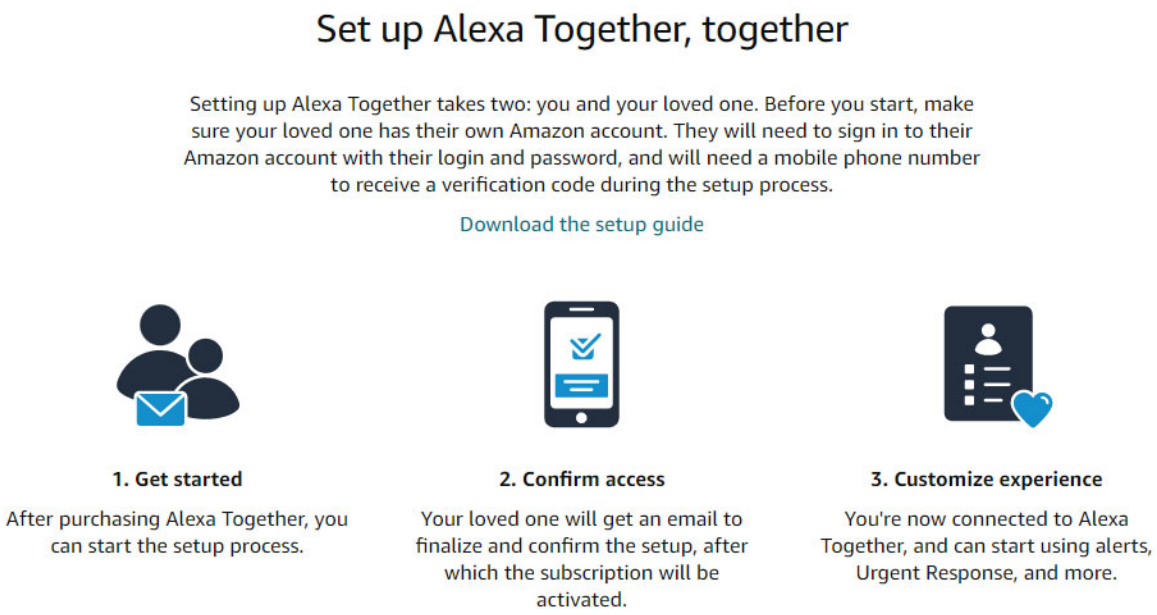
> Alexa is officially a chatbot. Yesterday, Amazon began rolling out a new feature on iOS that enables users to type their requests to Alexa and see responses on the screen. This is yet another update Amazon has made this year in its Alexa mobile app as the company attempts to extend the voice assistant's utility beyond the home. It will also be welcomed by many users as a big convenience since Alexa services will now be available without making a sound. Others will wonder why a chatbot is a necessary update.

Ex. 22, https://voicebot.ai/2020/12/01/alexa-becomes-a-chatbot-you-can-now-talk-to-alexa-by-typing/

161. To the extent the preamble is construed to be limiting, the ECSP computer device is "in communication with a first client device associated with a senior user and a second client device associated with a caregiver." For example, Alexa Together "requires the person receiving support" (senior user) "to have at least one Echo device," and for the service to work "the supporting family member" (caregiver) "need[s] the Alexa app installed on [their] mobile device." Ex. 20, Alexa Together, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022.



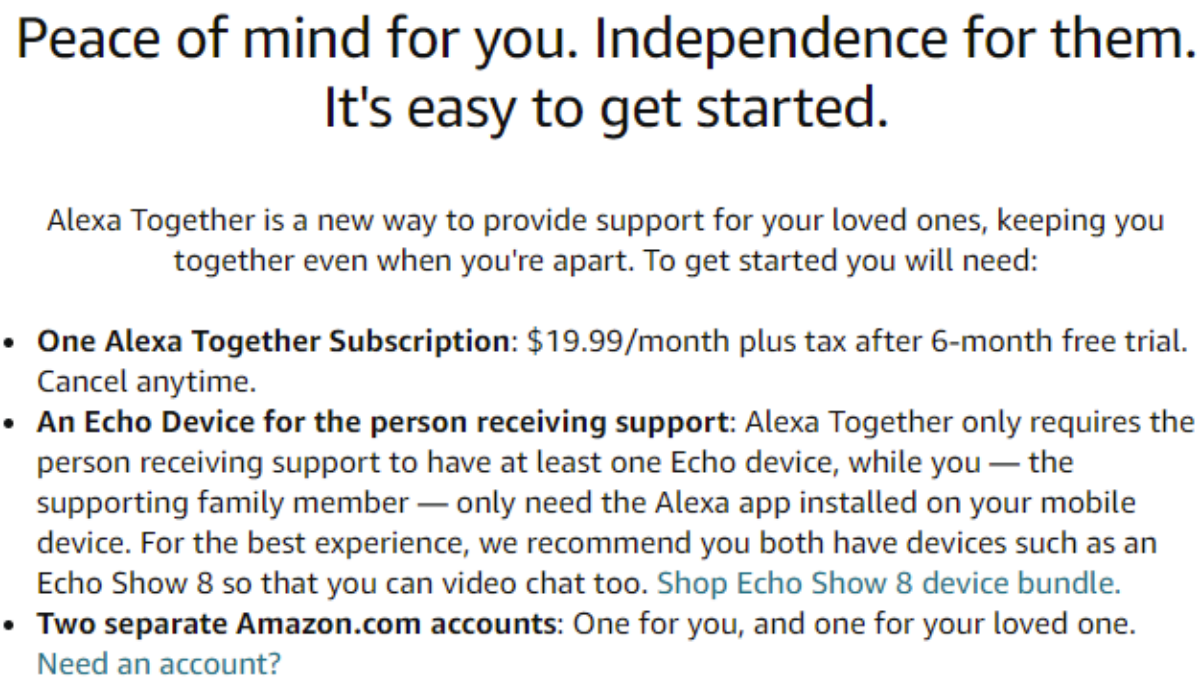
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



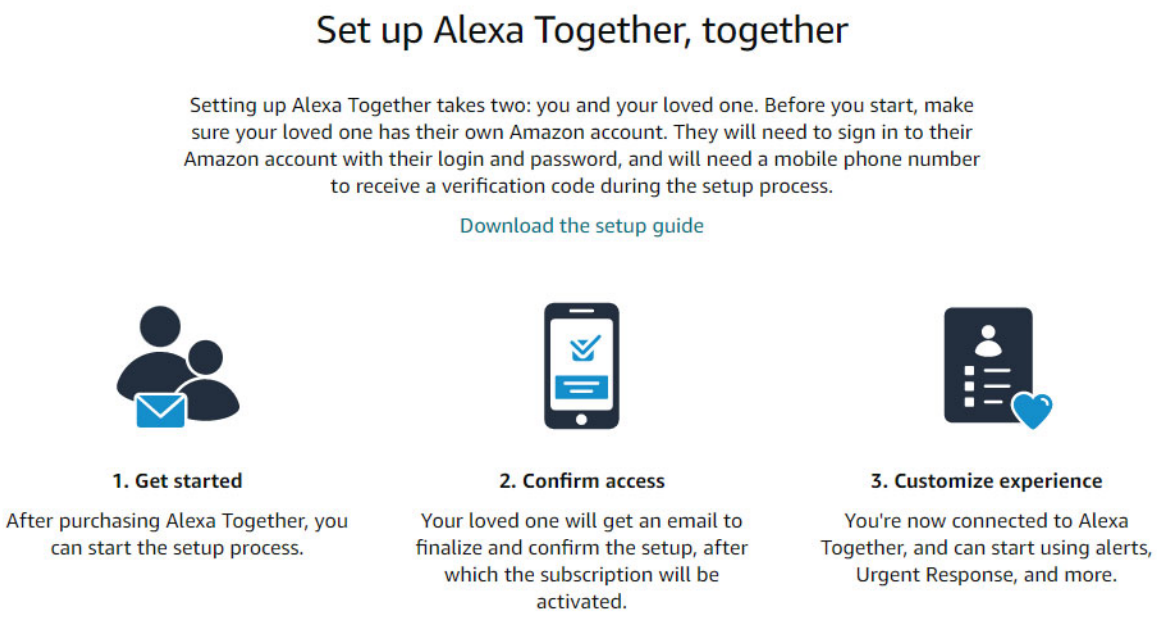
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

162. The ECSP Accused Products are programmed to "store user information for the senior user associated with the first client device and for the caregiver associated with the second client

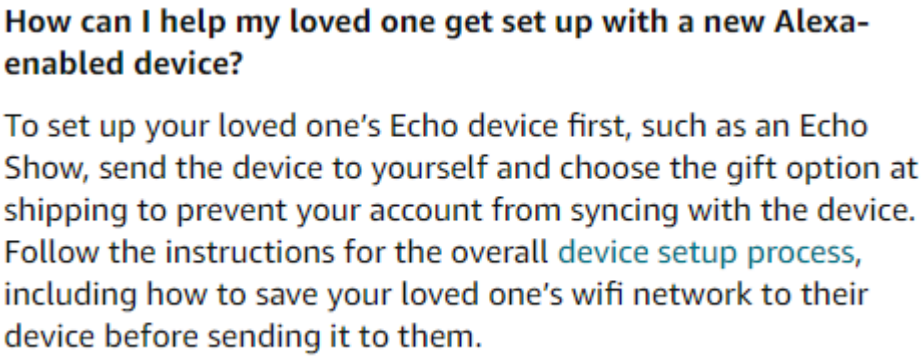
device," as required by claim 1 of the '203 patent. In the examples below, Alexa Together requires two separate Amazon accounts, one for the loved one (senior user) and one for the care provider (caregiver). For example, "loved ones" need "an Alexa-enabled device" (first client device) and care providers need to "download or update the Alexa app in [their] mobile device's app store," and Amazon recommends that both the loved one and care provider "both have devices such as an Echo Show 8" (second client device):



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

Set Up Your Alexa Together Connection

Follow the invitation steps to create an Alexa Together connection.

To use Alexa Together, care providers or their loved one will need one active Alexa Together subscription. Loved ones also need a separate Alexa account, an Alexa-enabled device, and Wi-Fi.

Tip: Before setup, download or update the Alexa app in your mobile device's app store. You can use the Alexa app or the Get Started page.

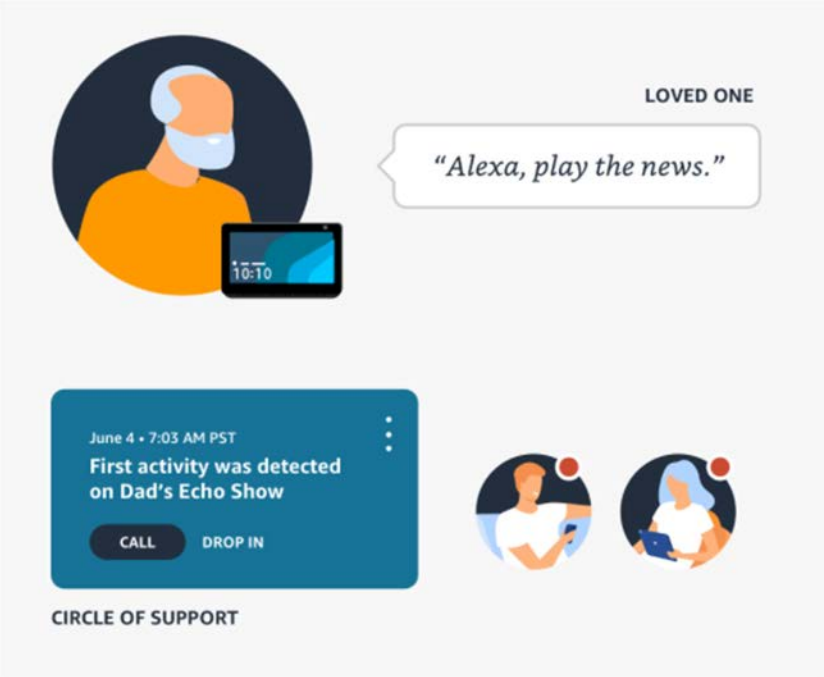
1. Open the Alexa app .
2. Open **More** and select **See More**.
3. Select **Alexa Together**.
4. Follow the on-screen steps to provide support or receive support from a loved one. You can send the invitation to any email address.
   Note: Loved ones must sign up with the same account registered to their Alexa enabled device. Care providers must wait 48 hours after an invitation is cancelled or declined to send a new Alexa Together invite.
5. If you're providing support, help your loved ones send an Alexa Together invitation by selecting **View Guide**.

Ex. 23,

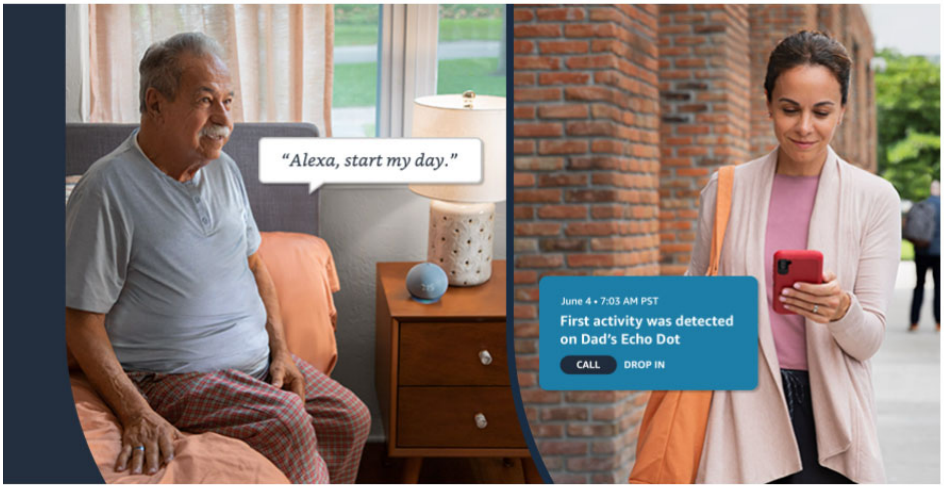
https://www.amazon.com/gp/help/customer/display.html?nodeId=GWZSHRX7PJUZNUDU

163. The ECSP Accused Products are programmed to "continuously monitor for a first senior user interaction indicating that the senior user has interacted with the chatbot," as required by claim 1 of the '203 patent. In the examples below, Alexa Together continuously monitors an elderly loved one's user interaction and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting "[f]irst activity" or "first Alexa use" by the loved one. For example, users can "[s]et up daily alerts for [their] loved one's first Alexa use, or if it isn't used by a certain time." Ex. 20, Alexa Together,

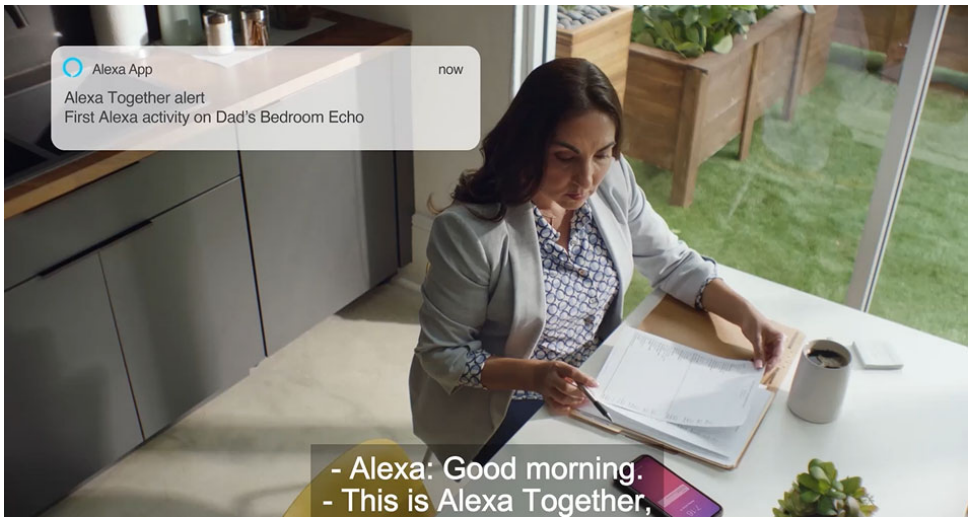
https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022.



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

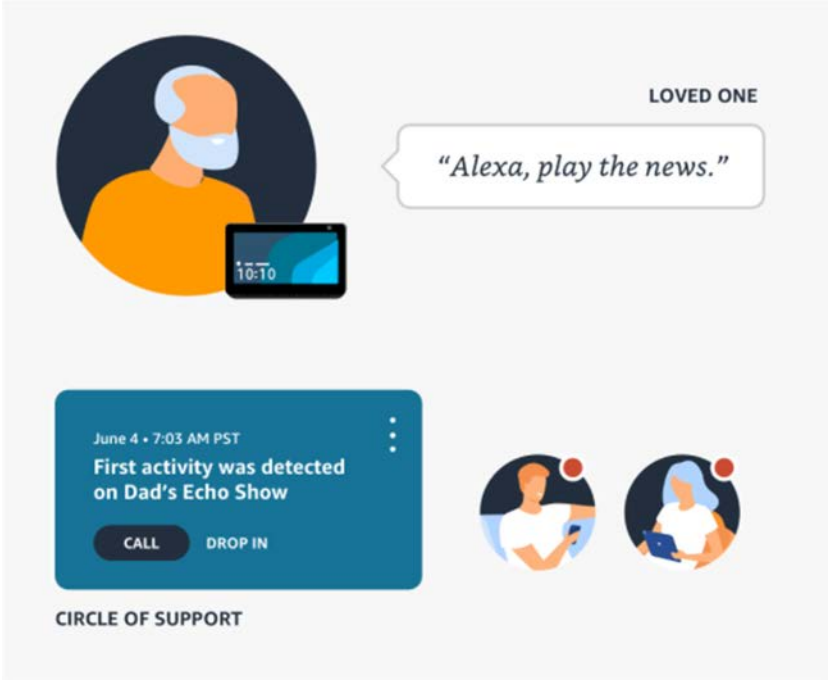


Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

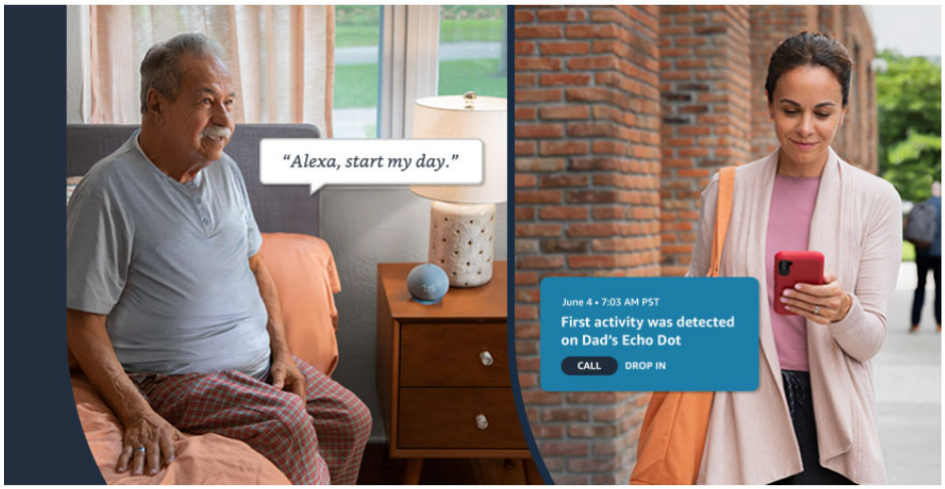


Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (video)

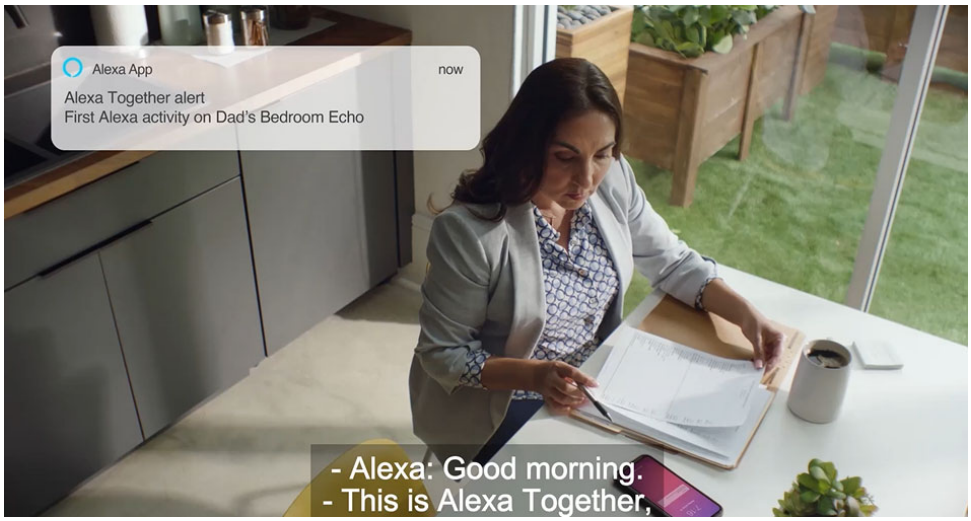
164. The ECSP Accused Products are programmed to "detect the first senior user interaction with the chatbot," as required by claim 1 of the '203 patent. In the examples below, Alexa Together detects an elderly loved one's user interaction with Alexa and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting "[f]irst activity" or "first Alexa use" by the loved one. For example, users can "[s]et up daily alerts for [their] loved one's first Alexa use, or if it isn't used by a certain time." Ex. 20, Alexa Together, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022.



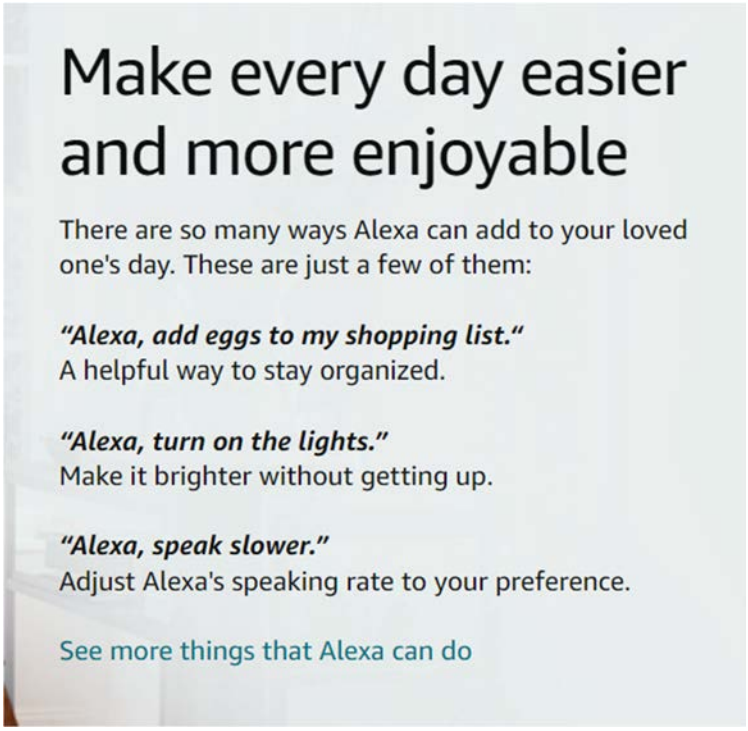
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



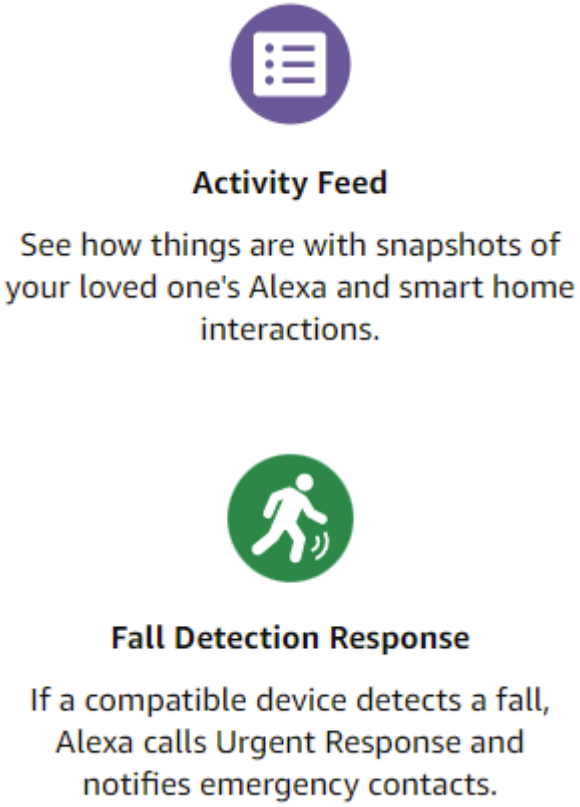
Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



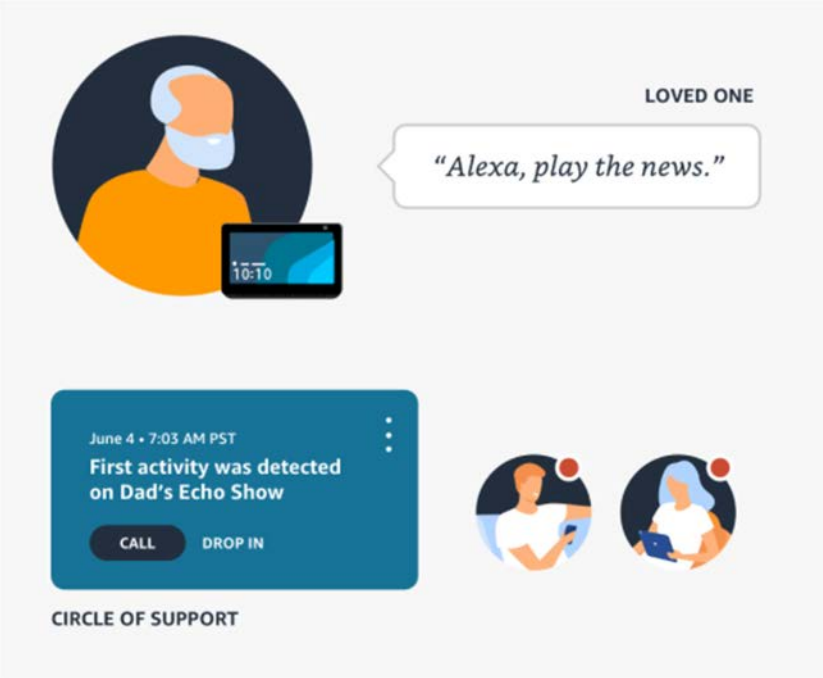
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

165. The ECSP Accused Products are programmed to "continuously monitor for a second senior user interaction indicating that the senior user has interacted with the chatbot, wherein the second senior user interaction is subsequent to the first senior user interaction," as required by claim 1 of the '203 patent. In the examples below, Alexa Together not only detects a first

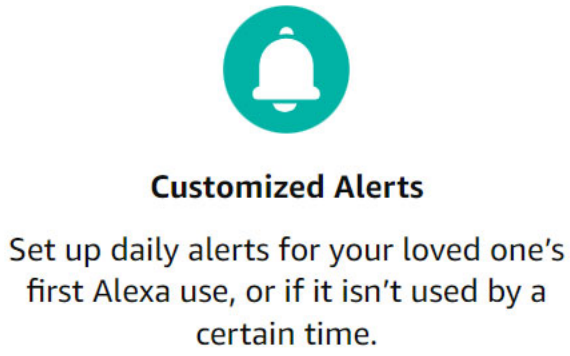
Alexa use or first activity by the senior user, but also continuously monitors any of the loved one's Alexa and smart home interactions. For example, users can "[s]et up daily alerts for [their] loved one's first Alexa use, or if it isn't used by a certain time." Ex. 20, Alexa Together, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022.



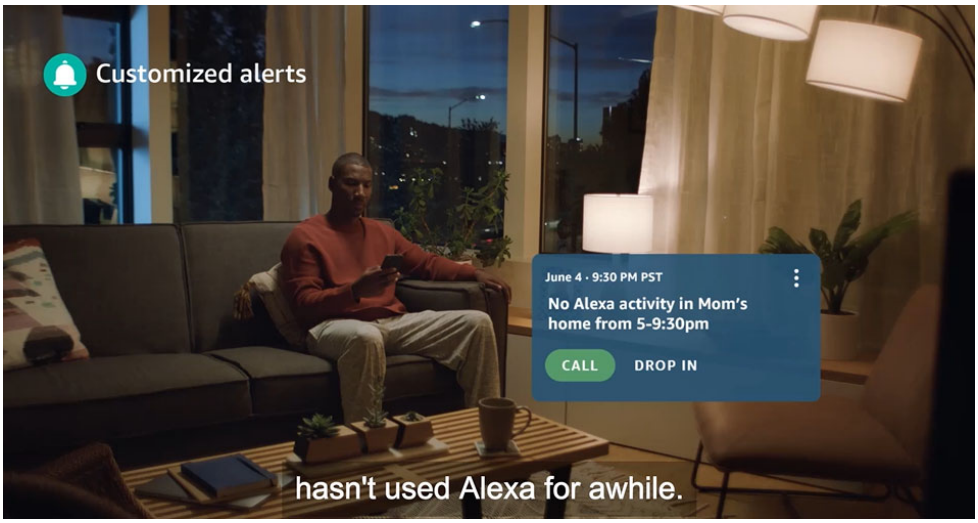
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



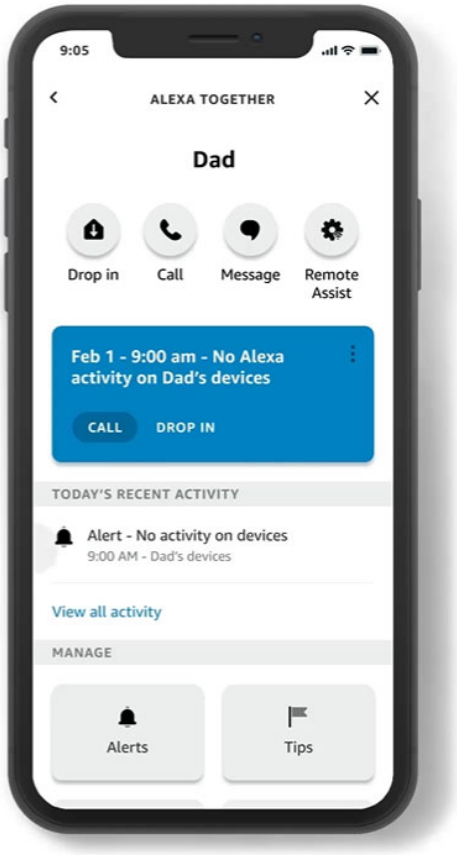
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



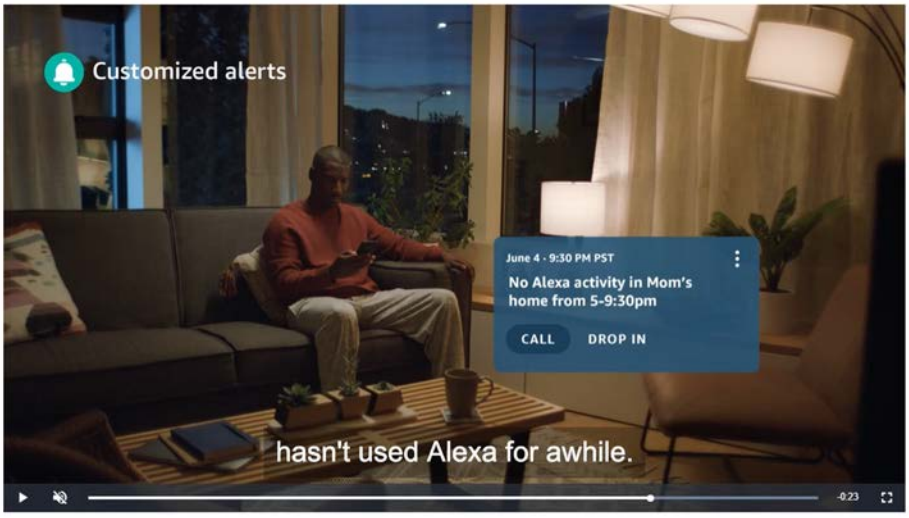
Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

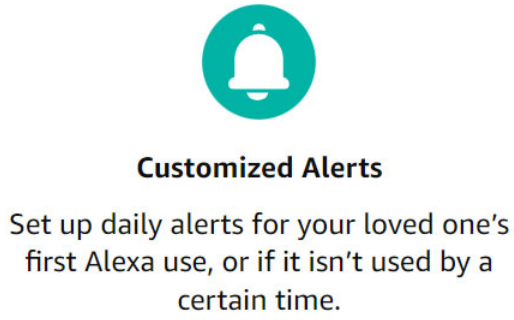
166. The ECSP Accused Products are programmed to "determine an elapsed amount of time between detecting the first senior user interaction by the senior user and a current time without

having detected the second senior user interaction with the chatbot," as required by claim 1 of the '203 patent. In the example below, the ECSP Accused Products can determine and alert the caregiver if the loved one has not used Alexa within a specified period of time, *e.g.*, 5–9:30 PM.

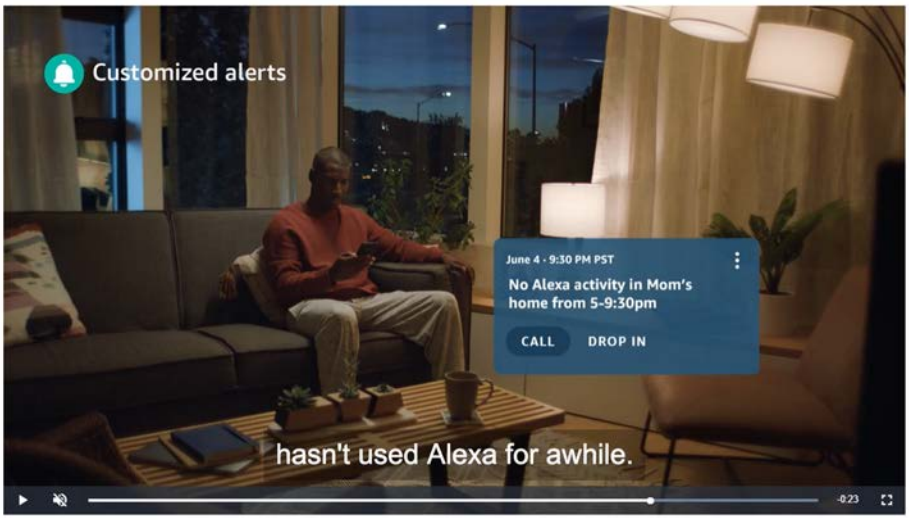


Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

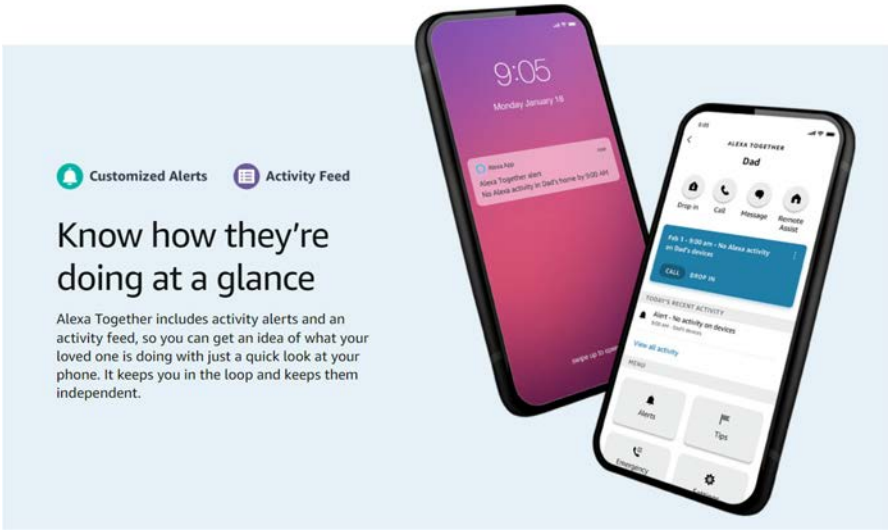
167. The ECSP Accused Products are programmed such that "when the elapsed amount of time between detecting the first senior user interaction and the current time without having detected the second senior user interaction with the chatbot exceeds a predetermined threshold, transmit a message to the second client device of the caregiver indicating that the senior user has not interacted with the chatbot for the elapsed amount of time," as required by claim 1 of the '203 patent. The ECSP Accused Products allows customized alerts to the care provider's device to indicate that the loved one has not interacted with the ECSP Accused Products "by a certain time." In the example below, the ECSP Accused Products can determine and alert the caregiver if the loved one has not used Alexa within a specified period of time, *e.g.*, 5–9:30 PM.



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

168. Each claim in the ’203 patent recites an independent invention. Neither claim 1, described above, nor any other individual claim is representative of all claims in the ’203 patent.

169. Amazon was aware of the ’203 patent since before the date of its issuance on September 7, 2021. On January 4, 2021, State Farm sent a letter to Amazon notifying it of the publishing of the application that became the ’235 patent, of which the ’203 is a continuation, noting that it applied to State Farm’s Sundial® and Amazon’s Alexa Care Hub. On July 29, 2021, State Farm sent an email to Amazon notifying it of the allowance and issue fee payment for the applications that became the ’203 and ’581 patents. On October 12, 2021, State Farm sent Amazon an email notifying Amazon that Alexa Together infringes the ’203, ’581, and ’235 patents and proposing a potential patent license.

170. Amazon has further been aware of the ’203 patent since at least the filing date of the Complaint on November 3, 2022.

171. Amazon actively induced and is actively inducing infringement of at least claim 1 of the ’203 patent, in violation of 35 U.S.C. § 271(b).

172. Amazon’s customers and end-users of the ECSP Accused Products directly infringe claim 1 of the ’203 patent, at least by using the ECSP Accused Products, as described above in Paragraphs 160-167.

173. Amazon knowingly induces infringement of at least claim 1 of the ’203 patent by customers and end-users of the ECSP Accused Products with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to selling, marketing, advertising, promotion, support, and distribution of the ECSP Accused Products in the United States.

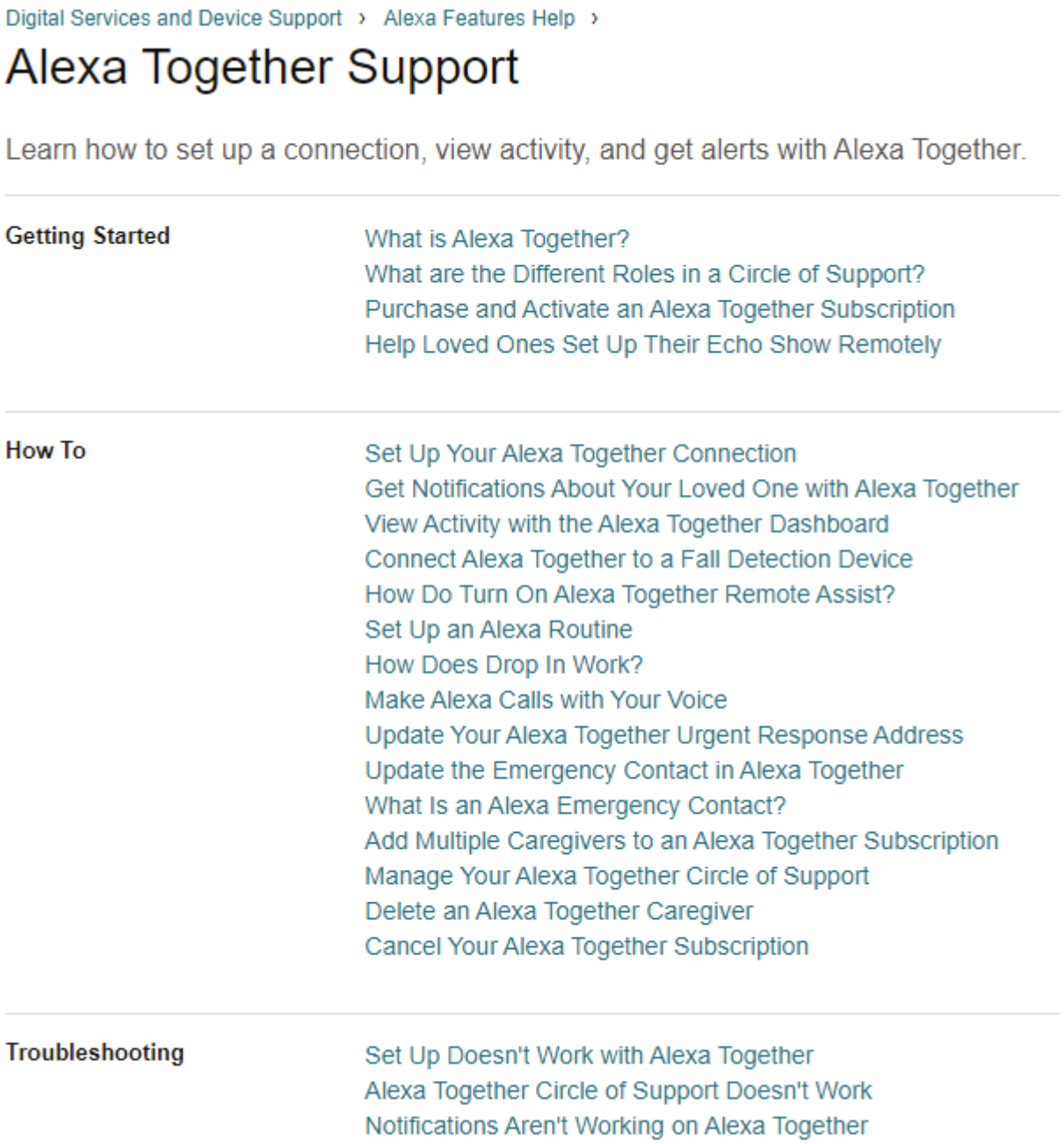
174. Amazon knowingly instructs customers and end users, at least through its marketing, promotional, and instructional materials, to use the infringing ECSP Accused Products in an infringing manner, as described in detail above in Paragraphs 160-167.

175. Amazon advertises and instructs users on how to use the ECSP Accused Products. For example, Amazon publicly shares a "Frequently asked questions" website that instructs customers, *inter alia*, how to "[g]et started." (Ex. 24, Frequently asked questions, https://www.amazon.com/b/?node=23666031011, last visited November 2, 2022). Amazon also publicly shares an "Alexa Together Setup Guide," a step-by-step user guide that instructs users how to purchase, install, and setup the ECSP Accused Products. Ex. 25, Alexa Together Setup Guide, https://m.media-amazon.com/images/G/01/kindle/DP/Care-Launch/Alexa-Together-Setup-Guide-EN-V2.pdf?ref=at_setup_d, last visited November 2, 2022). Amazon also publicly shares a "Frequently asked questions" webpage that instructs users on various aspects of Alexa Together, including instructions regarding setup, activity feed, urgent response, alerts and notifications, Remote Assist, fall detection, Alexa Communication Features, and Circle of Support. Ex. 24, Alexa Together Frequently Asked Questions, https://www.amazon.com/b/?node=23666031011, last visited November 2, 2022.

176. Amazon further advertises and instructs that Alexa Together can notify users when their loved one "has had their first Alexa activity of the day or if no activity is detected by a certain time, such as 10 AM." *Id.* Amazon also advertises and instructs users regarding the information that will appear on the Alexa Together activity feed. *Id.* ("Alexa Together will show a high-level summary of your loved one's activity with Alexa or compatible smart home devices to give you a general sense that they are going about their day.").

177. Amazon also posts videos on its website which instruct third parties on how to use the ECSP Accused Products. (*See* Ex. 26, Amazon Alexa Together Video, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (video) (last visited November 2, 2022). These videos explain, *inter alia*, how care providers can be alerted regarding a loved one's first Alexa activity, "can receive notifications and stay informed about [their] loved one's well-being," and can "setup customized alerts, like a notification if [their] loved one hasn't used Alexa in a while." *Id.*

178. In addition to marketing the ECSP Accused Products for use in an infringing manner, Amazon also provides customer service to purchasers of the ECSP Accused Products that directs and encourages customers of the ECSP Accused Products to use the ECSP Accused Products in an infringing manner. For example, Amazon provides Alexa Together Support and teaches customers "how to set up a connection, view activity, and get alerts with Alexa Together," (Ex. 27, Alexa Together Support, https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3, last visited November 2, 2022):



Digital Services and Device Support › Alexa Features Help ›

Alexa Together Support

Learn how to set up a connection, view activity, and get alerts with Alexa Together.

Getting Started

What is Alexa Together?
What are the Different Roles in a Circle of Support?
Purchase and Activate an Alexa Together Subscription
Help Loved Ones Set Up Their Echo Show Remotely

How To

Set Up Your Alexa Together Connection
Get Notifications About Your Loved One with Alexa Together
View Activity with the Alexa Together Dashboard
Connect Alexa Together to a Fall Detection Device
How Do Turn On Alexa Together Remote Assist?
Set Up an Alexa Routine
How Does Drop In Work?
Make Alexa Calls with Your Voice
Update Your Alexa Together Urgent Response Address
Update the Emergency Contact in Alexa Together
What Is an Alexa Emergency Contact?
Add Multiple Caregivers to an Alexa Together Subscription
Manage Your Alexa Together Circle of Support
Delete an Alexa Together Caregiver
Cancel Your Alexa Together Subscription

Troubleshooting

Set Up Doesn't Work with Alexa Together
Alexa Together Circle of Support Doesn't Work
Notifications Aren't Working on Alexa Together

179. Amazon has sales and technical support staff who assist Amazon's customers and end users and provide instructions for the use of the ECSP Accused Products in an infringing manner in the United States. *See, e.g.*, *id.*

180. Amazon provides its customers and end users with additional instructions that direct the customers and end users to use the ECSP Accused Products in an infringing manner. Such

instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. *See, e.g.*, *id.*

181. Amazon contributed and is contributing to infringement of at least claim 1 of the '203 patent, in violation of 35 U.S.C. § 271(c).

182. Amazon's customers and end-users of the ECSP Accused Products directly infringe claim 1 of the '203 patent, at least by using the ECSP Accused Products, as described in detail above in Paragraphs 160-167.

183. Amazon contributes to infringement of the '203 patent by offering to sell, selling, and importing into the United States the ECSP Accused Products and components thereof, including, for example, the Alexa Together and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '203 patent and have no substantial non-infringing use.

184. The ECSP Accused Products and associated software applications and firmware supplied by Amazon are especially made and especially adapted for use in infringing the '203 Patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

185. Amazon's infringement of the '203 patent is without license or other authorization.

186. Because Amazon had knowledge of the '203 patent and proceeded to knowingly directly and indirectly infringe the '203 patent, Amazon's infringement has been and continues to be willful. As previously alleged, Amazon intentionally and knowingly copied proprietary innovations developed and patented by State Farm, including technology that Amazon now markets as its own.

187. Amazon's continued infringement of the '203 patent has damaged and will continue to damage Plaintiff.

188. Unless and until enjoined by this Court, Amazon will continue to directly infringe as well as induce and contribute to infringement of the '203 patent. Amazon's infringing acts are causing and will continue to cause at least Plaintiff irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, Plaintiff is entitled to a permanent injunction against further infringement.

189. This case is exceptional, entitling Plaintiff to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

THIRD CAUSE OF ACTION

Infringement of the '235 Patent by Amazon

190. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1–189 above as though fully set forth herein.

191. Amazon's products and/or services that infringe the '235 patent include, but are not limited to, the ECSP Accused Products and use thereof.

192. Amazon makes, uses, sells, offers for sale, and/or imports the ECSP Accused Products and components thereof in the United States.

193. Amazon directly infringes—literally and/or under the doctrine of equivalents—at least claim 1 of the '235 patent by making, using, selling, offering for sale, and/or importing into the United States its ECSP Accused Products and components thereof.

194. For example, claim 1 of the '235 patent recites:

> 1. An engagement and care support platform ("ECSP") computer device comprising at least one processor in communication with a chatbot and at least one memory device, the ECSP computer device in communication with a first client device and at least one second client device, the at least one processor of the ECSP computer device is programmed to:

> register a senior user via the first client device, the first client device configured to receive a user interaction and communicate with the chatbot;
>
> register a caregiver associated with the senior user via the at least one second client device;
>
> determine a first expected time of interaction with the chatbot via the first client device for the senior user for a predefined period of time;
>
> continuously monitor for a senior user interaction indicating that the senior user has interacted with the chatbot;
>
> in response to detecting the senior user interaction with the chatbot prior to the first expected time of interaction elapsing, transmit a message to the at least one second client device of the caregiver indicating that the senior user has interacted with the chatbot; and
>
> in response to not detecting the senior user interaction with the chatbot by the first expected time of interaction, transmit a different message to the at least one second client device of the caregiver indicating that the senior user has not interacted with the chatbot by the first expected time of interaction.

195. The ECSP Accused Products practice each limitation of claim 1 of the ’235 patent.

196. To the extent the preamble is construed to be limiting, the ECSP Accused Products include “[a]n engagement and care support platform (‘ECSP’) computer device comprising at least one processor in communication with a chatbot and at least one memory device,” where for example, Alexa Together is the ECSP used with an Echo or Alexa-enabled device that is a “computer device comprising at least one processor in communication with a chatbot and at least one memory device”:

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently. The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house. You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times. Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

What do I need to get started?

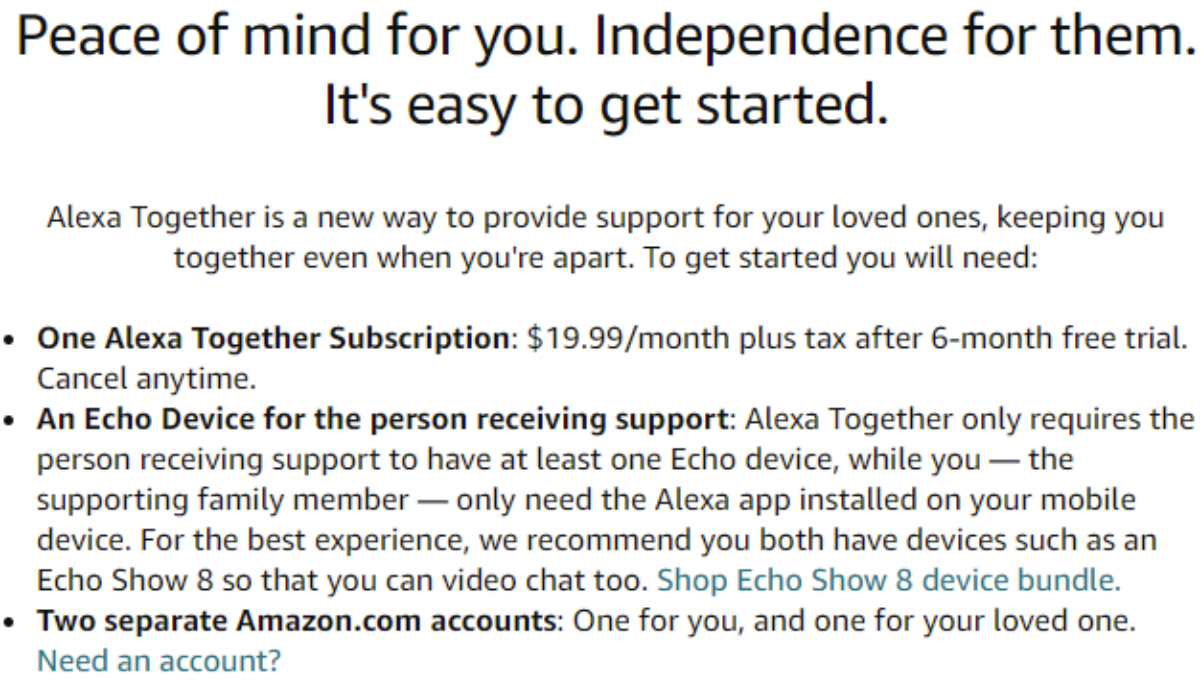
You will need to purchase one Alexa Together plan, either monthly or annual. If you are buying Alexa Together for yourself for peace of mind using Urgent Response, or receiving support from a family member, you will need an Echo or Alexa-enabled device and wifi. If you are the person providing support to a loved one, you only need the Alexa app downloaded to your phone. For a better experience, we do recommend that the person providing support also has an Echo device to use features like Alexa Calling or Drop In, or to enable video chat if both people have an Echo Show.

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

> Alexa is officially a chatbot. Yesterday, Amazon began rolling out a new feature on iOS that enables users to type their requests to Alexa and see responses on the screen. This is yet another update Amazon has made this year in its Alexa mobile app as the company attempts to extend the voice assistant's utility beyond the home. It will also be welcomed by many users as a big convenience since Alexa services will now be available without making a sound. Others will wonder why a chatbot is a necessary update.

Ex. 22, https://voicebot.ai/2020/12/01/alexa-becomes-a-chatbot-you-can-now-talk-to-alexa-by-typing/

197. To the extent the preamble is construed to be limiting, the ECSP computer device is "in communication with a first client device and at least one second client device." For example, Alexa Together "requires the person receiving support to have at least one Echo device," (first client device) and for the service to work "the supporting family member" (second client device) "need[s] the Alexa app installed on [their] mobile device." Ex. 20, Alexa Together, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022.

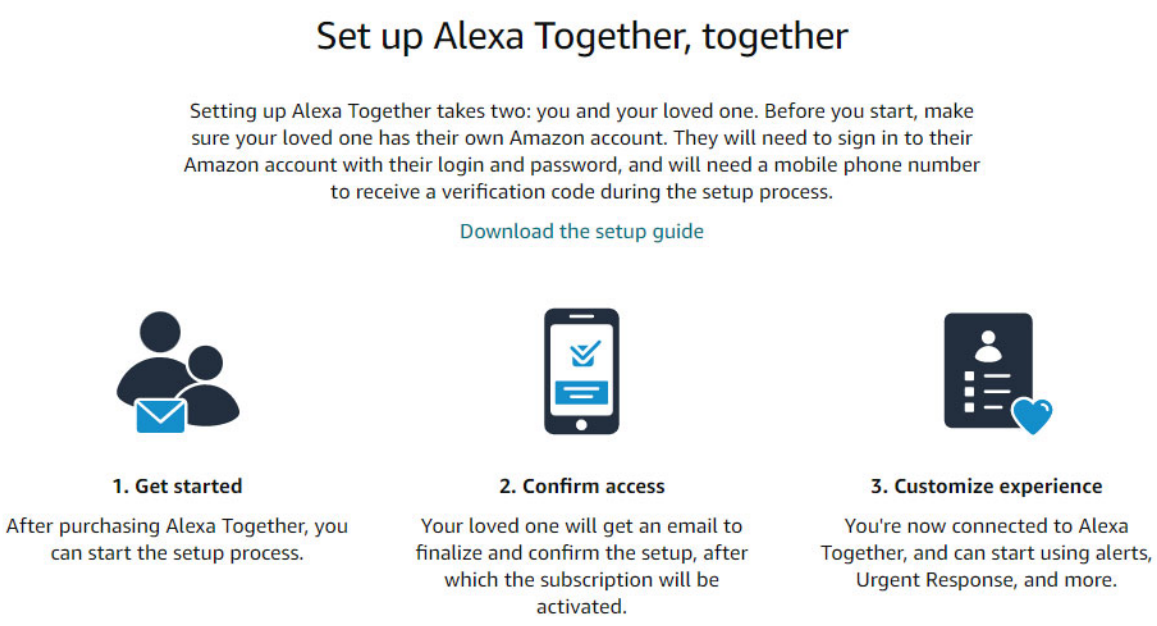


Peace of mind for you. Independence for them. It's easy to get started.

Alexa Together is a new way to provide support for your loved ones, keeping you together even when you're apart. To get started you will need:

- **One Alexa Together Subscription**: $19.99/month plus tax after 6-month free trial. Cancel anytime.
- **An Echo Device for the person receiving support**: Alexa Together only requires the person receiving support to have at least one Echo device, while you — the supporting family member — only need the Alexa app installed on your mobile device. For the best experience, we recommend you both have devices such as an Echo Show 8 so that you can video chat too. Shop Echo Show 8 device bundle.
- **Two separate Amazon.com accounts**: One for you, and one for your loved one. Need an account?

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Set up Alexa Together, together

Setting up Alexa Together takes two: you and your loved one. Before you start, make sure your loved one has their own Amazon account. They will need to sign in to their Amazon account with their login and password, and will need a mobile phone number to receive a verification code during the setup process.

Download the setup guide

1. Get started

After purchasing Alexa Together, you can start the setup process.

2. Confirm access

Your loved one will get an email to finalize and confirm the setup, after which the subscription will be activated.

3. Customize experience

You're now connected to Alexa Together, and can start using alerts, Urgent Response, and more.

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

What is Alexa Together?

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Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (emphasis added)

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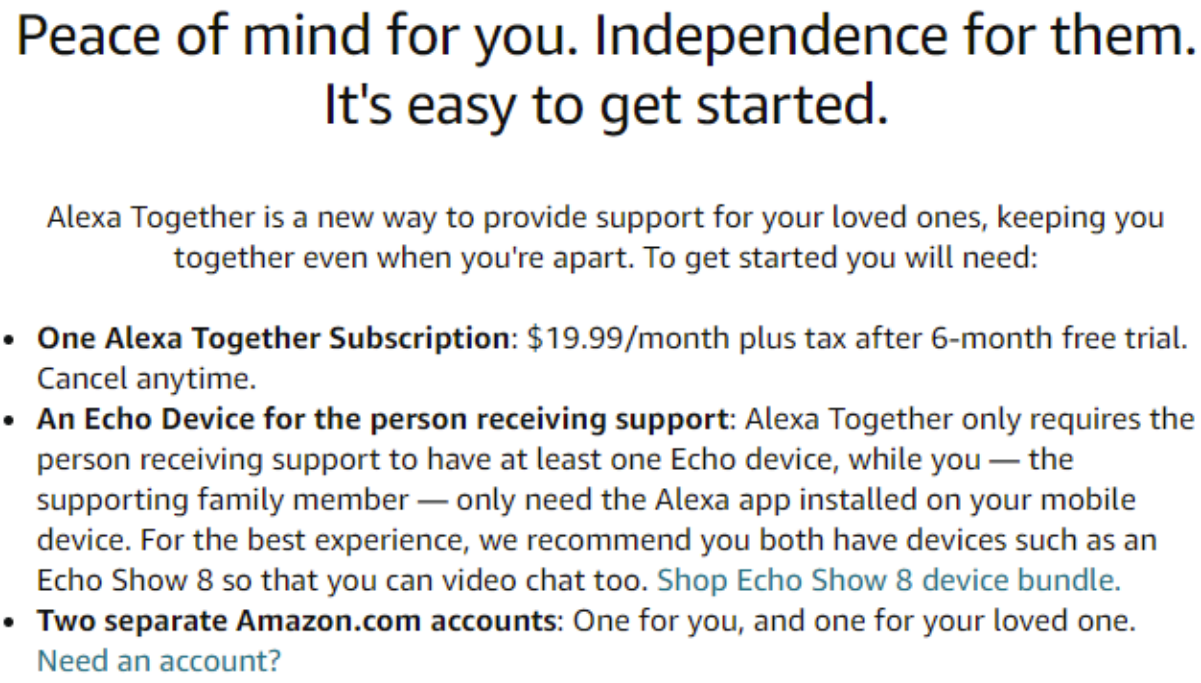
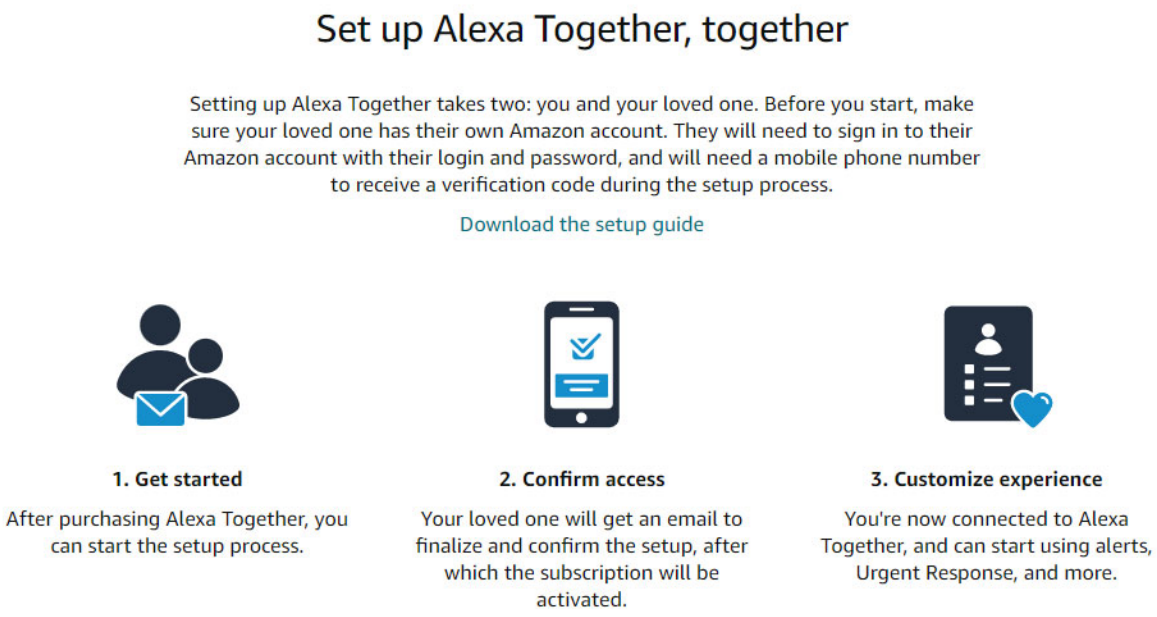
Ex. 22, https://voicebot.ai/2020/12/01/alexa-becomes-a-chatbot-you-can-now-talk-to-alexa-by-typing/

198. The ECSP Accused Products are programmed to "register a senior user via the first client device, the first client device configured to receive a user interaction and communicate with the chatbot," as required by claim 1 of the '235 patent. In the examples below, Alexa Together requires two separate Amazon accounts, one for the loved one (senior user) and one for the care provider (caregiver). For example, "loved ones" need "an Alexa-enabled device" (first client device), and Amazon recommends that both the loved one and care provider "both have devices such as an Echo Show 8":



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

How can I help my loved one get set up with a new Alexa-enabled device?

To set up your loved one's Echo device first, such as an Echo Show, send the device to yourself and choose the gift option at shipping to prevent your account from syncing with the device. Follow the instructions for the overall device setup process, including how to save your loved one's wifi network to their device before sending it to them.

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

Set Up Your Alexa Together Connection

Follow the invitation steps to create an Alexa Together connection.

To use Alexa Together, care providers or their loved one will need one active Alexa Together subscription. Loved ones also need a separate Alexa account, an Alexa-enabled device, and Wi-Fi.

Tip: Before setup, download or update the Alexa app in your mobile device's app store. You can use the Alexa app or the Get Started page.

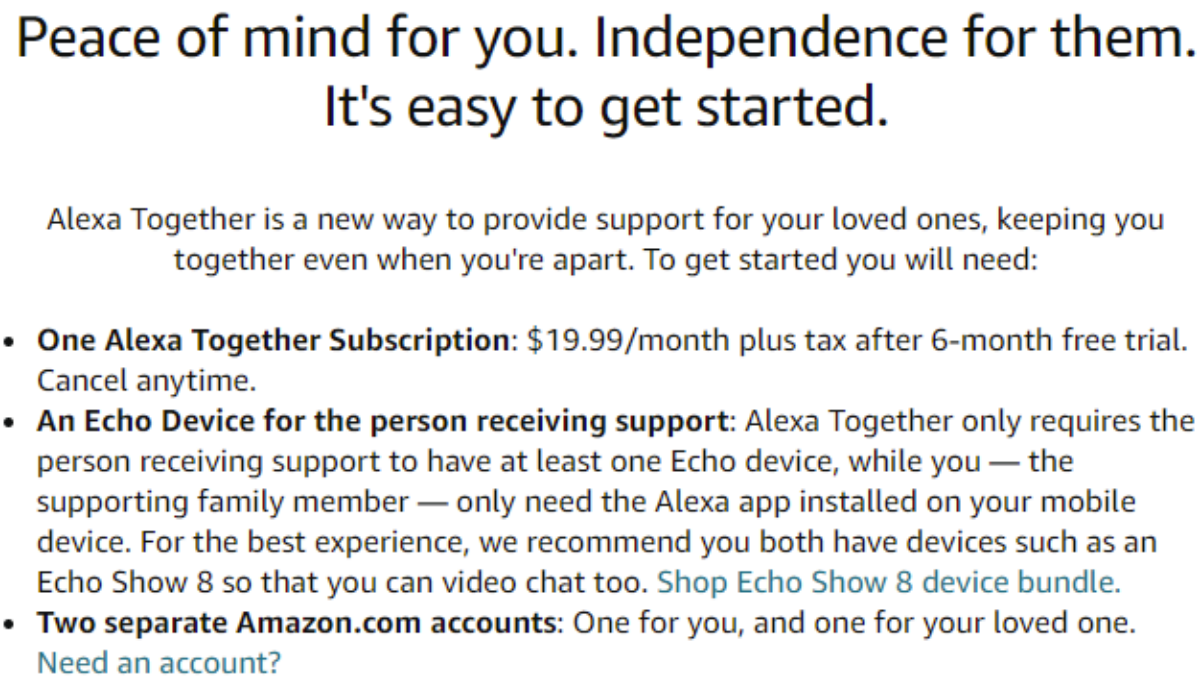
1. Open the Alexa app .
2. Open **More** and select **See More**.
3. Select **Alexa Together**.
4. Follow the on-screen steps to provide support or receive support from a loved one. You can send the invitation to any email address.
   Note: Loved ones must sign up with the same account registered to their Alexa enabled device. Care providers must wait 48 hours after an invitation is cancelled or declined to send a new Alexa Together invite.
5. If you're providing support, help your loved ones send an Alexa Together invitation by selecting **View Guide**.

Ex. 23,

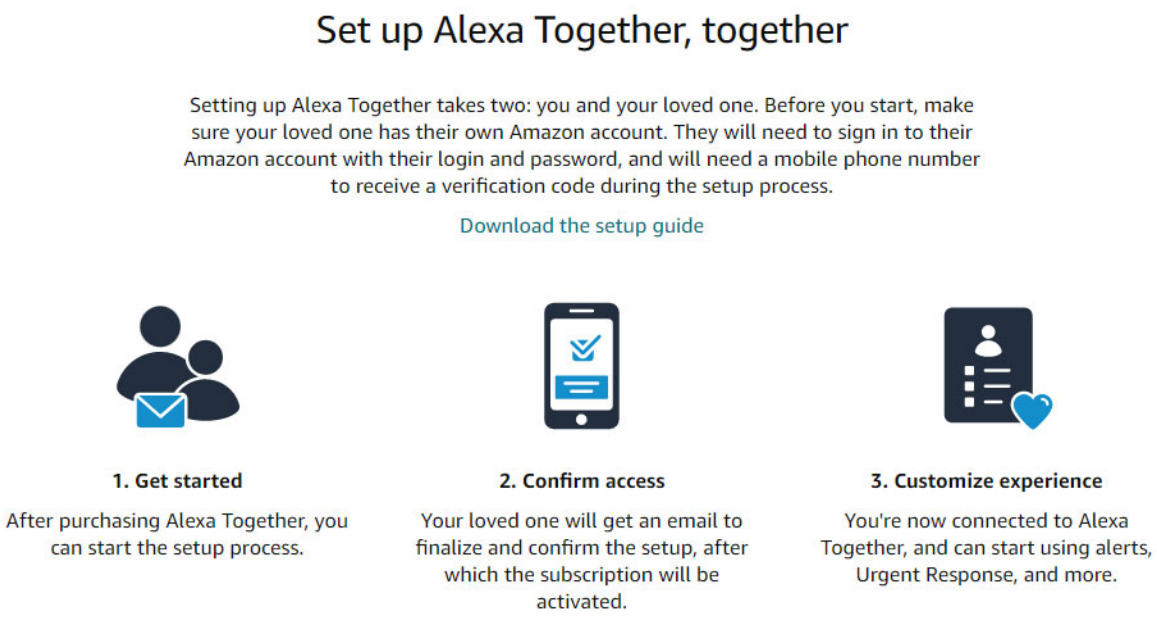
https://www.amazon.com/gp/help/customer/display.html?nodeId=GWZSHRX7PJUZNUDU

199. The ECSP Accused Products are programmed to "register a caregiver associated with the senior user via the at least one second client device," as required by claim 1 of the '235 patent.

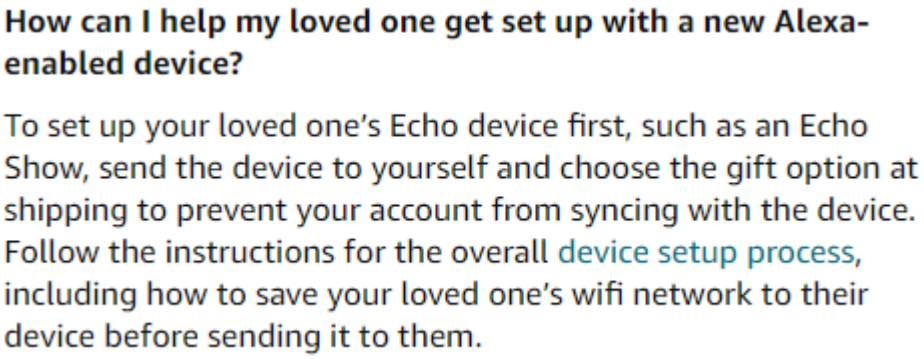
Alexa Together requires two separate Amazon accounts, one for the loved one (senior user) and one for the care provider (caregiver). Moreover, "loved ones" need "an Alexa-enabled device" (first client device) and care providers need to "download or update the Alexa app in [their] mobile device's app store," and Amazon recommends that both the loved one and care provider "both have devices such as an Echo Show 8" (second client device):



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

Set Up Your Alexa Together Connection

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To use Alexa Together, care providers or their loved one will need one active Alexa Together subscription. Loved ones also need a separate Alexa account, an Alexa-enabled device, and Wi-Fi.

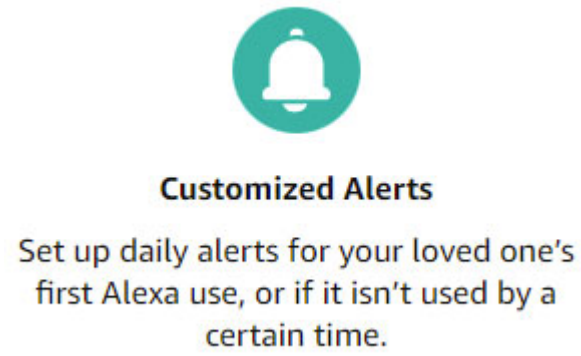
Tip: Before setup, download or update the Alexa app in your mobile device's app store. You can use the Alexa app or the Get Started page.

1. Open the Alexa app .
2. Open **More** and select **See More**.
3. Select **Alexa Together**.
4. Follow the on-screen steps to provide support or receive support from a loved one. You can send the invitation to any email address.
   Note: Loved ones must sign up with the same account registered to their Alexa enabled device. Care providers must wait 48 hours after an invitation is cancelled or declined to send a new Alexa Together invite.
5. If you're providing support, help your loved ones send an Alexa Together invitation by selecting **View Guide**.

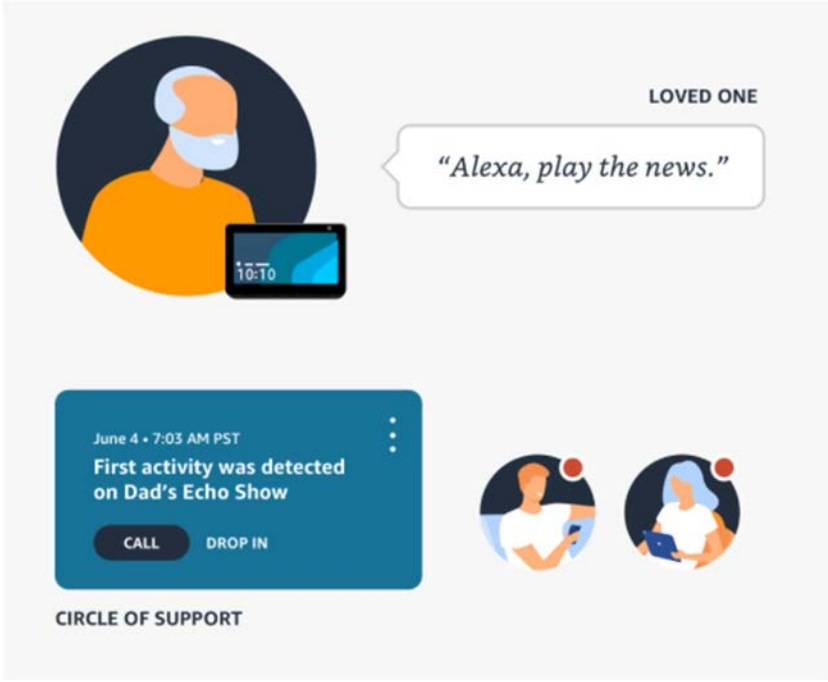
Ex. 23,

https://www.amazon.com/gp/help/customer/display.html?nodeId=GWZSHRX7PJUZNUDU

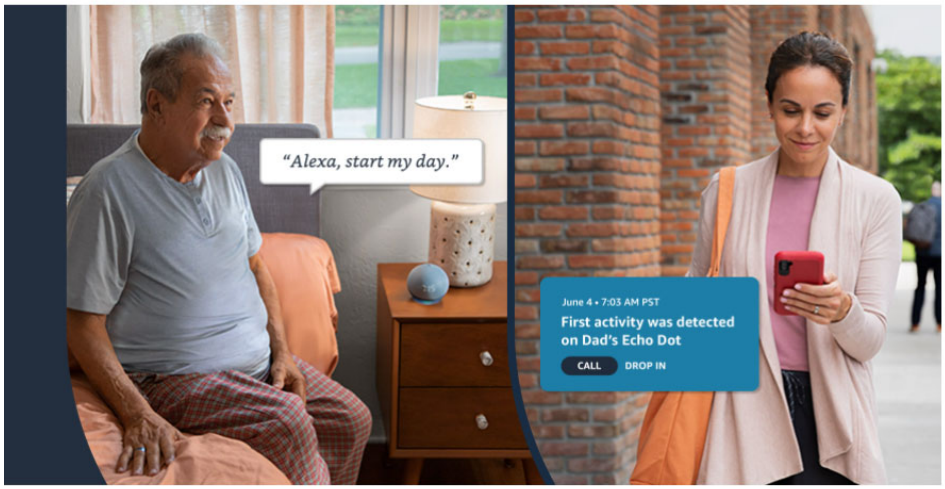
200. The ECSP Accused Products are programmed to "determine a first expected time of interaction with the chatbot via the first client device for the senior user for a predefined period of time," as required by claim 1 of the '235 patent. In the examples below, Alexa Together continuously monitors an elderly loved one's user interaction and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting "[f]irst activity" or "first Alexa use" by the loved one. Alexa Together can also determine whether a loved one interacted with the Alexa at specific times of the day:



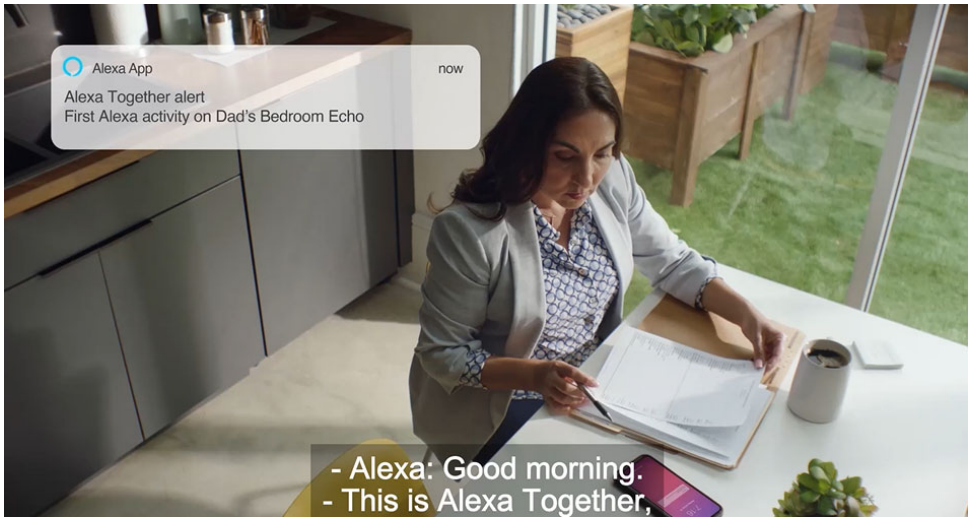
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



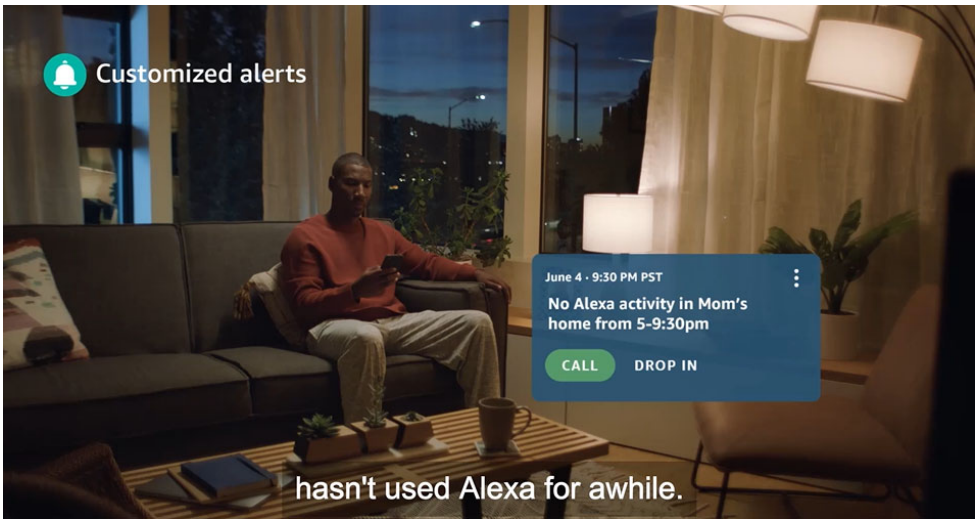
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

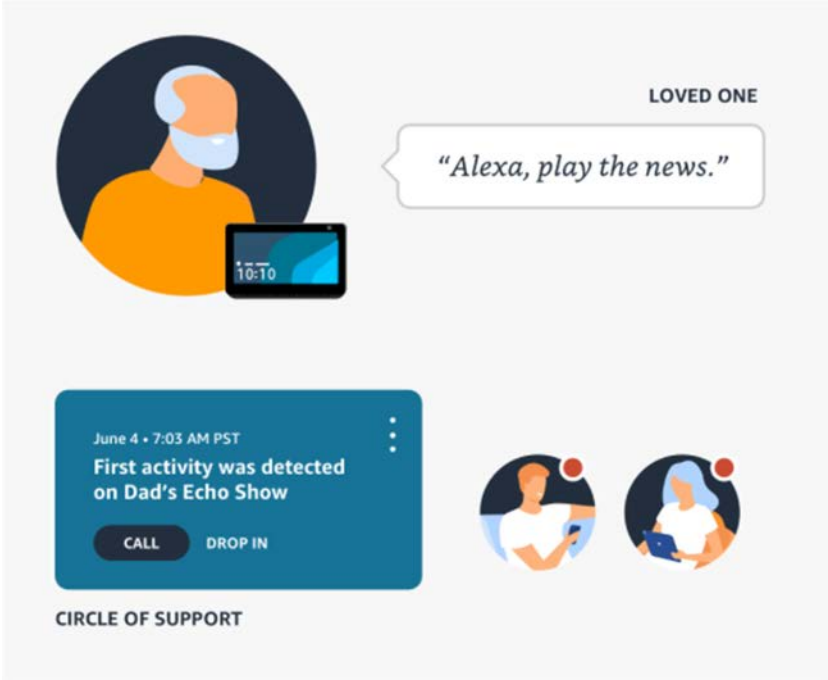


Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

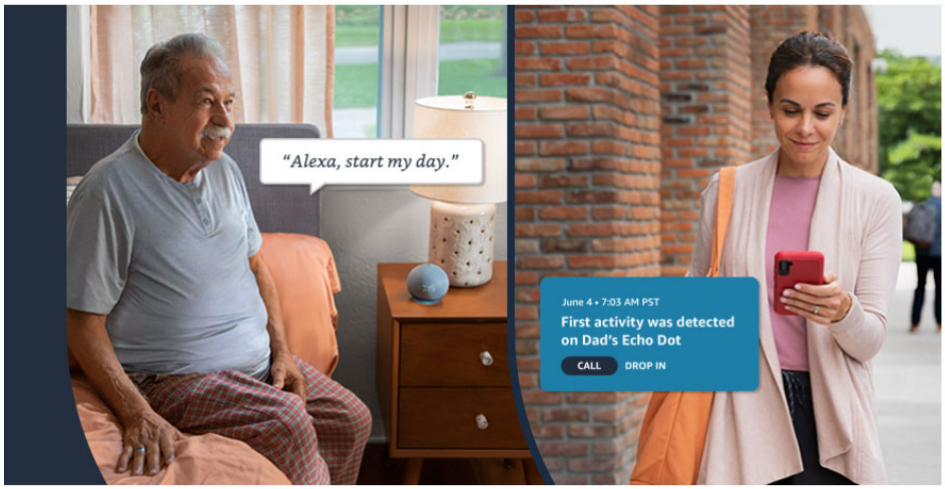


Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

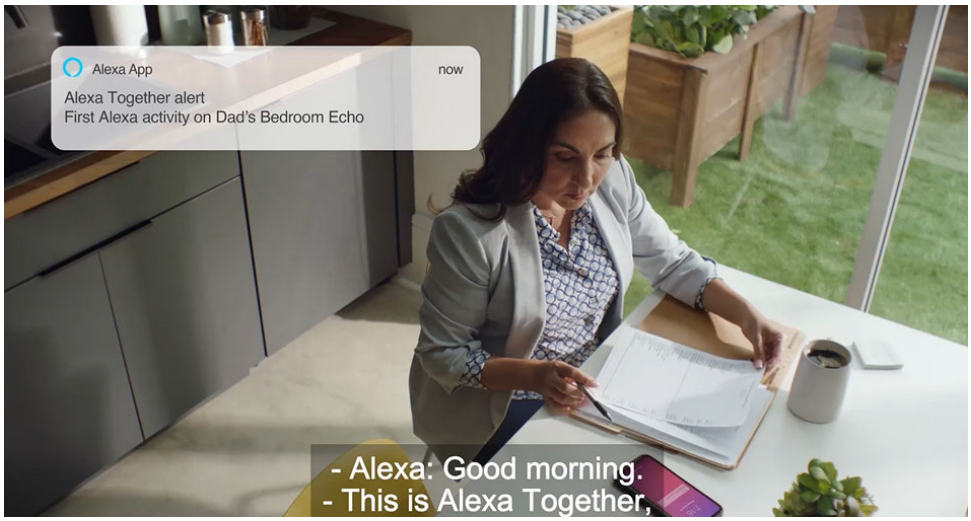
201. The ECSP Accused Products are programmed to "continuously monitor for a senior user interaction indicating that the senior user has interacted with the chatbot," as required by claim 1 of the '235 patent. In the examples below, Alexa Together detects an elderly loved one's user interaction with Alexa and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting "[f]irst activity" or "first Alexa use" by the loved one. For example, a user can "[s]et up daily alerts for [their] loved one's first Alexa use, or if it isn't used by a certain time." Ex. 20, Alexa Together, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022.



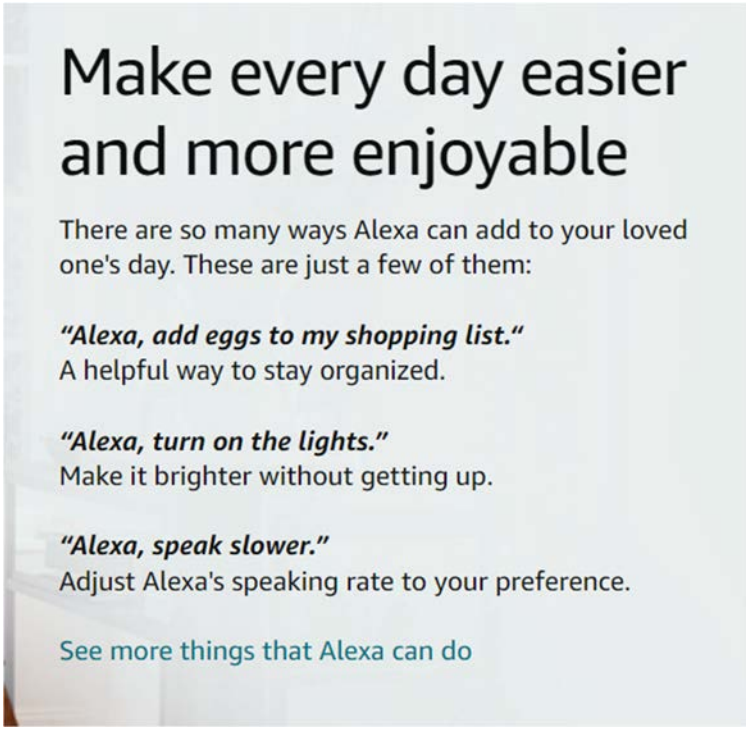
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



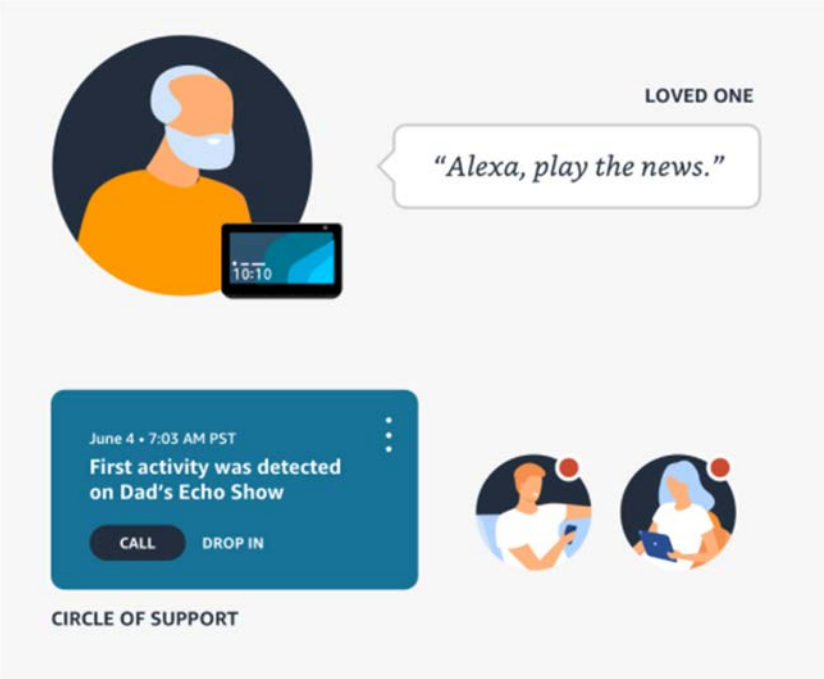
Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

202. The ECSP Accused Products are programmed such that "in response to detecting the senior user interaction with the chatbot prior to the first expected time of interaction elapsing, transmit a message to the at least one second client device of the caregiver indicating that the senior user has interacted with the chatbot," as required by claim 1 of the '235 patent. In the examples

below, Alexa Together continuously monitors an elderly loved one's user interaction and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting "[f]irst activity" or "first Alexa use" by the loved one. For example, a user can "[s]et up daily alerts for [their] loved one's first Alexa use, or if it isn't used by a certain time." Ex. 20, Alexa Together, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022.



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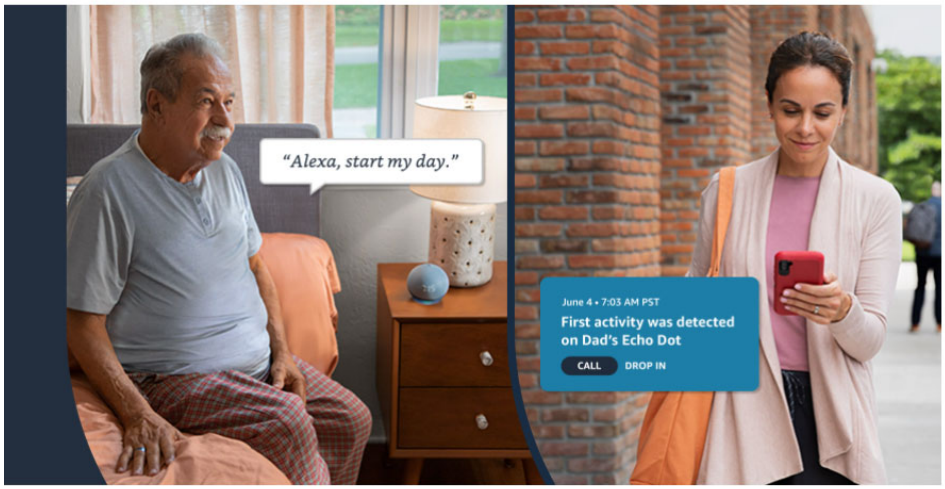
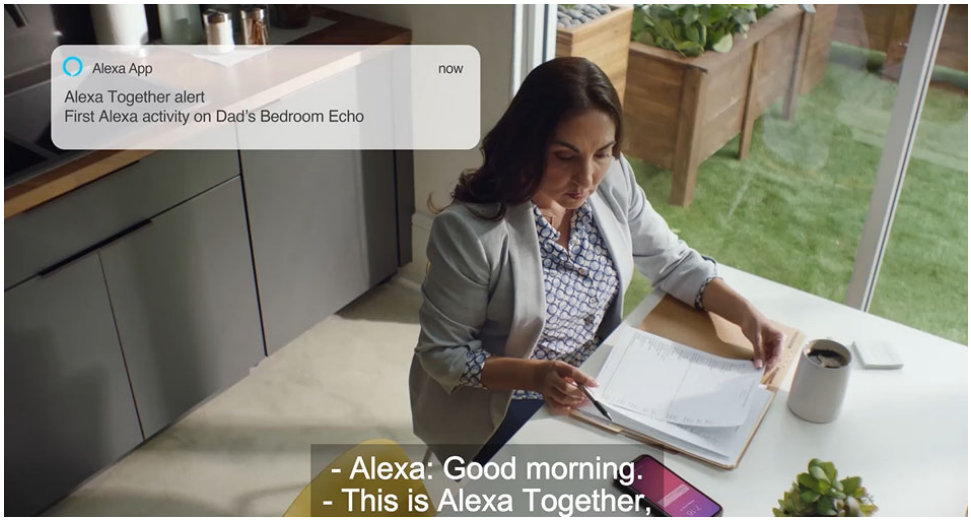


Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



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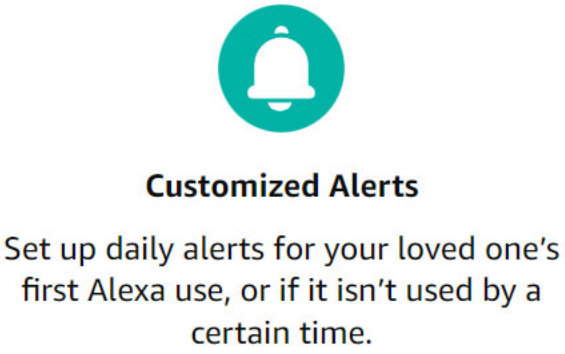
203. The ECSP Accused Products are programmed such that "in response to not detecting the senior user interaction with the chatbot by the first expected time of interaction, transmit a different message to the at least one second client device of the caregiver indicating that the senior user has not interacted with the chatbot by the first expected time of interaction," as required by claim 1 of the '235 patent. In the examples below, Alexa Together not only detect a first Alexa use or first activity by the senior user, but also continuously monitors any of the loved one's Alexa and smart home interactions. Moreover, Alexa Together allows customized

alerts to the care provider's device to indicate that the loved one has not interacted with the ECSP Accused Products "by a certain time":



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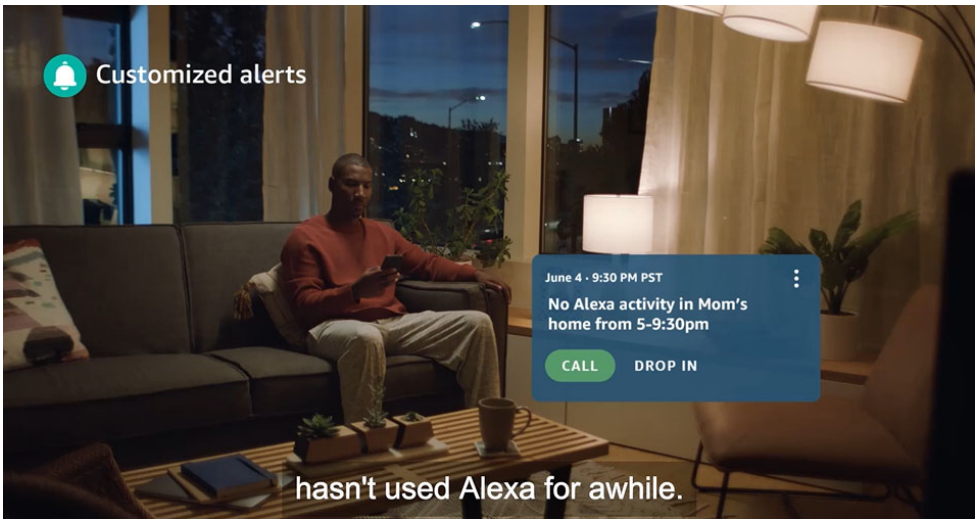

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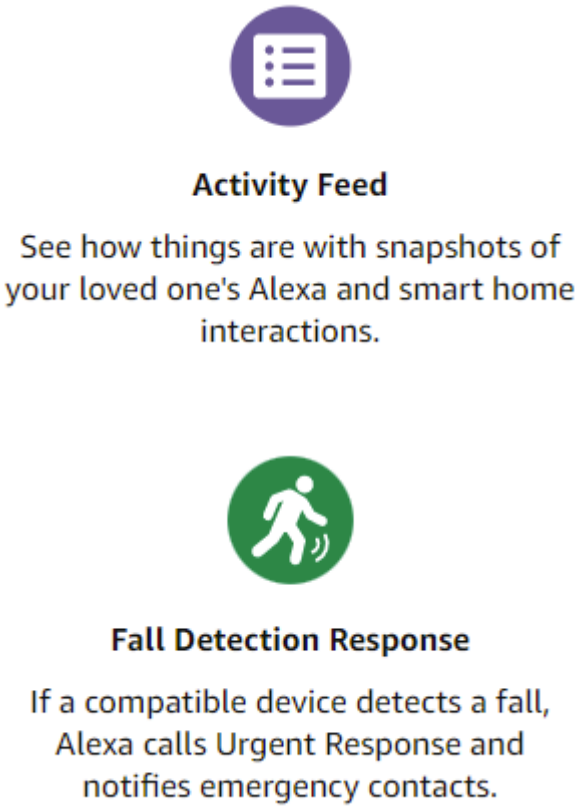

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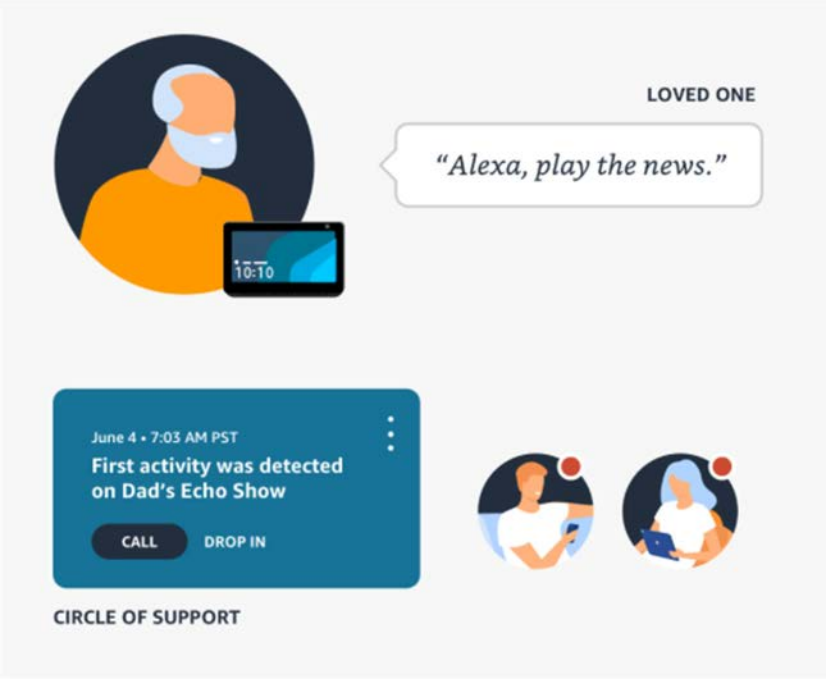
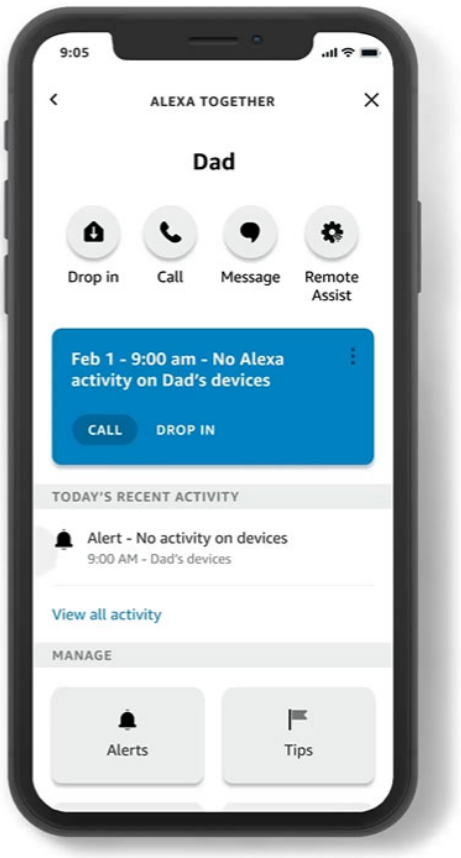
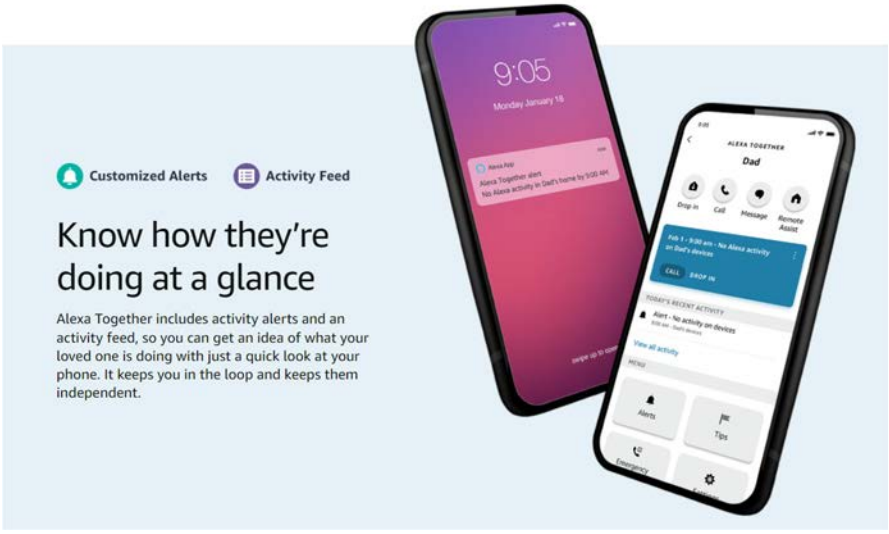


Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

204. Each claim in the ’235 patent recites an independent invention. Neither claim 1, described above, nor any other individual claim is representative of all claims in the ’235 patent.

205. Amazon was aware of the ’235 patent since before the date of its issuance on July 6, 2021. On January 4, 2021, State Farm sent a letter to Amazon notifying it of the publication of the application that became the ’235 patent and noting that it applied to State Farm’s Sundial® and Amazon’s Alexa Care Hub. On April 30, 2021, State Farm sent an email to Amazon notifying it of the allowance and issue fee payment for the application that became the ’235 patent. On October 12, 2021, State Farm sent Amazon an email notifying Amazon that Alexa Together infringes the ’203, ’581, and ’235 patents and proposing a potential patent license.

206. Amazon has further been aware of the ’235 patent since at least the filing date of the Complaint on November 3, 2022.

207. Amazon actively induced and is actively inducing infringement of at least claim 1 of the ’235 patent, in violation of 35 U.S.C. § 271(b).

208. Amazon’s customers and end-users of the ECSP Accused Products directly infringe claim 1 of the ’235 patent, at least by using the ECSP Accused Products, as described above in Paragraphs 196-203.

209. Amazon knowingly induces infringement of at least claim 1 of the ’235 patent by customers and end-users of the ECSP Accused Products with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to selling, marketing, advertising, promotion, support, and distribution of the ECSP Accused Products in the United States.

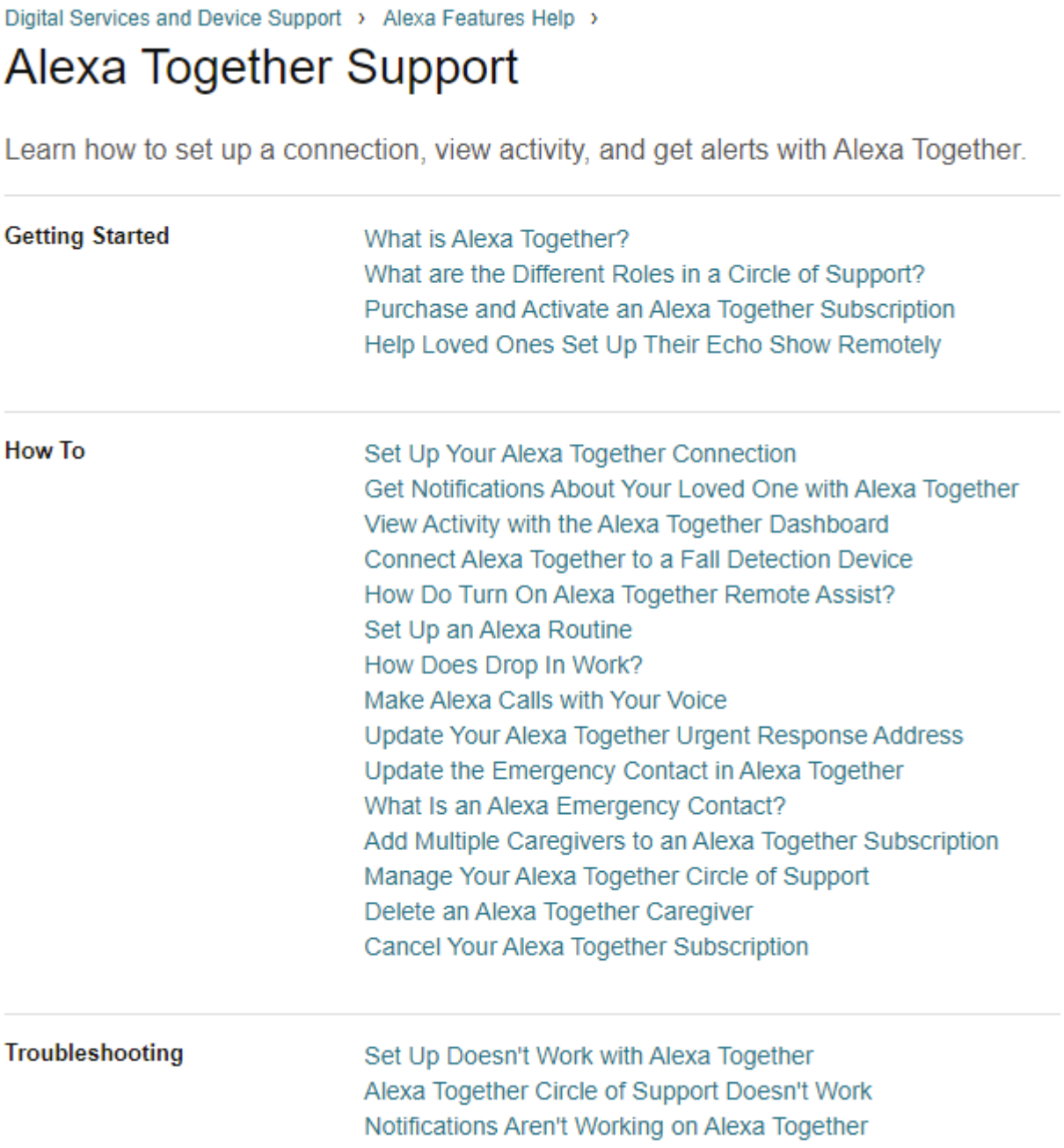
210. Amazon knowingly instructs customers and end users, at least through its marketing, promotional, and instructional materials, to use the infringing ECSP Accused Products in an infringing manner, as described in detail above in Paragraphs 196-203.

211. Amazon advertises and instructs users on how to use the ECSP Accused Products. For example, Amazon publicly shares a "Frequently asked questions" website that instructs customers, *inter alia*, how to "[g]et started." Ex. 24, Frequently asked questions, https://www.amazon.com/b/?node=23666031011, last visited November 2, 2022. Amazon also publicly shares an "Alexa Together Setup Guide," a step-by-step user guide that instructs users how to purchase, install, and setup the ECSP Accused Products. Ex. 25, Alexa Together Setup Guide, https://m.media-amazon.com/images/G/01/kindle/DP/Care-Launch/Alexa-Together-Setup-Guide-EN-V2.pdf?ref=at_setup_d, last visited November 2, 2022). Amazon also publicly shares a "Frequently asked questions" webpage that instructs users on various aspects of Alexa Together, including instructions regarding setup, activity feed, urgent response, alerts and notifications, Remote Assist, fall detection, Alexa Communication Features, and Circle of Support. Ex. 24, Alexa Together Frequently Asked Questions, https://www.amazon.com/b/?node=23666031011, last visited November 2, 2022.

212. Amazon further advertises and instructs that Alexa Together can notify users when their loved one "has had their first Alexa activity of the day or if no activity is detected by a certain time, such as 10 AM." *Id.* Amazon also advertises and instructs users regarding the information that will appear on the Alexa Together activity feed. *Id.* ("Alexa Together will show a high-level summary of your loved one's activity with Alexa or compatible smart home devices to give you a general sense that they are going about their day.").

213. Amazon also posts videos on its website that instruct third parties on how to use the ECSP Accused Products. *See* Ex. 26, Amazon Alexa Together Video, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (video) (last visited November 2, 2022. These videos explain, *inter alia*, how care providers can be alerted regarding a loved one's first Alexa activity, "can receive notifications and stay informed about [their] loved one's well-being," and can "setup customized alerts, like a notification if [their] loved one hasn't used Alexa in a while." *Id.*

214. In addition to marketing the ECSP Accused Products for use in an infringing manner, Amazon also provides customer service to purchasers of the ECSP Accused Products that directs and encourages customers of the ECSP Accused Products to use the ECSP Accused Products in an infringing manner. For example, Amazon provides Alexa Together Support and teaches customers "how to set up a connection, view activity, and get alerts with Alexa Together," (Ex. 27, Alexa Together Support, https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3, last visited November 2, 2022):



Digital Services and Device Support › Alexa Features Help ›

Alexa Together Support

Learn how to set up a connection, view activity, and get alerts with Alexa Together.

Getting Started

What is Alexa Together?
What are the Different Roles in a Circle of Support?
Purchase and Activate an Alexa Together Subscription
Help Loved Ones Set Up Their Echo Show Remotely

How To

Set Up Your Alexa Together Connection
Get Notifications About Your Loved One with Alexa Together
View Activity with the Alexa Together Dashboard
Connect Alexa Together to a Fall Detection Device
How Do Turn On Alexa Together Remote Assist?
Set Up an Alexa Routine
How Does Drop In Work?
Make Alexa Calls with Your Voice
Update Your Alexa Together Urgent Response Address
Update the Emergency Contact in Alexa Together
What Is an Alexa Emergency Contact?
Add Multiple Caregivers to an Alexa Together Subscription
Manage Your Alexa Together Circle of Support
Delete an Alexa Together Caregiver
Cancel Your Alexa Together Subscription

Troubleshooting

Set Up Doesn't Work with Alexa Together
Alexa Together Circle of Support Doesn't Work
Notifications Aren't Working on Alexa Together

215. Amazon has sales and technical support staff who assist Amazon's customers and end users and provide instructions for the use of the ECSP Accused Products in an infringing manner in the United States. *See, e.g.*, *id.*

216. Amazon provides its customers and end users with additional instructions that direct the customers and end users to use the ECSP Accused Products in an infringing manner. Such

instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. *See, e.g.*, *id.*

217. Amazon contributed and is contributing to infringement of at least claim 1 of the ’235 patent, in violation of 35 U.S.C. § 271(c).

218. Amazon’s customers and end-users of the ECSP Accused Products directly infringe claim 1 of the ’235 patent, at least by using the ECSP Accused Products, as described in detail above in Paragraphs 196-203.

219. Amazon contributes to infringement of the ’235 patent by offering to sell, selling, and importing into the United States the ECSP Accused Products and components thereof, including, for example, the Alexa Together and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the ’235 patent and have no substantial non-infringing use.

220. The ECSP Accused Products and associated software applications and firmware supplied by Amazon are especially made and especially adapted for use in infringing the ’235 Patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

221. Amazon’s infringement of the ’235 patent is without license or other authorization.

222. Because Amazon had knowledge of the ’235 patent and proceeded to knowingly directly and indirectly infringe the ’235 patent, Amazon’s infringement has been and continues to be willful.

223. Amazon’s continued infringement of the ’235 patent has damaged and will continue to damage Plaintiff.

224. Unless and until enjoined by this Court, Amazon will continue to directly infringe as well as induce and contribute to infringement of the ’235 patent. Amazon’s infringing acts are causing and will continue to cause at least Plaintiff irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, Plaintiff is entitled to a permanent injunction against further infringement.

225. This case is exceptional, entitling Plaintiff to an award of attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

FOURTH CAUSE OF ACTION

Infringement of the ’585 Patent by Amazon

226. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1–225 above as though fully set forth herein.

227. Amazon’s products and/or services that infringe the ’585 patent include, but are not limited to, the ECSP Accused Products and use thereof.

228. Amazon makes, uses, sells, offers for sale, and/or imports the ECSP Accused Products and components thereof in the United States.

229. Amazon directly infringes—literally and/or under the doctrine of equivalents—at least claim 1 of the ’585 patent by making, using, selling, offering for sale, and/or importing into the United States its ECSP Accused Products and components thereof.

230. For example, claim 1 of the ’585 patent recites:

> 1. A user computer device comprising at least one processor in communication with at least one memory device and a first microphone, the user computer device in communication with at least one second computer device, the at least one processor of the user computer device programmed to:
>
> > access stored user registration information for a user associated with the user computer device;

> access stored caregiver registration information for a caregiver associated with the user, wherein the caregiver registration information includes data for identifying the at least one second computer device;
>
> determine an expected time of interaction for the user for a predefined period of time, wherein the expected time of interaction for the user is a time associated with a first unprompted and unscheduled verbal interaction of the user detected by the first microphone during the predefined period of time;
>
> monitor an input of the first microphone for a user interaction that is unprompted and unscheduled by the user computer device; and
>
> in response to detecting an input to the first microphone indicative of a verbal user interaction that is unprompted and unscheduled by the user computer device prior to the expected time of interaction, the at least one processor of the user computer device programmed to:
>
> > transmit a message to the at least one second computer device of the caregiver indicating that the user has interacted with the user computer device during the predefined period of time.

231. The ECSP Accused Products practice each limitation of claim 1 of the ’585 patent.

232. To the extent the preamble is construed to be limiting, the ECSP Accused Products include “[a] user computer device comprising at least one processor in communication with at least one memory device and a first microphone, the user computer device in communication with at least one second computer device, the at least one processor of the user computer device programmed to,” where for example, an Echo or Alexa-enabled device with Alexa Together is the claimed “user computer device”:

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently. The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house. You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times. Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

What do I need to get started?

You will need to purchase one Alexa Together plan, either monthly or annual. If you are buying Alexa Together for yourself for peace of mind using Urgent Response, or receiving support from a family member, you will need an Echo or Alexa-enabled device and wifi. If you are the person providing support to a loved one, you only need the Alexa app downloaded to your phone. For a better experience, we do recommend that the person providing support also has an Echo device to use features like Alexa Calling or Drop In, or to enable video chat if both people have an Echo Show.

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

> Alexa is officially a chatbot. Yesterday, Amazon began rolling out a new feature on iOS that enables users to type their requests to Alexa and see responses on the screen. This is yet another update Amazon has made this year in its Alexa mobile app as the company attempts to extend the voice assistant's utility beyond the home. It will also be welcomed by many users as a big convenience since Alexa services will now be available without making a sound. Others will wonder why a chatbot is a necessary update.

Ex. 22, https://voicebot.ai/2020/12/01/alexa-becomes-a-chatbot-you-can-now-talk-to-alexa-by-typing/

233. Further, Alexa Together requires an Echo or Alexa-enabled device with a "memory device" and a "microphone."

> **Microphone.** We use your mobile device's microphone to hear your requests and to enable Alexa Communication features. On some mobile devices, we also need the microphone permission to process audio from your Alexa-enabled Bluetooth devices.
>
> **Storage.** To enable certain Alexa features, we may need to store data locally on the device. For example, to improve the performance of the app, we may store certain data (e.g., map data) locally.

Ex. 28, Alexa and Alexa Device FAQs,

https://www.amazon.com/gp/help/customer/display.html?nodeId=201602230

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently. The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house. You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times. Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

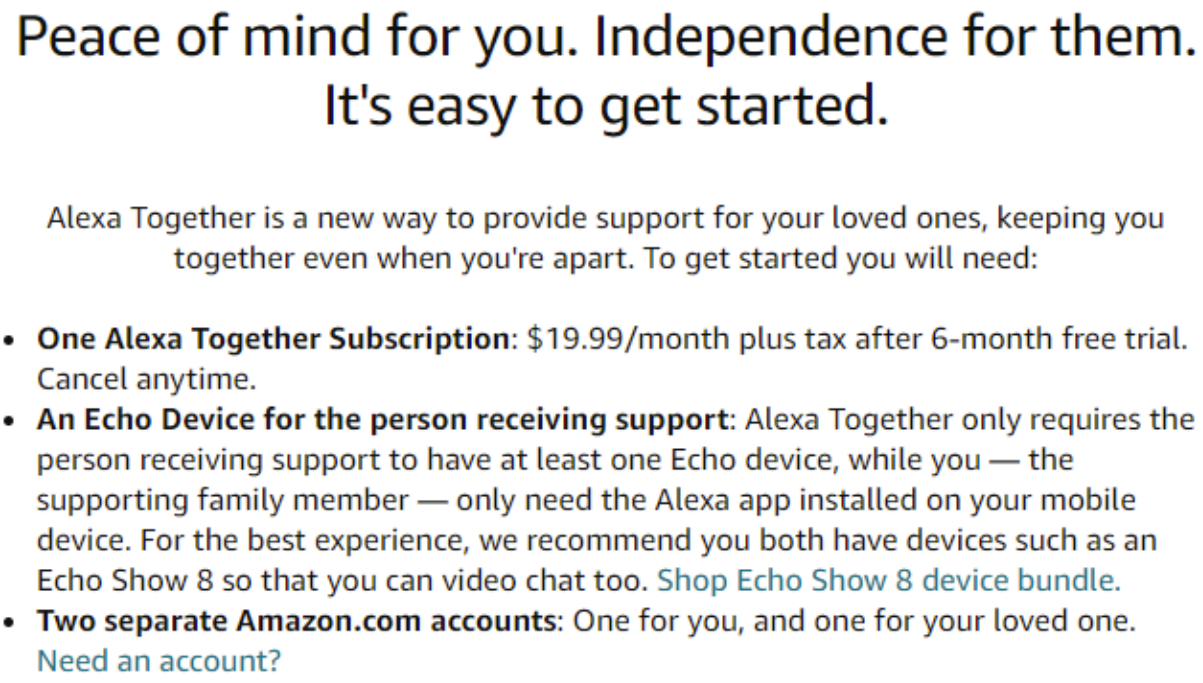
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (emphasis added)

Alexa is officially a chatbot. Yesterday, Amazon began rolling out a new feature on iOS that enables users to type their requests to Alexa and see responses on the screen. This is yet another update Amazon has made this year in its Alexa mobile app as the company attempts to extend the voice assistant's utility beyond the home. It will also be welcomed by many users as a big convenience since Alexa services will now be available without making a sound. Others will wonder why a chatbot is a necessary update.

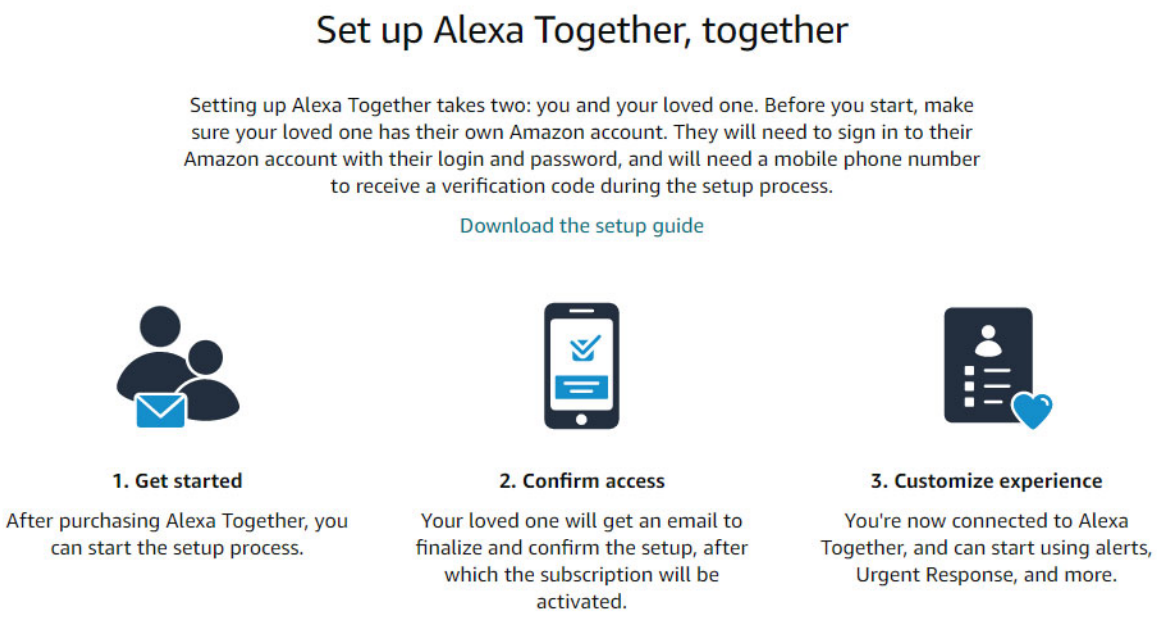
Ex. 22, https://voicebot.ai/2020/12/01/alexa-becomes-a-chatbot-you-can-now-talk-to-alexa-by-typing/

234. The ECSP Accused Products are programmed to "access stored user registration information for a user associated with the user computer device" and "access stored caregiver

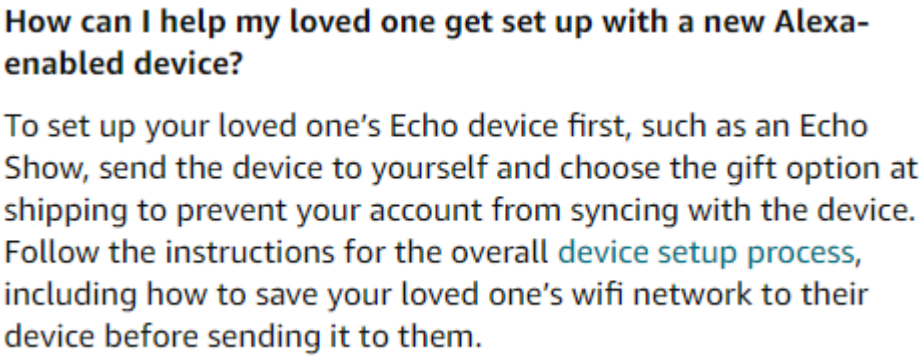
registration information for a caregiver associated with the user, wherein the caregiver registration information includes data for identifying the at least one second computer device" as required by claim 1 of the '585 patent. In the examples below, Alexa Together requires two separate Amazon accounts, one for the loved one (senior user) and one for the care provider (caregiver). For example, "loved ones" need "an Alexa-enabled device" (first client device), and Amazon recommends that both the loved one and care provider "both have devices such as an Echo Show 8":



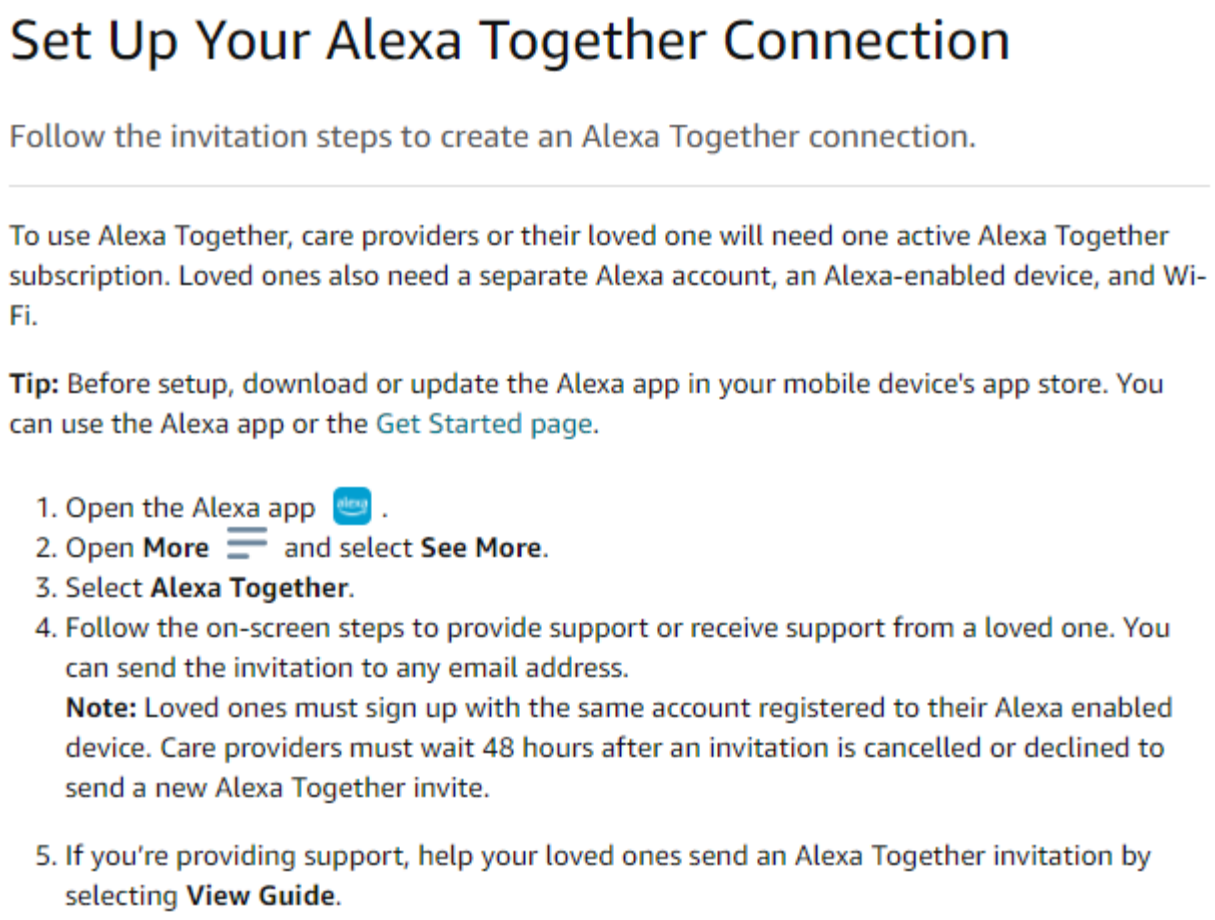
Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Set Up Your Alexa Together Connection

Follow the invitation steps to create an Alexa Together connection.

To use Alexa Together, care providers or their loved one will need one active Alexa Together subscription. Loved ones also need a separate Alexa account, an Alexa-enabled device, and Wi-Fi.

Tip: Before setup, download or update the Alexa app in your mobile device's app store. You can use the Alexa app or the Get Started page.

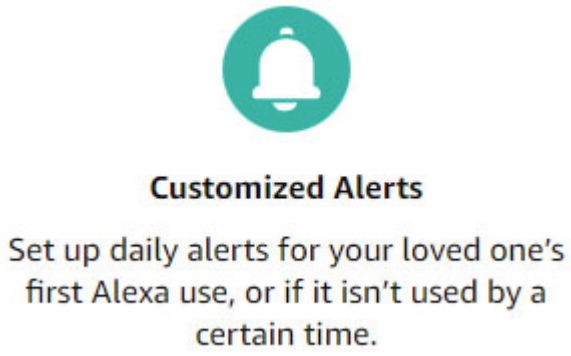
1. Open the Alexa app .
2. Open **More** and select **See More**.
3. Select **Alexa Together**.
4. Follow the on-screen steps to provide support or receive support from a loved one. You can send the invitation to any email address.
   Note: Loved ones must sign up with the same account registered to their Alexa enabled device. Care providers must wait 48 hours after an invitation is cancelled or declined to send a new Alexa Together invite.
5. If you're providing support, help your loved ones send an Alexa Together invitation by selecting **View Guide**.

Ex. 23,

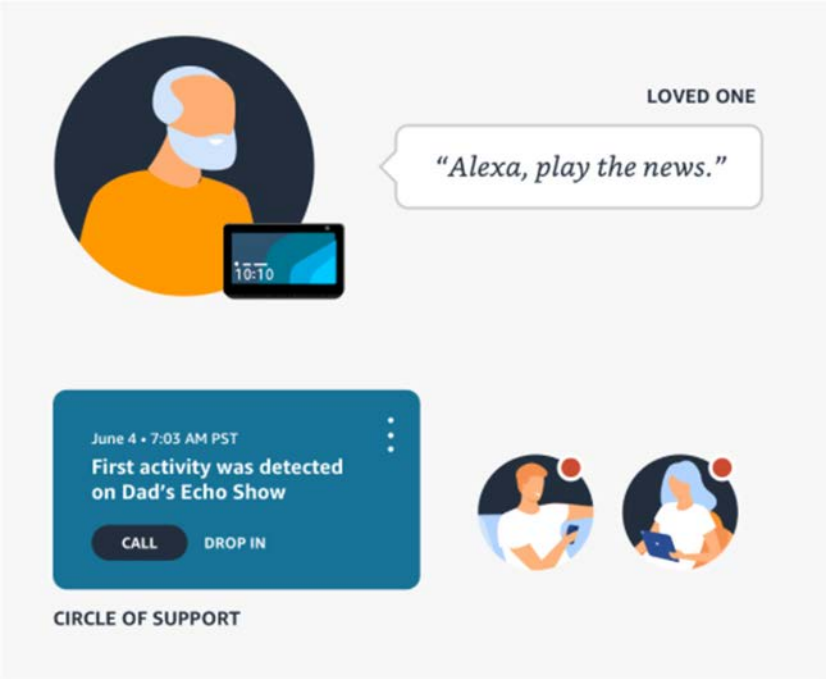
https://www.amazon.com/gp/help/customer/display.html?nodeId=GWZSHRX7PJUZNUDU

235. The ECSP Accused Products are programmed to "determine an expected time of interaction for the user for a predefined period of time, wherein the expected time of interaction for the user is a time associated with a first unprompted and unscheduled verbal interaction of the user detected by the first microphone during the predefined period of time," as required by claim 1 of the '585 patent. In the examples below, Alexa Together continuously monitors an elderly loved one's user interaction and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting "[f]irst activity" or "first Alexa

use" by the loved one. Alexa Together can also determine whether a loved one interacted with the Alexa at specific times of the day:



Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



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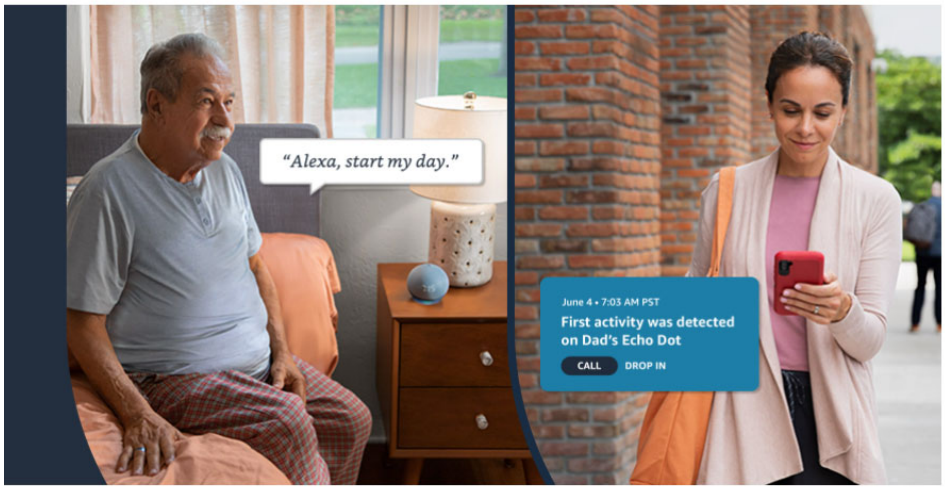

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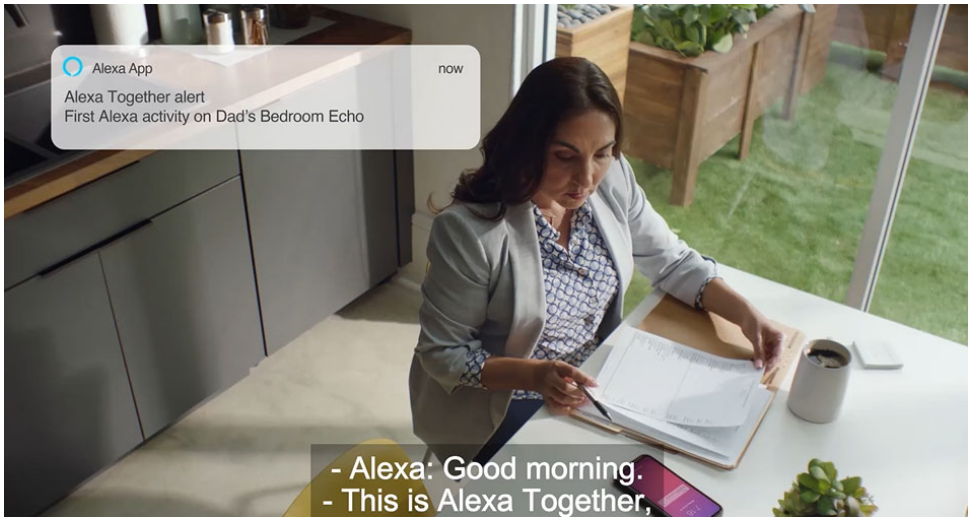
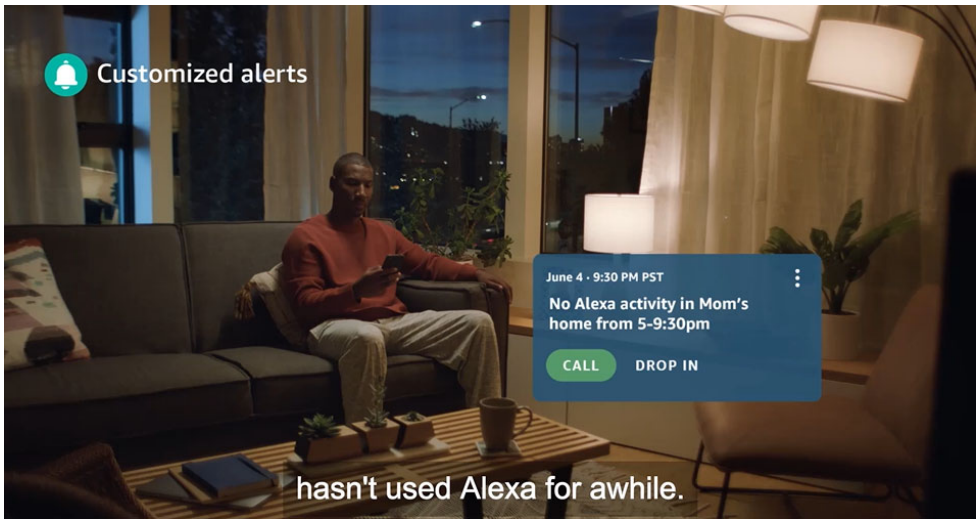
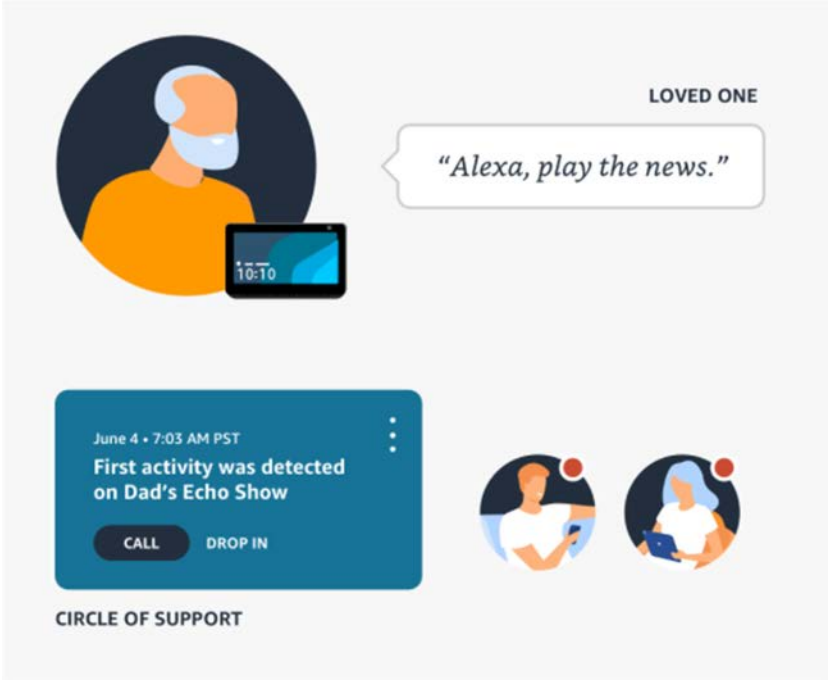


Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011



Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

236. The ECSP Accused Products are programmed to "monitor an input of the first microphone for a user interaction that is unprompted and unscheduled by the user computer device," as required by claim 1 of the '585 patent. In the examples below, Alexa Together detects an elderly loved one's user interaction with Alexa and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting "[f]irst activity" or "first Alexa use" by the loved one. For example, a user can "[s]et up daily alerts for [their] loved one's first Alexa use, or if it isn't used by a certain time." Ex. 20, Alexa Together, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022.



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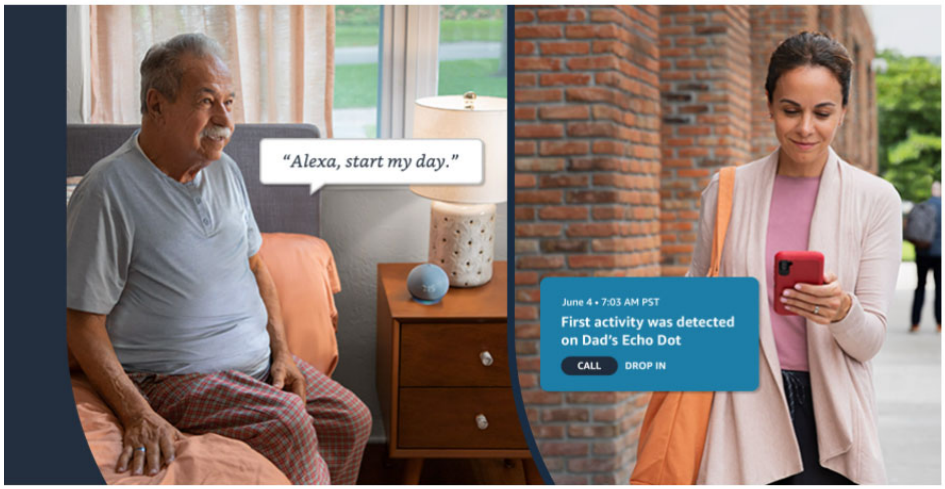

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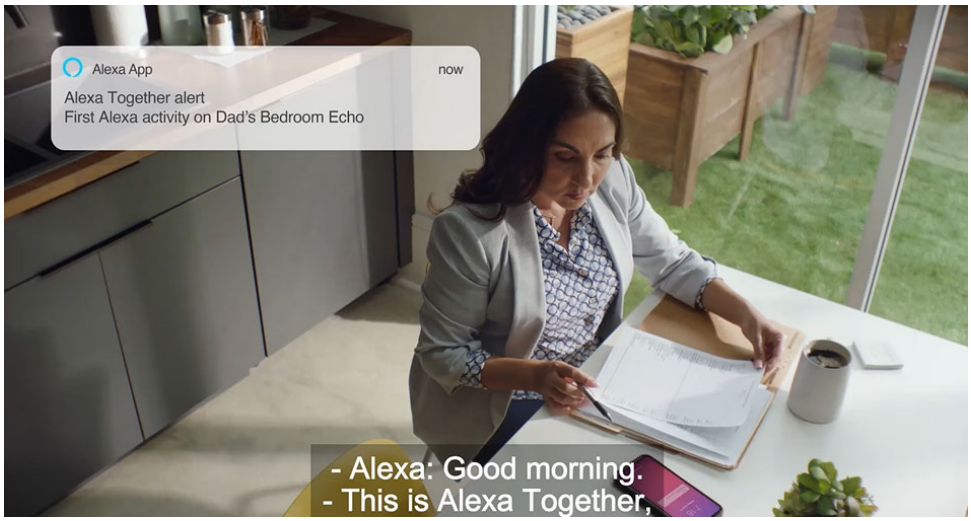

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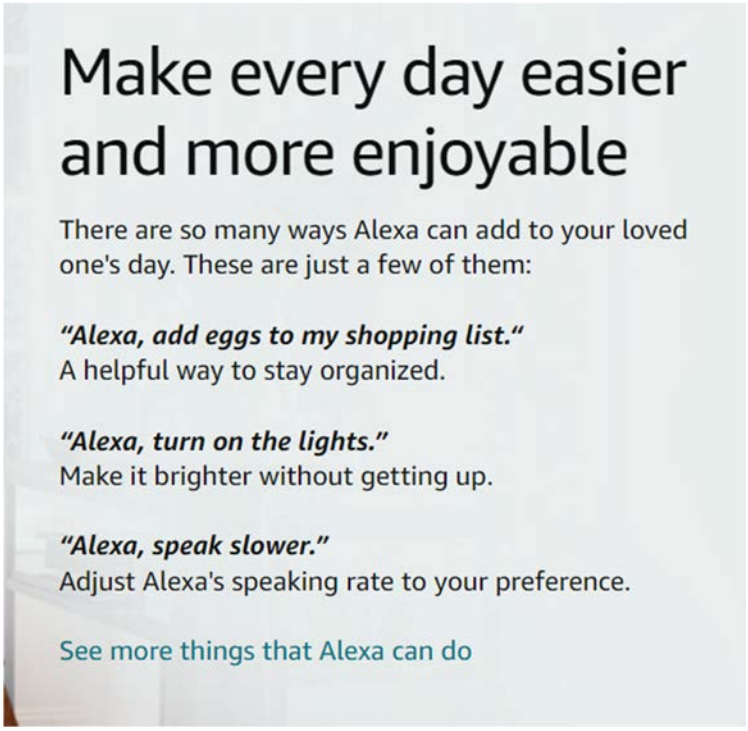
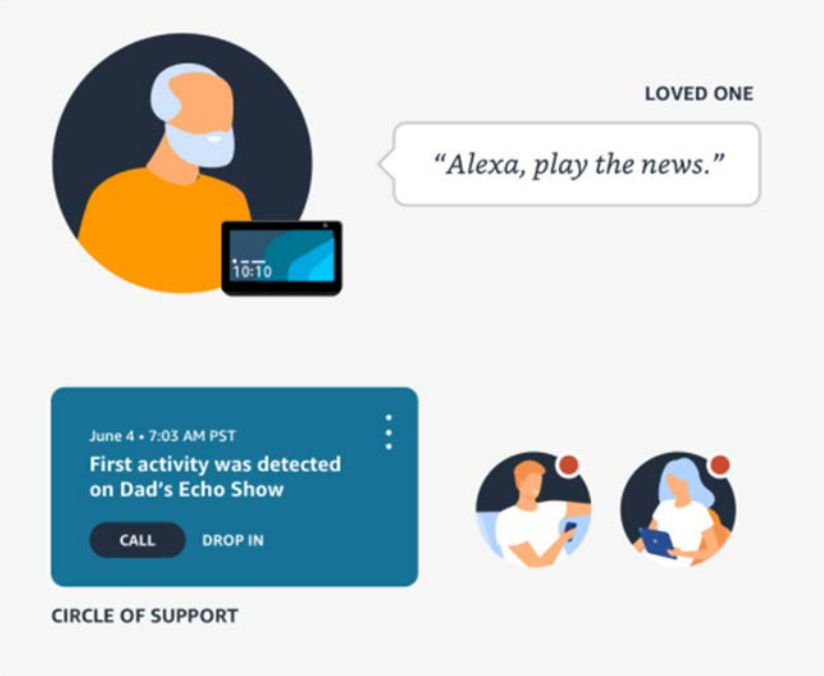


Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

237. The ECSP Accused Products are programmed such that "in response to detecting an input to the first microphone indicative of a verbal user interaction that is unprompted and unscheduled by the user computer device prior to the expected time of interaction, the at least one processor of the user computer device programmed to transmit a message to the at least

one second computer device of the caregiver indicating that the user has interacted with the user computer device during the predefined period of time," as required by claim 1 of the '585 patent. In the examples below, Alexa Together continuously monitors an elderly loved one's user interaction and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting "[f]irst activity" or "first Alexa use" by the loved one. For example, a user can "[s]et up daily alerts for [their] loved one's first Alexa use, or if it isn't used by a certain time." Ex. 20, Alexa Together, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011, last visited November 2, 2022.



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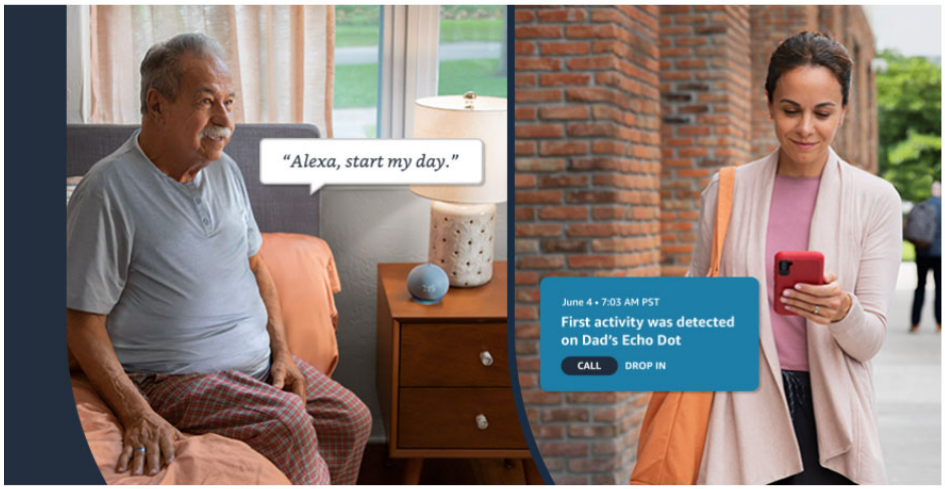

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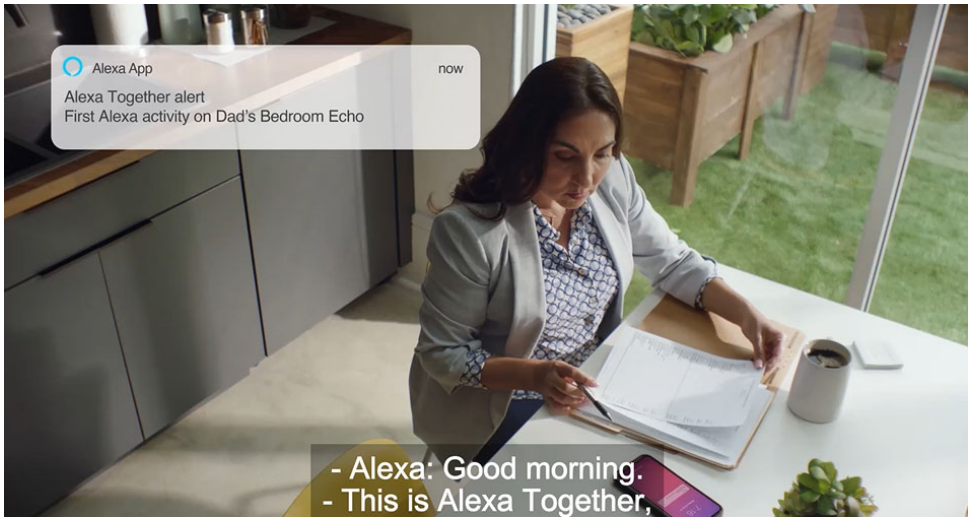


Ex. 26, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

238. Each claim in the '585 patent recites an independent invention. Neither claim 1, described above, nor any other individual claim is representative of all claims in the '585 patent.

239. Amazon has been aware of the '585 patent since at least the filing date of the Complaint on November 3, 2022.

240. Amazon actively induced and is actively inducing infringement of at least claim 1 of the '585 patent, in violation of 35 U.S.C. § 271(b).

241. Amazon's customers and end-users of the ECSP Accused Products directly infringe claim 1 of the '585 patent, at least by using the ECSP Accused Products, as described above in Paragraphs 232-237.

242. Amazon knowingly induces infringement of at least claim 1 of the '585 patent by customers and end-users of the ECSP Accused Products with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to selling, marketing, advertising, promotion, support, and distribution of the ECSP Accused Products in the United States.

243. Amazon knowingly instructs customers and end users, at least through its marketing, promotional, and instructional materials, to use the infringing ECSP Accused Products in an infringing manner, as described in detail above in Paragraphs 232-237.

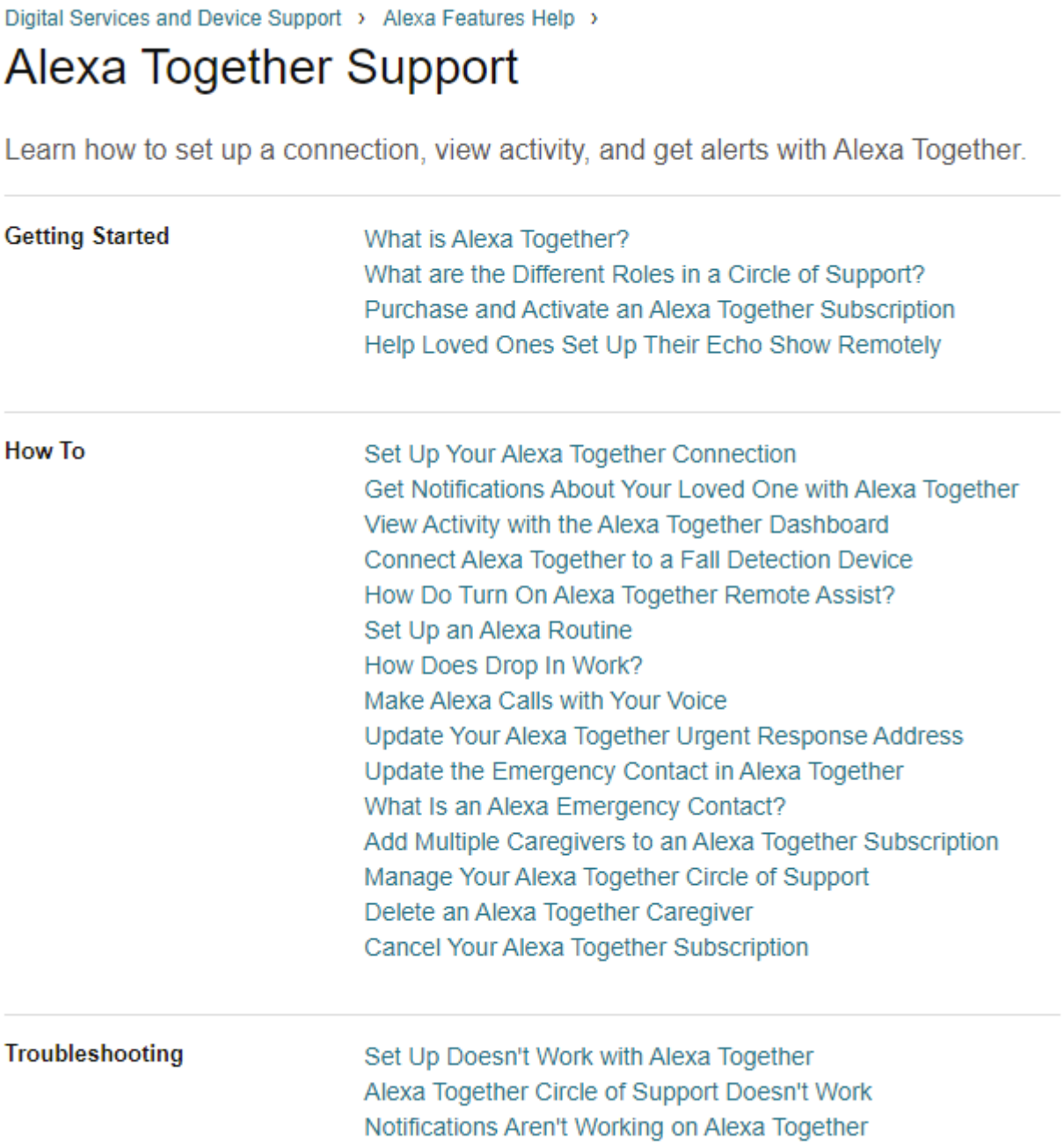
244. Amazon advertises and instructs users on how to use the ECSP Accused Products. For example, Amazon publicly shares a "Frequently asked questions" website that instructs customers, *inter alia*, how to "[g]et started." Ex. 24, Frequently asked questions, https://www.amazon.com/b/?node=23666031011, last visited November 2, 2022. Amazon also publicly shares an "Alexa Together Setup Guide," a step-by-step user guide that instructs users how to purchase, install, and setup the ECSP Accused Products. Ex. 25, Alexa Together Setup Guide, https://m.media-amazon.com/images/G/01/kindle/DP/Care-Launch/Alexa-Together-Setup-Guide-EN-V2.pdf?ref=at_setup_d, last visited November 2, 2022). Amazon also publicly shares a "Frequently asked questions" webpage that instructs users on various aspects of Alexa Together, including instructions regarding setup, activity feed, urgent response, alerts and notifications, Remote Assist, fall detection, Alexa Communication

Features, and Circle of Support. Ex. 24, Alexa Together Frequently Asked Questions, https://www.amazon.com/b/?node=23666031011, last visited November 2, 2022.

245. Amazon further advertises and instructs that Alexa Together can notify users when their loved one "has had their first Alexa activity of the day or if no activity is detected by a certain time, such as 10 AM." *Id.* Amazon also advertises and instructs users regarding the information that will appear on the Alexa Together activity feed. *Id.* ("Alexa Together will show a high-level summary of your loved one's activity with Alexa or compatible smart home devices to give you a general sense that they are going about their day.").

246. Amazon also posts videos on its website that instruct third parties on how to use the ECSP Accused Products. *See* Ex. 26, Amazon Alexa Together Video, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (video) (last visited November 2, 2022. These videos explain, *inter alia*, how care providers can be alerted regarding a loved one's first Alexa activity, "can receive notifications and stay informed about [their] loved one's well-being," and can "setup customized alerts, like a notification if [their] loved one hasn't used Alexa in a while." *Id.*

247. In addition to marketing the ECSP Accused Products for use in an infringing manner, Amazon also provides customer service to purchasers of the ECSP Accused Products that directs and encourages customers of the ECSP Accused Products to use the ECSP Accused Products in an infringing manner. For example, Amazon provides Alexa Together Support and teaches customers "how to set up a connection, view activity, and get alerts with Alexa Together," (Ex. 27, Alexa Together Support, https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3, last visited November 2, 2022):



Digital Services and Device Support › Alexa Features Help ›

Alexa Together Support

Learn how to set up a connection, view activity, and get alerts with Alexa Together.

Getting Started

What is Alexa Together?
What are the Different Roles in a Circle of Support?
Purchase and Activate an Alexa Together Subscription
Help Loved Ones Set Up Their Echo Show Remotely

How To

Set Up Your Alexa Together Connection
Get Notifications About Your Loved One with Alexa Together
View Activity with the Alexa Together Dashboard
Connect Alexa Together to a Fall Detection Device
How Do Turn On Alexa Together Remote Assist?
Set Up an Alexa Routine
How Does Drop In Work?
Make Alexa Calls with Your Voice
Update Your Alexa Together Urgent Response Address
Update the Emergency Contact in Alexa Together
What Is an Alexa Emergency Contact?
Add Multiple Caregivers to an Alexa Together Subscription
Manage Your Alexa Together Circle of Support
Delete an Alexa Together Caregiver
Cancel Your Alexa Together Subscription

Troubleshooting

Set Up Doesn't Work with Alexa Together
Alexa Together Circle of Support Doesn't Work
Notifications Aren't Working on Alexa Together

248. Amazon has sales and technical support staff who assist Amazon's customers and end users and provide instructions for the use of the ECSP Accused Products in an infringing manner in the United States. *See, e.g.*, *id.*

249. Amazon provides its customers and end users with additional instructions that direct the customers and end users to use the ECSP Accused Products in an infringing manner. Such

instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. *See, e.g.*, *id.*

250. Amazon contributed and is contributing to infringement of at least claim 1 of the ’585 patent, in violation of 35 U.S.C. § 271(c).

251. Amazon’s customers and end-users of the ECSP Accused Products directly infringe claim 1 of the ’585 patent, at least by using the ECSP Accused Products, as described in detail above in Paragraphs 232-237.

252. Amazon contributes to infringement of the ’585 patent by offering to sell, selling, and importing into the United States the ECSP Accused Products and components thereof, including, for example, the Alexa Together and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the ’585 patent and have no substantial non-infringing use.

253. The ECSP Accused Products and associated software applications and firmware supplied by Amazon are especially made and especially adapted for use in infringing the ’585 Patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

254. Amazon’s infringement of the ’585 patent is without license or other authorization.

255. Because Amazon had knowledge of the ’585 patent and proceeded to knowingly directly and indirectly infringe the ’585 patent, Amazon’s infringement has been and continues to be willful.

256. Amazon’s continued infringement of the ’585 patent has damaged and will continue to damage Plaintiff.

257. Unless and until enjoined by this Court, Amazon will continue to directly infringe as well as induce and contribute to infringement of the ’585 patent. Amazon’s infringing acts are causing and will continue to cause at least Plaintiff irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, Plaintiff is entitled to a permanent injunction against further infringement.

258. This case is exceptional, entitling Plaintiff to an award of attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

FIFTH CAUSE OF ACTION

Infringement of the ’318 Patent by Amazon

259. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1–258 above as though fully set forth herein.

260. Amazon’s products and/or services that infringe the ’318 patent include, but are not limited to, Alexa Together and third-party products and services such as Vayyar Care (collectively, the “SPHERES Accused Products”), and the use thereof.

261. Through agreements with third-party provider Vayyar, Vayyar Care works exclusively with Amazon’s Alexa Together. Thus, Amazon exercises control and direction over the functionality of the Vayyar Care products in connection with Amazon’s Alexa Together. Further, at least as a result of this exclusive relationship, Amazon has formed a joint enterprise to create the infringing SPHERES Accused Products.

About this item

- Vayyar Care works exclusively with Amazon Alexa and an Alexa Together subscription to protect seniors and provide peace of mind to their families. (Currently US Only)

Ex. 17, https://www.amazon.com/Vayyar-Care-Touchless-Detection-Subscription/dp/B09JXV82Z6.

262. Amazon makes, uses, sells, offers for sale, and/or imports Alexa Together and components thereof in the United States.

263. Amazon directly infringes—literally and/or under the doctrine of equivalents—at least claim 1 of the '318 patent at least by using, selling, and/or offering for sale the SPHERES Accused Products and components thereof.

264. For example, claim 1 of the '318 patent recites:

> 1. A computer-implemented method for training a machine learning module to identify abnormalities or anomalies in sensor data corresponding to conditions associated with individuals in home environments, comprising:
>
> receiving, by a processor, historical sensor data detected by a plurality of sensors associated with a plurality of home environments;
>
> receiving, by a processor, historical condition data indicating conditions associated with individuals in each of the plurality of home environments;
>
> analyzing, by a processor, using the machine learning module, the historical sensor data detected by the plurality of sensors associated with the plurality of home environments and the historical condition data indicating conditions associated with individuals in each of the plurality of home environments, the historical sensor data comprising at least one of a body temperature, a heart rate, a breathing rate, a glucose/ketone level, medication adherence data, eye movement data, exercise data, body control data, fine motor control data, and health and/or nutrition data, and the historical condition data comprising data indicating at least one of a medical condition, a health condition, an urgent condition, and a cognitive condition;
>
> identifying, by a processor, using the machine learning module, based upon the analysis, one or more abnormalities or anomalies in the historical sensor data detected by the plurality of sensors corresponding to conditions associated with the individuals in the home environments; and
>
> modifying, by a processor, the machine learning module based upon the analysis and the identified one or more abnormalities or anomalies with corresponding conditions.

265. The SPHERES Accused Products practice each limitation of claim 1 of the '318 patent.

266. To the extent the preamble is construed to be limiting, the SPHERES Accused Products include "[a] computer-implemented method for training a machine learning module to identify abnormalities or anomalies in sensor data corresponding to conditions associated with individuals in home environments." For example, Alexa Together includes a fall detection response of a loved one (identify abnormalities or anomalies in sensor data corresponding to conditions associated with individuals in home environments), wherein it "can detect when the customer has fallen":

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently. The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house. You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times. And, coming early 2022, multiple people will be able to connect their accounts so more family members can stay in the loop and help provide support for your aging loved one.

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently. The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house. You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times. Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (emphasis added)

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

Fall detection

How does fall detection work?

Alexa Together will be compatible with third-party fall detection devices from partners like ATS and Vayyar. If these devices are connected to the customer's Alexa account, they can detect when the customer has fallen or get a signal if the customer presses a help button on their wearable. When this happens, the devices can send a signal to prompt Alexa to ask if your loved one wants to call Urgent Response.

Does Alexa support a third-party fall detection device without an Alexa Together subscription?

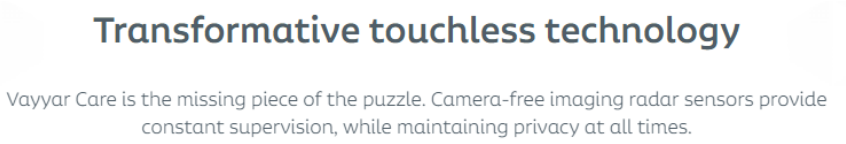
A third-party fall detection device can be connected, but if there is no active Alexa Together subscription, Alexa will not receive the signal from the device that a fall happened. Alexa will not call Urgent Response.

What devices are compatible with Alexa Together?

Alexa Together is compatible with third-party devices—a wall-mounted radar device from *Vayyar* and a wearable pendant from *ATS*. These are both available on Amazon.com.

Ex. 24, Frequently asked questions, https://www.amazon.com/b/?node=23666031011, last visited November 2, 2022.

Ex. 29, https://vayyar.com/care/b2c/



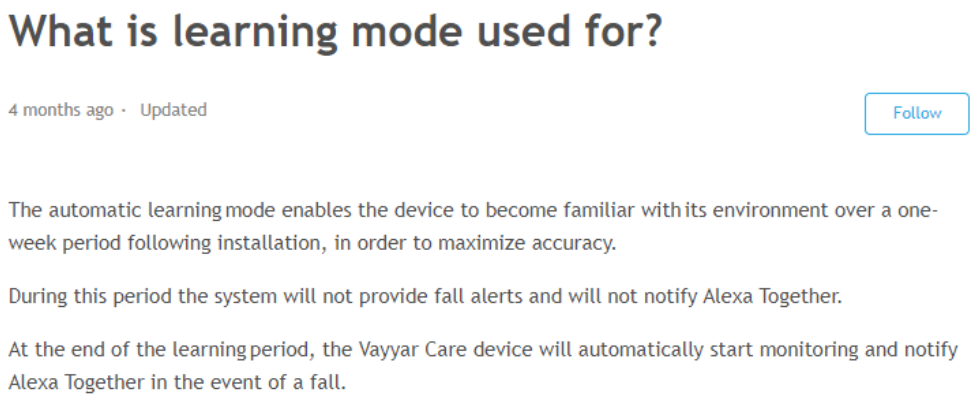
Ex. 29, https://vayyar.com/care/b2c/

Ex. 30, https://vayyar.com/care/b2c/how-it-works/

267. The SPHERES Accused Products "receiv[e], by a processor, historical sensor data detected by a plurality of sensors associated with a plurality of home environments," as required by claim 1 of the '318 patent. For example, the SPHERES Accused Products are advertised as containing a "learning mode" that "enables the device to become familiar with its environment over a one-week period following installation" to improve its fall detection capabilities in a user's home (Ex. 31, What is learning mode used for?, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for- (last visited November 2, 2022)):

Ex. 29.

The SPHERES Accused Products' "learning mode" is used to retrieve historical sensor data by a plurality of sensors associated with multiple home environments, for example, multiple residents within individual rooms of senior living communities.



What is learning mode used for?

4 months ago · Updated

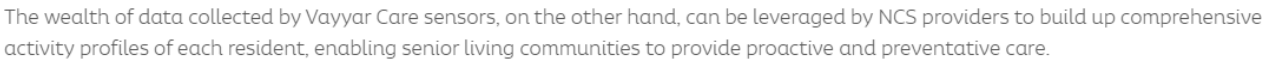
Follow

The automatic learning mode enables the device to become familiar with its environment over a one-week period following installation, in order to maximize accuracy.

During this period the system will not provide fall alerts and will not notify Alexa Together.

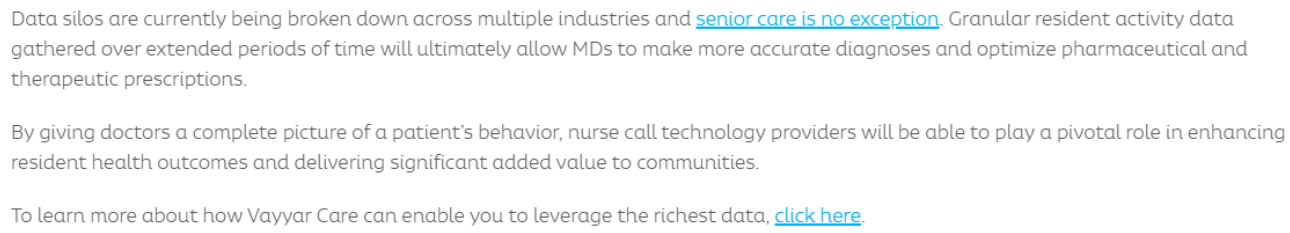
At the end of the learning period, the Vayyar Care device will automatically start monitoring and notify Alexa Together in the event of a fall.

Ex. 31, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-



The wealth of data collected by Vayyar Care sensors, on the other hand, can be leveraged by NCS providers to build up comprehensive activity profiles of each resident, enabling senior living communities to provide proactive and preventative care.

Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor

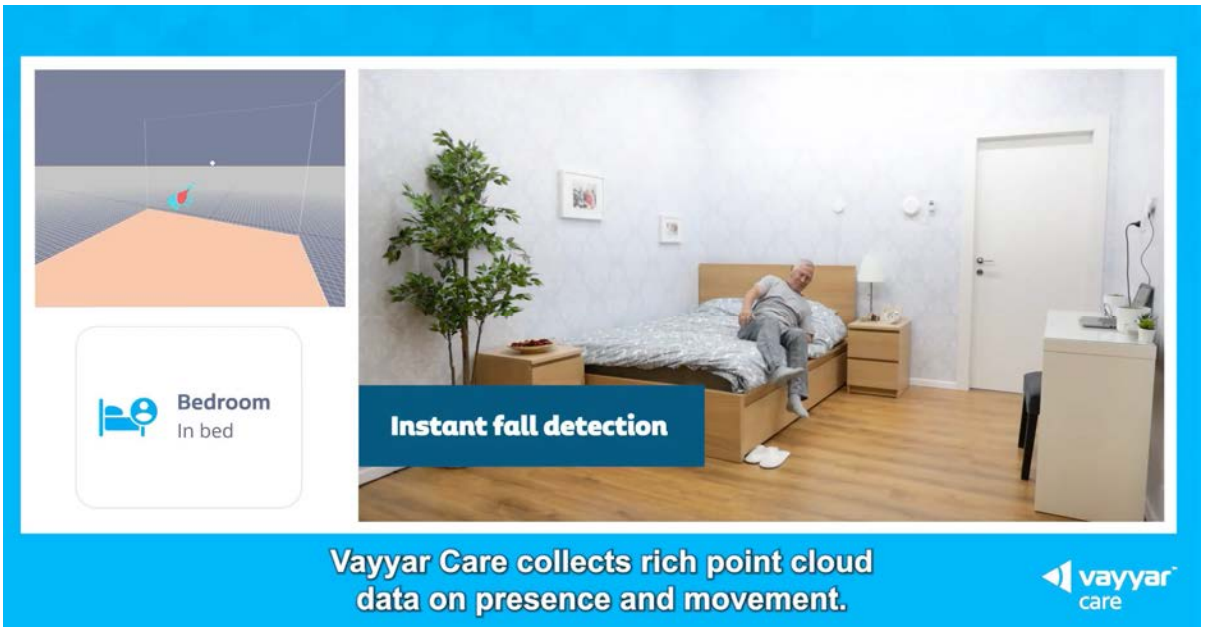


Data silos are currently being broken down across multiple industries and senior care is no exception. Granular resident activity data gathered over extended periods of time will ultimately allow MDs to make more accurate diagnoses and optimize pharmaceutical and therapeutic prescriptions.

By giving doctors a complete picture of a patient's behavior, nurse call technology providers will be able to play a pivotal role in enhancing resident health outcomes and delivering significant added value to communities.

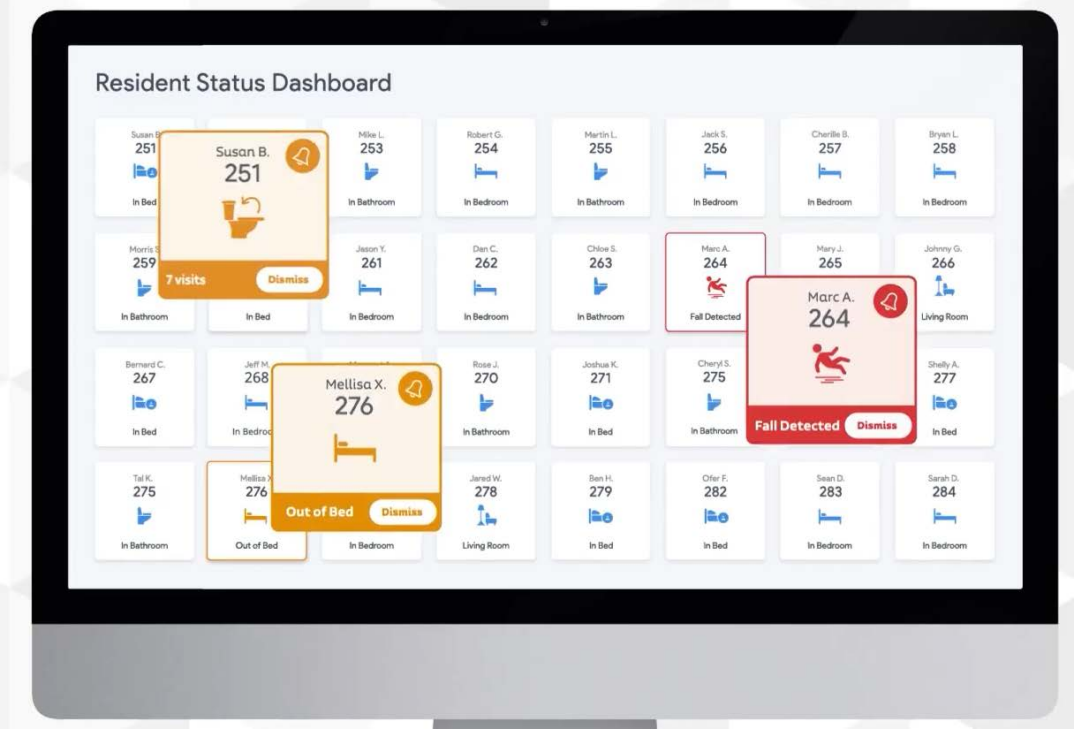
To learn more about how Vayyar Care can enable you to leverage the richest data, click here.

Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor



Ex. 33,

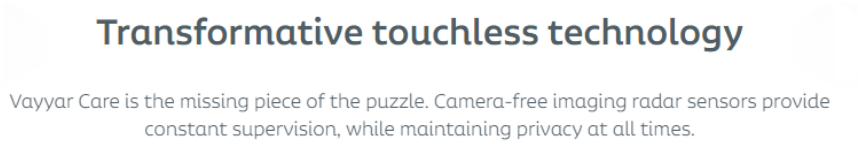
https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



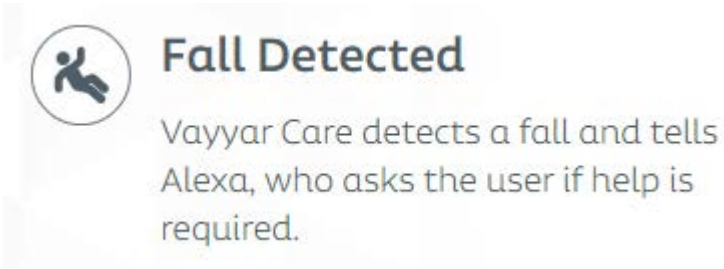
Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

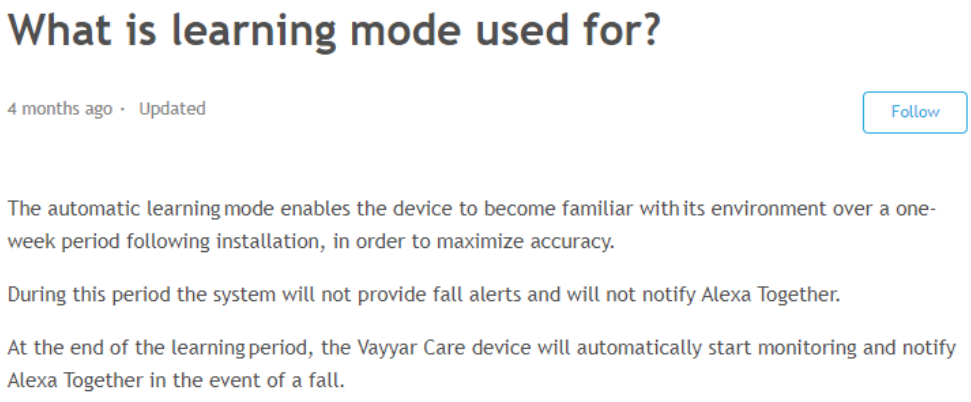
268. The SPHERES Accused Products "receiv[e], by a processor, historical condition data indicating conditions associated with individuals in each of the plurality of home environments," as required by claim 1 of the '318 patent. For example, the SPHERES Accused Products are advertised as containing a "learning mode" that "enables the device to become familiar with its environment over a one-week period following installation" (Ex. 31, What is learning mode used for?, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for- (last visited November 2, 2022)) and by evaluating historical conditions with multiple home environments, for example, multiple residents within individual rooms of senior living communities:



Ex. 29.



Ex. 30, https://vayyar.com/care/b2c/how-it-works/



Ex. 31, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-

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Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor

Data silos are currently being broken down across multiple industries and senior care is no exception. Granular resident activity data gathered over extended periods of time will ultimately allow MDs to make more accurate diagnoses and optimize pharmaceutical and therapeutic prescriptions.

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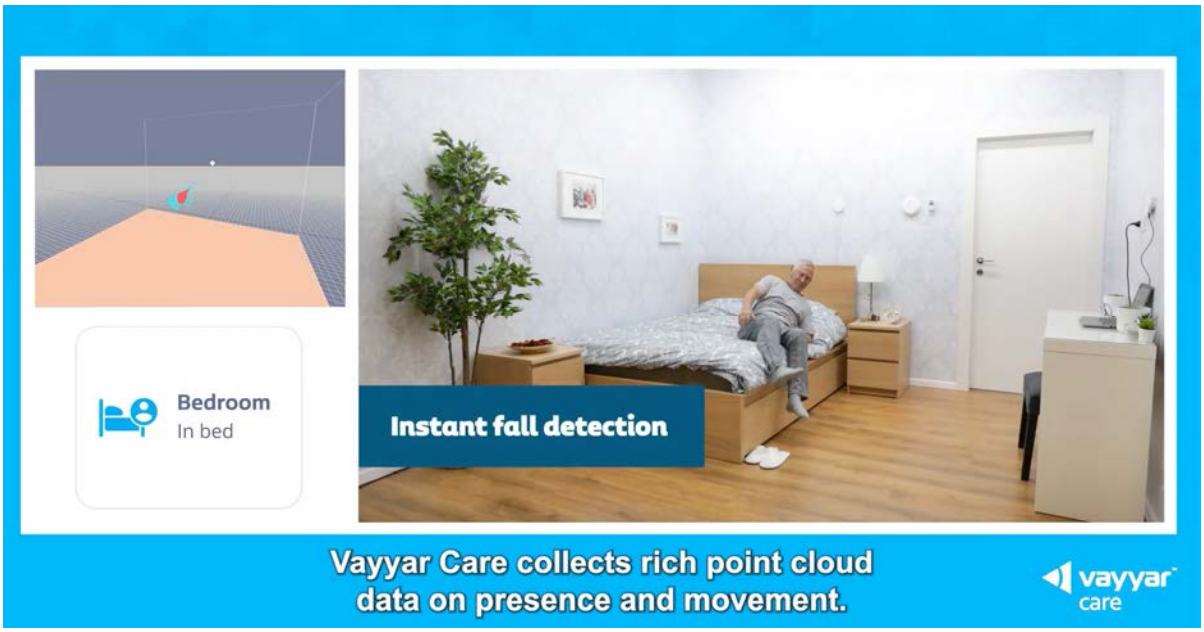
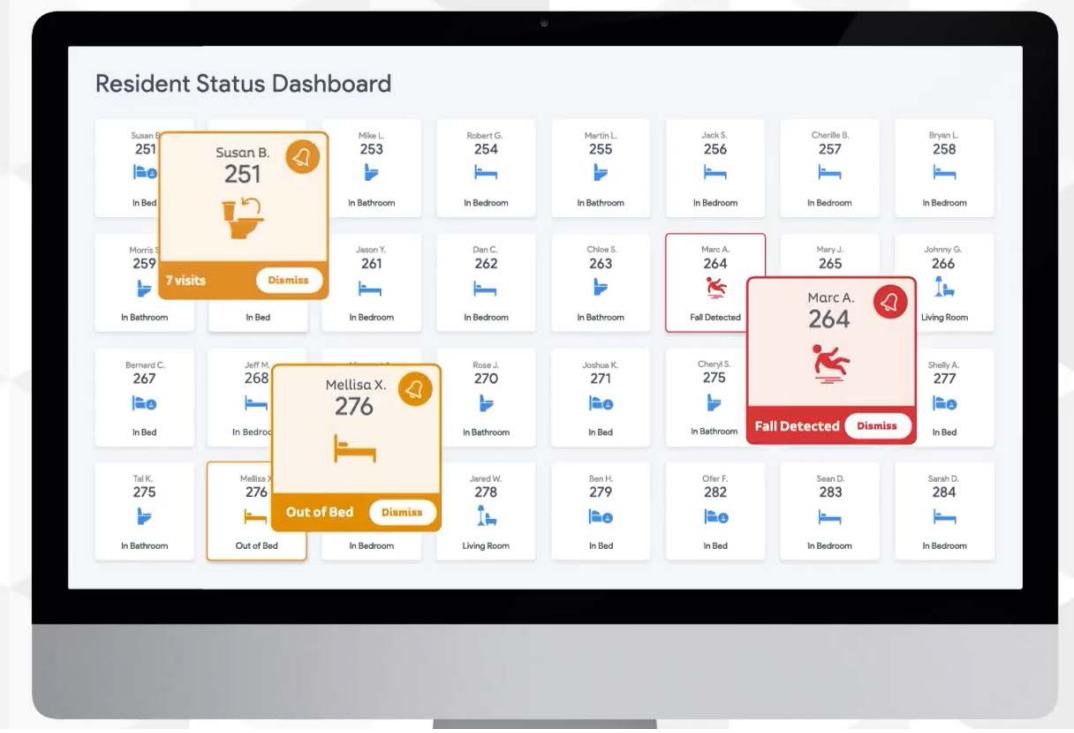


Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

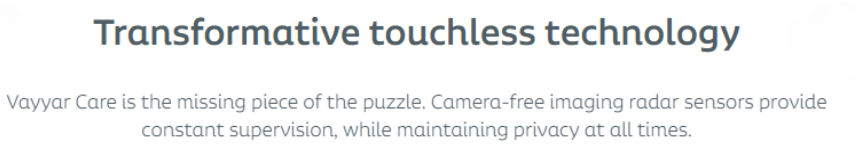


Ex. 33,

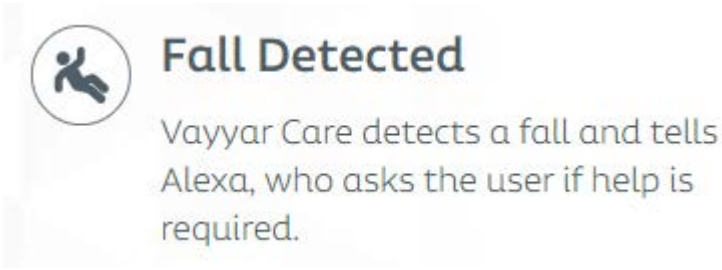
https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

269. The SPHERES Accused Products are programmed to "analyz[e], by a processor, using the machine learning module, the historical sensor data detected by the plurality of sensors associated with the plurality of home environments and the historical condition data indicating conditions associated with individuals in each of the plurality of home environments, the historical sensor data comprising at least one of a body temperature, a heart rate, a breathing rate, a glucose/ketone level, medication adherence data, eye movement data, exercise data, body control data, fine motor control data, and health and/or nutrition data, and the historical condition data comprising data indicating at least one of a medical condition, a health condition, an urgent condition, and a cognitive condition," as required by claim 1 of the '318 patent. For example, the SPHERES Accused Products "collect[] rich point cloud data on presence and movement" (Ex. 33, Home VC Demo Short US (video),

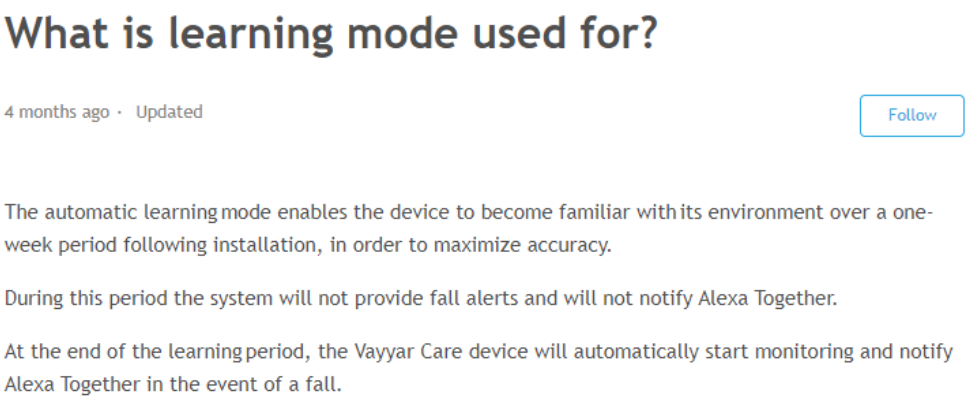
https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo (last visited November 2, 2022)), *e.g.*, body control data, fine motor control data, and/or health data, and will detect falls and ask the user if help is required:



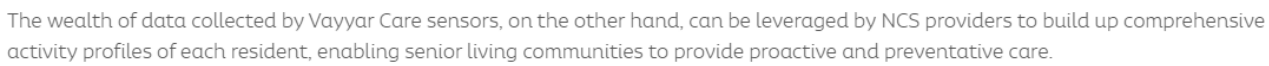
Ex. 29, https://vayyar.com/care/b2c/



Ex. 30, https://vayyar.com/care/b2c/how-it-works/



Ex. 31, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-



Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor

Data silos are currently being broken down across multiple industries and senior care is no exception. Granular resident activity data gathered over extended periods of time will ultimately allow MDs to make more accurate diagnoses and optimize pharmaceutical and therapeutic prescriptions.

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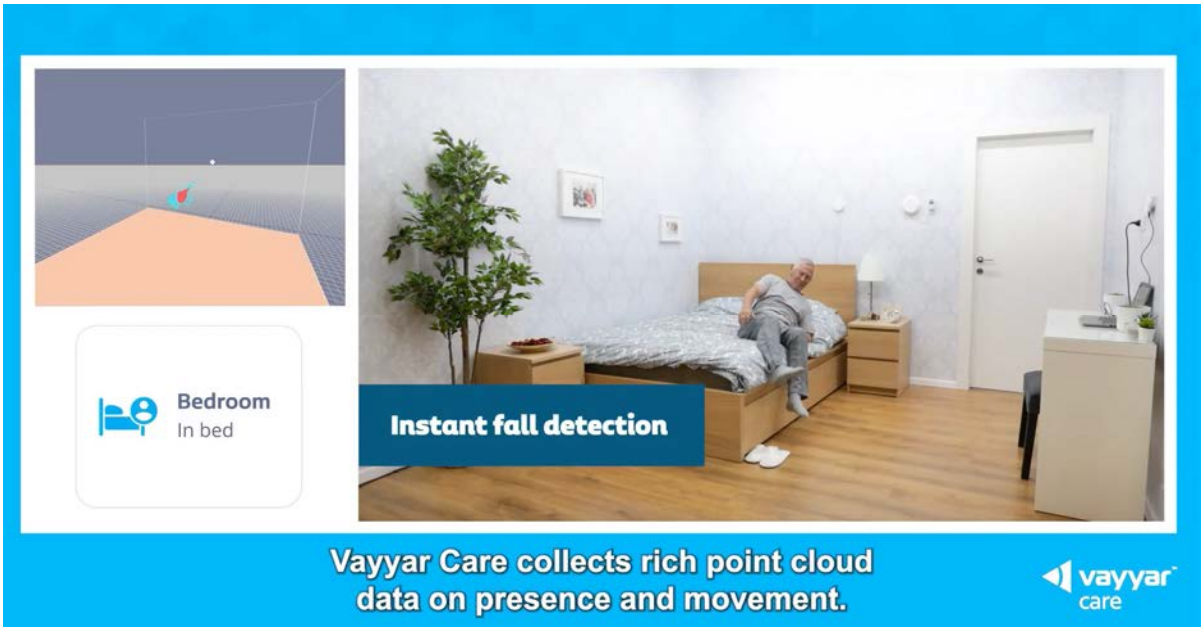
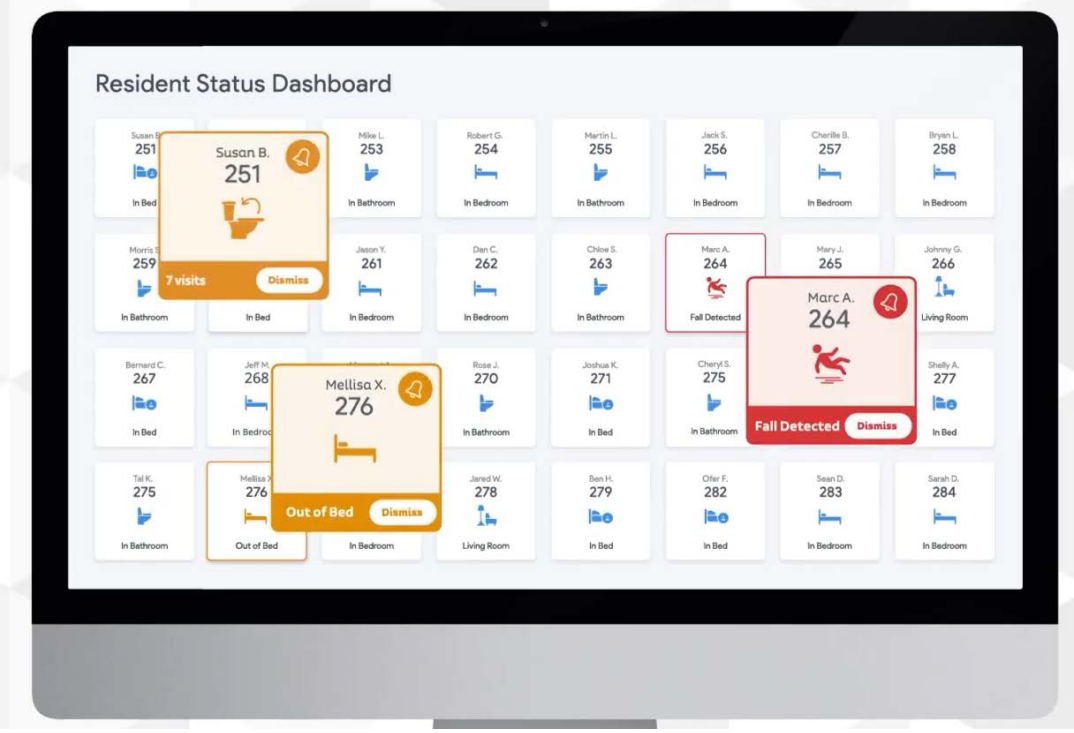


Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



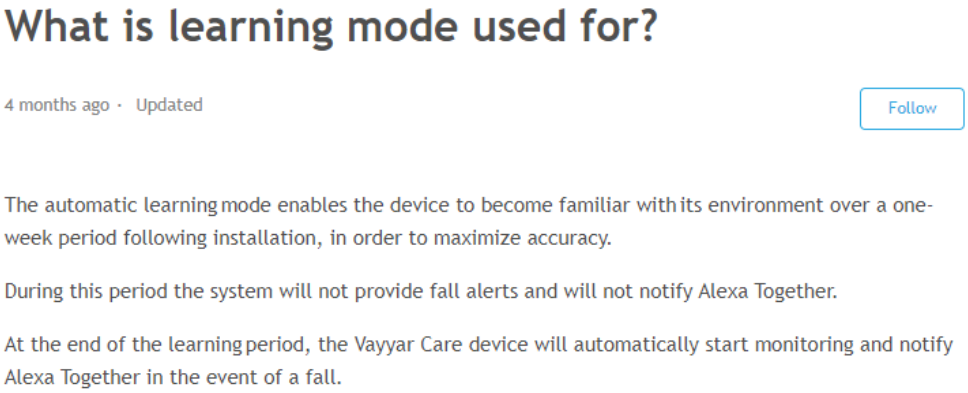
Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

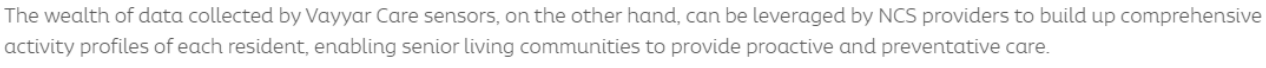
270. The SPHERES Accused Products "identif[y], by a processor, using the machine learning module, based upon the analysis, one or more abnormalities or anomalies in the historical sensor data detected by the plurality of sensors corresponding to conditions associated with the individuals in the home environments," as required by claim 1 of the '318 patent. For example, the SPHERES Accused Products detect falls that occur within a loved one's home:

Ex. 29, https://vayyar.com/care/b2c/

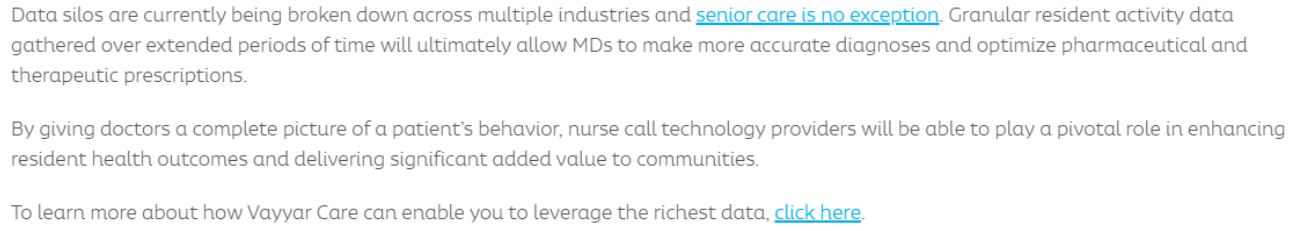
Ex. 30, https://vayyar.com/care/b2c/how-it-works/



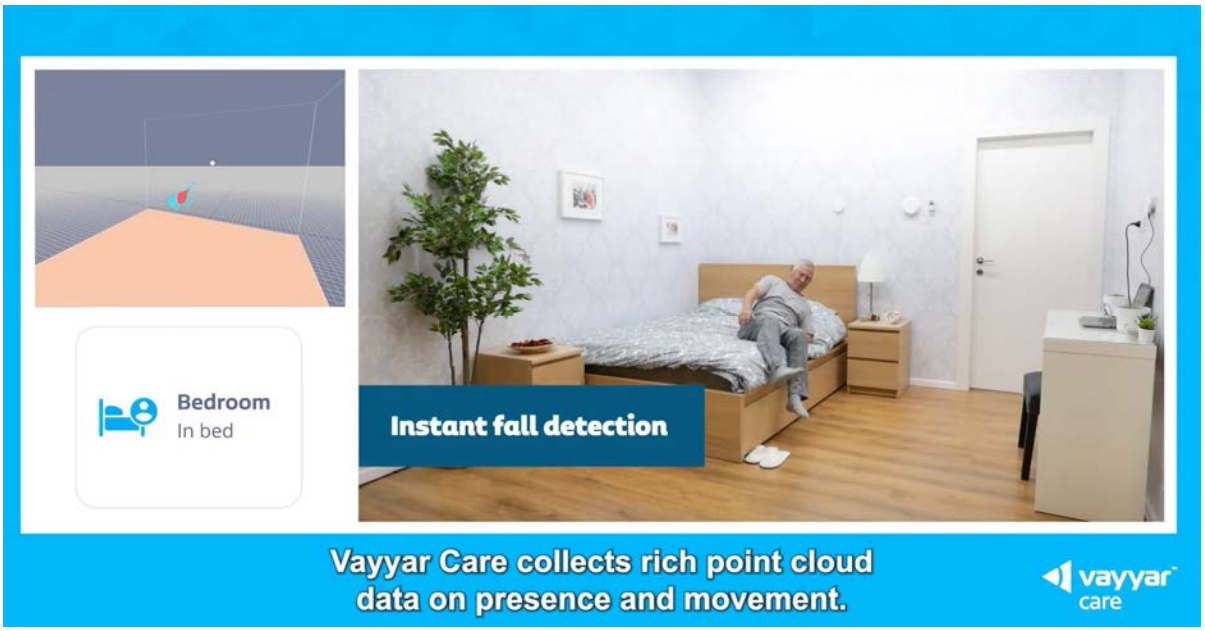
Ex. 31, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-



Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor

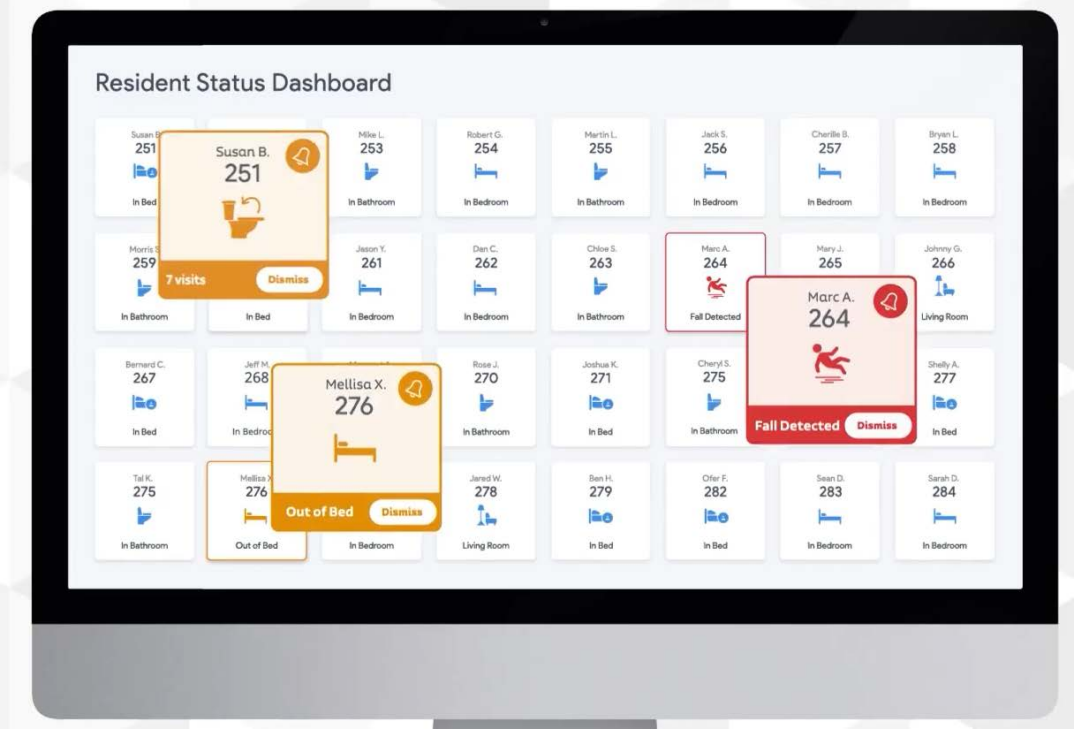


Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor



Ex. 33,

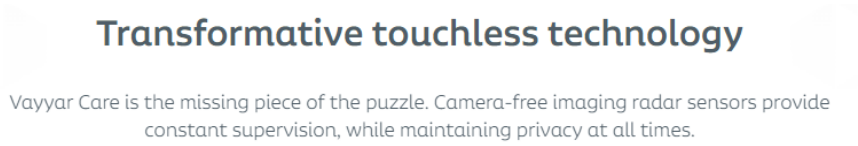
https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



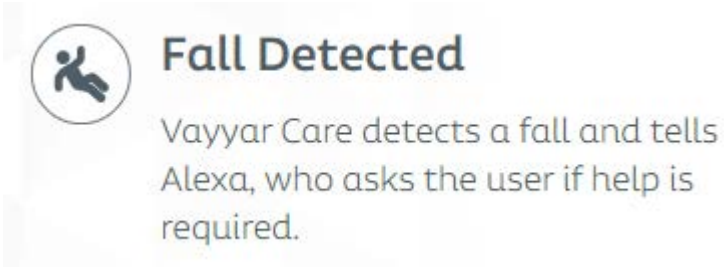
Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

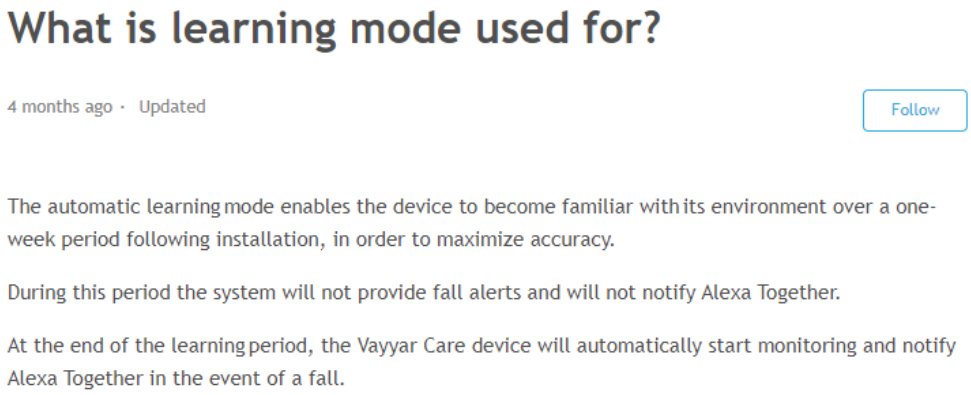
271. The SPHERES Accused Products "modif[y], by a processor, the machine learning module based upon the analysis and the identified one or more abnormalities or anomalies with corresponding conditions," as required by claim 1 of the '318 patent. For example, the SPHERES Accused Products collect data that "can be leveraged by NCS providers to build up comprehensive activity profiles of each resident, enabling senior living communities to provide proactive and preventative care" (Ex. 32, Advancing Nurse Call Technology to Ensure Safety | Vayyar, https://blog.vayyar.com/data-is-the-new-doctor, last visited November 2, 2022):



Ex. 29, https://vayyar.com/care/b2c/



Ex. 30, https://vayyar.com/care/b2c/how-it-works/



Ex. 31, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-

The wealth of data collected by Vayyar Care sensors, on the other hand, can be leveraged by NCS providers to build up comprehensive activity profiles of each resident, enabling senior living communities to provide proactive and preventative care.

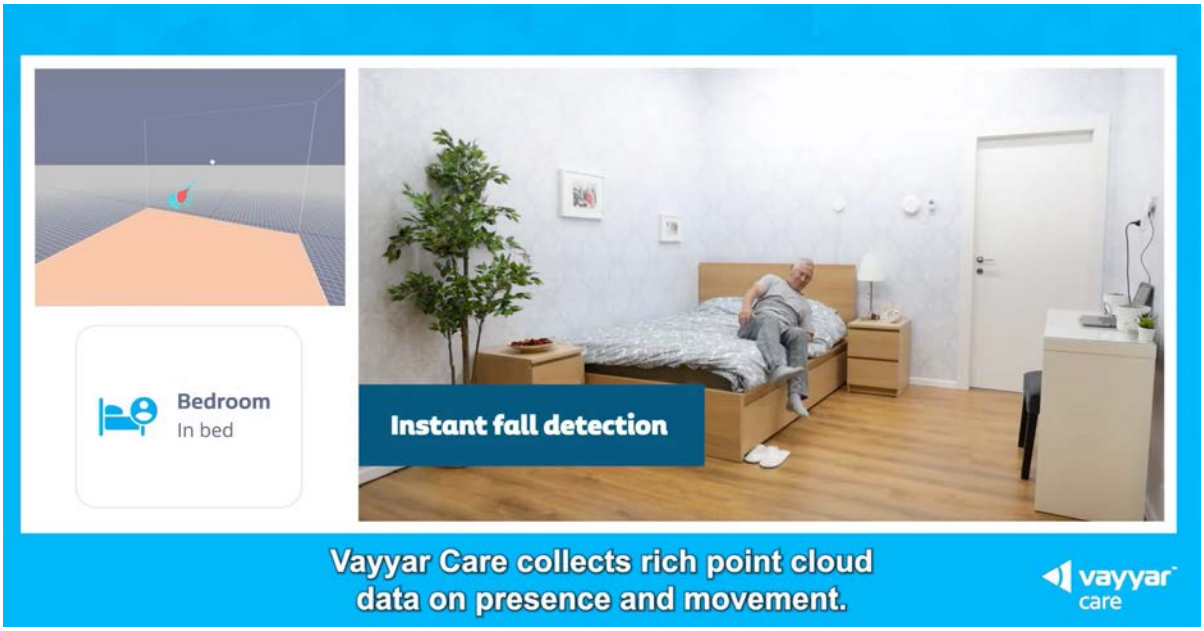
Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor

Data silos are currently being broken down across multiple industries and senior care is no exception. Granular resident activity data gathered over extended periods of time will ultimately allow MDs to make more accurate diagnoses and optimize pharmaceutical and therapeutic prescriptions.

By giving doctors a complete picture of a patient's behavior, nurse call technology providers will be able to play a pivotal role in enhancing resident health outcomes and delivering significant added value to communities.

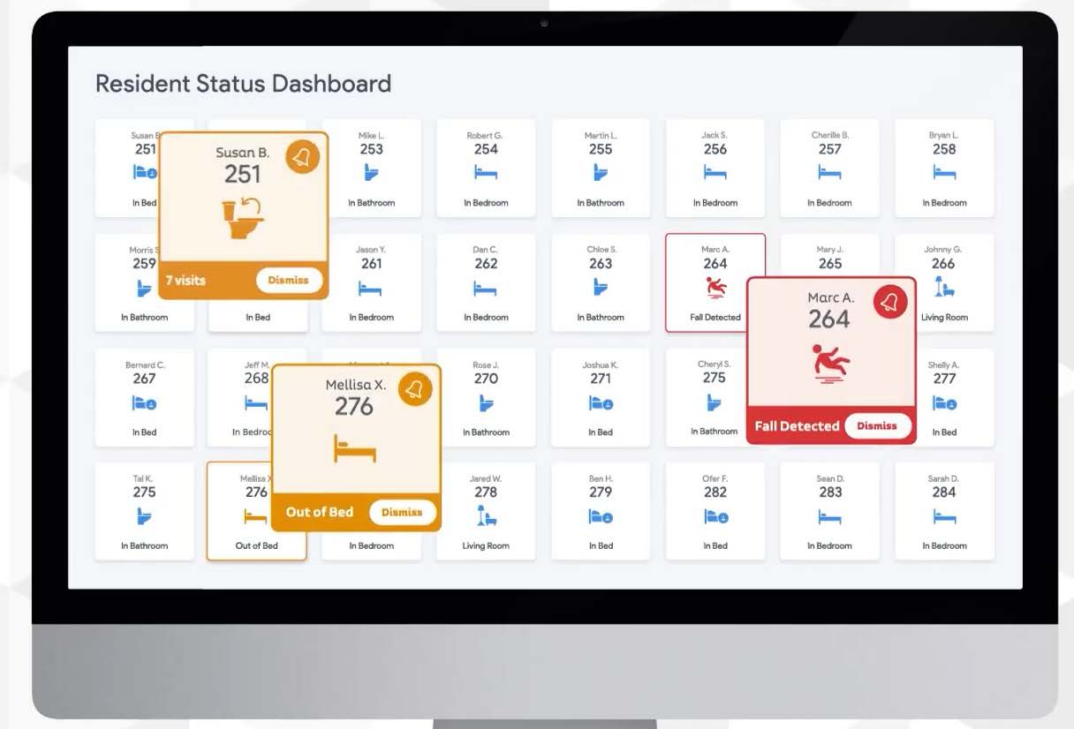
To learn more about how Vayyar Care can enable you to leverage the richest data, click here.

Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor



Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

272. Each claim in the ’318 patent recites an independent invention. Neither claim 1, described above, nor any other individual claim is representative of all claims in the ’318 patent.

273. Amazon has been aware of the ’318 patent since at least the filing date of the Complaint on November 3, 2022.

274. Amazon actively induced and is actively inducing infringement of at least claim 1 of the ’318 patent, in violation of 35 U.S.C. § 271(b).

275. Amazon’s customers and end-users of the SPHERES Accused Products directly infringe claim 1 of the ’318 patent, at least by using the SPHERES Accused Products, as described above in Paragraphs 266-271.

276. Amazon knowingly induces infringement of at least claim 1 of the ’318 patent by customers and end-users of the SPHERES Accused Products with specific intent to induce

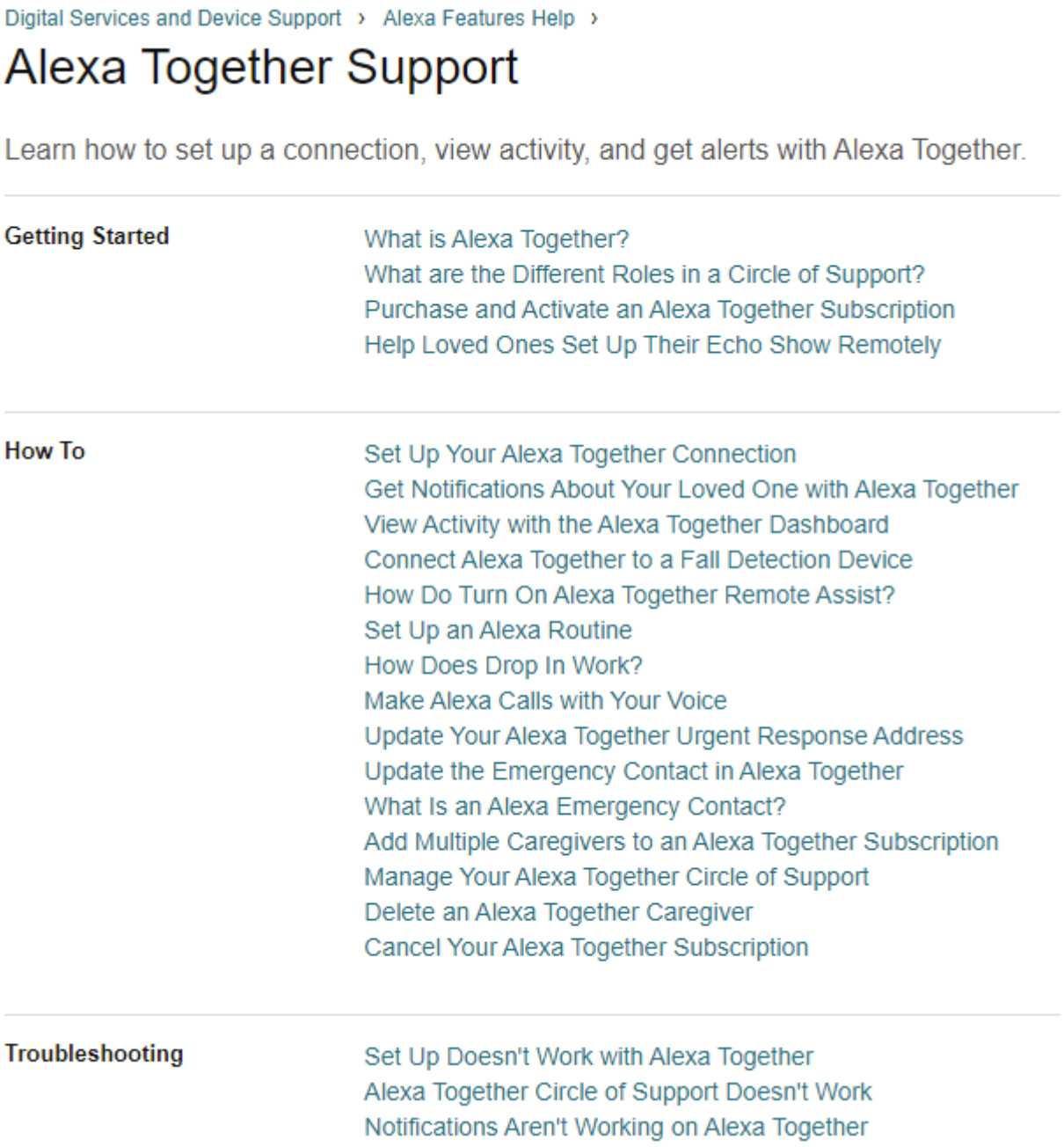
infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to selling, marketing, advertising, promotion, support, and distribution of the SPHERES Accused Products in the United States.

277. Amazon knowingly instructs customers and end users, at least through its marketing, promotional, and instructional materials, to use the infringing SPHERES Accused Products in an infringing manner, as described in detail above in Paragraphs 266-271.

278. Amazon advertises and instructs users on how to use the SPHERES Accused Products. For example, Amazon publicly shares a "Frequently asked questions" website that instructs customers, *inter alia*, regarding "[h]ow does fall detection work?" Ex. 24, Frequently asked questions, https://www.amazon.com/b/?node=23666031011, last visited November 2, 2022. Amazon also publicly shares an "Alexa Together Setup Guide," a step-by-step user guide that advertises features such as "24/7 Urgent Response" and "Fall Detection Response." Ex. 25, Alexa Together Setup Guide, https://m.media-amazon.com/images/G/01/kindle/DP/Care-Launch/Alexa-Together-Setup-Guide-EN-V2.pdf?ref=at_setup_d, last visited November 2, 2022).

279. Amazon also posts videos on its website that instruct third parties on how to use the SPHERES Accused Products. *See* Ex. 26, Amazon Alexa Together Video, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (video) (last visited November 2, 2022. These videos explain, *inter alia*, how care providers can be alerted regarding a loved one's first Alexa activity, how care providers "can receive notifications and stay informed about [their] loved one's well-being," and how care providers can "setup customized alerts, like a notification if [their] loved one hasn't used Alexa in a while." *Id.*

280. In addition to marketing the SPHERES Accused Products for use in an infringing manner, Amazon also provides customer service to purchasers of the SPHERES Accused Products that directs and encourages customers of the SPHERES Accused Products to use the SPHERES Accused Products in an infringing manner. For example, Amazon provides Alexa Together Support and teaches customers how to "Connect Alexa Together to a Fall Detection Device," (Ex. 27, Alexa Together Support, https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3, last visited November 2, 2022):



Digital Services and Device Support › Alexa Features Help ›

Alexa Together Support

Learn how to set up a connection, view activity, and get alerts with Alexa Together.

Getting Started

What is Alexa Together?
What are the Different Roles in a Circle of Support?
Purchase and Activate an Alexa Together Subscription
Help Loved Ones Set Up Their Echo Show Remotely

How To

Set Up Your Alexa Together Connection
Get Notifications About Your Loved One with Alexa Together
View Activity with the Alexa Together Dashboard
Connect Alexa Together to a Fall Detection Device
How Do Turn On Alexa Together Remote Assist?
Set Up an Alexa Routine
How Does Drop In Work?
Make Alexa Calls with Your Voice
Update Your Alexa Together Urgent Response Address
Update the Emergency Contact in Alexa Together
What Is an Alexa Emergency Contact?
Add Multiple Caregivers to an Alexa Together Subscription
Manage Your Alexa Together Circle of Support
Delete an Alexa Together Caregiver
Cancel Your Alexa Together Subscription

Troubleshooting

Set Up Doesn't Work with Alexa Together
Alexa Together Circle of Support Doesn't Work
Notifications Aren't Working on Alexa Together

281. Amazon has sales and technical support staff who assist Amazon's customers and end users and provide instructions for the use of the SPHERES Accused Products in an infringing manner in the United States. *See, e.g., id.*

282. Amazon provides its customers and end users with additional instructions that direct the customers and end users to use the SPHERES Accused Products in an infringing manner. Such

instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. *See, e.g.*, *id.*

283. Amazon contributed and is contributing to infringement of at least claim 1 of the ’318 patent, in violation of 35 U.S.C. § 271(c).

284. Amazon’s customers and end-users of the SPHERES Accused Products directly infringe claim 1 of the ’318 patent, at least by using the SPHERES Accused Products, as described in detail above in Paragraphs 266-271.

285. Amazon contributes to infringement of the ’318 patent by offering to sell, selling, and importing into the United States the SPHERES Accused Products and components thereof, including, for example, the Alexa Together and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the ’318 patent and have no substantial non-infringing use.

286. The SPHERES Accused Products and associated software applications and firmware supplied by Amazon are especially made and especially adapted for use in infringing the ’318 Patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

287. Amazon’s infringement of the ’318 patent is without license or other authorization.

288. Because Amazon had knowledge of the ’318 patent and proceeded to knowingly directly and indirectly infringe the ’318 patent, Amazon’s infringement has been and continues to be willful. As previously alleged, Amazon intentionally and knowingly copied proprietary innovations developed and patented by State Farm, including technology that Amazon now markets as its own.

289. Amazon's continued infringement of the '318 patent has damaged and will continue to damage Plaintiff.

290. Unless and until enjoined by this Court, Amazon will continue to directly infringe as well as induce and contribute to infringement of the '318 patent. Amazon's infringing acts are causing and will continue to cause at least Plaintiff irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, Plaintiff is entitled to a permanent injunction against further infringement.

291. This case is exceptional, entitling Plaintiff to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

SIXTH CAUSE OF ACTION

Infringement of the '180 Patent by Amazon

292. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1–291 above as though fully set forth herein.

293. Amazon's products and/or services that infringe the '180 patent include, but are not limited to, the SPHERES Accused Products and the use thereof.

294. Through agreements with third-party provider Vayyar, Vayyar Care works exclusively with Amazon's Alexa Together. Thus, Amazon exercises control and direction over the functionality of the Vayyar Care products in connection with Amazon's Alexa Together. Further, at least as a result of this exclusive relationship, Amazon has formed a joint enterprise to create the infringing SPHERES Accused Products.

About this item

- Vayyar Care works exclusively with Amazon Alexa and an Alexa Together subscription to protect seniors and provide peace of mind to their families. (Currently US Only)

Ex. 17, https://www.amazon.com/Vayyar-Care-Touchless-Detection-Subscription/dp/B09JXV82Z6.

295. Amazon makes, uses, sells, offers for sale, and/or imports Alexa Together and components thereof in the United States.

296. Amazon directly infringes—literally and/or under the doctrine of equivalents—at least claim 1 of the '180 patent by using, selling, and/or offering for sale, the SPHERES Accused Products and components thereof.

297. For example, claim 1 of the '180 patent recites:

> 1. A computer-implemented method for identifying a condition associated with an individual in a home environment, comprising:
>
> > training, by a processor, by a processor, a neural network model using a plurality of datasets associated with a plurality of home environments, wherein training a neural network model comprises adding one or more layers to the trained neural network model, wherein at least one layer of the one or more layers is associated with at least one of an activation function, a loss function, and an optimization function;
> >
> > capturing data detected by a plurality of sensors associated with the home environment;
> >
> > analyzing, by a processor, the captured data to identify one or more abnormalities or anomalies;
> >
> > determining, by a processor, based upon the identified one or more abnormalities or anomalies, the condition associated with the individual in the home environment; and
> >
> > generating, by a processor, to a caregiver of the individual, a notification indicating the condition associated with the individual,
> >
> > wherein analyzing the captured data comprises analyzing the captured data using the trained neural network model to identify a new behavior pattern,
> >
> > wherein the one or more abnormalities or anomalies comprise the new behavior pattern,
> >
> > wherein determining the condition comprises determining the condition associated with the individual based at least in part upon the identified new behavior pattern, and
> >
> > wherein the notification comprises a snapshot report generated periodically and the snapshot report includes an indication of the condition associated with the individual and a change from a prior snapshot report.

298. The SPHERES Accused Products practice each limitation of claim 1 of the ’180 patent

299. To the extent the preamble is construed to be limiting, the SPHERES Accused Products include “[a] computer-implemented method for identifying a condition associated with an individual in a home environment.” For example, Alexa Together includes a fall detection response, wherein it “can detect when the customer has fallen”:

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently. The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, “Alexa, call for help.” If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one’s devices. The activity feed shows a generalized view of your loved one’s interactions, so you know they are active around the house. You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times. Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (emphasis added)

Ex. 20, https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011

Fall detection

How does fall detection work?

Alexa Together will be compatible with third-party fall detection devices from partners like ATS and Vayyar. If these devices are connected to the customer's Alexa account, they can detect when the customer has fallen or get a signal if the customer presses a help button on their wearable. When this happens, the devices can send a signal to prompt Alexa to ask if your loved one wants to call Urgent Response.

Does Alexa support a third-party fall detection device without an Alexa Together subscription?

A third-party fall detection device can be connected, but if there is no active Alexa Together subscription, Alexa will not receive the signal from the device that a fall happened. Alexa will not call Urgent Response.

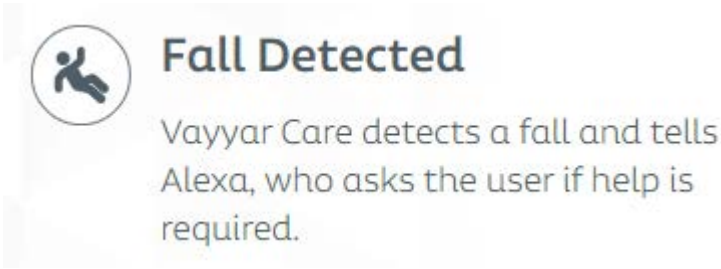
What devices are compatible with Alexa Together?

Alexa Together is compatible with third-party devices—a wall-mounted radar device from *Vayyar* and a wearable pendant from *ATS*. These are both available on Amazon.com.

Ex. 24.

Ex. 29, https://vayyar.com/care/b2c/

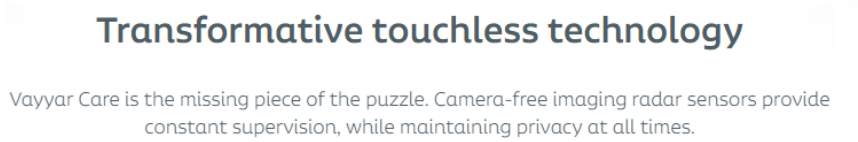
Ex. 29, https://vayyar.com/care/b2c/



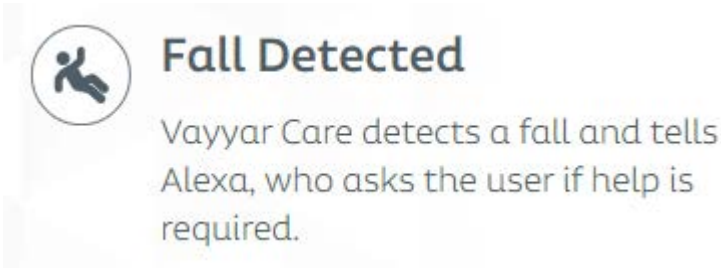
Ex. 30, https://vayyar.com/care/b2c/how-it-works/

300. The SPHERES Accused Products "train[], by a processor, a neural network model using a plurality of datasets associated with a plurality of home environments, wherein training a neural network model comprises adding one or more layers to the trained neural network model, wherein at least one layer of the one or more layers is associated with at least one of an activation function, a loss function, and an optimization function" as required by claim 1 of the '180 patent. For example, the SPHERES Accused Products are advertised as containing a

"learning mode" that "enables the device to become familiar with its environment over a one-week period following installation" through an optimization and/or loss function (Ex. 31, What is learning mode used for?, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for- (last visited November 2, 2022)):

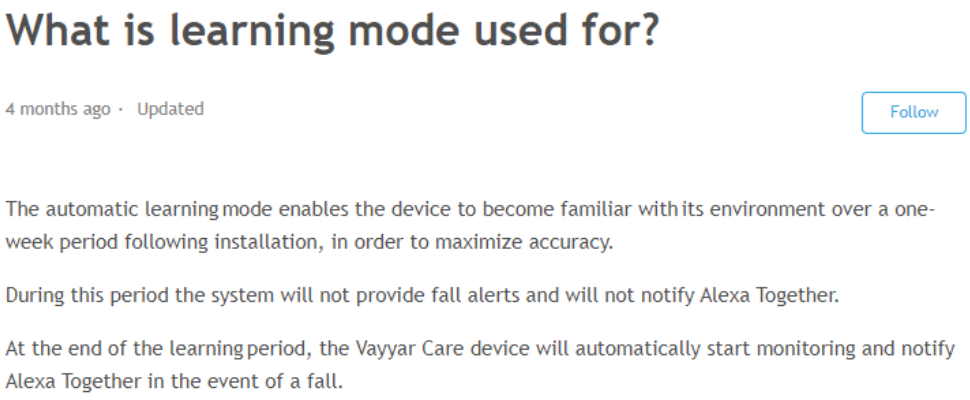


Ex. 29, https://vayyar.com/care/b2c/



Ex. 30, https://vayyar.com/care/b2c/how-it-works/

The SPHERES Accused Products' "learning mode" is used to retrieve historical sensor data by a plurality of sensors associated with multiple home environments, for example, multiple residents within individual rooms of senior living communities that will train a neural network using an optimization and/or loss function.



Ex. 31, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-

The wealth of data collected by Vayyar Care sensors, on the other hand, can be leveraged by NCS providers to build up comprehensive activity profiles of each resident, enabling senior living communities to provide proactive and preventative care.

Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor

Data silos are currently being broken down across multiple industries and senior care is no exception. Granular resident activity data gathered over extended periods of time will ultimately allow MDs to make more accurate diagnoses and optimize pharmaceutical and therapeutic prescriptions.

By giving doctors a complete picture of a patient's behavior, nurse call technology providers will be able to play a pivotal role in enhancing resident health outcomes and delivering significant added value to communities.

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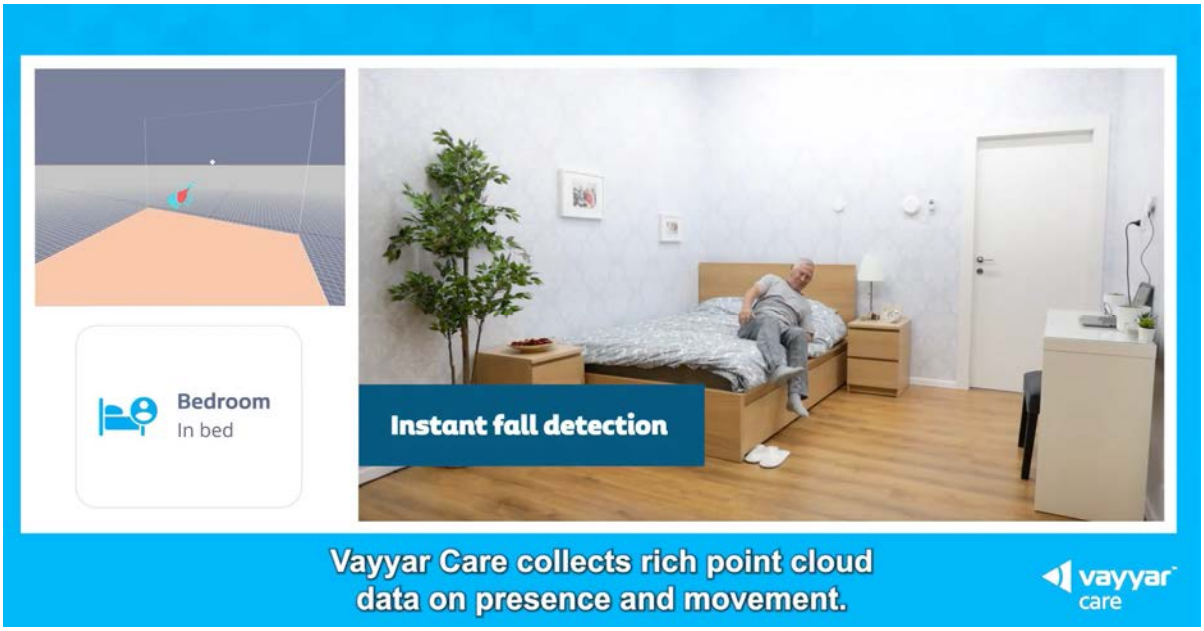
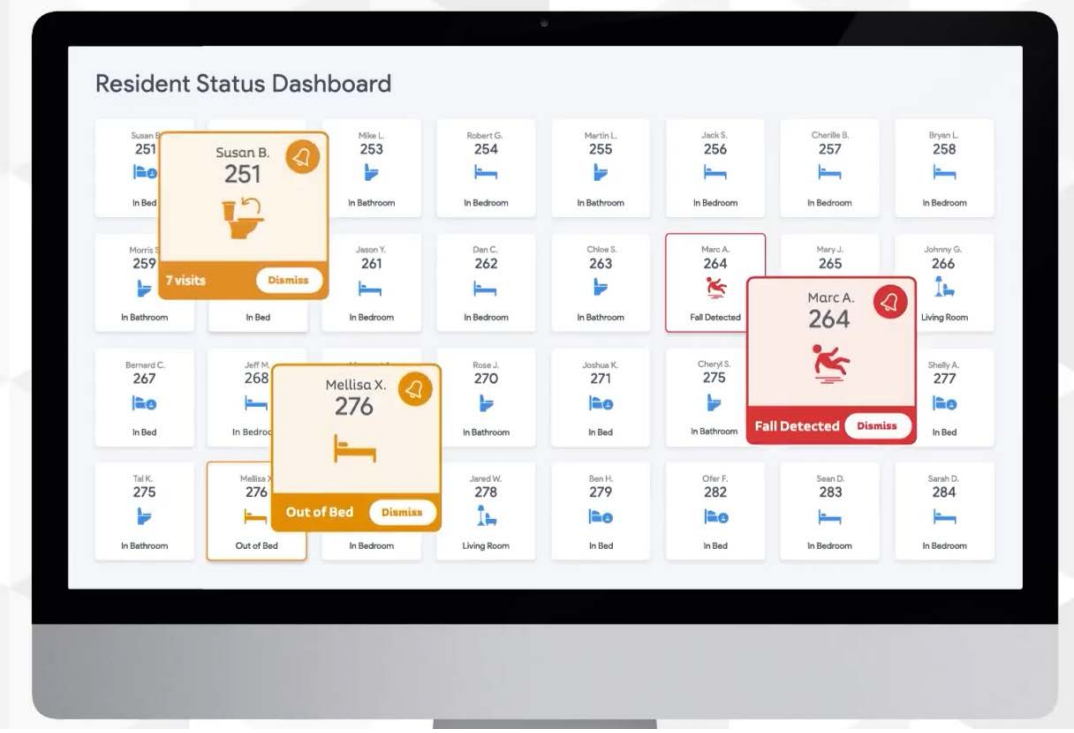
Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor



Ex. 33,

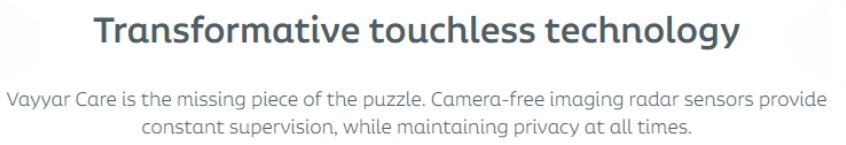
https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



Ex. 33,

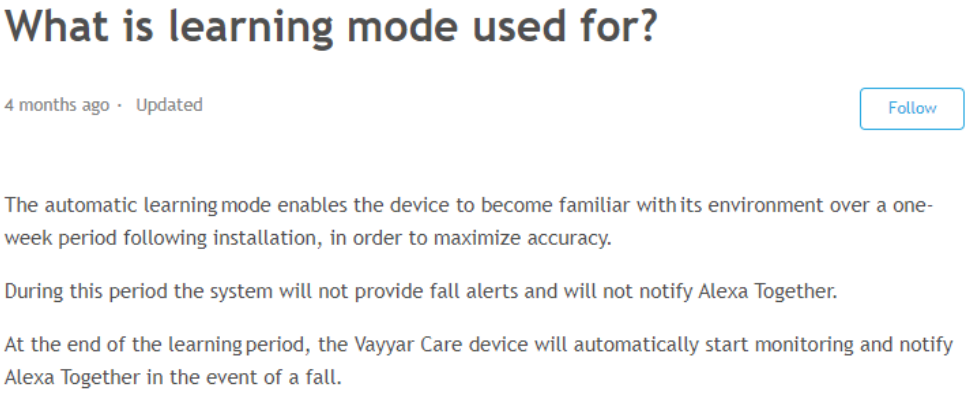
https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

301. The SPHERES Accused Products "captur[e] data detected by a plurality of sensors associated with the home environment," as required by claim 1 of the '180 patent. For example, the SPHERES Accused Products are advertised as containing a "learning mode" that "enables the device to become familiar with its environment over a one-week period following installation" (Ex. 31, What is learning mode used for?, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-, last visited November 2, 2022) and by capturing data detected by a plurality of sensors associated with the home environment:



Ex. 29, https://vayyar.com/care/b2c/

Ex. 30, https://vayyar.com/care/b2c/how-it-works/



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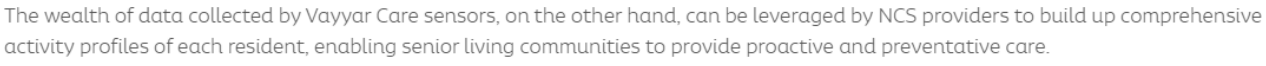
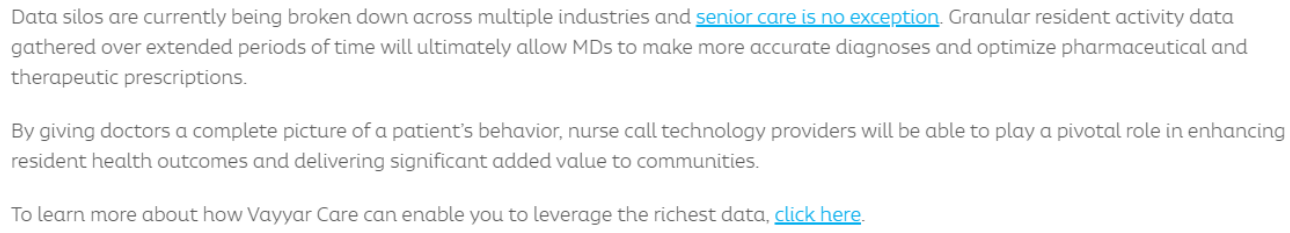
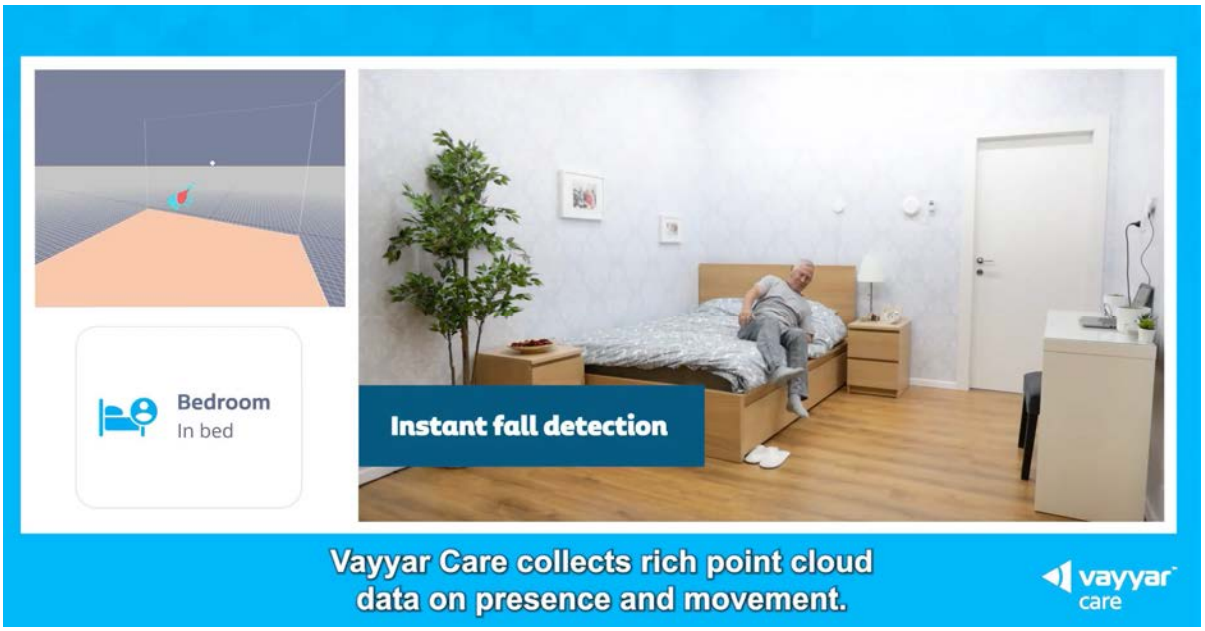


Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor



Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor



Ex. 33,

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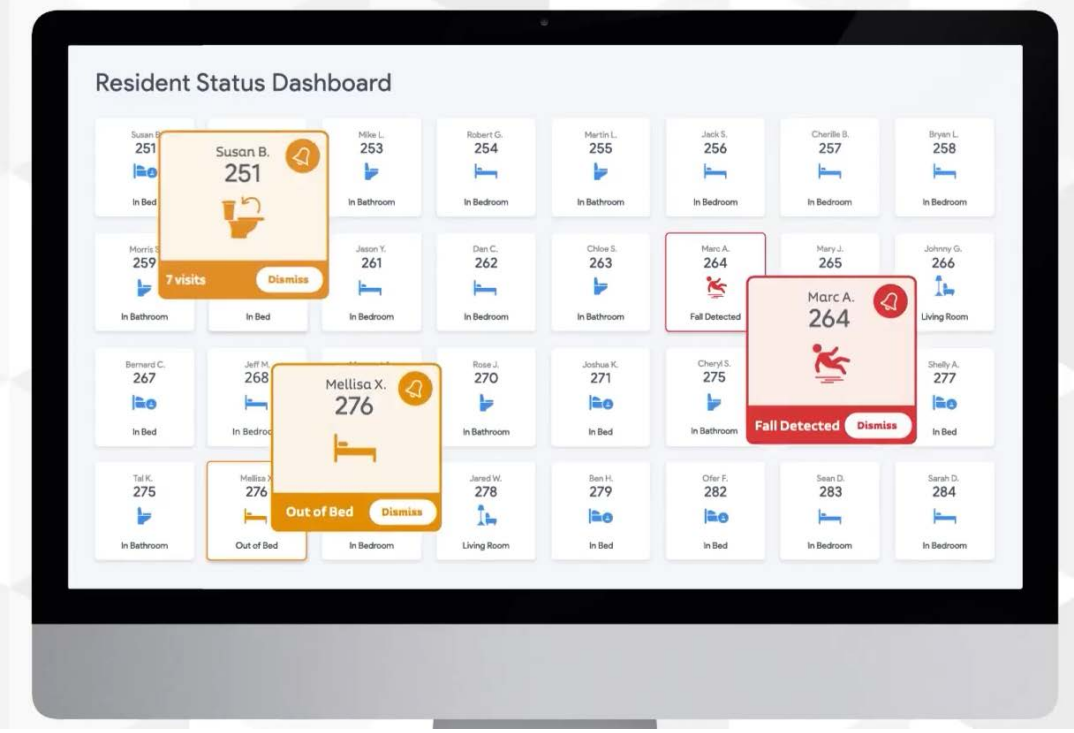


Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

Specifications

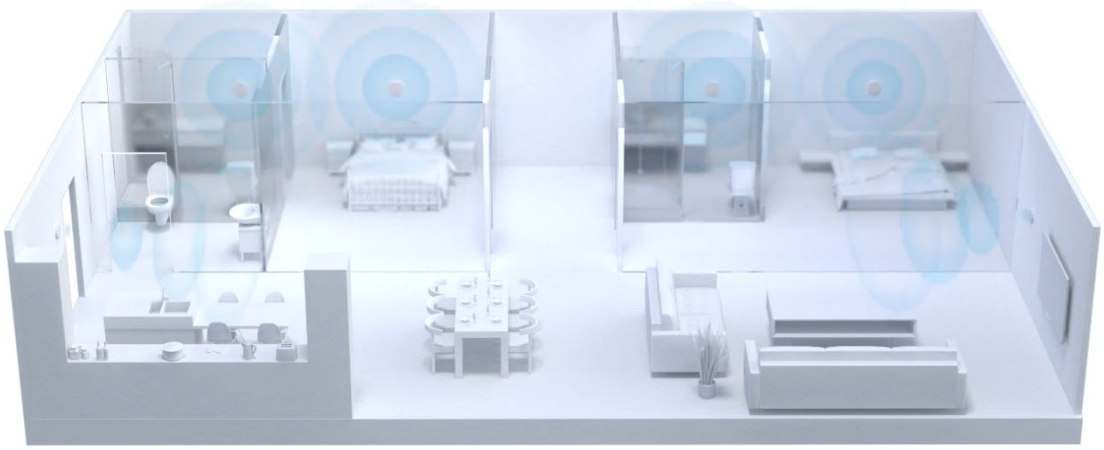
Brand name	Vayyar Care
Key advantages	Detects falls without cameras or requiring user to push a button, pull a cord or put on a wearable device
Sensor range	Wall-mounted sensor (1.5m / 5 feet off floor) monitors a coverage area of 16m² / 169ft² - supports a 140° azimuth (horizontal) and 70° elevation (height) field of view
Recommended number of devices	1 in the bedroom, 1 in the kitchen, 1 in the bathroom and 1 or more in the living room, depending on size (stairwells not supported at this time).
Device dimensions	9cm (3½") diameter, 1.5cm (⅔") depth
Device weight	110g (4oz)
Technology	mmWave MIMO (Multiple Input Multiple Output) radio frequency sensor

Ex. 17, https://www.amazon.com/Vayyar-Care-Touchless-Detection-Subscription/dp/B09JXV82Z6

How many devices do I need?

Each Vayyar Care device has a range of 13 feet to the front and 6 feet 6 inches either side. Large rooms may require more than one device.

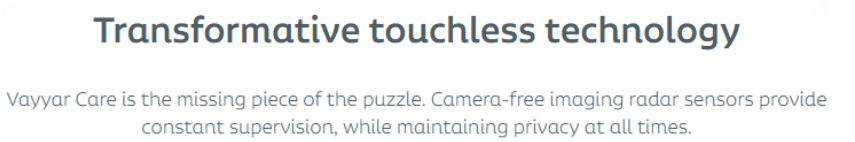
Ex. 29, https://vayyar.com/care/b2c/



Ex. 29, https://vayyar.com/care/b2c/

302. The SPHERES Accused Products "analyz[e], by processor, the captured data to identify one or more abnormalities or anomalies," as required by claim 1 of the '180 patent. For

example, the SPHERES Accused Products "collect[] rich point cloud data on presence and movement" (Ex. 33, Home VC Demo Short US (video), https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo (last visited November 2, 2022)), and will detect falls and ask the user if help is required:



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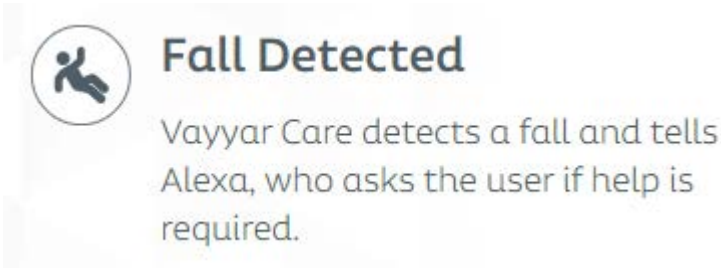

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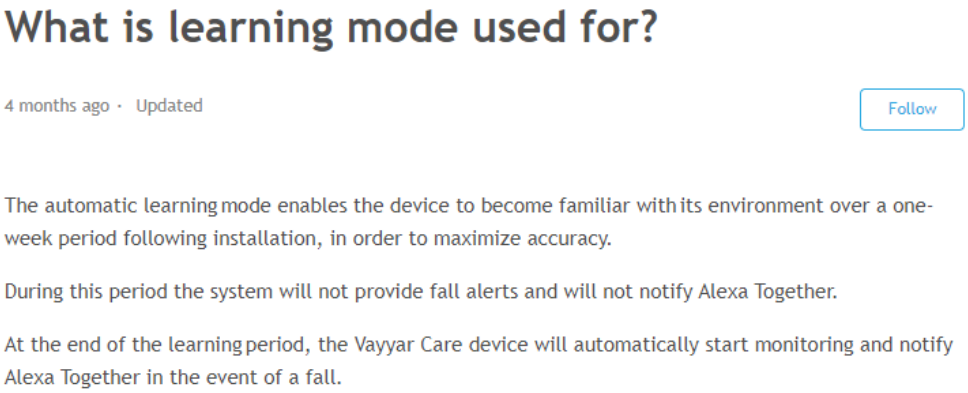
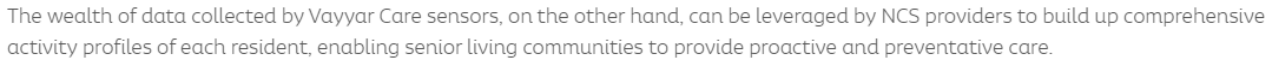


Ex. 31, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-



Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor

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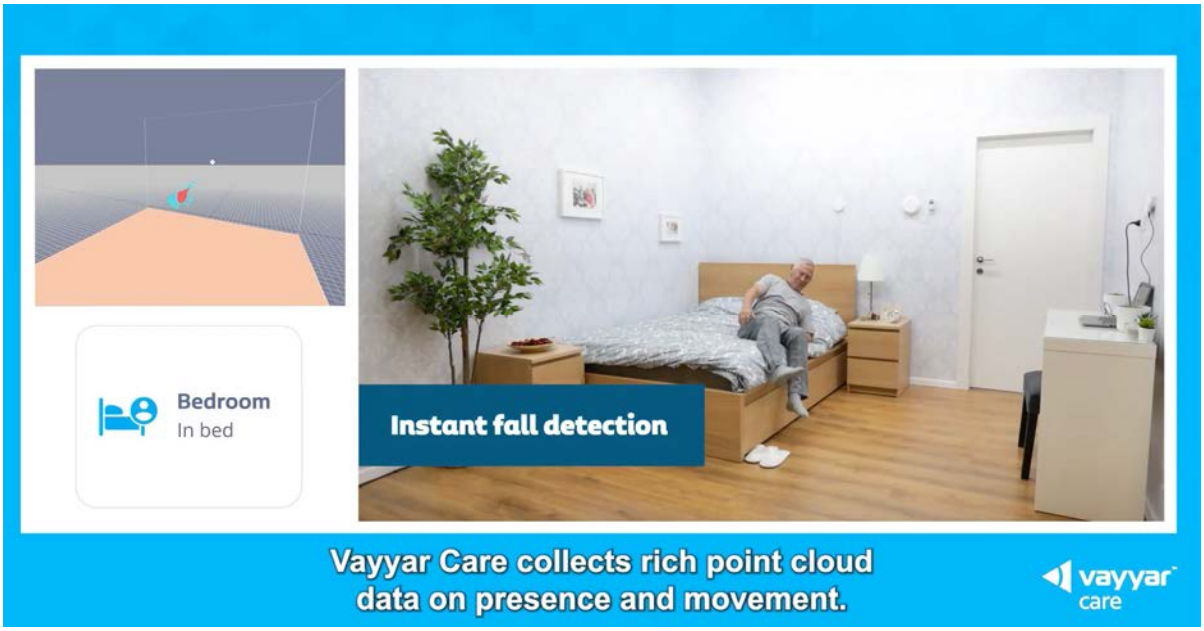
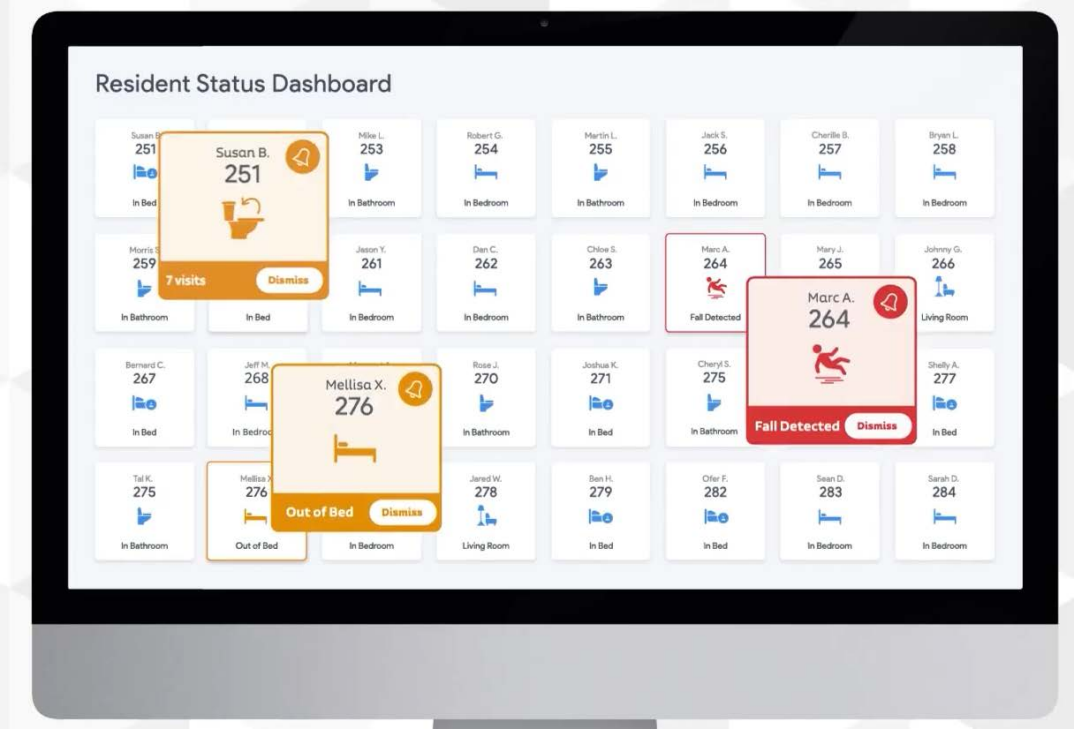


Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



Ex. 33,

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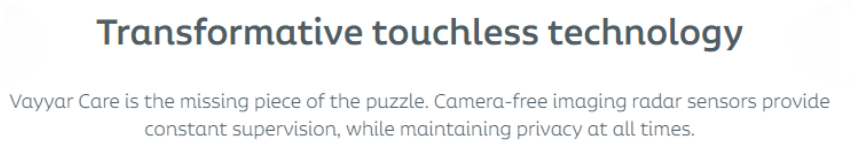
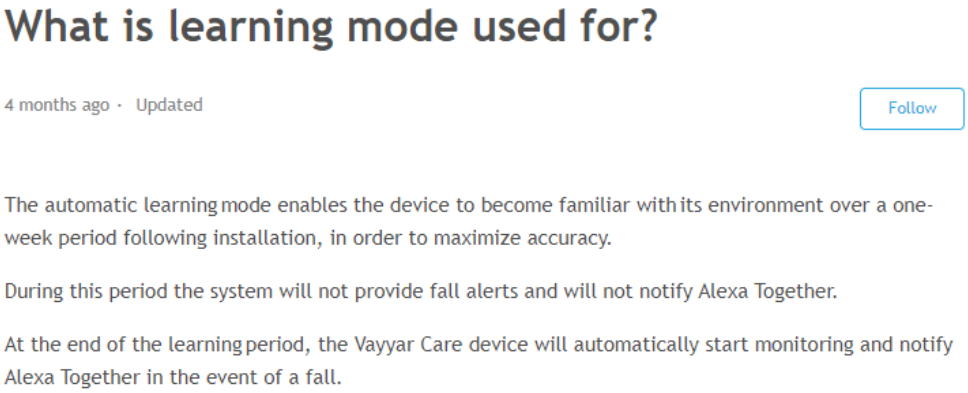
303. The SPHERES Accused Products "determin[e], by the processor, based upon the identified one or more abnormalities or anomalies, the condition associated with the individual in the home environment," as required by claim 1 of the '180 patent. For example, the SPHERES Accused Products detect falls that occur within a loved one's home:



Ex. 29, https://vayyar.com/care/b2c/

Ex. 30, https://vayyar.com/care/b2c/how-it-works/



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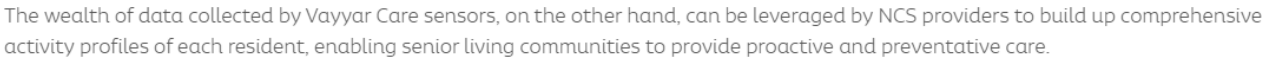

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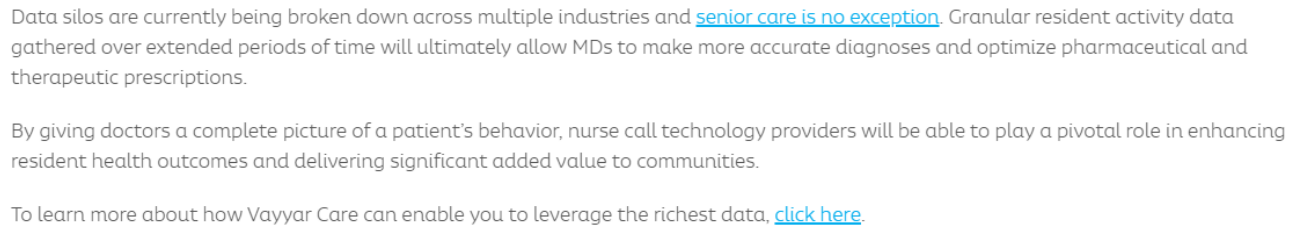

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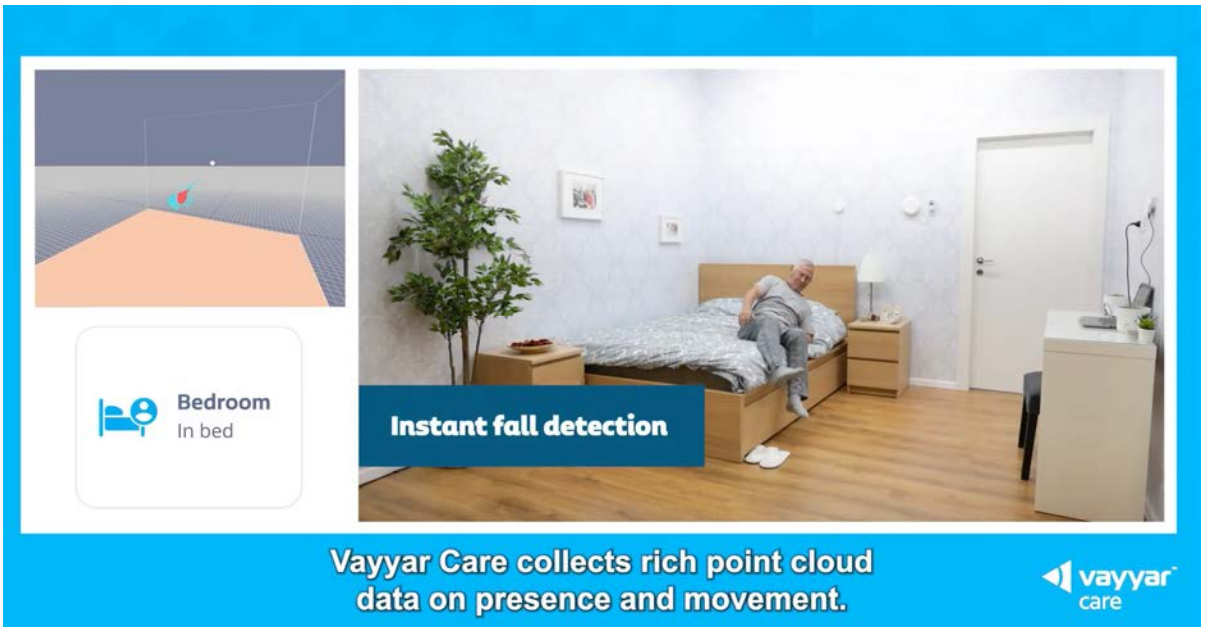

Ex. 33,

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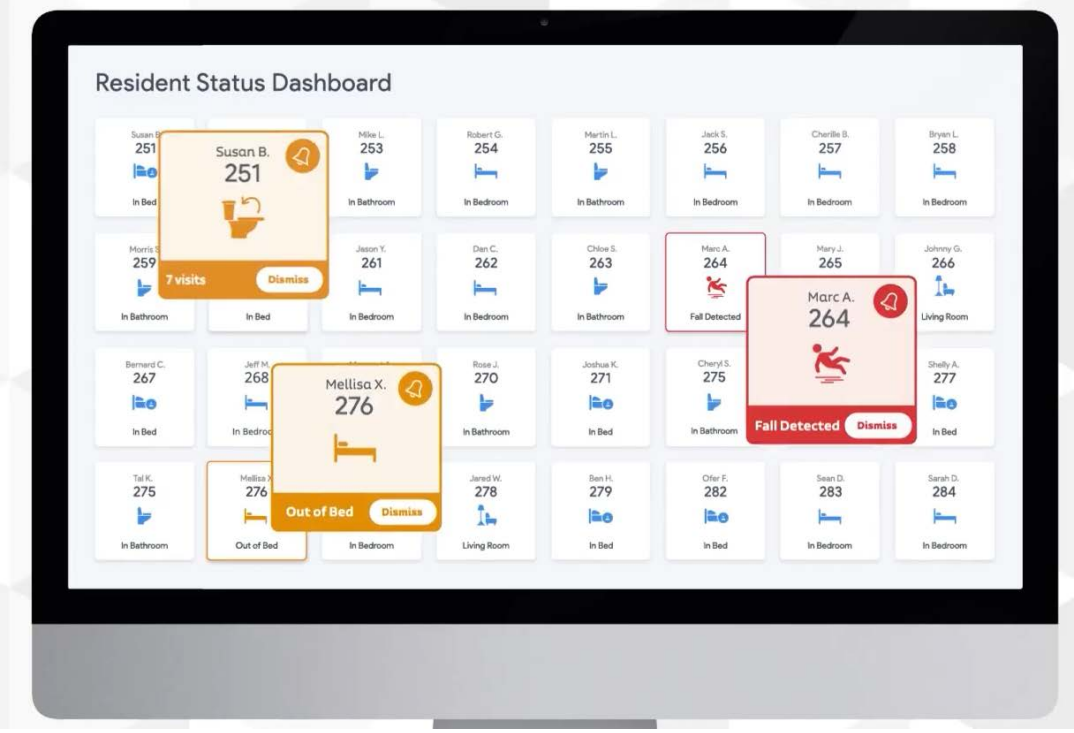
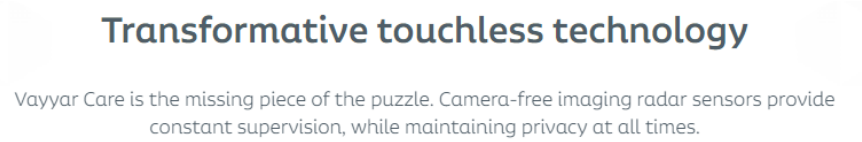


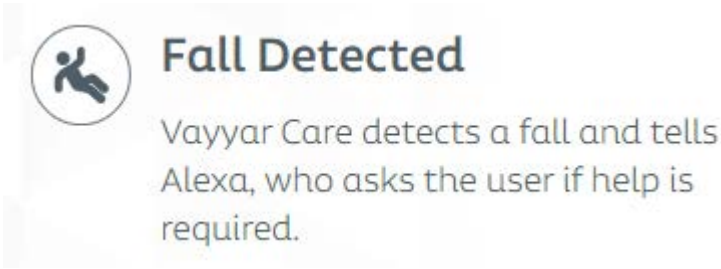
Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

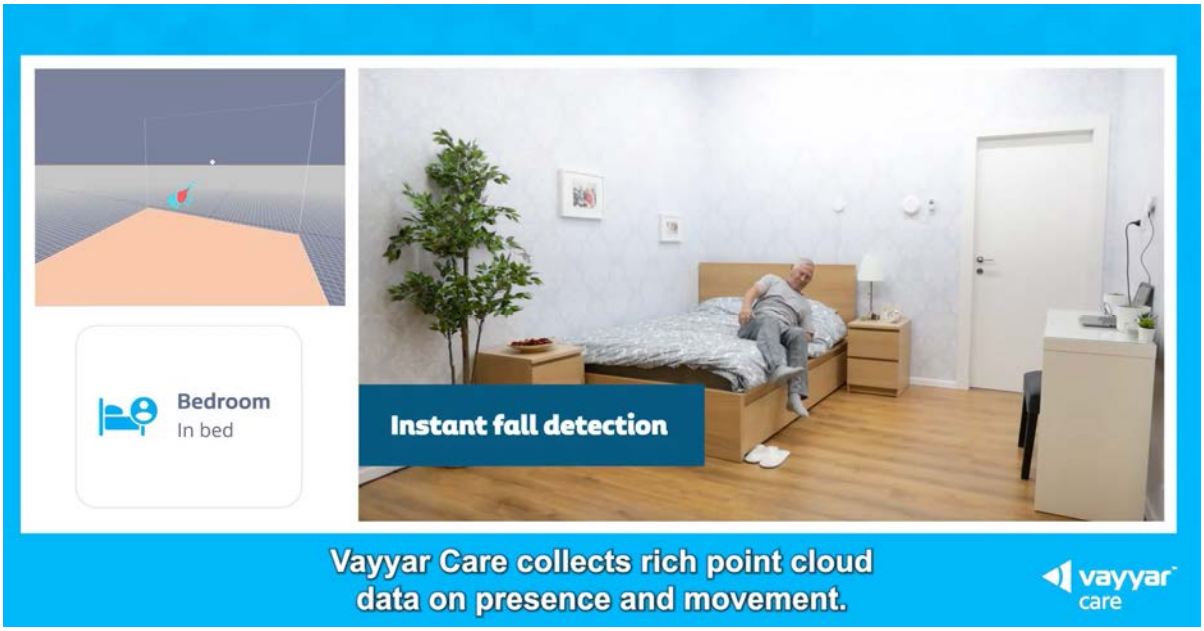
304. The SPHERES Accused Products "generat[e], by the processor, to a caregiver of the individual, a notification indicating the condition associated with the individual," as required by claim 1 of the '180 patent. For example, the SPHERES Accused Products detect falls that occur within a loved one's home and notifies a caregiver.



Ex. 29, https://vayyar.com/care/b2c/



Ex. 30, https://vayyar.com/care/b2c/how-it-works/



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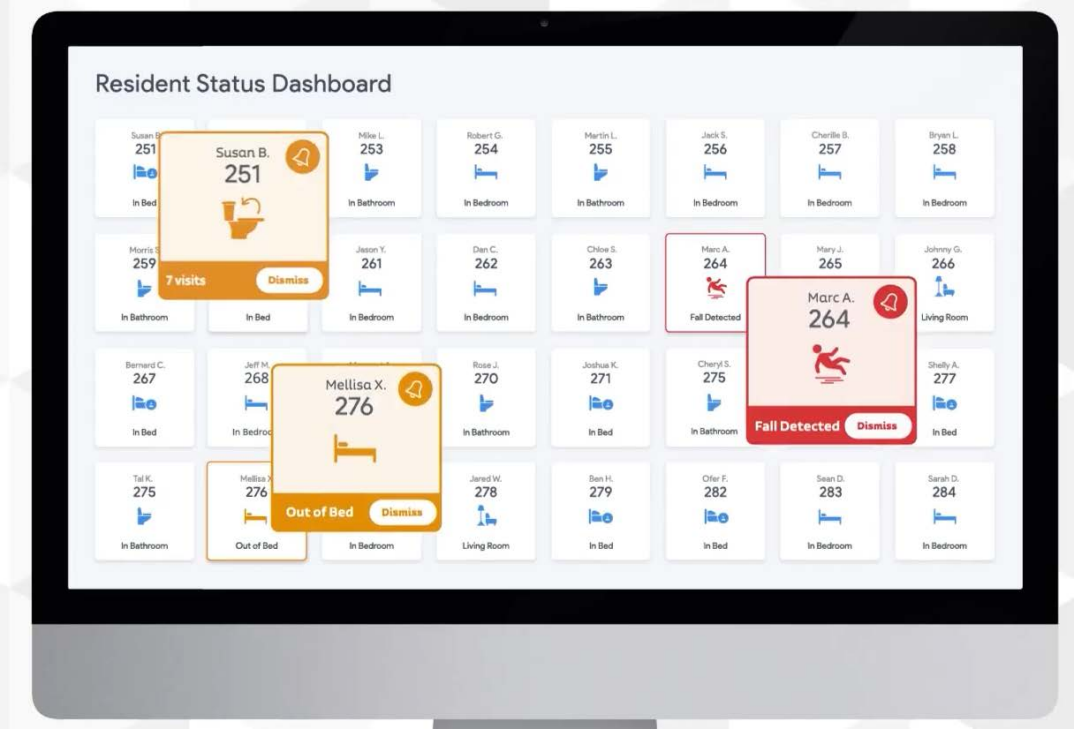
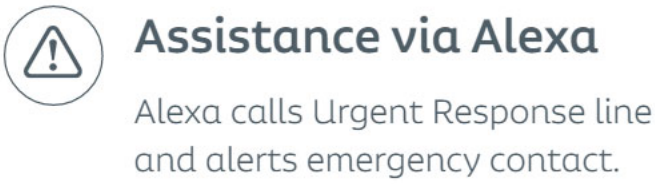


Ex. 33,

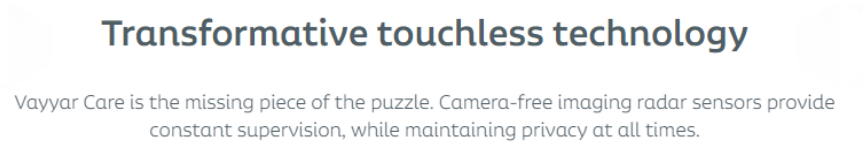
https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



Ex. 30, https://vayyar.com/care/b2c/how-it-works/

305. The SPHERES Accused Products "analyz[e] the captured data comprises analyzing the captured data using the trained neural network model to identify a new behavior pattern," as required by claim 1 of the '180 patent. For example, the SPHERES Accused Products "collect[] rich point cloud data on presence and movement" (Ex. 33, Home VC Demo Short US (video),

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo (last visited June 16, 2022)), and will detect falls and ask the user if help is required:



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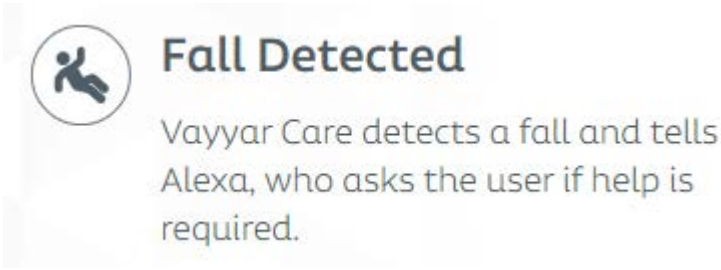

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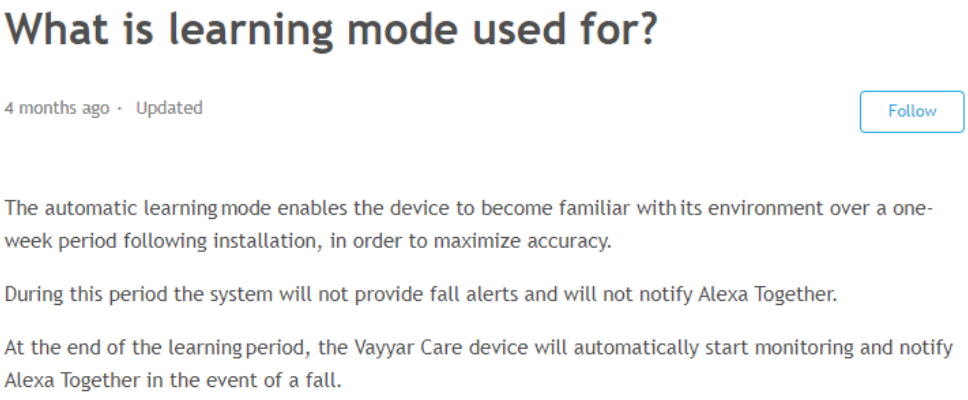
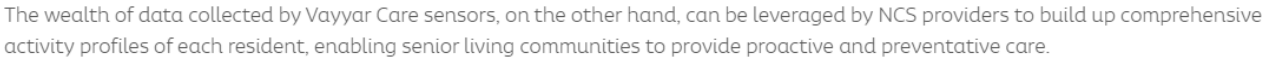


Ex. 31, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-



Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor

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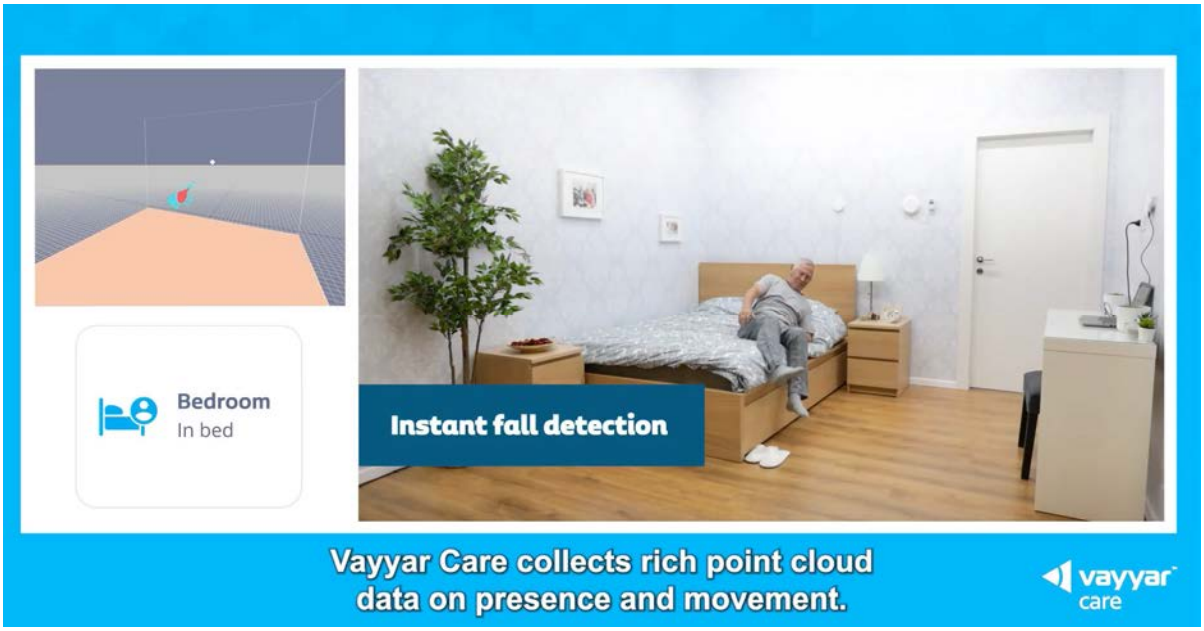

Ex. 33,

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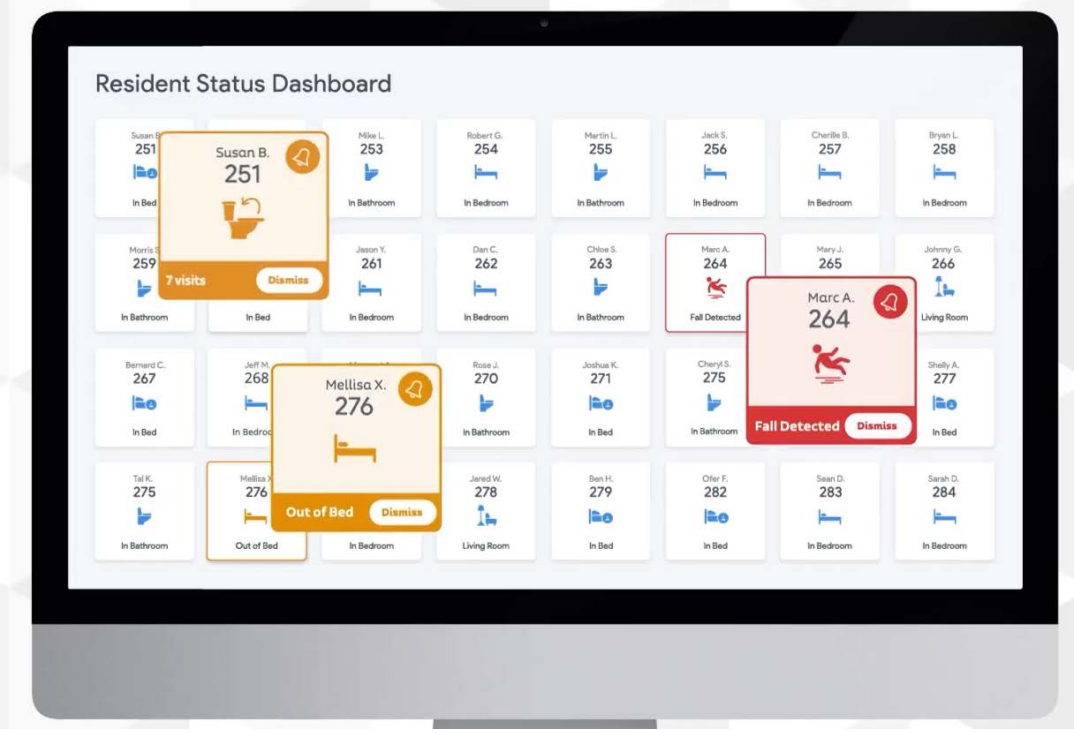
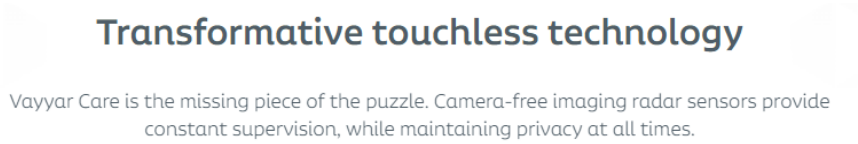
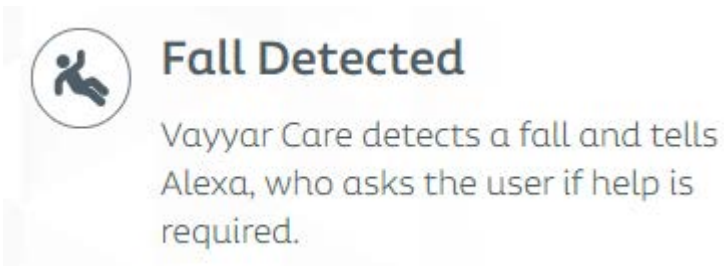


Ex. 33, https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

306. The SPHERES Accused Products include "one or more abnormalities or anomalies comprise the new behavior pattern," as required by claim 1 of the '180 patent. For example, the SPHERES Accused Products detect falls that occur within a loved one's home:



Ex. 29, https://vayyar.com/care/b2c/



Ex. 30, https://vayyar.com/care/b2c/how-it-works/

What is learning mode used for?

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The automatic learning mode enables the device to become familiar with its environment over a one-week period following installation, in order to maximize accuracy.

During this period the system will not provide fall alerts and will not notify Alexa Together.

At the end of the learning period, the Vayyar Care device will automatically start monitoring and notify Alexa Together in the event of a fall.

Ex. 31, https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-

The wealth of data collected by Vayyar Care sensors, on the other hand, can be leveraged by NCS providers to build up comprehensive activity profiles of each resident, enabling senior living communities to provide proactive and preventative care.

Ex. 32, https://blog.vayyar.com/data-is-the-new-doctor

Data silos are currently being broken down across multiple industries and senior care is no exception. Granular resident activity data gathered over extended periods of time will ultimately allow MDs to make more accurate diagnoses and optimize pharmaceutical and therapeutic prescriptions.

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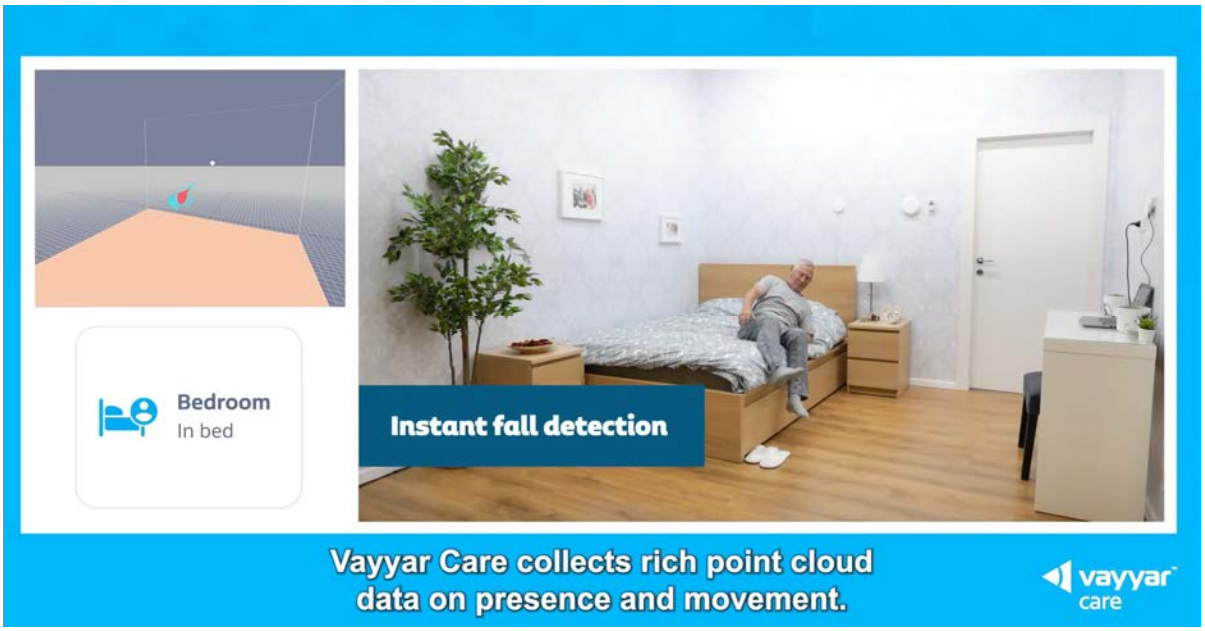
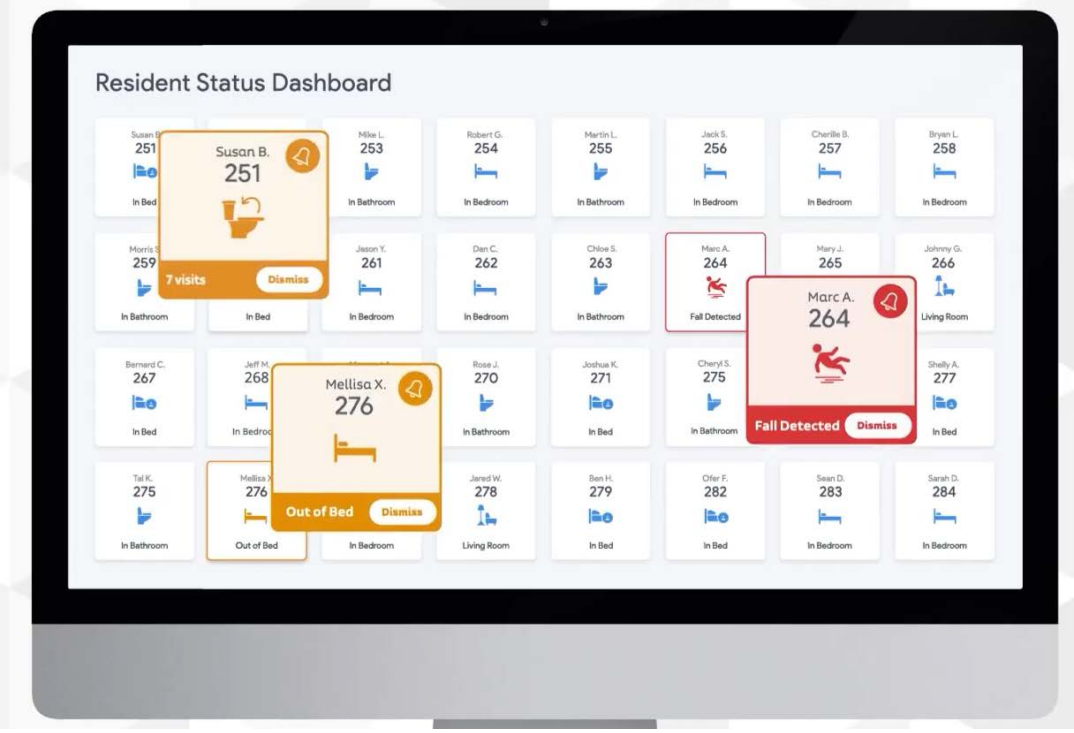


Ex. 33,

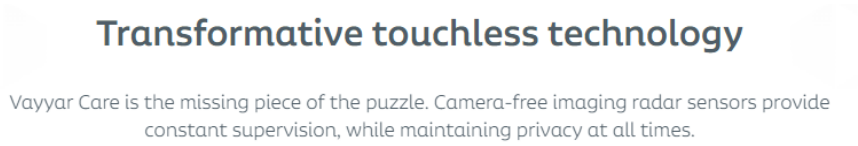
https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



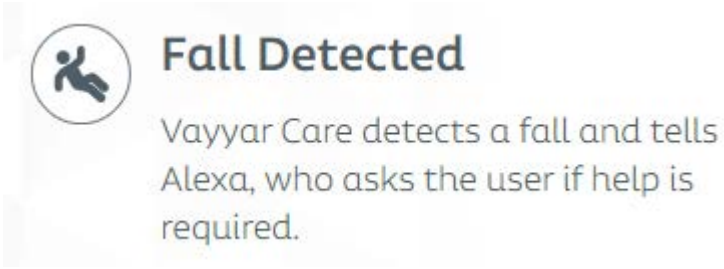
Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

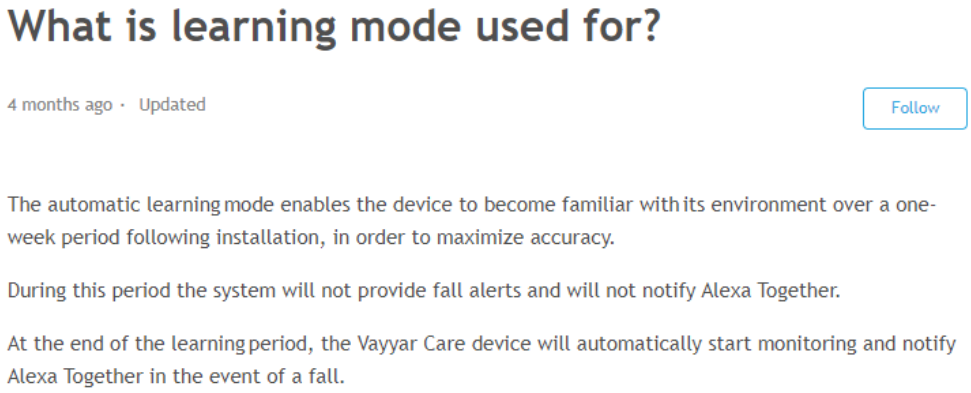
307. The SPHERES Accused Products "determin[e] the condition comprises determining the condition associated with the individual based at least in part upon the identified new behavior pattern," as required by claim 1 of the '180 patent. For example, the SPHERES Accused Products "collect[] rich point cloud data on presence and movement" (Ex. 33, Home VC Demo Short US (video), https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo (last visited June 16, 2022)), and will detect falls:



Ex. 29, https://vayyar.com/care/b2c/



Ex. 30, https://vayyar.com/care/b2c/how-it-works/



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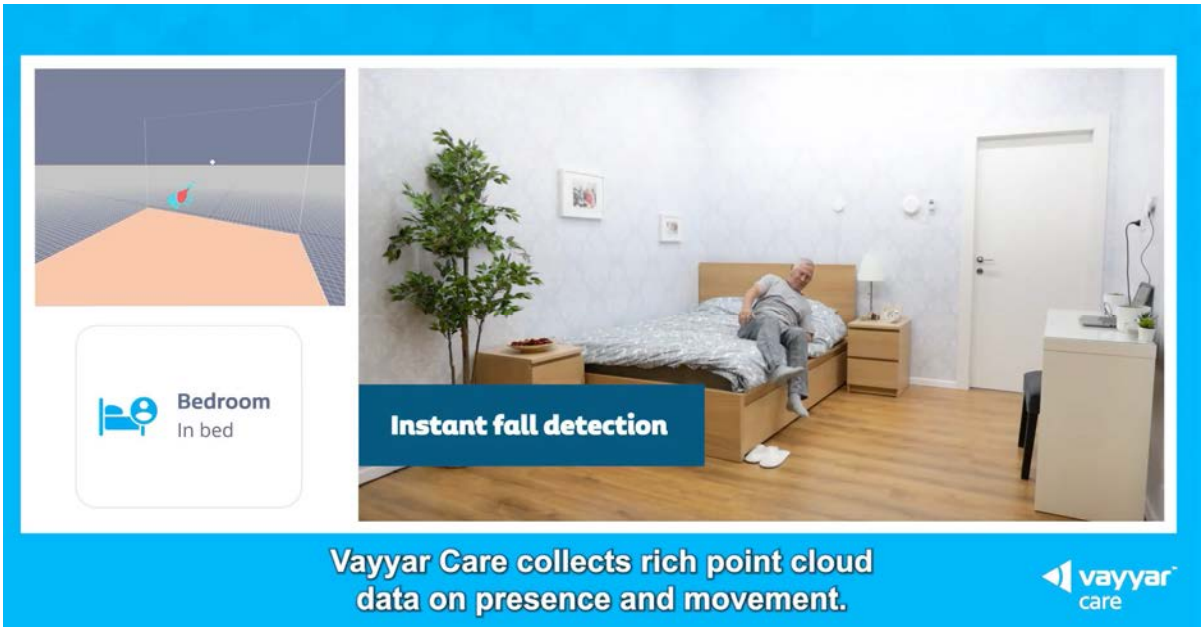

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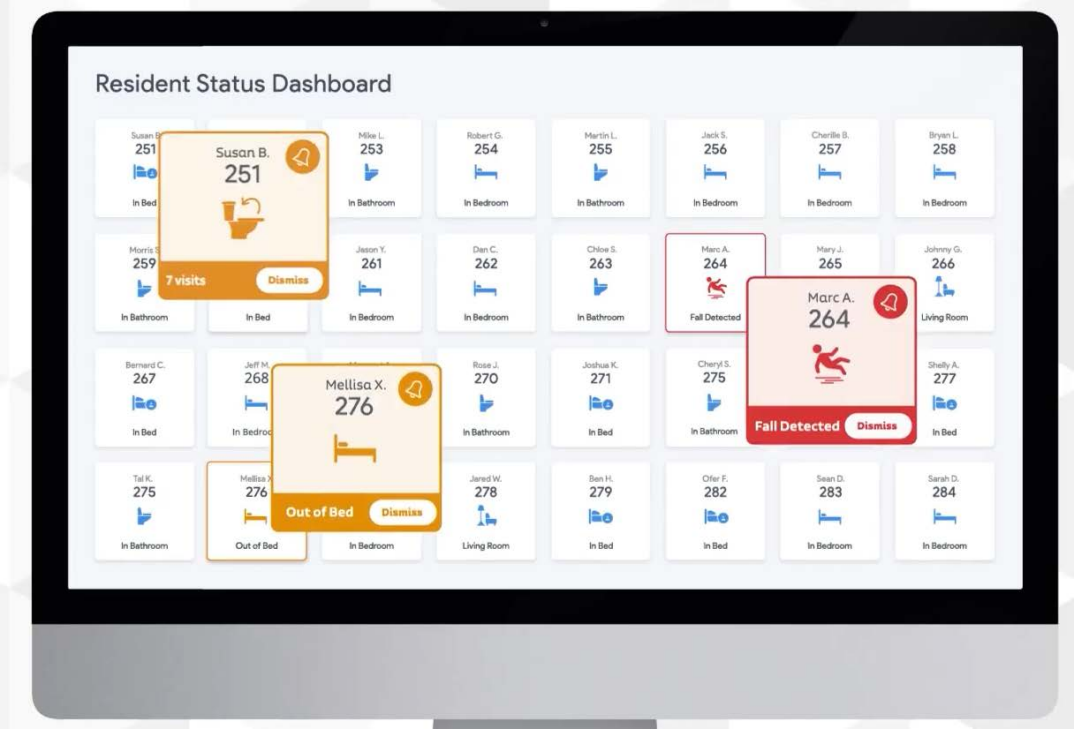
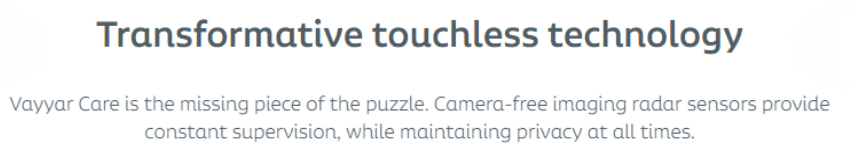


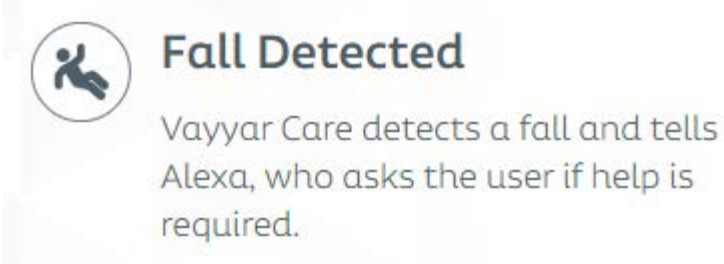
Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

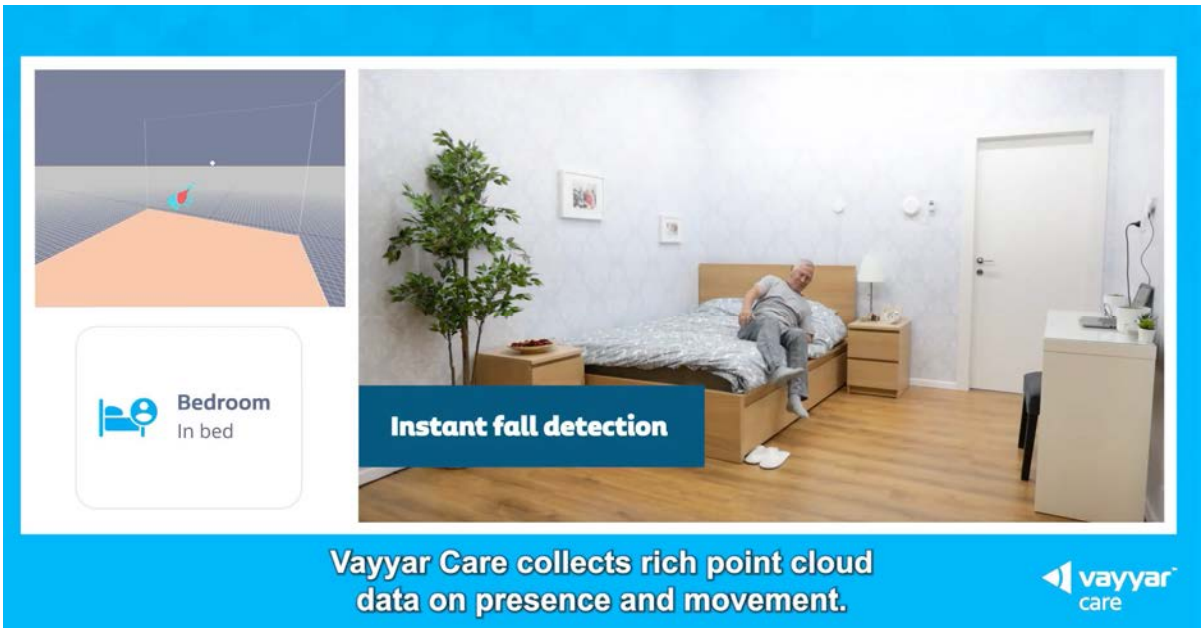
308. The SPHERES Accused Products include a "notification [that] comprises a snapshot report generated periodically and the snapshot report includes an indication of the condition associated with the individual and a change from a prior snapshot report," as required by claim 1 of the '180 patent. For example, the SPHERES Accused Products detect falls that occur within a loved one's home and notify a caregiver.



Ex. 29, https://vayyar.com/care/b2c/



Ex. 30, https://vayyar.com/care/b2c/how-it-works/



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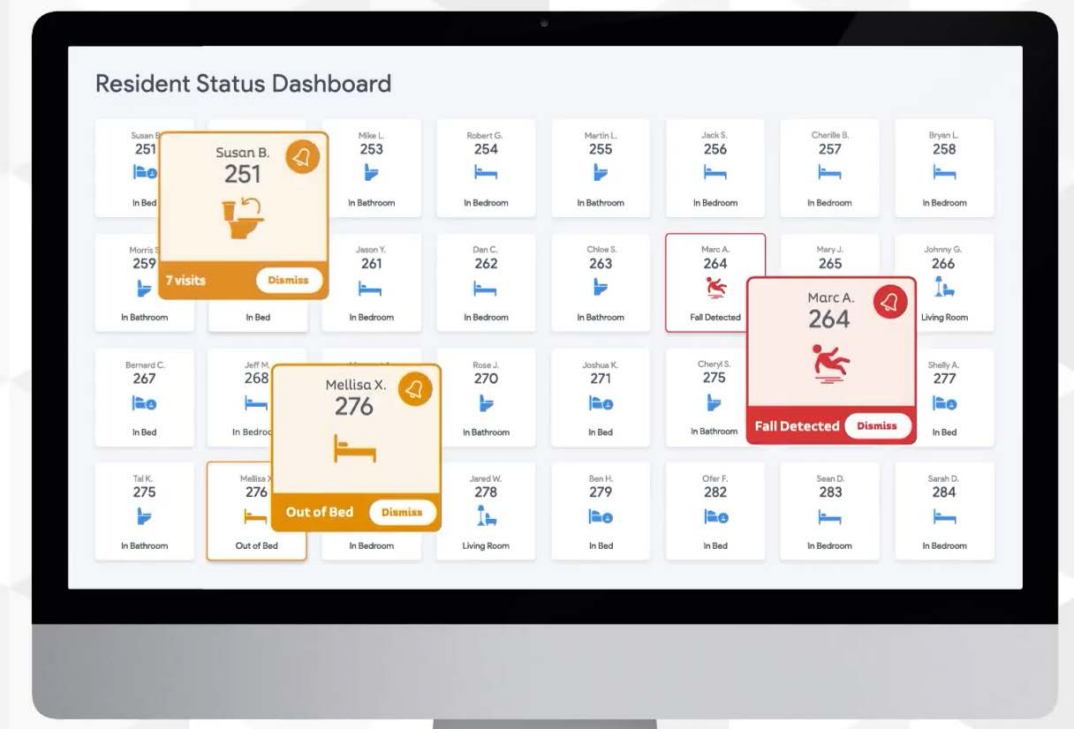

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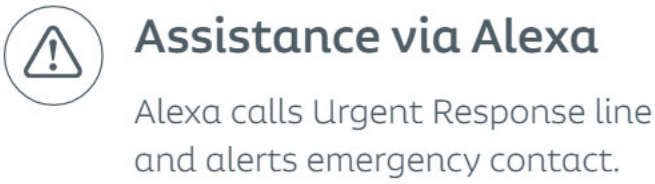


Ex. 30, https://vayyar.com/care/b2c/how-it-works/

309. Each claim in the ’180 patent recites an independent invention. Neither claim 1, described above, nor any other individual claim is representative of all claims in the ’180 patent.

310. Amazon has been aware of the ’180 patent since at least the filing date of the Complaint on November 3, 2022.

311. Amazon actively induced and is actively inducing infringement of at least claim 1 of the ’180 patent, in violation of 35 U.S.C. § 271(b).

312. Amazon’s customers and end-users of the SPHERES Accused Products directly infringe claim 1 of the ’180 patent, at least by using the SPHERES Accused Products, as described above in Paragraphs 299-308.

313. Amazon knowingly induces infringement of at least claim 1 of the ’180 patent by customers and end-users of the SPHERES Accused Products with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to selling, marketing, advertising, promotion, support, and distribution of the SPHERES Accused Products in the United States.

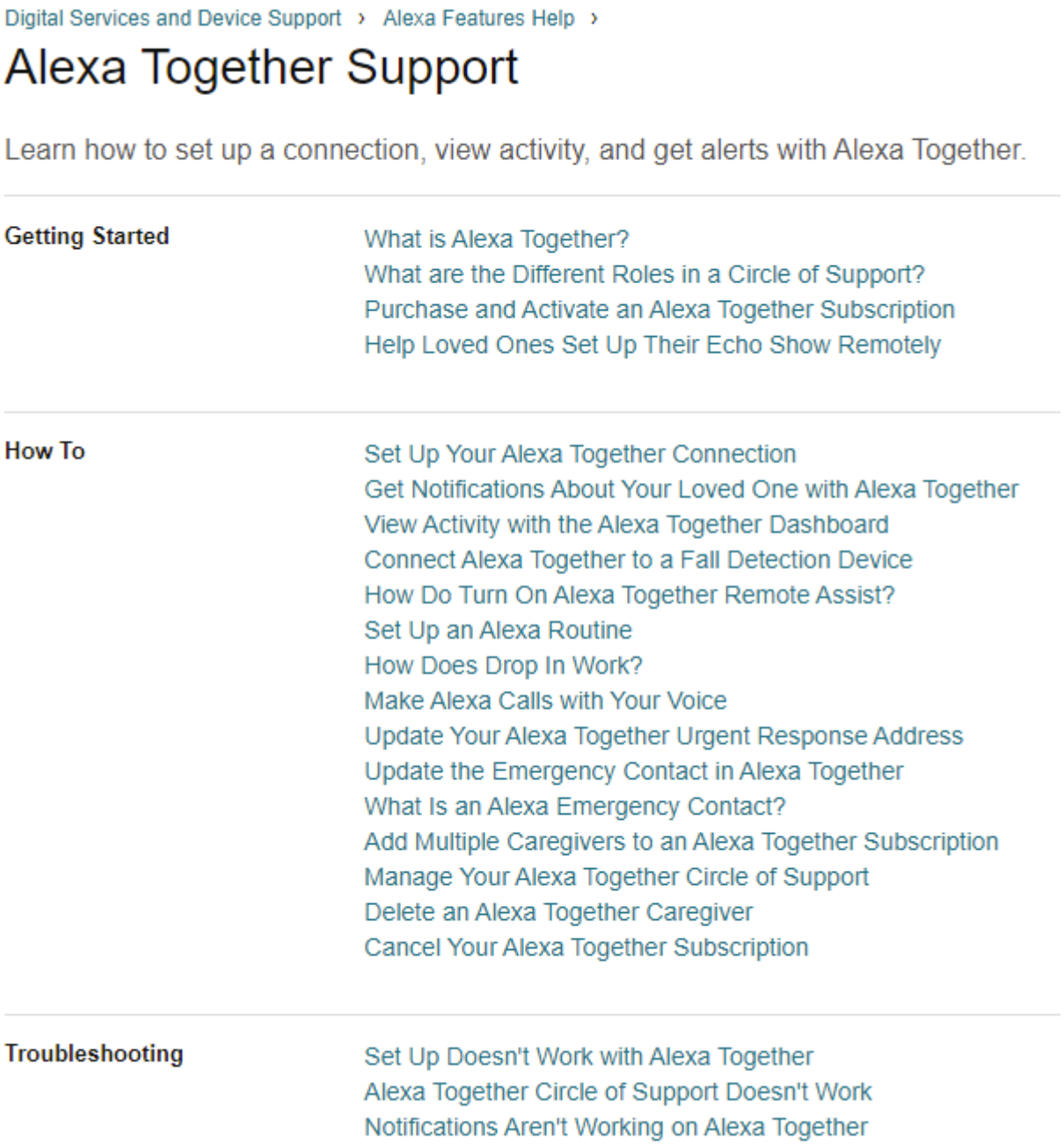
314. Amazon knowingly instructs customers and end users, at least through its marketing, promotional, and instructional materials, to use the infringing SPHERES Accused Products in an infringing manner, as described in detail above in Paragraphs 299-308.

315. For example, Amazon publicly shares a “Frequently asked questions” website that instructs customers, *inter alia*, regarding “[h]ow does fall detection work?” Ex. 24, Frequently asked questions, https://www.amazon.com/b/?node=23666031011, last visited November 2, 2022. Amazon also publicly shares an “Alexa Together Setup Guide,” a step-by-step user guide that advertises features such as “24/7 Urgent Response” and “Fall Detection Response.” Ex. 25, Alexa Together Setup Guide, https://m.media-amazon.com/images/G/01/kindle/DP/Care-Launch/Alexa-Together-Setup-Guide-EN-V2.pdf?ref=at_setup_d, last visited November 2, 2022).

316. Amazon also posts videos on its website that instruct third parties on how to use the SPHERES Accused Products. *See* Ex. 26, Amazon Alexa Together Video,

https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011 (video) (last visited November 2, 2022). These videos explain, *inter alia*, how care providers can be alerted regarding a loved one's first Alexa activity, how care providers "can receive notifications and stay informed about [their] loved one's well-being," and how care providers can "setup customized alerts, like a notification if [their] loved one hasn't used Alexa in a while." *Id.*

317. In addition to marketing the SPHERES Accused Products for use in an infringing manner, Amazon also provides customer service to purchasers of the SPHERES Accused Products that directs and encourages customers of the SPHERES Accused Products to use the SPHERES Accused Products in an infringing manner. For example, Amazon provides Alexa Together Support and teaches customers how to "Connect Alexa Together to a Fall Detection Device," (Ex. 27, Alexa Together Support, https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3, last visited November 2, 2022)):



Digital Services and Device Support › Alexa Features Help ›

Alexa Together Support

Learn how to set up a connection, view activity, and get alerts with Alexa Together.

Getting Started

What is Alexa Together?
What are the Different Roles in a Circle of Support?
Purchase and Activate an Alexa Together Subscription
Help Loved Ones Set Up Their Echo Show Remotely

How To

Set Up Your Alexa Together Connection
Get Notifications About Your Loved One with Alexa Together
View Activity with the Alexa Together Dashboard
Connect Alexa Together to a Fall Detection Device
How Do Turn On Alexa Together Remote Assist?
Set Up an Alexa Routine
How Does Drop In Work?
Make Alexa Calls with Your Voice
Update Your Alexa Together Urgent Response Address
Update the Emergency Contact in Alexa Together
What Is an Alexa Emergency Contact?
Add Multiple Caregivers to an Alexa Together Subscription
Manage Your Alexa Together Circle of Support
Delete an Alexa Together Caregiver
Cancel Your Alexa Together Subscription

Troubleshooting

Set Up Doesn't Work with Alexa Together
Alexa Together Circle of Support Doesn't Work
Notifications Aren't Working on Alexa Together

318. Amazon has sales and technical support staff who assist Amazon's customers and end users and provide instructions for the use of the SPHERES Accused Products in an infringing manner in the United States. *See, e.g., id.*

319. Amazon provides its customers and end users with additional instructions that direct the customers and end users to use the SPHERES Accused Products in an infringing manner. Such

instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. *See, e.g.*, *id.*

320. Amazon contributed and is contributing to infringement of at least claim 1 of the '180 patent, in violation of 35 U.S.C. § 271(c).

321. Amazon's customers and end-users of the SPHERES Accused Products directly infringe claim 1 of the '180 patent, at least by using the SPHERES Accused Products, as described in detail above in Paragraphs 299-308.

322. Amazon contributes to infringement of the '180 patent by offering to sell, selling, and importing into the United States the SPHERES Accused Products and components thereof, including, for example, the Alexa Together and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '180 patent and have no substantial non-infringing use.

323. The SPHERES Accused Products and associated software applications and firmware supplied by Amazon are especially made and especially adapted for use in infringing the '180 Patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

324. Amazon's infringement of the '180 patent is without license or other authorization.

325. Because Amazon had knowledge of the '180 patent and proceeded to knowingly directly and indirectly infringe the '180 patent, Amazon's infringement has been and continues to be willful. As previously alleged, Amazon intentionally and knowingly copied proprietary innovations developed and patented by State Farm, including technology that Amazon now markets as its own.

326. Amazon's continued infringement of the '180 patent has damaged and will continue to damage Plaintiff.

327. Unless and until enjoined by this Court, Amazon will continue to directly infringe as well as induce and contribute to infringement of the '180 patent. Amazon's infringing acts are causing and will continue to cause at least Plaintiff irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, Plaintiff is entitled to a permanent injunction against further infringement.

328. This case is exceptional, entitling Plaintiff to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

SEVENTH CAUSE OF ACTION

Violation of the Defend Trade Secrets Act (DTSA) by Amazon (18 U.S.C. §§ 1836(b), 1839 et seq.)

329. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1-328 above as though fully set forth herein.

330. State Farm is the owner of certain confidential, valuable trade secrets contained in and relating to its Sundial® product, as described above. These trade secrets are confidential and proprietary information related to State Farm's products and services that were used in or intended for use in interstate and foreign commerce. State Farm's trade secrets related to its Sundial® product include information about the development, function, and operation of the features and feature sets, marketing plans, and roadmaps. These confidential and proprietary trade secrets are of substantial economic value and have conferred a competitive advantage on State Farm, and State Farm has spent significant time and money developing such confidential information and trade secrets.

331. State Farm has taken reasonable steps to maintain the secrecy of its trade secrets, including by requiring confidentiality agreements to be signed by any party granted access to State Farm's trade secrets, [redacted] prior to disclosure of its trade secrets to Amazon.

332. Over the course of State Farm's relationship with Amazon [redacted], Amazon gained limited access to State Farm's confidential information and trade secrets which Amazon had a duty to maintain as confidential [redacted]

333. As stated above, State Farm sold its Sundial® product throughout the United States. The confidential information and trade secrets to which Amazon had access are related to State Farm's products and services that are used in, or intended for use in, interstate or foreign commerce.

334. Amazon misappropriated State Farm's confidential information and trade secrets to benefit itself, and to allow Amazon to unfairly compete against State Farm by using State Farm's trade secrets. Amazon's misappropriation included [redacted] Misappropriation of this type of information undermines State Farm's competitive position in the highly competitive senior living industry. As just one example of the harm to State Farm due to Amazon's misappropriation, State Farm had to remove its Sundial® product from the market in December 2021, after only a year-and-

a-half of sales, due to Amazon's release of its competing Alexa Care Hub and Alexa Together products that incorporated State Farm's trade secrets.

335. Amazon knew or had reason to know that State Farm's trade secrets (a) were confidential; (b) were acquired improperly from State Farm under circumstances giving rise to a duty to maintain the secrecy of the trade secret or limit the use of the trade secret; (c) were developed or acquired by State Farm at great expense and effort; (d) were maintained as confidential and are not generally available to the public or State Farm's competitors; (e) would provide significant benefit to a competitor seeking to compete with State Farm; and (f) were critical to State Farm's ability to conduct its business successfully.

336. Amazon improperly acquired and participated in disclosure and use of State Farm's trade secrets when it [redacted]

337. Amazon has benefited and will continue to benefit from that use including by continuing to sell its competing products, such as Alexa Together, using the benefit of State Farm's trade secrets.

338. At no time has State Farm consented to Amazon's improper acquisition, disclosure, or use of State Farm's trade secrets for any reason.

339. As a direct and proximate result of Amazon's current and continued misappropriation of State Farm's trade secrets, State Farm has been damaged, including but not limited to the loss of goodwill and profits.

340. Thus, Amazon has engaged in the actual misappropriation of State Farm's confidential information in violation of the DTSA.

341. The actions of Amazon were and continue to be intentional, willful, outrageous and malicious, justifying the imposition of injunctive relief and actual and exemplary damages to the extent permitted under the law.

EIGHTH CAUSE OF ACTION

Violation of the Delaware Trade Secrets Act (6 Del.C. §§ 2001-2009)

342. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1-341 above as though fully set forth herein.

343. Amazon's misappropriation of State Farm's trade secrets arose out of the same conduct, transaction, or occurrence set out in the Complaint filed on November 3, 2022. That is, Amazon misappropriated State Farm's trade secrets to support its development of infringing technology.

344. State Farm is the owner of certain confidential, valuable trade secrets contained in and relating to its Sundial® product, as described above. These trade secrets are confidential and proprietary information related to State Farm's products and services that were used in or intended for use in interstate and foreign commerce. State Farm's trade secrets related to its Sundial® product include information about the development, function, and operation of the features and feature sets, marketing plans, roadmaps. These confidential and proprietary trade secrets are of substantial economic value and have conferred a competitive advantage on State Farm, and State Farm has spent significant time and money developing such confidential information and trade secrets.

345. State Farm has taken reasonable steps to maintain the secrecy of its trade secrets, including by requiring confidentiality agreements to be signed by any party granted access to State Farm's trade secrets, [redacted] prior to disclosure of its trade secrets to Amazon.

346. In the course of State Farm's relationship with Amazon [redacted], Amazon gained limited access to State Farm's confidential information and trade secrets which Amazon had a duty to maintain as confidential [redacted]

347. Amazon misappropriated State Farm's confidential information and trade secrets to benefit itself, and to allow Amazon to unfairly compete against State Farm by using State Farm's trade secrets. Amazon's misappropriation included [redacted] Misappropriation of this type of information undermines State Farm's competitive position in the highly competitive senior living industry. As just one example of the harm to State Farm due to Amazon's misappropriation, State Farm had to remove its Sundial® product from the market in December 2021, after only a year-and-a-half of sales, due to Amazon's release of its competing Alexa Care Hub and Alexa Together products that incorporated State Farm's trade secrets.

348. Amazon knew or had reason to know that State Farm's trade secrets (a) were confidential; (b) were acquired improperly from State Farm under circumstances giving rise to a duty to maintain the secrecy of the trade secret or limit the use of the trade secret; (c) were developed or acquired by State Farm at great expense and effort; (d) were maintained as confidential and are not generally available to the public or State Farm's competitors; (e) would provide significant benefit to a competitor seeking to compete with State Farm; and (f) were critical to State Farm's ability to conduct its business successfully.

349. Amazon improperly acquired and participated in disclosure and use of State Farm's trade secrets when it [redacted]

350. Amazon has benefited and will continue to benefit from that use including by continuing to sell its competing products, such as Alexa Together, using the benefit of State Farm's trade secrets.

351. At no time has State Farm consented to Amazon's improper acquisition, disclosure, or use of State Farm's trade secrets for any reason.

352. As a direct and proximate result of Amazon's current and continued misappropriation of State Farm's trade secrets, State Farm has been damaged, including but not limited to the loss of goodwill and profits.

353. Thus, Amazon has engaged in the actual misappropriation of State Farm's confidential information in violation of the Delaware Trade Secrets Act.

354. The actions of Amazon were and continue to be intentional, willful, outrageous and malicious, justifying the imposition of injunctive relief and actual and exemplary damages to the extent permitted under the law.

NINTH CAUSE OF ACTION

Breach of Contract by Amazon

355. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1-354 above as though fully set forth herein.

356. Amazon voluntarily entered [redacted] *See* Ex. 34.

357. [redacted] is valid, binding, and enforceable.

358. [redacted] is supported by adequate legal consideration.

359. State Farm adequately performed as required [redacted].

360. [redacted] Ex. 34, §§ 1, 3(e).

361. Amazon materially breached [redacted] including but not limited to developing its own competing product, which is still available from Amazon as it continues to sell the product publicly today.

362. As a proximate result of Amazon's actions, State Farm has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law.

363. State Farm is entitled to damages and permanent injunctive relief against further breaches of [redacted]

TENTH CAUSE OF ACTION

Illinois Common Law Fraud

364. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1-363 above as though fully set forth herein.

365. Illinois has the most significant relationship with the common law fraud cause of action. State Farm is headquartered in Illinois. State Farm's RED Labs and many of the employees that developed State Farm's Sundial® product are also located Illinois. Moreover, the false representations made by Amazon were received by State Farm employees in Illinois and Illinois is where State Farm acted in reliance upon those representations.

366. The representations by Amazon enumerated above concerning State Farm's development and Amazon's non-development of a senior care application for Alexa were false. At the same time, Amazon failed to disclose that Amazon was developing and planning to launch a nearly

identical senior care product and that Amazon intended to compete directly with State Farm's senior care application.

367. By virtue of the parties' confidential relationship and Amazon's representations, Amazon had access to State Farm's information, including confidential trade secret information, related to development of its Sundial® product and therefore had a duty to disclose the above referenced omissions. Amazon did not, however, disclose that it was simultaneously developing a competing product nor did it correct its misrepresentations.

368. Amazon knew or had reason to know that its representations and failures to disclose were material, and State Farm reasonably relied on them by investing in development of its Sundial® product for Alexa, purchasing products from Amazon and distributing those products to customers, and not taking steps to launch its Sundial® product for any other platforms.

369. Moreover, through its misrepresentations Amazon willfully induced State Farm to continue collaborating with Amazon in what State Farm thought was development and marketing of its Sundial® product, such that Amazon was be able to continue [redacted]

370. State Farm was damaged by Amazon's fraudulent misrepresentations and omissions by expending significant investments in technological development and marketing costs, as well as losses to Amazon's competitive product. If not for Amazon's fraud, had State Farm been aware that Amazon was developing a directly competitive product, State Farm would not have invested in developing its own application for the Alexa platform. At a minimum, State Farm would have considered whether to develop its product for a different platform and would not have provided Amazon access to its development-related information, marketing and product

release plans, or purchased products from Amazon to then provide those products to customers only to have Amazon market its nearly identical application to the same customers.

ELEVENTH CAUSE OF ACTION

Illinois Unfair Competition

371. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1-370 above as though fully set forth herein.

372. Illinois has the most significant relationship with the common law unfair competition cause of action. State Farm is headquartered in Illinois. State Farm's RED Labs and many of the employees that developed State Farm's Sundial® product are also located Illinois. Moreover, Amazon's misleading statements and actions were directed to State Farm employees in Illinois and Amazon unfairly accessed, used, and received the benefit of State Farm's development work that was done in Illinois.

373. Amazon took the foregoing actions to gain an unfair competitive advantage over State Farm. Amazon intentionally led State Farm to believe that the two parties were jointly focused on the development and success of State Farm's Sundial® product so that Amazon could access and benefit from State Farm's knowledge and expertise. [redacted]

374. Moreover, Amazon leveraged the relationship with State Farm to unfairly compete in the marketplace. Amazon induced State Farm to provide information regarding its marketing and product release plans, which State Farm would not have provided to a competitor had it known Amazon's true intentions. Amazon further induced State Farm to [redacted]

[redacted]

375. Amazon then unfairly took advantage of the information it gained from State Farm regarding its products and marketing strategy to time its entry into the market so that it could compete with and take business from State Farm's Sundial® product. Through its improper access to State Farm's information, Amazon reduced its time to market and timed its launch of its competing product just months after State Farm's launch. Moreover, by inducing State Farm to launch its application on the Alexa platform, and [redacted] Amazon used State Farm's investment and launch to establish a market of customers interested in senior care applications on Amazon's products.

376. Amazon's unfair competition harmed State Farm. State Farm unknowingly invested substantial amounts into its product development and marketing strategy, only for a direct competitor to unfairly get insight into State Farm's approach and inform its own product development and launch. Moreover, State Farm spent [redacted] on Amazon's products so that it could give those products to customers with its application entirely unaware that it was identifying and establishing a customer base for Amazon's application launched just months later.

DEMAND FOR JURY TRIAL

377. Plaintiff respectfully requests a jury trial on any issues so triable by right.

PRAYER FOR RELIEF

378. WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in their favor and grant the following relief:

A. A judgment that Amazon infringes, directly and indirectly, the Patents-in-Suit;

B. A judgment that Amazon has misappropriated State Farm's trade secrets;

C. A judgment that Amazon has breached [redacted];

D. A judgment against Amazon for State Farm's Tenth Cause of Action for Fraud;

E. A judgment against Amazon for State Farm's Eleventh Cause of Action for Unfair Competition;

F. An order permanently enjoining Amazon, its affiliates and subsidiaries, and each of its officers, agents, servants and employees and those acting in privity or concert with them, from making, offering to sell, selling, using, or importing into the United States products claimed in any of the claims of the Patents-in-Suit; using or performing methods claimed in any of the claims of the Patents-in-Suit; inducing others to use and perform methods that infringe any claim of the Patents-in-Suit; inducing others to make, offer, sell, use or import into the United States articles that infringe, or are made by a process that infringes, any claim of the Patents-in-Suit; and contributing to others infringing any claim of the Patents-in-Suit, until after the expiration of the Patents-in-Suit, respectively, including any extensions and/or additional periods of exclusivity to which Plaintiff is or becomes entitled;

G. An order permanently enjoining Amazon's misappropriation of State Farm's trade secrets and proprietary information;

H. An order awarding damages as described in each of the above claims, in favor of State Farm and against Amazon in amounts to be determined at trial;

I. A judgment that Amazon's infringement of the Patents-in-Suit was and continues to be willful and an order awarding State Farm treble damages under 35 U.S.C. § 284;

J. A judgment that Amazon's misappropriation of State Farm's trade secrets was willful and malicious and an order awarding State Farm exemplary damages under 18 U.S.C. § 1836;

K. A judgment and order requiring Amazon to pay State Farm the prejudgment and post-judgment interest to the fullest extent allowed under the law, as well as its costs;

L. An order finding that this is an exceptional case and awarding State Farm its reasonable attorneys' fees pursuant to 35 U.S.C. § 285 and 18 U.S.C § 1836; and

M. Such other relief as the Court may deem appropriate and just under the circumstances.

OF COUNSEL:

Michael W. De Vries
Samuel Blake
KIRKLAND & ELLIS LLP
555 South Flower Street, Suite 3700
Los Angeles, CA 90071
(213) 680-8400

Adam R. Alper
Akshay S. Deoras
Natalie Sinzig
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, CA 94104
(415) 439-1400

Kat Li
KIRKLAND & ELLIS LLP
401 Congress Ave
Austin, TX 78701
(512) 678-9100

Leslie M. Schmidt
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4800

/s/ Sara M. Metzler
Kelly E. Farnan (#4395)
Sara M. Metzler (#6509)
RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7700
farnan@rlf.com
metzler@rlf.com

Attorneys for Plaintiff

Brian A. Verbus
KIRKLAND & ELLIS LLP
333 W. Wolf Point Plaza
Chicago, IL 60654
(312) 862-3775

S. Adina Stohl
KIRKLAND & ELLIS LLP
2049 Century Park East
Los Angeles, CA 90067
(310) 552-4200
Dated: September 13, 2024

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2024, true and correct copies of the foregoing document were caused to be served on the following counsel of record as indicated:

BY ELECTRONIC MAIL
Jack B. Blumenfeld
Jeremy A. Tigan
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
Wilmington, DE 19801

BY ELECTRONIC MAIL
Douglas E. Lumish
Latham & Watkins LLP
140 Scott Drive
Silicon Valley, CA 94025

BY ELECTRONIC MAIL
David A. Zucker
Jessica Lam
Ashley N. Finger
Hannah Fan
Latham & Watkins LLP
555 Eleventh Street, NW
Suite 1000
Washington, DC 20004-1304

BY ELECTRONIC MAIL
Adam M. Greenfield
White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005

/s/ Sara M. Metzler
Sara M. Metzler (#6509)