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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CEIVA OPCO, LLC, a Delaware Limited Liability Company,

Plaintiff,

v.

AMAZON.COM, INC., a Delaware Corporation,

Defendant.

Case No. 2:22-CV-02709

PLAINTIFF CEIVA OPCO, LLC'S COMPLAINT FOR PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff Ceiva Opco, LLC ("Plaintiff" or "Ceiva Opco") files this Complaint for Patent Infringement against Defendant Amazon.com, Inc. ("Defendant" or "Amazon") and alleges as follows:

PARTIES

1. Plaintiff Ceiva Opco is a Delaware Limited Liability Company with its principal place of business at 303 N. Glenoaks Blvd., Suite 200, Burbank, California 91502. Ceiva Opco is a subsidiary of Ceiva Logic, Inc. ("Ceiva Logic"), and Ceiva Logic serves as the Managing Member of Ceiva Opco. Together, Ceiva Logic and Ceiva Opco are collectively referred to herein as "Ceiva."

2. Defendant is a Delaware corporation with a principal place of business at 410 Terry Avenue North, Seattle, Washington 98109. Amazon maintains regular and established places of business in this judicial district at: (1) 923 Westwood Boulevard, Los Angeles, California 90024; (2) 1620 26th Street, Santa Monica, California 90404; and (3) 40 Pacifica Avenue, Irvine, California 92618, among others.

JURISDICTION AND VENUE

3. This is an action for patent infringement under 35 U.S.C. § 271.

4. This court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this is a civil action for patent infringement under the patent laws of the United States.

5. Ceiva resides in this judicial district.

6. This court has personal jurisdiction over Amazon because Amazon maintains established places of business in this judicial district and committed acts of infringement in this district.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) because Amazon has committed acts of infringement and maintains regular and established places of business in this district.

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CEIVA AND CEIVA'S PATENTS

8. Plaintiff is a Delaware Limited Liability Company formed on June 23, 2017.

9. On June 23, 2017, the same day that Plaintiff was formed, Plaintiff and Ceiva Logic executed a "Contribution Agreement," pursuant to which Ceiva Logic transferred "[a]ll real property, personal property, and intellectual property" to Ceiva Opco, including the patents being asserted in this action.

10. From June 23, 2017 forward, the business previously operated by Ceiva Logic was conducted by Plaintiff with Ceiva Logic serving as the managing member of Plaintiff.

11. Ceiva Logic and Ceiva Opco also share overlapping officers and directors and a common place of business. Plaintiff continued to operate the business as previously conducted by Ceiva Logic, using the same trade names (i.e., Ceiva, Ceiva Logic and Ceiva Logic, Inc.), offices, bank accounts, officers, employees, email accounts and websites.

12. Ceiva is a technology company that developed technological innovations and improvements in the nascent technology of digital picture frames more than twenty years ago in 1999.

13. The United States Patent and Trademark Office awarded Ceiva with multiple patents for its technological innovations, and Ceiva released commercially successful embodiments of those innovations.

14. The patents in suit are U.S. Patent Nos. 6,442,573 (the "'573 Patent"), 9,124,656 (the "'656 Patent"), 9,203,930 (the "'930 Patent"), and 9,654,562 (the "'562 Patent") (collectively, "Ceiva's Patents"). A true and correct copy of U.S. Patent No. 6,442,573 is attached as **Exhibit 1**; a true and correct copy of U.S. Patent No. 9,124,656 is attached as **Exhibit 2**; a true and correct copy of U.S. Patent No.

9,203,930 is attached as **Exhibit 3**; and a true and correct copy of U.S. Patent No. 9,654,562 is attached as **Exhibit 4**.

A. Digital Frame Technology in 1999

15. Cameras have long been used to capture family photos and other photos which could subsequently be shared or displayed as physical prints. For example, parents would commonly take photos of their children and mail or give them to the children's grandparents to display.

16. In 1999, however, sharing photos taken with digital cameras was a difficult and unwieldly task, particularly for non tech-savvy consumers such as elderly grandparents.

17. While the popularity of digital cameras was increasing in 1999, viewing and displaying digital photos could only be accomplished in very limited and inconvenient ways.

18. One way to view digital photos at that time was on built-in screens incorporated in some digital camera models. Those screens, however, were very small and designed for viewing by the camera user. They were ill-suited for general viewing of digital photos.

19. Another way to view digital photos at the time was to transfer them to a computer. If the computer had the necessary hardware and software, the photos could be viewed on the computer's monitor. Viewing digital photos on a computer, however, required (a) physically connecting the digital camera to the computer and initiating steps to transfer the digital photos to the computer, or (b) physically removing a memory card from the digital camera and inserting it into a specialized slot on the computer.

20. Computers were also poorly suited for continuous viewing of digital photos on a shelf, nightstand or chest of drawers, as parents and grandparents typically did with the physical photos of their children and grandchildren.

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Computers were large, bulky, and expensive, and they were not designed for use as standalone digital photo viewing devices.

21. Sony Corporation, a leading manufacturer of digital cameras at the time, attempted to address the lack of satisfactory ways for displaying digital photographs by introducing Sony PHD-A55, also called the Sony CyberFrame.

22. The PHD-A55 was a standalone digital picture frame device that could display digital photographs. The technology incorporated in the PHD-A55 made it complicated to use, however. It required complex formatting of both the digital photos and the proprietary Sony Memory Stick to work properly and was unsuitable for non-technical consumers.

B. Technological Advancement by Ceiva

23. Convinced there was a better way to share and view digital photos, Ceiva's founders Dean Schiller and Paul Yanover (the "Ceiva Inventors"), sought a solution to the technological problems associated with then-existing digital picture frames. In 1999, they succeeded. They invented a new type of digital picture frame, namely, the "Ceiva Display," which introduced new technologies that overcame the challenges of then-existing digital picture frames.

24. In general terms, the Ceiva Inventors invented technological improvements that allowed a digital picture frame to be self-configuring to obtain digital images for display on the frame from a secure and authenticated repository, and to connect to and communicate over a communications network without user input.

25. The technological improvements incorporated in the Ceiva Display made it easier to use than previously existing digital picture frames, particularly for non-tech savvy people. These new technologies allowed the Ceiva Display to retrieve digital photos automatically, such that photos displayed on the Ceiva Display were continually updated without the need to change a memory card as was

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required with the technologies used for previously existing digital picture frames. The technological improvements in the Ceiva Display even made the Ceiva Display able to automatically download and install software updates, automatically adding further technological improvements and new features as those were developed by Ceiva. Those technological innovations, among others, made it such that the Ceiva Display could be operated and updated with minimal or no input from the Ceiva Display user, which was simply not possible with the technologies used in then-existing digital picture frames.

C. Ceiva Patent Applications, Issuance and Prior Patent Litigation

26. On December 10, 1999, the Ceiva Inventors filed their first United States patent application to protect the inventions implemented in the Ceiva Display entitled *Method and Apparatus for Distributing Picture Mail to a Frame Device Community*, Serial No. 09/458,849 ("the '849 Application" or "Original Patent Application").

27. In April 2002, the Ceiva Inventors assigned the '849 Application and all related continuation applications to Ceiva Logic.

28. Four United States patents covering inventions disclosed in the '849 Application have issued to date. Those patents are asserted against Defendant in this action.

29. The '849 Application issued as the '573 Patent on August 27, 2002. *See* Ex. 1.

30. An *Inter Partes* Reexamination Certificate for the '573 Patent issued on April 18, 2014. *See id.*

31. The '656 Patent, which is a continuation of the '849 Application, issued on September 1, 2015. *See* Ex. 2.

32. The '930 Patent, which is a continuation of the '849 Application, issued on December 1, 2015. *See* Ex. 3.

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33. The ’562 Patent, which is a continuation of the ’849 Application, issued on May 16, 2017. *See* Ex. 4.

34. Ceiva Opco is the current assignee of the ’573, ’656, ’930, and ’562 Patents.

35. The ’573 and ’562 patents expired at the end of their 20-year patent term on December 10, 2019. The ’573 and ’562 Patents were valid and in full force and effect over their respective terms. The ’656 and ’930 Patents are subject to patent term adjustments under 35 U.S.C. 154(b) and are in full force and effect.

a. The ’573 Patent

36. An infringer filed a request for *Inter Partes* Reexamination (“IPR”) of the ’573 Patent.

37. On March 30, 2009, the U.S. Patent and Trademark Office (“PTO”) granted the request for IPR of claims 1-5 and 7-17 of the ’573 Patent. The PTO denied the request for IPR of claim 6.

38. During the IPR of the ’573 Patent, Ceiva cancelled claims 1, 7-12 and 17, amended claims 2, 4, 5 and 13-16, and added new claims 18 and 19.

39. On December 4, 2009, the Patent Examiner in the IPR of the ’573 Patent found that claims 2-3, 4-5 and 13-16 as amended by Ceiva and new claims 18-19 contained combinations of inventive features not found in the prior art and were allowable.

40. The Reexamination Patent Examiner’s finding was confirmed by the Patent Trial and Appeals Board (“PTAB”) on January 4, 2013.

41. The Reexamination Certificate for the ’573 Patent issued on April 18, 2014.

42. The asserted claims of the ’573 Patent are each directed to a system made up of two physical apparatuses connected to each other via a network.

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43. One of those physical apparatuses to which each of the asserted patent claims of the '573 Patent is directed is the Ceiva Display and other infringing digital picture frames that have the patented structure set forth in each such claim.

44. The other physical apparatus to which each of the asserted claims of the '573 Patent is directed is a server computer system that has the patented configuration set forth in each such claim.

b. The '656 Patent

45. The application for the '656 Patent, U.S. Patent Application Serial No. 11/927,520 ("the '520 Application") was filed on October 29, 2007.

46. The '520 Application claimed priority back to the '849 Application, and therefore has an effective filing date of December 10, 1999.

47. The '520 Application issued as the '656 Patent on September 1, 2015, with a patent term adjustment under 35 U.S.C. 154(b) of 1367 days.

c. The '930 Patent

48. The application for the '930 Patent, U.S. Patent Application Serial No. 10/179,732 ("the '732 Application") was filed on June 24, 2002.

49. The '732 Application claimed priority back to the '849 Application, and therefore has an effective filing date of December 10, 1999.

50. A Notice of Allowability was issued by the Patent Examiner for the '732 Application on May 8, 2008.

51. To allow the Patent Office to fully consider the prior art presented in the IPR of the '573 Patent, Ceiva disclosed that new prior art to the Patent Office and filed a petition to withdraw the '732 Application from issue on October 21, 2008. The petition was granted on October 22, 2008.

52. There followed a lengthy back and forth process during which the Patent Examiner considered the new prior art documents submitted by Ceiva, and

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made rejections based on some of those prior art documents, with Ceiva responding to each of the Patent Examiner's rejections.

53. While the examination of the '732 Application was proceeding, the IPR of the '573 Patent concluded. During the IPR, the PTAB affirmed that claims 2-5, 13-16 and 18-19, as amended during the IPR, were patentable.

54. The Reexamination Certificate for the '573 Patent issued on April 18, 2014.

55. On October 21, 2014, Ceiva informed the Patent Examiner that, in the IPR, the PTAB had confirmed that patentability of amended Claim 2 of the '573 Patent.

56. The Patent Examiner issued a Notice of Allowability of all claims of the '732 Application on August 6, 2015.

57. The '732 Application issued as the '930 Patent on December 1, 2015, with a patent term adjustment under 35 U.S.C. 154(b) of 1529 days.

58. That patent term adjustment is reduced to 1367 days because of a terminal disclaimer with respect to the '656 Patent to which the '930 Patent is subject.

d. The '562 Patent

59. The application for the '562 Patent, U.S. Patent Application Serial No. 14/802,218 ("the '218 Application") was filed on July 17, 2015.

60. The '218 Application claimed priority back to the '849 Application, and therefore has an effective filing date of December 10, 1999.

61. The '562 Patent issued on May 16, 2017.

D. Ceiva's Patents Provide Specific Technological Improvements to Overcome the Problems of the Technologies Used in the Prior Art

62. The common patent specification of Ceiva's Patents (the "Ceiva Patent Specification") describes the technological problems with then-existing digital

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picture frames in 1999 and with then-existing technologies for obtaining images over the Internet.

63. As discussed in the Ceiva Patent Specification, the technologies used in digital picture frames existing at the time the Ceiva patent application was filed in 1999 required users to be physically present and manually replace storage media in the digital picture frame. *See, e.g.*, '562 Patent at 2:26-31. Thus, a person who did not have physical access to the digital picture frame still could not add new images to the frame. *See, e.g.*, '562 Patent at 2:26-31. Additionally, the Ceiva Patent Specification discusses that Internet communication technologies existing at the time the Ceiva patent application was filed in 1999, such as traditional client pull or server push technologies, required client requests to include information on the data to be disseminated. Thus, prior art technologies did not allow a server to simply provide a client with the information that it needs, did not allow the server to ensure data is displayed only to an intended recipient or device, allowed the server to provide data only in a unidirectional manner, and required user input or direction to the server. *See, e.g.*, '562 Patent at 4:25-6:42.

64. The Ceiva Patent Specification describes new technologies incorporated in a digital picture frame that overcome the technological problems with then-existing digital picture frames and communications networks, namely technologies that allow a digital picture frame to automatically access a remote data repository and securely download images and software updates the digital picture frame without any further user input. *See, e.g.*, '562 Patent at 5:31-35, 8:42-61, 9:20-41, 11:25-28, 11:60-65, 17:48-18:63.

65. The claims in Ceiva's Patents recite the unconventional technologies incorporated in the disclosed digital picture frame that enable it to automatically authenticate and access a remote data repository without any further user input. The Ceiva Patent Specification further describes the technological improvements

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disclosed in Ceiva's Patents that enable the claimed digital picture frame to automatically authenticate and issue a request to the remote server system, and thereby receive images and software updates that the digital picture frame needs, without identifying the needed information in the request and without any user input.

66. For example, Claim 1 of the '562 Patent recites technological improvements to a digital picture frame that enable the digital picture frame to download new content or to update its software without requiring user input. The claimed technological improvements include storing instructions in a memory that cause the digital picture frame "upon connection to a power source and a communications source [to] initiat[e]" a communications session with a remote server. '562 Patent at 31:52-55. The claimed technological improvements further include storing a unique identifier in the memory of the digital picture frame. '562 Patent at 31:45-46; *see also* Claim 6 ("said unique identifier comprises a serial number of said apparatus"), Claims 12 and 13 ("said metadata comprises said unique identifier"). This technological improvement allows the digital picture frame to identify itself when the digital picture frame initiates its communications session to the server. '562 Patent at 31:52-57; *see also* Claims 11 and 16. Claim 17 claims the additional technological improvement of including instructions for causing the digital picture frame to receive authentication information from the server in the memory of the digital picture frame. '562 Patent at 32:46-49. The instructions in the memory of the digital picture frame cause it to receive updated content from the server only after authentication of the server by the digital picture frame. '562 Patent at 32:7-8; *see also* Claims 1, 2, 3, 4, 5, 7, and 8. The claimed technological improvements also include storing a version number of onboard software in the memory of the digital picture frame. '562 Patent at 31:45-49. This allows the digital picture frame to transmit its software version to the server and receive updated

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software if newer software is available. '562 Patent at 31:58-59, 32:1-6; *see also* Claim 20.

67. Claim 19 of the '573 Patent also recites technological improvements to a digital picture frame that enable the digital picture frame to download new content or update its software without requiring user input or a request identifying data. The claimed technological improvements to the digital picture frame include "memory and operating system software inside said digital picture frame" that causes the "digital picture frame [to] automatically issue[] a request for . . . image data." The claimed technological improvements further include configuring the server system "to periodically relay . . . image data" when the digital picture frame automatically issues a request for image data. '573 Patent at 4:34-35. The claimed technological improvements further include "a user interface coupled to [the] server system" that is "physically separable from [the] digital picture frame" through which the server system obtains the image data.'573 Patent at 4:23-28. The claimed technological improvements further include configuring the digital picture frame such that when it is connected to the server to obtain image data, it is also "configured to obtain an update" for its onboard software from the server system. '573 Patent at 4:31-38.

68. Claim 1 of the '656 Patent recites technological improvements to a display device (e.g., a digital picture frame) for displaying image data that enables the display device to initiate a communications session with a server system prior to receiving any user input. Claim 1 recites the technological improvement of providing a display device with "a memory comprising computer readable instructions for controlling the operation of said display device . . . comprising instructions for causing said display device, upon connection to a power source and a communications source and prior to receiving any input from a user, to automatically initiate a communications session with said server system." '656 Patent at 31:1-9. Claim 1 further recites the technological improvement that the

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communications session initiated by the display device prior to receiving user input includes the steps of "sending a request for image data to said server system via said communications network; receiving image data and authentication information from said server system in response to said request; authenticating said server system; storing said received image data in said memory; displaying said image data on said display screen; receiving updated computer readable instructions for controlling the operation of said display device from said server system via said communications network; automatically updating said computer readable instructions for controlling the operation of said display device with said updated computer readable instructions for controlling the operation of said display device." '656 Patent at 31:11-24. Claim 1 further claims the technological improvement that the computer readable instructions in memory include "instructions for causing said display device to instruct said server system to create an interface accessible by a web browser for managing behavior characteristics of said display device. '930 Patent at 31:25-30. Claim 2 recites the additional technological improvement that the "computer readable instructions for storing said image data in said memory further comprise instructions for causing image data previously stored in said memory to be replaced with said received image data." '656 Patent at 31:31-35. Claim 5 recites the additional technological improvement that the memory of the display device "comprises preference information for controlling the display of said image data by said display device." '656 Patent at 31:41-43. Claim 6 recites the additional technological improvement that the preference information in the memory of the display device "comprises communication timing information for specifying the timing of sending requests for image data to said server system." '656 Patent at 31:44-47. Claim 7 recites the additional technological improvement that the preference information in the memory of the display device "comprises display

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timing information for specifying the timing of displaying said image data on said display screen." '656 Patent at 31:48-51.

69. Claim 1 of the '930 Patent recites technological improvements to a digital display apparatus (i.e., a digital picture frame) that enable the digital picture frame to download new content or update its software without user input. The technological improvements recited in Claim 1 include providing the digital picture frame with "memory comprising . . . authentication information for a . . . remote server system" and a "unique identifier" for the digital picture frame. '930 Patent at 30:60-64. Claim 1 further recites the technological improvements of providing the digital picture frame with "communication circuitry configured to engage a network" and onboard software in its memory that includes "a remote connection function configured to automatically initiate communications" with the remote server and to "receive in response to said request for image data a set of data" from the remote server. '930 Patent at 31:3-4, 10-12. Claim 1 further recites the technological improvement that the onboard software includes "an authentication function configured to authenticate [the] first remote server system prior to accepting" data from the server. '930 Patent at 31:19-21. Claim 2 recites the additional technological improvement that the authentication function of the onboard software of the digital picture frame is configured to provide the unique identifier to the server system. '930 Patent at 31:26-29. Claim 1 recites the further technological improvement that the remote connection function is "configured to send a request for image data to said first remote server system after initiating said communications and to receive in response to said request for image data a set of data comprising one or more image data files." '930 Patent at 31:12-18. Claim 3 recites the additional technological improvement that the authentication function of the digital picture frame is configured to provide device authentication information to the server system before obtaining image data from the remote server. '930 Patent

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at 31:30-34. Claim 1 also recites the additional technological improvements that the memory of the digital picture frame containing the "current version of onboard software," which allows the digital picture frame to determine when a newer version of software is available from the server, and that the onboard software of the digital picture frame includes a software update function configured to obtain an updated version of the onboard software from the server. '930 Patent at 30:64-65, 31:22-25.

70. Claim 11 of the '930 Patent recites technological improvements to a digital picture frame that enable the digital picture frame to download new content or update its software without requiring user input or a request identifying data. Claim 11 recites the technological improvements of providing a digital picture frame with "memory comprising . . . authentication information for a . . . remote server system" and a "unique identifier" for the digital picture frame. '930 Patent at 31:62-32:2. Claim 11 further recites the technological improvement of providing the digital picture frame with "communication circuity configured to engage a network" and configuring the digital picture frame to "automatically initiate[s] communications" with the remote server and to "receive in response to said request for image data a set of data" from the remote server. '930 Patent at 32:7-8, 10-17. Claim 11 further recites the technological improvement of providing the digital picture frame with "an authentication function configured to authenticate [the] first remote server system prior to accepting" data from the server. '930 Patent at 32:25-27. Claim 12 recites the additional technological improvement that the digital picture frame is configured to provide the unique identifier to the server system as part of the authentication function. '930 Patent at 32:31-34. Claim 13 recites the additional technological innovation that the digital picture frame is configured to provide device authentication information to the server system before obtaining image data from the remote server.'930 Patent at 32:35-39. Claim 11 also recites that the digital picture frame contains memory storing the "onboard software," and

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recites the technological improvement that the digital picture frame is configured to determine when a newer version of software is available from the server and updates its software at that time. '930 Patent at 32:28-31.

71. At the time the Original Patent Application was filed, it was unconventional for a digital picture frame to have memory storing its identifying information.

72. It was unconventional at the time of filing for a display device to contain computer readable instructions in its memory for causing the display device, upon connection to a power source and a communications source and prior to receiving any input from a user, to automatically initiate a communications session with a server system.

73. It was unconventional at the time of filing for a display device to receive image data and authentication information from a server system in response to a request for image data.

74. It was unconventional at the time of filing for a display device to contain computer readable instructions in its memory for causing the display device to instruct a server system to create an interface accessible by a web browser for managing behavior characteristics of the display device.

75. It was unconventional at the time of filing for a display device to contain communication timing information in its memory for specifying the timing of sending requests for image data to said server system.

76. It was unconventional at the time of filing for a digital picture frame to contain onboard software configured to initiate communication with a server without user input and request information that it needs without having to identify the information in the request.

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77. It was unconventional at the time of filing for a digital picture frame to contain onboard software configured to authenticate a server based on authentication information received from the server system.

78. It was unconventional at the time of filing for a digital picture frame to contain onboard software configured to automatically determine whether software updates were available.

79. It was unconventional at the time of filing for a digital picture frame to contain onboard software configured to automatically download and install software updates when available.

80. It was unconventional at the time of filing for a digital picture frame to have all of the components arranged as in Claim 1 of the ’562 Patent disclosing a digital picture frame that automatically accesses a server system without any further user input and downloads, without identifying the specific information needed, updated content and software that is stored in its memory.

81. It was unconventional at the time of filing for a digital picture frame to have all of the components arranged as in Claim 17 of the ’562 Patent disclosing a digital picture frame that automatically accesses a server system without any further user input, authenticates that server system, and downloads, without identifying the specific information needed, updated content and software that is stored in its memory.

82. It was unconventional at the time of filing for a digital picture frame to have all of the components arranged as in Claim 19 of the ’573 Patent disclosing a digital picture frame that automatically accesses a server system without any further user input, authenticates that server system, and downloads, without identifying the specific information needed, updated content and software that is stored in its memory.

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83. It was unconventional at the time of filing for a digital picture frame to have all of the components arranged as in Claim 1 of the '656 Patent disclosing a display device that automatically initiates a communications session with a server system prior to receiving any user input, that receives image data and authentication information from the server system in response to a request for image data, that automatically updates computer readable instructions in its memory for controlling the operation of said display device with updated computer readable instructions received from the server system, and that includes instructions in its memory for causing the display device to instruct the server system to create an interface accessible by a web browser for managing behavior characteristics of the display device.

84. It was unconventional at the time of filing for a digital picture frame to have all of the components arranged as in Claim 2 of the '656 Patent disclosing a display device that automatically initiates a communications session with a server system prior to receiving any user input, that receives image data and authentication information from the server system in response to a request for image data, that replaces the image data previously stored in its memory with the received image data, that automatically updates computer readable instructions in its memory for controlling the operation of said display device with updated computer readable instructions received from the server system, and that includes instructions in its memory for causing the display device to instruct the server system to create an interface accessible by a web browser for managing behavior characteristics of the display device.

85. It was unconventional at the time of filing for a digital picture frame to have all of the components arranged as in Claim 6 of the '656 Patent disclosing a display device that automatically initiates a communications session with a server system prior to receiving any user input, that receives image data and authentication

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information from the server system in response to a request for image data, that automatically updates computer readable instructions in its memory for controlling the operation of said display device with updated computer readable instructions received from the server system, that includes instructions in its memory for causing the display device to instruct the server system to create an interface accessible by a web browser for managing behavior characteristics of the display device, and that includes in its memory preference information for controlling the display of image data by the display device that includes communication timing information for specifying the timing of sending requests for image data to the server system.

86. It was unconventional at the time of filing for a digital picture frame to have all of the components arranged as in Claim 7 of the '656 Patent disclosing a display device that automatically initiates a communications session with a server system prior to receiving any user input, that receives image data and authentication information from the server system in response to a request for image data, that automatically updates computer readable instructions in its memory for controlling the operation of said display device with updated computer readable instructions received from the server system, that includes instructions in its memory for causing the display device to instruct the server system to create an interface accessible by a web browser for managing behavior characteristics of the display device, and that includes in its memory preference information for controlling the display of image data by the display device that includes display timing information for specifying the timing of displaying said image data on said display screen.

87. It was unconventional at the time of filing for a digital picture frame to have all of the components arranged as in Claim 8 of the '656 Patent disclosing a display device that automatically initiates a communications session with a server system prior to receiving any user input, that receives image data and authentication information from the server system in response to a request for image data, that

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includes instructions in its memory for causing the display device to instruct the server system to create an interface accessible by a web browser for managing behavior characteristics of the display device, and that includes in its memory preference information for controlling the display of image data by the display device that includes an image display list.

88. It was unconventional at the time of filing for a digital picture frame to have all of the components arranged as in Claim 1 of the '930 Patent disclosing a digital picture frame that automatically accesses a server system without any further user input, authenticates that server system, and downloads, without identifying the specific information needed, updated content and software that is stored in its memory.

89. It was unconventional at the time of filing for a digital picture frame to have all of the components arranged as in Claim 11 of the '930 Patent disclosing a digital picture frame that automatically accesses a server system without any further user input, authenticates that server system, and downloads, without identifying the specific information needed, updated content and software that is stored in its memory.

90. As discussed in the Ceiva Patent Specification, another problem with then-existing digital picture frames was that the manner in which photos were displayed on the digital picture frame could not be remotely controlled by an authorized user from a remote location via a website. *See, e.g.*,'562 Patent at 2:30-34. Then-existing digital picture frames did not have the ability to communicate over communications networks. *See, e.g.*, '562 Patent at 2:39-42. Instead, then-existing digital picture frames required physical access to the digital picture frame to configure the display parameters on the digital picture frame. *See, e.g.*, '562 Patent at 2:34-42, 3:4-5, 4:15-24, 4:65-5:6, 5:23-35.

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91. The Ceiva Patent Specification describes technological improvements to a digital picture frame that overcome these problems with then-existing digital picture frame technology. These technological improvements enable a digital picture frame to be remotely customized and allow the behavior of the digital picture frame device to be remotely controlled.

92. For example, Claims 2, 4, 18, and 19 of the '573 Patent recite the technological improvement of configuring a digital picture frame "to operate according to preferences." '573 Patent at 1:30-31, 60-61, 3:26-30 ("configured to operate according to preferences comprising an image display list defined by a user"), 4:16-19. The claims further recite the technological improvement of "a user interface coupled to [the] server system" that is "physically separable from [the] digital picture frame" and "configured to obtain . . . [the] preferences from [the] user and provide . . . [the] preferences to [the] server system." '573 Patent at 1:35-40, 1:65-2:3, 3:33-38, 4:23-28. The recited technological improvements enable the preferences to be transmitted to the digital picture frame automatically when the digital picture frame connects to the server. '573 Patent at 1:41-51, 2:4-14, 4:1-10, 4:31-35.

E. Ceiva's Commercial Embodiments of the Patented Invention

93. In December 1999, Ceiva Logic released its first Ceiva Display. The Ceiva Display embodied the invention claimed in the '573, '930 and '562 patents. A photo of the Ceiva Display is shown below:

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Also shown below is a photo of the front of the Ceiva Display commercial packaging:

94. The Ceiva Display packaging describes how the Ceiva Display was able to automatically receive new photos without any input from the user, unlike other then-existing digital photo frames such as the Sony Cyberframe.

95. The Ceiva Display packaging describes some of the unique features of the Ceiva Display: (1) "No computer needed to receive photos"; (2) "Automatically

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receives and displays a digital photo slide show - up to twenty new photos a day"; (3) "Simple to set up and use"; and (4) "Perfect for parents and grandparents."

96. A photo of the back of the Ceiva Display packaging shown below describes other unique features of the Ceiva Display, stating:

> [T]he perfect gift for parents and grandparents to receive new pictures from their friends and family every day. They do not need a computer to receive and display great digital photos. The owner of the [Ceiva Display] can view a slide show of up to 20 new pictures of the grandkids each morning. Waking up to a smile from faraway family is the greatest gift you can give. . . . To set up the [Ceiva Display], the owner just plugs in the power cord and the phone line, and pushes the white button on the back of the Receiver once. The [Ceiva Display] will automatically go get their pictures every night after that, on its own.

F. The Commercial Acclaim for the Ceiva Display

97. Jeff Bezos ("Bezos"), the President and founder of Amazon, recognized that the technological improvements incorporated in the Ceiva Display were groundbreaking.

98. Bezos wanted to be able to tout Amazon as being different and special in selling what Bezos viewed as the hottest new and innovative products.

99. On March 27, 2000, Amazon issued a press release announcing that it would be the exclusive retailer of the Ceiva Display. The headline of that Amazon press release proclaimed: "Amazon.com Named Exclusive Retailer for New Internet Enabled Picture Frame Ceiva, Making Amazon.com the Best Place to Find and Discover the Hottest Electronics." A true and correct copy of the press release is

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attached hereto as **Exhibit 5**. In the press release, Amazon lauded the Ceiva Display as a "revolutionary product."

100. Amazon also recognized and lauded the unconventional technology of the Ceiva Display, stating:

> The Ceiva frame looks like a traditional wooden picture frame, but what it does is anything but traditional. Once activated, it automatically calls the Ceiva service every night and downloads new images sent by friends and family. There's no keyboard, no mouse, and no PC operating system to struggle with – just a bright, clear color screen displaying up to 10 new photos every morning.

101. Amazon was so impressed and excited by the Ceiva Display's innovative technology that it published the first-ever national print advertisement for the Ceiva Display. A true and correct copy of the aforementioned print advertisement is attached hereto as **Exhibit 6**.

102. Around that same time, Bezos publicly expressed his personal enthusiasm and admiration for the innovative technology of the Ceiva Display on national television and personally encouraged consumers to buy it. During a live interview on CNN in 2000, Bezos stated: **"**By the way, I would encourage all of your viewers to buy the CEIVA picture frame. It's really great!" Bezos also purchased multiple Ceiva Displays for his own family members.

103. In its Form 8-K filing with the Securities and Exchange Commission, which was reported on or about April 26, 2000, Amazon again asserted that the Ceiva Display technology was "revolutionary." A true and correct copy of Amazon's Form 8-K filing is attached as **Exhibit 7**.

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104. Bezos also wrote a letter directed to the first 100,000 Amazon.com shoppers touting the Ceiva Display as a "remarkable device". Bezos described those first 100,000 Amazon.com shoppers as "pioneers" and wrote that he immediately thought of them when he heard about the Ceiva Display.

105. Bezos also invited purchasers of the Ceiva Display to encourage their friends and family to store their digital photos at the purchaser's Ceiva account at www.ceiva.com so those digital photos would be displayed on the Ceiva Display.

106. Industry luminaries also recognized that the technology incorporated in the Ceiva Display was unconventional and innovative. For example, during his TED talk in February 2003, Seth Godin, author of the book "Purple Cow", described how the innovative technology in the Ceiva Display allowed him to share photos with his parents, stating: "And this picture frame has a cord going out the back, and you plug it into the wall. My father has this [Ceiva Display] on his desk and he sees his grandchildren every day, [with pictures] changing constantly".

107. The Ceiva Display was an instant hit with consumers who purchased thousands of Ceiva Displays.

108. Dozens of customers posted favorable comments about the Ceiva Display. The following are two examples:

- The good news is that this is an amazing product that everyone who sees it wants. The bad news is that this is an amazing product that everyone who sees it wants. Which is why I have bought four of these frames to date and it has put a hurtin' on my Amex card! Once you get passed that you will bask in the raves and envy of your parents neighbors. The picture is as clear as a Sony Trinitron. The setup is a simple as plugging in a phone and making a call. And for allowing those far away to feel closer there are few competitors to 20 photos every two weeks.

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- No question, the best gift we have ever given our parents. Being 900 miles away from them with 2 small grandchildren is hard, but they have loved getting fresh pictures each day. I also send greetings for birthdays and holidays in the mix. None of them have a computer or high tech knowledge but it doesn't matter as I control all functions from my computer. It only has two buttons, one to make the slide show start and the other for brightness control. It only needs to be hooked up to a wall outlet and a phone outlet (anyone can figure out how to do that!). So simple. I even preloaded them with pictures before I gave it to them so it would turn right on with their grandkids' faces as soon as they plugged them in. And the yearly fee is less than Internet service or making reprints of all of your pictures (really!). A gift they will really use and enjoy!

G. Patent Marking and Notice to Amazon

109. Ceiva properly marked the Ceiva Displays that it sold that were covered by at least one claim of the ’573 Patent with the ’573 Patent number in accordance with the patent marking statute, 35 U.S.C. § 287.

110. On November 22, 2018, Ceiva’s attorneys sent Amazon a letter giving Amazon actual notice of Amazon’s infringement of the ’562 Patent and demanding that Amazon stop its infringement. Ceiva’s notice letter to Amazon included a copy of the ’562 Patent and a claim chart showing an example of how Amazon infringes Claim 1 of the ’562 Patent.

111. On November 27, 2018, Amazon acknowledged receipt of Ceiva’s notice letter.

112. Amazon received actual notice of Ceiva’s patent rights in the ’562 Patent at least as early as November 22, 2018 but has continued to act in conscious and willful disregard of those rights after receiving such actual notice.

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113. According to information on Amazon's website, Amazon began offering Ceiva's smart displays marked with the '573 Patent number for sale on the Amazon.com website at least as early as February 10, 2003. Amazon has had actual and constructive notice of Ceiva's patent rights in the '573 Patent at least as early as February 10, 2003 but has continued to act in conscious and willful disregard of those rights after receiving such actual notice.

114. At latest, Amazon was put on actual notice of its infringement in compliance with 35 U.S.C. § 287 as to (1) the '573 and '562 Patents by the filing of the Original Complaint on October 23, 2019 in the litigation in *Ceiva Logic, Inc. v. Amazon.com, Inc*., No. 2:19-cv-09129 (C.D. Cal.) ("*Ceiva v. Amazon Action I*") at Dkt. #1 (Compl.), and (2) of its infringement of the '930 Patent by the filing of the First Amended Complaint on February 13, 2020 in *Ceiva v. Amazon Action I* at Dkt. #31 (First Am. Compl.).

115. Ceiva never sold any product covered by any claim of the '656 patent; therefore, the limitation on accrual of damages of 35 U.S.C. 287 does not apply to the '656 patent.

116. Ceiva never sold any product covered by any claim of the '656 patent, therefore the limitation on accrual of damages of 35 U.S.C. 287 do not apply to the '656 patent.

FIRST CAUSE OF ACTION

DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,654,562

117. Ceiva incorporates by reference paragraphs 1 through 116 as though fully set forth herein.

118. During the term of the '562 Patent, Amazon directly infringed at least claims 1, 2, 3, 4, 6, 7, 9, 10, 11, 12, 15, 16, 17, 18 and 20 of the '562 Patent.

119. Amazon directly infringed the '562 Patent by making (including by distributing software updates to previously sold non-infringing products that change

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the structures of those products so as to be infringing), importing, offering for sale, selling and using Amazon-branded products covered by at least one claim of the '562 Patent without authorization of Plaintiff. Amazon continued to directly infringe the '562 Patent after sale of the infringing Amazon-branded products to a customer by using the infringing Amazon-branded products to display advertising and sell content to the purchasing customer.

120. Amazon also directly infringed at least one claim of the '562 Patent by offering for sale and selling third-party products covered by the '562 Patent without authorization of Plaintiff.

121. Amazon-branded products made, imported, offered for sale, sold and used by Amazon of which Ceiva is currently aware that directly infringe at least one claim of the '562 Patent include at least the following products and product families:

a. Amazon's Echo Show smart display family of products, including the Echo Show, the Echo Show 5 and Echo Show 8 (each an "Echo Show").

b. Amazon's Fire tablet family of products, including the Fire 7, Fire 8, Fire HD 6, Fire HD 8, Fire HD 10, Fire HDX 7 and Fire HDX 8.9 (each an "Amazon Fire").

c. Amazon's Kindle e-book reader family of products, including the Kindle Touch, Kindle 5, Kindle 9, Kindle Paperwhite, Kindle 7, Kindle Voyage and Kindle Oasis, (each an "Amazon Kindle").

122. The Echo Show directly infringed at least claims 1, 2, 3, 4, 6, 7, 9, 10, 11, 12, 15, 16, 17, 18 and 20 of the '562 Patent.

a. The Echo Show is an apparatus for displaying content comprising image data (such as photos and videos) received from the Amazon server system via a communications network on the Echo Show's display screen.

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b. The Echo Show has a display screen.

c. The Echo Show has a central processing unit ("CPU").

d. The Echo Show has a video controller connected between the CPU and the display screen that is configured to control the display of content on the display screen.

e. The Echo Show has a Wi-Fi network interface that is configured to communicate with the Amazon server system via the communications network (i.e., the Internet).

f. The Echo Show has a memory that stores a unique identifier of the Echo Show, such as the Echo Show's serial number.

g. The memory of the Echo Show stores computer readable instructions in the form of operating software for the Echo Show that is different from the content displayed on the Echo Show's display screen.

h. The memory of the Echo Show stores a version identifier for the computer readable instructions, such as the operating software version.

i. The computer readable instructions stored in the memory of the Echo Show include instructions for causing the Echo Show, upon powering up and connecting to a Wi-Fi network, to initiate a communications session with Amazon's server system, for example for checking the registration status of the Echo Show.

j. The computer readable instructions stored in the memory of the Echo Show include instructions for causing the Echo Show to send its unique identifier to the Amazon server system, for example when checking the registration status of the Echo Show.

k. The computer readable instructions stored in the memory of the Echo Show apparatus include instructions for causing the Echo Show apparatus to send the version number of its operating software to

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Amazon's server system.

l. The computer readable instructions stored in the memory of the Echo Show include instructions for causing the Echo Show to prompt the user of the Echo Show to create an account on the Amazon server system.

m. The computer readable instructions stored in the memory of the Echo Show include instructions for causing the Echo Show to receive updated computer readable instructions for controlling the operation of the Echo Show ("software updates") from Amazon's server system.

n. The computer readable instructions stored in the memory of the Echo Show include instructions for causing the Echo Show to update the current version of the computer readable instructions in its memory with the updated computer readable instructions it has downloaded.

o. The computer readable instructions stored in the memory of the Echo Show include instructions for causing the Echo Show to receive updated content, such as photos and videos, from the Amazon server system.

p. The computer readable instructions stored in the memory of the Echo Show include instructions for causing the Echo Show to display the received content on the display screen.

q. Image data received by the Echo Show from the Amazon server system includes still image data.

r. Image data received by the Echo Show from the Amazon server system includes video feeds.

s. The computer readable instructions stored in the memory of the Echo Show include instructions for causing the Echo Show to receive location information of the Echo Show from the Amazon server

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system.

t. Content received by the Echo Show includes content provided by a content provider, such as, for example, Reuters.

u. The Echo Show has an LCD display.

v. The communications network that the Echo Show uses to communicate with the Amazon server system is the Internet.

w. The computer readable instructions stored in the memory of the Echo Show include instructions for causing the Echo Show to send its unique identifier, software version, and MAC Address, to the Amazon server system.

x. The computer readable instructions stored in the memory of the Echo Show include instructions for causing the Echo Show to receive location information of the Echo Show from the Amazon server system.

y. Data sent by the Echo Show to the Amazon server system includes information about the Echo Show, such as its unique identifier, software version, and MAC Address.

z. The computer readable instructions stored in the memory of the Echo Show include instructions for causing the Echo Show to transmit authentication information to the Amazon server system.

aa. The computer readable instructions stored in the memory of the Echo Show include instructions for causing the Echo Show to receive authentication information from the Amazon server system.

bb. The computer readable instructions stored in the memory of the Echo Show include instructions for changing settings of the Echo Show.

cc. The software updates received by the Echo Show from the Amazon server system add new features to the Echo Show.

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123. The Amazon Fire directly infringed at least claims 1, 2, 3, 6, 7, 9, 10, 11, 15, 16, 17, 18 and 20 of the '562 Patent.

a. The Amazon Fire is an apparatus for displaying content comprising image data (such as photos and videos) received from the Amazon server system via a communications network on the Amazon Fire's display screen.

b. The Amazon Fire apparatus has a display screen.

c. The Amazon Fire has a CPU.

d. The Amazon Fire has a video controller connected between the CPU and the display screen that is configured to control the display of content on the display screen.

e. The Amazon Fire has a Wi-Fi network interface that is configured to communicate with the Amazon server system via the communications network (i.e., the Internet).

f. The Amazon Fire has a memory that stores a unique identifier of the Amazon Fire, such as the Amazon Fire's serial number.

g. The memory of the Amazon Fire stores computer readable instructions in the form of operating software for the Amazon Fire that is different from the content displayed on the Amazon Fire's display screen.

h. The memory of the Amazon Fire stores a version identifier for the computer readable instructions, such as the operating software version.

i. The computer readable instructions stored in the memory of the Amazon Fire include instructions for causing the Amazon Fire, upon powering up and connecting to a Wi-Fi network, to initiate a communications session with Amazon's server system, for example for checking for software updates for the Amazon Fire.

j. The computer readable instructions stored in the memory of the

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Amazon Fire include instructions for causing the Amazon Fire to send its unique identifier to the Amazon server system.

k. The computer readable instructions stored in the memory of the Amazon Fire include instructions for causing the Amazon Fire to send the version number of its operating software to Amazon's server system.

l. The computer readable instructions stored in the memory of the Amazon Fire include instructions for causing the Amazon Fire to prompt the user of the Amazon Fire to create an account on the Amazon server system.

m. The computer readable instructions stored in the memory of the Amazon Fire include instructions for causing the Amazon Fire to receive updated computer readable instructions for controlling the operation of the Amazon Fire ("software updates") from Amazon's server system.

n. The computer readable instructions stored in the memory of the Amazon Fire include instructions for causing the Amazon Fire to update the current version of the computer readable instructions in its memory with the updated computer readable instructions it has downloaded.

o. The computer readable instructions stored in the memory of the Amazon Fire include instructions for causing the Amazon Fire to receive updated content, such as photos and videos, from the Amazon server system.

p. The computer readable instructions stored in the memory of the Amazon Fire include instructions for causing the Amazon Fire to display the received content on the display screen.

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q. Image data received by the Amazon Fire from the Amazon server system includes still image data.

r. Image data received by the Amazon Fire from the Amazon server system includes video feeds.

s. Content received by the Amazon Fire includes content provided by a content provider, such as, for example, Reuters.

t. The Amazon Fire has an LCD display.

u. The communications network that the Amazon Fire uses to communicate with the Amazon server system is the Internet.

v. Data sent by the Amazon Fire to the Amazon server system includes information about the Amazon Fire, such as the software version, serial number, and MAC Address of the Amazon Fire.

w. The computer readable instructions stored in the memory of the Amazon Fire include instructions for causing the Amazon Fire to transmit authentication information to the Amazon server system.

x. The computer readable instructions stored in the memory of the Amazon Fire include instructions for causing the Amazon Fire to receive authentication information from the Amazon server system.

y. The computer readable instructions stored in the memory of the Amazon Fire include instructions for changing settings of the Amazon Fire.

z. The software updates received by the Amazon Fire from the Amazon server system include instructions to add new features to the Amazon Fire.

124. The Amazon Kindle directly infringed at least claims 1, 2, 6, 9, 10, 11, 12, 15, 16, 17, 18 and 20 of the '562 Patent.

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125. The Amazon Kindle is an apparatus for displaying content including image data (such as photos and other digital images) received from the Amazon server system via a communications network on the Amazon Kindle's display screen.

a. The Amazon Kindle has a display screen.

b. The Amazon Kindle has a CPU.

c. The Amazon Kindle has a video controller connected between the CPU and the display screen that is configured to control the display of content on the display screen.

d. The Amazon Kindle has a Wi-Fi network interface that is configured to communicate with the Amazon server system via the communications network (i.e., the Internet).

e. The Amazon Kindle has a memory that stores a unique identifier of the Amazon Kindle, such as a serial number.

f. The memory of the Amazon Kindle stores computer readable instructions in the form of operating software for the device that is different from the content displayed on the Amazon Kindle's display screen.

g. The memory of the Amazon Kindle stores a version identifier for the computer readable instructions, such as the operating software version.

h. The computer readable instructions stored in the memory of the Amazon Kindle include instructions for causing the Amazon Kindle, upon powering up and connecting to a Wi-Fi network, to initiate a communications session with Amazon's server system, for example for checking for software updates for the Amazon Kindle.

i. The computer readable instructions stored in the memory of the Amazon Kindle include instructions for causing the Amazon Kindle to

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send its unique identifier to the Amazon server system.

j. The computer readable instructions stored in the memory of the Amazon Kindle include instructions for causing the Amazon Kindle to send the version number of its operating software to Amazon's server system.

k. The computer readable instructions stored in the memory of the Amazon Kindle include instructions for causing the Amazon Kindle to prompt the user of the Amazon Kindle to create an account on the Amazon server system.

l. The computer readable instructions stored in the memory of the Amazon Kindle include instructions for causing the Amazon Kindle to receive updated computer readable instructions for controlling the operation of the Amazon Kindle ("software updates") from Amazon's server system.

m. The computer readable instructions stored in the memory of the Amazon Kindle include instructions for causing the Amazon Kindle to update the current version of the computer readable instructions in its memory with the updated computer readable instructions it has downloaded.

n. The computer readable instructions stored in the memory of the Amazon Kindle include instructions for causing the Amazon Kindle to receive updated content, such as photos and other digital images, from the Amazon server system.

o. The computer readable instructions stored in the memory of the Amazon Kindle include instructions for causing the Amazon Kindle to display the received content on the display screen.

p. Image data received by the Amazon Kindle from the Amazon server

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system includes still image data.

q. The Amazon Kindle has an LCD display.

r. The communications network that the Amazon Kindle uses to communicate with the Amazon server system is the Internet.

s. The computer readable instructions stored in the memory of the Amazon Kindle include instructions for causing the Amazon Kindle to receive a name for the Amazon Kindle from the Amazon server system.

t. Data sent by the Amazon Kindle to the Amazon server system includes information about the Amazon Kindle such as information about the settings of the Amazon Kindle.

u. The computer readable instructions stored in the memory of the Amazon Kindle include instructions for causing the Amazon Kindle to transmit authentication information to the Amazon server system.

v. The computer readable instructions stored in the memory of the Amazon Kindle include instructions for causing the Amazon Kindle to receive authentication information from the Amazon server system.

w. The computer readable instructions stored in the memory of the Amazon Kindle include instructions for changing settings of the Amazon Kindle.

x. The software updates received by the Amazon Kindle from the Amazon server system include instructions to add new features to the Amazon Kindle.

SECOND CAUSE OF ACTION

DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,124,656

126. Ceiva incorporates by reference paragraphs 1 through 125 as though fully set forth herein.

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127. Amazon directly infringes at least claims 1, 2, 3, 4, 5, 6, 7 and 8 of the '656 Patent.

128. Amazon directly infringes the '565 Patent by making, importing, offering for sale, selling and using Amazon-branded products covered by at least one claim of the '656 Patent without authorization of Plaintiff (including by distributing software updates to previously sold non-infringing products that change the structures of those products so as to be infringing).

129. Amazon continues to directly infringe the '656 Patent after sale of the infringing Amazon-branded products to a customer by using the infringing Amazon-branded products to display advertising and sell content to the purchasing customer.

130. Amazon also directly infringes at least one claim of the '656 Patent by offering for sale and selling third party products covered by the '656 Patent without authorization of Plaintiff.

131. Amazon-branded products made, imported, offered for sale, sold and used by Amazon of which Ceiva is currently aware that directly infringe at least one claim of the '656 Patent include at least Amazon's Echo Show family of smart display products, including the Echo Show 5, Echo Show 8, Echo Show 10 and Echo Show 15 (each an "Echo Show").

132. The Echo Show directly infringes at least claims 1, 2, 3, 4, 5, 6, 7 and 8 of the '656 Patent.

a. The Echo Show is a display device for displaying image data received from the Amazon server system.

b. The Echo Show has a central processing unit.

c. The Echo Show has a memory inside its integrated housing.

d. The Echo Show has a display screen for displaying image data.

e. The Echo Show has a communications interface configured to communicate via a communications network.

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f. The Echo Show has a memory containing computer readable instructions for controlling the operation of the Echo Show.

g. The computer readable instructions in the memory of the Echo Show include instructions for causing the Echo Show, upon connection to a power source and a communications source and prior to receiving any input from a user, to automatically initiate a communications session with the Amazon server system.

h. The communications session initiated by the Echo Show with the Amazon server system includes the step of sending a request for image data to the Amazon server system via the communications network.

i. The communications session initiated by the Echo Show with the Amazon server system includes the step of receiving image data and authentication information from the Amazon server system in response to the request for image data.

j. The communications session initiated by the Echo Show with the Amazon server system includes the step of authenticating the Amazon server system.

k. The communications session initiated by the Echo Show with the Amazon server system includes the step of storing the received image data in its memory.

l. The communications session initiated by the Echo Show with the Amazon server system includes the step of displaying the received image data on its display screen.

m. The communications session initiated by the Echo Show with the Amazon server system includes the step of receiving updated computer readable instructions for controlling the operation of the Echo Show from the Amazon server system via the communications network.

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n. The communications session initiated by the Echo Show with the Amazon server system includes the step of automatically updating the computer readable instructions for controlling its operation of with the updated computer readable instructions for controlling its operation of received from the Amazon server system.

o. The computer readable instructions in the memory of the Echo Show include instructions for causing the Echo Show to instruct the Amazon server system to create an interface accessible by a web browser for managing behavior characteristics of the Echo Show.

p. The computer readable instructions in the memory of the Echo Show include instructions for causing image data previously stored in its memory to be replaced with the image data received from the Amazon server system.

q. The communications network used by the Echo Show includes the internet.

r. The Echo Show includes a wireless communications interface.

s. The memory of the Echo Show includes preference information for controlling the display of image data received from the Amazon server system by the display device.

t. The preference information in the memory of the Echo Show includes communication timing information for specifying the timing of sending requests for image data to the Amazon server system.

u. The preference information in the memory of the Echo Show includes display timing information for specifying the timing of displaying image data received from the Amazon server system on its display screen.

v. The preference information in the memory of the Echo Show includes

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an image display list.

THIRD CAUSE OF ACTION

DIRECT INFRINGEMENT OF U.S. PATENT NO. 9,203,930

133. Ceiva incorporates by reference paragraphs 1 through 132 as though fully set forth herein.

134. Amazon directly infringes at least claims 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 18, 19 and 20 of the '930 Patent.

135. Amazon directly infringes the '930 Patent by making, importing, offering for sale, selling and using Amazon-branded products covered by at least one claim of the '930 Patent without authorization of Plaintiff (including by distributing software updates to previously sold non-infringing products that change the structures of those products so as to be infringing).

136. Amazon continues to directly infringe the '930 Patent after sale of the infringing Amazon-branded products to a customer by using the infringing Amazon-branded products to display advertising and sell content to the purchasing customer.

137. Amazon-branded products made, imported, offered for sale, sold and used by Amazon of which Ceiva is currently aware that directly infringe at least one claim of the '930 Patent include at least the following products and product families:

a. Amazon's Echo Show family of smart display products, including the Echo Show, the Echo Show 5, Echo Show 8, Echo Show 10, and Echo Show 15 (each an "Echo Show").

b. Amazon's Fire tablet family of products, including the Fire 7, Fire 8, Fire HD 6, Fire HD 8, Fire HD 10, Fire HDX 7 and Fire HDX 8.9 (each an "Amazon Fire").

c. Amazon's Kindle e-book family of reader products, including the Kindle Touch, Kindle 5, Kindle 9, Kindle Paperwhite, Kindle 7, Kindle Voyage and Kindle Oasis, (each an "Amazon Kindle").

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138. The Echo Show directly infringes at least claims 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 18, 19 and 20 of the '930 Patent.

a. The Echo Show is a digital display apparatus having an integrated housing.

b. The integrated housing of the Echo Show has a display region on an outside surface.

c. The Echo Show has a memory inside its integrated housing.

d. The memory of the Echo Show contains a plurality of image data files.

e. The memory of the Echo Show contains authentication information for the Amazon server system.

f. The memory of the Echo Show contains a unique identifier for the Echo Show.

g. The memory of the Echo Show contains a current version of its onboard software.

h. The integrated housing of the Echo Show contains a processor configured to control the display of image data from the plurality of image data files in the memory of the Echo Show.

i. The integrated housing of the Echo Show contains Wi-fi communications circuitry.

j. The onboard software of the Echo Show includes software for obtaining image data from the memory of the Echo Show and rendering the image data in the display of the Echo Show.

k. The onboard software of the Echo Show includes software for automatically initiating communication with the Amazon server system, sending a request for image data to the Amazon server system, and receiving in response image data from the Amazon server system.

l. The onboard software of the Echo Show includes authentication

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software for authenticating the Amazon server system prior to accepting image data files from the Amazon server system.

m. The onboard software of the Echo Show includes software for obtaining an updated version of its onboard software from the Amazon server system and replacing the current version of its onboard software in its memory with the updated version.

n. The onboard authentication software of the Echo Show is configured to provide authentication information for the Echo Show to the Amazon server system prior to obtaining image data from the Amazon server system.

o. The Echo Show is configured to show an account initialization message when the Echo Show is first powered up and connected to the Internet.

p. The Echo Show is configured to show an account initialization message when the Echo Show is first powered up and connected to the Internet that prompts the user to create an account with the Amazon server system.

q. The memory of the Echo Show includes a parameter for the speed at which photos stored in memory are shown on the display screen of the Echo Show.

r. The Echo Show connects to the Amazon server system over a network that includes wired transmission media.

s. The Echo show connects to the Amazon server system via a Wi-Fi network.

139. The Amazon Fire directly infringes at least claims 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 18, 19 and 20 of the '930 Patent.

a. The Amazon Fire is a digital display apparatus having an integrated housing.

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b. The integrated housing of the Amazon Fire has a display region on an outside surface.

c. The Amazon Fire has a memory inside its integrated housing.

d. The memory of the Amazon Fire contains a plurality of image data files.

e. The memory of the Amazon Fire contains authentication information for the Amazon server system.

f. The memory of the Amazon Fire contains a unique identifier for the Amazon Fire.

g. The memory of the Amazon Fire contains a current version of its onboard software.

h. The integrated housing of the Amazon Fire contains a processor configured to control the display of image data from the plurality of image data files in the memory of the Amazon Fire.

i. The integrated housing of the Amazon Fire contains Wi-Fi communications circuitry.

j. The onboard software of the Amazon Fire includes software for obtaining image data from the memory of the Amazon Fire and rendering the image data in the display of the Amazon Fire.

k. The onboard software of the Amazon Fire includes software for automatically initiating communication with the Amazon server system, sending a request for image data to the Amazon server system, and receiving in response image data from the Amazon server system.

l. The onboard software of the Amazon Fire includes authentication software for authenticating the Amazon server system prior to accepting image data files from the Amazon server system.

m. The onboard software of the Amazon Fire includes software for

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obtaining an updated version of its onboard software from the Amazon server system and replacing the current version of its onboard software in its memory with the updated version.

n. The onboard authentication software of the Amazon Fire is configured to provide authentication information for the Amazon Fire to the Amazon server system prior to obtaining image data from the Amazon server system.

o. The Amazon Fire is configured to show an account initialization message when the Amazon Fire is first powered up and connected to the Internet.

p. The Amazon Fire is configured to show an account initialization message when the Amazon Fire is first powered up and connected to the Internet that prompts the user to create an account with the Amazon server system.

q. The memory of the Amazon Fire includes a parameter for the speed at which photos stored in memory are shown on the display screen of the Amazon Fire.

r. The Amazon Fire connects to the Amazon server system over a network that includes wired transmission media.

s. The Amazon Fire connects to the Amazon server system via a Wi-Fi network.

140. The Amazon Kindle directly infringes at least claims 1, 2, 3, 5, 6, 9 and 10 of the ’930 Patent.

a. The Amazon Kindle is a digital display apparatus having an integrated housing.

b. The integrated housing of the Amazon Kindle has a display region on an outside surface.

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c. The Amazon Kindle has a memory inside its integrated housing.

d. The memory of the Amazon Kindle contains a plurality of image data files.

e. The memory of the Amazon Kindle contains authentication information for the Amazon server system.

f. The memory of the Amazon Kindle contains a unique identifier for the Amazon Kindle.

g. The memory of the Amazon Kindle contains a current version of its onboard software.

h. The integrated housing of the Amazon Kindle contains a processor configured to control the display of image data from the plurality of image data files in the memory of the Amazon Kindle.

i. The integrated housing of the Amazon Kindle contains Wi-Fi communications circuitry.

j. The onboard software of the Amazon Kindle includes software for obtaining image data from the memory of the Amazon Kindle and rendering the image data in the display of the Amazon Kindle.

k. The onboard software of the Amazon Kindle includes software for automatically initiating communication with the Amazon server system, sending a request for image data to the Amazon server system, and receiving in response image data from the Amazon server system.

l. The onboard software of the Amazon Kindle includes authentication software for authenticating the Amazon server system prior to accepting image data files from the Amazon server system.

m. The onboard software of the Amazon Kindle includes software for obtaining an updated version of its onboard software from the Amazon server system and replacing the current version of its onboard software

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in its memory with the updated version.

n. The onboard authentication software of the Amazon Kindle is configured to provide authentication information for the Amazon Kindle to the Amazon server system prior to obtaining image data from the Amazon server system.

o. The Amazon Kindle is configured to show an account initialization message when the Amazon Kindle is first powered up and connected to the Internet.

p. The Amazon Kindle is configured to show an account initialization message when the Amazon Kindle is first powered up and connected to the Internet that prompts the user to create an account with the Amazon server system.

q. The Amazon Kindle connects to the Amazon server system over a network that includes wired transmission media.

r. The Amazon Kindle connects to the Amazon server system via a Wi-Fi network.

FOURTH CAUSE OF ACTION

DIRECT INFRINGEMENT OF U.S. PATENT NO. 6,442,573

141. Ceiva incorporates by reference paragraphs 1 through 140 as though fully set forth herein.

142. During the term of the ’573 patent, Amazon directly infringed at least claims 2, 4, 6, 18 and 19 of the ’573 Patent by making and using systems for distributing image data covered by the ’573 Patent without authorization of Plaintiff (including by distributing software updates to previously sold non-infringing systems).

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143. Systems for distributing image data of which Ceiva is currently aware that directly infringe the '573 Patent that are made and used by Amazon include at least the following:

a. Each Echo Show and the Amazon server system it communicated with (each an "Echo Show System").

b. Each Amazon Fire and the Amazon server system it communicated with (each an "Amazon Fire System").

144. The Echo Show Systems made and used by Amazon directly infringed at least claims 2, 4, 18 and 19 of the '573 Patent.

a. The Echo Show in combination with Amazon's server system forms a system for distributing image data.

b. The Echo Show is a digital picture frame.

c. The Echo Show includes memory and operating system software located in the Echo Show.

d. The Echo Show is configured to operate according to preferences, such as playlists, defined by the user.

e. The Echo Show has a border region (bezel) configured to resemble a picture frame designed to circumscribe printed photographs.

f. The Amazon server system provides a user interface that is coupled to the Amazon server system via a network (i.e., the Internet) and that is physically separable from the Echo Show (it is accessible from a computer that is physically separate from the Echo Show) and that is configured to obtain image data and playlists from the user and provide the image data and playlists to the Amazon server system.

g. The Amazon server system is coupled to the Echo Show via the network (i.e., the Internet).

h. The Amazon server system permits input to the user interface when the

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user is authenticated by the Amazon server system.

i. The Amazon server system is configured to periodically relay the image data and playlists in data packages to the Echo Show when the Echo Show automatically issues a request for the image data.

j. The Echo Show is configured to obtain updates for its operating system software in data packages from the Amazon server system.

k. The Echo Show authenticates the Amazon server system prior to storing data packages received from the Amazon server system in its memory.

145. The Amazon Fire Systems made and used by Amazon directly infringe at least claims 2, 4, 18 and 19 of the '573 Patent.

a. The Amazon Fire in combination with Amazon's server system forms a system for distributing image data.

b. The Amazon Fire is a digital picture frame.

c. The Amazon Fire includes memory and operating system software located in the Amazon Fire.

d. The Amazon Fire is configured to operate according to preferences, such as playlists, defined by the user.

e. The Amazon Fire has a border region (bezel) configured to resemble a picture frame designed to circumscribe printed photographs.

f. The Amazon server system provides a user interface that is coupled to the Amazon server system via a network (i.e., the Internet) and that is physically separable from the Amazon Fire (it is accessible from a computer that is physically separate from the Amazon Fire) and that is configured to obtain image data and playlists from the user and provide the image data and playlists to the Amazon server system.

g. The Amazon server system is coupled to the Amazon Fire via the

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network (i.e., the Internet).

h. The Amazon server system permits input to the user interface when the user is authenticated by the Amazon server system.

i. The Amazon server system is configured to periodically relay the image data and playlists in data packages to the Amazon Fire when the Amazon Fire automatically issues a request for the image data.

j. The Amazon Fire is configured to obtain updates for its operating system software in data packages from the Amazon server system.

k. The Amazon Fire authenticates the Amazon server system prior to storing data packages received from the Amazon server system.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff asks this Court to:

a. Enter judgment for Ceiva and against Amazon on each of the counts of this Complaint;

b. Award compensatory damages to Ceiva and to treble those damages in accordance with 35 U.S.C. § 284;

c. Declare that this case is exceptional and award Ceiva reasonable attorneys' fees and expenses in accordance with 35 U.S.C. § 285;

d. Award Ceiva pre-judgment and post-judgment interest and costs; and

e. Award Ceiva such other and further relief as is just and proper.

DEMAND FOR JURY TRIAL

Ceiva hereby demands a trial by jury of all issues so triable.

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Dated: April 22, 2022

MUNCK WILSON MANDALA, LLP

By: */s/ Gary A. Hecker*
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