1 **JOSEPH W. COTCHETT**
(SBN 36324; jcotchett@cpmlegal.com)
2 **TAMARAH P. PREVOST**
(SBN 313422; tprevost@cpmlegal.com)
3 **KEVIN J. BOUTIN**
(SBN 334965; kboutin@cpmlegal.com)
4 **COTCHETT, PITRE & McCARTHY, LLP**
San Francisco Airport Office Center
5 840 Malcolm Road, Suite 200
Burlingame, CA 94010
6 Telephone: (650) 697-6000
Facsimile: (650) 697-0577
7

8 **PAUL W. REIDL**
(SBN 155221; paul@reidllaw.com)
LAW OFFICE OF PAUL W. REIDL
9 25 Pinehurst Lane
Half Moon Bay, CA 94019
10 Telephone: (650) 560-8530

11 *Attorneys for Plaintiff,*
TJTM Technologies, LLC
12

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15

16 **TJTM TECHNOLOGIES, LLC,** | Case No.

17 Plaintiff, | **COMPLAINT FOR**
PATENT INFRINGEMENT
18 v.

19 **GOOGLE LLC,** | **JURY TRIAL DEMANDED**

20 Defendant.

21

22

23

24

25

26

27

28

Law Offices
COTCHETT, PITRE &
MCCARTHY, LLP

COMPLAINT FOR PATENT INFRINGEMENT

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COMPLAINT FOR PATENT INFRINGEMENT   i

Plaintiff **TJTM Technologies, LLC** ("TJTM"), brings this action against **Google LLC** ("GOOGLE") to stop it from using TJTM's patented technology in cell phones sold by it without permission. TJTM seeks damages and injunctive relief. On information and belief, it alleges as follows:

I.   NATURE OF THE ACTION

1.   This is a civil action for patent infringement under 35 U.S.C. § 1 et seq.

2.   On February 17, 2015, the United States Patent and Trademark Office ("USPTO") issued U.S. Patent No. 8,958,853, entitled "Mobile Device Inactive Mode and Inactive Mode Verification" to its inventor (the "'853 Patent"). This describes the "OFF MODE" application. A true and correct copy of the '853 Patent is attached hereto as **Exhibit A**.

3.   The inventor of the '853 patent is an engineer and inventor, and TJTM is the legal owner of the '853 patent by assignment.

4.   The "OFF MODE" application was invented in 2010. The inventor was concerned that drivers were increasingly distracted by incoming calls and text messages while driving, which creates a public safety hazard. The "OFF MODE" application allows users to block telephone calls, text messages, and other notifications while driving and otherwise, gives them the option of issuing automated replies to senders or callers informing them that the driver is temporarily unavailable, and then provides a log of missed communications when "OFF MODE" is turned off. "OFF MODE" increases highway safety by diminishing the urge to use one's cell phone while driving. This allows drivers to focus solely on the road and traffic.

5.   TJTM had a software engineer build the "OFF MODE" application. It was available for downloading in 2013 on Google Play and their business website. It was downloaded more than 61,000 times. Despite its popularity, on information and belief, Google removed the OFF MODE app from Google Play once it had developed its own competitive app for its phones.

6.   "OFF MODE" was the first application of its kind and the inventor was issued the '853 patent.

7.   Google has infringed and continues to infringe one or more claims of the '853

Patent by offering a "Driving Mode" feature in Android operating system on cellular telephones to millions of consumers throughout the world. To the extent that this is not pre-loaded onto the phones, Google offers directions to its customers on how they can download the software. Google's "Driving Mode" mirrors the claims of the '853 patent.

8.   Google had to know about the '853 patent and the "OFF MODE" app when it first adopted the "Driving Mode" feature for cellular phones sold by it. Instead of licensing the '853 patent for a reasonable royalty, however, Google took TJTM's invention and paid no compensation for it. On information and belief, Google gambled that TJTM could not afford to litigate its claims under the '853 patent.

II.   THE PARTIES

9.   Plaintiff **TJTM Technologies, LLC**, is a California limited liability company with its principal place of business in San Mateo, California.

10.   Defendant **GOOGLE LLC** is a limited liability company organized and existing under the laws of the State of Delaware, with a principal place of business at 1600 Amphitheatre Parkway, Mountain View, CA 94043. Google does business all over the United States and internationally.

III.   JURISDICTION

11.   This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 (Federal question) and 1338 (a) (any act of Congress relating to patents and trademarks.).

12.   This Court has personal jurisdiction because Google operates and has its primary place of business in this District. This Court also has personal jurisdiction as Google has committed and induced acts of patent infringement and has regularly and systematically conducted and solicited business in this District by and through, at a minimum, its sales, and offers for sale of Google products and services, and other contractual arrangements with Google customers, and it and its authorized dealers sell Google products and services, including the infringing phones, are located in and/or doing business within this District.

/ / /

/ / /

Law Offices
COTCHETT, PITRE &
MCCARTHY, LLP

COMPLAINT FOR PATENT INFRINGEMENT   2

IV.   VENUE AND INTRA-DISTRICT ASSIGNMENT

13.   Venue is proper in this District under 28 U.S.C. § 1391(b) and (c) and 1400 (b). Pursuant to Local Rule 3-2(c), intellectual property actions are assigned on a District-wide basis.

14.   There were three previous cases in this District involving the same patent, *SMTM Technology, LLC, v. Apple, Inc.*, Case No. 4:19-cv-08133-YGR, *TJTM Technologies, LLC. v. Samsung Electronics America, Inc.,* 4:21-cv-05500-YGR and *TJTM Technologies, LLC. v. Cellco Partnership D/B/A Verizon Wireless,* 3:22-cv-02801-TLT.

V.   FACTUAL ALLEGATIONS

A.   THE PATENT CREATES A NOVEL APPLICATION TO SHUT OFF CELL PHONE NOTIFICATIONS WHILE DRIVING

15.   In 2010, various people were complaining that people were always on or checking their phone while driving. As a result, the "OFF MODE" was developed for a breakthrough application for cell phones. It was clear that there were an increasing number of automobile accidents caused by driver distraction due to cell phone use. Automobile accidents caused by distracted driving were on the rise and had become as serious a public safety problem as driving while intoxicated. As many as 25% of all automobile accidents – millions of crashes – were caused by texting and driving. Many drivers are aware of the risks of distracted driving but lack the willpower not to use their phones while driving as shown by studies.

16.   It was recognized that there was a need for a technological solution that would limit user distractions without forcing the user to turn off their phone and thereby miss essential communications.   In furtherance of this, the "OFF MODE" function of the '853 patent automatically notifies the sender that the recipient is temporarily unavailable, and it provides a log of missed communications once "OFF MODE" is turned off.

17.   The proliferation of accidents caused by distracted driving also created a need for a driver to prove, in the event of an accident, that he or she was not using their phone while driving. Accordingly, the patent created novel functionality for suppressing communications to a user and a means for verifying that a user was not receiving or responding to communications while driving.

18.   In essence, "OFF MODE" as described in the '853 patent allows users to shut off notifications while driving, and replies with automated responses letting people know they are busy. The "OFF MODE" application blocks the screen from showing text, email, phone calls and other notifications, eliminating distractions so that the driver can focus on road safety. Users still receive incoming messages but without the distracting pop-up notifications, pings, dings, vibrations or other sounds. When "OFF MODE" is turned off, a report of all missed texts and calls is made available to the driver.

19.   In 2013, after conceiving of the "OFF MODE" function, a software engineer was hired to build an app for the Android platform and a patent lawyer to draft the patent application.

20.   In May 2013, the "OFF MODE" app was released to the public. A Facebook page for it was made and the app was available on the Google Play website.

21.   The inventor felt so strongly about the public safety advantages of his app that he made it available to the public for free.

B.   THE USPTO ISSUES THE '853 PATENT

22.   On June 14, 2013, a provisional patent application was filed for the "OFF MODE" app titled "Mobile Device Inactive Mode and Inactive Mode Verification."

23.   On February 9, 2014, a non-provisional, continuation of patent application for "OFF MODE" was filed.

24.   On February 17, 2015, a patent was issued, United States Patent No. 8,958,853 for "Mobile Device Inactive Mode and Inactive Mode Verification." *See* **Exhibit A**.

C.   GOOGLE INFRINGES THE '853 PATENT BY SELLING PHONES WITH THE DRIVING MODE FEATURE

25.   At a time unknown, but occurring after the filing date of the provisional patent application, Google began selling phones containing the Driving Mode feature in its Messaging (Message +) app. It had the same features as the "Do Not Disturb" app. "Driving Mode" while driving causes the phone to stay silent and the screen to stay dark while the user is driving. Likewise, if someone sends a message, they receive an automatic reply letting them know that the user is temporarily unavailable. If the message is important, the sender can type the word

1   "urgent" to make sure the user receives a notification. Google's "Driving Mode" feature for its

2   phones mirrors or constitutes the equivalent of the elements comprising the '853 patent.

3   26.   In addition, at a time unknown, Google began selling phones and/or providing

4   software upgrades to existing phones, such as, on information and belief, within Google's

5   Android 13 operating system, containing an "Add Mode" feature in a "Modes and Routines"

6   section within "Settings" thereof.   The "Add Mode" feature allows a user to select a do not

7   disturb mode that automatically activates when connected to an automobiles Bluetooth

8   connection, which causes the phone to stay silent while the user is driving, and to automatically

9   send a selected message letting a sender know that the user is temporarily unavailable. Google's

10   "Add Mode" feature for its phones mirrors or constitutes the equivalent of the elements

11   comprising the '853 patent.

12   27.   While "Driving Mode" and/or the "Add Mode" feature may have been new to

13   Google, it was certainly not new to the marketplace. These features were released after the

14   TJTM released its "OFF MODE" app and after the grant of the '853 patent. Given the massive

15   legal resources available to Google to search new technology for patent infringement, and the

16   knowledge that its software engineers and business executives have of the apps available for

17   download, Google was fully aware of the TJTM app and the '853 patent at the time it adopted

18   "Driving Mode" and/or the "Add Mode" feature for its phones.

19   28.   On information and belief, "Driving Mode" and the "Add Mode" feature have

20   been preloaded on many phones sold by Google. To the extent they are not pre-loaded, Google's

21   website contains instructions on how to download and install it.

22   **D.   THE PTAB AFFIRMS THE VALIDITY OF THE PATENT**

23   29.   The inventor learned that Apple had incorporated his invention into its iOS 11

24   software and was profiting from it. It was wrong for Apple to steal the invention, profit from it,

25   and not pay royalties. Apple was told it that it was using the technology covered by the '853 and

26   requested that he be paid an appropriate royalty. Apple refused.

27   30.   It was not coincidental that shortly thereafter, the '853 patent was challenged at

28

Law Offices
COTCHETT, PITRE &
MCCARTHY, LLP

COMPLAINT FOR PATENT INFRINGEMENT   5

1   the Patent Trial and Appeal Board ("PTAB")[1] by a company called Unified Patents, Inc. Unified

2   Patents is a membership-based organization dedicated to eliminating what a member considers to

3   be a "poor quality patent," particularly in the tech field. On information and belief, Google is a

4   member of Unified Patents.

5   31.   Unified Patents claimed that the '853 patent was invalid because the technology

6   was already known, or strongly suggested by, previous patents. The PTAB disagreed, and on

7   July 30, 2019, issued a decision holding that United Patents "failed to demonstrate a reasonable

8   likelihood that it would prevail in showing the unpatentability of at least one challenged claim of

9   the '853 Patent." The PTAB decision is attached as **Exhibit B**.[2]

10   32.   TJTM ultimately sued Apple for infringing the '853 patent.

11   33.   At a minimum, Google learned of the '853 patent from Unified Patents either at

12   the time the proceeding was filed or after its unsuccessful conclusion. Notwithstanding this

13   knowledge, Google continued using "Driving Mode" in the phones it sells.

FIRST CLAIM FOR RELIEF

(Infringement of Patent No. 8,958,853)

16   34.   TJTM re-alleges and incorporates by reference the allegations in Paragraphs 1-33

17   of this Complaint.

18   35.   Google has directly infringed, and continues to infringe, the claims of the '853,

19   pursuant to 35 U.S.C. § 271, by using, selling, or offering to sell within the United States,

20   without authority, phones containing the infringing "Driving Mode" during the term of the '853

21   patent.

22   36.   As non-limiting examples, set forth below is a description of Google's

23   infringement of claim one of the '853 patent in connection with Google's "Driving Mode"

24   feature and "Add Mode" feature of the phones it sells. TJTM reserves the right to modify this

---

[1]   The Patent Trial and Appeal Board is an adjudicative body within the U.S. Patent and Trademark Office. It decides appeals from decisions of the patent examiners, and adjudicates the patentability of issued patents challenged by third parties in post-grant proceedings.

[2]   After the PTAB proceeding and the settlement of the Apple case, SMTM assigned the '853 patent to TJTM.

description, including, for example, on the basis of information about Google's "Driving Mode" feature and/or "Add Mode" feature that is obtained through discovery.
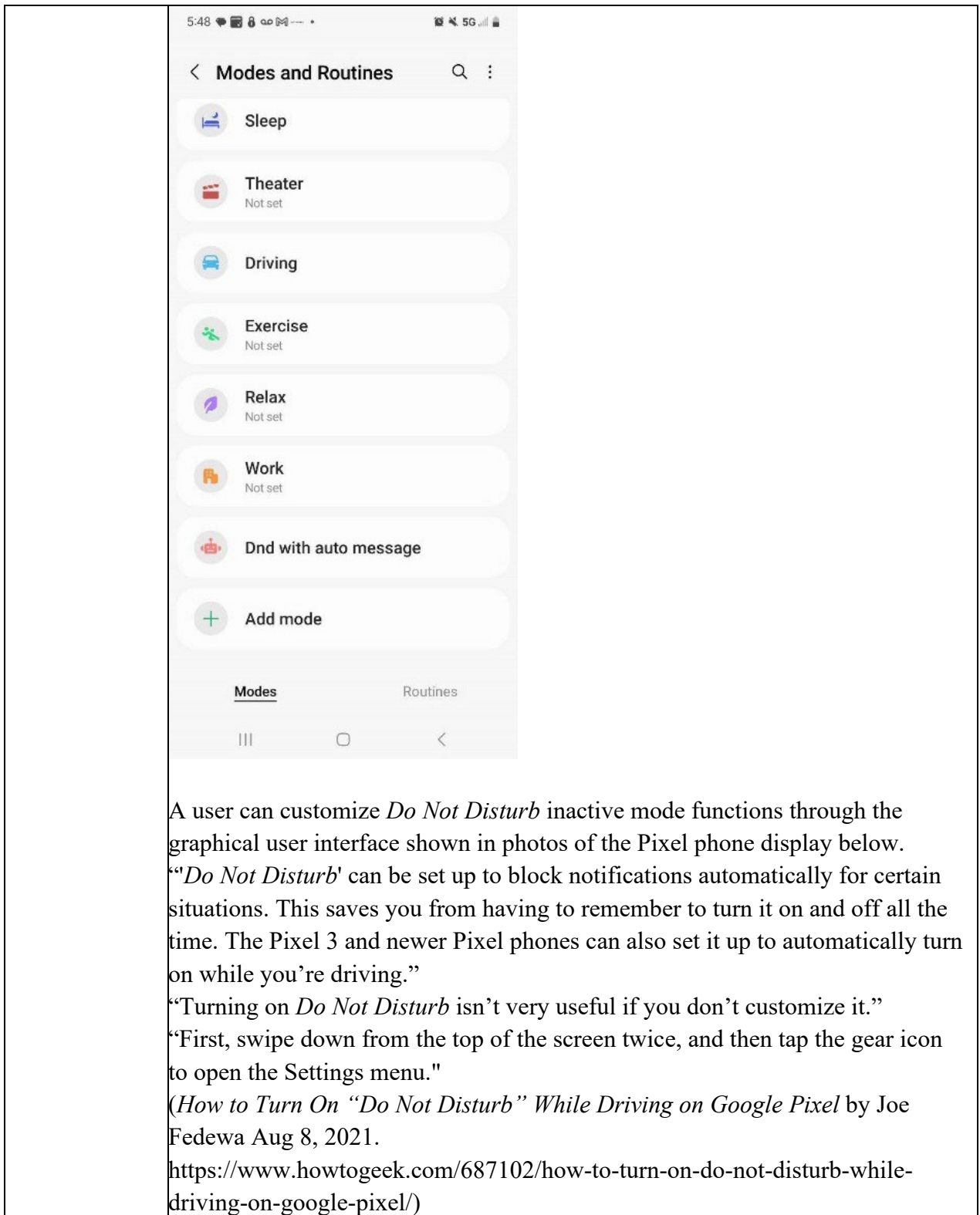
37. The "Driving Mode" and the "Add Mode" features of the Android phones infringes the '853 patent in the following ways:

Claim Chart for U.S. Patent No. 8,958,853
Google Pixel 2, 3 and later, and for all mobile device using Android OS after 2020/2021

Claim 1 of '853 Patent	Google Smartphone Infringement
A mobile device comprising:	Google Pixel 2, 3 and later smartphones are mobile devices using the Android operating system in conjunction with Google's Android Auto App. (https://support.google.com/pixelphone/answer/9140827?hl=en#) Alternatively, Google Assistant's Driving Mode was incorporated into the Android OS starting in 2020/2021 and is currently available on any mobile device using the Google Android operating system since that time. (https://www.slashgear.com/1326444/android-auto-vs-google-assistant-driving-mode/) Alternatively, mobile devices currently running Google Android Operating System (i.e., Android 13) have an "Add Mode" setting in the "Modes and Routines" section of the Settings that allows a user to customize a "Mode" that automatically activates when set to a vehicle's Bluetooth connection, and further allows a user to select and/or customize an away message such that, in response to receiving a message, the device automatically sends the away message and suppresses one or more sound, visual, or vibration communication cues.
a wireless communication module;	Google mobile devices include a wireless communication module for sending and receiving phone calls, messages and the like.
a processor, controlling the wireless communication module; and	Google mobile devices include a microprocessor that controls the wireless communication module. For example, Google Pixel 6 smartphones use an Octa-core central processing unit (an ARM CPU with two Cortex-X1 processors, two Cortex-A76 processors, and four Cortex-A55 processors in the Google Tensor chipset). The ARM CPU processor receives touch instructions from the user to control the wireless communications module.
a memory controlled by the processor, the memory including	Do Not Disturb, the Android Auto App, Google Assistant's Driving Mode, and Android's "Add Mode" customization setting in the "Modes and Routines" section of its Settings are performed by the execution of the instructions stored in semiconductor memory of the mobile device by the processor, which addresses these instructions. When the processor executes these instructions, the following steps are performed.

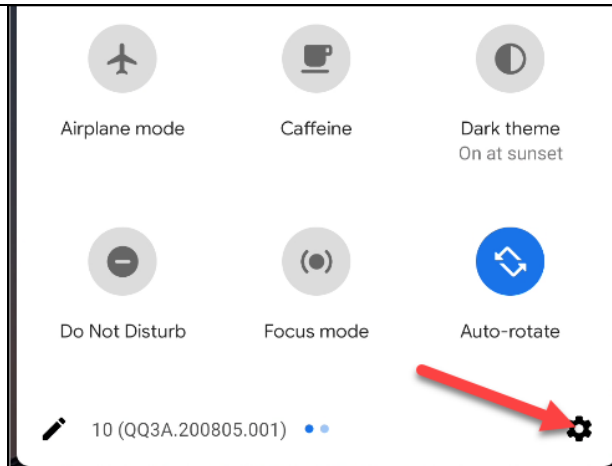|	
instructions that when executed by the processor cause the processor to perform the steps of:	
providing a graphical user interface through which a user customizes one or more functions of the mobile device when placed in an inactive mode;	The user can customize one or more functions of a Google mobile device with the Android graphical user interface, e.g., how Android Auto activates, etc. (https://support.google.com/androidauto/?visit_id=638446009590076406-1506973094&hl=en&rd=2#topic=6348018) The Android Auto App allows customization of an away message to use when the mobile device is in inactive mode while driving. (https://www.howtogeek.com/303851/how-to-change-the-auto-reply-message-in-android-auto/) Alternatively the user can use the Android graphical user interface to customize one or more functions of Google Assistant's Driving Mode. (https://9to5google.com/2022/06/02/how-to-use-android-driving-mode/). Alternatively, Android 13's "Modes and Routines" utilizes a graphical user interface through which a customer customizes one or more functions of the mobile device when placed in inactive mode.

A user can customize *Do Not Disturb* inactive mode functions through the graphical user interface shown in photos of the Pixel phone display below. "*Do Not Disturb*' can be set up to block notifications automatically for certain situations. This saves you from having to remember to turn it on and off all the time. The Pixel 3 and newer Pixel phones can also set it up to automatically turn on while you're driving."

"Turning on *Do Not Disturb* isn't very useful if you don't customize it."

"First, swipe down from the top of the screen twice, and then tap the gear icon to open the Settings menu."

(*How to Turn On "Do Not Disturb" While Driving on Google Pixel* by Joe Fedewa Aug 8, 2021. https://www.howtogeek.com/687102/how-to-turn-on-do-not-disturb-while-driving-on-google-pixel/)

Law Offices
COTCHETT, PITRE & MCCARTHY, LLP

By selecting the above *gear* icon in the Google Pixel Settings graphical user interface, the *Do Not Disturb* inactive mode may be selected. After opening the *Settings* menu, Select *Sound* (*Volume, vibration, Do Not Disturb*), and then select *Do Not Disturb*.as noted in Joe Fedewa's instructions:

"Go to Sound (or 'Sound & Vibration') > Do Not Disturb."
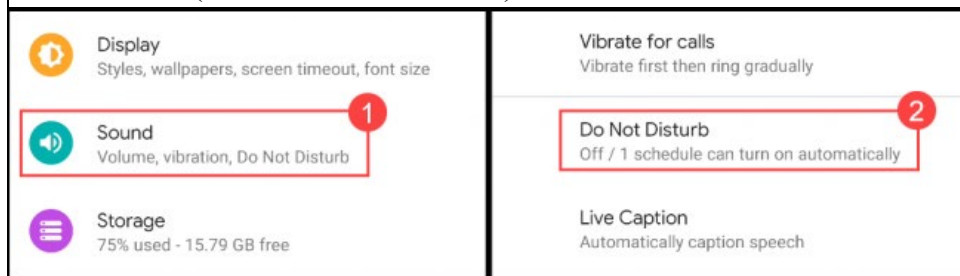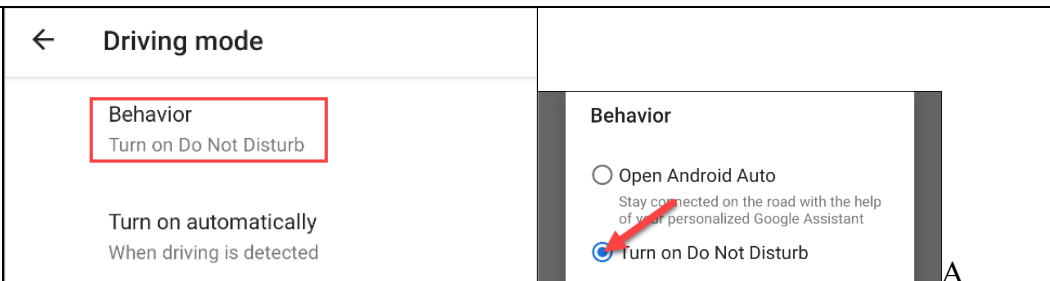
After *Do Not Disturb* is selected a schedule can turn on Do Not Disturb automatically. *Schedules* is selected (below), followed by *Driving On*, as so instructed by Joe Fedew: "Check the box for 'Driving.'"

"Next, tap the gear icon to open the Driving settings."
To *Turn on Do Not Disturb* mode, "At the top, select 'Behavior.'"

COMPLAINT FOR PATENT INFRINGEMENT   10

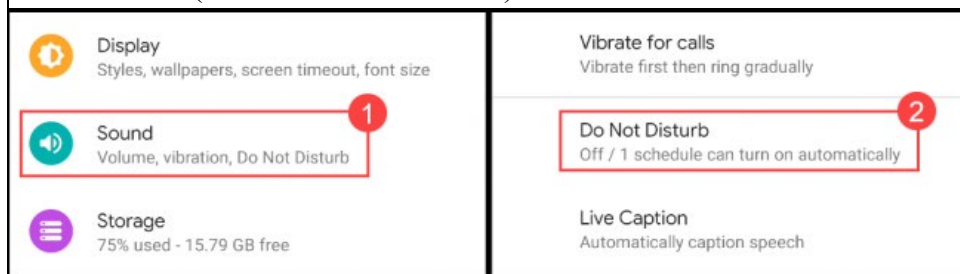|	
	A "Make sure that 'Turn on Do Not Disturb' is selected from the [above] pop-up message." (https://www.howtogeek.com/687102/how-to-turn-on-do-not-disturb-while-driving-on-google-pixel/)
receiving a user selection to automatically initiate the inactive mode in response to the pairing of the mobile device with a vehicle;	The user can select "Driving Mode" to automatically engage when the mobile device pairs to the vehicle via Bluetooth, and initiate the inactive mode. Specifically, for "Pixel 3 & later: … To not use your phone while driving, tap Turn on Do Not Disturb. … Tap Turn on automatically. … If your car doesn't work with Bluetooth, tap When driving is detected." For Pixel 2, the user sets up a "driving rule" as follows: "Open your phone's Settings app. Tap Sound Do Not Disturb. … Tap Turn on automatically. Tap Add rule Driving." (https://support.google.com/android/thread/138670608/when-iam-driving-my-phone-is-going-into-don-t-disturb-mode?hl=en) Alternatively, Google Assistant's Driving Mode allows a user to select to automatically initiate Driving Mode in response to pairing the mobile device with a vehicle. (https://9to5google.com/2022/06/02/how-to-use-android-driving-mode/) As shown in the first reference, it was obvious to combine this last reference (initiation of Driving Mode in response to pairing the mobile device with a vehicle) with the following reference for entering the inactive mode. "Limit interruptions with Do Not Disturb on Android You can silence your phone with Do Not Disturb. This mode can mute sound, stop vibration, and block visual disturbances. You can pick what you block and what you allow." "Stop interruptions automatically … While you drive"

COMPLAINT FOR PATENT INFRINGEMENT   11

https://support.google.com/android/answer/9069335?hl=en#zippy=%2Cwhile-you-drive

A Pixel smartphone will receive a user selection to automatically initiate the *Do Not Disturb* inactive mode when paired with a vehicle, as described the Aug 8, 2021 article, *How to Turn On "Do Not Disturb" While Driving on Google Pixel* by Joe Fedewa
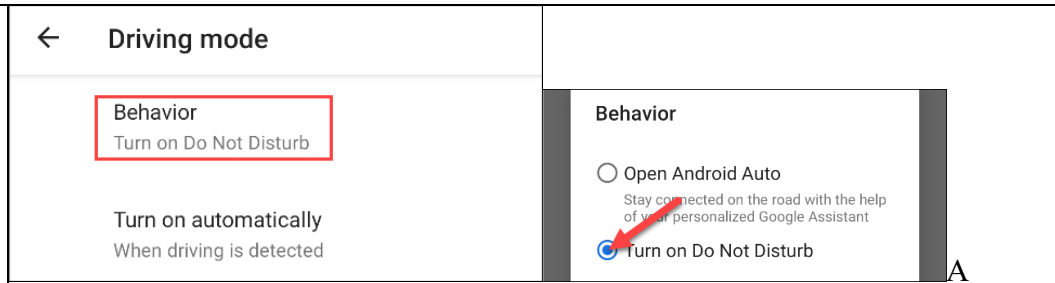https://www.howtogeek.com/687102/how-to-turn-on-do-not-disturb-while-driving-on-google-pixel/
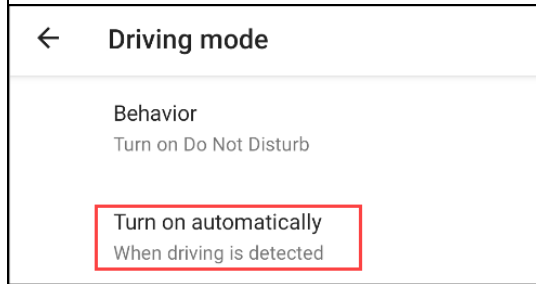After opening the *Settings* menu, Select *Sound* (*Volume, vibration, Do Not Disturb*), and then select *Do Not Disturb*.as noted in Joe Fedewa's instructions: "Go to Sound (or 'Sound & Vibration') > Do Not Disturb."

After *Do Not Disturb* is selected a schedule can turn on Do Not Disturb automatically. *Schedules* is selected (below), followed by *Driving On*, as so instructed by Joe Fedew: "Check the box for 'Driving.'"
How to Turn On "Do Not Disturb" While Driving on Google Pixel by Joe Fedewa, Aug 8, 2021
https://www.howtogeek.com/687102/how-to-turn-on-do-not-disturb-while-driving-on-google-pixel/
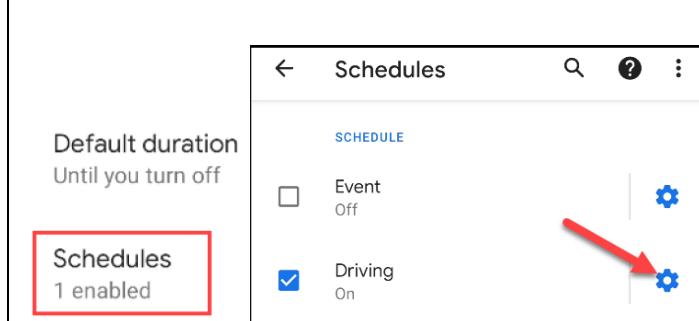
"Next, tap the gear icon to open the Driving settings."
To *Turn on Do Not Disturb* mode, "At the top, select 'Behavior.'"

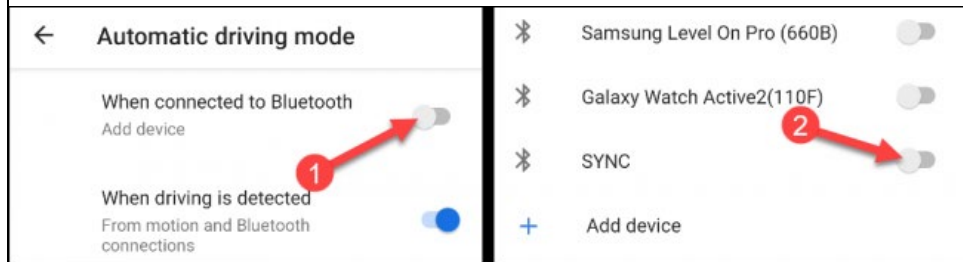**COMPLAINT FOR PATENT INFRINGEMENT**   12

A

"Make sure that 'Turn on Do Not Disturb' is selected from the [above] pop-up message."

"Now, tap 'Turn on automatically.'"

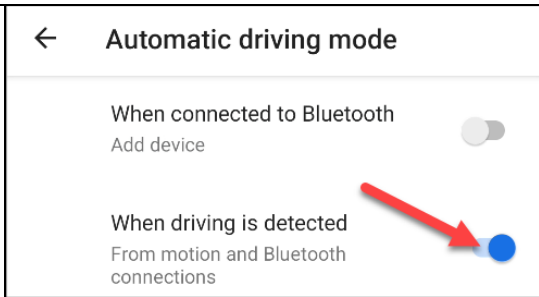The Android smartphone is automatically paired with a vehicle through Bluetooth.

"If you always connect to the same Bluetooth device while driving, such as your vehicle's infotainment system, you can select that. Toggle the switch for 'When Connected to Bluetooth' and choose a device from the list."
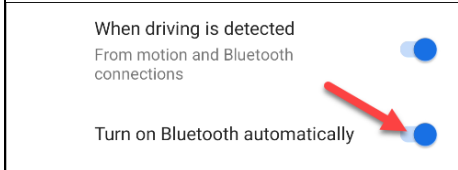

Thus an Android phone will automatically be paired with the vehicle by selecting *When connected to Bluetooth* , and adding the vehicle's infotainment system as the selected mobile *device*.

"The other option is 'When driving is detected.' This will use the motion of your phone to detect when you're driving."

COMPLAINT FOR PATENT INFRINGEMENT   13

"Lastly, you can toggle on 'Turn on Bluetooth automatically' to have your phone turn on Bluetooth when driving is detected. This will ensure that your Bluetooth devices connect when driving."
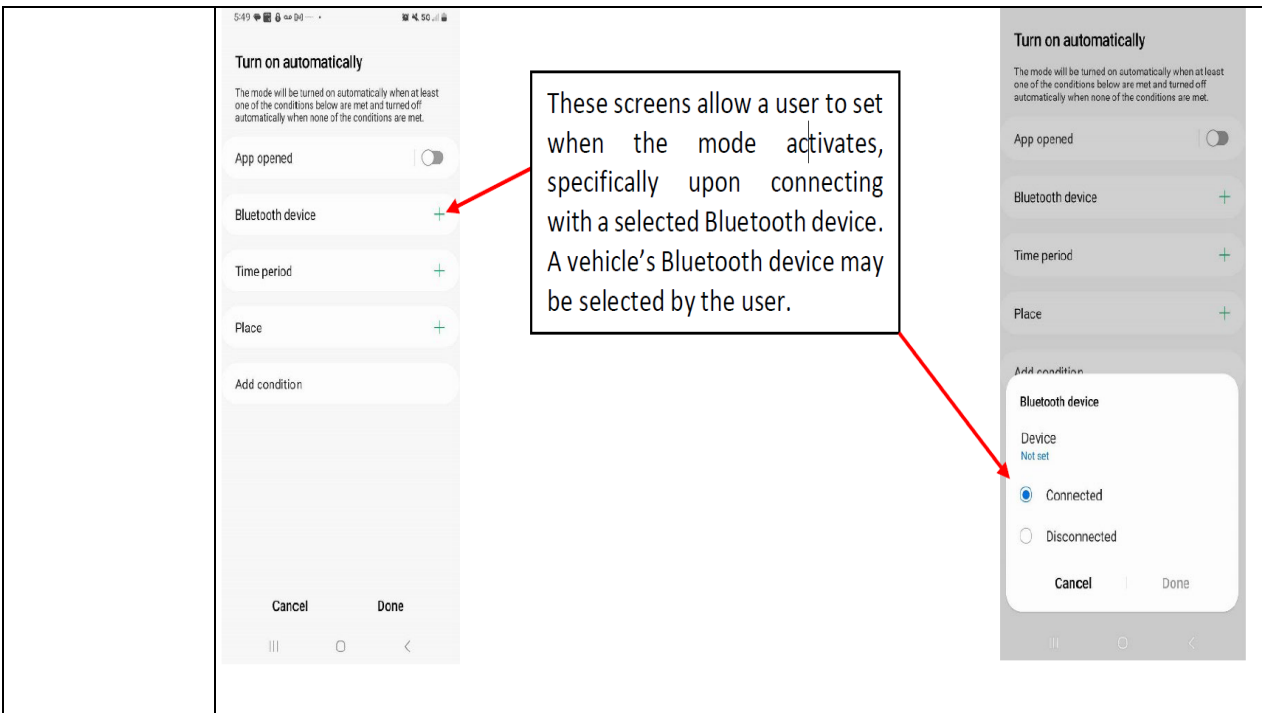

Selecting both *When driving is detected From Motion and Bluetooth connections* and *Turn on Bluetooth automatically* above will automatically place a Google Pixel smartphone in the Do Not Disturb inactive mode in response to the pairing (connection) of the Pixel smartphone with the vehicle through Bluetooth.

How to Turn On "Do Not Disturb" While Driving on Google Pixel, Joe Fedewa Aug 8, 2021.

https://www.howtogeek.com/687102/how-to-turn-on-do-not-disturb-while-driving-on-google-pixel/

Alternatively, Android 13's "Modes and Routines" allows a user to "Add mode," which further allows a user to activate the mode after pairing of the mobile device with a vehicle:

These screens allow a user to set when the mode activates, specifically upon connecting with a selected Bluetooth device. A vehicle's Bluetooth device may be selected by the user.

|	
receiving a user selection of an away message to use when the mobile device is in inactive mode;	Google's Android Auto App, used together with Google Pixel, allows customization of an away message to use when the mobile device is in inactive mode while driving. (https://www.howtogeek.com/303851/how-to-change-the-auto-reply-message-in-android-auto/) An away message is selectable in the Android OS by a user, such as setting up a voicemail when the user is inaccessible to receive a call. (https://support.google.com/fi/answer/6192734?hl=en&co=GENIE.Platform%3DAndroid#zippy=%2Cset-your-voicemail-greeting) Alternatively, in Android 13's "Add Mode" customization, the user is presented with several options of away messages to use when the mode is activated, including a "Custom message":
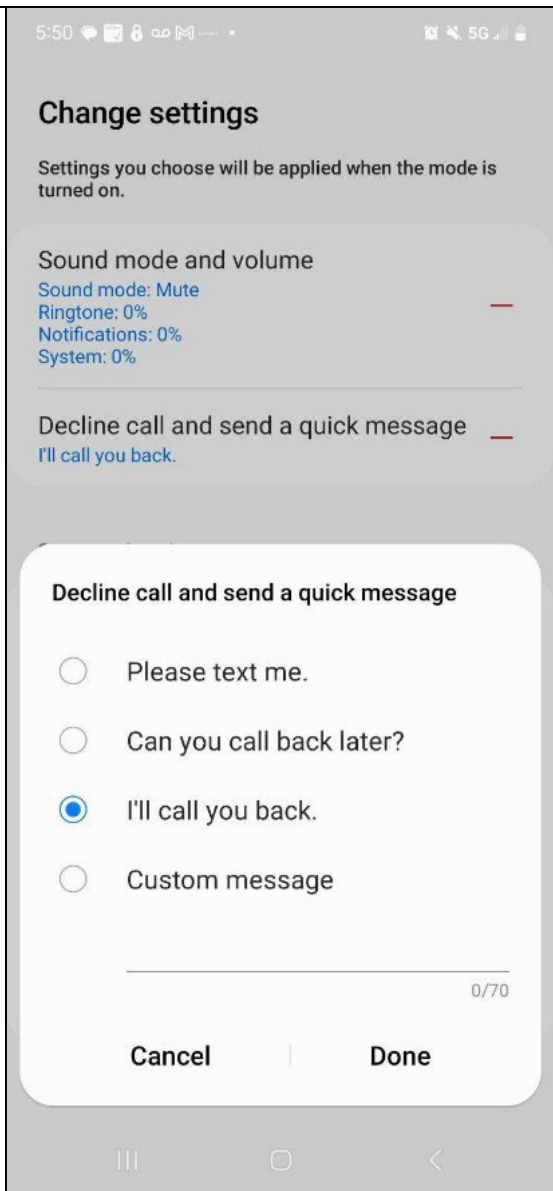
WhatisAnything explains how a Pixel phone receives a user selection of an away message to use when the Pixel phone is in the *Do Not Disturb* inactive mode. "Does Android auto reply on Do Not Disturb?
Open Settings and select Control Center. Select Customize Controls. Select the green plus next to Do Not Disturb While Driving to move it to the Include section. Now when you open Control Center, select the Do Not Disturb While Driving button to enable the auto-reply texts." https://whatisanything.com/how-can-google-assistant-silence-my-pixel-phone/#Does_Android_auto_reply_on_Do_Not_Disturb

in response to the pairing of the mobile	Do Not Disturb automatically engages when the mobile device pairs with the vehicle via Bluetooth. (https://support.google.com/pixelphone/answer/9140827?hl=en)

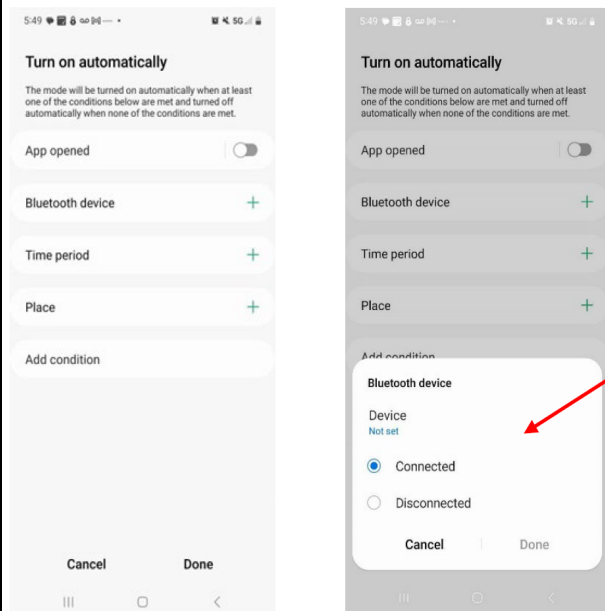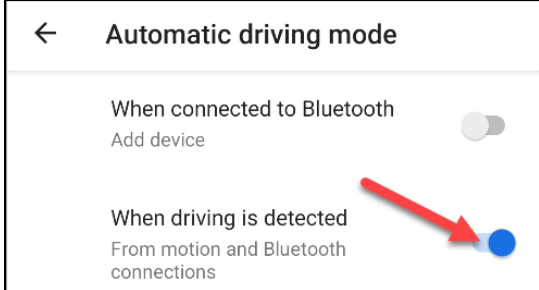| device and the vehicle, automatically initiating a process to place the mobile device in inactive mode;	Alternatively, the user can select to automatically initiate a process to place the mobile device in inactive mode, i.e., to allow or disallow incoming call while in Driving Mode. (https://9to5google.com/2022/06/02/how-to-use-android-driving-mode/) Moreover, the user can select to silence incoming notifications while driving in the "Personal Safety" settings in Android OS. (https://support.google.com/android/answer/9069335?hl=en#zippy=%2Cwhile-you-drive) Moreover, in Android 13's "Add Mode" customization, the device may be set to automatically initiate a process to place the mobile device in inactive mode in response to the pairing of the mobile device with the vehicle: A process to place a Pixel smartphone in the Do Not Disturb inactive mode is automatically initiated in response to the Bluetooth connection of the Pixel smartphone with a vehicle. A Pixel smartphone is placed in the Do Not Disturb inactive mode automatically *When driving is detected* if *Turn on automatically* has been selected. https://www.howtogeek.com/687102/how-to-turn-on-do-not-disturb-while-driving-on-google-pixel/
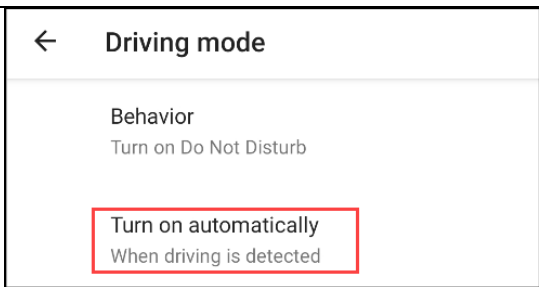
"If you always connect to the same Bluetooth device while driving, such as your vehicle's infotainment system, you can select that. Toggle the switch for 'When Connected to Bluetooth' and choose a device from the list."
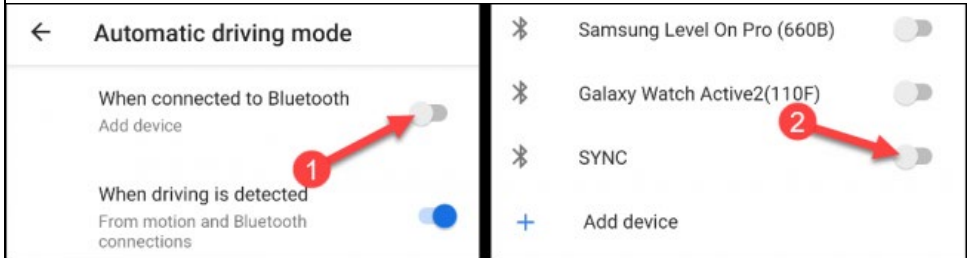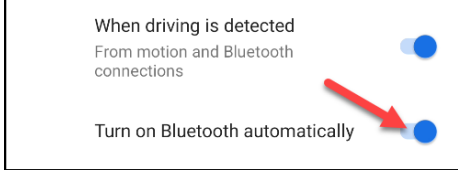

Thus a Google Pixel phone will automatically be paired with the vehicle by selecting *When connected to Bluetooth* , and adding the vehicle's infotainment system as the selected mobile *device*.

"The other option is 'When driving is detected.' This will use the motion of your phone to detect when you're driving."


"Lastly, you can toggle on 'Turn on Bluetooth automatically' to have your phone turn on Bluetooth when driving is detected. This will ensure that your Bluetooth devices connect when driving."

Selecting both *When driving is detected From Motion and Bluetooth connections* and *Turn on Bluetooth automatically* above will automatically place a Google Pixel smartphone in the Do Not Disturb inactive mode in response to the pairing (connection) of the Pixel smartphone with the vehicle through Bluetooth.

	How to Turn On "Do Not Disturb" While Driving on Google Pixel, Joe Fedewa Aug 8, 2021. https://www.howtogeek.com/687102/how-to-turn-on-do-not-disturb-while-driving-on-google-pixel/
when the mobile device is in inactive mode, in response to receiving a communication from the wireless communication module, transmitting the user selected away message via the wireless module and suppressing one or more sound, visual, or vibration communication cues that would have accompanied the communication had the mobile device not been in inactive mode.	When the mobile device is in inactive mode, Android Auto provides a means for a user to send the away message to users upon receiving a communication from the wireless communication module, allowing the user to transmit the user selected away message via the wireless module. (https://www.howtogeek.com/303851/how-to-change-the-auto-reply-message-in-android-auto/) Also, in Do Not Disturb, in response to receiving a communication from the wireless communication module, any one of sound, visual, or vibration that would have accompanied the communication had the mobile device not been in inactive mode is suppressed. "You can silence your phone with Do Not Disturb. This mode can mute sound, stop vibration, and block visual disturbances. You can pick what you block and what you allow." (https://support.google.com/pixelphone/answer/6111295) Alternatively, as detailed above, the user can select to allow or disallow incoming calls while using Google Assistant's Driving Mode, thereby suppressing any communication cue that would have accompanied the communication. (https://9to5google.com/2022/06/02/how-to-use-android-driving-mode/) Moreover, the user can select to silence incoming notifications while driving in the "Personal Safety" settings in Android OS. (https://support.google.com/android/answer/9069335?hl=en#zippy=%2Cwhile-you-drive) In addition, in Driving Mode, upon silencing of incoming notifications (through the Personal Safety settings) or disallowing incoming calls while driving (through Driving Mode), the Android OS will send the user selected away message, i.e., the voicemail indicating that the user is inaccessible. (https://support.google.com/fi/answer/6192734?hl=en&co=GENIE.Platform%3DAndroid#zippy=%2Cset-your-voicemail-greeting) Alternatively, in Android 13's "Add Mode" customization, a user selected away message is transmitted in response to receiving a communication from the wireless communication module, once set by the user:

COMPLAINT FOR PATENT INFRINGEMENT   19
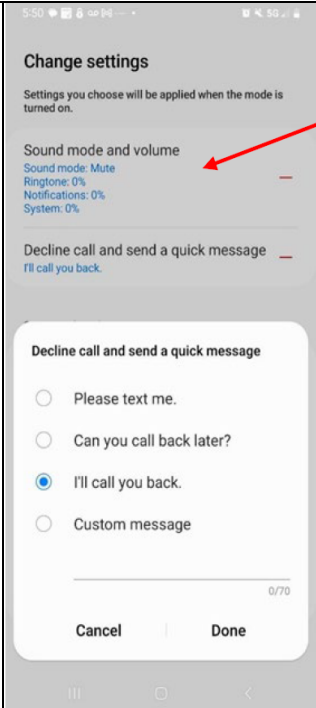
Moreover, the user is presented with selectable settings to mute the sound mode thereby suppressing sound communication cues that would have accompanied the communication had the mobile device not been in the inactive mode.

When a Pixel smart phone is in the Do Not Disturb inactive mode, in response to receiving a communication from the wireless communication module, a Google Pixel smartphone will transmit the user selected away message as described above (iii.) via the wireless module and mute communication cues that would have accompanied the communication had the Pixel smartphone not been in the Do Not Disturb inactive mode.

'Enabling 'Do Not Disturb' mode is one way to mute pesky notifications at times when you don't need them. Here's how to set it up on your Google Pixel."
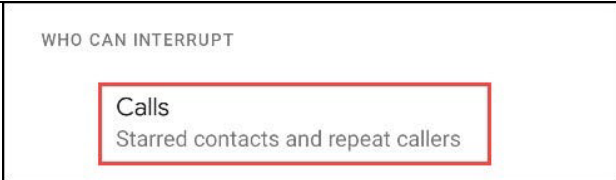*How to Set up Do Not Disturb on Google Pixel Phones* by Joe Fedewa May 1, 2021.
https://www.howtogeek.com/687005/how-to-set-up-do-not-disturb-on-google-pixel-phones/

"We'll start in the top section. This is where you can decide which people and apps can break through 'Do Not Disturb' mode. Tap 'People' to get started."
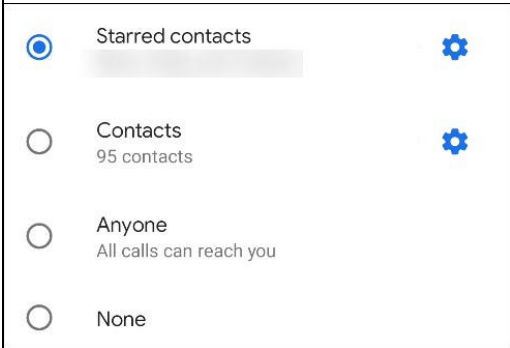

"Tap 'Calls' to choose which people will be able to ring your phone while it's in 'Do Not Disturb' mode."

Law Offices
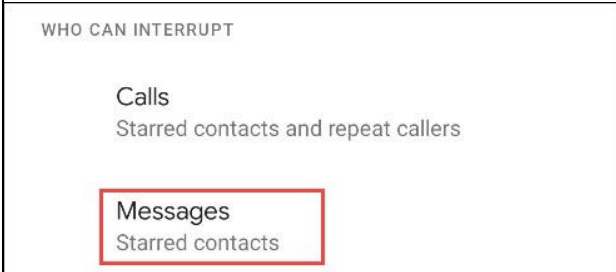COTCHETT, PITRE &
MCCARTHY, LLP

"Choose one of the following options from the list.
Starred Contacts: Anyone who you've saved as a starred contact.
...
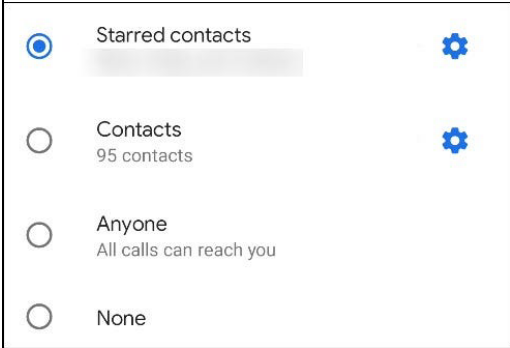None: All calls will be muted during Do Not Disturb mode."

By selecting *None* instead of *Starred contacts*, all calls will be muted during Do Not Disturb mode.
"Now, we're going to do the same thing for text messaging. Tap 'Messages.'"

"You'll see the same options that were available in the 'Calls' section."

By selecting *None* instead of *Starred contacts*, notification of all messages will be muted during Do Not Disturb mode.
How to Set up Do Not Disturb on Google Pixel Phones by Joe Fedewa May 1, 2021.
https://www.howtogeek.com/687005/how-to-set-up-do-not-disturb-on-google-pixel-phones/

38.   To the extent that the Driving Mode app and/or the Add Mode feature is not pre-loaded into the phones sold by Google, it is indirectly liable as it offers the apps for downloading into phones and provides directions to consumers on how to download the apps with, on information and belief, knowledge of the '853 patent and that the downloading the apps into the phone would create a mobile device that infringes it.

39.   As the direct and proximate result of Google's infringing conduct, TJTM has suffered injury and, if Google's conduct is not stopped, will continue to suffer irreparable injury, and significant damages, in an amount to be proven at trial. Because TJTM's remedy at law is inadequate, it seeks permanent injunctive relief.

40.   TJTM is informed and believes, and on that basis alleges, that Google's infringement of the '853 patent has been and continues to be intentional, willful, and without regard to TJTM's rights. TJTM is informed and believes, and on that basis alleges, that Google's infringement of the '853 patent is and has been intentional, deliberate, and willful at least because it had knowledge of the '853 as a result of its participation in the cell phone industry. It surely had knowledge of the "OFF MODE" app which was available for download long before the launch of the "Driving Mode" feature which, on information and belief, led Google to knowledge of the '853 patent.

41.   TJTM is informed and believes, and on that basis alleges, that Google has gained profits by virtue of its infringement of the '853 patent or, at a minimum, has avoided paying license fees for the use of the technology claimed in the '853 patent.

42.   TJTM has sustained damages as a direct and proximate result of Google's infringement of the '853.

43.   TJTM will suffer and is suffering irreparable harm from Google's infringement of the '853. TJTM has no adequate remedy at law and is entitled to an injunction against Google's continuing infringement of the '853. Unless enjoined, Google will continue its infringing conduct.

/ / /

/ / /

Law Offices
COTCHETT, PITRE &
MCCARTHY, LLP

COMPLAINT FOR PATENT INFRINGEMENT   22

PRAYER FOR RELIEF

WHEREFORE, TJTM prays for relief, as follows:

1.   A judgment that the '853 is valid and enforceable;

2.   A judgment that Google has infringed one of more claims of the '853 patent;

3.   An order and judgment permanently enjoining Google and its officers, directors, agents, servants, employees, affiliates, attorneys, and all others acting in privity or in concert with them, and their parents, subsidiaries, divisions, successors and assigns from further acts of infringement of the '853 patent;

4.   A judgment awarding TJTM all damages adequate to compensate for Google's infringement of the '853, and in no event less than a reasonable royalty for Google's acts of infringement, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;

5.   A judgment awarding TJTM all damages, including treble damages, based on any infringement found to be willful pursuant to 35 U.S.C. § 284, together with prejudgment interest;

6.   Actual damages suffered by TJTM as a result of Google's unlawful conduct, in an amount to be proven at trial, as well as prejudgment interest as authorized by law;

7.   A judgment that this is an exceptional case and an award to TJTM of its costs and reasonable attorneys' fees incurred in this action as provided by 35 U.S.C. § 285; and

8.   Such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, TJTM hereby demands a jury trial on all issues raised by the Complaint.

Dated: February 29, 2024

By: _/s/ Joseph W. Cotchett_

JOSEPH W. COTCHETT
TAMARAH PREVOST
KEVIN J. BOUTIN
COTCHETT, PITRE & McCARTHY, LLP

PAUL W. REIDL
LAW OFFICE OF PAUL W. REIDL

Attorneys for Plaintiff, TJTM Technologies LLC

Law Offices
COTCHETT, PITRE &
McCARTHY, LLP

COMPLAINT FOR PATENT INFRINGEMENT   23