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 BLACK HILLS MEDIA LLC

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UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

14

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BLACK HILLS MEDIA LLC,

CASE NO.

16

Plaintiff,

Assigned for all purposes to

17

vs.

**COMPLAINT FOR PATENT  
 INFRINGEMENT**

18

SONOS, INC.,

**JURY TRIAL DEMANDED**

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Defendant.

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1 Plaintiff Black Hills Media, LLC (“Black Hills” or “Plaintiff”), for its  
2 Complaint against Defendant Sonos, Inc. (“Defendant”), states and alleges as  
3 follows:

4  
5 **THE PARTIES**

6 1. Plaintiff Black Hills Media, LLC, is a Delaware limited liability  
7 company having its principal place of business at 1000 N. West St., Suite 1200,  
8 Wilmington, Delaware 19801.

9 2. Upon information and belief, Defendant Sonos, Inc., is a Delaware  
10 corporation with its principal place of business at 223 E. De La Guerra Street, Santa  
11 Barbara, California 93101.

12  
13 **JURISDICTION AND VENUE**

14 3. This is an action for patent infringement under the patent laws of the  
15 United States, Title 35, United States Code, specifically §§ 271 and 281-285. This  
16 Court has subject matter jurisdiction under Title 28 United States Code §§ 1331 and  
17 1338(a).

18 4. Venue is properly within the district under Title 28 United States Code  
19 §§ 1391(b) and (c) and 1400(b). On information and belief, Defendant has  
20 purposely transacted business involving their accused products in this judicial  
21 district, has committed acts of direct and/or indirect infringement in this judicial  
22 district and continues to commit acts of infringement in this district.

23  
24 **BACKGROUND**

25 5. Black Hills owns all of the rights and interests in United States Patent  
26 Nos. 8,045,952 (“the ‘952 Patent”); 8,050,652 (“the ‘652 Patent”); 6,985,694 (“the  
27 ‘694 Patent”); 7,742,740 (“the ‘740 Patent”); 6,757,517 (“the ‘517 Patent”);  
28 7,236,739 (“the ‘739 Patent”); 6,826,283 (“the ‘283 Patent”); 8,028,323 (“the ‘323

1 Patent”); 6,108,686 (“the ‘686 Patent”); 8,230,099 (“the ‘099 Patent”); and  
2 8,214,873 (“the ‘873 Patent”) (collectively, the “Patents in Suit”).

3 6. The ‘952 Patent entitled “Method and Device for Obtaining Playlist  
4 Content Over a Network” was duly and legally issued by the United States Patent  
5 and Trademark Office on October 25, 2011, after full and fair examination. A copy  
6 of the ‘952 Patent is attached as Exhibit A.

7 7. The ‘652 Patent entitled “Method and Device for an Internet Radio  
8 Capable of Obtaining Playlist Content From a Content Server” was duly and legally  
9 issued by the United States Patent and Trademark Office on November 1, 2011,  
10 after full and fair examination. A copy of the ‘652 Patent is attached as Exhibit B.

11 8. The ‘694 Patent entitled “Method and System for Providing an Audio  
12 Element Cache in a Customized Personal Radio Broadcast” was duly and legally  
13 issued by the United States Patent and Trademark Office on January 10, 2006, after  
14 full and fair examination. A copy of the ‘694 Patent is attached as Exhibit C.

15 9. The ‘740 Patent entitled “Audio Player Device for Synchronous  
16 Playback of Audio Signals With a Compatible Device” was duly and legally issued  
17 by the United States Patent and Trademark Office on June 22, 2010, after full and  
18 fair examination. A copy of the ‘740 Patent is attached as Exhibit D.

19 10. The ‘517 Patent entitled “Apparatus and Method for Coordinated  
20 Music Playback in Wireless Ad-Hoc Networks” was duly and legally issued by the  
21 United States Patent and Trademark Office on June 29, 2004, after full and fair  
22 examination. A copy of the ‘517 Patent is attached as Exhibit E.

23 11. The ‘739 Patent entitled “Apparatus and Method for Coordinated  
24 Music Playback in Wireless Ad-Hoc Networks” was duly and legally issued by the  
25 United States Patent and Trademark Office on June 26, 2007, after full and fair  
26 examination. A copy of the ‘739 Patent is attached as Exhibit F.

27 12. The ‘283 Patent entitled “Method and System for Allowing Multiple  
28 Nodes in a Small Environment to Play Audio Signals Independent of Other Nodes”

1 was duly and legally issued by the United States Patent and Trademark Office on  
2 November 30, 2004. A copy of the '283 Patent is attached as Exhibit G.

3 13. The '323 Patent entitled "Method and System for Employing a First  
4 Device to Direct a Networked Audio Device to Obtain a Media Item" was duly and  
5 legally issued by the United States Patent and Trademark Office on September 27,  
6 2011. A copy of the '323 Patent is attached as Exhibit H.

7 14. The '686 Patent entitled "Agent-Based On-Line Information Retrieval  
8 and Viewing System" was duly and legally issued by the United States Patent and  
9 Trademark Office on August 22, 2000. A copy of the '686 Patent is attached as  
10 Exhibit I.

11 15. The '099 Patent entitled "System and Method for Sharing Playlists"  
12 was duly and legally issued by the United States Patent and Trademark Office on  
13 July 24, 2012. A copy of the '686 Patent is attached as Exhibit J.

14 16. The '873 Patent entitled "Method, System, and Computer-Readable  
15 Medium for Employing a First Device to Direct a Networked Audio Device to  
16 Render a Playlist" was duly and legally issued by the United States Patent and  
17 Trademark Office on July 3, 2012. A copy of the '873 Patent is attached as Exhibit  
18 K.

19 17. Defendant sells and distributes, including upon information and belief  
20 within the Central District of California, at least the following networked audio  
21 devices: Play:5, Play:3, Play 1, Bridge, Connect:Amp, Connect, 2x Play:5, 2x  
22 Play:3, Sonos Control, Controller 100, Controller 200, ZonePlayer S5, ZoneBridge  
23 BR 100, ZonePlayer 80, ZonePlayer 90, ZonePlayer 100, ZonePlayer 120,  
24 Sonos:Sub and Playbar.

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**COUNT I**

**INFRINGEMENT OF THE '952 PATENT**

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3 18. Plaintiff incorporates each of the preceding paragraphs 1 - 17 as if  
4 fully set forth herein.

5 19. Defendant is directly or indirectly infringing at least claims 1 and 9 of  
6 the '952 Patent literally, or under the doctrine of equivalents, by importing into the  
7 United States, or making, using, selling, or offering for sale in the United States,  
8 including the Central District of California, products embodying the patented  
9 inventions claimed in the '952 Patent without authority, including but not limited to  
10 the products identified in preceding paragraph 17, or by contributing to or inducing  
11 infringement of the '952 Patent by a third party.

12 20. Upon information and belief, after becoming aware of the '952 Patent  
13 and its infringement thereof, Defendant has intended, and continues to intend, to  
14 induce third party infringement of the '952 Patent and has knowledge that the  
15 inducing acts would cause infringement or has been willfully blind to the possibility  
16 that its inducing acts would cause infringement.

17 21. Black Hills made Defendant aware of the '952 Patent through  
18 discussions with Defendant's counsel shortly after May 22, 2012. Additionally,  
19 upon information and belief, Defendant has been aware of, and continues to be  
20 aware of, the '952 Patent since at least October 4, 2012, when Black Hills and  
21 Defendant filed a Joint Stipulation to Extend Time for Sonos to Answer, Move or  
22 Otherwise Respond to Black Hills' First Amended Complaint in action 2:13-cv-  
23 06062. Furthermore, on January 11, 2013 Defendant filed its Motion to Dismiss, or  
24 in the Alternative for a More Definite Statement Under Fed. R. Civ. P. 12(e) in the  
25 aforementioned action, evidencing its knowledge of the '952 Patent. On January  
26 23, 2013, Defendant further confirmed its knowledge of the '952 Patent by filing its  
27 Motion to Transfer to United States District Court for the Central District of  
28 California in the aforementioned action. Subsequently, on July 26, 2013,

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