

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

_____	)	
ANDREA ELECTRONICS	)	
CORPORATION,	)	
	)	Civil Action No. _____
Plaintiff,	)	
	)	<b>COMPLAINT</b>
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
APPLE INC.	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Andrea Electronics Corporation (“Andrea” or “Plaintiff”), by and through its counsel, Pepper Hamilton LLP, hereby submits its Complaint for Patent Infringement against defendant Apple Inc. (“Apple” or “Defendant”), and alleges as follows:

**NATURE OF ACTION**

1. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin infringement and obtain damages resulting from Defendant’s unauthorized and ongoing actions, in the state of New York and elsewhere, of making, having made, using, selling, having sold, offering to sell, and/or importing or having imported into the United States, desktop computers, all-in-one computers, notebook/laptop computers, tablets, smart phones, headsets, headphones, earbuds, and wearables (*e.g.*, watches) that infringe one or more claims of Andrea’s U.S. Patent No. 6,049,607 (the “’607 Patent”), U.S. Patent No. 6,363,345 (the “’345 Patent”), and U.S. Patent No. 6,377,637 (the “’637 Patent”) (collectively, the “Asserted Patents”).

2. This is an action for direct infringement. Upon information and belief, Defendant makes, has made, uses, sells, offers to sell, imports, and/or has imported into the United States

certain desktop computers, all-in-one computers, notebook/laptop computers, tablets, smart phones, headsets, headphones, earbuds, and wearables that infringe one or more of the Asserted Patents, either literally or under the doctrine of equivalents.

3. In addition, this is an action for indirect infringement. Upon information and belief, Defendant contributes to or induces the direct infringement, either literally or under the doctrine of equivalents, of one or more claims in the Asserted Patents.

4. Andrea asserts that Defendant infringes the following claims:

Asserted Patent	Asserted Claims
'607	1-12 and 25-37
'345	1-25, 38-40, and 42-47
'637	1-14

### **THE PARTIES**

#### **A. Plaintiff Andrea**

5. Plaintiff Andrea is a corporation organized and existing under the laws of the state of New York with its principal place of business at 620 Johnson Avenue, Suite 1B, Bohemia, New York 11716.

6. Andrea is a publicly-held company with its corporate headquarters located in Bohemia, New York. Andrea engages in substantial engineering, research, and development related to audio technology and has developed microphone hardware and software that provides solutions to current sound fidelity challenges.

7. Andrea has a decorated history as a leading industry developer of product solutions which optimize the performance of voice user interfaces. Its technology has been applied to products related to, among other things, voice over internet protocol ("VoIP")

telephony, VoIP teleconferencing, video conferencing, speech recognition, computer gaming, in-car computing, and 3D audio recording.

8. The leadership of Andrea has spanned three familial generations and over 80 years. Andrea's products are featured in the Henry Ford Museum and Smithsonian National Museum of American History.

9. In the early 1900s, Frank Andrea, an Italian immigrant, started his business career. He began as an electroplater for I.P. Frink manufacturing company and studied at night as a tool maker and machinist at the Mechanic's Institute in New York City. In 1913 he joined the Frederick Pierce Company and, after the outbreak of World War I, worked to design tools to manufacture parts for a new aircraft radio receiver that he had built. Mr. Andrea soon thereafter started his own company, FADA.

10. As founder of FADA, Mr. Andrea employed his family members, including his 16 year-old brother, John. FADA picked up momentum when Mr. Andrea convinced Marconi, the predecessor of RCA, to place an order for radio parts. FADA began manufacturing parts for crystal sets and "Do It Yourself" kits. FADA also soon began manufacturing parts such as sockets and rheostats for tube type radios.

11. After selling his controlling interest in FADA, Mr. Andrea founded the Andrea Radio Corporation ("Andrea Radio"), whose product offerings evolved over time. In 1939, Andrea Radio developed and produced one of the first television sets, which was displayed at the World's Fair in Queens, New York. Andrea Radio sold TV kits and the first television console models that also housed a radio and phonograph. In 1954, Andrea Radio began developing a color television and introduced a set in 1957.

12. During the Second World War, Andrea Radio also engaged in the production of military electronics. In 1942, Andrea Radio was presented with the prestigious high honors Navy E Award for manufacturing excellence and providing military audio communications equipment. In the early 1960s, Andrea Radio developed and produced several types of high reliability intercommunication systems for installation in various military and commercial aircraft. Andrea Radio produced the audio intercom system for Project Mercury's first manned spacecraft.

13. Mr. Andrea passed away in 1965, leaving his son, Frank Jr., to continue the Andrea business.

14. In the 1970s and 1980s, Andrea Radio became a premier supplier of high performance avionic intercom equipment for defense industry manufacturers like Bell Helicopter, Boeing, Sikorsky, and Lockheed, prompting Andrea Radio to change its name to Andrea Electronics Corporation. Andrea produced microphone audio pre-amplifiers for Navy aviators' oxygen mask helmet systems. The experience gained from producing audio intercom systems for these high noise environments paved the way for Andrea's emphasis on active noise cancellation.

15. Product development continued in the 1990s with Andrea producing the first Active Noise Canceling boom microphone computer headset for deployment with computer speech recognition. Andrea shipped millions of headsets and microphone products to software OEMs. In 1998, Andrea developed and produced the first digital array microphone for commercial use, providing hands-free voice command and control functionality. In 1999, Andrea developed and produced the first USB headset as well as the first desktop digital array microphone.

16. In the 2000s, Andrea broadened the application of its product offerings. In 2001, it developed and produced digital noise canceling array microphones for speech control systems in police cruisers. In 2002, Andrea revolutionized personal computer audio input by introducing the first stereo array microphone interface for integrated audio codecs. By the late 2000s, Andrea had shipped over one million SuperBeam stereo array microphones, and millions of DSDA stereo array microphone and EchoStop speakerphone products.

17. Andrea has continued its innovation and offers microphone and earphone technologies designed to enhance sound quality. Andrea, now led by Frank Andrea's grandson, Douglas Andrea, successfully transformed itself from a manufacturer of industrial and military intercommunication systems into a creator of cutting-edge audio technologies. Andrea incorporates its patented technologies to enable natural language interfaces and enhance the performance of voice-related applications.

18. Today, Andrea offers a variety of products incorporating its technologies such as printed circuit boards, microphones, software algorithms, and related products. Since its inception, Andrea has gone through a remarkable evolution as an audio technology leader, meeting the ever-changing needs of a demanding audio communications marketplace.

19. As a result of the convergence between computers and communication devices, a new generation of connected mobile devices is becoming pervasive. Andrea has developed and continues developing new products incorporating its technologies to enhance the user experience of mainstream applications such as speech recognition, VoIP/ video conferencing, distance learning, enterprise collaboration, game chat, and live digital audio recordings.

20. In addition to its own significant engineering, research, and development into audio processing technologies, Andrea also worked extensively with Lamar Signal Processing

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