IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CYWEE GROUP LTD.,	CASE NO.
Plaintiff,	**PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**
v.	
GOOGLE, INC.,	**JURY TRIAL DEMANDED**
Defendant.	

1.   Plaintiff CyWee Group Ltd. ("Plaintiff" or "CyWee"), by and through its undersigned counsel, files this Original Complaint against Google, Inc. ("Google") as follows:

THE PARTIES

2.   CyWee is a corporation existing under the laws of the British Virgin Islands with a principal place of business at 3F, No.28, Lane 128, Jing Ye 1st Road, Taipei, Taiwan 10462.

3.   CyWee is a world-leading technology company that focuses on building products and providing services for consumers and businesses. CyWee has one of the most significant patent portfolios in the industry and is a market leader in its core development areas of motion processing, wireless high definition video delivery, and facial tracking technology.

4.   Google, Inc. is a wholly-owned subsidiary of Alphabet, Inc. Google is a Delaware company with its principal place of business in California at 1600

Amphitheatre Parkway, Mountain View, CA 94043. Google may be served through its agent for service of process, Corporation Service Company, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA 95833.

JURISDICTION AND VENUE

5.   This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6.   This Court has personal jurisdiction over Google. Google has conducted and does conduct business within the State of Delaware. Google has purposefully and voluntarily availed itself of the privileges of conducting business in the United States and in the State of Delaware by continuously and systematically placing goods into the stream of commerce through an established distribution channel with the expectation that they will be purchased by consumers in Delaware. Google is registered to do business in Delaware and has authorized retailers for the accused products in this judicial district. Plaintiff's cause of action arises directly from Google's business contacts and other activities in the State of Delaware. Additionally, Google is incorporated in Delaware. Accordingly, this Court has personal jurisdiction over Google because it resides in this District.

7.   Upon information and belief, Google has committed acts of infringement in this District giving rise to this action and does business in this

District, including making sales and/or providing service and support for their respective customers in this District. Google purposefully and voluntarily sold one or more of its infringing products with the expectation that they would be purchased by consumers in this District. These infringing products have been and continue to be purchased by consumers in this District. Google has committed acts of patent infringement within the United States and the State of Delaware.

8. Venue is proper as to Google under 28 U.S.C. § 1400(b) in that Google is incorporated in Delaware and, therefore, resides in this District.

BACKGROUND

Patentee And The Asserted Patents.

9. The Industrial Technology Research Institute ("ITRI") is a Taiwanese government- and industry-funded research and development center. In 2007, CyWee, which was started at ITRI, was formed. Its goal was to provide innovative motion-sensing technologies, such as those claimed in the patents-in-suit. Dr. Shun-Nan Liu and Chin-Lung Li, two of the inventors of the patents-in-suit, came to CyWee from ITRI. The third inventor, Zhou "Joe" Ye joined CyWee from private industry as its President and served as CEO from 2006 to 2016.

10. The inventors, Zhou Ye, Chin-Lung Li, and Shun-Nan Liou, conceived of the claims of the patents-in-suit—U.S. Patent No. 8,441,438 (the "'438 patent") and U.S. Patent No. 8,552,978 (the "'978 patent")—at CyWee

Group Ltd., located at 3F, No. 28, Lane 128, Jing Ye Road, Taipei. A true and correct copy of the '438 patent and the '978 patent are attached hereto as Exhibit A and Exhibit B respectively, in accordance with Local Rule 3.2.

11.   Several claims of the patents-in-suit are entitled to a priority date of at least January 6, 2010 based on U.S. Provisional Application Serial No. 61/292,558, filed January 6, 2010 ("Provisional Application").

12.   Before May 22, 2009, CyWee began working on the "JIL Game Phone Project" or "JIL Phone." Before July 29, 2009, CyWee developed a solution for the JIL Phone that practiced several claims of the '438 patent. Those claims were diligently and constructively reduced to practice thereafter through the filing of the Provisional Application and were diligently and actually reduced to practice as discussed below. Accordingly, CyWee is entitled to a priority date of at least July 29, 2009 for several claims of the '438 patent.

13.   The JIL Phone was reduced to practice by at least September 25, 2009. The JIL Phone practiced several claims of both patents-in-suit. Accordingly, CyWee is entitled to a priority date of at least September 25, 2009 for several claims of the patents-in-suit.

Background Of The Technology.

14.   The '438 patent and '978 patent are each directed to devices and methods for tracking the motion of a portable electronic device in 3D space and

compensating for accumulated errors to map the 3D movements of the device onto a display frame ('438 patent) or transform the 3D movements for a display, such as a 2D display on a computer or handheld device ('978 patent). '438 patent 1:17-52, 3:52-57; '978 patent 1:22-27, 7:5-18; **Exhibit C**, Declaration of Nicholas Gans, Ph.D. ("Gans Decl.") ¶ 8. At a high level, the patented inventions teach how to determine a device's current orientation based on motion data detected by its motion sensors, such as an accelerometer, gyroscope, and magnetometer. '438 patent 4:6-30; '978 patent 4:15-44; Gans Decl. ¶ 8. The '438 patent and '978 patent describe portable electronic devices or pointing devices such as smartphones and navigation equipment. '978 patent 22:34-40, Fig. 6; '438 patent 4:6-30, Fig. 6; Gans. Decl. ¶ 8.

15.   There are different types of motion sensors, including accelerometers, gyroscopes, and magnetometers. Gans Decl. ¶ 9. Accelerometers measure accelerations. *Id.* For example, airbags use accelerometers, such that the airbag is triggered based on sudden deceleration. Accelerometers can also measure forces due to gravity. *Id.* Gyroscopes measure rotation rates or angular velocities. *Id.* Magnetometers measure magnetism, including the strength of a magnetic field along a particular direction. *Id.* Each type of motion sensor is subject to inaccuracies. *Id.* For example, a gyroscope sensor has a small, added offset or bias. *Id.* This bias will accumulate over time and lead to large drift error. *Id.* Similarly,

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