

Exhibit B

THE HONORABLE JAMES L. ROBART

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION**

CYWEE GROUP LTD.,

Plaintiff,

v.

HTC CORPORATION and HTC

AMERICA, INC.,

Defendants.

Civil Action No. 2:17-cv-00932-JLR

**PLAINTIFF’S DISCLOSURE OF
ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS**

Pursuant to Patent Local Rule 120 and the Court’s Minute Order Setting Trial Dates and Related Dates (Dkt. No. 42), Plaintiff CyWee Group Ltd. (“CyWee”) serves its Disclosure of Asserted Claims and Infringement Contentions regarding U.S. Patent Nos. 8,441,438 (the “’438 patent”) and 8,552,978 (the “’978 patent”).

A. Each claim ("Asserted Claim") of each patent in suit that is allegedly infringed by each opposing party, including for each claim the applicable statutory subsections of 35 U.S.C. § 217 asserted.

Patent	Infringed Claims	Statutory Subsections
'438 patent	1, 3, 4, 5, 14, 15, 16, 17, 19	35 U.S.C. §§ 271(a)-(b)

**PLAINTIFF’S DISCLOSURE OF ASSERTED
CLAIMS AND INFRINGEMENT CONTENTIONS**

**SHORE CHAN DePUMPO LLP
901 MAIN ST., STE. 3300**

Patent	Infringed Claims	Statutory Subsections
'978 patent	10, 12	35 U.S.C. §§ 271(a)-(b)

B. For each Asserted Claim, each accused apparatus, product, device, process, method, act, or other instrumentality (“Accused Device”) of each opposing party. Each product, device, and apparatus must be identified by name or model number, if known. Each method or process must be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process.

Each of the following Accused Devices infringes each asserted claim of the '438 patent:

the HTC One M9, HTC One A9, HTC 10, HTC Bolt, HTC U Ultra, HTC U11, and HTC U11 Life.

Each of the following Accused Devices infringes each asserted claim of the '978 patent:

the HTC One M9, HTC One A9, HTC 10, HTC Bolt, HTC U Ultra, HTC U11, and HTC U11 Life.

C. A chart identifying specifically where each element of each Asserted Claim is found within each Accused Device, including for each claim element that such party contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in the Accused Device that performs the claimed function.

Claim charts are provided as Exhibits 1 through 14. Each claim chart is an exemplar of how all HTC devices manufactured using the same or similar technology infringe each asserted claim. Nothing in these claim charts is intended to prevent CyWee from presenting additional evidence of infringement at trial.

D. For each claim which is alleged to have been indirectly infringed, an identification of any direct infringement and a description of the acts of the alleged indirect infringer that contribute to or are inducing that direct infringement. Insofar as alleged direct infringement is based on joint acts of multiple parties, the role of each such party in the direct infringement must be described.

CyWee contends that HTC directly infringes each Asserted Claim of the patents-in-suit.

1 Further, at least as a result of the filing of the complaints in this case, HTC is aware of the
 2 patents-in-suit, is aware that its actions with regards to distributors, resellers, and/or end users of
 3 the accused products would induce infringement, and despite such awareness takes active steps,
 4 such as dissemination of the Accused Devices, and product manuals, instructions, promotional
 5 and marketing materials, and/or technical materials to distributors, resellers, and end users,
 6 encouraging infringement of the patents-in-suit. HTC's infringing actions further include HTC's
 7 release, in the United States, of the HTC U11 (in or around December 2017) and HTC U11 Life
 8 (in or around November 2017) after CyWee filed its complaints in this case, as well as its
 9 continued sales of other infringing products.

10 HTC sells its products to distributors and resellers with the expectation that they will sell
 11 said devices to end users. Distributors and resellers of HTC products, including AliExpress,
 12 Amazon, Best Buy, eGlobal Central, Groupon, HTC, Jet.com, Newegg, Sprint, TecoBuy, T-
 13 Mobile, Verizon, Walmart, and World Wide Voltage each sell Accused Devices, and thereby
 14 directly infringe the patents-in-suit.

	HTC One M9	HTC One A9	HTC 10	HTC Bolt	HTC U Ultra	HTC U11	HTC U11 Life
AliExpress		X	X			X	
Amazon	X		X	X	X	X	
Best Buy	X	X	X	X		X	
eGlobal Central			X		X	X	
Groupon		X					
HTC	X	X	X	X	X	X	X
Jet.com		X	X				
Newegg	X		X				
Sprint		X	X	X		X	X
TecoBuy			X		X	X	
T-Mobile	X		X				X
Verizon	X		X				
Walmart	X	X	X	X	X	X	

	HTC One M9	HTC One A9	HTC 10	HTC Bolt	HTC U Ultra	HTC U11	HTC U11 Life
World Wide Voltage	X	X				X	

Distributors and resellers of Accused Devices demonstrate usage of said devices to end users, which is itself an infringing act, and teaches said end users how to infringe CyWee's patents. Distributors and resellers of the Accused Devices further disseminate product manuals, promotional materials, and/or technical materials to end users.

End users of the patents-in-suit directly infringe through normal and ordinary use of the Accused Devices as described in CyWee's Opposition to HTC's Motion to Dismiss (Dkt. No. 39) and the Declaration of Dr. Nicholas Gans (Dkt. No. 20-3), both of which are incorporated by reference herein. CyWee attached detailed claim charts to both its original complaint (Dkt. No. 1) and first amended complaint (Dkt. No. 20) showing how those products infringe when used by persons such as and including end users. Further, the charts attached hereto show how the Accused Devices infringe when used. Those charts show that HTC touts inclusion of an accelerometer, gyroscope, and magnetometer. See <https://www.htc.com/us/smartphones/htc-bolt/buy/>. As CyWee's expert testified in a declaration attached to CyWee's amended complaint, 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. Dkt. No. 20-3 ¶ 8.

HTC encourages the use of advanced motion sensor features, and CyWee expects that discovery will confirm that these features depend on its claimed technology. For example, HTC advertises its "Motion Launch" and "Motion gestures" features on its website, and provides instructions for using said features on its website. Those instructions state that a user can answer an HTC phone by picking it up and raising it to his or her head, and that the phone can be muted by placing it facedown. *E.g.*, <http://www.htc.com/us/support/htc-u11-sprint/howto/motion->

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