UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

KAIFI LLC, Plaintiff, v. AMAZON.COM, INC.; AMAZON.COM SERVICES LLC; and AMAZON WEB SERVICES, INC. Defendants.	Case No. 2:24-cv-00542 JURY TRIAL DEMANDED

PLAINTIFF KAIFI LLC'S P.R. 3-1 AND 3-2 DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS AND ACCOMPANYING DOCUMENT PRODUCTION

Pursuant to Local Patent Rules 3-1 and 3-2 and the Court's Scheduling Order, Plaintiff KAIFI LLC ("KAIFI") hereby provides its disclosure of asserted claims and infringement contentions against Defendants Amazon.com, Inc., ("Amazon.com"), Amazon.com Services LLC ("Amazon Services"), and Amazon Web Services, Inc. ("Amazon AWS"), including by reference the entirety of the attached appendices and exhibits, and accompanying document production.

KAIFI makes these disclosures based on the information that is presently known and publicly available, without the benefit of discovery. KAIFI has not completed its preparation for trial and has not received discovery from Defendants or third parties, particularly of confidential, proprietary and/or non-public documents and information that describe the accused instrumentalities, or discovery on past, discontinued or other instrumentalities reasonably similar to the presently accused instrumentalities.

KAIFI's investigations are ongoing. KAIFI reserves the right to amend, supplement or otherwise revise its asserted claims and infringement contentions, including but not limited to identification of infringed patents and claims, and infringing instrumentalities.

I. Asserted claims

Pursuant to P.R. 3-1(a), KAIFI presently identifies each claim of each patent in suit that is infringed by Defendants as follows:

U.S. Patent No. 8,930,196 (the "'196 Patent"): claims 1-20;

U.S. Patent No. 8,040,232 (the "'232 Patent"): claims 1-12;

U.S. Patent No. 11,082,518 (the "'518 patent"): claims 1-20; and

U.S. Patent No. 7,689,001 (the "'001 Patent"): claims 1-3, 5, 7-8, 10-11.

II. Accused Instrumentalities

Pursuant to P.R. 3-1(b), KAIFI presently identifies the accused apparatus, product, device, process, method, act, or other instrumentality of which it is aware. This identification is

as specific as possible. Each product, device, and apparatus is identified by name or model number, if known. Each method or process is identified by name, if known.

The accused instrumentalities for the '196 Patent include at least methods and apparatuses for speech recognition, including but not limited to wake word detection. The accused instrumentalities for the '232 Patent include at least sensor node and network methods, apparatuses, and systems, including but not limited to Ubiquitous Sensor Network (USN) middleware. The accused instrumentalities for the '518 Patent include at least systems for multiple machines, including but not limited to a relation server and relation profile, such as for tasks and routines. The accused instrumentalities for the '001 Patent include at least methods and devices for location recognition, including but not limited to autonomous mobile robotics.

Appendix A provides an exemplary list of accused instrumentalities, as corresponding to each of the '196 Patent, '232 Patent, '518 Patent, and '001 Patent.

The accused instrumentalities may be provided in a variety of configurations, embodiments, or combinations of the claimed components and steps. The accused instrumentalities may incorporate various devices, servers, chips, circuit elements, modules, code, and the like. Different models, versions, or iterations may incorporate or embody the same or substantially similar components or configurations.

KAIFI reserves the right to identify additional accused instrumentalities as discovery commences and its investigation continues. KAIFI anticipates the full scope of configurations or combinations of the accused and reasonably similar instrumentalities will be further identified as discovery commences and investigation continues.

III. Claim Charts

Pursuant to P.R. 3-1(c), KAIFI provides claim charts, which are incorporated by reference as if fully set forth herein, identifying where each element of each asserted claim is

found within each accused instrumentality:

Appendix B – the '196 Patent;

Appendix C – the '232 Patent;

Appendix D – the '518 Patent; and

Appendix E – the '001 Patent.

The accused instrumentalities utilize the same or substantially similar technology as presented in the charts, such that the charts are representative of the manner of infringement by each accused instrumentality. On information and belief, the charting of elements of the asserted claims to the accused instrumentalities is substantially the same. The comparisons made in these contentions are representative of, and apply to, all accused and reasonably similar instrumentalities and their configurations and implementations.

The charts subdivide the asserted claims to better illustrate where each claim element or step may be found within the accused instrumentalities. The annotations to figures are provided solely for illustrative purposes. References and descriptions provided in conjunction with one claim within a chart are applicable to other claims within the chart with respect to the same or similar elements and limitations. These subdivisions or annotations should not be taken as an indication of the boundaries of claim elements or steps with respect to the doctrine of equivalents or any other issue. For example, particular claim structures or functionalities may be embodied by or distributed over one or more elements or functional blocks, including or in addition to those that have been annotated. KAIFI reserves the right to provide alternate claim mapping, and to amend, supplement or otherwise revise these charts as discovery and its investigation continues.

IV. Contentions

A. Direct Infringement

KAIFI contends that Defendants directly infringe the asserted claims by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, this State, and this District the accused instrumentalities, without authority. KAIFI also contends that Defendants' infringement is literal and/or under the doctrine of equivalents.

For example, on information and belief, and without the benefit of discovery, KAIFI presently contends: Amazon.com directly infringes the '196 Patent, the '232 Patent, the '518 Patent, and the '001 Patent; Amazon Services directly infringes the '196 Patent, the '232 Patent, the '518 Patent, and the '001 Patent; and Amazon AWS directly infringes at least the '196 Patent and the '232 Patent.

Additionally or alternatively, each Defendant directs or controls the performance by others (either another Defendant or third party) of one or more claim limitation(s), such that the performance or use of each claim limitation can be attributed to the Defendant. In particular, Defendants condition participation in an activity or receipt of a benefit upon performance of the step(s) and establish the manner or timing of that performance. For example, Amazon Services directs or controls Amazon AWS's performance of certain steps of the claimed methods. Furthermore, Amazon AWS directs or controls Amazon Service's performance of certain steps of the claimed methods.

Additionally or alternatively, Amazon.com, Amazon Services and/or Amazon AWS act as a joint enterprise whose members can be charged with each other's acts in the enterprise. For example, a joint enterprise exists between or among Defendants by virtue of agreement, express or implied, between or among Defendants with a common purpose to be carried out. There exists a community of pecuniary interest in that there is a common purpose among the members with an equal right among all members to a voice in the direction of the enterprise, giving equal

right to control.

Additionally or alternatively, each Defendant has, at least, used the claimed system or apparatus by putting the system or apparatus as a whole into service, *i.e.*, controlled the system and obtained benefit from it. For example, at least Amazon Services, including its employees, have put systems for multiple devices, machines, or components, including but not limited to local devices and back-end servers, as a whole into service, *i.e.*, controlled the system and obtained benefit from it.

Additionally or alternatively, Defendants have directly infringed by combining all elements of the infringing systems, devices, and other instrumentalities together, including via Defendants' software connecting the claimed devices. Further, Defendants directly infringe because they are the single supplier of the accused system where it comprises multiple devices and software.

B. Indirect Infringement

KAIFI contends that Defendants indirectly infringe by actively, knowingly, and/or intentionally inducing and/or contributing to the direct infringement of the asserted claims.

Defendants have induced and continued to induce infringement of the asserted claims by others (either other Defendants or third parties, including end-users and customers). By way of non-limiting examples, (i) Amazon Services induces Amazon AWS's performance of the claimed method or use of a claimed system or apparatus; (ii) Amazon AWS induces Amazon Service's performance of the claimed method or use of a claimed system or apparatus; (iii) Amazon Services or Amazon AWS induces direct infringement by an end-user or customer; and/or (iv) Amazon.com induces direct infringement by Amazon AWS and/or Amazon Services.

Additionally or alternatively, Defendants' customers and/or end-users have used the claimed systems by putting the claimed system as a whole into service, i.e., controlled the system and obtained benefit from it and were induced to do so by Defendants.

Defendants had knowledge or were on notice of the asserted patents by virtue of pre-suit communications between Amazon and PowerVoice, citations to one or more of the asserted patents during the prosecution of patent applications by Defendants and/or their affiliates, and the filing of the complaint in this case.

The acts of inducement may include making, selling, offering to sell, and/or importing the Accused Instrumentalities to or for others, and providing others with encouragement, instructions and training on how to use the accused instrumentalities in a manner that directly infringes the claims, all while Defendants have knowledge of the asserted patents and asserted claims, and knowledge that such use of the accused instrumentalities would infringe the asserted claims. Defendants affirmatively act with knowledge and specific intent to encourage and facilitate such infringing acts by others. Defendants' tutorials, user guides, and technical and marketing documentation for the accused instrumentalities provide specific instruction for using, and actively encourage others to use, the accused instrumentalities in an infringing manner.

Affirmative acts of inducement include, but are not limited to, any one or combination of encouraging and/or facilitating the infringement of others through advertisement, marketing, and dissemination of the accused instrumentalities and their components; creating and publishing promotional and marketing materials, supporting materials, product manuals, and/or technical support and information relating to the accused instrumentalities; describing to, training, and instructing users on the implementation of the accused instrumentalities and/or its components; and providing product manuals and other technical information that cause other Defendants, Defendants' customers and other third parties to use and/or operate the accused instrumentalities for their ordinary and customary use.

Defendants took active steps to encourage end users to use and operate the accused

instrumentalities despite knowing of the asserted patents, in a manner they knew directly infringements each element of the asserted claims. Defendants specifically intended and were aware that the ordinary and customary use of the accused instrumentalities and/or their components would infringe one or more of the asserted claims.

Defendants knew that the induced conduct would constitute infringement and intended said infringement at the time of committing the aforementioned acts, such that those acts and conduct have been and continue to be committed with the specific intent to induce infringement, or to deliberately avoid learning of the infringing circumstances at the time these acts were committed, so as to be willfully blind to the induced infringement.

Defendants have and continue to contributorily infringe the asserted claims by using, offering to sell, selling, or importing the Accused Instrumentalities. The accused instrumentalities in operation form a component of a machine, manufacture, combination, or composition, constituting a material part of the invention for each of the asserted patents. Defendants know that the Accused Instrumentalities are especially made or adapted for use in an infringement of the asserted claims, and that the Accused Instrumentalities are not a staple article or other system capable of substantial non-infringing use.

C. Doctrine of Equivalents

KAIFI contends that Defendants infringe under the doctrine of equivalents, to the extent that Defendants contend any claim elements or limitations are not found literally. Defendants have not specifically identified which claim elements or limitations they contend are not literally met. Should Defendants contend that any element, step or limitation is literally absent, KAIFI contends and reserves the right to prove that at least the equivalent of the allegedly missing element, step or limitation is nevertheless present and that accused instrumentalities at least infringe under the doctrine of equivalents. KAIFI anticipates that discovery will enable it to set

forth the additional scope of equivalents, and therefore reserves the right to amend, supplement or otherwise revise these contentions, and specifically as to the doctrine of equivalents.

V. Priority Dates

Pursuant to P.R. 3-1(e), Plaintiff identifies the priority date to which each asserted claim is entitled for asserted patents that claim priority to an earlier application.

- The asserted claims of '196 claim priority to PCT Appl. PCT/KR2009/002118 filed April 22, 2009.
- The asserted claims of '232 claim priority to PCT Appl. PCT/KR2006/005715 filed December 26, 2006.
- The asserted claims of '518 claim priority to US Appl. 14/931,213 filed November 3, 2015.
- The asserted claims of '001 claim priority to KR Appl. 10-2005-0114022 filed November 28, 2005.

KAIFI's investigation is continuing. KAIFI reserves the right to supplement its priority claim date (and to assert any applicable prior invention dates).

VI. Plaintiff's Practicing Instrumentalities

Pursuant to P.R. 3-1(f), at this time, KAIFI is not asserting that any apparatus, product, device, process, method, act, or other instrumentality of its own practices any of the claimed inventions. KAIFI's investigation is continuing. To the extent that additional responsive, discoverable information is found, including with respect to third parties, KAIFI reserves the right to and will supplement its response concerning P.R. 3-1(f) as appropriate.

VII. Document Production

Pursuant to P.R. 3-2(a), KAIFI is producing the following non-privileged documents sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the claimed invention prior to the date of application for the patent in suit:

Bates Nos. KAIFI0007448 - KAIFI0007495; KAIFI0007509 - KAIFI0007579; KAIFI0007673 - KAIFI0007691.

Pursuant to P.R. 3-2(b), KAIFI is producing herewith non-privileged documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the patent in suit or the priority date identified pursuant to P. R. 3-1(e):

Bates Nos. KAIFI0007448 - KAIFI0007691.

Pursuant to P.R. 3-2(c), KAIFI is producing herewith a copy of the file history for each of the Asserted Patents:

Bates Nos. KAIFI0000001 - KAIFI0001071.

KAIFI reserves the right to amend or supplement this production based on further investigation.

Date: November 14, 2024

/s/ Andrew Choung

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CERTIFICATE OF SERVICE

I certify that the foregoing document was served by electronic mail to counsel for Defendants.

Date: November 14, 2024

/s/ Andrew Choung