	Case 3:17-cv-02107-RS Document 189 F	iled 08/11/17 Page 1 of 50
1 2 3 4 5 6 7 8 9 10	MATTHEW D. POWERS (Bar No. 104795) <u>matthew.powers@tensegritylawgroup.com</u> WILLIAM P. NELSON (Bar No. 196091) <u>william.nelson@tensegritylawgroup.com</u> JENNIFER K. ROBINSON (Bar No. 270954) <u>jen.robinson@tensegritylawgroup.com</u> SAMANTHA A. JAMESON (Bar. No. 296411) <u>samantha.jameson@tensegritylawgroup.com</u> NATASHA M. SAPUTO (Bar No. 291151) <u>natasha.saputo@tensegritylawgroup.com</u> TENSEGRITY LAW GROUP, LLP 555 Twin Dolphin Drive, Suite 650 Redwood Shores, CA 94065 Telephone: (650) 802-6000 Facsimile: (650) 802-6001 Attorneys for Plaintiff Free Stream Media Corp. d/b/a Samba TV	
11	UNITED STATES DISTRICT COURT	
12	NORTHERN DISTRICT OF CALIFORNIA	
13	SAN FRANCISC	O DIVISION
14 15	FREE STREAM MEDIA CORP. d/b/a SAMBA TV,	Case No. 3:17-cv-02107-RS
16	Plaintiff,	PLAINTIFF FREE STREAM MEDIA
17	VS.	CORP. D/B/A SAMBA TV'S SECOND AMENDED COMPLAINT FOR
18	ALPHONSO INC., ASHISH CHORDIA, RAGHU	PATENT INFRINGEMENT
19	KODIGE, AND LAMPROS KALAMPOUKAS, Defendants.	JURY TRIAL DEMANDED
20	Defendants.	Judge: Honorable Richard Seeborg Dept.: Courtroom 3, 17 th Floor
21		
22		REDACTED VERSION OF DOCUMENT SOUGHT TO BE
23		SEALED
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28	SAMBA TV'S SECOND AMENDED COMPLAINT	CASE NO. 3:17-CV-02107-RS

1	SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT	
2	Plaintiff Free Stream Media Corp., doing business as Samba TV ("Samba TV"), files this	
3	First Amended Complaint for Patent Infringement against Defendant Alphonso Inc.	
4	("Alphonso"), Defendant Ashish Chordia ("Chordia"), Defendant Raghu Kodige ("Kodige"),	
5	and Defendant Lampros Kalampoukas ("Kalampoukas") and alleges as follows:	
6	THE PARTIES	
7	1. Samba TV is incorporated under the laws of Delaware with its principal place of	
8	business at 301 Brannan Street, San Francisco, California, 94107.	
9	2. Alphonso is incorporated under the laws of Delaware with its principal place of	
10	business at 735 Industrial Road, Suite 220, San Carlos, California, 94070.	
11	3. Defendant Chordia resides in Palo Alto, CA and is the CEO (Chief Executive	
12	Officer) and a founder of Alphonso. Defendant Chordia is a shareholder, owner, officer, and	
13	executive of Alphonso.	
14	4. The vast majority of Alphonso's documents and records relating to its technology	
15	are managed and accessed by Defendant Chordia from Alphonso's San Carlos office.	
16	5. Defendant Kodige resides in San Carlos, CA and is the CPO (Chief Product	
17	Officer) and a founder of Alphonso. Defendant Kodige is a shareholder, owner, officer, and	
18	executive of Alphonso.	
19	6. Defendant Kodige works on Alphonso's technology at Alphonso's office in San	
20	Carlos.	
21	7. Defendant Kalampoukas resides in Brick, NJ and is the CTO (Chief Technology	
22	Officer) and a founder of Alphonso. Defendant Kalampoukas is a shareholder, owner, officer, and	
23	executive of Alphonso.	
24	8. Defendant Kalampoukas provides engineering and product development services	
25	to Alphonso. Defendant Kalampoukas is an executive and founder of Alphonso and manages	
26	Alphonso's regular activities in Northern California.	
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PATENTS-IN-SUIT

2	9. Samba TV is the owner of the entire right, title, and interest in and to U.S. Patent
3	No. 9,026,668 ("the '668 Patent"), entitled "Real-Time and Retargeted Advertising on Multiple
4	Screens of a User Watching Television," which was issued by the United States Patent and
5	Trademark Office on May 5, 2015. A copy of the '668 Patent is attached as Exhibit 10 hereto.
6	Alphonso has had knowledge of the '668 Patent as early as June 17, 2015.
7	10. Samba TV is the owner of the entire right, title, and interest in and to U.S. Patent
8	No. 9,386,356 ("the '356 Patent"), entitled "Targeting with Television Audience Data Across
9	Multiple Screens," which was issued by the United States Patent and Trademark Office on July 5,
10	2016. Exhibit 11.
11	11. The '668 Patent and the '356 Patent (collectively the "Patents-in-Suit") are valid
12	and enforceable.
13	12. Alphonso makes, uses, sells, and/or offers for sale within the United States and/or
14	imports into the United States products that infringe the Patents-in-Suit, including but not limited
15	to the Alphonso Platform.
16	JURISDICTION AND VENUE
17	13. This is an action for patent infringement arising under the Patent Laws of the United
18	States of America, Title 35, United States Code.
19	14. This Court has subject-matter jurisdiction over Samba TV's claims under 28 U.S.C.
20	§§ 1331 and 1338(a).
21	15. This Court has personal jurisdiction over Alphonso. Alphonso has continuous and
22	systematic business contact with the State of California and has committed acts of patent
23	infringement within the State of California and the Northern District of California. For example,
24	Alphonso, directly and/or through intermediaries (including advertising agencies and others),
25	conducts and solicits business in the State of California and attempts to derive benefit from
26	residents of the State of California by marketing, selling, offering for sale, making, and/or using
27	its products and/or services, including the Alphonso Platform, in the State of California and the
28	Northern District of California.

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This Court has personal jurisdiction over Defendant Chordia. Defendant Chordia
 resides in the State of California, avails himself of the benefits and protections of the laws of the
 State of California, conducts and solicits business for Alphonso in the State of California, and as
 an executive of Alphonso, derives benefit from residents of the State of California by marketing,
 selling, offering for sale, making, and/or using products and/or services, including the Alphonso
 Platform, in the State of California and the Northern District of California.

This Court has personal jurisdiction over Defendant Kodige. Defendant Kodige
resides in the State of California, avails himself of the benefits and protections of the laws of the
State of California, conducts and solicits business for Alphonso in the State of California, and as
an executive of Alphonso, derives benefit from residents of the State of California by marketing,
selling, offering for sale, making, and/or using products and/or services, including the Alphonso
Platform, in the State of California and the Northern District of California.

- 13 18. This Court has personal jurisdiction over Defendant Kalampoukas. Defendant 14 Kalampoukas avails himself of the benefits and protections of the laws of the State of California 15 by managing, inducing, and actively contributing to Alphonso's activities in the State of California 16 and the Northern District of California, by conducting and soliciting business for Alphonso in the 17 State of California, and as an executive of Alphonso, by deriving benefit from residents of the 18 State of California by marketing, selling, offering for sale, making, and/or using products and/or 19 services, including the Alphonso Platform, in the State of California and the Northern District of California. 20
- 19. As founders, executives, shareholders, owners, and officers of Alphonso,
 Defendants Chordia, Kodige, and Kalampoukas are personally liable for the infringing acts of
 Alphonso because they induced Alphonso to infringe the Patents-in-Suit by personally performing
 infringing acts and/or directing and ordering other Alphonso officers, agents, employees, or
 partners of Alphonso to commit acts of infringement of the Patents-in-Suit.

26 20. The Alphonso Platform collects and/or has collected data from device(s) and user(s)
27 of devices located in the State of California and the Northern District of California.

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Alphonso derives and/or seeks to derive financial or other benefit from the data
 collected in the State of California and the Northern District of California.

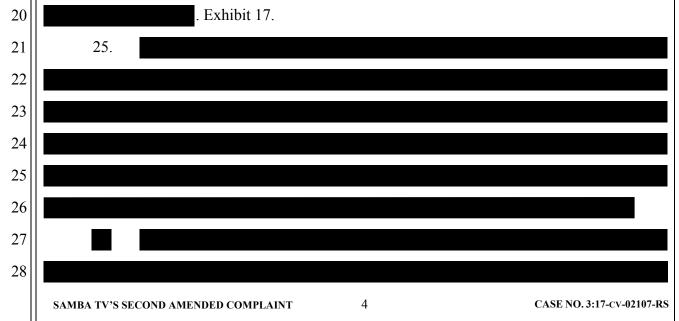
3 22. As described herein, such acts constitute infringement occurring within the State of
4 California and the Northern District of California.

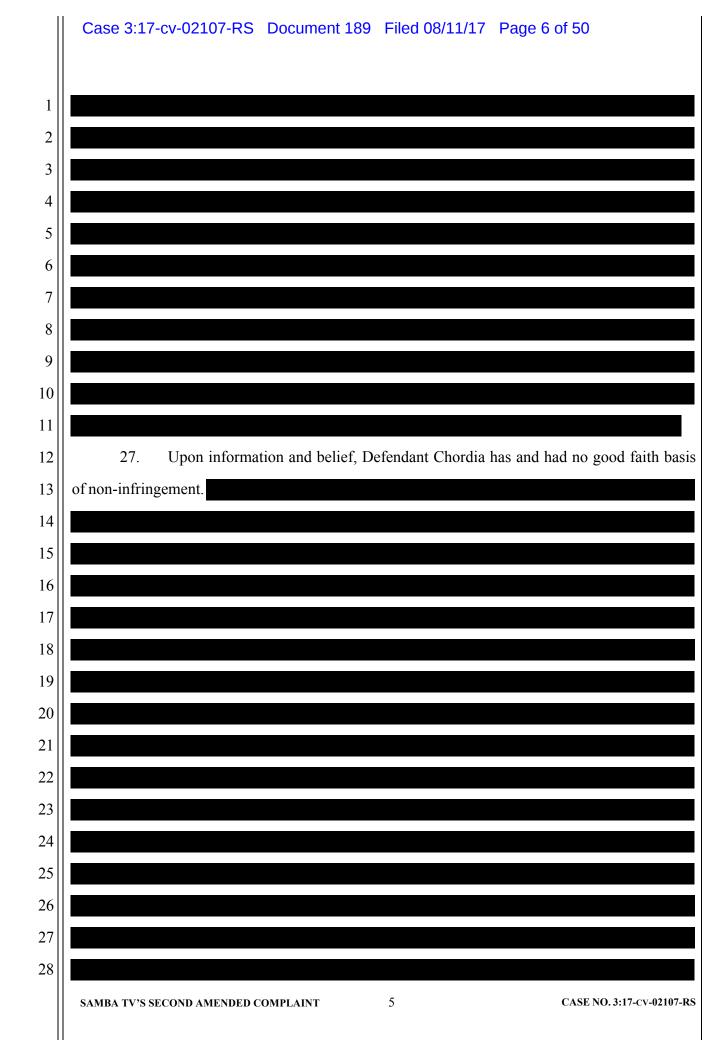
5 23. Venue is proper in this judicial district under 28 U.S.C. § 1400(b). Alphonso has
6 committed acts of infringement and has a regular and established place of business in the Northern
7 District of the State of California. Alphonso has committed acts of infringement by, among other
8 things, marketing, selling, offering for sale, making, and/or using infringing products, including
9 the Alphonso Platform, in the State of California and the Northern District of California.

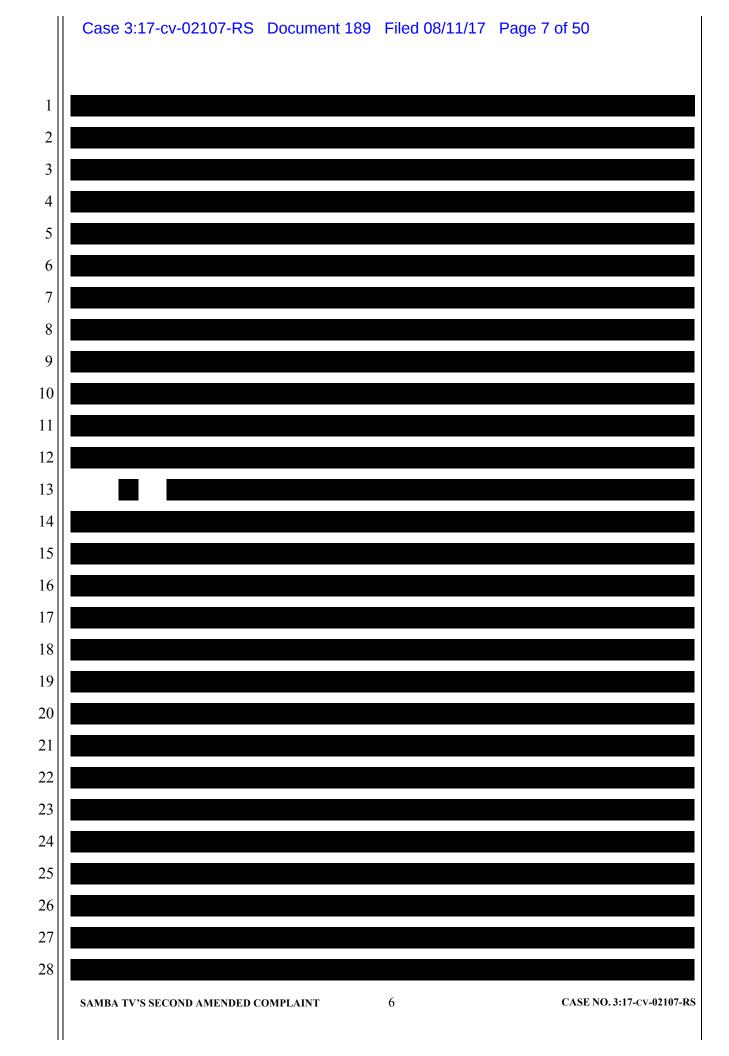
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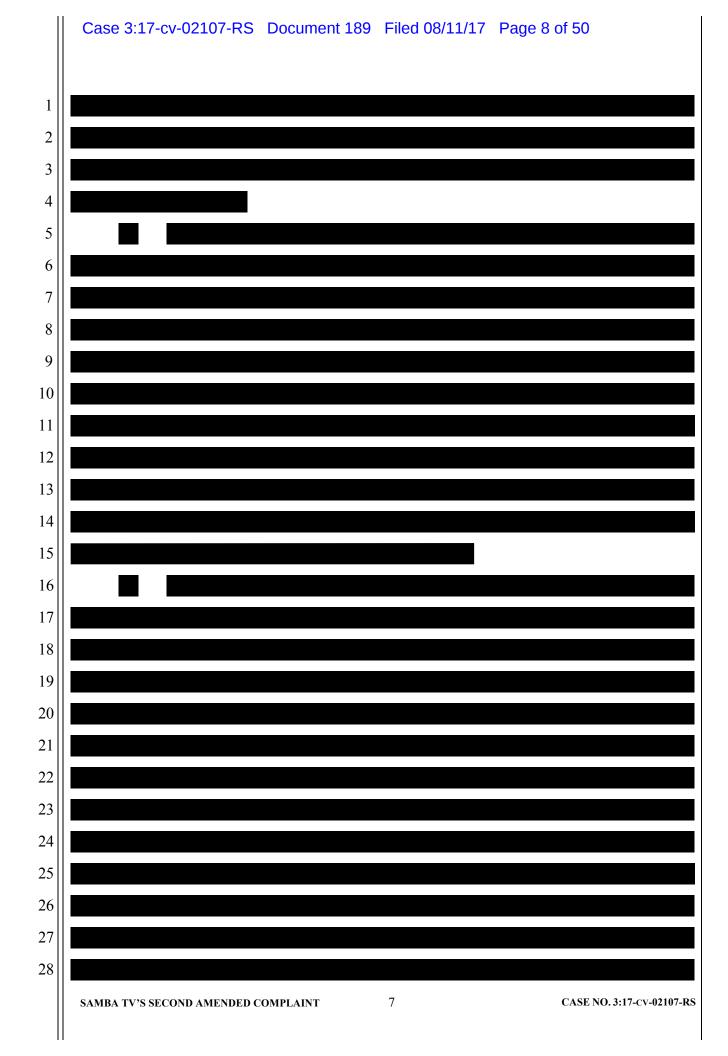
DEFENDANT CHORDIA

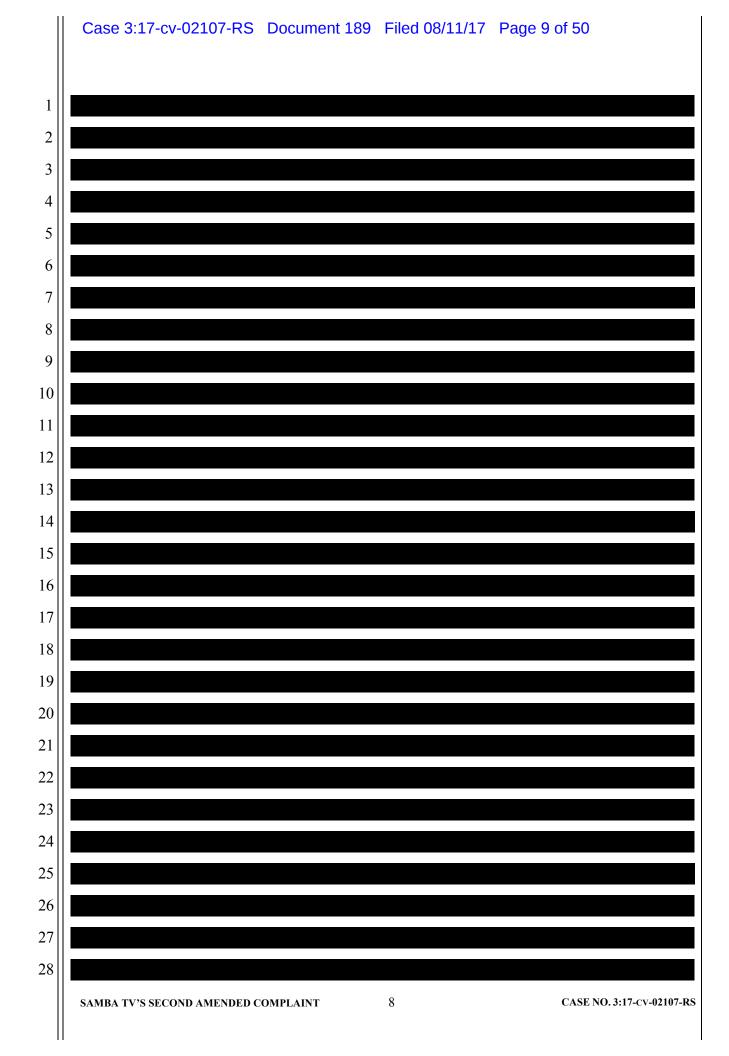
11 24. Upon information and belief, as stated in Defendant Chordia's June 17, 2015, 12 declaration, Defendant Chordia is "the founder and CEO of Alphonso." Dkt. No. 53-39. "Alphonso 13 is a small start-up business with its largest office and principal place of business" in San Carlos, 14 California. Id. "Alphonso develops and operates the bidding server software and various software 15 components of its technology predominantly at its office in San Carlos." Id. "Key employees who 16 work on Alphonso's technology also work in San Carlos, including ... [Defendant Chordia]." Id. 17 "The vast majority of Alphonso's documents and records relating to its technology are ... managed 18 and accessed by [Defendant Chordia] from Alphonso's San Carlos office." Id. "Alphonso is a 19 small company with few employees" Id. Upon information and belief, Defendant Chordia

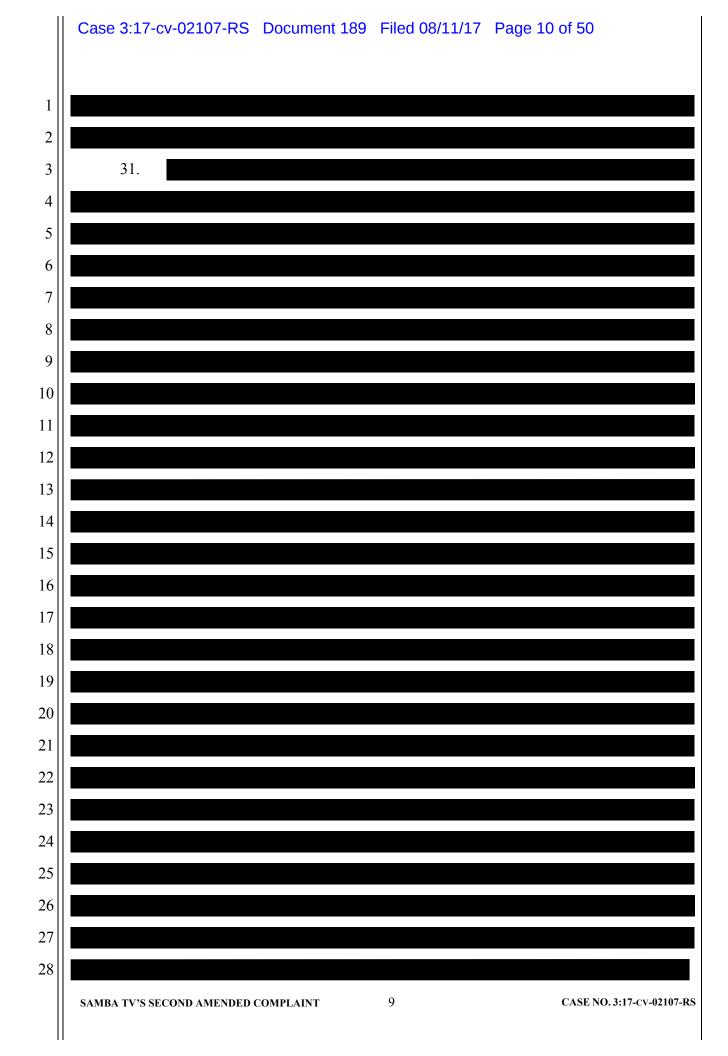


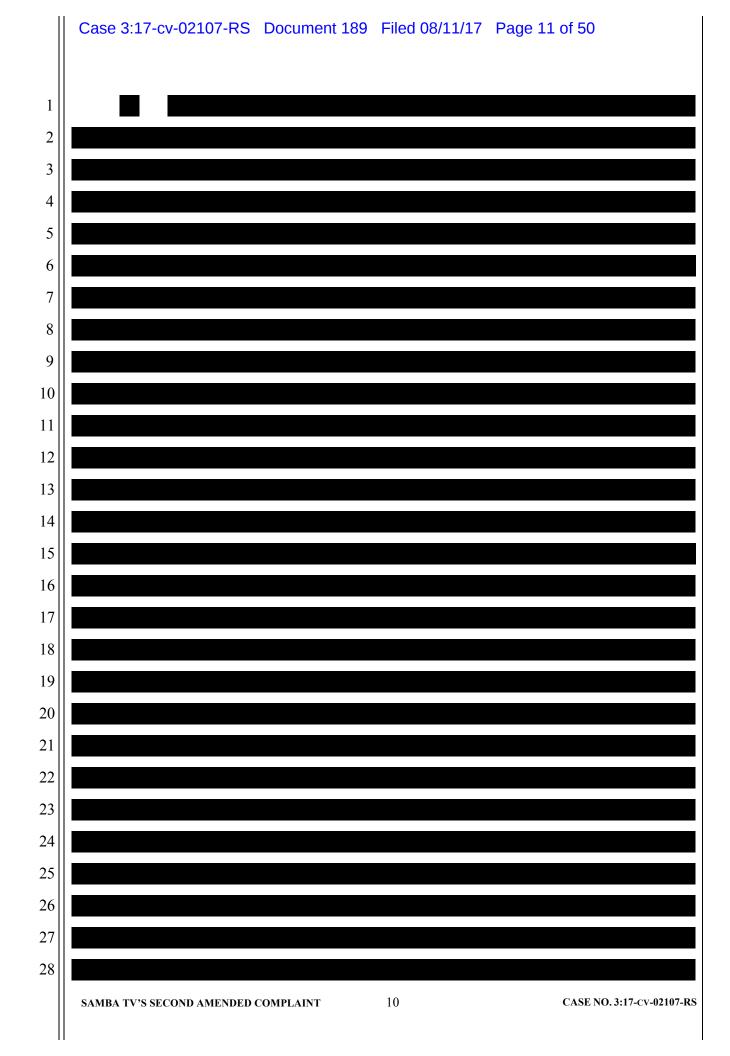


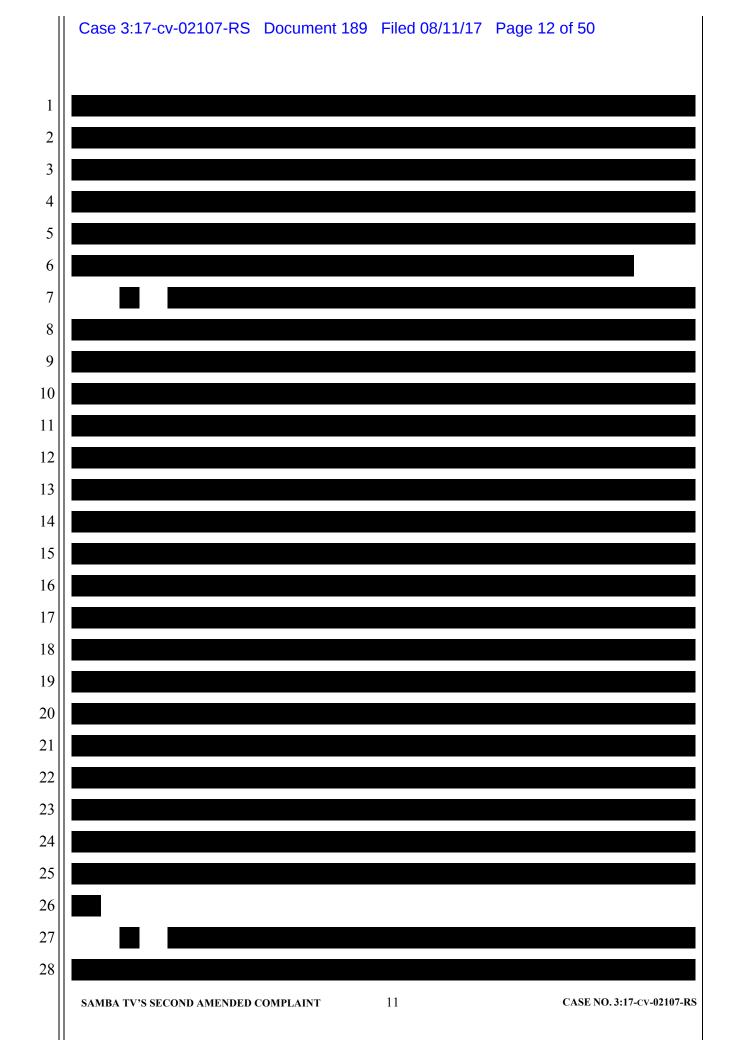


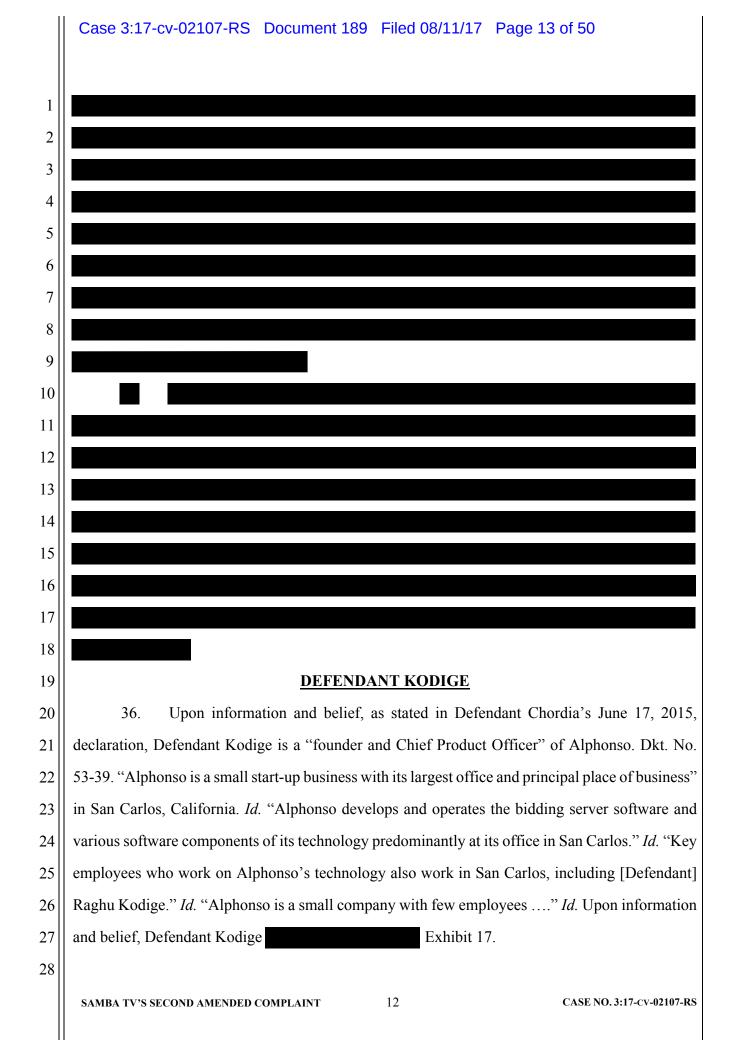


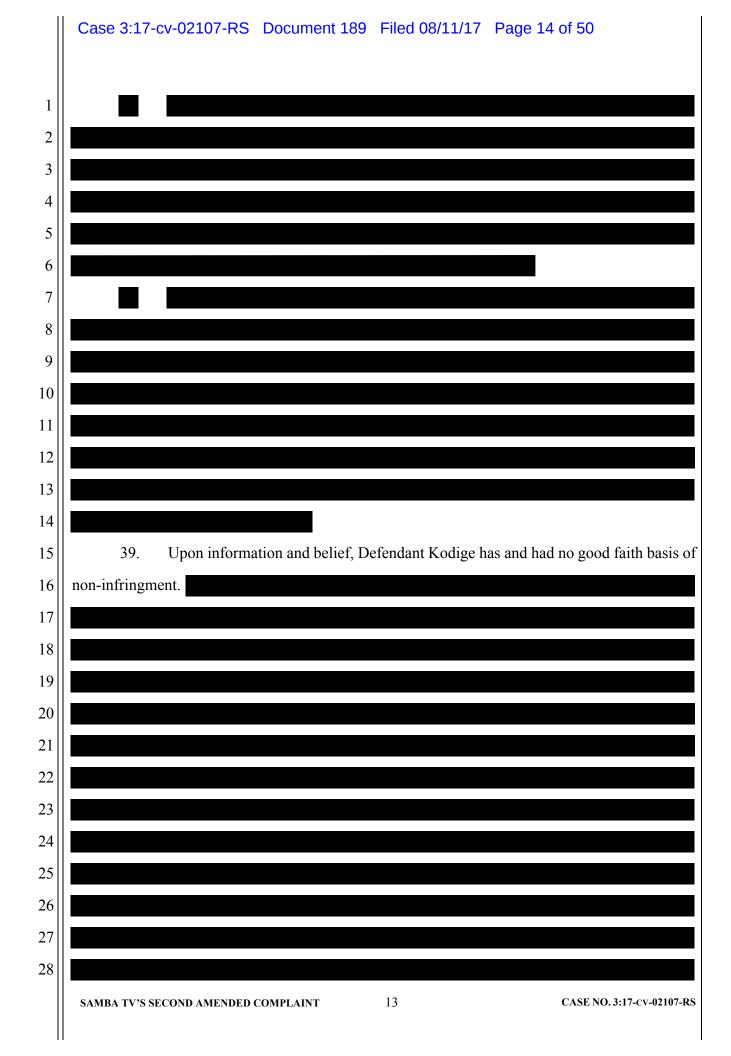


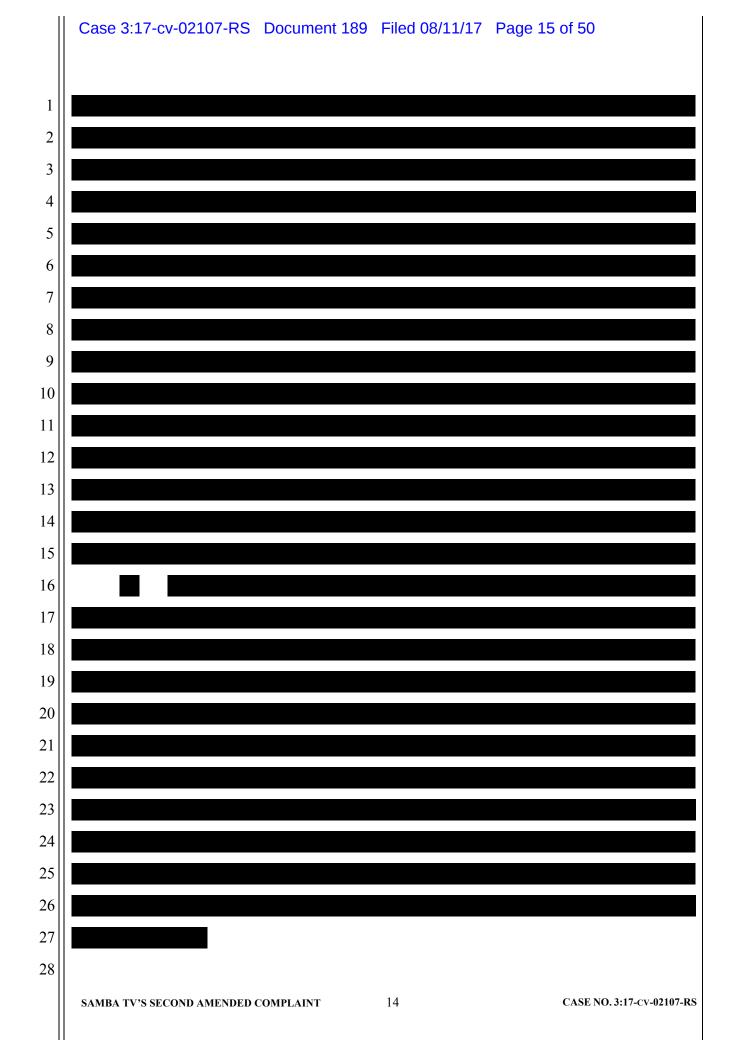


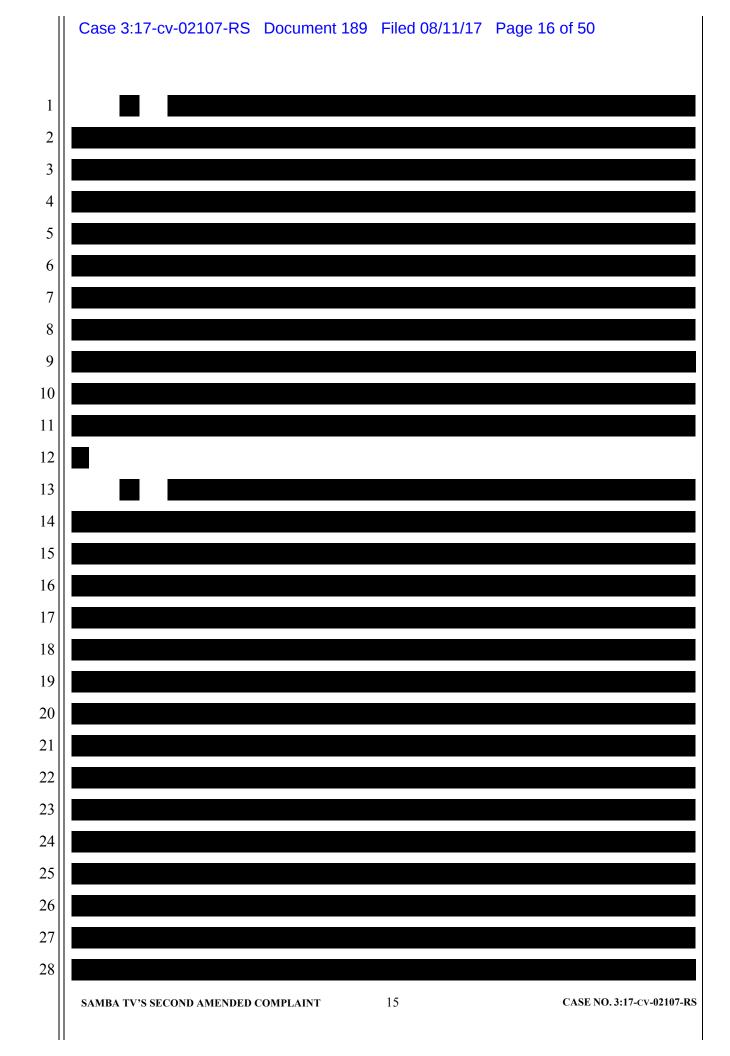


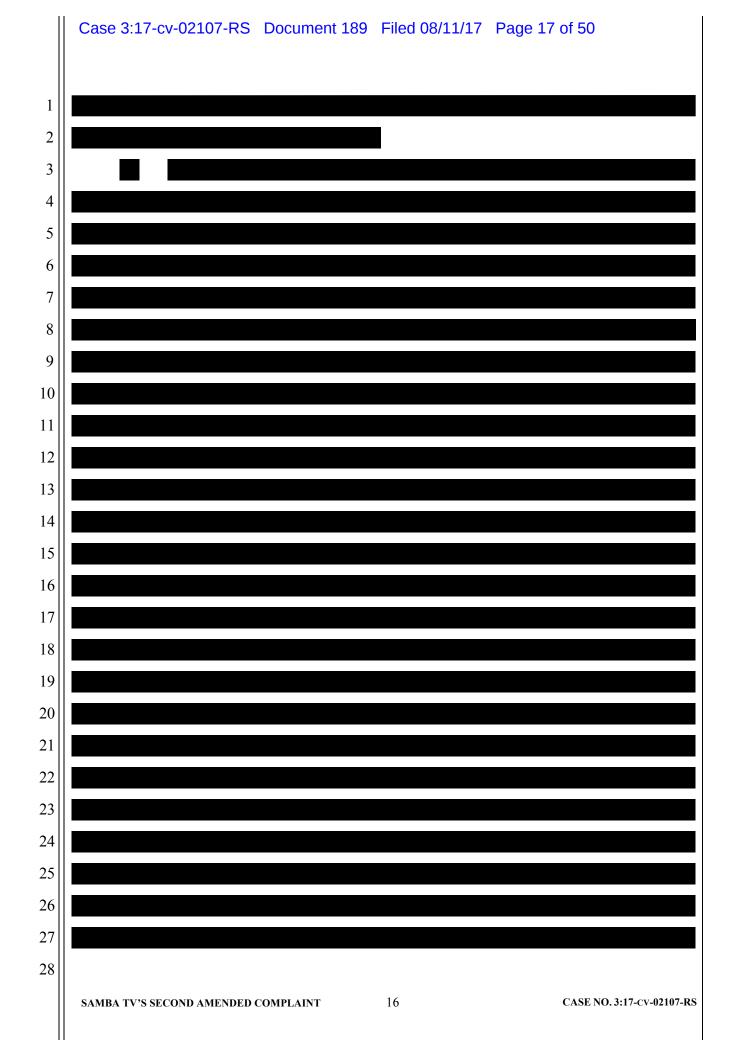


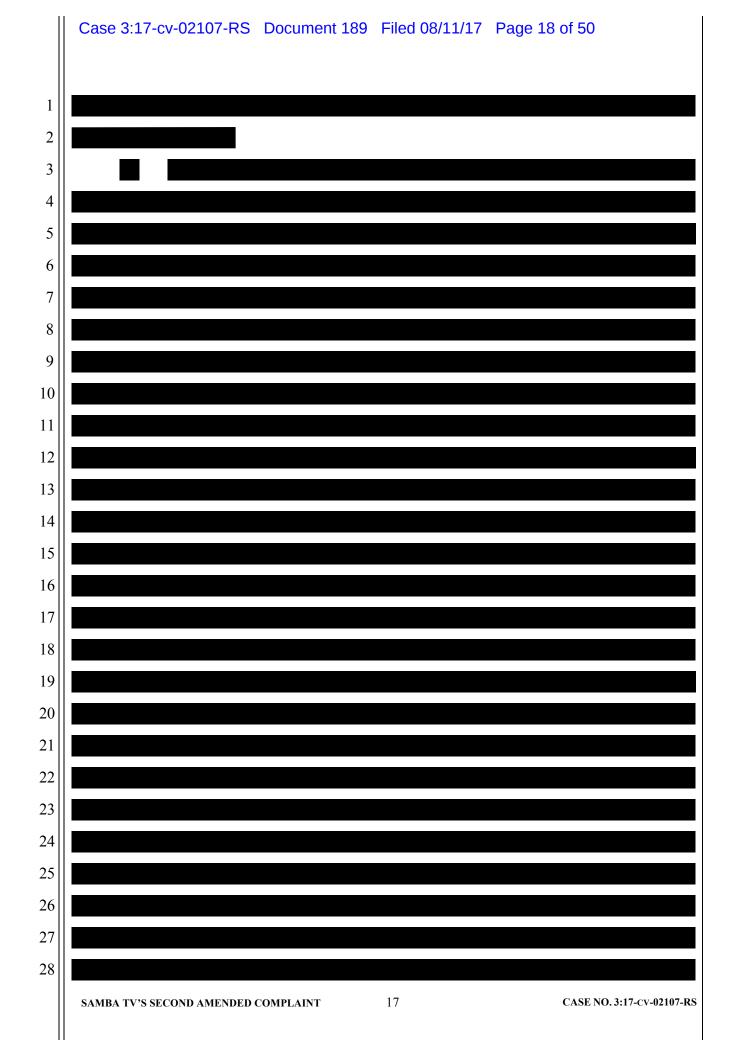


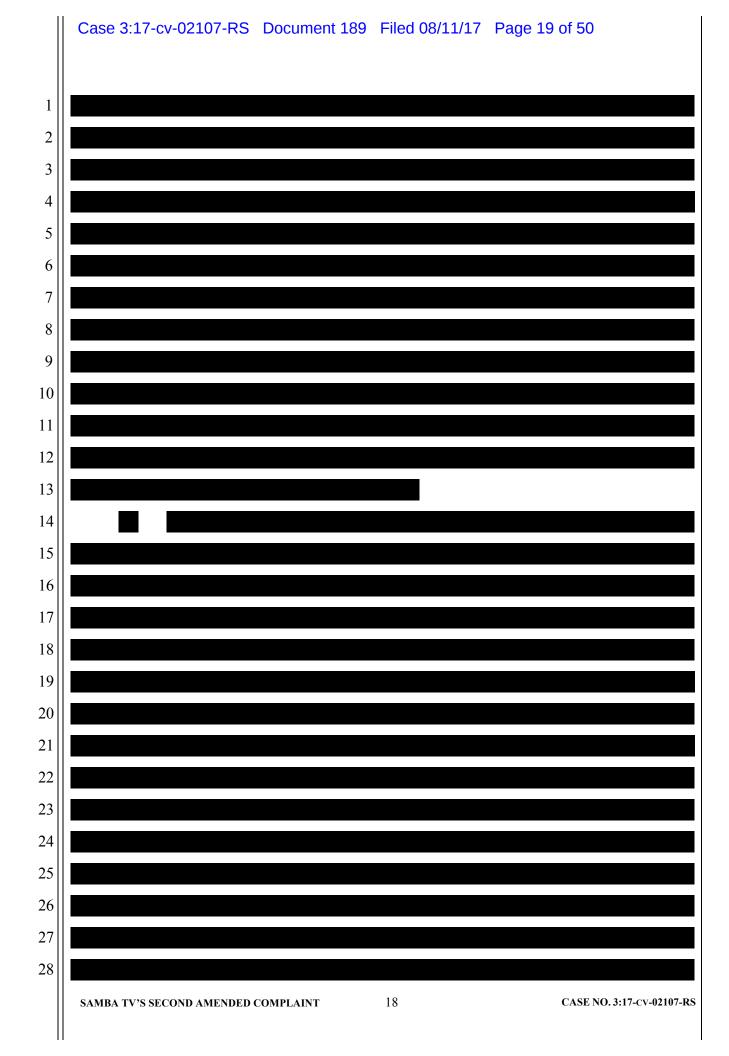


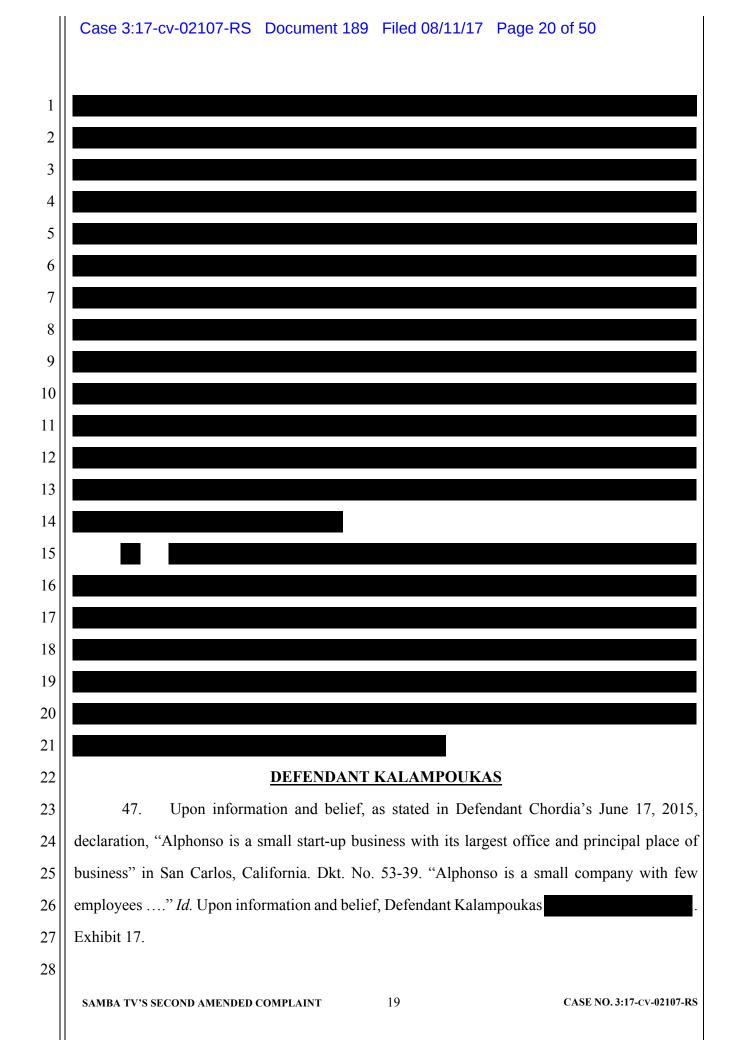


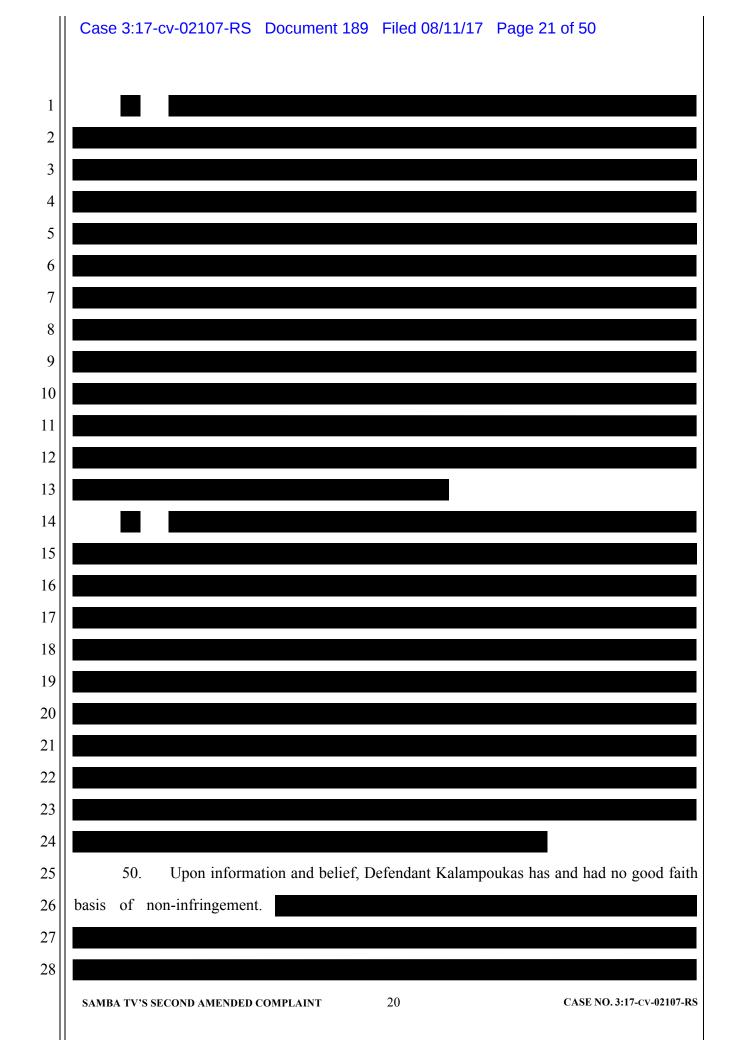


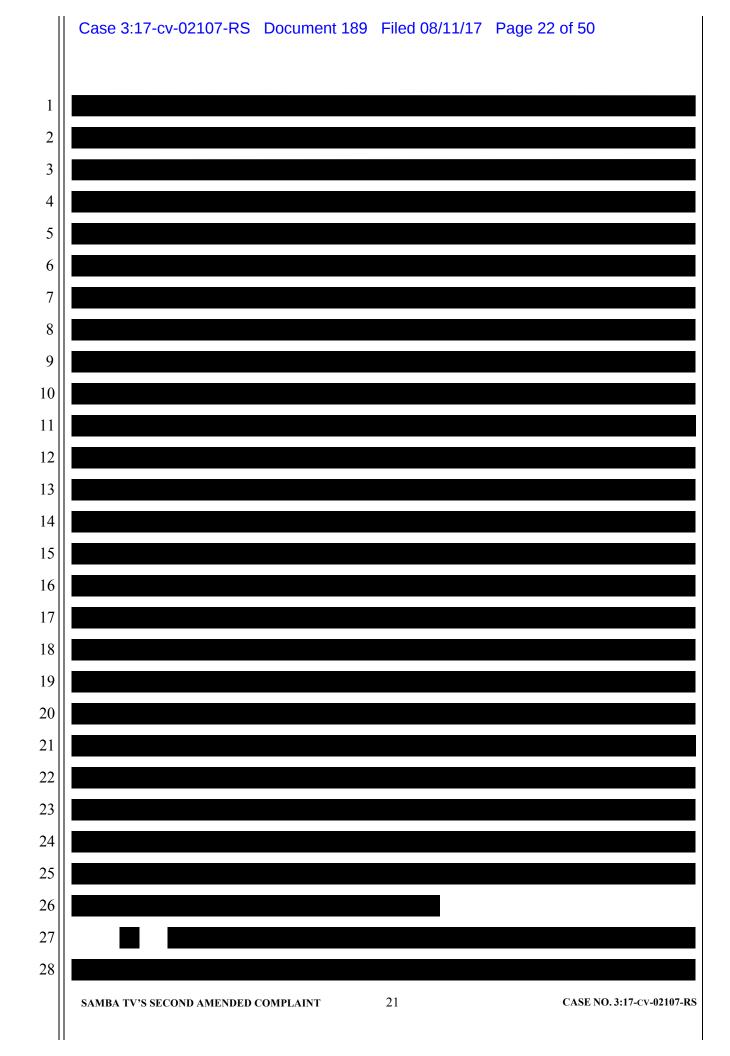


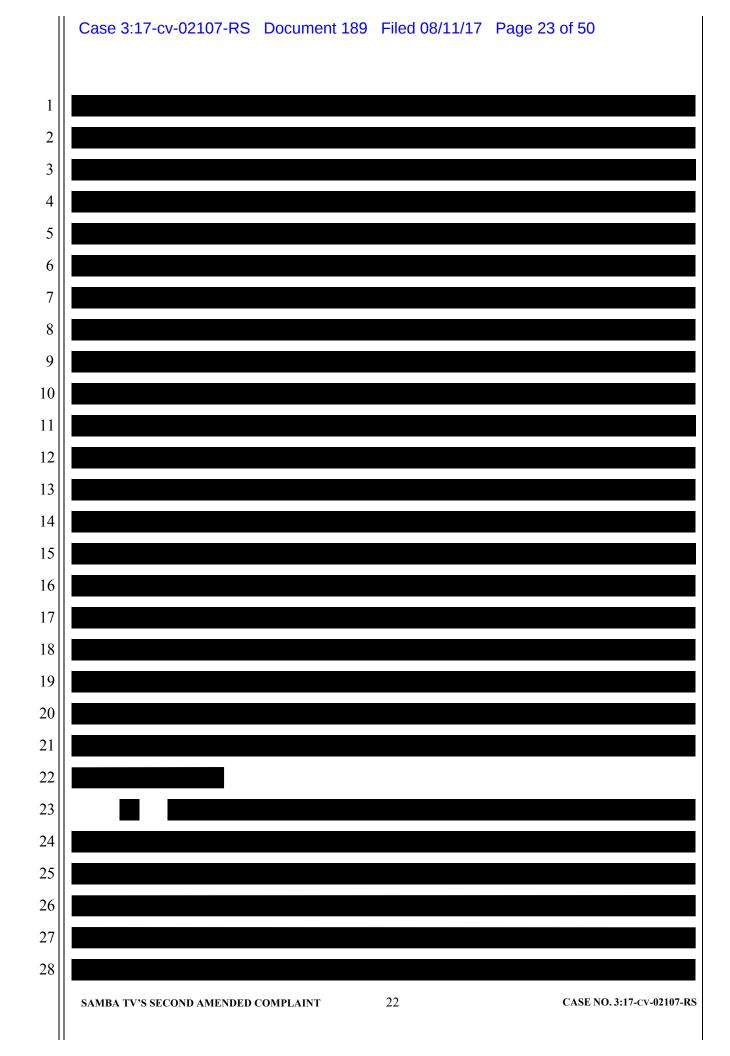


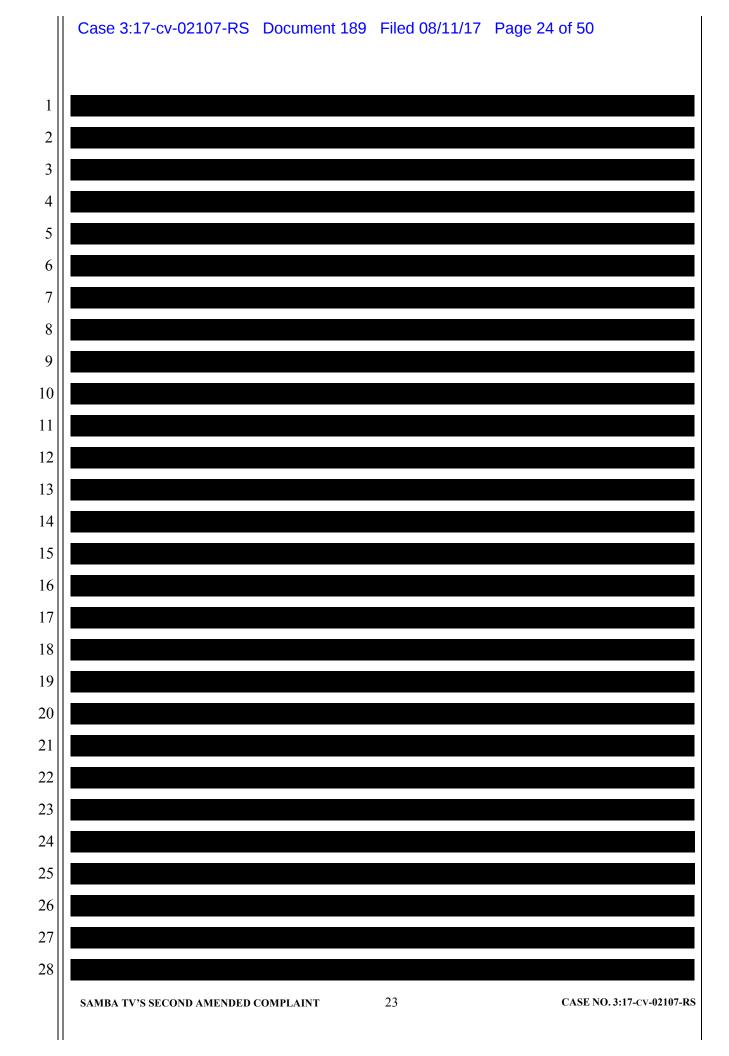


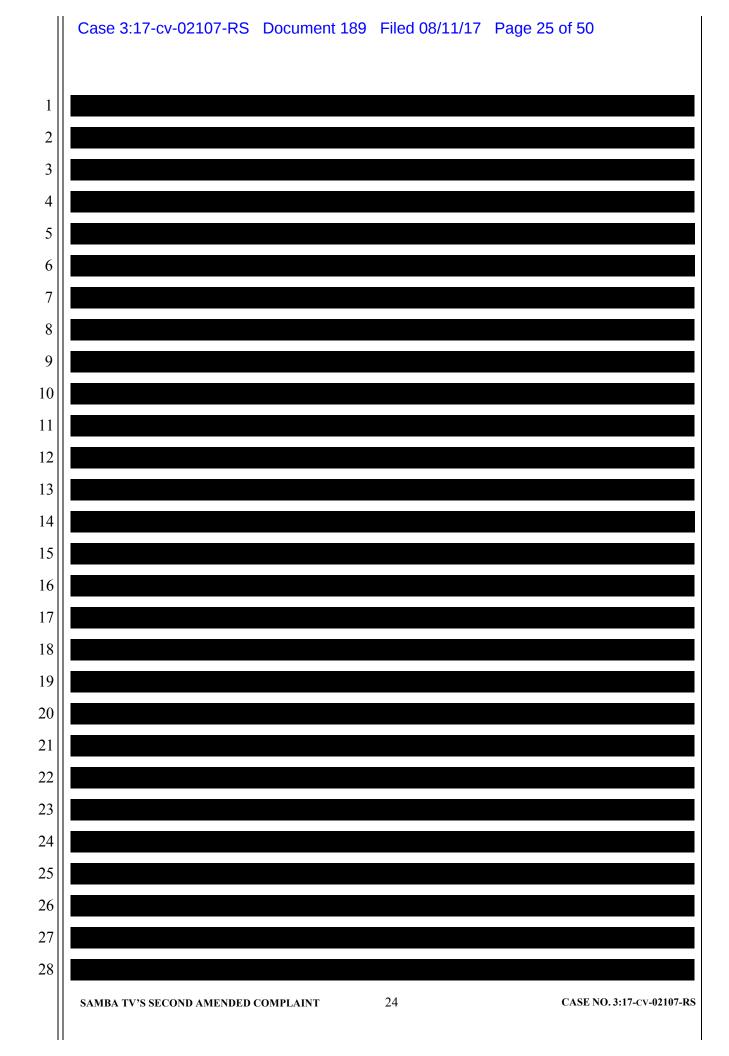


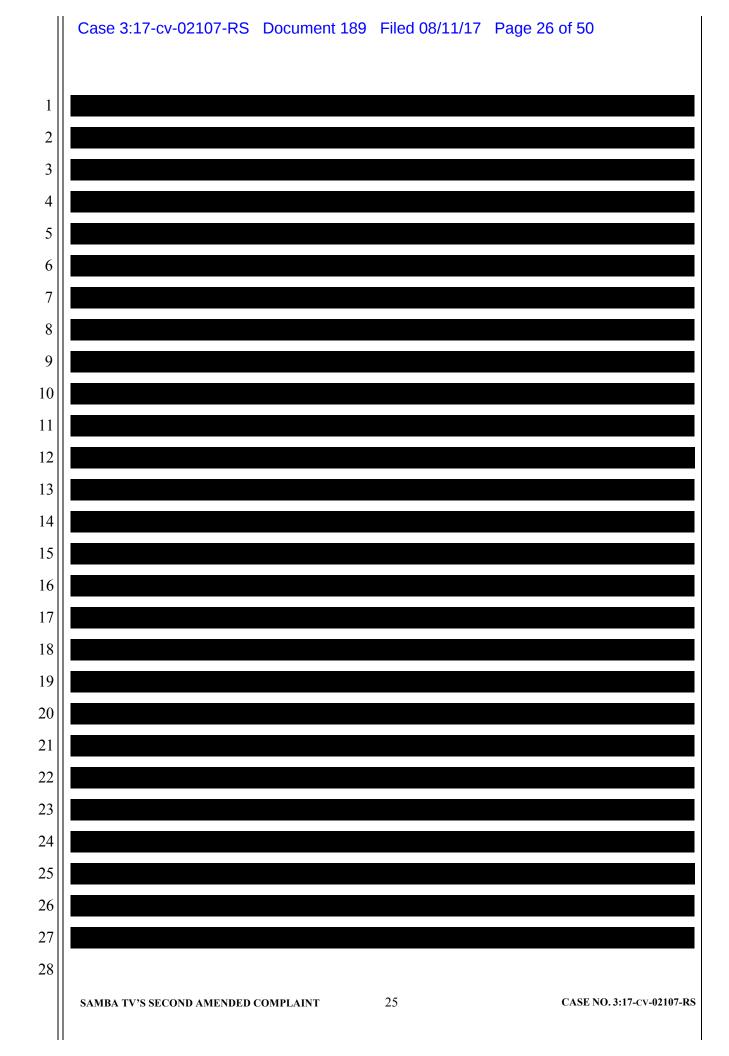


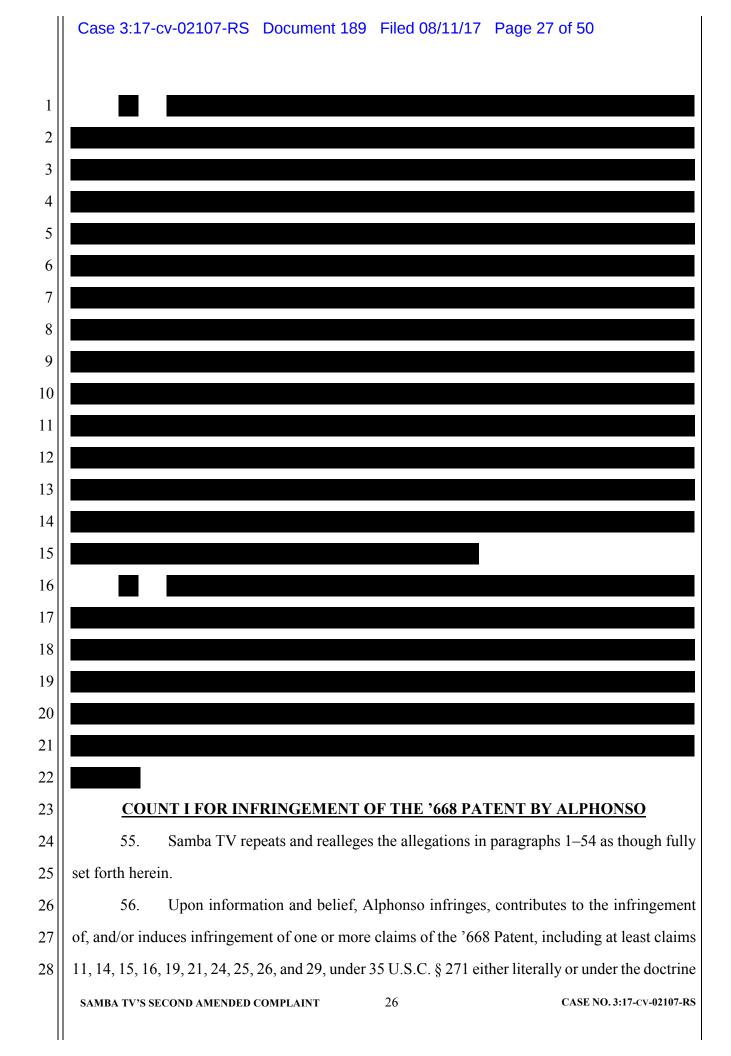












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of equivalents, by making, using, selling, offering for sale within the United States, and/or
 importing into the United States, or by intending that others make, use, sell and/or offer for sale
 within the United States and/or import into the United States products and/or methods covered by
 one or more claims of the '668 Patent, including but not limited to the Alphonso Platform or
 components thereof.

6 57. The Alphonso Platform meets the limitations of the claims of the '668 Patent. For
7 example, claim 21 of the '668 Patent recites:

/	example, claim 21 of the 008 ratem recites.	
8	21. A relevancy-matching server comprising:	
9	a processor; and	
10	a memory communicatively coupled to the processor,	
11	wherein the processor is configured to match a targeted data with a primary	
12	data based on a relevancy factor associated with a user,	
13	wherein the relevancy-matching server is communicatively coupled to a networked device, the networked device configured to:	
14		
15	automatically announce a sandbox-reachable service of the networked device to a discovery module,	
16	wherein the relevancy-matching server is communicatively coupled to a client	
17	device, the client device configured to:	
18	automatically process an identification data of at least one of the networked device and the sandbox-reachable service of the networked device from the	
19	discovery module,	
20	automatically associate with the networked device through a sandboxed	
21	application of the alight device communicatively coupled to the conduct	
22	measure on ambaddad abject from the relationary matching compartitions the	
23	process an embedded object from the relevancy-matching server through the sandboxed application,	
24	gather a primary data through at least one of the embedded object and the	
25	sandboxed application,	
26	communicate the primary data to the relevancy-matching server through the embedded object,	
27	constrain, by the client device, an executable environment in a security	
28	sandbox,	
	SAMBA TV'S SECOND AMENDED COMPLAINT 27 CASE NO. 3:17-cv-02107-RS	

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1	execute, by the client device, the sandboxed application in the executable environment, and
2 3 4	automatically establish, by the client device, a communication session between the sandboxed application and the sandbox-reachable service through at least one of a cross-site scripting technique, an appended header, a same origin policy exception, and an other mode of bypassing a number of access
5	controls of the security sandbox,
6 7	wherein the relevancy-matching server is configured to match the targeted data with the primary data in a manner such that the relevancy-matching server is configured to search a storage for at least one of a matching item and a related item based on the relevancy factor comprising at least one of a storage matching item and a related
8 9	item based on the relevancy factor comprising at least one of a category of the primary data, a behavioral history of the user, a category of the sandboxed application, and an other information associated with the user.
10	58. According to Alphonso, through its partnerships with mobile applications, TV
11	anywhere applications, gaming and living room devices, set-top box and TV OEMs, Alphonso
12	understands what people are watching, and in real-time, can deliver advertisements to this audience
13	through mobile applications and websites. See Exhibits 1 and 2.
14	59. For instance, according to Alphonso's CEO Defendant Chordia, the Alphonso
15	Platform enables televisions, set-top boxes, living room devices, or mobile apps to collect data on
16	what people are watching on those devices and within a few minutes provide an advertisement on
17	their digital device. See Exhibit 3. Watched content is identified using fingerprint data and
18	communicated to servers and other devices for targeting advertisements to users associated with
19	the networked device. See video at http://blog.alphonso.tv/post/160568451260/mark-gall-talks-
20	<u>tv-to-mobile-retargeting-with</u> (a disc with the video is concurrently being submitted to the Court);
21	and corresponding screenshot at Exhibit 5. The Alphonso Platform pairs networked devices with
22	client devices using identification data such as browser or device type, identification of internet
23	and application use, user profiles, metrics, and statistics, user log-in data, and other device and/or
24	application identification data. See Exhibits 5, 6. The networked device and client device
25	communicate regarding watched content and targeted advertisements to cause a targeted
26	advertisement to be rendered based on the watched content and other user information.
27	60. According to Alphonso, the Alphonso Platform reinforces advertisements by

28 extending brand advertising onto users' mobile device, either in real-time or time-shifted, or in a SAMBA TV'S SECOND AMENDED COMPLAINT 28

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1 place-shifted setting. See Exhibit 4. Alphonso identifies relevant advertisements based on what 2 people are currently watching on networked devices, or what people previously watched. See 3 Exhibit 5. According to Alphonso, Alphonso "retarget[s] what's on TV onto phones and tablets 4 and desktop" by "understanding [] exactly... what's on each channel, the show, the commercial, 5 and in real-time [] capturing that data." Alphonso further states:

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61. We're now able to understand on one side what's on TV. . . recognize what's on 7 TV . . and then serve programmatically to those mobile devices, tablets, desktop. . . that's 8 essentially our business. . . We only serve an ad to a person who's in front of a TV and the 9 commercial comes on. We can serve that commercial to that person in that room right now or over a close period of time. We have to select that device that the person is using, that we have 10 11 our automatic content recognition SDK in, and serve an ad there.

62. 12 See video at http://blog.alphonso.tv/post/160568451260/mark-gall-talks-tv-to-13 mobile-retargeting-with (a disc with the video is concurrently being submitted to the Court); and 14 corresponding screenshot at Exhibit 5. Alphonso selects advertisements to extend the reach of 15 advertisers from television to mobile devices or to counteract television advertisements (i.e. 16 conquesting) based on the desired advertising campaign. Exhibit 7. The Alphonso Platform 17 provides targeted advertisements to sandboxed mobile applications and websites directly and/or 18 through business partnerships and ad exchanges. See Exhibits 5, 8.

19 63. Alphonso directly infringes one or more claims of the '668 Patent, including at least 20 claims 11, 14, 15, 16, 19, 21, 24, 25, 26, and 29, under 35 U.S.C. 271(a), literally and/or under the 21 doctrine of equivalents, by making, using, selling, and/or offering for sale within the United States 22 and/or importing into the United States the Alphonso Platform or components thereof as described 23 herein.

64. 24 In addition to direct infringement, Alphonso indirectly infringes one or more claims 25 of the '668 Patent, including at least claims 11, 14, 15, 16, 19, 21, 24, 25, 26, and 29, under 35 26 U.S.C. § 271(b) and 35 U.S.C. § 271(c).

27 65. Upon information and belief, Alphonso actively induces others, such as advertising 28 agencies, advertising partners, advertisers, and/or other third parties in the United States to directly CASE NO. 3:17-CV-02107-RS SAMBA TV'S SECOND AMENDED COMPLAINT 29

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infringe one or more of the claims of the '668 Patent, literally or under the doctrine of equivalents,
 by making, using, selling, or offering to sell the Alphonso Platform or components thereof.
 Alphonso was aware of Samba TV and Samba TV's intellectual property rights and received actual
 notice of the '668 Patent by at least June 17, 2015.

5 66. Alphonso instructs third parties to make, use, sell, or offer for sale the Alphonso 6 Platform in a manner that infringes one or more claims of the '668 Patent, including through 7 materials and communication from Alphonso. Alphonso's infringing acts include but are not 8 limited to directing, instructing, and inducing advertising partners and other third parties to sell 9 and offer for sale the infringing Alphonso Platform and directing, instructing, and inducing 10 advertising partners and other third parties to use the Alphonso Platform in an infringing manner. 11 For example, Alphonso has partnered with third parties, such as Tremor Video, who sell the 12 Alphonso Platform. See Exhibit 8. Alphonso also directs, instructs, and induces advertising 13 partners, customers, and other third parties to use and how to use the infringing Alphonso Platform 14 through marketing materials, instructions, and other communication from Alphonso. Alphonso 15 also directs, instructs, and induces application developers and other technology partners to make, 16 use, and/or implement the Alphonso Platform. See Exhibit 9.

17 67. Through its making, using, selling, and/or offering to sell the Alphonso Platform
18 and through other materials and communication, Alphonso specifically intends advertising
19 agencies, advertising partners, advertisers, and/or other third parties to infringe one or more claims
20 of the '668 Patents. Alphonso is aware that use of the Alphonso Platform in its normal and
21 customary way infringes the '668 Patent and performs acts that constitute induced infringement
22 with knowledge of the '668 Patent and will knowledge or willful blindness that the induced acts
23 constitute infringement of one or more claims of the '668 Patent.

Alphonso also contributes to the infringement of the '668 Patent by making, using,
selling, offering to sell, or otherwise providing the infringing Alphonso Platform or a component
thereof to others, such as advertising agencies, advertising partners, consumers, and/or other third
parties in the United States, to make, use, sell and/or offer to sell the infringing Alphonso Platform
or components thereof. Alphonso contributes to infringement by making, selling, offering for sale,
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1 and encouraging others to use the Alphonso Platform, which is designed to infringe and/or has no 2 substantial noninfringing uses. The Alphonso Platform or components thereof are material to the 3 claimed invention, have no substantial non-infringing uses, and are known by Alphonso to be 4 especially made or especially adapted for use in an infringement of the '668 Patent. For example, 5 Alphonso partners with third parties who use and offer to sell the infringing Alphonso Platform. 6 See Exhibit 8. Upon information and belief, direct infringement is the result of activities performed 7 by making or using the Alphonso Platform or components thereof for their intended use. Alphonso 8 was aware of Samba TV and Samba TV's intellectual property rights and received specific notice 9 of the '668 Patent by at least June 17, 2015.

10 69. Alphonso's acts of infringement cause damage to Samba TV, and Samba TV is 11 entitled to recover from Alphonso damages sustained as a result of Alphonso's infringement of 12 the '668 Patent, but in no event less than a reasonable royalty.

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70. Alphonso's acts of infringement, unless restrained and enjoined, will cause irreparable injury and damage to Samba TV for which there is no adequate remedy at law.

15 Alphonso's infringement of the '668 Patent is exceptional and entitles Samba TV 71. 16 to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

17 72. Alphonso was aware of Samba TV and Samba TV's intellectual property rights and 18 received specific notice of the '668 Patent by at least June 17, 2015. Despite the objectively high 19 risk of infringement, Alphonso continued to take actions to willfully infringe Samba TV's '668 20 Patent. On information and belief, Alphonso studied Samba TV's website, public announcements, 21 products, and technology, copied Samba's ideas, and attempted to engage in direct competition 22 with Samba TV by making, using, selling, and offering for sale the Alphonso Platform.

23 73. Upon information and belief, Alphonso copied Samba TV's patented technologies, 24 engaged and continues to engage in direct competition with Samba TV using copied technology, 25 and has attempted and continues to attempt to substantially undercut Samba TV's pricing with 26 copied technology and knowledge of Samba TV's intellectual property rights, including the '668 27 Patent. Upon information and belief, Alphonso lacked, and continues to lack, a reasonable belief 28 that it had a meritorious defense to its infringement of the '668 Patent. Alphonso has willfully SAMBA TV'S SECOND AMENDED COMPLAINT

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infringed, and continues to willfully infringe the '668 Patent by engaging in willful, wanton,
malicious, bad-faith, deliberate, consciously wrongful, or flagrant conduct. Alphonso did not
make a good faith effort to avoid infringing the '668 Patent by taking remedial action to avoid
Samba TV's intellectual property rights such as ceasing its infringing activity or attempting to
design around the '668 Patent.

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COUNT II FOR INFRINGEMENT OF THE '356 PATENT BY ALPHONSO

7 74. Samba TV repeats and realleges the allegations in paragraphs 1–73 as though fully
8 set forth herein.

9 75. Upon information and belief, Alphonso infringes, contributes to the infringement of, and/or induces infringement of one or more claims of the '356 Patent, including at least claims 10 11 1, 2, 10, 11, 13, 14, 15, 16, 18, and 19 under 35 U.S.C. § 271 either literally or under the doctrine 12 of equivalents, by making, using, selling, offering for sale within the United States, and/or 13 importing into the United States, or by intending that others make, use, sell and/or offer for sale 14 within the United States and/or import into the United States products and/or methods covered by 15 one or more claims of the '356 Patent, including but not limited to the Alphonso Platform or 16 components thereof.

- 1776.The Alphonso Platform meets the limitations of the claims of the '356 Patent. For
- 18 example, claim 1 of the '356 Patent recites:
 - 1. A system comprising:
 - a television to generate a fingerprint data;
- a relevancy-matching server to:
 - match primary data generated from the fingerprint data with targeted data, based on a relevancy factor, and search a storage for the targeted data;
 - wherein the primary data is any one of a content identification data and a content identification history;
 - a mobile device capable of being associated with the television to:
 - process an embedded object, constrain an executable environment in a security sandbox, and execute a sandboxed application in the executable environment; and

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a content identification server to:

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process the fingerprint data from the television, and communicate the primary data from the fingerprint data to any of a number of devices with an access to an identification data of at least one of the television and an automatic content identification service of the television.

77. According to Alphonso, through its partnerships with mobile applications, TV
anywhere applications, gaming and living room devices, set-top box and TV OEMs, Alphonso
understands what people are watching on television, and in real-time, can deliver advertisements
to this audience through mobile applications and websites. *See* Exhibits 1 and 2.

78. For instance, according to Alphonso's CEO Defendant Chordia, the Alphonso 9 Platform enables televisions, set-top boxes, living room devices, or mobile apps to collect data on 10 what people are watching on those devices and within a few minutes provide an advertisement on 11 their digital device. See Exhibit 3. Watched content is identified using fingerprint data and 12 communicated to servers and other devices for targeting advertisements to users associated with 13 the networked device. See video at http://blog.alphonso.tv/post/160568451260/mark-gall-talks-14 tv-to-mobile-retargeting-with (a disc with the video is concurrently being submitted to the Court); 15 and corresponding screenshot at Exhibit 5. The Alphonso Platform pairs networked devices with 16 client devices using identification data such as browser or device type, identification of internet 17 and application use, user profiles, metrics, and statistics, user log-in data, and other device and/or 18 application identification data. See Exhibits 5, 6. The networked device and client device 19 communicate regarding watched content and targeted advertisements to cause a targeted 20 advertisement to be rendered based on the watched content and other user information. 21

79. According to Alphonso, the Alphonso Platform reinforces advertisements by
extending brand advertising onto users' mobile device, either in real-time or time-shifted, or in a
place-shifted setting. *See* Exhibit 4. Alphonso identifies relevant advertisements based on what
people are currently watching on networked devices or what people previously watched on
television. *See* Exhibit 5. According to Alphonso, Alphonso "retarget[s] what's on TV onto
phones and tablets and desktop" by "understanding [] exactly... what's on each channel, the show,
the commercial, and in real-time [] capturing that data." Alphonso further states:

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We're now able to understand on one side what's on TV. . . recognize what's on TV... and then serve programmatically to those mobile devices, tablets, desktop... . that's essentially our business... We only serve an ad to a person who's in front of a TV and the commercial comes on. We can serve that commercial to that person in that room right now or over a close period of time. We have to select that device that the person is using, that we have our automatic content recognition SDK in, and serve an ad there.

5 See video at http://blog.alphonso.tv/post/160568451260/mark-gall-talks-tv-to-mobile-6 retargeting-with (a disc with the video is concurrently being submitted to the Court); and 7 corresponding screenshot at Exhibit 5. Alphonso selects advertisements to extend the 8 reach of advertisers from television to mobile devices or to counteract television 9 advertisements (i.e. conquesting) based on the desired advertising campaign. Exhibit 7.

- The Alphonso Platform provides targeted advertisements to sandboxed mobile 11 applications and websites directly and/or through business partnerships and ad 12
- exchanges. See Exhibits 5, 8.
- 13 80. Alphonso directly infringes one or more claims of the '356 Patent, including at least 14 claims 1, 2, 10, 11, 13, 14, 15, 16, 18, and 19, under 35 U.S.C. 271(a), literally and/or under the 15 doctrine of equivalents, by making, using, selling, and/or offering for sale within the United States 16 and/or importing into the United States the Alphonso Platform or components thereof as described 17 herein.
- 18 81. In addition to direct infringement, Alphonso indirectly infringes one or more claims 19 of the '356 Patent, including at least claims 1, 2, 10, 11, 13, 14, 15, 16, 18, and 19, under 35 U.S.C. 20 § 271(b) and 35 U.S.C. § 271(c).
- 21 82. Upon information and belief, Alphonso actively induces others, such as advertising 22 agencies, advertising partners, advertisers, and/or other third parties in the United States to directly 23 infringe one or more of the claims of the '356 Patent, literally or under the doctrine of equivalents, 24 by making, using, selling, or offering to sell the Alphonso Platform or components thereof. 25 Alphonso was aware of Samba TV and Samba TV's intellectual property rights and received 26 specific notice of the '356 Patent by at least July 5, 2016 when Samba TV filed a lawsuit against Alphonso for infringing the '356 Patent. 27
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83. 1 Alphonso instructs third parties to make, use, sell, or offer for sale the Alphonso 2 Platform in a manner that infringes one or more claims of the '356 Patent, including through 3 materials and communication from Alphonso. Alphonso's infringing acts include but are not 4 limited to directing, instructing, and inducing advertising partners and other third parties to sell 5 and offer for sale the infringing Alphonso Platform and directing, instructing, and inducing 6 advertising partners and other third parties to use the Alphonso Platform in an infringing manner. 7 For example, Alphonso has partnered with third parties, such as Tremor Video, who sell the 8 Alphonso Platform. See Exhibit 8. Alphonso also directs, instructs, and induces advertising 9 partners, customers, and other third parties to use and how to use the infringing Alphonso Platform 10 through marketing materials, instructions, and other communication from Alphonso. Alphonso 11 also directs, instructs, and induces application developers and other technology partners to make, 12 use, and/or implement the Alphonso Platform. See Exhibit 9.

13 84. Through its making, using, selling, and/or offering to sell the Alphonso Platform
14 and through other materials and communication, Alphonso specifically intends advertising
15 agencies, advertising partners, advertisers, and/or other third parties to infringe one or more claims
16 of the '356 Patent. Alphonso is aware that use of the Alphonso Platform in its normal and
17 customary way infringes the '356 Patent and performs acts that constitute induced infringement
18 with knowledge of the '356 Patent and will knowledge or willful blindness that the induced acts
19 constitute infringement of one or more claims of the '356 Patent.

85. 20 Alphonso also contributes to the infringement of the '356 Patent by making, using, 21 selling, offering to sell, or otherwise providing the infringing Alphonso Platform or a component 22 thereof to others, such as advertising agencies, advertising partners, consumers, and/or other third 23 parties in the United States, to make, use, sell and/or offer to sell the infringing Alphonso Platform 24 or components thereof. Alphonso contributes to infringement by making, selling, offering for sale, 25 and encouraging others to use the Alphonso Platform, which is designed to infringe and/or has no 26 substantial noninfringing uses. The Alphonso Platform or components thereof are material to the 27 claimed invention, have no substantial non-infringing uses, and are known by Alphonso to be 28 especially made or especially adapted for use in an infringement of the '356 Patent. For example, SAMBA TV'S SECOND AMENDED COMPLAINT CASE NO. 3:17-CV-02107-RS 35

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Alphonso partners with third parties who use and offer to sell the infringing Alphonso Platform. *See* Exhibit 8. Upon information and belief, direct infringement is the result of activities performed
by making or using the Alphonso Platform or components thereof for their intended use. Alphonso
was aware of Samba TV and Samba TV's intellectual property rights and received specific notice
of the '356 Patent by at least July 5, 2016 when Samba TV filed a lawsuit against Alphonso for
infringing the '356 Patent.

86. Alphonso's acts of infringement cause damage to Samba TV, and Samba TV is
entitled to recover from Alphonso damages sustained as a result of Alphonso's infringement of
the '356 Patent, but in no event less than a reasonable royalty.

10 87. Alphonso's acts of infringement, unless restrained and enjoined, will cause
11 irreparable injury and damage to Samba TV for which there is no adequate remedy at law.

12 88. Alphonso's infringement of the '356 Patent is exceptional and entitles Samba TV
13 to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

14 89. Alphonso was aware of Samba TV and Samba TV's intellectual property rights and
15 received specific notice of the '356 Patent by at least July 5, 2016 when Samba TV filed a lawsuit
16 against Alphonso for infringing the '356 Patent. Despite the objectively high risk of infringement,
17 Alphonso continued to take actions to willfully infringe Samba TV's '356 Patent. On information
18 and belief, Alphonso studied Samba TV's website, public announcements, products, and
19 technology, copied Samba's ideas, and attempted to engage in direct competition with Samba TV
20 by making, using, selling, and offering for sale the Alphonso Platform.

21 90. Upon information and belief, Alphonso copied Samba TV's patented technologies, 22 engaged and continues to engage in direct competition with Samba TV using copied technology, 23 and has attempted and continues to attempt to substantially undercut Samba TV's pricing with 24 copied technology and knowledge of Samba TV's intellectual property rights, including the '356 25 Patent. Upon information and belief, Alphonso lacked, and continues to lack, a reasonable belief 26 that it had a meritorious defense to its infringement of the '356 Patent. Alphonso has willfully 27 infringed, and continues to willfully infringe the '356 Patent by engaging in willful, wanton, 28 malicious, bad-faith, deliberate, consciously wrongful, or flagrant conduct. Alphonso did not

make a good faith effort to avoid infringing the '356 Patent by taking remedial action to avoid
 Samba TV's intellectual property rights such as ceasing its infringing activity or attempting to
 design around the '356 Patent.

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CHORDIA

COUNT III FOR INFRINGEMENT OF THE '668 PATENT BY DEFENDANT

6 91. Samba TV repeats and realleges the allegations in paragraphs 1–90 as though fully
7 set forth herein.

8 92. Defendant Chordia induced Alphonso to infringe one or more claims of the '668
9 Patent, including at least claims 11, 14, 15, 16, 19, 21, 24, 25, 26, and 29, under 35 U.S.C. § 271(b),
10 and continues to direct, induce, and cause Alphonso to infringe the '668 Patent.

93. Upon information and belief, Defendant Chordia was and is actively involved in
enabling Alphonso and the Alphonso Platform to infringe the '668 Patent as described in
paragraphs 24-35 by personally performing infringing acts and/or directing and ordering other
Alphonso officers, agents, employees, or partners of Alphonso to infringe the '668 Patent.

15 94 Defendant Chordia personally participated in acts and directed, ordered, approved, 16 causes, and/or induced acts of and underlying infringement of the '668 Patent. See paragraphs 24-17 35. Defendant Chordia sold, offered for sale, and directed, ordered, induced, approved, and/or 18 caused others to sell and offer for sale the infringing Alphonso Platform. See paragraphs 24-35. 19 Defendant Chordia, as founder and CEO of Alphonso, directed, induced, approved, and/or caused 20 others to make the infringing Alphonso Platform. See paragraphs 24-35. Defendant Chordia also 21 directed, induced, approved, and/or caused others to use the infringing Alphonso Platform. See 22 paragraphs 24-35. Upon information and belief, Defendant Chordia still participates in acts and 23 directs, orders, approves, causes, and/or induces others to perform acts of and underlying infringement of the '668 Patent. See paragraphs 24-35. 24

95. Upon information and belief, Defendant Chordia is aware that use of the Alphonso
Platform in its normal and customary way infringes the '668 Patent and Defendant Chordia induces
acts of infringement with knowledge of the '668 Patent and with knowledge or willful blindness

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that the induced acts constitute infringement of one or more claims of the '668 Patent. See
paragraphs 24-35.

3 96. Defendant Chordia's inducement of acts that infringe Samba's '668 Patent cause
4 damage to Samba TV, and Samba TV is entitled to recover from Defendant Chordia damages
5 sustained as a result of Defendant Chordia's induced infringement of the '668 Patent, but in no
6 event less than a reasonable royalty.

97. Defendant Chordia's inducement of acts that infringe Samba's '668 Patent, unless
restrained and enjoined, will cause irreparable injury and damage to Samba TV for which there is
no adequate remedy at law.

98. Defendant Chordia's inducement of acts that infringe Samba's '668 Patent is
exceptional and entitles Samba TV to attorneys' fees and costs incurred in prosecuting this action
under 35 U.S.C. § 285.

99. Upon information and belief, Defendant Chordia received actual notice of the '668
Patent by at least **Chordia continued**. Despite the objectively high risk of infringement, Defendant
Chordia continued to take actions to willfully infringe Samba TV's '668 Patent. *See* paragraphs
24-35.

17 100. Upon information and belief, Defendant Chordia knowingly induced and induces
18 Alphonso to copy Samba TV's patented technologies, to engage in direct competition with Samba
19 TV using copied technology, and to substantially undercut Samba TV's pricing with copied
20 technology and knowledge of Samba TV's intellectual property rights, including the '668 Patent.
21 Defendant Chordia lacks a meritorious defense to his infringement of the '668 Patent. *See*22 paragraphs 24-35.

23 101. Defendant Chordia lacks a meritorious defense to his infringement of the '356
24 Patent.

25 <u>COUNT IV FOR INFRINGEMENT OF THE '356 PATENT BY DEFENDANT</u>
 26 <u>CHORDIA</u>
 27 102. Samba TV repeats and realleges the allegations in paragraphs 1–101 as though fully
 28 set forth herein.

SAMBA TV'S SECOND AMENDED COMPLAINT

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103. Defendant Chordia induced Alphonso to infringe one or more claims of the '356
 Patent, including at least claims 1, 2, 10, 11, 13, 14, 15, 16, 18, and 19, under 35 U.S.C. § 271(b),
 and continues to direct, induce, and cause Alphonso to infringe the '356 Patent.

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104. Upon information and belief, Defendant Chordia was and is actively involved in enabling Alphonso and the Alphonso Platform to infringe the '356 Patent as described in paragraphs 24-35 by personally performing infringing acts and/or directing and ordering other Alphonso officers, agents, employees, or partners of Alphonso to infringe the '356 Patent.

8 105. Defendant Chordia personally participated in acts and directed, ordered, approved, 9 causes, and/or induced acts of and underlying infringement of the '356 Patent. See paragraphs 24-10 35. Defendant Chordia sold, offered for sale, and directed, ordered, induced, approved, and/or 11 caused others to sell and offer for sale the infringing Alphonso Platform. See paragraphs 24-35. 12 Defendant Chordia, as founder and CEO of Alphonso, directed, induced, approved, and/or caused 13 others to make the infringing Alphonso Platform. See paragraphs 24-35. Defendant Chordia also 14 directed, induced, approved, and/or caused others to use the infringing Alphonso Platform. See 15 paragraphs 24-35. Upon information and belief, Defendant Chordia still participates in acts and 16 directs, orders, approves, causes, and/or induces others to perform acts of and underlying 17 infringement of the '356 Patent. See paragraphs 24-35.

18 106. Upon information and belief, Defendant Chordia is aware that use of the Alphonso
19 Platform in its normal and customary way infringes the '356 Patent and Defendant Chordia induces
20 acts of infringement with knowledge of the '356 Patent and with knowledge or willful blindness
21 that the induced acts constitute infringement of one or more claims of the '356 Patent. *See*22 paragraphs 24-35.

23 107. Defendant Chordia's inducement of acts that infringe Samba's '356 Patent cause
24 damage to Samba TV, and Samba TV is entitled to recover from Defendant Chordia damages
25 sustained as a result of Defendant Chordia's induced infringement of the '356 Patent, but in no
26 event less than a reasonable royalty.

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1 108. Defendant Chordia's inducement of acts that infringe Samba's '356 Patent, unless
 2 restrained and enjoined, will cause irreparable injury and damage to Samba TV for which there is
 3 no adequate remedy at law.

4 109. Defendant Chordia's inducement of acts that infringe Samba's '356 Patent is
5 exceptional and entitles Samba TV to attorneys' fees and costs incurred in prosecuting this action
6 under 35 U.S.C. § 285.

110. Upon information and belief, Defendant Chordia received actual notice of the '356
Patent by at least July 5, 2016. Upon information and belief, Defendant Chordia received notice
that Samba filed claims that Alphonso infringed the '356 Patent by at least July 5, 2016. See
paragraphs 24-35.

11 111. Despite the high risk of infringement, Defendant Chordia continued to take actions
12 to willfully infringe Samba TV's '356 Patent. *See* paragraphs 24-35.

13 112. Upon information and belief, Defendant Chordia knowingly induced and induces
14 Alphonso to copy Samba TV's patented technologies, to engage in direct competition with Samba
15 TV using copied technology, and to substantially undercut Samba TV's pricing with copied
16 technology and knowledge of Samba TV's intellectual property rights, including the '356 Patent.
17 See paragraphs 24-35.

18 113. Defendant Chordia lacks a meritorious defense to his infringement of the '35619 Patent.

20 COUNT V FOR INFRINGEMENT OF THE '668 PATENT BY DEFENDANT KODIGE

21 114. Samba TV repeats and realleges the allegations in paragraphs 1–113 as though fully
22 set forth herein.

23 115. Defendant Kodige induced Alphonso to infringe one or more claims of the '668
24 Patent, including at least claims 11, 14, 15, 16, 19, 21, 24, 25, 26, and 29, under 35 U.S.C. § 271
25 (b), and continues to direct, induce, and cause Alphonso to infringe the '668 Patent.

26 116. Upon information and belief, Defendant Kodige was and is actively involved in
27 enabling Alphonso and the Alphonso Platform to infringe the '668 Patent as described in

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paragraphs 36-46 by personally performing infringing acts and/or directing and ordering other
 Alphonso officers, agents, employees, or partners of Alphonso to infringe the '668 Patent.

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3 117. Defendant Kodige personally participated in acts and directed, ordered, approved, 4 causes, and/or induced acts of and underlying infringement of the '668 Patent. See paragraphs 36-5 46. Defendant Kodige sold, offered for sale, and directed, ordered, induced, approved, and/or 6 caused others to sell and offer for sale the infringing Alphonso Platform. See paragraphs 36-46. 7 Defendant Kodige, as founder and CPO of Alphonso, directed, induced, approved, and/or caused 8 others to make the infringing Alphonso Platform. See paragraphs 36-46. Defendant Kodige also 9 directed, induced, approved, and/or caused others to use the infringing Alphonso Platform. See 10 paragraphs 36-46. Upon information and belief, Defendant Kodige still participates in acts and 11 directs, orders, approves, causes, and/or induces others to perform acts of and underlying 12 infringement of the '668 Patent. See paragraphs 36-46.

13 118. Upon information and belief, Defendant Kodige is aware that use of the Alphonso
14 Platform in its normal and customary way infringes the '668 Patent and Defendant Kodige induces
15 acts of infringement with knowledge of the '668 Patent and with knowledge or willful blindness
16 that the induced acts constitute infringement of one or more claims of the '668 Patent. *See*17 paragraphs 36-46.

18 119. Defendant Kodige's inducement of acts that infringe Samba's '668 Patent cause
19 damage to Samba TV, and Samba TV is entitled to recover from Defendant Kodige damages
20 sustained as a result of Defendant Kodige's induced infringement of the '668 Patent, but in no
21 event less than a reasonable royalty.

120. Defendant Kodige's inducement of acts that infringe Samba's '668 Patent, unless
restrained and enjoined, will cause irreparable injury and damage to Samba TV for which there is
no adequate remedy at law.

25 121. Defendant Kodige's inducement of acts that infringe Samba's '668 Patent is
26 exceptional and entitles Samba TV to attorneys' fees and costs incurred in prosecuting this action
27 under 35 U.S.C. § 285.

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1 122. Upon information and belief, Defendant Kodige received actual notice of the '668
 2 Patent by at least **Construction**. Despite the objectively high risk of infringement, Defendant
 3 Kodige continued to take actions to willfully infringe Samba TV's '668 Patent. *See* paragraphs 36 4 46.

5 123. Upon information and belief, Defendant Kodige knowingly induced and induces 6 Alphonso to copy Samba TV's patented technologies, to engage in direct competition with Samba 7 TV using copied technology, and to substantially undercut Samba TV's pricing with copied 8 technology and knowledge of Samba TV's intellectual property rights, including the '668 Patent. 9 Defendant Kodige lacks a meritorious defense to his infringement of the '668 Patent. *See* 10 paragraphs 36-46.

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COUNT IV FOR INFRINGEMENT OF THE '356 PATENT BY DEFENDANT KODIGE

12 124. Samba TV repeats and realleges the allegations in paragraphs 1–123 as though fully
13 set forth herein.

14 125. Defendant Kodige induced Alphonso to infringe one or more claims of the '356
15 Patent, including at least claims 1, 2, 10, 11, 13, 14, 15, 16, 18, and 19, under 35 U.S.C. § 271 (b),
16 and continues to direct, induce, and cause Alphonso to infringe the '356 Patent.

17 126. Upon information and belief, Defendant Kodige was and is actively involved in
18 enabling Alphonso and the Alphonso Platform to infringe the '356 Patent as described in
19 paragraphs 36-46 by personally performing infringing acts and/or directing and ordering other
20 Alphonso officers, agents, employees, or partners of Alphonso to infringe the '356 Patent.

21 127. Defendant Kodige personally participated in acts and directed, ordered, approved, 22 causes, and/or induced acts of and underlying infringement of the '356 Patent. See paragraphs 36-23 46. Defendant Kodige sold, offered for sale, and directed, ordered, induced, approved, and/or 24 caused others to sell and offer for sale the infringing Alphonso Platform. See paragraphs 36-46. 25 Defendant Kodige, as founder and CPO of Alphonso, directed, induced, approved, and/or caused 26 others to make the infringing Alphonso Platform. See paragraphs 36-46. Defendant Kodige also 27 directed, induced, approved, and/or caused others to use the infringing Alphonso Platform. See 28 paragraphs 36-46. Upon information and belief, Defendant Kodige still participates in acts and CASE NO. 3:17-CV-02107-RS SAMBA TV'S SECOND AMENDED COMPLAINT 42

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directs, orders, approves, causes, and/or induces others to perform acts of and underlying
 infringement of the '356 Patent. *See* paragraphs 36-46.

Upon information and belief, Defendant Kodige is aware that use of the Alphonso
Platform in its normal and customary way infringes the '356 Patent and Defendant Kodige induces
acts of infringement with knowledge of the '356 Patent and with knowledge or willful blindness
that the induced acts constitute infringement of one or more claims of the '356 Patent. *See*paragraphs 36-46.

8 129. Defendant Kodige's inducement of acts that infringe Samba's '356 Patent cause
9 damage to Samba TV, and Samba TV is entitled to recover from Defendant Kodige damages
10 sustained as a result of Defendant Kodige's induced infringement of the '356 Patent, but in no
11 event less than a reasonable royalty.

12 130. Defendant Kodige's inducement of acts that infringe Samba's '356 Patent, unless
13 restrained and enjoined, will cause irreparable injury and damage to Samba TV for which there is
14 no adequate remedy at law.

15 131. Defendant Kodige's inducement of acts that infringe Samba's '356 Patent is
16 exceptional and entitles Samba TV to attorneys' fees and costs incurred in prosecuting this action
17 under 35 U.S.C. § 285.

18 132. Upon information and belief, Defendant Kodige received actual notice of the '356
19 Patent by at least July 5, 2016. Upon information and belief, Defendant Kodige received notice
20 that Samba filed claims that Alphonso infringed the '356 Patent by at least July 5, 2016. *See*21 paragraphs 36-46.

133. Despite the high risk of infringement, Defendant Kodige continued to take actions
to willfully infringe Samba TV's '356 Patent. *See* paragraphs 36-46.

134. Upon information and belief, Defendant Kodige knowingly induced and induces
Alphonso to copy Samba TV's patented technologies, to engage in direct competition with Samba
TV using copied technology, and to substantially undercut Samba TV's pricing with copied
technology and knowledge of Samba TV's intellectual property rights, including the '356 Patent. *See* paragraphs 36-46.

1 135. Defendant Kodige lacks a meritorious defense to his infringement of the '356
 2 Patent.

<u>COUNT VII FOR INFRINGEMENT OF THE '668 PATENT BY DEFENDANT</u> <u>KALAMPOUKAS</u>

5 136. Samba TV repeats and realleges the allegations in paragraphs 1–135 as though fully
6 set forth herein.

7 137. Defendant Kalampoukas induced Alphonso to infringe one or more claims of
8 the '668 Patent, including at least claims 11, 14, 15, 16, 19, 21, 24, 25, 26, and 29, under 35 U.S.C.
9 § 271(b), and continues to direct, induce, and cause Alphonso to infringe the '668 Patent.

10 138. Upon information and belief, Defendant Kalampoukas was and is actively involved
11 in enabling Alphonso and the Alphonso Platform to infringe the '668 Patent as described in
12 paragraphs 47-54 by personally performing infringing acts and/or directing and ordering other
13 Alphonso officers, agents, employees, or partners of Alphonso to infringe the '668 Patent.

14 Defendant Kalampoukas personally participated in acts and directed, ordered, 139. 15 approved, causes, and/or induced acts of and underlying infringement of the '668 Patent. See 16 paragraphs 47-54. Defendant Kalampoukas directed, ordered, induced, approved, and/or caused 17 others to sell and offer for sale the infringing Alphonso Platform. See paragraphs 47-54. Defendant 18 Kalampoukas, as founder and CTO of Alphonso, directed, ordered, induced, approved, and/or 19 caused others to make the infringing Alphonso Platform. See paragraphs 47-54. Upon information 20 and belief, Defendant Kalampoukas still participates in acts and directs, orders, approves, causes, 21 and/or induces others to perform acts of and underlying infringement of the '668 Patent. See 22 paragraphs 47-54.

140. Upon information and belief, Defendant Kalampoukas is aware that use of the
Alphonso Platform in its normal and customary way infringes the '668 Patent and Defendant
Kalampoukas induces acts of infringement with knowledge of the '668 Patent and with knowledge
or willful blindness that the induced acts constitute infringement of one or more claims of the '668
Patent. *See* paragraphs 47-54.

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141. Defendant Kalampoukas's inducement of acts that infringe Samba's '668 Patent
 cause damage to Samba TV, and Samba TV is entitled to recover from Defendant Kalampoukas
 damages sustained as a result of Kalampoukas's induced infringement of the '668 Patent, but in
 no event less than a reasonable royalty.

5 142. Defendant Kalampoukas's inducement of acts that infringe Samba's '668 Patent,
6 unless restrained and enjoined, will cause irreparable injury and damage to Samba TV for which
7 there is no adequate remedy at law.

8 143. Defendant Kalampoukas's inducement of acts that infringe Samba's '668 Patent is
9 exceptional and entitles Samba TV to attorneys' fees and costs incurred in prosecuting this action
10 under 35 U.S.C. § 285.

11 144. Upon information and belief, Defendant Kalampoukas received actual notice of
12 the '668 Patent by at least on or about the set of the '668 Patent by at least on or about the set of t

13 145. Despite the objectively high risk of infringement, Defendant Kalampoukas
14 continued to take actions to willfully infringe Samba TV's '668 Patent. See paragraphs 47-54.

15 146. Upon information and belief, Defendant Kalampoukas knowingly induced and
induces Alphonso to copy Samba TV's patented technologies, to engage in direct competition with
Samba TV using copied technology, and to substantially undercut Samba TV's pricing with copied
technology and knowledge of Samba TV's intellectual property rights, including the '668 Patent. *See* paragraphs 47-54.

20 147. Defendant Kalampoukas lacks a meritorious defense to his infringement of the '668
21 Patent.

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KALAMPOUKAS

COUNT V FOR INFRINGEMENT OF THE '356 PATENT BY DEFENDANT

24 148. Samba TV repeats and realleges the allegations in paragraphs 1–147as though fully
25 set forth herein.

26 149. Defendant Kalampoukas induced Alphonso to infringe one or more claims of
27 the '356 Patent, including at least claims 1, 2, 10, 11, 13, 14, 15, 16, 18, and 19, under 35 U.S.C.
28 § 271(b), and continues to direct, induce, and cause Alphonso to infringe the '356 Patent.

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Upon information and belief, Defendant Kalampoukas was and is actively involved
 in enabling Alphonso and the Alphonso Platform to infringe the '356 Patent as described in
 paragraphs 47-54 by personally performing infringing acts and/or directing and ordering other
 Alphonso officers, agents, employees, or partners of Alphonso to infringe the '356 Patent.

5 151. Defendant Kalampoukas personally participated in acts and directed, ordered, 6 approved, causes, and/or induced acts of and underlying infringement of the '356 Patent. See 7 paragraphs 47-54. Defendant Kalampoukas directed, ordered, induced, approved, and/or caused 8 others to sell and offer for sale the infringing Alphonso Platform. See paragraphs 47-54. Defendant 9 Kalampoukas, as founder and CTO of Alphonso, directed, ordered, induced, approved, and/or caused others to make the infringing Alphonso Platform. See paragraphs 47-54. Upon information 10 11 and belief, Defendant Kalampoukas still participates in acts and directs, orders, approves, causes, 12 and/or induces others to perform acts of and underlying infringement of the '356 Patent. See 13 paragraphs 47-54.

14 152. Upon information and belief, Defendant Kalampoukas is aware that use of the
15 Alphonso Platform in its normal and customary way infringes the '356 Patent and Defendant
16 Kalampoukas induces acts of infringement with knowledge of the '356 Patent and with knowledge
17 or willful blindness that the induced acts constitute infringement of one or more claims of the '356
18 Patent. *See* paragraphs 47-54.

19 153. Defendant Kalampoukas's inducement of acts that infringe Samba's '356 Patent
20 cause damage to Samba TV, and Samba TV is entitled to recover from Defendant Kalampoukas
21 damages sustained as a result of Kalampoukas's induced infringement of the '356 Patent, but in
22 no event less than a reasonable royalty.

23 154. Defendant Kalampoukas's inducement of acts that infringe Samba's '356 Patent,
24 unless restrained and enjoined, will cause irreparable injury and damage to Samba TV for which
25 there is no adequate remedy at law.

26 155. Defendant Kalampoukas's inducement of acts that infringe Samba's '356 Patent is
27 exceptional and entitles Samba TV to attorneys' fees and costs incurred in prosecuting this action
28 under 35 U.S.C. § 285.

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1 156. Upon information and belief, Defendant Kalampoukas received actual notice of
 2 the '356 Patent by at least July 5, 2016. Upon information and belief, Defendant Kalampoukas
 3 received notice that Samba filed claims that Alphonso infringed the '356 Patent by at least July 5,
 4 2016. See paragraphs 47-54.

5 157. Despite the high risk of infringement, Defendant Kalampoukas continued to take
6 actions to willfully infringe Samba TV's '356 Patent. *See* paragraphs 47-54.

158. Upon information and belief, Defendant Kalampoukas knowingly induced and
induces Alphonso to copy Samba TV's patented technologies, to engage in direct competition with
Samba TV using copied technology, and to substantially undercut Samba TV's pricing with copied
technology and knowledge of Samba TV's intellectual property rights, including the '356 Patent. *See* paragraphs 47-54.

- 12 159. Defendant Kalampoukas lacks a meritorious defense to his infringement of the '356
 13 Patent.
- 15 Samba TV respectfully demands a jury trial on all issues and claims so triable.
 - PRAYER FOR RELIEF

JURY DEMAND

- WHEREFORE, Samba TV respectfully requests this Court enter judgment in its favorand grant the following relief against Alphonso:
- 19 1. Judgment that Alphonso infringed and continues to infringe the Patents-in-Suit;
- 20
 2. Judgment that Defendant Chordia induced infringement and continues to induce
 21
 infringement of the Patents-in-Suit;
- 3. Judgment that Defendant Kodige induced infringement and continues to induce
 infringement of the Patents-in-Suit;
- 4. Judgment that Defendant Kalampoukas induced infringement and continues to
 induce infringement of the Patents-in-Suit;
- 26 5. Judgment that Alphonso's infringement of the Patents-in-Suit was willful and
 27 continues to be willful;
- 28

14

1	6.	6. Judgment that Defendant Chordia's infringement of the Patents-in-Suit was				
2	willful and continues to be willful;					
3	7.	Judgment that Defendant Kodige's infringement of the Patents-in-Suit was willful				
4	and continues to be willful;					
5	8.	Judgment that Defendant Kalampoukas's infringement of the Patents-in-Suit was				
6	willful and continues to be willful;					
7	9.	Award Samba TV damages in an amount adequate to compensate Samba TV for				
8	the infringement of the Patents-in-Suit by Defendants Alphonso, Chordia, Kodige, and					
9	Kalampoukas, but in no event less than a reasonable royalty under 35 U.S.C. § 284;					
10	10.	Award Samba TV enhanced damages pursuant to 35 U.S.C. § 284;				
11	11.	Award Samba TV pre-judgment and post-judgment interest to the full extent				
12	allowed under the law;					
13	12.	Award Samba TV costs;				
14	13.	Enter an order finding this to be an exceptional case and award Samba TV its				
15	reasonable attorneys' fees pursuant to 35 U.S.C. § 285;					
16	14.	Enter a permanent injunction against Alphonso and its respective officers				
17	(including Chordia, Kodige, and Kalampoukas), directors, shareholders, agents, servants,					
18	employees, attorneys, all parent, subsidiary and affiliate corporations, their successors in interest					
19	and assigns, and all other entities and individuals acting in concert with it or on its behalf,					
20	including customers, from making, importing, using, offering for sale, and/or selling any produc					
21	or service falling within the scope of any claim of the Patents-in-Suit or otherwise infringing or					
22	contributing to or inducing infringement of any claim of the Patents-in-Suit;					
23	15.	Award, in lieu of an injunction, a compulsory ongoing royalty;				
24	16.	Order an accounting of damages; and				
25	17.	Award such other relief as the Court may deem appropriate and just under the				
26	circumstances.					
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20	SAMBA TV'S SECOND AMENDED (COMPLAINT	49	CASE NO. 3:17-CV-02107-RS