

1 Plaintiff Apple Inc. (“Apple”) files this Complaint for Declaratory Judgment of
2 Noninfringement against Defendant Princeps Interface Technologies LLC (“Princeps” or
3 “Defendant”), and in support of its Complaint alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is an action for a declaratory judgment of noninfringement arising under the
6 patent laws of the United States, Title 35 of the United States Code.

7 2. Apple is a leading designer and manufacturer of mobile communication devices,
8 personal computers and portable digital media players. As a result of its significant investment in
9 research and development, Apple has developed innovative technologies that have changed the face
10 of the computing and telecommunications industries for four decades.

11 3. Apple’s many pioneering and revolutionary products spanning its history include the
12 Macintosh PC (first released in 1984), PowerBook (first released in 1991), Newton (first released
13 in 1993), PowerMac (first released in 1994), iMac (first released in 1998), iPod (first released in
14 2001), iTunes Store (opened in 2003), MacBook (first released in 2006), iPhone and Apple TV (first
15 released in 2007), Apple App Store (opened in 2008), Siri (first released 2010), iPad (first released
16 in 2010), Apple Watch (first released in 2015), and AirPods (first released in 2016).

17 4. The United States Patent & Trademark Office has awarded Apple thousands of patents
18 protecting the technological inventions underlying Apple’s groundbreaking products and services.
19 Many well-known functionalities and features of Apple’s products were made possible with the
20 inventions of Apple engineers.

21 5. Defendant, on the other hand, is a patent assertion entity formed for the sole purpose
22 of generating revenue by asserting patents against other companies’ products. Defendant’s prior
23 actions and statements have created a substantial controversy of sufficient immediacy and reality to
24 warrant the issuance of a declaratory judgment of noninfringement as to whether Apple products
25 practice U.S. Patent No. 6,703,963 (“the ‘963 Patent” or “Asserted Patent”).

26 6. Defendant has claimed, through claim charts and pleadings served on Apple, that
27 certain Apple products infringe the ‘963 Patent. However, Apple’s products do not infringe the

1 *Techs. LLC v. ASUSTek Computer Inc., et al.* Case No. 5-19-cv-04298-JSW (N.D. Cal.).
2 Defendant's Complaint in its lawsuit against *ASUSTek Computer Inc. et al.*, acknowledges that the
3 ASUS Computer International has its U.S. headquarters in Fremont, California, which is also in this
4 District. *Id.*, ECF. No. 1, at 2. Defendant's conduct further includes serving claim charts and
5 asserting infringement allegations for the '963 Patent against other corporations that have a principal
6 place of business in this District, including Google LLC (headquarters located in Mountain View,
7 California) and Samsung Semiconductor, Inc. (U.S. Regional Office located in San Jose,
8 California). *See Princeps Interface Techs. LLC v. Google LLC, et al.*, Case No. 1:19-cv-01102-
9 CFC (D. Del.); *Princeps Interface Techs. LLC v. Samsung Elecs. Co., Ltd, et al.*, Case No. 1:19-cv-
10 01103-CFC (D. Del.). Defendant also asserts the above alleged infringers that all have principal
11 places of business in this District (*i.e.*, ASUS Computer International, Google LLC, Samsung
12 Semiconductor, Inc.) infringe the same patent claims being asserted against Apple: claims 1-3, 9,
13 12, and 60 of the '963 Patent.

14 13. This Court also has personal jurisdiction over Defendant because Defendant has
15 purposefully availed itself of the benefits of California law and has more than sufficient minimum
16 contacts with California, including within this District, such that this declaratory judgment action
17 meets the requirements of California's long-arm statute.

18 14. For example, Apple resides in this District and Defendant has alleged that Apple has
19 committed acts of infringement in this District related to the Asserted Patent and the Apple Accused
20 Products. This District is also the most convenient District for the present declaratory judgment
21 claims because, among other things, witnesses and evidence concerning the Apple Accused
22 Products are located in this District.

23 15. Additionally, Defendant is subject to specific personal jurisdiction in this Court and
24 has consented to venue in this Court for purposes of litigating the '963 Patent because Defendant
25 has initiated litigation in this Court concerning the '963 Patent. *See Princeps Interface Techs. LLC*
26 *v. ASUSTek Computer Inc., et al.* Case No. 5-19-cv-04298-NC (N.D. Cal.).

27 16. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1391(c) because

1 District and Defendant is subject to the Court's personal jurisdiction with respect to this civil action.

2 17. For these reasons and the reasons set forth below, a substantial controversy exists
3 between the parties which is of sufficient immediacy and reality to warrant declaratory relief.

4 **INTRADISTRICT ASSIGNMENT**

5 18. This is an intellectual property action subject to district-wide assignment pursuant to
6 Local Rules 3-2(c) and 3-5(b).

7 **THE ASSERTED PATENT**

8 19. On March 9, 2004, the United States Patent and Trademark Office (the "Patent
9 Office") issued the '963 Patent, entitled "Universal Keyboard" to Timothy B. Higginson. A true
10 and correct copy of the '963 Patent is attached as Exhibit A. On information and belief, Princeps
11 purports to own by assignment the '963 Patent.

12 20. The '963 Patent issued from U.S. Patent Application No. 10/247,065 ("the '065
13 Application") filed on September 12, 2002.

14 21. On June 20, 2003, the Patent Office rejected all claims in the '065 Application as
15 either anticipated or obvious in view of the prior art.

16 22. In response to this rejection, the applicant amended claim 1 of the '065 Application
17 to require, among other things, that "the input keys and domain control are simultaneously presented
18 by the input device."

19 23. Also in response to the Patent Office rejection, the applicant for the '065 Application
20 argued that amended claim 1 was patentable over the prior art. In particular, the applicant stated:

21 [I]n contrast to simultaneously presenting the input keys and domain (level) control,
22 as recited in claims 1, 36, and 64, the Platte '949 patent discloses replacing a
23 previously displayed set of input/level selection keys, including a selected input
24 key that initiated displaying a next input key level, by a new set of input keys. Thus,
25 even in the event that an input (e.g., PLAY) key in the Platte remote control device
26 is considered the claimed 'domain control,' the selected 'domain control'
27 disappears from the input interface when the new set of input keys are presented on
28 the input interface. Therefore, Platte does not disclose *simultaneously presenting
the input keys and the domain control* (that selects one of multiple domain levels)
as recited in amended claim 64 as well as claims 1 and 36.

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