

LAW OFFICES OF SETH W. WIENER
Seth W. Wiener (SBN 203747)
seth@sethwienerlaw.com
609 Karina Court,
San Ramon, California 94582
Telephone: (925) 487-5607

DEVLIN LAW FIRM LLC
Timothy Devlin (*pro hac vice* to be filed)
tdevlin@devlinlawfirm.com
Derek Dahlgren (*pro hac vice* to be filed)
ddahlgren@devlinlawfirm.com
Cory Edward (*pro hac vice* to be filed)
cedwards@devlinlawfirm.com
1526 Gilpin Avenue
Wilmington, Delaware 19806
Telephone: (302) 449-9010
Facsimile: (302) 353-4251

Attorneys for Plaintiff
Onscreen Dynamics, LLC

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ONSCREEN DYNAMICS, LLC,

Plaintiff,

v.

ASUSTEK COMPUTER INC. & ASUS
COMPUTER INTERNATIONAL,

Defendants.

Case No.: 3:20-cv-5553

**COMPLAINT FOR PATENT
INFRINGEMENT**

1 Plaintiff Onscreen Dynamics, LLC (“Onscreen” or “Plaintiff”), for its Complaint against
2 Defendants ASUSTeK Computer Inc (“ASUSTek”) and ASUS Computer International (ASUS Int.”),
3 (individually each a “Defendant” and collectively “Defendants” or “ASUS”) alleges the following:

4 **NATURE OF THE ACTION**

5 1. This is an action for patent infringement arising under the Patent Laws of the United
6 States, 35 U.S.C. § 1 *et seq.*

7 **THE PARTIES**

8 2. Plaintiff is a limited liability company organized under the laws of the State of
9 Delaware with a place of business at 717 N. Union Street, Wilmington, DE, 19805.

10 3. Upon information and belief, ASUSTeK is a foreign corporation organized and existing
11 under the laws Taiwan, with a place of business at No. 15, Li-Te Rd., Beitou District, Taipei 112,
12 Taiwan. Upon information and belief, ASUSTeK sells and offers to sell products and services
13 throughout the United States, including in this judicial district, and introduces products and services
14 that into the stream of commerce and that incorporate infringing technology knowing that they would
15 be sold in this judicial district and elsewhere in the United States.

16 4. Upon information and belief ASUS Int. is a corporation organized and existing under
17 the laws of California, with a place of business at 48720 Kato Road, Fremont, CA 94538. Upon
18 information and belief, ASUS Int. sells and offers to sell products and services throughout the United
19 States, including in this judicial district, and introduces products and services into the stream of
20 commerce and that incorporate infringing technology knowing that they would be sold in this judicial
21 district and elsewhere in the United States.

22 **JURISDICTION AND VENUE**

23 5. This is an action for patent infringement arising under the Patent Laws of the United
24 States, Title 35 of the United States Code.

25 6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

26 7. Venue is proper in this judicial district under 28 U.S.C. §1400(b). On information and
27 belief, Defendant ASUSTeK is a foreign corporation that may be sued in this judicial district.
28 Defendant ASUS Int. is incorporated in this State of California. Both Defendants, ASUSTek and

1 ASUS Int., have committed acts of infringement in this District and have a regular and established
2 place of business within this District.

3 8. On information and belief, each Defendant is subject to this Court's general and specific
4 personal jurisdiction because each Defendant has sufficient minimum contacts within the State of
5 California and this District, pursuant to due process and/or the because each Defendant purposefully
6 availed itself of the privileges of conducting business in the State of California and in this District,
7 because each Defendant regularly conducts and solicits business within the State of California and
8 within this District, and because Plaintiff's causes of action arise directly from each of Defendant's
9 business contacts and other activities in the State of California and this District. Further, this Court has
10 personal jurisdiction over ASUS Int. because it is incorporated in California and has purposely availed
11 itself of the privileges and benefits of the laws of the State of California.

12 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 9,395,917**

13 9. The allegations set forth in the foregoing paragraphs 1 through 8 are incorporated into
14 this First Claim for Relief.

15 10. On July 19, 2016, U.S. Patent No. 9,395,917 ("the '917 patent"), entitled "Electronic
16 Display with a Virtual Bezel," was duly and legally issued by the United States Patent and Trademark
17 Office. A true and correct copy of the '917 patent is attached as Exhibit A.

18 11. The inventions of the '917 patent resolve technical problems related to how to prevent
19 unintended registering of touching of a touchscreen electronic display, and thereby avoid unintended
20 actions. Those problems also included placing components and controls, for example a camera, a
21 speaker, or sensors to avoid obstruction of the content on the touchscreen display. Those problems
22 further included increasing or maximizing display area while providing functionality of a physical
23 bezel. *See, e.g.,* '917 patent at col. 1, ll. 21–59.

24 12. The technological improvements described and claimed in the '917 patent were not
25 conventional or generic at the time of their invention, but rather required novel and non-obvious solutions
26 to problems and shortcomings in the art at the time. *See, e.g.,* '917 patent at col. 1, l. 21–col. 9, l. 41.
27 For example, claim 1 of the '917 patent is directed to a display screen having a virtual bezel area and an
28 active touchscreen region, both of which display portions of content but have different modes of response

1 to certain touch-based inputs.

2 13. The inventions claimed in the '917 patent cover more than just the performance of well-
3 understood, routine or conventional activities known in the art. *See, e.g.*, '917 patent at col. 1, l. 21–
4 col. 9, l. 41. For example, claim 1 of the '917 patent is directed to a display screen having a virtual
5 bezel area and an active touchscreen region, both of which display portions of content but have different
6 modes of response to certain touch-based inputs. The technological improvements described and
7 claimed in the '917 patent were not conventional or generic at the time of their invention, but rather
8 required novel and non-obvious solutions to problems and shortcomings in the art at the time. *See,*
9 *e.g.*, '917 patent at col. 1, l. 21–col. 9, l. 41. For example, claim 1 of the '917 patent is directed to a
10 display screen having a virtual bezel area and an active touchscreen region, both of which display
11 portions of content but have different modes of response to certain touch-based inputs.

12 14. The '917 patent claims inventions that provide technological solutions to technological
13 problems. The written description of the '917 patent describes in technical detail each of the elements of
14 the claims, including a display screen having a virtual bezel area and an active touchscreen region, both
15 of which display portions of content but have different modes of response to certain touch-based inputs.

16 15. Each of the claims of the '917 patent capture the improvements described and illustrated
17 in the specification. For example, claim 1 of the '917 patent is directed to a display screen having a
18 virtual bezel area and an active touchscreen region, both of which display portions of content but have
19 different modes of response to certain touch-based inputs.

20 16. The written description describes each of the elements such that persons of ordinary skill
21 in the art understand what the claims and their elements cover and how the non-conventional and non-
22 generic combination of claim elements differ markedly from and improved upon the art. *See, e.g.*, '917
23 patent at col. 1, l. 21–col. 9, l. 41. For example, claim 1 of the '917 patent is directed to a display screen
24 having a virtual bezel area and an active touchscreen region, both of which display portions of content
25 but have different modes of response to certain touch-based inputs.

26 17. Technology leaders including Microsoft Technology Licensing LLC, Amazon
27 Technologies, Inc., Samsung Electronics Co., Ltd., and the USPTO have cited the '917 patent as a
28 reference over 20 times. *See* <https://patents.google.com/patent/US9395917B2/en> (last accessed August

7, 2020); 37 CFR 1.104, Nature of Examination (“the examiner must cite the best references at his or her command.”).

18. Viewed in light of the specification of the ’917 patent, the claims are not directed to basic tools of scientific and technological work, nor are they directed to a fundamental economic practice. *See, e.g.,* ’917 patent at col. 1, l. 21–col. 12, l. 21. For example, claim 1 of the ’917 patent is directed to a display screen having a virtual bezel area and an active touchscreen region, both of which display portions of content but have different modes of response to certain touch- based inputs.

19. The claims of the ’917 patent are not directed to the use of an abstract mathematical formula. *See, e.g.,* ’917 patent at col. 1, l. 21–col. 12, l. 21. For example, claim 1 of the ’917 patent is directed to a display screen having a virtual bezel area and an active touchscreen region, both of which display portions of content but have different modes of response to certain touch- based inputs.

20. The claims of the ’917 patent are not directed to the use of a general-purpose computer. *See, e.g.,* ’917 patent at col. 1, l. 21–col. 12, l. 21. For example, claim 1 of the ’917 patent is directed to a display screen having a virtual bezel area and an active touchscreen region, both of which display portions of content but have different modes of response to certain touch- based inputs.

21. The claims of the ’917 patent are not directed to implementation of a mathematical formula. *See, e.g.,* ’917 patent at col. 1, l. 21–col. 12, l. 21. For example, claim 1 of the ’917 patent is directed to a display screen having a virtual bezel area and an active touchscreen region, both of which display portions of content but have different modes of response to certain touch- based inputs. Moreover, the prior art includes touch screen displays, yet the claims of the ’917 patent were deemed novel and non-obvious, demonstrating (among other reasons) the non- conventionality of the technology described and claimed in the ’917 Patent.

22. The claims of the ’917 patent are not directed to generalized steps to be performed on a computer using conventional activity. *See, e.g.,* ’917 patent at col. 1, l. 21–col. 12, l. 21. For example, claim 1 of the ’917 patent is directed to a display screen having a virtual bezel area and an active touchscreen region, both of which display portions of content but have different modes of response to certain touch-based inputs.

23. The claims of the ’917 patent are not directed to a method of organizing human activity

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.