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20 UNITED STATES DISTRICT COURT  
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 ONSCREEN DYNAMICS, LLC,

23 Plaintiff,

24 v.

25 ASUSTEK COMPUTER INC. & ASUS  
26 COMPUTER INTERNATIONAL,

27 Defendants.

28 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

1 7, 2020); 37 CFR 1.104, Nature of Examination (“the examiner must cite the best references at his or  
2 her command.”).

3 18. Viewed in light of the specification of the ’917 patent, the claims are not directed to basic  
4 tools of scientific and technological work, nor are they directed to a fundamental economic practice. *See,*  
5 *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  
6 display screen having a virtual bezel area and an active touchscreen region, both of which display  
7 portions of content but have different modes of response to certain touch- based inputs.

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

12 20. The claims of the ’917 patent are not directed to the use of a general-purpose computer.  
13 *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  
14 a display screen having a virtual bezel area and an active touchscreen region, both of which display  
15 portions of content but have different modes of response to certain touch- based inputs.

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

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

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

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