

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BUFFALO PATENTS, LLC,

Plaintiff,

v.

SPOTIFY TECHNOLOGY S.A., SPOTIFY
AB, and SPOTIFY USA INC.

Defendants.

CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Buffalo Patents, LLC (“Buffalo Patents” or “Plaintiff”) files this original complaint against Defendants Spotify Technology S.A., Spotify AB, and Spotify USA Inc. (“Spotify” or “Defendant”), alleging, based on its own knowledge as to itself and its own actions and based on information and belief as to all other matters, as follows:

PARTIES

1. Buffalo Patents is a limited liability company formed under the laws of the State of Texas, with its principal place of business at 1200 Silver Hill Dr., Austin, Texas, 78746.
2. Defendant Spotify Technology S.A. (“Spotify Technology”) is a company duly organized and existing under the laws of the Grand Duchy of Luxembourg, with a place of business located at Regeringsgatan 19, SE-111 53 Stockholm, Sweden.
3. Spotify Technology, together with its subsidiaries, is an audio streaming and media services provider. It describes itself as “the world’s most popular audio streaming subscription service with a community of more than 433 million users, including 188 million Spotify Premium subscribers, across 183 markets.”¹

¹ See About Spotify, <https://investors.spotify.com/about/default.aspx>.

4. Defendant Spotify AB is a company duly organized and existing under the laws of Sweden, with a place of business located at Regeringsgatan 19, SE-111 53, Stockholm, Sweden.

5. Spotify AB is a wholly owned subsidiary of Spotify Technology. Spotify AB is the main operating company of Spotify.

6. Defendant Spotify USA Inc. (“Spotify USA”) is a corporation organized and existing under the laws of the State of Delaware. Spotify USA Inc. may be served with process through its registered agent, National Registered Agents, Inc., 1209 Orange St., Wilmington, Delaware, 19801.

7. Spotify USA is a wholly owned subsidiary of Spotify AB. Spotify USA is the American operating company for Spotify.

8. The Defendants named above and their affiliates are part of the same corporate structure and distribution chain for the making, importing, offering to sell, selling, and using of the accused devices in the United States, including in the State of Delaware generally and this judicial district in particular. Spotify’s annual report, for instance, states that the term “Spotify” refers to “Spotify Technology S.A. and its direct and indirect subsidiaries on a consolidated basis.”²

9. The Defendants named above and their affiliates share the same management, common ownership, advertising platforms, facilities, distribution chains and platforms, and accused product lines and products involving related technologies.

² See Spotify’s Annual Report, at 1 (2021), https://s29.q4cdn.com/175625835/files/doc_financials/2021/AR/2021-Spotify-AR.pdf.

10. Thus, the Defendants named above and their affiliates operate as a unitary business venture and are jointly and severally liable for the acts of patent infringement alleged herein.

11. The parties to this action are properly joined under 35 U.S.C. § 299 because the right to relief asserted against defendants jointly and severally arises out of the same series of transactions or occurrences relating to the making and using of the same products or processes. Additionally, questions of fact common to all defendants will arise in this action.

JURISDICTION AND VENUE

12. This is an action for infringement of United States patents arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

13. This Court has personal jurisdiction over Spotify pursuant to due process and/or the Delaware Long Arm Statute because, *inter alia*, (i) Spotify has done and continues to do business in Delaware, (ii) Spotify regularly does or solicits business, engages in other persistent course of conduct in Delaware, and derives substantial revenue from services, or things used or consumed in Delaware, (iii) Spotify has committed and continues to commit acts of patent infringement in the State of Delaware, including making, using, offering to sell, and/or selling accused products or services in Delaware, inducing others to commit acts of patent infringement in Delaware, and/or committing at least a portion of any other infringements alleged herein in Delaware, and (iv) Spotify regularly places its products or services within the stream of commerce—directly, through subsidiaries, or through third parties—with the expectation and knowledge that such products or services will be sold or used in Delaware and elsewhere in the United States. Thus, Spotify has established minimum contacts within Delaware and purposefully availed itself of the benefits of Delaware, and the exercise of personal jurisdiction

over Spotify would not offend traditional notions of fair play and substantial justice. In addition, or in the alternative, this Court has personal jurisdiction over (i) Spotify Technology and Spotify AB pursuant to Federal Rule of Civil Procedure 4(k)(2), and (ii) Spotify USA because it is organized under the laws of Delaware.

14. Venue is proper as to Defendants Spotify Technology and Spotify AB, which are organized under the laws of foreign jurisdictions. 28 U.S.C. § 1391(c)(3) provides that “a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.” *See also In re HTC Corp.*, 889 F.3d 1349 (Fed. Cir. 2018).

15. Venue is proper in this district as to Spotify USA under 28 U.S.C. § 1400(b). Spotify USA is incorporated in the State of Delaware, so it resides in this district.

BACKGROUND

16. The patent-in-suit generally relates to an improved method and system of managing conference calls. The patented technology allows communities of individuals to initiate, join, and participate in conference calls. In particular, members of a community (even unknown to one another) can meet and collaborate in a freeform and unscheduled way, and yet “retain collective and individual degrees of organizational control,” such as through providing conference call data, designation of users as “speakers,” limiting the time a user is permitted to speak, etc.

17. The technology disclosed by the patent-in-suit was developed by award-winning software developers, known especially for game and graphic design. Since the 1980s, Jordan Weisman has worked on and created interactive entertainment software, including a plethora of role-playing and alternative reality games. Mr. Weisman has earned more than 100 awards throughout his career and, in 2003, he was selected as the Pacific Northwest Entrepreneur of the

Year by Ernst & Young. Elan Lee is best known as a designer of computer games, and has had extensive experience with creating interactive programming for audiences. He has also won much acclaim, including multiple industry awards for design and innovation. Bill Redmann is an engineer who has worked on creating virtual reality technologies, including the design of interactive technologies, since the 1980s. Mr. Redmann is a named inventor on over 70 patents.

18. The invention disclosed in the patent-in-suit has been cited during patent prosecution nearly 300 times and multiple times by electronics companies, including Alcatel-Lucent, Amazon, Apple, AT&T, Avaya, Blackberry, Canon, Cisco, Dolby, Ericsson, Fujitsu, Google, IBM, Hewlett-Packard, Infineon, Intel, Lenovo, LG Electronics, Microsoft, Motorola Solutions, Nokia, Nortel Networks, Palm, Panasonic, Qualcomm, Samsung, Sharp Labs, Siemens, Sony, Sprint, T-Mobile, Verizon, and Vodafone.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. 6,839,417

19. On January 4, 2005, United States Patent No. 6,839,417 (“the ’417 Patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “Method and Apparatus for Improved Conference Call Management.” A true and correct copy of the ’417 Patent is attached as Exhibit A.

20. Buffalo Patents is the owner of the ’417 Patent, with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the ’417 Patent against infringers, and to collect damages for all relevant times.

21. Spotify made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems including, for example, its Spotify Live social

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