

JURISDICTION AND VENUE

4. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a) because the action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*

5. This Court has personal jurisdiction over Defendant by virtue of its systematic and continuous contacts with this jurisdiction, including having branches and employees in New York, as well as because of the injury to Syclone, and the cause of action Syclone has risen, as alleged herein.

6. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the New York Long Arm Statute, *N.Y. Civ. Pract. L. R. 302*, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in New York and in this judicial district.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) because Defendant is a resident of this District.

FACTUAL ALLEGATIONS

8. On January 27, 2015, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '363 patent, entitled "Device Battery Management" after a full and fair examination. (Exhibit A).

9. Syclone is presently the owner of the patent, having received all right, title and interest in and to the '363 patent from the previous assignee of record. Syclone possesses all rights of recovery under the '363 patent, including the exclusive right to recover for past infringement.

10. The '363 patent contains five independent claims and twenty-five dependent claims. Defendant commercializes, inter alia, products that contain all the elements recited in at least one claim of the '363 patent.

11. The invention claimed in the '363 patent comprises a system and method for providing battery management for a device.

DEFENDANT'S PRODUCTS

12. Defendant offers electronic products for individuals and businesses, such as the "Xperia XZ3" smartphone (the "Accused Instrumentality"), that performs a method for providing battery management for a device, as recited in claim 1 of the '363 patent.¹ For example, as shown in Defendant's website, the Accused Instrumentality includes Qnovo Adaptive charging & Battery care for providing battery management:²

Battery

3330 mAh
Smart Stamina
Qnovo™ Adaptive Charging
Battery Care

STAMINA mode
USB Power Delivery (USB PD) fast charging
Wireless charging (Qi)

13. As recited in claim 1 of the '363 patent, the Accused Instrumentality performs the step of charging the device battery to a less than full charge using the device charger. For example, the Accused Instrumentality The accused product practices, through Battery Care, charging the device's battery up to 90% battery level using the device charger:³

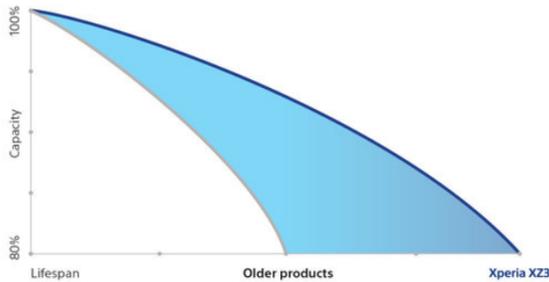
¹<https://www.sony.com/electronics/support/mobile-phones-tablets-mobile-phones/xperia-xz3/specifications>

² *Id.*

³ <http://web.archive.org/web/20190727154548/https://www.sonymobile.com/us/products/phones/xperia-xz3/battery/>

A battery with a longer lifespan

While most batteries decline over time, our charging technologies help keep yours healthy for longer.



Qnovo™ Adaptive Charging

Qnovo™ Adaptive Charging monitors your battery's health when it's plugged in and adjusts current levels to ensure the battery isn't overworked.

Battery Care

Leaving a fully-charged battery plugged in can damage it. Battery Care charges your phone to 90%, waits, then charges to 100% just before your wake-up time.

14. As recited in claim 1 of the '363 patent, the Accused Instrumentality performs the step of determining a device battery top off charge trigger associated with the device and the device battery. For example, the Accused Instrumentality detects a user's charge patterns and estimates when the user will disconnect the charger in order to charge the device's battery to 90% when the device will stay connected to the charger.⁴

15. As recited in claim 1 of the '363 patent, the Accused Instrumentality performs the step of maintaining the less than full charge until a top off charge is to be provided. For example, the Accused Instrumentality resumes charging when the time for disconnecting the device from the charger is close.⁵

16. As recited in claim 1 of the '363 patent, the Accused Instrumentality performs the step of providing the top off charge to the device battery in response to the device battery top off

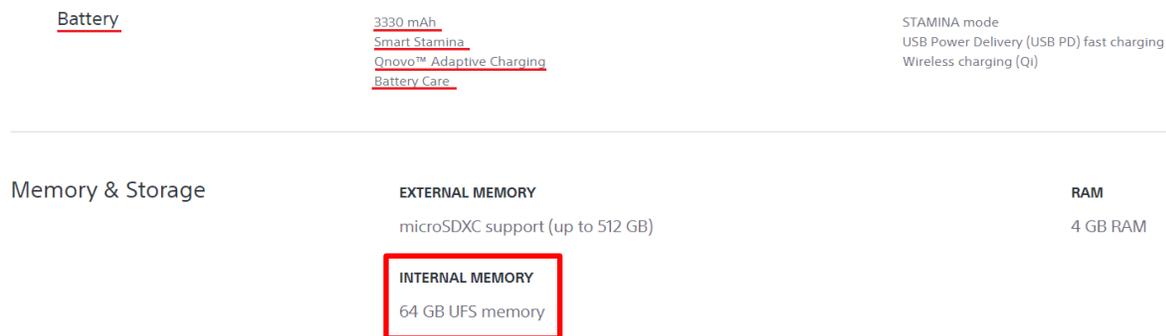
⁴ *Id.*

⁵ *Id.*

charge trigger. For example, the Accused Instrumentality only charges the device's battery up to 100% just before the charger is disconnected.⁶

17. The steps described in paragraphs 12-16 are covered by at least claim 1 of the '363 patent. Thus, Defendant's use of the Accused Instrumentality is enabled by the invention described in the '363 patent.

18. As recited in claim 14 of the '363 patent, the Accused Instrumentality includes a machine readable non-transitory medium having stored therein instructions that, when executed, cause the machine to provide battery management for the device.⁷ For example, as shown in Defendant's website, the Accused Instrumentality includes Qnovo Adaptive charging & Battery care for providing battery management through software stored in its 64GB internal memory:⁸



19. As recited in claim 14 of the '363 patent, the Accused Instrumentality executes instructions for charging the device battery to a less than full charge using the device charger. For example, the Accused Instrumentality executes instructions, through Battery Care, for charging the device's battery up to 90% battery level using the device charger.⁹

⁶ *Id.*

⁷ <https://www.sony.com/electronics/support/mobile-phones-tablets-mobile-phones/xperia-xz3/specifications>

⁸ *Id.*

⁹ <http://web.archive.org/web/20190727154548/https://www.sonymobile.com/us/products/phones/xperia-xz3/battery/>

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