

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

SONOS, INC.,	§	
	§	
Plaintiff,	§	C.A. 6:20-cv-881
v.	§	
	§	JURY TRIAL DEMANDED
GOOGLE LLC,	§	
	§	
Defendant.	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Sonos, Inc. (“Sonos” or “Plaintiff”) hereby asserts claims for infringement of United States Patent Nos. 9,967,615; 10,779,033; 9,344,206; 10,469,966; and 9,219,460 (the “patents-in-suit”; attached hereto as Exhibits 1-5 respectively) against Defendant Google LLC (“Google” or “Defendant”), and alleges as follows:

INTRODUCTION

1. Sonos is an American success story. It was founded in 2002 in Santa Barbara, California by a handful of engineers and entrepreneurs with a vision to invent the world’s first wireless, whole-home audio system. At the time, popular audio systems were dependent on a centralized receiver hard-wired to each individual passive speaker throughout a home. Further, most homes with Internet access had dial-up connections, the iPhone was still five years away, and there were no streaming music services. The technological barriers confronting Sonos were enormous.

2. To deliver on its vision, the Sonos team completely reimagined the in-home music system as a decentralized network of smart playback devices, and it developed a platform that could seamlessly and wirelessly distribute audio room by room or throughout the home at the user’s discretion. Sonos created a “choose what to play, where to play it, and how loud” wireless audio system that could not only perform without lag (*e.g.* buffering, or network interruptions), but that was also so simple and intuitive that customers would make it part of their daily lives.

3. Commercial success did not come easy for Sonos as its vision was in many ways ahead of its time. But year by year, consumers – and the entire industry – came to appreciate that wireless multi-room audio devices and systems could not only work, but could become an essential part of the listening experience. Success required staying true to Sonos’s disruptive vision, continuing to innovate while adjacent industries caught up and customers became more and more enamored with the idea of Sonos as they had the chance to encounter and use its products. Once Sonos had taken all the risks and placed enormous bets on research and development, the “first followers” began to copy Sonos’s innovations.

4. To this day, Sonos remains focused on innovations that further enhance the listening experience. Sonos invests heavily in research and development and, as a result, frequently invents new systems with new technologies, enhanced functionality, improved sound quality, and an enriched user experience.

5. As a result, Sonos has become one of the world’s leading providers of innovative audio products. In recognition of its wide-ranging innovations, the U.S. Patent & Trademark Office has granted or allowed Sonos more than 940 U.S. patents, including the patents-in-suit, with hundreds more patents in other countries. The innovations captured by these patents cover many important aspects of wireless multi-room audio devices/systems, including, for example, how to manage and control groups of playback devices, how to facilitate seamless control and transfer of audio playback among devices, and how to output amazing sound quality.

6. The industry has recognized the importance of Sonos’s patents. For example, Sonos earned a spot on the IPO list of “Top 300 Organizations Granted U.S. Patents” and the IEEE recognized Sonos as having one of “[t]he technology world’s most valuable patent portfolios.” *See* Exs. 6 and 7.

7. Sonos launched its first commercial products in 2005 and has since released a wide variety of critically acclaimed, patented, wireless multi-room audio products, including, for example, the Play:1, Play:3, Play:5 (Gen 1 and Gen 2), One (Gen 1 and Gen 2), One SL, Move,

Playbar, Playbase, Beam, Sub, Connect, Port, Connect:Amp, Amp, Five, and Arc. *See, e.g.*, Ex. 8. Sonos’s products can be set up and controlled by the Sonos app. *Id.*

8. Sonos’s efforts have made it incredibly popular with its customers. Sonos estimates that in fiscal year 2019, Sonos’s customers listened to 7.7 billion hours of audio content using its products. And, as of September, 2019, almost two thirds of Sonos households had purchased and installed more than one Sonos product.

9. Sonos’s record of innovation has made it the undisputed leader in what has come to be called the “multiroom audio” field. *See, e.g.*, Ex. 9 (2018 Digital Trends: “Sonos is the king of multiroom audio....”); Ex. 10 (2019 What Hi-Fi: “[N]o multi-room offering is as complete or as pleasurable to live with as Sonos.”).

10. Sonos has already sued Google for infringing patents on its first group of inventions involving the set-up, control, playback, and synchronization of wireless playback devices. This case involves a second group of inventions which, as described more extensively below, tackle the novel technological challenges of how to stream music from a cloud-based service, how to create, manage, and invoke “zone scenes” to configure how multiple playback devices work together, and how to dynamically adjust the equalization of a playback device based on the environment in which the playback device is operating.

GOOGLE BEGINS INFRINGING

11. Almost a decade after Sonos created the smart-speaker market, Google entered the space. Initially, Google sought to work with Sonos and, through those efforts, gained access to Sonos’s engineers, products, and technology. All too quickly, however, Google shifted focus and began to develop and sell products that copied Sonos’s technology and infringed Sonos’s patents.

12. Part of what makes Sonos so successful is that, through its application, Sonos is compatible with many different third-party music streaming services. When Google publicly launched its own streaming music service – Google Play Music – in late 2011, Sonos worked with

Google to integrate the Google Play Music service into the Sonos ecosystem. As a result, Google Play Music launched on the Sonos platform in 2014. *See, e.g.*, Ex. 11.

13. This should have benefited everyone: Sonos’s customers gained access to another streaming service and Google Play Music users gained access to Sonos’s devices. But as the press recognized at the time, Sonos’s integration work with Google was especially “deep” and therefore gave Google a wide aperture through which to view Sonos’s proprietary technology. *Id.* (2014 Wired: “This is the first time this sort of deep integration has happened between a third party music service and Sonos.”). The copying soon followed.

14. Just eighteen months later, in 2015, Google began willfully infringing Sonos’s patents. On information and belief, Google used the knowledge it had gleaned from Sonos to build and launch its first wireless multi-room audio product – Chromecast Audio.

15. Google’s Chromecast Audio began what has turned into Google’s relentless effort to copy Sonos and use Sonos’s patented technology. For example, although Google’s original Chromecast Audio did not yet include Sonos’s patented multi-room audio functionality, even when it was launched Google was working to add that Sonos-patented feature. *See* Ex. 12 (2015 The Guardian: “Google is also working on multi-room audio streaming using the Chromecast Audio, but it will not support the popular feature out of the box.”). And, when Google added the infringing feature, the press immediately noted how this “major feature update” made Google’s product even more “like the ones made by Sonos:”

Google’s recently-launched Chromecast Audio adapter is getting a major feature update this week: Consumers will now be able to group multiple Chromecast audio adapters to stream their favorite music simultaneously in more than one room, similar to the multi-room support available for internet-connected loudspeakers like the ones made by Sonos.

Ex. 13 (2015 *Variety* article entitled “Google’s Chromecast Audio Adapter Gets Multi-Room Support Similar to Sonos”); *see also* Ex. 14 (2015 *Pocket-Lint*) (“You control your Sonos experience with one app. Well, thanks to a new software rollout, Chromecast Audio can pretty much do the same thing.”).

16. This has become a consistent pattern. Time and again, Google has added features to its products that first appeared in Sonos's products and which make use of Sonos's patented technology.

GOOGLE'S INFRINGEMENT ACCELERATES

17. Since 2015, Google's misappropriation of Sonos's patented technology has proliferated. Google has expanded its wireless multi-room audio system to more than a dozen infringing products, including the Google Home Mini, Google Home, Google Home Max, and Pixel phones, tablets, and laptops. And Google has persisted in infringing even though Sonos has warned Google of its infringement on at least four separate occasions dating back to 2016.

18. For example, in 2016 (a year after Google launched the Chromecast Audio wireless adapter), Google released the Google Home multi-room audio player (which was controlled by Google's rebranded multi-room controller app – the Google Home app). Unlike the Chromecast Audio, the Google Home added an internal speaker driver making it an “all-in-one” audio player akin to Sonos's prior Play:1, Play:3, and Play:5 products.

19. Sonos raised the issue of infringement as to these products with Google as early as August 2016. Sonos hoped that Google would respect Sonos's intellectual property and the extensive work Sonos had put into inventing and developing its products. But Google did no such thing.

20. In October 2016, Sonos put Google on notice of infringement of 28 Sonos patents, including asserted United States Patent No. 9,344,206. Google, however, did not stop infringing. Instead, it doubled down and introduced new infringing products, making use of *even more* patented technology from Sonos.

21. For example, in 2017, eight years after Sonos introduced its first all-in-one audio player – the Play:5 – Google released its first all-in-one audio players – the Google Home Max and the Google Home Mini. Google's Home Max in particular was seen as a “Sonos Clone” and a “not-so-subtle copy of the [Sonos] Play:5 speaker....” Ex. 15. As explained by Gizmodo, “[i]t's

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