UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CUSTOMPLAY, LLC,

Plaintiff,

CASE NO.

v.

AMAZON.COM, INC.,

Defendant.
_____/

COMPLAINT FOR PATENT INFRINGEMENT

CustomPlay, LLC ("CustomPlay") hereby sues Amazon.com, Inc. ("Amazon") for patent infringement and alleges as follows:

THE PARTIES

1. CustomPlay is a limited liability company organized and existing under the laws of the State of Florida with a principal place of business in Delray Beach, Florida. CustomPlay is engaged in the business of developing, marketing, and distributing innovative movie-information applications and related technologies. CustomPlay currently has nineteen employees at its principal place of business.

2. Amazon is a corporation organized and existing under the laws of the State of Delaware with a principal place of business in Seattle, Washington.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, codified at Title 35 of the United States Code.

4. This Court has federal question jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a) because CustomPlay seeks relief under the Patent Act, 35 U.S.C. §§ 271-99,

including remedies for infringement of United States patents owned by CustomPlay.

5. Amazon is subject to personal jurisdiction in this state under § 48.193, Florida Statutes, because it has transacted and continues to transact business in this state, has contracted to supply services or products in this state, and/or has caused tortious injury in this state.

6. Venue is proper pursuant to 28 U.S.C. § 1400(b) because Amazon has committed acts of patent infringement in this district, including sales and offers for sale of infringing products, and because Amazon has a regular and established place of business in this district, including a distribution and fulfillment center located at 1900 N.W. 132nd Place, Doral, Florida 33182.

THE CUSTOMPLAY PATENTS

7. CustomPlay is the owner of United States Patent No. 8,494,346 B2 ("the '346 patent"), entitled "Identifying a Performer During a Playing of a Video." Mr. Max Abecassis, the founder, CEO, and owner of CustomPlay, is the inventor of the '346 patent. The application that matured into the '346 patent was filed on December 22, 2011. The '346 patent was duly and lawfully issued on July 23, 2013 by the United States Patent and Trademark Office and is now, and has been at all times since its date of issue, valid and enforceable. A copy of the '346 patent is attached hereto as Exhibit 1.

8. The '346 patent teaches a feature for "providing a user, during playback of a segment from within a video, an identification of the performer/character that is depicted in that segment . . . to satisfy the real-time informational interests of a user and to deliver a more informed video viewing experience." Ex. 1, col. 1, ln. 61 to col. 2, ln. 4.

9. The '346 patent refers to this as the "Who" feature. The "Who" feature "enables the display of information identifying the performers and characters" depicted in a particular

segment of a video. *Id.*, col. 2, ll. 36-39.

10. The patent continues: "To activate the Who feature, a user may be provided a number of means, including, onscreen playback controls, remote control keys, voice control, other user interfaces, and/or any combinations of these methodologies and means." *Id*. col. 8, ll. 53-57. "[S]uperimposed on [a] frame of video [is] a visual depiction of each of the characters and corresponding performer's and character's name." *Id.* col. 6, ll. 34-36. "[T]he visual depiction is a current image of the performer." *Id*., col. 28, ln. 52 to col. 32, ln. 23 (claims 1-20).

11. By way of example, claim 17 of the '346 patent covers:

> A method of processing data, the data comprising: (i) a name of a performer of a character depicted within a video frame of a video; and (ii) a reference to a visual depiction of the performer of the depicted character; the method comprising the steps of:
>
> receiving, from a user, during a playing of a video, a request for information for identifying a performer of a character that is depicted during the playing of the video;
>
> identifying a current location in the video;
>
> identifying a name of a performer associated with the identified location;
>
> retrieving, responsive to the reference, a visual depiction of the performer; and
>
> providing, the user, the identified name of the performer, and the visual depiction of the performer.

Id., col 31, ll. 10-24.

12. CustomPlay is also the owner of United States Patent No. 9,124,950 B2 ("the '950 patent"), entitled "Providing Item Information Notification During Video Playing." Mr. Max Abecassis is also the inventor of the '950 patent. The application that matured into the '950 patent was filed on March 26, 2012. The '950 patent was duly and lawfully issued on September 1, 2015 by the United States Patent and Trademark Office and is now, and has been at all times since its date of issue, valid and enforceable. A copy of the '950 patent is attached hereto as

Exhibit 2.

13. The inventions taught in the '950 patent include technology "to provide, during a playing of a video, an indication that item information is available for an item being currently depicted within the video." Ex. 2, col. 2, ll. 13-16. The patent teaches, for example, that:

> The current play location within a video is monitored and a plurality of segment definitions is searched to identify a segment definition that is responsive to the play location. In the instance that a segment definition is responsive to the play location, and during the period defined by the segment definition, an indication **140** is displayed that item information is available for an item or items being depicted.

Id., col. 6, ll. 39-47.

> FIG. 1D is a representation of a video frame **101** within the motion picture at a subsequent instance within the same clip that includes the video frame **100** shown in FIG. 1C. In this case, the camera has focused on the girl **120** and the man **130**. The "90 Day Balloons" **113** depicted in the video frame **100** of FIG. 1A is not depicted in the frame **101**, and only the ream of the "Top Hat" **133** of FIG. 1A is depicted in the frame **101**. In this example, the item identification routines are configured to search a plurality of segment definitions to identify segment definitions that are responsive to the request location and a predetermined play period prior to the request location. In this instance, since the segments definitions for each of the noteworthy items are responsive to either the request location or the predetermined play period prior to the request location, an image and textual identification are nonetheless provided for the "90 Day Balloons", the "Stripe Dress", and the "Top Hat" (FIG. 1D **112**, **113**, **122**, **123**, **132**, **133**).

Id., col. 9, ln. 61 to col. 10, ln. 10. *See also id.*, claims 1-20.

14. By way of example, claim 19 of the '950 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> retrieving a video frame identifier that is responsive to a play location within a playing of a video;
>
> displaying, responsive to the video frame identifier, an initial indication that item information is available that is responsive to the play location;
>
> retrieving a subsequent video frame identifier that is responsive to a subsequent play location;
>
> displaying, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent

> indication that item information is available that is responsive to the subsequent play location;
>
> receiving, following the displaying of the subsequent indication, a request responsive to the initial indication, for item information; and
>
> displaying item information associated with the initial indication that item information is available.

Id., col. 37, ln. 13 to col. 38, ln 10.

15. CustomPlay is also the owner of United States Patent No. 9,380,282 B2 ("the '282 patent"), entitled "Providing Item Information During Video Playing." Mr. Max Abecassis is also the inventor of the '282 patent. The application that matured into the '282 patent was filed on March 26, 2012. The '282 patent was duly and lawfully issued on June 28, 2016 by the United States Patent and Trademark Office and is now, and has been at all times since its date of issue, valid and enforceable. A copy of the '282 patent is attached hereto as Exhibit 3.

16. The inventions taught in the '282 patent include technology to "satisfy the real-time informational interests of a user and to deliver a more informed and entertaining video viewing experience." Ex. 3, '282 patent, col. 1, ln. 65 to col. 2, ln 7. The patent continues:

> During a playing of a video, a user may desire to obtain item identification information and/or shopping information for an item being depicted within the video. In such situations, it is advantageous to be able to provide, a user during a playing of a video, item information for certain items being depicted, especially where those items are product placements.

Id., col. 13, ll. 26-32. "A musical note icon may be displayed in connection with a purchasable musical item, e.g., a song being currently played within the video." *Id.*, col. 7, ll. 53-56. *See also id.*, col. 33, ln. 16 to col. 37, ln. 10 (claims 1-20).

17. By way of example, claim 19 of the '282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;

> identifying a request location that is responsive to the request for information;
>
> retrieving a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location; and
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

Id., col. 36, ln. 58 to col. 59, ln. 7.

CUSTOMPLAY'S PRODUCTS AND SERVICES

18. CustomPlay practices its patented technologies. Based on those technologies, CustomPlay developed a proprietary movie-companion software application called Second Screen. Since 2015, CustomPlay has made the Second Screen application available for download to end-users at Google Play and the Apple App Store under the name CustomPlay. This application practices and implements the '346 patent, the '282 patent, and the '950 patent (collectively, the "CustomPlay Patents").

19. CustomPlay also developed a proprietary DVD software application, and since 2014 has made it available for download to end-users at www.customplay.com. This application also practices and implements the '346 patent and the '282 patent.

20. CustomPlay's End User License Agreement for its Second Screen and the DVD software applications provides notice of the CustomPlay Patents, pursuant to and in compliance with 35 U.S.C. § 287. A copy of the End User License Agreement is included with the download of the applications and is published on CustomPlay's website at www.customplay.com.

CUSTOMPLAY'S CORRESPONDENCE WITH AMAZON

21. In 2008, CustomPlay informed Amazon of CustomPlay's product development activities and of its evolving patent portfolio. In a letter to Amazon dated February 25, 2008

(copy attached hereto as Exhibit 4), Mr. Abecassis wrote:

> CustomPlay, LLC has developed innovative and unique video playback technologies that can serve to conceptually differentiate Amazon's Unbox video service from those of competing providers. . . . CustomPlay's features and capabilities are the subject of 30 issued U.S. patents and a number of pending patent applications.

22. In 2014, CustomPlay informed Amazon of the array of new CustomPlay technologies. In a letter to Amazon dated May 8, 2014 (copy attached hereto as Exhibit 5), Mr. Abecassis stated:

> CustomPlay was built on the vision of enhancing the movie viewing experience. Our fourteen feature sets and eight in-video functions, including Shopping, Search, and Locations, provide an extensive set of artistic, creative, and entertaining movie playback capabilities.
>
> A ninety-second video introducing some of CustomPlay's capabilities is available at customplay.com/atoz password: 1994. The video, made exclusively for Amazon, interleaves portions of the Fire TV commercial featuring Gary Busey. CustomPlay's other features are highlighted in an additional video that is also available on that page and at customplay.com. The site offers a free download of the beta release of our movie player.

23. The ninety-second video made available to Amazon on May 8, 2014 included a demonstration of CustomPlay's proprietary "Who" feature, covered by the '346 patent.

24. Thereafter, in an email to Amazon dated May 15, 2014 (copy attached hereto as Exhibit 6), Mr. Abecassis provided an unlisted (*i.e.*, private and not publicly accessible without knowledge of the precise URL) www.YouTube.com link to the ninety-second video. At all relevant times since May 15, 2014, the ninety-second video has continued to be accessible at https://www.youtube.com/watch?v=7dZe04AaRyQ.

25. In another email to Amazon dated July 16, 2014 (copy attached hereto as Exhibit 7), Mr. Abecassis wrote:

> In May and June we communicated by certified letter and/or email with over 30 executives at Amazon regarding CustomPlay's innovative video playback features

> and in-video functions. You were kind to forward the letter we originally sent to Mr. Bezos to Amazon's business development department.
>
> The communications provided a link to a CustomPlay demo video, made exclusively for Amazon, which was viewed more than 20 times by various personnel at Amazon. The ninety-second demo video, interleaving CustomPlay's capabilities with portions of a Fire TV commercial, is available at http://youtu.be/WZHMOkqC2Cw.
>
> CustomPlay offers a material differentiation among all movie streaming and downloading services, and its Shopping feature presents unique opportunities that are at the core of Amazon's business.

26. On July 21, 2014, Amazon replied by email (copy attached hereto as Exhibit 8), as follows:

> Thank you for your follow up email. If there appears to be a match with Amazon's business goals, the talented folks in Business Development will certainly contact you. However, please note that due to the number of business proposals they receive, a reply will not be offered unless the concept is considered a good fit for Amazon.

27. Upon information and belief, Amazon has knowledge of the CustomPlay Patents and, despite such knowledge, uses the CustomPlay Patents without authorization and with the intent to infringe and to cause its customers to infringe the CustomPlay Patents.

AMAZON'S X-RAY FEATURE

28. Amazon operates a video on demand service ("Amazon Video") that offers users a library of streaming television shows and films for rental or purchase.

29. Amazon's X-Ray feature is available on numerous film and television show titles in the Amazon Video library.

30. Amazon's website describes X-Ray as follows:

> What is X-Ray for Movies & TV Shows?
>
> X-Ray for Movies & TV Shows lets you access actor bios, background information, and more from the Internet Movie Database (IMDb) directly onscreen. X-Ray for Movies and TV Shows is available for selected Amazon Video titles on the following devices:

- Amazon Video website (HTML5 web player)
- Amazon Fire TV devices
- Fire tablets
- Android & iOS mobile devices
- Wii U

. . . .

If a movie or TV show has X-Ray available, you'll see an X-Ray label in the video details, or X-Ray options in the player window. While a video is playing, X-Ray details show in time with video playback anytime you interact with the player window

. . . .

X-Ray Features
Here are some of the features available with X-Ray:

Scenes & In Scene: Get a list of scenes for the movie or TV show you're watching, as well as information about what's currently playing in a scene, including cast and character details, trivia, and more.

Cast: Get actor information, including bios and filmographies.

Characters: Get background information about key characters.

Music: View details about the music playing during a scene.

Trivia: Get behind-the-scenes information, including connections, goofs, and filming locations.

What is X-Ray for Movies & TV Shows?, AMAZON.COM, INC., https://www.amazon.com/gp/help/customer/display.html?nodeId=201423010 (last visited May 3, 2017) (emphasis added). A copy of Amazon's website promoting X-Ray is attached hereto as Exhibit 9.

31. The information available to viewers through Amazon's X-Ray feature is supplied by IMDb, an online database of information related to films and television programs, including cast, production crew, fictional characters, biographies, plot summaries, trivia, and reviews.

IMDb is a wholly owned subsidiary of Amazon.

32. Functionally, Amazon's X-Ray feature is based on an unencrypted file (the "X-Ray Data File") that contains the information to be displayed (*i.e.*, what actor is appearing on screen, which song is being played in the video, trivia and other information). X-Ray Data Files are used on a playback device alongside the Amazon Video content (*i.e.*, a film or television show).

33. For example, an excerpt of the X-Ray Data File for the movie *Pulp Fiction* is reprinted below:

"textMap":{"PRIMARY":"TimRoth","SECONDARY":"Pumpkin"},"type":"blue printedItem","version":1},{"__type":"BlueprintedItem:http://internal.amazon.com /coral/com.amazon.atv.discovery/","accessibilityMap":{"PRIMARY":"AmandaPl ummer.asHoney Bunny"},"analytics":null,"blueprint":{"id":"XrayPersonItem"},"debugAttributes": null,"id":"/name/nm0001625/","imageMap":{"PRIMARY":{"alternateText":null, "gradientRequired":false,"size":{"unit":"px","x":319,"y":480},"url":"https://imag es-na.ssl-images-amazon.com/images/M/MV5BMTYwNjIyNTY3NF5BMl5BanBnXkFtZTcwOT UwMzg4OA@@._V1_.jpg","version":1}},"linkActionMap":{"PRIMARY":{"__t ype":"NavigationalAction:http://internal.amazon.com/coral/com.amazon.atv.disco very/","analytics":{"cascade":null,"local":{"refMarker":"atv_plr_x_cast_1"}},"ca cheKey":null,"linkType":"xray","nonSupportedText":null,"parameters":

34. The data included in the *Pulp Fiction* X-Ray Data File can be visualized using a number of tools. A visualization of an excerpt of the *Pulp Fiction* X-Ray Data File is depicted below:

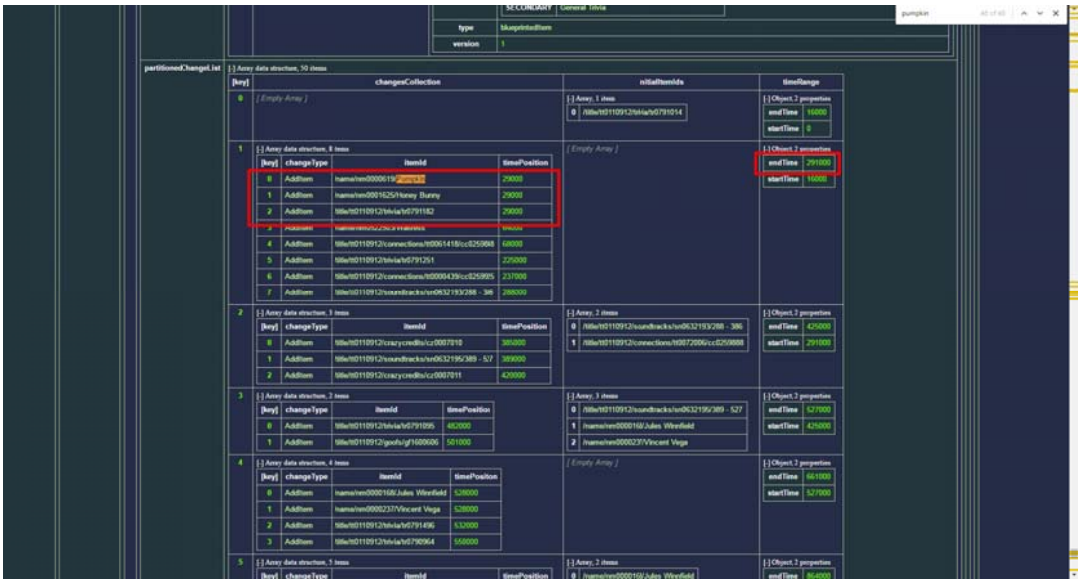

Figure 1 - Visualization of Pulp Fiction *X-Ray Data File*

35. In the X-Ray Data File, data is organized into segments that have a start and an end time, measured in milliseconds.

36. Each segment contains a section denoting onscreen information (*e.g.*, trivia) to be displayed for the entirety of that segment.

37. The onscreen information related to the segment shown in Figure 1 above is displayed during playback as follows:

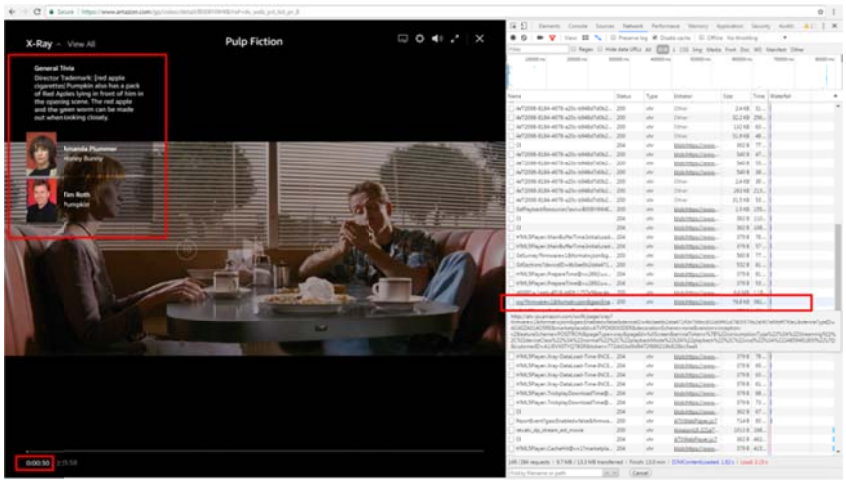

Figure 2 - Information Displayed Onscreen during Video Playback (left) Corresponds to X-Ray Data File (right)

COUNT I – INFRINGEMENT OF THE '346 PATENT

38. CustomPlay repeats and realleges each and all of the allegations contained in paragraphs 1 through 37 above as though fully set forth herein.

Direct Infringement of Method Claims under § 271(a)

39. The '346 Patent covers a "Who" feature that enables the display of information identifying the performers and characters depicted in a particular video segment.

40. Amazon describes the X-Ray feature as follows:

> Have you ever watched a movie or TV show and wondered, "Who's that guy?", "What's she been in?", or "What is that song?" Never have that problem again. Amazon today announced that X-Ray—a customer-favorite feature since it launched on Fire tablets—is now available directly on your TV screen using Amazon Fire TV and Fire TV Stick. Exclusive to Amazon Instant Video, X-Ray for Movies and TV Shows is powered by IMDb—the #1 movie website in the world, with a database of more than 180 million data items, plus over 200 million unique monthly visitors worldwide.

For the First Time Ever, X-Ray for Movies and TV Shows Now Available Directly on Your TV – Answer the Classic Movie-Watching Question "Who's That Guy?" with Your Amazon Fire TV, Business Wire (Apr. 13, 2015, 9:00 a.m.), http://www.businesswire.com/news/home/20150413005383/en/Time-X-Ray-Movies-TV-Shows-TV-%E2%80%94.

41. Amazon's use of the X-Ray feature infringes, literally or under the doctrine of equivalents, claims 14, 15, 16, 17, 18, 19, and 20 of the '346 patent, in violation of 35 U.S.C. § 271(a).

42. Amazon's X-Ray feature embodies the methods recited in claims 14 through 20 of the '346 patent.

43. Claim 14 of the '346 patent covers:

A method of processing data, the data comprising: (i) a plurality of segment

> definitions each defining a video segment within a video; (ii) a name of a performer of a character depicted within a defined video segment; and (iii) a reference to a visual depiction of a performer of a depicted character; the method comprising the steps of:
>
> receiving, from a user, during a playing of a video, a request for information for identifying a performer of a character that is depicted during the playing of the video;
>
> identifying a current location in the video;
>
> identifying a segment definition that includes the identified location;
>
> identifying a name of a performer of a character depicted within a video segment defined by the identified segment definition;
>
> retrieving, responsive to the reference, a visual depiction of the performer of the depicted character; and
>
> providing, the user, the identified name of the performer of the depicted character, and the visual depiction of the performer of the depicted character.

Ex. 1, col. 30, ln. 51 to col. 31, ln. 3.

44. Amazon's X-Ray performs each step recited in claim 14 of the '346 patent. Amazon's X-Ray receives from a user, during the playback of a video like a movie or TV show, a request for information for identifying a performer of a character that is depicted during the playing of the video. After receiving this request, Amazon's X-Ray identifies: (1) a current location in the video, (2) a segment definition that includes the identified location, and (3) a name of a performer of a character depicted within a video segment defined by the identified segment definition. Thereafter, Amazon's X-Ray: (4) retrieves, responsive to the reference, a visual depiction of the performer of the depicted character; (5) provides the user with the identified name of the performer of the depicted character; and (6) provides the user with a visual depiction of the performer of the depicted character.

45. The figure below depicts Amazon X-Ray's infringement of claim 14 of the '346 patent.

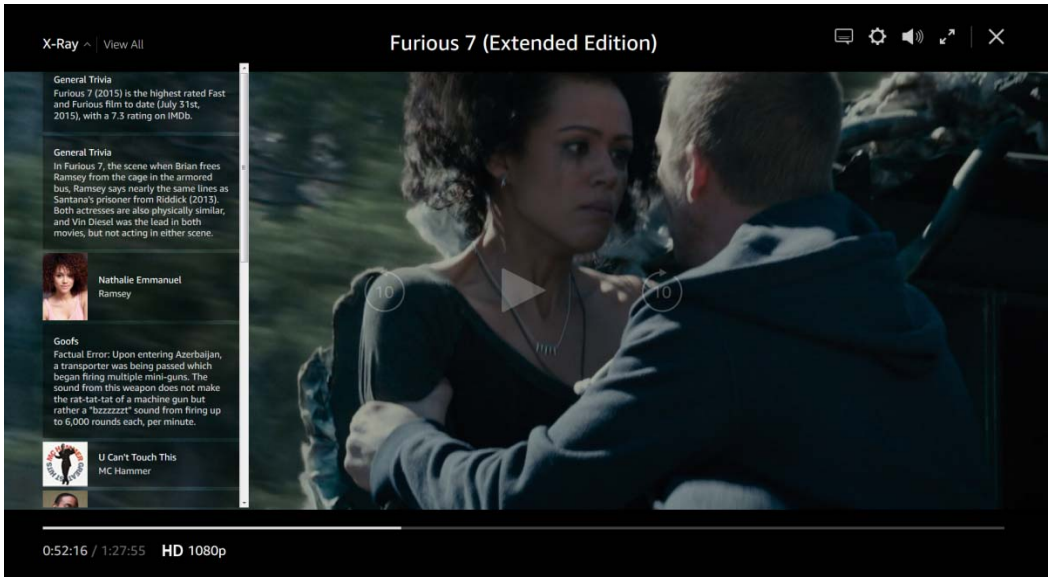

Figure 3 - Amazon X-Ray's Infringement of Claim 14 of the '346 Patent.

46. Claim 15 of the '346 patent covers "[t]he method of claim 14 further comprising the step of pausing the playing of the video in response to the receiving of the request for information." Ex. 1, col. 31, ll. 4-6.

47. Amazon's X-Ray performs each step recited in independent claim 14 of the '346 patent, as well as dependent claim 15 of the '346 patent.

48. Amazon's X-Ray pauses the playing of the video in response to receiving the request for information from a user. The figure below depicts Amazon X-Ray's infringement of claim 15 of the '346 patent, showing the paused video in the background and the user-desired information displayed in the foreground.

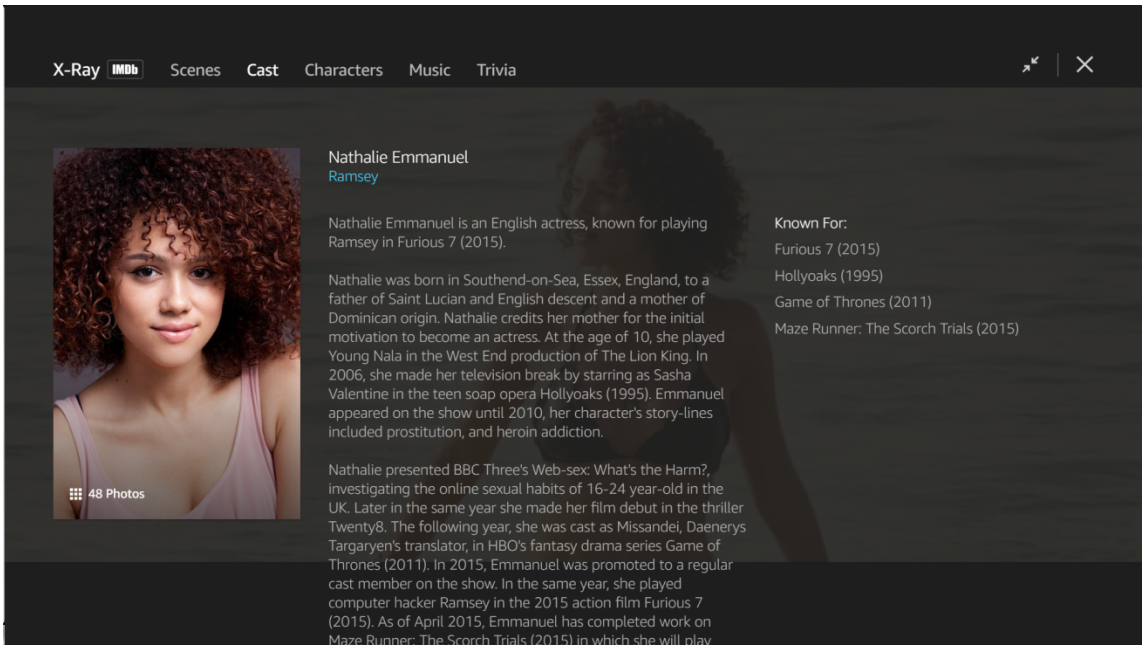

Figure 4 – Amazon X-Ray's Infringement of Claims 15-16 of the '346 Patent

49. Claim 16 of the '346 patent covers "[t]he method of claim 14 further comprising the step of retrieving and providing, the user, a filmography corresponding to the performer of the depicted character." Ex. 1, col. 31, ll. 7-9.

50. Amazon's X-Ray performs each step recited in independent claim 14 of the '346 patent, as well as dependent claim 16 of the '346 patent.

51. Amazon's X-Ray retrieves and provides users with a filmography corresponding to the performer of the depicted character.

52. Figure 4 above depicts Amazon's X-Ray's infringement of claim 16 of the '346 patent. It shows a filmography corresponding to the performer being provided to a user.

53. Claim 17 of the '346 patent covers:

> A method of processing data, the data comprising: (i) a name of a performer of a character depicted within a video frame of a video; and (ii) a reference to a visual depiction of the performer of the depicted character; the method comprising the steps of:
>
> receiving, from a user, during a playing of a video, a request for information for identifying a performer of a character that is depicted during the

playing of the video;

identifying a current location in the video;

identifying a name of a performer associated with the identified location;

retrieving, responsive to the reference, a visual depiction of the performer; and

providing, the user, the identified name of the performer, and the visual depiction of the performer.

Ex. 1, col. 31, ll. 10-24.

54. Amazon's X-Ray performs each step recited in claim 17 of the '346 patent.

55. Amazon's X-Ray receives, from a user, during a playing of a video (*e.g.*, a movie or TV show), a request for information for identifying a performer of a character that is depicted during the playing of the video. Thereafter, Amazon's X-Ray identifies (1) a current location in the video and (2) a name of a performer associated with the identified location. Amazon's X-Ray thereafter retrieves, responsive to the reference, a visual depiction of the performer and provides the user the identified name of the performer, and the visual depiction of the performer.

56. Claim 18 of the '346 patent covers "[t]he method of claim 17 further comprising the step of pausing the playing of the video in response to the receiving of the request for information." Ex. 1, col. 32, ll. 1-3.

57. Amazon's X-Ray performs each step recited in independent claim 17 of the '346 patent, as well as dependent claim 18 of the '346 patent.

58. Amazon's X-Ray pauses the playing of the video in response to the user's request for information. The figure below depicts Amazon X-Ray's infringement of claim 18 of the '346 patent, showing the paused video in the background, and the user-desired information displayed in the foreground.

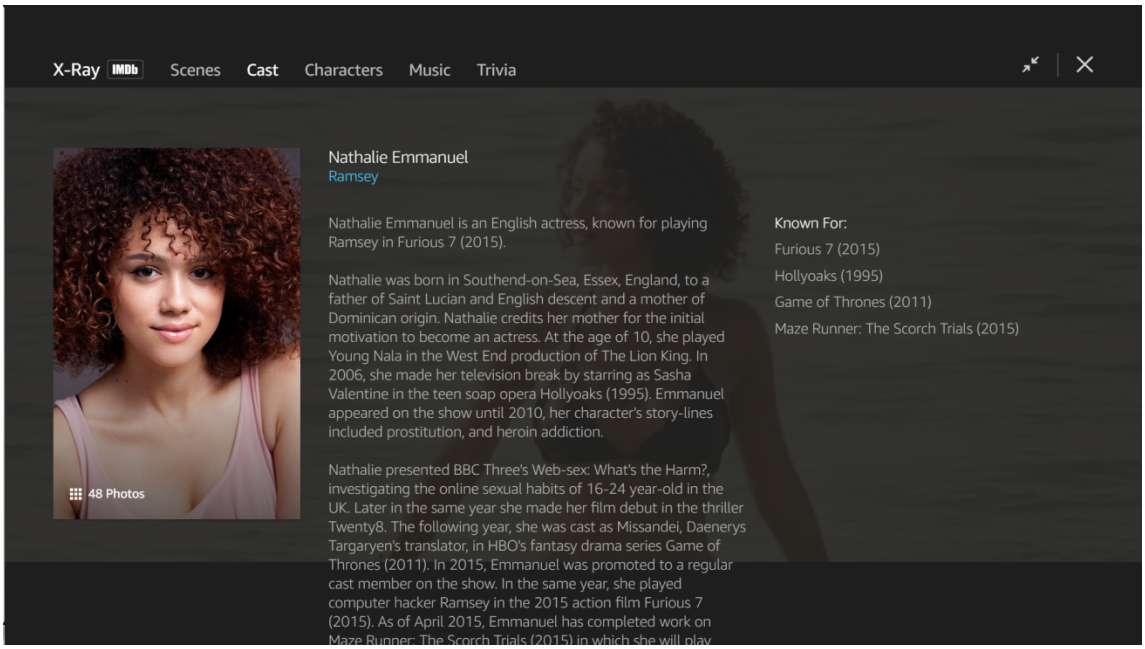

Figure 5 – Amazon X-Ray's Infringement of Claims 18-19 of the '346 Patent

59. Claim 19 of the '346 patent covers "[t]he method of claim 17 further comprising the step of retrieving and providing, the user, a filmography corresponding to the identified name of the performer." Ex. 1, col. 32, ll. 4-6.

60. Amazon's X-Ray performs each step recited in independent claim 17 of the '346 patent, as well as dependent claim 19 of the '346 patent.

61. Amazon's X-Ray retrieves and provides users with a filmography corresponding to the performer of the depicted character.

62. Figure 5 above depicts Amazon's X-Ray's infringement of claim 19 of the '346 patent. It shows a filmography corresponding to the performer being provided to a user.

63. Claim 20 of the '346 patent covers:

> A method of processing data, the data comprising: (i) a name of a performer of a character depicted within a video frame of a video; and (ii) a reference to a visual depiction of the performer of the depicted character; the method comprising the steps of:
>
> receiving, from a user, during a playing of a video, a request for information for identifying a performer of a character that is depicted during the

playing of the video;

continuously identifying a current location in the video;

continuously identifying a name of a performer associated with the continuously identified location;

retrieving, responsive to the reference, a visual depiction of the performer; and

contemporaneously updating and providing, the user, the identified name of the performer and the visual depiction of the performer as the video continues to be played.

Ex. 1, col. 32, ll. 7-24.

64. Amazon's X-Ray performs each step recited in claim 20 of the '346 patent.

65. Amazon's X-Ray receives, from a user, during a playing of a video, a request for identification of a performer of a character that is depicted during the playing of the video. Amazon's X-Ray then continuously identifies: (1) a current location in the video; and (2) a name of a performer associated with the continuously identified location. Thereafter Amazon's X-Ray retrieves, responsive to the reference, a visual depiction of the performer; and contemporaneously updates and provides the user with the identified name of the performer and the visual depiction of the performer as the video continues to be played.

66. The figure below depicts Amazon's infringement of claim 20 of the '346 patent:

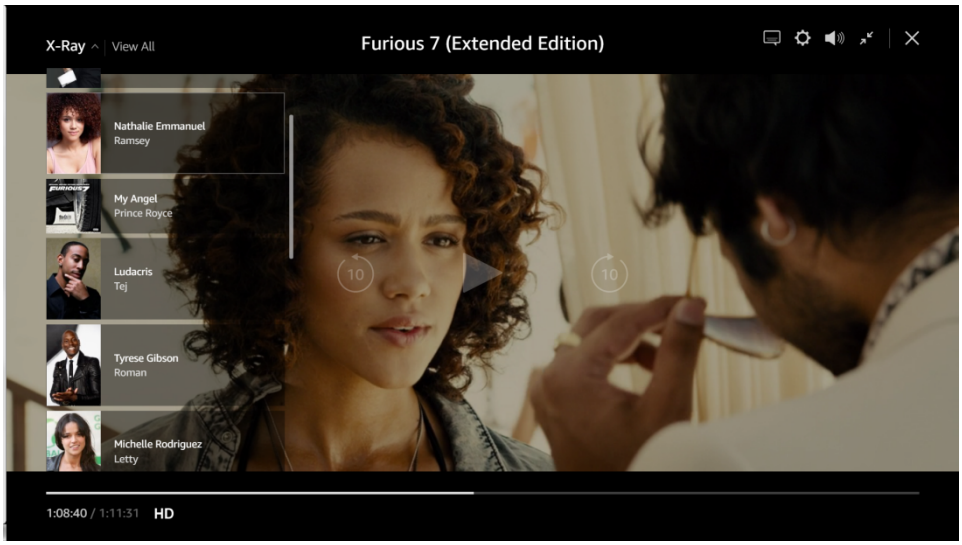

Figure 6 - Amazon X-Ray's Infringement of Claim 20 of the '346 Patent

67. In the figure above, Amazon's X-Ray contemporaneously displays to users the name of the performer and a visual depiction of the performer (shown on the left hand side of the screen) as the video continues to be played.

68. On information and belief, Amazon's acts of infringement have been willful.

69. CustomPlay will suffer and is suffering irreparable harm from Amazon's infringement of the '346 patent as CustomPlay's potential user base is eroded by Amazon's continuing infringement. CustomPlay has no adequate remedy at law to compensate it for the loss of business reputation, customers, and market position flowing from Amazon's infringing activities. CustomPlay is entitled to an injunction against Amazon's continuing infringement of the '346 patent. Unless enjoined, Amazon will continue its infringing conduct.

Direct Infringement of Apparatus Claims Under § 271(a)

70. Amazon makes, offers to sell, and sells various generations of digital media players under the brand name "Fire TV," as shown for example in the figure below.

Figure 7 - Amazon Fire TV

71. Similarly, Amazon makes, offers to sell, and sells various generations of tablet computers under the brand name "Kindle Fire" (the Fire TV and Kindle Fire tablet are collectively referred to hereinafter as "Amazon Devices"), as shown for example in the figure below.

Figure 8 - Amazon Kindle Fire Tablet

72. Amazon Devices are configured with the capability for playing X-Ray enabled video titles streamed from the Amazon Video library.

73. Amazon Devices are capable of performing each of the steps recited in claims 4, 5, 6, 10, 11, 12, and 13 of the '346 patent. Accordingly, Amazon Devices infringe, literally or under the doctrine of equivalents, claims 4, 5, 6, 10, 11, 12, and 13 of the '346 patent in violation of 35 U.S.C. § 271(a).

74. Claim 4 of the ’346 patent covers:

> An apparatus capable of processing data, the data comprising: (i) a plurality of segment definitions each defining a video segment within a video; (ii) a name of a performer of a character depicted within a defined video segment; and (iii) a reference to a visual depiction of a performer of a depicted character; the apparatus performs the steps of:
>
> receiving, from a user, during a playing of a video, a request for information for identifying a performer of a character that is depicted during the playing of the video;
>
> identifying a current location in the video;
>
> identifying a segment definition that includes the identified location;
>
> identifying a name of a performer of a character depicted within a video segment defined by the identified segment definition;
>
> retrieving, responsive to the reference, a visual depiction of the performer of the depicted character; and
>
> providing, the user, the identified name of the performer of the depicted character, and the visual depiction of the performer of the depicted character.

Ex.1, col. 29, ll. 20-40.

75. Amazon Devices are capable of performing each step recited in independent claim 4 of the ’346 patent. Amazon Devices are capable of receiving from a user, during the playing of a video (such as a TV show or movie), a request for information for identifying a performer of a character that is depicted during the playing of the video. Amazon Devices are capable of then identifying: (1) a current location in the video; (2) a segment definition that includes the identified location; and (3) the name of a performer of a character depicted within the user-selected video segment. Thereafter, Amazon Devices are capable of retrieving a visual depiction of the performer of the depicted character. Amazon Devices are capable of then providing users with the name of the performer of the depicted character and a visual depiction of the performer of the depicted character.

76. The figure below depicts the infringement of claim 4 of the ’346 patent by an Amazon Fire Tablet.

Figure 9 – Amazon Devices' Infringement of Claim 4 of the '346 Patent

77. Claim 5 of the '346 patent covers "[t]he apparatus of claim 4, wherein the apparatus further performs the step of pausing the playing of the video in response to the receiving of the request for information." Ex. 1, col. 29, ll. 41-43.

78. Amazon Devices are capable of performing each step recited in independent claim 4 of the '346 patent as well as dependent claim 5 of the '346 patent. Amazon Devices are capable of pausing the playing of the video in response to the receiving of the request for information.

79. Claim 6 of the '346 patent covers "[t]he apparatus of claim 4, wherein the apparatus further performs the step of retrieving and providing, the user, a filmography

corresponding to the performer of the depicted character." Ex. 1, col. 29, ll. 44-47.

80. Amazon Devices are capable of performing each step recited in independent claim 4 of the '346 patent as well as dependent claim 6 of the '346 patent. Amazon Devices are capable of retrieving and providing the user with a filmography corresponding to the performer of the depicted character.

81. Claim 10 of the '346 patent covers:

> An apparatus capable of processing data, the data comprising: (i) a name of a performer of a character depicted within a video frame of a video; and (ii) a reference to a visual depiction of the performer of the depicted character; the apparatus performs the steps of:
>
> receiving, from a user, during a playing of a video, a request for information for identifying a performer of a character that is depicted during the playing of the video;
>
> identifying a current location in the video;
>
> identifying a name of a performer associated with the identified location;
>
> retrieving, responsive to the reference, a visual depiction of the performer; and
>
> providing, the user, the identified name of the performer, and the visual depiction of the performer.

Ex. 1, col. 30, ll. 11-26.

82. Amazon Devices are capable of performing each step recited in claim 10 of the '346 patent. Amazon Devices are capable of receiving from a user, during a playing of a video, a request for information for identifying a performer of a character who is depicted in the video. Thereafter, Amazon Devices are capable of identifying a current location in the video; identifying a name of a performer associated with the user-specified video location; and retrieving, responsive to the location reference, a visual depiction of the performer. Amazon Devices are further capable of providing the user with the identified name of the performer and a visual depiction of the performer.

83. Claim 11 of the '346 patent covers "[t]he apparatus of claim 10, wherein the

apparatus further performs the step of retrieving and providing, the user, a filmography corresponding to the identified name of the performer." Ex. 1, col. 30, ll. 28-31.

84. Amazon Devices are capable of performing each step recited in independent claim 10 of the '346 patent as well as dependent claim 11 of the '346 patent. Amazon Devices are capable of retrieving and providing the user with a filmography corresponding to the performer of the depicted character.

85. Claim 12 of the '346 patent covers "[t]he apparatus of claim 10, wherein the apparatus further performs the step of pausing the playing of the video in response to the receiving of the request for information." Ex. 1, col. 30, ll. 32-34.

86. Amazon Devices are capable of performing each step recited in independent claim 10 of the '346 patent as well as dependent claim 12 of the '346 patent. Amazon Devices are capable of pausing the playing of the video in response to receiving the user's request for information.

87. Claim 13 of the '346 patent covers:

> An apparatus capable of processing data, the data comprising: (i) a name of a performer of a character depicted within a video frame of a video; and (ii) a reference to a visual depiction of the performer of the depicted character; the apparatus performs the steps of:
>
> receiving, from a user, during a playing of a video, a request for information for identifying a performer of a character that is depicted during the playing of the video;
>
> continuously identifying a current location in the video;
>
> continuously identifying a name of a performer associated with the continuously identified location;
>
> retrieving, responsive to the reference, a visual depiction of the performer; and
>
> contemporaneously updating and providing, the user, the identified name of the performer and the visual depiction of the performer as the video continues to be played.

Ex. 1, col. 30, ll. 35-50.

88. Amazon Devices are capable of each step recited in claim 13 of the ’346 patent. Amazon Devices are capable of receiving from a user, during a playing of a video, a request for information for identifying a performer of a character that is depicted during the playing of the video. Amazon Devices are also capable of continuously identifying a current location in the video; continuously identifying a name of a performer associated with the continuously identified location and retrieving, in response to the video location reference, a visual depiction of the performer. Amazon Devices are further capable of contemporaneously updating and providing the user with the identified name of the performer and a visual depiction of the performer as the video continues to be played.

89. On information and belief, Amazon’s aforementioned acts of infringement of the ’346 patent have been willful.

90. CustomPlay will suffer and is suffering irreparable harm from Amazon’s infringement of the ’346 patent as CustomPlay’s potential user base is eroded by Amazon’s continuing infringement. CustomPlay has no adequate remedy at law to compensate it for the loss of business reputation, customers, and market position flowing from Amazon’s infringing activities. CustomPlay is entitled to an injunction against Amazon’s continuing infringement of the ’346 patent. Unless enjoined, Amazon will continue its infringing conduct.

Indirect Infringement of Apparatus Claims under § 271(b) and (c)

91. X-Ray for Movies and TV shows is available for Amazon Video titles on Android and iOS mobile devices as well as Nintendo Wii U gaming consoles equipped with the Amazon Video mobile application (collectively, “Amazon-Enabled Third-Party Devices”).

92. End users of Amazon-Enabled Third-Party Devices directly infringe claims 4, 5,

6, 10, 11, 12, and 13 of the '346 patent by using Amazon-Enabled Third-Party Devices to implement the X-Ray feature.

93. Claim 4 of the '346 patent covers:

> An apparatus capable of processing data, the data comprising: (i) a plurality of segment definitions each defining a video segment within a video; (ii) a name of a performer of a character depicted within a defined video segment; and (iii) a reference to a visual depiction of a performer of a depicted character; the apparatus performs the steps of:
>
> receiving, from a user, during a playing of a video, a request for information for identifying a performer of a character that is depicted during the playing of the video;
>
> identifying a current location in the video;
>
> identifying a segment definition that includes the identified location;
>
> identifying a name of a performer of a character depicted within a video segment defined by the identified segment definition;
>
> retrieving, responsive to the reference, a visual depiction of the performer of the depicted character; and
>
> providing, the user, the identified name of the performer of the depicted character, and the visual depiction of the performer of the depicted character.

Ex. 1, col. 29, ll. 20-40.

94. Amazon-Enabled Third-Party Devices are capable of receiving from a user, during the playing of a video (such as a TV show or movie), a request for information for identifying a performer of a character that is depicted during the playing of the video. Amazon-Enabled Third-Party Devices are capable of then identifying: (1) a current location in the video; (2) a segment definition that includes the identified location; and (3) the name of a performer of a character depicted within the user-selected video segment. Thereafter, Amazon-Enabled Third-Party Devices are capable of retrieving a visual depiction of the performer of the depicted character. Amazon-Enabled Third-Party Devices are capable of then providing users with the name of the performer of the depicted character and a visual depiction of the performer of the depicted character.

95. The figure below depicts an example of the infringement of claim 4 of the '346 patent by Amazon-Enabled Third-Party Devices (as shown on a screen capture from an Apple iPhone).

Figure 10 – Amazon-Enabled Third-Party Devices' Infringement of Claim 4 of the '346 Patent

96. Claim 5 of the '346 patent covers "[t]he apparatus of claim 4, wherein the apparatus further performs the step of pausing the playing of the video in response to the receiving of the request for information." Ex. 1, col. 29, ll. 41-43.

97. Amazon-Enabled Third-Party Devices are capable of performing each step recited in independent claim 4 of the '346 patent as well as dependent claim 5 of the '346 patent. Amazon-Enabled Third-Party Devices are capable of pausing the playing of the video in response to the receiving of the request for information.

98. Claim 6 of the '346 patent covers "[t]he apparatus of claim 4, wherein the apparatus further performs the step of retrieving and providing, the user, a filmography corresponding to the performer of the depicted character." Ex. 1, col. 29, ll. 44-47.

99. Amazon-Enabled Third-Party Devices are capable of performing each step recited in independent claim 4 of the ’346 patent as well as dependent claim 6 of the ’346 patent. Amazon-Enabled Third-Party Devices are capable of retrieving and providing the user with a filmography corresponding to the performer of the depicted character.

100. Claim 10 of the ’346 patent covers:

> An apparatus capable of processing data, the data comprising: (i) a name of a performer of a character depicted within a video frame of a video; and (ii) a reference to a visual depiction of the performer of the depicted character; the apparatus performs the steps of:
>
> receiving, from a user, during a playing of a video, a request for information for identifying a performer of a character that is depicted during the playing of the video;
>
> identifying a current location in the video;
>
> identifying a name of a performer associated with the identified location;
>
> retrieving, responsive to the reference, a visual depiction of the performer; and
>
> providing, the user, the identified name of the performer, and the visual depiction of the performer.

Ex. 1, col. 30, ll. 11-26.

101. Amazon-Enabled Third-Party Devices are capable of performing each step recited in claim 10 of the ’346 patent.

102. Amazon-Enabled Third-Party Devices are capable of receiving from a user, during a playing of a video, a request for information for identifying a performer of a character who is depicted in the video. Thereafter, Amazon-Enabled Third-Party Devices are capable of identifying a current location in the video; identifying a name of a performer associated with the user-specified video location; and retrieving, responsive to the location reference, a visual depiction of the performer. Amazon-Enabled Third-Party Devices are further capable of providing the user with the identified name of the performer and the visual depiction of the performer.

103. Claim 11 of the ’346 patent covers “[t]he apparatus of claim 10, wherein the apparatus further performs the step of retrieving and providing, the user, a filmography corresponding to the identified name of the performer.” Ex. 1, col. 30, ll. 28-31.

104. Amazon-Enabled Third-Party Devices are capable of performing each step recited in independent claim 10 of the ’346 patent as well as dependent claim 11 of the ’346 patent. Amazon-Enabled Third-Party Devices are capable of retrieving and providing the user with a filmography corresponding to the performer of the depicted character.

105. Claim 12 of the ’346 patent covers “[t]he apparatus of claim 10, wherein the apparatus further performs the step of pausing the playing of the video in response to the receiving of the request for information.” Ex. 1, col. 30, ll. 32-34.

106. Amazon-Enabled Third-Party Devices are capable of performing each step recited in independent claim 10 of the ’346 patent as well as dependent claim 12 of the ’346 patent. Amazon-Enabled Third-Party Devices are capable of pausing the playing of the video in response to receiving the user’s request for information.

107. Claim 13 of the ’346 patent covers:

> An apparatus capable of processing data, the data comprising: (i) a name of a performer of a character depicted within a video frame of a video; and (ii) a reference to a visual depiction of the performer of the depicted character; the apparatus performs the steps of:
>
> receiving, from a user, during a playing of a video, a request for information for identifying a performer of a character that is depicted during the playing of the video;
>
> continuously identifying a current location in the video;
>
> continuously identifying a name of a performer associated with the continuously identified location;
>
> retrieving, responsive to the reference, a visual depiction of the performer; and
>
> contemporaneously updating and providing, the user, the identified name of the performer and the visual depiction of the performer as the video continues

to be played.

Ex. 1, col. 30, ll. 35-50.

108. Amazon-Enabled Third-Party Devices are capable of each step recited in claim 13 of the ’346 patent. Amazon-Enabled Third-Party Devices are capable of receiving from a user, during a playing of a video, a request for information for identifying a performer of a character that is depicted during the playing of the video. Amazon-Enabled Third-Party Devices are also capable of continuously identifying a current location in the video; continuously identifying a name of a performer associated with the continuously identified location; and retrieving, in response to the video location reference, a visual depiction of the performer. Amazon-Enabled Third-Party Devices are further capable of contemporaneously updating and providing the user with the identified name of the performer and a visual depiction of the performer as the video continues to be played.

109. At all times material hereto, on information and belief, Amazon had knowledge of the ’346 patent and of their infringement of the ’346 patent from, at a minimum, the correspondence described hereinabove.

110. On information and belief, after acquiring knowledge of the ’346 patent as alleged above, Amazon had specific intent to infringe the ’346 patent.

111. On information and belief, with knowledge of the patent and intent to infringe, Amazon actively induced the above-described direct infringement by end users under 35 U.S.C. § 271(b) by providing the Amazon Video App specially adapted with software routines designed to implement the X-Ray feature for use in Amazon-Enabled Third-Party Devices.

112. Amazon’s App Store offers the Amazon Video App for download, as shown in the figure below:

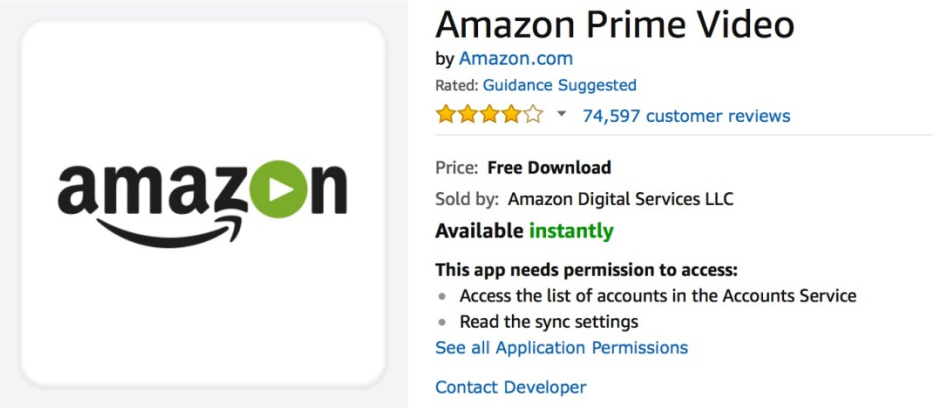

Figure 11 – Amazon Prime Video Offered for Download at the Amazon App Store

113. Amazon describes the product features of the Amazon Video App as follows: "View IMDB data about the actors, songs and trivia related to your videos during playback with X-Ray." *Amazon Prime Video*, AMAZON.COM, INC., https://www.amazon.com/Amazon-com-Amazon-Prime-Video/dp/B00N28818A (last accessed May 4, 2017).

114. Amazon provides one or more websites containing technical instruction manuals designed to instruct users to use the Amazon Video App, as well as the X-Ray feature. *See, e.g.*, *What is Amazon Video?*, AMAZON.COM, INC., https://www.amazon.com/gp/help/customer/display.html?nodeId=201422800 (last accessed May 4, 2017).

115. The Amazon Video App with X-Ray feature capabilities is a material part of the apparatus claims of the '346 patent and is not a staple article or commodity of commerce suitable for substantial non-infringing use. By supplying the Amazon Video App with X-Ray feature capabilities in the United States to be used with Amazon-Enabled Third Party Devices and, on information and belief, knowing the same to be especially made or especially adapted for use by end users in said direct infringement of the apparatus claims of the '346 patent, Amazon is liable for contributory infringement under 35 U.S.C. § 271(c).

116. On information and belief, Amazon's acts of infringement have been willful.

117. CustomPlay will suffer and is suffering irreparable harm from Amazon's infringement of the '346 patent as CustomPlay's potential user base is eroded by Amazon's continuing infringement. CustomPlay has no adequate remedy at law to compensate it for the loss of business reputation, customers, and market position flowing from Amazon's infringing activities. CustomPlay is entitled to an injunction against Amazon's continuing infringement of the '346 patent. Unless enjoined, Amazon will continue its infringing conduct.

COUNT II – INFRINGEMENT OF THE `950 PATENT

118. CustomPlay repeats and realleges each and all of the allegations contained in paragraphs 1 through 37 above as though fully set forth herein.

Direct Infringement of Apparatus Claims under § 271(a)

119. Amazon Devices are capable of streaming X-Ray enabled video titles from the Amazon Video library.

120. Amazon Devices are capable of performing the steps recited in claims 2, 4, 6, 14, 16, and 19 of the '950 patent. Accordingly, Amazon Devices infringe, literally or under the doctrine of equivalents, claims 2, 4, 6, 14, 16, and 19 of the '950 patent in violation of 35 U.S.C. § 271(a).

121. Claim 2 of the '950 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> retrieving, from a plurality of video frame identifiers, a video frame identifier that is responsive to a play location within a playing of a video;
>
> displaying, responsive to the video frame identifier, an initial indication that information is available that is responsive to the play location;
>
> retrieving a subsequent video frame identifier that is responsive to a subsequent play location;

> displaying, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that information is available that is responsive to the subsequent play location;
>
> receiving, following the displaying of the subsequent indication, a request responsive to the initial indication, for information;
>
> displaying information associated with the initial indication that information is available;
>
> receiving a request for additional information relating to a displayed information; and
>
> displaying, responsive to the request for additional information, the additional information.

Ex. 2, col. 33, ln. 45 to col. 34, ln. 2.

122. Amazon Devices retrieve (from a plurality of video frame identifiers) a video frame identifier that is responsive to a play location within a playing of a video. Thereafter, Amazon Devices display, responsive to a video frame identifier, an initial indication that information is available that is responsive to the play location. Amazon Devices are further capable of retrieving a subsequent video frame identifier (responsive to a subsequent play location and display), responsive to the subsequent video frame identifier - and, contemporaneously with the display of the initial indication, a subsequent indication that information is available.

123. Following the display of the subsequent indication, Amazon Devices are capable of receiving a request responsive to the initial indication for information; displaying information associated with the initial indication that information is available; and receiving a request for additional information relating to the displayed information.

124. Amazon Devices display, responsive to the request for additional information, the additional information.

125. Claim 4 of the ’950 patent covers “[t]he apparatus of claim 2, wherein the

apparatus further performs the steps of: pausing the playing in response to the request for additional information; and resuming the playing at a beginning of a video clip that is responsive to the request for additional information, the video clip comprises a plurality of contiguous shots." Ex. 2, col. 34, ll. 6-13.

126. Amazon Devices perform each step recited in independent claim 2 of the '950 patent as well as dependent claim 4 of the '950 patent. Amazon Devices pause video playback in response to the request for additional information. Amazon Devices are further capable of resuming the playing at a beginning of a video clip that is responsive to the request for additional information, with the video clip comprised of a plurality of contiguous shots.

127. Claim 6 of the '950 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> retrieving, from a plurality of video frame identifiers, a video frame identifier that is responsive to a play location within a playing of a video;
>
> displaying, responsive to the video frame identifier, an initial indication that information is available that is responsive to the play location;
>
> retrieving a subsequent video frame identifier that is responsive to a subsequent play location;
>
> displaying, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that information is available that is responsive to the subsequent play location;
>
> receiving, following the displaying of the subsequent indication, a request responsive to the initial indication, for information; and
>
> displaying information associated with the initial indication that information is available.

Ex. 2, col. 34, ll. 21-41.

128. Amazon Devices perform the functionality of each claim limitation present in claim 6 of the '950 patent. Amazon Devices retrieve, from a plurality of video frame identifiers, a video frame identifier that is responsive to a play location within a playing of a video.

129. Thereafter, Amazon Devices display, responsive to the video frame identifier, an initial indication that information is available that is responsive to the play location; retrieve a subsequent video frame identifier that is responsive to a subsequent play location; and display, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that information is available that is responsive to the subsequent play location.

130. Amazon Devices then receive, following the display of the subsequent indication, a request responsive to the initial indication, for information; and display information associated with the initial indication that information is available.

131. Claim 14 of the ’950 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> retrieving a video frame identifier that is responsive to a play location within a playing of a video;
>
> displaying, responsive to the video frame identifier, an initial indication that information is available that is responsive to the play location;
>
> retrieving a subsequent video frame identifier that is responsive to a subsequent play location;
>
> displaying, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that information is available that is responsive to the subsequent play location;
>
> receiving, following the displaying of the subsequent indication, a request, responsive to the initial indication, for information;
>
> displaying information associated with the initial indication that information is available;
>
> receiving a request for additional information relating to a displayed information; and
>
> displaying, responsive to the request for additional information, the additional information.

Ex. 2, col. 36, ll. 8-32.

132. Amazon Devices perform the functionality of each claim limitation present in

claim 14 of the ’950 patent. Amazon Devices retrieve a video frame identifier that is responsive to a play location within a playing of a video. Thereafter, Amazon Devices display, responsive to the video frame identifier, an initial indication that information is available that is responsive to the play location; retrieve a subsequent video frame identifier that is responsive to a subsequent play location; and display, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that information is available that is responsive to the subsequent play location.

133. Amazon Devices then: receive, following the display of the subsequent indication, a request, responsive to the initial indication, for information; display information associated with the initial indication that information is available; and receive a request for additional information relating to displayed information.

134. Finally, Amazon Devices display, responsive to the request for additional information, the additional information.

135. Claim 16 of the ’950 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> retrieving a video frame identifier that is responsive to a play location within a playing of a video;
>
> displaying, responsive to the video frame identifier, an initial indication that item information is available that is responsive to the play location;
>
> retrieving a subsequent video frame identifier that is responsive to a subsequent play location;
>
> displaying, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that item information is available that is responsive to the subsequent play location;
>
> receiving, following the displaying of the subsequent indication, a request, responsive to the initial indication, for item information;
>
> displaying item information associated with the initial indication that item information is available;

receiving a request for additional item information relating to a displayed item information; and

displaying, responsive to the request for additional item information, the additional item information.

Ex. 2, col. 36, ll. 40-63.

136. Amazon Devices perform the functionality of each claim limitation present in claim 16 of the ’950 patent.

137. Amazon Devices retrieve a video frame identifier that is responsive to a play location within a playing of a video.

138. Thereafter, Amazon Devices: display, responsive to the video frame identifier, an initial indication that item information is available that is responsive to the play location; retrieve a subsequent video frame identifier that is responsive to a subsequent play location; and display, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that item information is available that is responsive to the subsequent play location.

139. Amazon Devices then: receive, following the displaying of the subsequent indication, a request, responsive to the initial indication, for item information; display item information associated with the initial indication that item information is available; and receive a request for additional item information relating to displayed item information.

140. Finally, Amazon Devices display, responsive to the request for additional item information, the additional item information.

141. Figures 12-13 below depict an example of the infringement of claim 16 of the ‘950 patent by Amazon Devices.

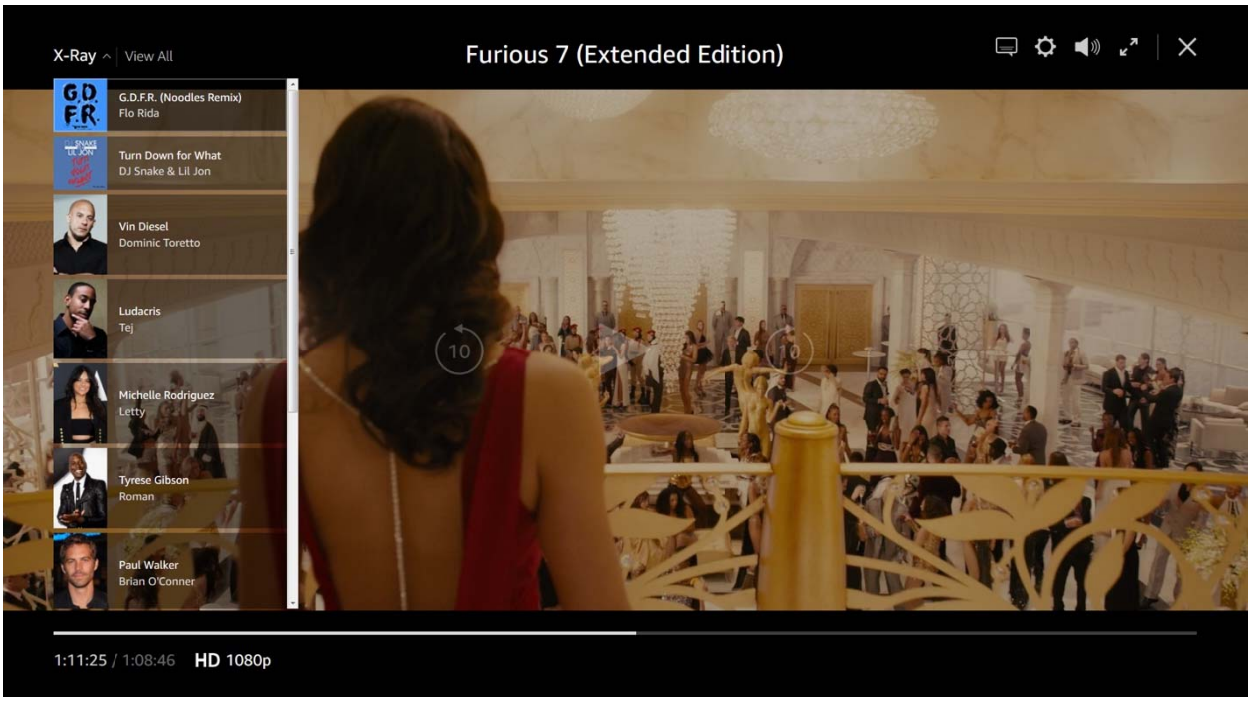

Figure 12 - Item Information as Shown on Screen

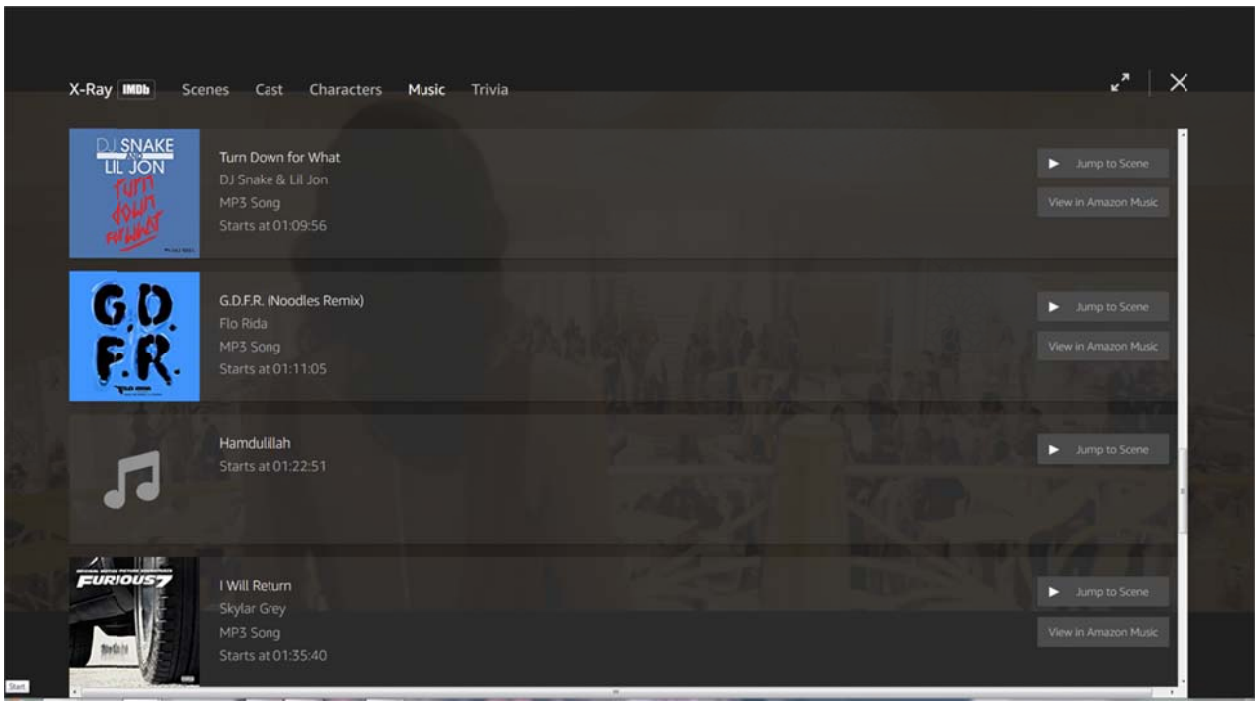

Figure 13 - Additional Information About Items (See MP3 Songs Shown)

142. Claim 19 of the ’950 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> retrieving a video frame identifier that is responsive to a play location within a playing of a video;
>
> displaying, responsive to the video frame identifier, an initial indication that item information is available that is responsive to the play location;
>
> retrieving a subsequent video frame identifier that is responsive to a subsequent play location;
>
> displaying, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that item information is available that is responsive to the subsequent play location;
>
> receiving, following the displaying of the subsequent indication, a request responsive to the initial indication, for item information; and
>
> displaying item information associated with the initial indication that item information is available.

Ex. 2, col. 37, ln. 13 to col. 38, ln. 11.

143. Amazon Devices perform the functionality of each claim limitation present in claim 19 of the ’950 patent.

144. Amazon Devices retrieve a video frame identifier that is responsive to a play location within a playing of a video. Thereafter, Amazon Devices: display, responsive to the video frame identifier, an initial indication that item information is available that is responsive to the play location; retrieve a subsequent video frame identifier that is responsive to a subsequent play location; and display, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that item information is available that is responsive to the subsequent play location.

145. Amazon Devices then receive, following the displaying of the subsequent indication, a request responsive to the initial indication for item information.

146. Finally, Amazon Devices display item information associated with the initial

indication that item information is available.

147. Figures 12 above depicts an example of the infringement of claim 19 of the '950 patent by Amazon Devices.

148. On information and belief, Amazon's acts of infringement have been willful.

149. CustomPlay will suffer and is suffering irreparable harm from Amazon's infringement of the '950 patent as CustomPlay's potential user base is eroded by Amazon's continuing infringement. CustomPlay has no adequate remedy at law to compensate it for the loss of business reputation, customers, and market position flowing from Amazon's infringing activities. CustomPlay is entitled to an injunction against Amazon's continuing infringement of the '950 patent. Unless enjoined, Amazon will continue its infringing conduct.

Indirect Infringement of Apparatus Claims under § 271(b) and (c)

150. End users of Amazon-Enabled Third-Party Devices directly infringe claims 2, 4, 6, 14, 16, and 19 of the '950 patent by using Amazon-Enabled Third-Party Devices to implement the X-Ray feature.

151. At all times material hereto, on information and belief, Amazon had knowledge of the '950 patent and of their infringement of the '950 patent from, at a minimum, the correspondence attached as Exhibits 4 through 7.

152. Claim 2 of the '950 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> retrieving, from a plurality of video frame identifiers, a video frame identifier that is responsive to a play location within a playing of a video;
>
> displaying, responsive to the video frame identifier, an initial indication that information is available that is responsive to the play location;
>
> retrieving a subsequent video frame identifier that is responsive to a subsequent play location;

displaying, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that information is available that is responsive to the subsequent play location;

receiving, following the displaying of the subsequent indication, a request responsive to the initial indication, for information;

displaying information associated with the initial indication that information is available;

receiving a request for additional information relating to a displayed information; and

displaying, responsive to the request for additional information, the additional information.

Ex. 2, col. 33, ln. 45 to col. 34, ln. 2.

153. Amazon-Enabled Third-Party Devices retrieve (from a plurality of video frame identifiers) a video frame identifier that is responsive to a play location within a playing of a video.

154. Thereafter, Amazon-Enabled Third-Party Devices display (responsive to a video frame identifier) an initial indication that information is available that is responsive to the play location. Amazon-Enabled Third-Party Devices are further capable of retrieving a subsequent video frame identifier that is responsive to a subsequent play location and displaying, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that information is available that is responsive to the subsequent play location.

155. Amazon-Enabled Third-Party Devices: receive, following the displaying of the subsequent indication, a request responsive to the initial indication for information; display information associated with the initial indication that information is available; and receive a request for additional information relating to a displayed information.

156. Amazon-Enabled Third-Party Devices display, responsive to the request for

additional information, the additional information.

157. Claim 4 of the ’950 patent covers “[t]he apparatus of claim 2, wherein the apparatus further performs the steps of: pausing the playing in response to the request for additional information; and resuming the playing at a beginning of a video clip that is responsive to the request for additional information, the video clip comprises a plurality of contiguous shots.” Ex. 2, col. 34, ll. 6-13.

158. Amazon-Enabled Third-Party Devices perform each step recited in independent claim 2 of the ’950 patent as well as dependent claim 4 of the ’950 patent.

159. Amazon-Enabled Third-Party Devices pause video playback in response to the request for additional information. Amazon-Enabled Third-Party Devices resume playing at a beginning of a video clip (comprised of a plurality of contiguous shots) that is responsive to the request for additional information.

160. Claim 6 of the ’950 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> retrieving, from a plurality of video frame identifiers, a video frame identifier that is responsive to a play location within a playing of a video;
>
> displaying, responsive to the video frame identifier, an initial indication that information is available that is responsive to the play location;
>
> retrieving a subsequent video frame identifier that is responsive to a subsequent play location;
>
> displaying, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that information is available that is responsive to the subsequent play location;
>
> receiving, following the displaying of the subsequent indication, a request responsive to the initial indication, for information; and
>
> displaying information associated with the initial indication that information is available.

Ex. 2, col. 34, ll. 21-41.

161. Amazon-Enabled Third-Party Devices perform the functionality of each claim limitation present in claim 6 of the ’950 patent.

162. Amazon-Enabled Third-Party Devices retrieve (from a plurality of video frame identifiers) a video frame identifier that is responsive to a play location within a playing of a video.

163. Thereafter, Amazon-Enabled Third-Party Devices: display, responsive to the video frame identifier, an initial indication that information is available that is responsive to the play location; retrieve a subsequent video frame identifier that is responsive to a subsequent play location; and display, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that information is available that is responsive to the subsequent play location.

164. Amazon-Enabled Third-Party Devices then: receive, following the displaying of the subsequent indication, a request (responsive to the initial indication) for information; and display information associated with the initial indication that information is available.

165. Claim 14 of the ’950 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> retrieving a video frame identifier that is responsive to a play location within a playing of a video;
>
> displaying, responsive to the video frame identifier, an initial indication that information is available that is responsive to the play location;
>
> retrieving a subsequent video frame identifier that is responsive to a subsequent play location;
>
> displaying, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that information is available that is responsive to the subsequent play location;
>
> receiving, following the displaying of the subsequent indication, a request, responsive to the initial indication, for information;

> displaying information associated with the initial indication that information is available;
>
> receiving a request for additional information relating to a displayed information; and
>
> displaying, responsive to the request for additional information, the additional information.

Ex. 2, col. 36, ll. 8-32.

166. Amazon-Enabled Third-Party Devices perform the functionality of each claim limitation present in claim 14 of the ’950 patent.

167. Amazon-Enabled Third-Party Devices retrieve a video frame identifier that is responsive to a play location within a playing of a video.

168. Thereafter, Amazon-Enabled Third-Party Devices: display, responsive to the video frame identifier, an initial indication that information is available that is responsive to the play location; retrieve a subsequent video frame identifier that is responsive to a subsequent play location; and display, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that information is available that is responsive to the subsequent play location.

169. Amazon-Enabled Third-Party Devices then: receive, following the displaying of the subsequent indication, a request (responsive to the initial indication) for information; display information associated with the initial indication that information is available; and receive a request for additional information relating to displayed information.

170. Finally, Amazon-Enabled Third-Party Devices display, responsive to the request for additional information, the additional information.

171. Claim 16 of the ’950 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> retrieving a video frame identifier that is responsive to a play location

within a playing of a video;

displaying, responsive to the video frame identifier, an initial indication that item information is available that is responsive to the play location;

retrieving a subsequent video frame identifier that is responsive to a subsequent play location;

displaying, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that item information is available that is responsive to the subsequent play location;

receiving, following the displaying of the subsequent indication, a request, responsive to the initial indication, for item information;

displaying item information associated with the initial indication that item information is available;

receiving a request for additional item information relating to a displayed item information; and

displaying, responsive to the request for additional item information, the additional item information.

Ex. 2, col. 36, ll. 40-63.

172. Amazon-Enabled Third-Party Devices perform the functionality of each claim limitation present in claim 16 of the ’950 patent.

173. Amazon-Enabled Third-Party Devices retrieve a video frame identifier that is responsive to a play location within a playing of a video.

174. Thereafter, Amazon-Enabled Third-Party Devices: display, responsive to the video frame identifier, an initial indication that item information is available that is responsive to the play location; retrieve a subsequent video frame identifier that is responsive to a subsequent play location; and display, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that item information is available that is responsive to the subsequent play location.

175. Amazon-Enabled Third-Party Devices then: receive, following the displaying of the subsequent indication, a request, responsive to the initial indication, for item information;

display item information associated with the initial indication that item information is available; and receive a request for additional item information relating to a displayed item information.

176. Finally, Amazon-Enabled Third-Party Devices display, responsive to the request for additional item information, the additional item information.

177. Claim 19 of the ’950 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> retrieving a video frame identifier that is responsive to a play location within a playing of a video;
>
> displaying, responsive to the video frame identifier, an initial indication that item information is available that is responsive to the play location;
>
> retrieving a subsequent video frame identifier that is responsive to a subsequent play location;
>
> displaying, responsive to the subsequent video frame identifier and contemporaneously with the displaying of the initial indication, a subsequent indication that item information is available that is responsive to the subsequent play location;
>
> receiving, following the displaying of the subsequent indication, a request responsive to the initial indication, for item information; and
>
> displaying item information associated with the initial indication that item information is available.

Ex. 2, col. 37, ln. 13 to col. 38, ln. 11.

178. Amazon-Enabled Third-Party Devices perform the functionality of each claim limitation present in claim 19 of the ’950 patent.

179. Amazon-Enabled Third-Party Devices retrieve a video frame identifier that is responsive to a play location within a playing of a video.

180. Thereafter, Amazon-Enabled Third-Party Devices: display, responsive to the video frame identifier, an initial indication that item information is available that is responsive to the play location; retrieve a subsequent video frame identifier that is responsive to a subsequent play location; and display, responsive to the subsequent video frame identifier and

contemporaneously with the displaying of the initial indication, a subsequent indication that item information that is responsive to the subsequent play location is available.

181. Following the displaying of the subsequent indication, Amazon-Enabled Third-Party Devices then receive a request responsive to the initial indication for item information.

182. Finally, Amazon-Enabled Third-Party Devices display item information associated with the initial indication that item information is available.

183. On information and belief, after acquiring knowledge of the ’950 patent as alleged above, Amazon had specific intent to infringe the ’950 patent.

184. On information and belief, with knowledge of the patent and intent to infringe, Amazon actively induced said direct infringement by end users under 35 U.S.C. § 271(b) by providing the Amazon Video App specially adapted with software routines designed to implement the X-Ray feature for use in Amazon-Enabled Third-Party Devices.

185. Amazon’s own App Store offers the Amazon Video App for download. *See* Figure 11, *supra.*

186. Amazon describes the product features of the Amazon Video App as follows: “View IMDB data about the actors, songs and trivia related to your videos during playback with X-Ray.” *Amazon Prime Video,* AMAZON.COM, INC., https://www.amazon.com/Amazon-com-Amazon-Prime-Video/dp/B00N28818A (last accessed May 4, 2017).

187. Amazon provides one or more websites containing technical instruction manuals designed to instruct users to use the Amazon Video App as well as the X-Ray feature. *See, e.g.*, *What is Amazon Video?,* AMAZON.COM, INC., https://www.amazon.com/gp/help/customer/display.html?nodeId=201422800 (last accessed May 4, 2017).

188. An apparatus with Amazon X-Ray feature capabilities is a material part of the claims of the ’950 patent and is not a staple article or commodity of commerce suitable for substantial non-infringing use. By supplying the Amazon Video App with X-Ray feature capabilities in the United States and, on information and belief, knowing the same to be especially made or especially adapted for use by end users in said direct infringement of one or more claims of the ’950 patent, Amazon is liable for contributory infringement under 35 U.S.C. § 271(c).

189. On information and belief, Amazon’s acts of infringement were willful.

190. CustomPlay will suffer and is suffering irreparable harm from Amazon’s infringement of the ’950 patent as CustomPlay’s potential user base is eroded by Amazon’s continuing infringement. CustomPlay has no adequate remedy at law to compensate it for the loss of business reputation, customers, and market position flowing from the Amazon infringing activities. CustomPlay is entitled to an injunction against Amazon’s continuing infringement of the ’950 patent. Unless enjoined, Amazon will continue its infringing conduct.

COUNT III - INFRINGEMENT OF THE `282 PATENT

191. CustomPlay repeats and realleges each and all of the allegations contained in paragraphs 1 through 37 above as though fully set forth herein.

Direct Infringement of Apparatus Claims under § 271(a)

192. Both the Kindle Fire tablet and the Fire TV are capable of streaming X-Ray enabled video titles from the Amazon Video library.

193. Amazon Devices are therefore capable of performing the steps recited in claims 4, 7, 8, 9, 12, 14, 16, 18, and 19 of the ’282 patent. Accordingly, Amazon Devices infringe, literally or under the doctrine of equivalents, claims 4, 7, 8, 9, 12, 14, 16, 18, and 19 of the ’282 patent

pursuant to 35 U.S.C. § 271(a).

194. Claim 4 of the ’282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location; and
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

Ex. 3, col. 34, ll. 9-27.

195. Amazon Devices are capable of performing the functionality of each claim limitation present in claim 4 of the ’282 patent.

196. When Amazon’s X-Ray feature is in operation, Amazon Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

197. Amazon Devices are also capable of identifying a request location that is responsive to the request for information; and retrieving (from a plurality of video frame identifiers) a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

198. Finally, Amazon Devices are capable of displaying information associated with the first video frame identifier and contemporaneously displaying information associated with

the second video frame identifier that is different from the information associated with the first video frame identifier.

199. Figure 14 below depicts an example of the infringement of claim 4 of the '282 patent by Amazon Devices.

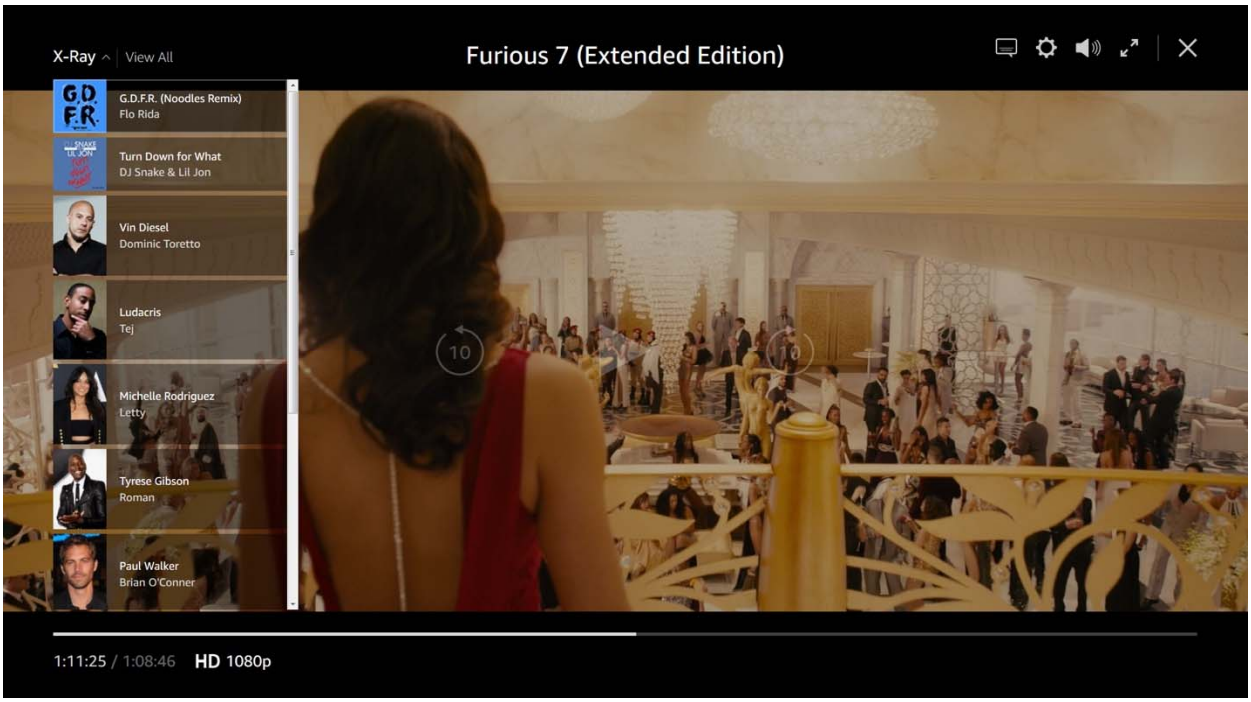

Figure 14 – Infringement of Claim 4 of the '282 Patent

200. Claim 7 of the '282 patent covers:

An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:

receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;

pausing the playing in response to the request for information;

identifying a request location that is responsive to the request for information;

retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location;

displaying information associated with the first video frame identifier, and

> contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier;
>
> receiving from the user a request for additional information relating to the information associated with the first video frame identifier;
>
> enabling a displaying of additional information in response to the request for additional information; and
>
> resuming the playing at a beginning of a video clip that is responsive to the request location.

Ex. 3, col. 34, ln. 43 to col. 35, ln. 2.

201. Amazon Devices are capable of performing the functionality of each claim limitation present in claim 7 of the ’282 patent.

202. Amazon Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

203. Amazon Devices are capable of: pausing the playing in response to the request for information; identifying a request location that is responsive to the request for information; and retrieving (from a plurality of video frame identifiers) a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

204. Amazon Devices are further capable of displaying information associated with the first video frame identifier and, contemporaneously, displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

205. Finally, Amazon Devices are capable of: receiving from the user a request for additional information relating to the information associated with the first video frame identifier; enabling a display of additional information in response to the request for additional information;

and, thereafter, resuming the playing at the beginning of a video clip that is responsive to the request location.

206. Figures 15-16 below depict an example of the infringement of claim 7 of the '282 patent by Amazon Devices.

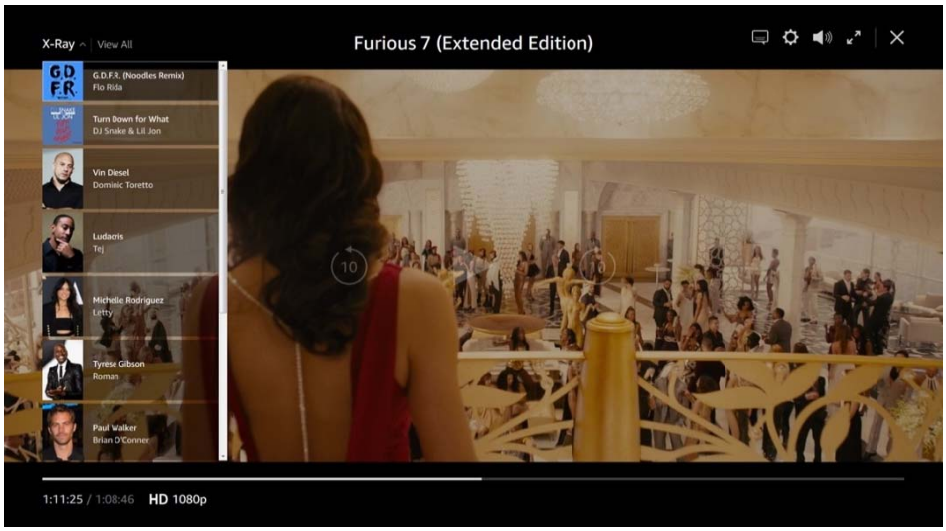

Figure 15 – Infringement of Claim 7 of the '282 Patent

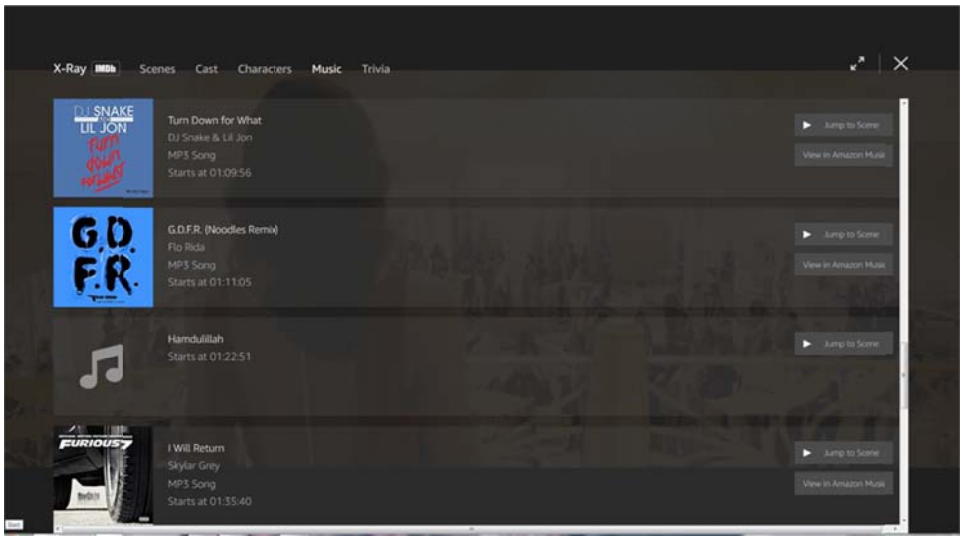

Figure 16 - Infringement of Claim 7 of the '282 Patent

207. Claim 8 of the '282 patent covers:

An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:

> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location;
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.
>
> receiving from the user a request for additional information relating to the information associated with the first video frame identifier;
>
> pausing the playing in response to the request for additional information;
>
> enabling a displaying of additional information in response to the request for additional information; and
>
> resuming the playing at a beginning of a video clip that is responsive to the request location.

Ex. 3, col. 35, ll. 3-29.

208. Amazon Devices are capable of performing the steps recited in each claim limitation present in claim 8 of the ’282 patent.

209. Amazon Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

210. Thereafter, Amazon Devices are capable of: identifying a request location that is responsive to the request for information; and retrieving (from a plurality of video frame identifiers) a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

211. Amazon Devices are capable of displaying information associated with the first video frame identifier and, contemporaneously, information associated with the second video

frame identifier that is different from the information associated with the first video frame identifier.

212. Finally, Amazon Devices are capable of: receiving from the user a request for additional information relating to the information associated with the first video frame identifier; pausing the playing in response to the request for additional information; enabling a display of additional information in response to the request for additional information; and, thereafter, resuming the playing at a beginning of a video clip that is responsive to the request location.

213. Figures 14-16 above depict Amazon Devices' infringement of claim 8 of the '282 patent.

214. Claim 9 of the '282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location;
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier;
>
> receiving from the user a request for additional information relating to the information associated with the first video frame identifier; and
>
> enabling a displaying of additional information in response to the request for additional information.

Ex. 3, col. 35, ll. 30-53.

215. Amazon Devices are capable of performing the steps recited in each claim

limitation present in claim 9 of the ’282 patent.

216. Amazon Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

217. Amazon Devices are further capable of: identifying a request location that is responsive to the request for information; and retrieving (from a plurality of video frame identifiers) a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

218. Moreover, Amazon Devices are capable of displaying information associated with the first video frame identifier and, contemporaneously, information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

219. Finally, Amazon Devices are capable of: receiving from the user a request for additional information relating to the information associated with the first video frame identifier; and enabling a display of additional information in response to the request for additional information.

220. Figures 14-16 above depict Amazon Devices’ infringement of claim 9 of the ‘282 patent.

221. Claim 12 of the ’282 patent covers “[t]he apparatus of claim 9, wherein the apparatus further performs the step of: pausing the playing in response to the request for information.” Ex. 3, col. 35, ll. 62-65.

222. Amazon Devices are capable of performing each step recited in independent claim 9 of the ’282 patent as well as dependent claim 12 of the ’282 patent.

223. Amazon Devices are capable of pausing the playing in response to the request for information.

224. Claim 14 of the ’282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location; and
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

Ex. 3, col. 36, ll. 6-23.

225. Amazon Devices are capable of performing the functionality of each claim limitation recited in claim 14 of the ’282 patent.

226. Amazon Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

227. Amazon Devices are further capable of: identifying a request location that is responsive to the request for information; and retrieving (from a plurality of video frame identifiers) a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

228. Amazon Devices are further capable of displaying information associated with the first video frame identifier and, contemporaneously, displaying information associated with the

second video frame identifier that is different from the information associated with the first video frame identifier.

229. Figures 14-16 above depict Amazon Devices' infringement of claim 14 of the '282 patent.

230. Claim 16 of the '282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location;
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier;
>
> receiving from the user a request for additional information relating to the information associated with the second video frame identifier; and
>
> enabling a displaying of additional information in response to the request for additional information.

Ex. 3, col. 36, ll. 27-48.

231. Amazon Devices are capable of performing the functionality of each claim limitation present in claim 16 of the '282 patent.

232. Amazon Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

233. Thereafter, Amazon Devices are capable of: identifying a request location that is responsive to the request for information; and retrieving a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that

is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

234. Moreover, Amazon Devices are capable of displaying information associated with the first video frame identifier and, contemporaneously, information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

235. Finally, Amazon Devices are capable of: receiving from the user a request for additional information relating to the information associated with the first video frame identifier; and enabling a display of additional information in response to the request for additional information.

236. Figures 14-16 above depict Amazon Devices' infringement of claim 16 of the '282 patent.

237. Claim 18 of the '282 patent covers "[t]he apparatus of claim 16, wherein the apparatus further performs the steps of: pausing the playing in response to the request for additional information; and resuming, following a termination of the displaying of additional information, the playing at a beginning of a video clip that is responsive to the request location." Ex. 3, col. 36, ll. 52-57.

238. Amazon Devices are capable of performing the functionality of each claim limitation recited in independent claim 16 of the '282 patent as well as dependent claim 18.

239. Amazon Devices are capable of: pausing the playing in response to the request for additional information; and resuming, following a termination of the display of additional information, the playing at the beginning of a video clip that is responsive to the request location.

240. Figures 14-16 above depict Amazon Devices' infringement of claim 18 of the

‘282 patent.

241. Claim 19 of the ’282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location; and
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

Ex. 3, col. 36, ln. 58 to col. 37, ln. 7.

242. Amazon Devices are capable of performing the functionality of each claim limitation present in claim 19 of the ’282 patent.

243. Amazon Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

244. Thereafter, Amazon Devices are capable of: identifying a request location that is responsive to the request for information; and retrieving a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

245. Amazon Devices are capable of displaying information associated with the first video frame identifier and, contemporaneously, information associated with the second video frame identifier that is different from the information associated with the first video frame

identifier.

246. Figures 14-16 above depict Amazon Devices' infringement of claim 19 of the '282 patent.

247. On information and belief, Amazon's acts of infringement were willful.

248. CustomPlay will suffer and is suffering irreparable harm from Amazon's infringement of the '282 patent as CustomPlay's potential user base is eroded by Amazon's continuing infringement. CustomPlay has no adequate remedy at law to compensate it for the loss of business reputation, customers, and market position flowing from Amazon's infringing activities. CustomPlay is entitled to an injunction against Amazon's continuing infringement of the '282 patent. Unless enjoined, Amazon will continue its infringing conduct.

Indirect Infringement of Apparatus Claims under § 271(b) and (c)

249. End users of Amazon-Enabled Third-Party Devices directly infringe claims 4, 7, 8, 9, 12, 14, 16, 18, and 19 of the '282 patent by using the X-Ray feature while viewing Amazon Video titles on Amazon-Enabled Third-Party Devices within the United States.

250. Claim 4 of the '282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location; and
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first

video frame identifier.

Ex. 3, ’282 patent, col. 34, ll. 9-27.

251. Amazon-Enabled Third-Party Devices are capable of performing the functionality of each claim limitation present in claim 4 of the ’282 patent.

252. When Amazon’s X-Ray feature is in operation, Amazon-Enabled Third-Party Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

253. Amazon-Enabled Third-Party Devices are also capable of: identifying a request location that is responsive to the request for information; and retrieving from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

254. Finally, Amazon-Enabled Third-Party Devices are capable of displaying information associated with the first video frame identifier and, contemporaneously, information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

255. Claim 7 of the ’282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> pausing the playing in response to the request for information;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request

location;

displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier;

receiving from the user a request for additional information relating to the information associated with the first video frame identifier;

enabling a displaying of additional information in response to the request for additional information; and

resuming the playing at a beginning of a video clip that is responsive to the request location.

Ex. 3, col. 34, ln. 43 to col. 35, ln. 2.

256. Amazon-Enabled Third-Party Devices are capable of performing the functionality of each claim limitation present in claim 7 of the ’282 patent.

257. Amazon-Enabled Third-Party Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

258. Amazon-Enabled Third-Party Devices are capable of: pausing the playing in response to the request for information; identifying a request location that is responsive to the request for information; and retrieving (from a plurality of video frame identifiers) a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

259. Amazon-Enabled Third-Party Devices are further capable of displaying information associated with the first video frame identifier and, contemporaneously, information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

260. Finally, Amazon-Enabled Third-Party Devices are capable of: receiving from the user a request for additional information relating to the information associated with the first

video frame identifier; enabling a displaying of additional information in response to the request for additional information; and, thereafter, resuming the playing at the beginning of a video clip that is responsive to the request location.

261. Claim 8 of the ’282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location;
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.
>
> receiving from the user a request for additional information relating to the information associated with the first video frame identifier;
>
> pausing the playing in response to the request for additional information;
>
> enabling a displaying of additional information in response to the request for additional information; and
>
> resuming the playing at a beginning of a video clip that is responsive to the request location.

Ex. 3, col. 35, ll. 3-29.

262. Amazon-Enabled Third-Party Devices are capable of performing the steps recited in each claim limitation present in claim 8 of the ’282 patent.

263. Amazon-Enabled Third-Party Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

264. Thereafter, Amazon-Enabled Third-Party Devices are capable of: identifying a request location that is responsive to the request for information; and retrieving (from a plurality

of video frame identifiers) a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

265. Amazon-Enabled Third-Party Devices are capable of displaying information associated with the first video frame identifier and, contemporaneously, information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

266. Finally, Amazon-Enabled Third-Party Devices are capable of: receiving from the user a request for additional information relating to the information associated with the first video frame identifier; pausing the playing in response to the request for additional information; enabling a display of additional information in response to the request for additional information; and, thereafter, resuming the playing at the beginning of a video clip that is responsive to the request location.

267. Claim 9 of the ’282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location;
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier;
>
> receiving from the user a request for additional information relating to the

information associated with the first video frame identifier; and

enabling a displaying of additional information in response to the request for additional information.

Ex. 3, col. 35, ll. 30-53.

268. Amazon-Enabled Third-Party Devices are capable of performing the steps recited in each claim limitation present in claim 9 of the ’282 patent.

269. Amazon-Enabled Third-Party Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

270. Amazon-Enabled Third-Party Devices are further capable of: identifying a request location that is responsive to the request for information; and retrieving (from a plurality of video frame identifiers) a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

271. Moreover, Amazon-Enabled Third-Party Devices are capable of displaying information associated with the first video frame identifier and, contemporaneously, information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

272. Finally, Amazon-Enabled Third-Party Devices are capable of: receiving from the user a request for additional information relating to the information associated with the first video frame identifier; and enabling a display of additional information in response to the request for additional information.

273. Claim 12 of the ’282 patent covers “[t]he apparatus of claim 9, wherein the apparatus further performs the step of: pausing the playing in response to the request for information.” Ex. 3, col. 35, ll. 62-65.

274. Amazon-Enabled Third-Party Devices are capable of performing each step recited

in independent claim 9 of the ’282 patent as well as dependent claim 12 of the ’282 patent.

275. Amazon-Enabled Third-Party Devices are capable of pausing the playing in response to the request for information.

276. Claim 14 of the ’282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving, from a plurality of video frame identifiers, a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location; and
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

Ex. 3, col. 36, ll. 6-23.

277. Amazon-Enabled Third-Party Devices are capable of performing the functionality of each claim limitation recited in claim 14 of the ’282 patent.

278. Amazon-Enabled Third-Party Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

279. Amazon-Enabled Third-Party Devices are further capable of: identifying a request location that is responsive to the request for information; and retrieving (from a plurality of video frame identifiers) a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

280. Amazon-Enabled Third-Party Devices are further capable of displaying

information associated with the first video frame identifier and, contemporaneously, displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

281. Claim 16 of the ’282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:
>
> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location;
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier;
>
> receiving from the user a request for additional information relating to the information associated with the second video frame identifier; and
>
> enabling a displaying of additional information in response to the request for additional information.

Ex. 3, col. 36, ll. 27-48.

282. Amazon-Enabled Third-Party Devices are capable of performing the functionality of each claim limitation present in claim 16 of the ’282 patent.

283. Amazon-Enabled Third-Party Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

284. Thereafter, Amazon-Enabled Third-Party Devices are capable of: identifying a request location that is responsive to the request for information; and retrieving a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that is different from the first video frame identifier and that is responsive

to a location that is prior to the request location.

285. Moreover, Amazon-Enabled Third-Party Devices are capable of displaying information associated with the first video frame identifier and, contemporaneously, information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

286. Finally, Amazon-Enabled Third-Party Devices are capable of: receiving from the user a request for additional information relating to the information associated with the first video frame identifier; and enabling a display of additional information in response to the request for additional information.

287. Claim 18 of the ’282 patent covers “[t]he apparatus of claim 16, wherein the apparatus further performs the steps of: pausing the playing in response to the request for additional information; and resuming, following a termination of the displaying of additional information, the playing at a beginning of a video clip that is responsive to the request location.” Ex. 3, col. 36, ll. 52-57.

288. Amazon-Enabled Third-Party Devices are capable of performing the functionality of each claim limitation recited in independent claim 16 of the ’282 patent as well as dependent claim 18 of the ’282 patent.

289. Amazon-Enabled Third-Party Devices are capable of: pausing the playing in response to the request for additional information; and, following a termination of the display of additional information, resuming the playing at the beginning of a video clip that is responsive to the request location.

290. Claim 19 of the ’282 patent covers:

> An apparatus capable of processing data and instructions executable by a processor; the apparatus, when executing the instructions, performs the steps of:

> receiving, from a user during a playing of a video, a request for information relating to a depiction within the video;
>
> identifying a request location that is responsive to the request for information;
>
> retrieving a first video frame identifier that is responsive to the request location, and contemporaneously retrieving a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location; and
>
> displaying information associated with the first video frame identifier, and contemporaneously displaying information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

Ex. 3, col. 36, ln. 58 to col. 37, ln. 7.

291. Amazon-Enabled Third-Party Devices are capable of performing the functionality of each claim limitation present in claim 19 of the ’282 patent.

292. Amazon-Enabled Third-Party Devices are capable of receiving, from a user during a playing of a video, a request for information relating to a depiction within the video.

293. Thereafter, Amazon-Enabled Third-Party Devices are capable of: identifying a request location that is responsive to the request for information; and retrieving a first video frame identifier that is responsive to the request location and, contemporaneously, a second video frame identifier that is different from the first video frame identifier and that is responsive to a location that is prior to the request location.

294. Amazon-Enabled Third-Party Devices are capable of displaying information associated with the first video frame identifier and, contemporaneously, information associated with the second video frame identifier that is different from the information associated with the first video frame identifier.

295. On information and belief, after acquiring knowledge of the ’282 patent as alleged above, Amazon had specific intent to infringe the ’282 patent.

296. On information and belief, with knowledge of the patent and intent to infringe,

Amazon actively induced said direct infringement by end users under 35 U.S.C. § 271(b) by providing the Amazon Video App, specially adapted with software routines designed to implement the X-Ray feature for use in Amazon-Enabled Third-Party Devices.

297. Amazon's own App Store offers the Amazon Video App for download. *See* Figure 11, *supra.*

298. Amazon describes the product features of the Amazon Video App as follows: "View IMDB data about the actors, songs and trivia related to your videos during playback with X-Ray." *Amazon Prime Video,* AMAZON.COM, INC., https://www.amazon.com/Amazon-com-Amazon-Prime-Video/dp/B00N28818A (last accessed May 4, 2017).

299. Amazon provides one or more websites containing technical instruction manuals designed to instruct users to use the Amazon Video App, as well as the X-Ray feature. *See, e.g.*, *What is Amazon Video?*, AMAZON.COM, INC., https://www.amazon.com/gp/help/customer/display.html?nodeId=201422800 (last accessed May 4, 2017).

300. An apparatus with Amazon X-Ray feature capabilities is a material part of the claims of the '282 patent and is not a staple article or commodity of commerce suitable for substantial non-infringing use. By supplying the Amazon Video App with X-Ray feature capabilities in the United States and, on information and belief, knowing the same to be especially made or especially adapted for use by end users in said direct infringement of one or more claims of the '282 patent, Amazon is liable for contributory infringement under 35 U.S.C. § 271(c).

301. On information and belief, Amazon's acts of infringement were willful.

302. CustomPlay will suffer and is suffering irreparable harm from Amazon's

infringement of the ’282 patent as CustomPlay’s potential user base is eroded by Amazon’s continuing infringement. CustomPlay has no adequate remedy at law to compensate it for the loss of business reputation, customers, and market position flowing from the Amazon infringing activities. CustomPlay is entitled to an injunction against Amazon’s continuing infringement of the ’282 patent. Unless enjoined, Amazon will continue its infringing conduct.

WHEREFORE, CustomPlay prays:

a. That the Court find Amazon liable for infringement of the CustomPlay Patents, either literally or under the doctrine of equivalents;

b. That Amazon, and all of its agents, servants, employees, successors, assigns, and all persons acting in concert or in active participation with Amazon, be preliminarily and permanently enjoined and restrained from infringing the CustomPlay Patents;

c. That the Court award CustomPlay damages due to Amazon’s infringement of the CustomPlay Patents and enter judgment three (3) times such amount pursuant to 35 U.S.C. § 284;

d. That the Court find this case exceptional within the meaning of 35 U.S.C. § 285 and award CustomPlay its reasonable attorneys’ fees and expenses;

e. That the Court award CustomPlay its taxable costs and disbursements;

f. That the Court award CustomPlay pre-judgment and post-judgment interest; and

g. For such other and further relief as the Court deems just and proper.

JURY DEMAND

CustomPlay demands trial by jury on all issues so triable.

Dated: July 27, 2017

Respectfully submitted,

By: */s/John C. Carey*
John C. Carey
Florida Bar No. 78379
jcarey@careyrodriguez.com
Ernesto M. Rubi
Florida Bar No. 92014
erubi@careyrodriguez.com
Amy M. Bowers-Zamora
Florida Bar No. 105755
abowers@careyrodriguez.com
CAREY RODRIGUEZ
MILIAN GONYA, LLP
1395 Brickell Avenue, Suite 700
Miami, Florida 33131
Telephone: (305) 372-7474
Facsimile: (305) 372-7475

Counsel for Plaintiff CustomPlay, LLC