

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LITL LLC,

Plaintiff,

v.

HP INC.,

Defendant.

Civil Action No. 23-120-RGA

JURY TRIAL DEMANDED

MICROSOFT CORPORATION,

Intervenor-Plaintiff,

v.

LITL LLC,

Intervenor-Defendant.

LITL LLC,

Intervenor-Defendant /
Counterclaim Plaintiff in
Intervention,

v.

MICROSOFT CORPORATION,

Intervenor-Plaintiff /
Counterclaim Defendant in
Intervention.

**LITL LLC'S ANSWER, AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS TO MICROSOFT CORPORATION'S
COMPLAINT IN INTERVENTION**

Plaintiff and Intervenor-Defendant LiTL LLC (“Plaintiff” or “LiTL”) hereby responds to the Complaint in Intervention (“Complaint”) filed by Intervenor-Plaintiff Microsoft Corporation (“Microsoft”) in LiTL’s action against HP, Inc. (“HP”), with the following Answer, Affirmative Defenses, and Counterclaims.

GENERAL DENIAL

Unless specifically admitted below, LiTL denies each and every allegation in the Complaint in Intervention. To the extent the headings of the Complaint are construed as allegations, they are each denied.

LiTL hereby answers the numbered paragraphs of the Complaint in Intervention with the following correspondingly numbered responses:

1. LiTL admits that Microsoft is seeking a declaratory judgment of non-infringement but denies that such action is meritorious.

PARTIES

2. LiTL admits the allegations of Paragraph 2, based on information and belief that Microsoft has described itself accurately.

3. LiTL admits the allegations of Paragraph 3.

JURISDICTION AND VENUE

4. LiTL admits the allegations of Paragraph 4.

5. LiTL admits the allegations of Paragraph 5.

6. LiTL admits the allegations of Paragraph 6.

FACTUAL BACKGROUND AND MICROSOFT’S INTEREST IN THIS ACTION

7. LiTL admits the allegations of Paragraph 7.

8. LiTL admits the allegation in Paragraph 8 that HP is a customer of Microsoft’s and that HP sells computer products that incorporate Microsoft’s Windows Operating System.

LiTL lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 8, and therefore denies them.

9. LiTL admits the allegations of Paragraph 9.

10. LiTL admits the allegation in Paragraph 10 that the First Amended Complaint specifically identified numerous HP devices as infringing the '154, '315, '715, '818, and '888 patents. LiTL denies the remaining allegations of Paragraph 10.

11. LiTL denies the allegations of Paragraph 11.

12. LiTL admits the allegation in Paragraph 12 that the '154 patent is entitled "Portable computer with multiple display configurations," and that the First Amended Complaint alleges that HP infringes at least claim 11 of the '154 patent. LiTL denies the remaining allegations of Paragraph 12.

13. LiTL admits the allegation in Paragraph 13 that the '315 patent is entitled "System and method for streamlining user interaction with electronic content," and that the First Amended Complaint alleges that HP infringes at least claim 1 of the '315 patent. LiTL denies the remaining allegations of Paragraph 13.

14. LiTL admits the allegation in Paragraph 14 that the '715 patent is entitled "System and method for streamlining user interaction with electronic content," and that the First Amended Complaint alleges that HP infringes at least claim 1 of the '715 patent. LiTL denies the remaining allegations of Paragraph 14.

15. LiTL admits the allegation in Paragraph 15 that the '818 patent is entitled "System and method for streamlining user interaction with electronic content," and that the First Amended Complaint alleges that HP infringes at least claim 1 of the '818 patent. LiTL denies the remaining allegations of Paragraph 15.

16. LiTL admits the allegation in Paragraph 16 that the '888 patent is entitled "Method and apparatus for managing digital media content," and that the First Amended Complaint alleges that HP infringes at least claim 27 of the '888 patent. LiTL denies the remaining allegations of Paragraph 16.

17. LiTL denies the allegations in the first sentence of Paragraph 17. LiTL lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 17, and therefore denies them.

18. LiTL admits the allegations of Paragraph 18.

19. LiTL admits the allegations of Paragraph 19.

20. LiTL admits the allegation in Paragraph 20 that Microsoft has an objectively reasonable apprehension that LiTL will claim that Microsoft's products, including at least the Windows Operating System, directly or indirectly infringe one or more claims of the '154 patent, the '315 patent, the '715 patent, the '818 patent, and the '888 patent. LiTL admits the allegation in Paragraph 20 that an actual controversy exists between Microsoft and LiTL. The remainder of Paragraph 20 contains statements to which no response is required.

COUNT 1

(Declaratory Judgment of Noninfringement of U.S. Patent No. 10,289,154)

21. LiTL incorporates by reference each of its answers set forth in the foregoing paragraphs as if fully set forth herein.

22. LiTL admits the allegations of Paragraph 22.

23. LiTL denies the allegations of Paragraph 23.

24. LiTL admits the allegation in Paragraph 24 that a judicial declaration concerning these matters is necessary and appropriate, but denies any allegation that Microsoft is entitled to

a declaratory judgment of noninfringement. LiTL denies the remaining allegations of Paragraph 24.

COUNT 2

(Declaratory Judgment of Noninfringement of U.S. Patent No. 9,003,315)

25. LiTL incorporates by reference each of its answers set forth in the foregoing paragraphs as if fully set forth herein.

26. LiTL admits the allegations of Paragraph 26.

27. LiTL denies the allegations of Paragraph 27.

28. LiTL admits the allegation in Paragraph 28 that a judicial declaration concerning these matters is necessary and appropriate, but denies any allegation that Microsoft is entitled to a declaratory judgment of noninfringement. LiTL denies the remaining allegations of Paragraph 28.

COUNT 3

(Declaratory Judgment of Noninfringement of U.S. Patent No. 9,880,715)

29. LiTL incorporates by reference each of its answers set forth in the foregoing paragraphs as if fully set forth herein.

30. LiTL admits the allegations of Paragraph 30.

31. LiTL denies the allegations of Paragraph 31.

32. LiTL admits the allegation in Paragraph 32 that a judicial declaration concerning these matters is necessary and appropriate, but denies any allegation that Microsoft is entitled to a declaratory judgment of noninfringement. LiTL denies the remaining allegations of Paragraph 32.

COUNT 4

(Declaratory Judgment of Noninfringement of U.S. Patent No. 10,564,818)

33. LiTL incorporates by reference each of its answers set forth in the foregoing paragraphs as if fully set forth herein.

34. LiTL admits the allegations of Paragraph 34.

35. LiTL denies the allegations of Paragraph 35.

36. LiTL admits the allegation in Paragraph 36 that a judicial declaration concerning these matters is necessary and appropriate, but denies any allegation that Microsoft is entitled to a declaratory judgment of noninfringement. LiTL denies the remaining allegations of Paragraph 36.

COUNT 5

(Declaratory Judgment of Noninfringement of U.S. Patent No. 8,612,888)

37. LiTL incorporates by reference each of its answers set forth in the foregoing paragraphs as if fully set forth herein.

38. LiTL admits the allegations of Paragraph 38.

39. LiTL denies the allegations of Paragraph 39.

40. LiTL admits the allegation in Paragraph 40 that a judicial declaration concerning these matters is necessary and appropriate, but denies any allegation that Microsoft is entitled to a declaratory judgment of noninfringement. LiTL denies the remaining allegations of Paragraph 40.

REQUESTED RELIEF

LiTL denies Microsoft's allegation that it is entitled to or should be granted any relief in this matter, including the relief that Microsoft requests in paragraphs A-G.

AFFIRMATIVE DEFENSES

1. Microsoft's Complaint fails to state a claim, in whole or in part, upon which relief can be granted.

2. LiTL reserves the right to assert additional defenses based on information learned or obtained during discovery.

COUNTERCLAIMS

Intervenor-Defendant and Counterclaim Plaintiff in Intervention LiTL LLC ("LiTL") brings these counterclaims for patent infringement against Intervenor-Plaintiff and Counterclaim Defendant in Intervention Microsoft ("Microsoft").

NATURE OF THE ACTION

1. This is a civil action for patent infringement under the laws of the United States, 35 U.S.C. § 1, et seq.

2. Microsoft has infringed and continues to infringe one or more claims of U.S. Patent Nos. 8,289,688 ("the '688 patent"); 8,624,844 ("the '844 patent"); 9,563,229 ("the '229 patent"); 10,289,154 ("the '154 patent"); 9,003,315 ("the '315 patent"); 9,880,715 ("the '715 patent"); 10,564,818 ("the '818 patent"); and 8,612,888 ("the '888 patent") (collectively, the "Asserted Patents") at least by (1) directly infringing by using, importing, selling, and offering for sale Microsoft computing devices that infringe one or more claims of each of the '154, '315, '715, '818, and '888 patents; (2) inducing resellers and customers to infringe one or more claims of each of the '154, '315, '715, '818, and '888 patents; (3) inducing HP to infringe one or more claims of each of the Asserted Patents; and (4) in the alternative to direct infringement, contributorily infringing one or more claims of each of the '154, '315, '715, '818, and '888 patents by selling, offering for sale, and importing within the United States Microsoft computing devices.

3. LiTL is the legal owner by assignment of the entire right, title, and interest in and to the Asserted Patents, which were duly and legally issued by the United States Patent and Trademark Office (“USPTO”). LiTL seeks monetary damages and injunctive relief to address past and ongoing infringement of its valuable patent portfolio.

THE PARTIES

4. LiTL is a Delaware company, having its principal place of business at 501 Boylston Street, Boston, Massachusetts 02116.

5. Microsoft is a corporation organized under the laws of the State of Washington, with its principal place of business at One Microsoft Way, Redmond, Washington 98052.

JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Microsoft at least because Microsoft submitted to the jurisdiction of this Court when it filed its Complaint in Intervention and because Microsoft has committed and continues to commit acts of patent infringement and places infringing products into the stream of commerce, with the knowledge or understanding that such products are sold in this District.

8. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b) at least because Microsoft has availed itself of this venue by intervening in the underlying action against HP Inc. (“HP”).

FACTUAL BACKGROUND

LiTL's Patented Technologies

9. In 2007, John Chuang had a vision for a new type of computer. He recognized that traditional computers are designed to meet the needs of everyone from a six year old to the largest employers on earth. Mr. Chuang set out to build a computer for the home that offered a simplified operating environment. Mr. Chuang founded LiTL and assembled a team of hardware and software engineers and user interface designers to achieve his vision.

10. LiTL developed a webbook, a portable computing device, which launched in 2009. LiTL focused on how a family typically uses the Internet in the home, and optimized the webbook's user interface for consuming Internet content.



<http://web.archive.org/web/20091204052449/http://www.litl.com/essays/hardware.htm>

11. The webbook provided multiple display modes. In laptop mode, users access a keyboard and touchpad to browse the Internet and access apps that can be arranged as a set of cards.



<http://web.archive.org/web/20091204052449/http://www.litl.com/essays/hardware.htm>

12. Rotating the webbook display into “easel mode” allows users to easily consume content from the Internet via a streamlined, intuitive interface.



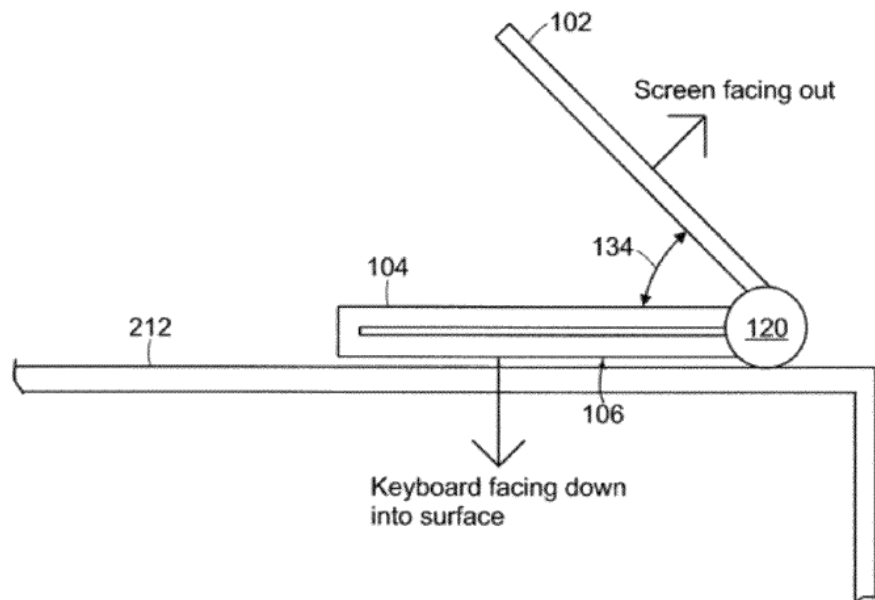
<http://web.archive.org/web/20091201114605/http://www.litl.com/easy-to-use/intuitive-interface.htm>

13. In easel mode the webbook's keyboard faces away from the user, and content is enlarged on the display for easier viewing from further away.



<http://web.archive.org/web/20130420102239/http://litl.com/webbook/meet-webbook/more-fun.htm>

14. The webbook can also be configured in "frame mode," in which the keyboard faces down into the surface on which the webbook rests.



'688 patent, Figure 26.

15. The webbook delivers content from a user's favorite websites via "channels" to provide an experience that resembles watching television.



<http://web.archive.org/web/20091204052453/http://www.litl.com/essays/software.htm>

16. LiTL's investment in innovation has produced a portfolio that includes over 30 patents in the United States as well as additional patents in other countries across the globe.

LiTL's Asserted Patents

17. LiTL's Counterclaims focus on eight LiTL patents directed to various aspects of computing devices that can be used in multiple display modes.

18. LiTL is the current owner by assignment of the entire right, title, and interest in and to the '688 patent titled "Portable computer with multiple display configurations." The '688 patent issued on October 16, 2012. The patent is generally directed to portable computers configurable between a plurality of display modes. A copy of the '688 patent is attached as Exhibit A.

19. LiTL is the current owner by assignment of the entire right, title, and interest in and to the '844 patent titled "Portable computer with multiple display configurations." The '844 patent was duly and legally issued on January 7, 2014. The patent is generally directed to portable computers configurable between a plurality of display modes. A copy of the '844 patent is attached as Exhibit B.

20. LiTL is the current owner by assignment of the entire right, title, and interest in and to the '229 patent titled "Portable computer with multiple display configurations." The '229 patent was duly and legally issued on February 7, 2017. The patent is generally directed to portable computers configurable between a plurality of display modes. A copy of the '229 patent is attached as Exhibit C.

21. LiTL is the current owner by assignment of the entire right, title, and interest in and to the '154 patent titled "Portable computer with multiple display configurations." The '154 patent was duly and legally issued on May 14, 2019. The patent is generally directed to portable computers configurable between a plurality of display modes. A copy of the '154 patent is attached as Exhibit D.

22. LiTL is the current owner by assignment of the entire right, title, and interest in and to the '315 patent titled "System and method for streamlining user interaction with electronic content." The '315 patent was duly and legally issued on April 7, 2015. The patent is generally

directed to a user interface configured to display a plurality of views of computer content. A copy of the '315 patent is attached as Exhibit E.

23. LiTL is the current owner by assignment of the entire right, title, and interest in and to the '715 patent titled "System and method for streamlining user interaction with electronic content." The '715 patent was duly and legally issued on January 30, 2018. The patent is generally directed to a user interface configured to display a plurality of views of computer content. A copy of the '715 patent is attached as Exhibit F.

24. LiTL is the current owner by assignment of the entire right, title, and interest in and to the '818 patent titled "System and method for streamlining user interaction with electronic content." The '818 patent was duly and legally issued on February 18, 2020. The patent is generally directed to a user interface configured to display a plurality of views of computer content. A copy of the '818 patent is attached as Exhibit G.

25. LiTL is the current owner by assignment of the entire right, title, and interest in and to the '888 patent titled "Method and apparatus for managing digital media content." The '888 patent was duly and legally issued on December 17, 2013. The patent relates generally to accessing and managing digital media libraries on streamlined computing devices with a plurality of selectable I/O profiles. A copy of the '888 patent is attached as Exhibit H.

Microsoft's Knowledge of LiTL's Asserted Patents and Microsoft's Infringement

26. By at least as early as May 2021, Microsoft knew that LiTL had asserted against Lenovo certain of the Asserted Patents in *LiTL LLC v. Lenovo (United States), Inc. et al*, No. 1:20-cv-00689-RGA (D. Del.).

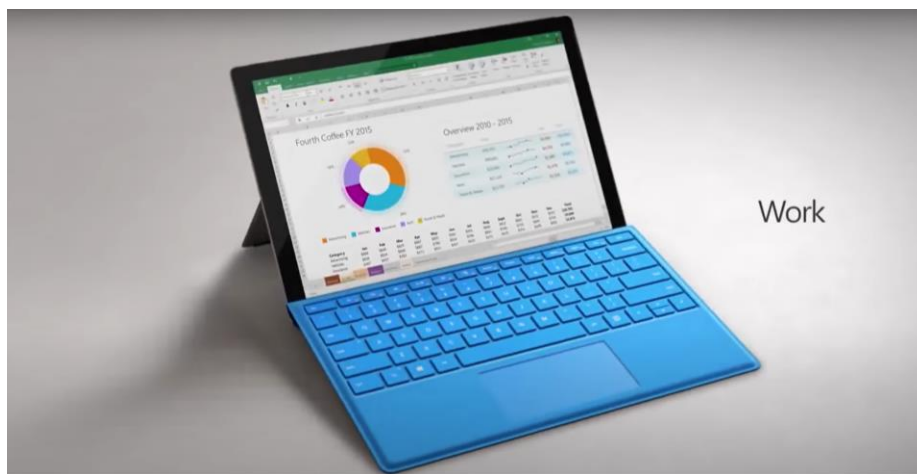
27. In about May 2021, a LiTL executive spoke with an Assistant General Counsel for Microsoft about LiTL's technology and patents.

28. On May 10, 2021, LiTL sent Microsoft a letter asserting that “[a] number of LiTL’s patents are applicable to Microsoft products, including the Surface line of products,” and identified the patents in LiTL’s patent portfolio, including each of the Asserted Patents. The letter included detailed claim charts that provide an element-by-element explanation of how an exemplary Microsoft Surface product infringes at least one claim in each of the ’154 patent, the ’315 patent, the ’715 patent, the ’818 patent, and the ’888 patent.

**Microsoft’s Incorporation of LiTL’s Patented Technologies
Into Microsoft’s Surface Devices**

29. The allegations provided below are exemplary and without prejudice to LiTL’s infringement contentions. In providing these allegations, LiTL does not convey or imply any particular claim constructions or the precise scope of the claims. LiTL’s claim construction contentions regarding the meaning and scope of the claim terms will be provided under the Court’s scheduling order and local rules.

30. As detailed in the claim charts that LiTL provided to Microsoft in 2021, Microsoft’s Surface devices can be used in multiple configurations depending on the orientation of the keyboard relative to the display:



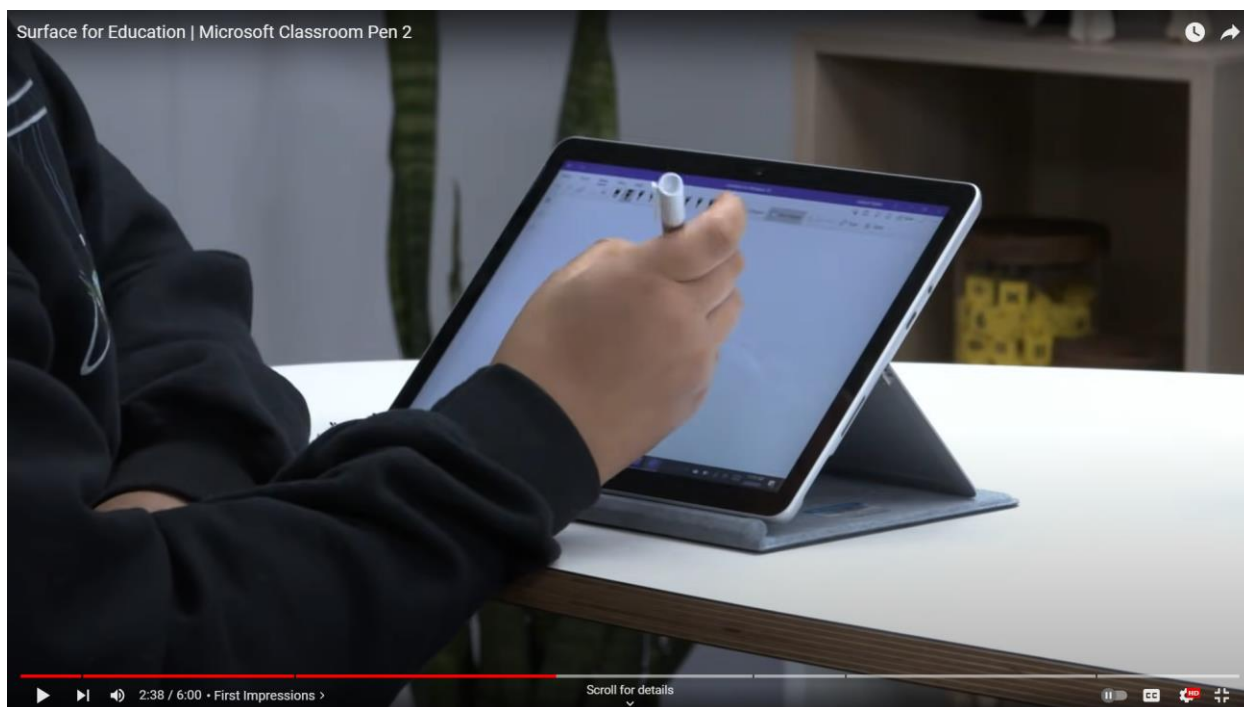
<https://youtu.be/qABelSX3rwk?t=24>



<https://youtu.be/qABelSX3rwk?t=24>



<https://youtu.be/qABelSX3rwk?t=24>



https://www.youtube.com/watch?v=p_j3aPr_y6k&t=158s

31. Rotating the keyboard behind the display disables the keyboard so that the Surface device does not detect key presses.

With some Type Covers, you can pleat the back edge up against your Surface. This provides extra stability when you're working on your lap.



Fold the Type Cover back

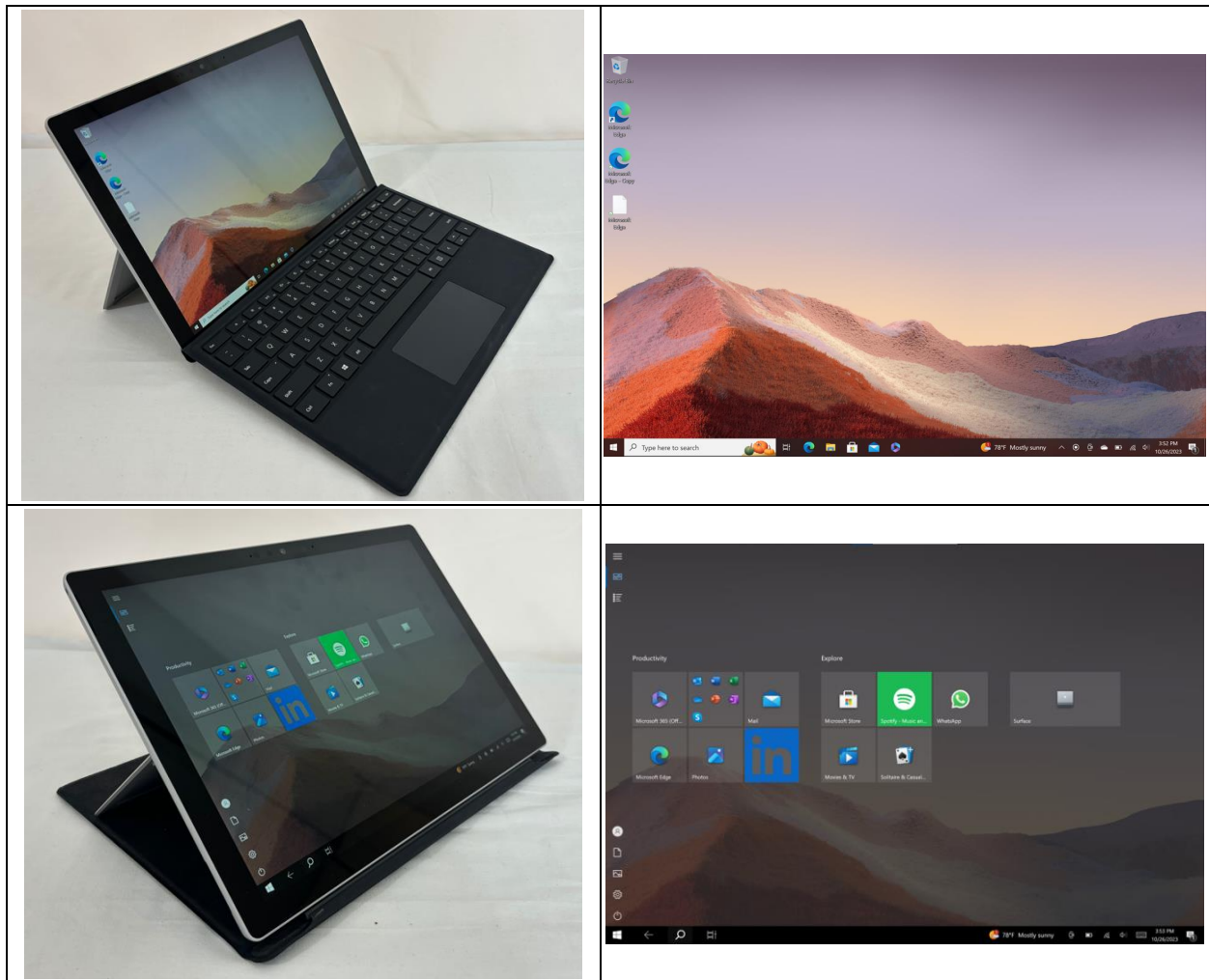
Fold the Type Cover back behind the screen to use your Surface as a tablet. Your Surface won't detect key presses while it's folded.

To type text while the Type Cover is folded, tap the screen anywhere you can type and the touch keyboard appears.



<https://support.microsoft.com/en-us/surface/how-to-use-your-surface-type-cover-129f7e73-5dc7-dd14-aaf6-5e848c074887>

32. Rotating the keyboard behind the display also causes the user interface to change to make interactions via the touchscreen more convenient, e.g., certain content is enlarged.

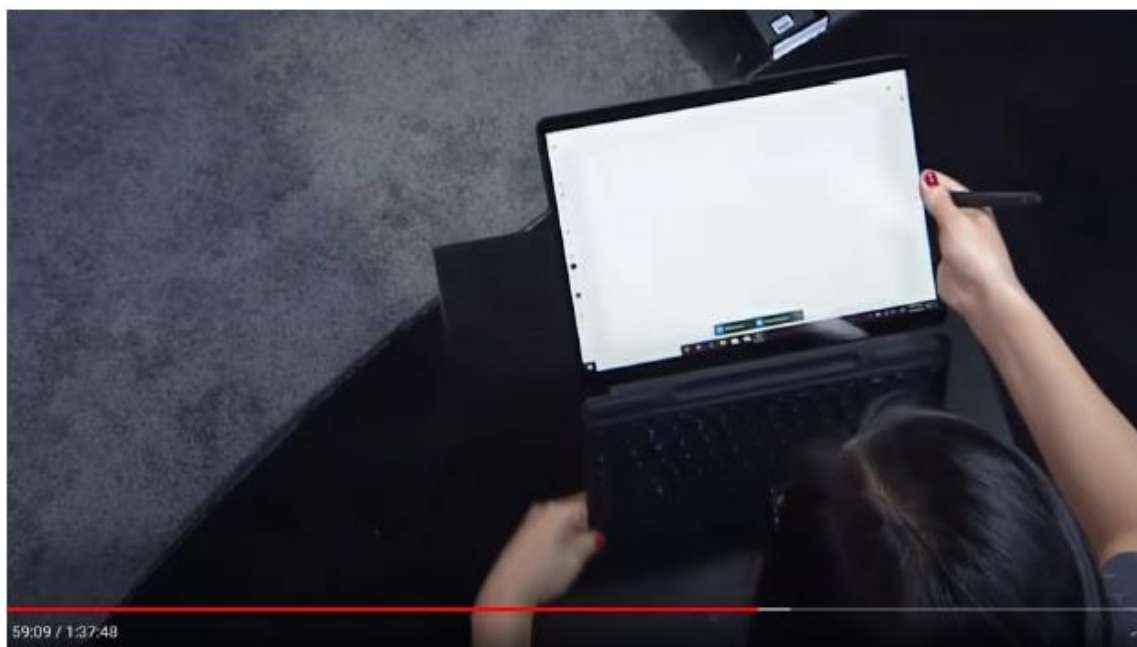


33. On October 2, 2019, at a Microsoft Surface event in New York City, Microsoft demonstrated the multiple display modes of the Surface Pro 7.

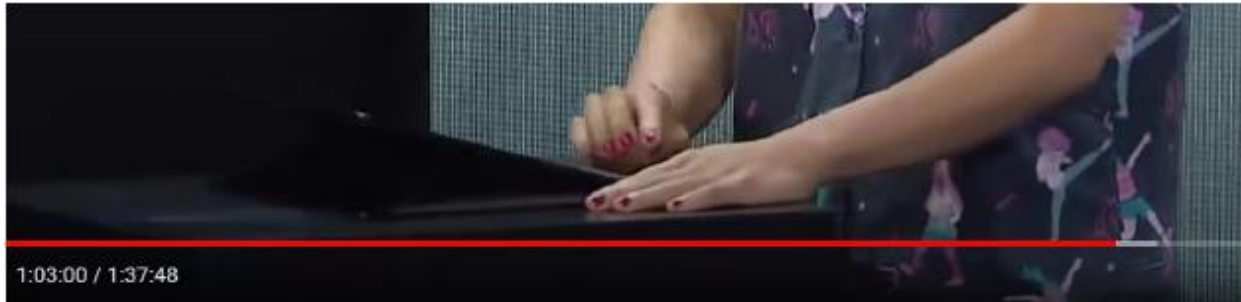
<https://news.microsoft.com/october-2-2019/>



<https://www.youtube.com/watch?v=dmaioTs0NH8&t=3544s>



<https://www.youtube.com/watch?v=dmaioTs0NH8&t=3544s>



<https://www.youtube.com/watch?v=dmaioTs0NH8&t=3780s>

34. As detailed below, each element of at least one claim of each of the Asserted Patents is literally present in the Surface 3, Surface Go, Surface Go 2, Surface Go 3, Surface Go 4, Surface Pro (1st Gen), Surface Pro 2, Surface Pro 3, Surface Pro 4, Surface Pro 2017 (5th Gen), Surface Pro 6, Surface Pro 7, Surface Pro 7+, Surface Pro 8, Surface Pro 9, Surface Pro X (collectively, the “Accused Surface Devices”) in combination with any of the following keyboards: Surface Pro Signature Keyboard, Surface Pro Keyboard, Surface Pro X Signature Keyboard, Surface Pro X Keyboard, Surface Pro Signature Type Cover, Surface Pro Type Cover, Surface Pro Type Cover with Fingerprint ID, Surface Go Signature Type Cover, Surface Go Type Cover, or Surface Type Cover (collectively, the “Accused Surface Keyboards”), or is literally practiced by Microsoft personnel, agents or customers who use the Accused Surface Devices with the Accused Surface Keyboards (collectively, the “Accused Microsoft Products”). To the extent that any element is not literally present or practiced, each such element is present or practiced under the doctrine of equivalents.

35. The Accused Microsoft Products are sold and offered for sale on Microsoft’s website. The Accused Microsoft Products are also sold and offered for sale through resellers such as Best Buy. For example, the Microsoft Surface Pro 7+ with Surface Pro Type Cover is offered for sale on Best Buy’s website and at in-store locations such as at Best Buy Christiana in Delaware.

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Best Buy > Computers & Tablets > Tablets > All Tablets

Microsoft - Surface Pro 7+ - 12.3" Touch-Screen - Intel Core i3 - 8GB Memory - 128GB SSD with Black Type Cover - Platinum

Model: DTI-00001 SKU: 6482181

★★★★★ 4.7 (693 Reviews)
74 Answered Questions

Black Friday Deal >
\$599.99 **Save \$330** **\$33.34/mo.***
 Was \$929.99 suggested payments with 18-Month Financing
 Show me how >

Trade-In and Save

Save when you trade-in a similar device. Check your trade-in value. >

<https://www.bestbuy.com/site/microsoft-surface-pro-7-12-3-touch-screen-intel-core-i3-8gb-memory-128gb-ssd-with-black-type-cover-platinum/6482181.p?skuId=6482181>

Microsoft's Inducement of HP's Direct Infringement

36. Microsoft provides the Windows operating system to HP to be pre-installed on HP convertible laptops including, but not limited to, EliteBook x360 830 G5; EliteBook x360 830 G6; EliteBook x360 830 G7; EliteBook x360 830 G8; EliteBook x360 830 G9; EliteBook x360 1020 G2; EliteBook x360 1030 G2; EliteBook x360 1030 G3; EliteBook x360 1030 G4; EliteBook x360 1030 G7; EliteBook x360 1030 G8; EliteBook x360 1040 G5; EliteBook x360 1040 G6; EliteBook x360 1040 G7; EliteBook x360 1040 G8; EliteBook x360 1040 G9; EliteBook x360 1040 G10; Elite Dragonfly G1; Elite Dragonfly G2; Elite Dragonfly G3; Elite Dragonfly Max; ZBook Studio x360 G5; ProBook x360 11 G1; ProBook x360 11 G2; ProBook x360 11 G3; ProBook x360 11 G4; ProBook x360 11 G5; ProBook x360 11 G6; ProBook x360 11 G7 Education Edition; ProBook x360 435 G7; ProBook x360 435 G8; ProBook x360 435 G9; ProBook x360 440 G1; Pro x360 Fortis G9; Pro x360 Fortis G10; Pavilion x360 (11.6 inch);

Pavilion x360 (13.3 inch); Pavilion x360 (14 inch); Pavilion x360 (15.6 inch); Envy x360 (13.3 inch); Envy x360 (15.6 inch); Spectre x360 (13.3 inch); Spectre x360 (13.5 inch); Spectre x360 (15.6 inch); Spectre x360 (16.0 inch); Spectre Pro x360 G2; and Stream x360 11 (collectively, the “Accused HP Products”). The Accused HP Products are non-limiting examples that were identified based on publicly available information, and LiTL reserves the right to identify additional infringing activities, products and services, including, for example, on the basis of information obtained during discovery.

37. Since at least as early as April 2023, Microsoft has been aware of the allegations in LiTL’s Complaint that HP has infringed the ’688, ’844, ’229, ’154, ’315, ’715, ’818, and ’888 patents.

38. As detailed LiTL’s Complaint against HP, each element of at least one claim of each of the Asserted Patents is literally present in the Accused HP Products, or is literally practiced by HP personnel, agents or customers who use the Accused HP Products. To the extent that any element is not literally present or practiced, each such element is present or practiced under the doctrine of equivalents.

39. Microsoft has made extensive use of LiTL’s patented technologies, including the technology described and claimed in the Asserted Patents. LiTL is committed to defending its proprietary and patented technology. LiTL requests that this Court award it damages sufficient to compensate for Microsoft’s infringement of the Asserted Patents, find this case exceptional and award LiTL its attorneys’ fees and costs, and grant an injunction against Microsoft to prevent ongoing infringement of the Asserted Patents.

COUNT I

(Induced Infringement of U.S. Patent No. 8,289,688)

40. LiTL incorporates by reference and realleges all the foregoing paragraphs of these Counterclaims as if fully set forth herein.

Microsoft's Induced Infringement Involving the Accused HP Products

41. Since at least as early as April 2023, Microsoft has known of LiTL's allegations that the Accused HP Products infringe at least claim 19 of the '688 patent when imported, used, sold or offered for sale by HP or resellers such as Best Buy, and used by customers or other users, as detailed in LiTL's Complaint (D.I. 1) in this action.

42. Since at least as early as April 2023, Microsoft has induced infringement of at least claim 19 of the '688 patent by providing the Windows operating system to HP to be pre-installed on the Accused HP Products.

Microsoft's Willful Infringement

43. Since at least as early as April 2023, Microsoft has continued to provide to HP the Windows operating system for pre-installation on the Accused HP Products knowing that the Accused HP Products infringe the '688 patent.

44. Microsoft's induced infringement of at least claim 19 of the '688 patent has been willful. The willful nature of Microsoft's induced infringement is demonstrated by Microsoft's provision to HP of the Windows operating system for pre-installation on the Accused HP Products.

LiTL's Injury Due to Microsoft's Induced Infringement

45. The foregoing description of Microsoft's induced infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for

example, on the basis of information about the Accused HP Products that it obtains during discovery.

46. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Microsoft's induced infringement of the '688 patent.

47. Microsoft's induced infringement of the '688 patent has damaged and continues to damage LiTL in an amount yet to be determined, of no less than a reasonable royalty.

COUNT II

(Induced Infringement of U.S. Patent No. 8,624,844)

48. LiTL incorporates by reference and realleges all the foregoing paragraphs of these Counterclaims as if fully set forth herein.

Microsoft's Induced Infringement Involving the Accused HP Products

49. Since at least as early as April 2023, Microsoft has known of LiTL's allegations that the Accused HP Products infringe at least claims 10 and 17 of the '844 patent when imported, used, sold or offered for sale by HP or resellers such as Best Buy, and used by customers or other users, as detailed in LiTL's Complaint (D.I. 1) in this action.

50. Since at least as early as April 2023, Microsoft has induced infringement of at least claims 10 and 17 of the '844 patent by providing the Windows operating system to HP to be pre-installed on the Accused HP Products.

Microsoft's Willful Infringement

51. Since at least as early as April 2023, Microsoft has continued to provide to HP the Windows operating system for pre-installation on the Accused HP Products knowing that the Accused HP Products infringe the '844 patent.

52. Microsoft's induced infringement of at least claims 10 and 17 of the '844 patent has been willful. The willful nature of Microsoft's induced infringement is demonstrated by

Microsoft's provision to HP of the Windows operating system for pre-installation on the Accused HP Products.

LiTL's Injury Due to Microsoft's Induced Infringement

53. The foregoing description of Microsoft's induced infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused HP Products that it obtains during discovery.

54. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Microsoft's induced infringement of the '844 patent.

55. Microsoft's induced infringement of the '844 patent has damaged and continues to damage LiTL in an amount yet to be determined, of no less than a reasonable royalty.

COUNT III

(Induced Infringement of U.S. Patent No. 9,563,229)

56. LiTL incorporates by reference and realleges all the foregoing paragraphs of these Counterclaims as if fully set forth herein.

Microsoft's Induced Infringement Involving the Accused HP Products

57. Since at least as early as April 2023, Microsoft has known of LiTL's allegations that the Accused HP Products infringe at least claim 1 of the '229 patent when imported, used, sold or offered for sale by HP or resellers such as Best Buy, and used by customers or other users, as detailed in LiTL's Complaint (D.I. 1) in this action.

58. Since at least as early as April 2023, Microsoft has induced infringement of at least claim 1 of the '229 patent by providing the Windows operating system to HP to be pre-installed on the Accused HP Products.

Microsoft's Willful Infringement

59. Since at least as early as April 2023, Microsoft has continued to provide to HP the Windows operating system for pre-installation on the Accused HP Products knowing that the Accused HP Products infringe the '229 patent.

60. Microsoft's induced infringement of at least claim 1 of the '229 patent has been willful. The willful nature of Microsoft's induced infringement is demonstrated by Microsoft's provision to HP of the Windows operating system for pre-installation on the Accused HP Products.

LiTL's Injury Due to Microsoft's Induced Infringement

61. The foregoing description of Microsoft's induced infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused HP Products that it obtains during discovery.

62. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Microsoft's induced infringement of the '229 patent.

63. Microsoft's induced infringement of the '229 patent has damaged and continues to damage LiTL in an amount yet to be determined, of no less than a reasonable royalty.

COUNT IV

(Infringement of U.S. Patent No. 10,289,154)

64. LiTL incorporates by reference and realleges all the foregoing paragraphs of these Counterclaims as if fully set forth herein.

Microsoft's Direct Infringement Involving the Microsoft Accused Products

65. Microsoft has directly infringed and continues to directly infringe, literally and/or equivalently, one or more claims of the '154 patent, including at least claim 1, including

by using, importing, selling, and offering for sale in the United States the Accused Microsoft Products.

66. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) are portable computers that are configurable between a plurality of display modes comprising a first mode and a second mode. For example:



First mode



Second mode

67. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include a display component comprising a display screen and a base comprising a keyboard and a touchpad. For example:



68. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include a hinge assembly that rotatably couples the base to the display component, the hinge assembly being configured to permit the display component to rotate relative to the base up to at least 270 degrees from a closed position where the display screen faces the keyboard. For example:



Closed position



Second mode

69. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include an orientation sensor configured to generate orientation information indicative of an orientation of at least part of the portable computer. For example:

Sensors	Ambient light sensor Accelerometer Gyroscope Magnetometer
----------------	--

See, *e.g.*, Surface Pro 7 Specifications (<https://support.microsoft.com/en-us/surface/surface-pro-7-specs-and-features-8254894d-bb80-77ef-daae-612ea713e310>).

Sensors	Surface Pro Signature Keyboard sensors Accelerometer
----------------	--

See, *e.g.*, Surface Pro Signature Type Cover (<https://www.microsoft.com/en-us/d/surface-pro-signature-keyboard-with-slim-pen-2/8xx8r5ws9db3>).

70. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include a display manager configured to detect a current display mode from among the plurality of display modes based at least in part on the orientation information, wherein the display component is in a first position relative to the base in the first mode and wherein the display component is in a second position relative to the base that is different from the first position in the second mode. For example:

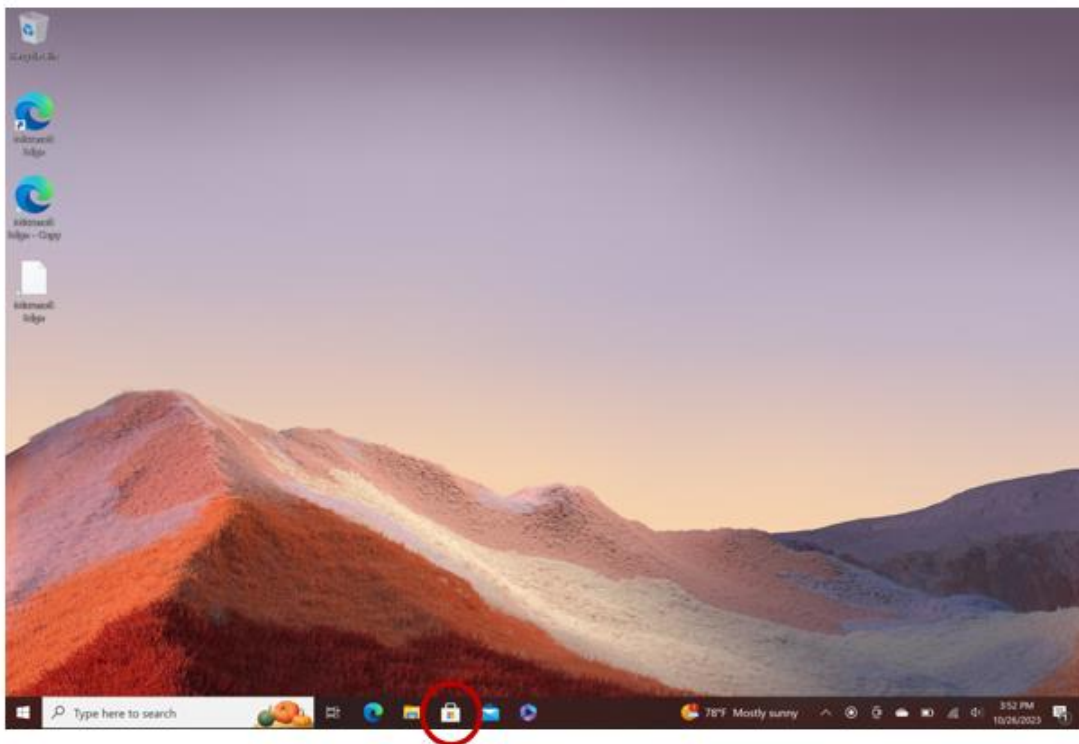


First mode

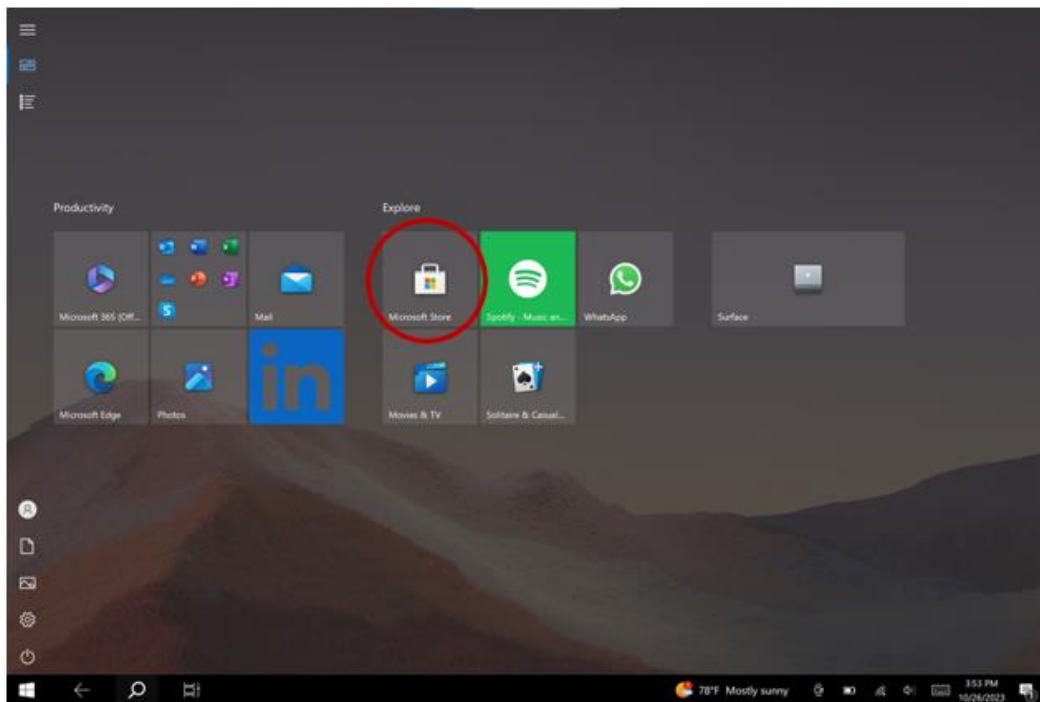


Second mode

71. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include a display manager configured to enlarge at least some computer content displayed on the display screen when the current display mode transitions from the first mode to the second mode. For example:



Computer content displayed in first mode



Computer content displayed in second mode

Microsoft's Induced Infringement Involving the Accused Microsoft Products

72. Since at least as early as May 2021, Microsoft knew of the '154 patent.

73. Since at least as early as May 2021, Microsoft knew that the Accused Microsoft Products infringe at least claim 1 of the '154 patent when used by customers or other users, and when sold or offered for sale by resellers such as Best Buy.

74. Since at least as early as May 2021, Microsoft has induced infringement by actively encouraging third-party resellers to directly infringe at least claim 1 of the '154 patent by facilitating resellers' sales and offers for sale of the Accused Microsoft Products and actively encouraging such sales and offers for sale.

75. Since at least as early as May 2021, Microsoft has induced infringement by actively encouraging customers or other users to directly infringe at least claim 1 of the '154 patent. Microsoft has provided with the Accused Microsoft Products and on the

<https://www.microsoft.com/en-us/surface/devices/surface-pro-models> website product

documentation and advertising materials that induce customers or others to use the Accused Microsoft Products in a manner that infringes at least claim 1 of the '154 patent.

Microsoft's Induced Infringement Involving the Accused HP Products

76. Since at least as early as April 2023, Microsoft has known of LiTL's allegations that the Accused HP Products infringe at least claim 11 of the '154 patent when imported, used, sold or offered for sale by HP or resellers such as Best Buy, and used by customers or other users, as detailed in LiTL's Complaint (D.I. 1) in this action.

77. Since at least as early as April 2023, Microsoft has induced infringement of at least claim 11 of the '154 patent by providing the Windows operating system to HP to be pre-installed on the Accused HP Products.

Microsoft's Contributory Infringement

78. In the alternative to direct infringement, Microsoft has contributorily infringed at least claim 1 of the '154 patent.

79. Microsoft has contributorily infringed at least claim 1 of the '154 patent by selling, offering to sell, and importing within the United States the Accused Surface Devices.

80. The Accused Surface Devices are not staple articles or commodities of commerce with a substantial noninfringing use. The Accused Surface Devices are designed, configured and adapted to work with the Accused Surface Keyboards and have no substantial purpose other than as part of infringing devices and are accordingly not staple articles or commodities of commerce.

81. The Accused Surface Devices are a material part of the invention of at least claim 1 of the '154 patent.

82. Since at least as early as May 2021, Microsoft has known of the '154 patent.

83. Since at least as early as May 2021, Microsoft has known that the Accused Surface Devices are especially made or adapted for use in a manner that infringes at least claim 1 of the '154 patent.

Microsoft's Willful Infringement

84. In May 2021, LiTL provided to Microsoft a claim chart detailing how the Accused Microsoft Products infringe claim 1 of the '154 patent.

85. Since at least as early as May 2021, Microsoft (1) has continued to offer for sale, sell, and use the Accused Microsoft Products knowing that such activity would infringe the '154 patent; (2) has continued to induce customers to infringe by providing instructions and advertising that encourage use of the Accused Microsoft Products knowing that such use would infringe the '154 patent; (3) has continued to induce infringement by resellers such as Best Buy by encouraging resellers to sell and offer for sale the Accused Microsoft Products knowing that such activity would infringe the '154 patent; and (4) in the alternative to direct infringement, has continued to contributorily infringe the '154 patent by selling, offering for sale, and importing within the United States the Accused Microsoft Products.

86. Since at least as early as April 2023, Microsoft has continued to provide to HP the Windows operating system for pre-installation on the Accused HP Products knowing that the Accused HP Products infringe at least claim 11 of the '154 patent.

87. Microsoft's infringement of at least claims 1 and 11 of the '154 patent has been willful. The willful nature of Microsoft's infringement is demonstrated by Microsoft's offers for sale, sales, importation, and use of the Accused Microsoft Products; its provision to customers of instructions and advertising that encourage infringing use of the Accused Microsoft Products; its encouragement of sales and offers for sale by resellers of the Accused Microsoft Products; and

its provision to HP of the Windows operating system for pre-installation on the Accused HP Products.

LiTL's Injury Due to Microsoft's Infringement

88. The foregoing description of Microsoft's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Microsoft Products and the Accused HP Products that it obtains during discovery.

89. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Microsoft's infringement of the '154 patent.

90. Microsoft's infringement of the '154 patent has damaged and continues to damage LiTL in an amount yet to be determined, of no less than a reasonable royalty.

91. LiTL has complied with the notice requirement of 35 U.S.C. § 287 and does not currently distribute, sell, offer for sale, or make products embodying the Asserted Patents.

COUNT V

(Infringement of U.S. Patent No. 9,003,315)

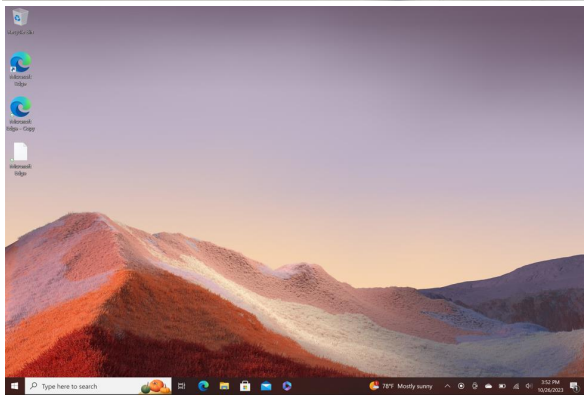
92. LiTL incorporates by reference and realleges all the foregoing paragraphs of these Counterclaims as if fully set forth herein.

Microsoft's Direct Infringement Involving the Microsoft Accused Products

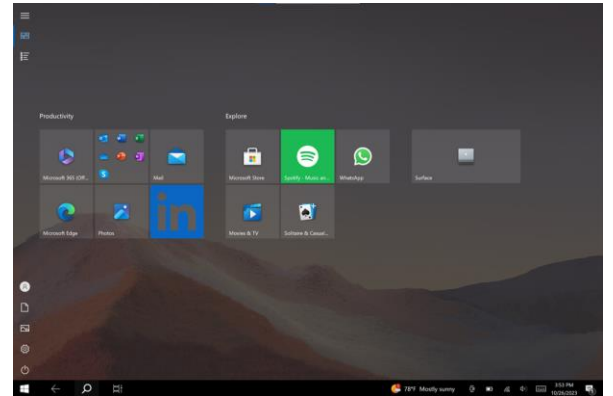
93. Microsoft has directly infringed and continues to directly infringe, literally and/or equivalently, one or more claims of the '315 patent, including at least claim 1, including by using, importing, selling, and offering for sale in the United States the Accused Microsoft Products.

94. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) comprise a customized user interface for a computer system with a

plurality selectable I/O profiles configured to present computer operations to a user in a format configured to a selected I/O profile on a display component of the computer system, the user interface comprising. For example:



First customized user interface for an organizational view in a first computer system configuration



Second customized user interface for an organizational view in a second computer system configuration

95. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include at least one processor and a map based graphical user interface, executing on the at least one processor operatively connected to a memory of the computer system. The map based graphical user interface, when executing, is configured to display information on the display component of the computer system. For example:

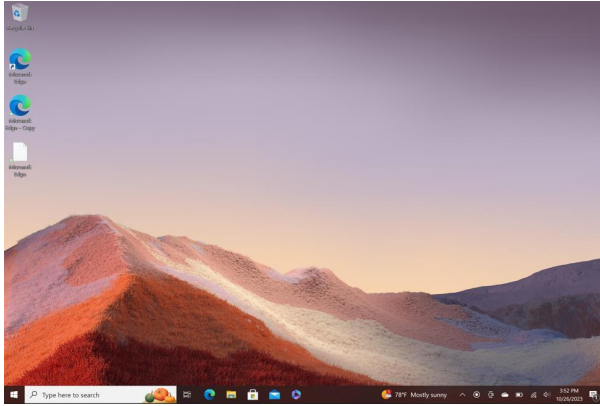


Memory	4GB, 8GB, or 16GB LPDDR4x RAM
Processor	Dual-core 10th Gen Intel® Core™ i3-1005G1 Processor Quad-core 10th Gen Intel® Core™ i5-1035G4 Processor Quad-core 10th Gen Intel® Core™ i7-1065G7 Processor

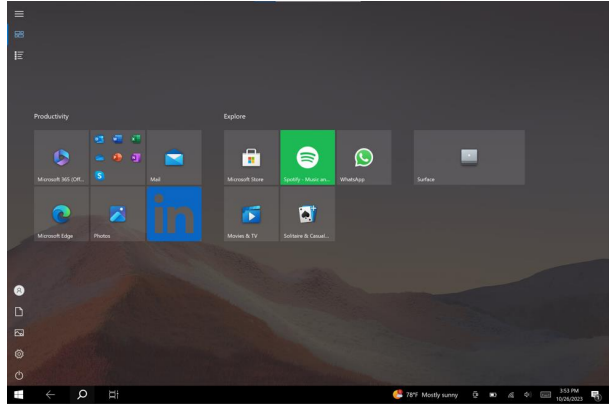
Processor and Memory Specifications

See, e.g., Surface Pro 7 Specifications (<https://support.microsoft.com/en-us/surface/surface-pro-7-specs-and-features-8254894d-bb80-77ef-daae-612ea713e310>).

96. The Accused Microsoft Products (e.g., the Surface Pro 7 with Surface Pro Signature Type Cover) include a map based user interface further configured to display a plurality of views of a plurality of visual representations of computer content on the computer system, wherein the computer content includes at least one of selectable digital content, executable computer applications, configurable computer settings, selectable computer operations and passive digital content. For example:

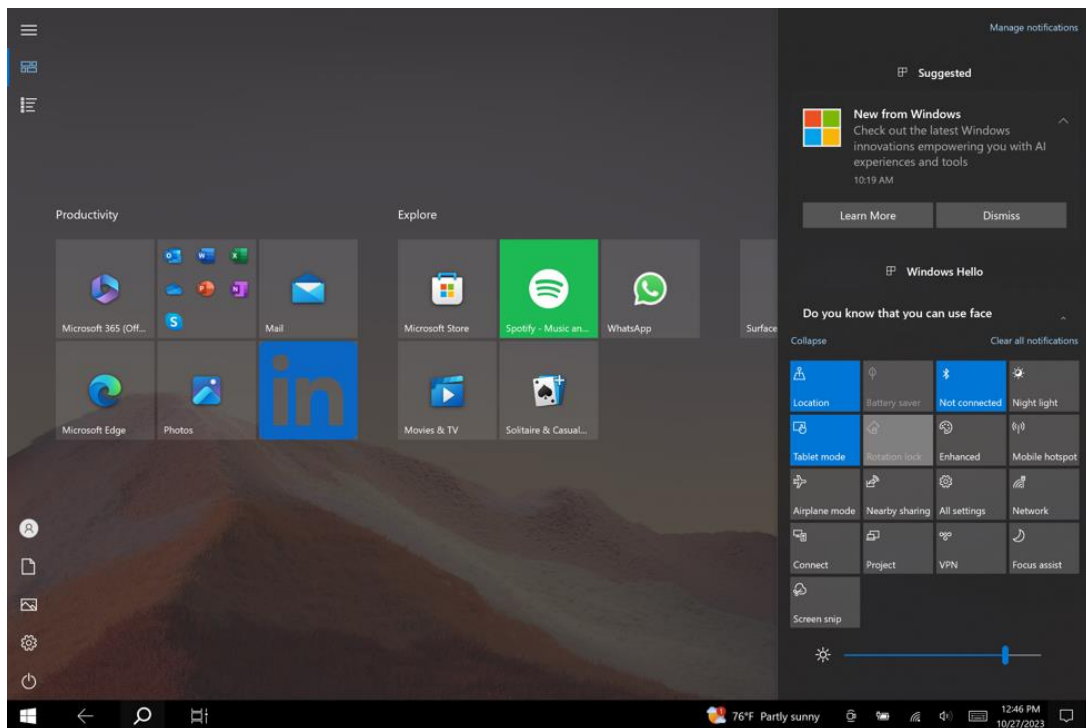


Visual representations of computer content
in a first organizational view

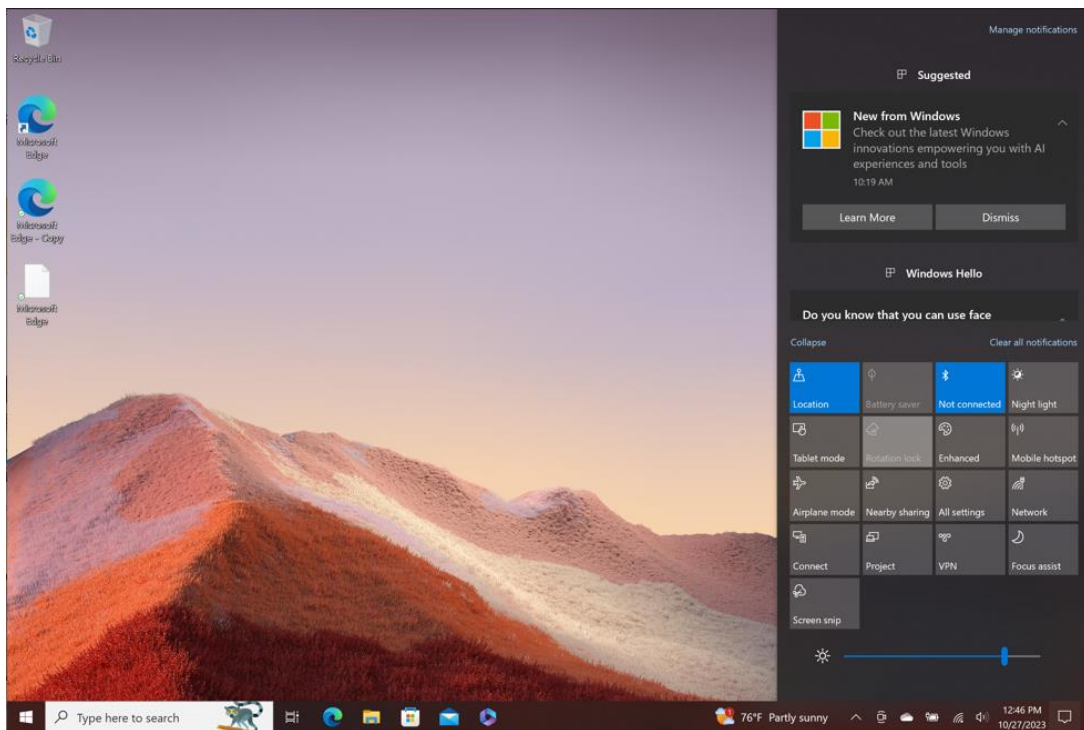


Visual representations of computer content
in a second organizational view

97. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) display the plurality of visual representations of computer content rendered on the display component, wherein the plurality of visual representations of computer content include an association to a first home view of the plurality of views. For example:

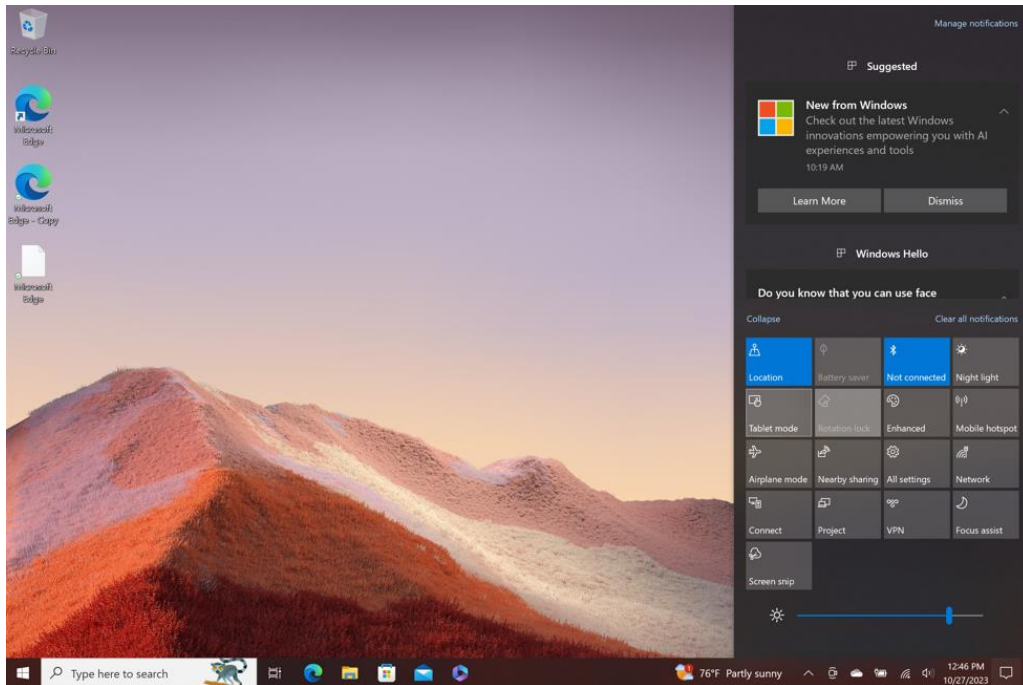


Second organizational view (showing Tablet Mode selected)

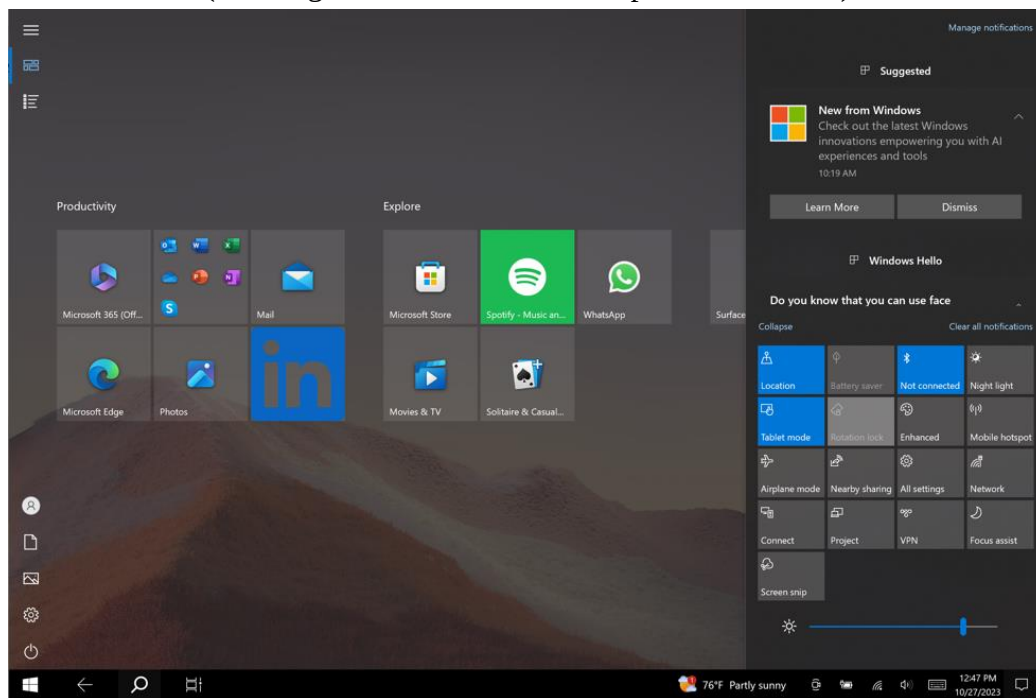


First home view (showing view after Tablet Mode is de-selected)

98. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) display the first home view including a display of the computer content, and wherein the each of the plurality of visual representations is responsive to focus and execution, wherein execution includes selecting the visual representation. For example:



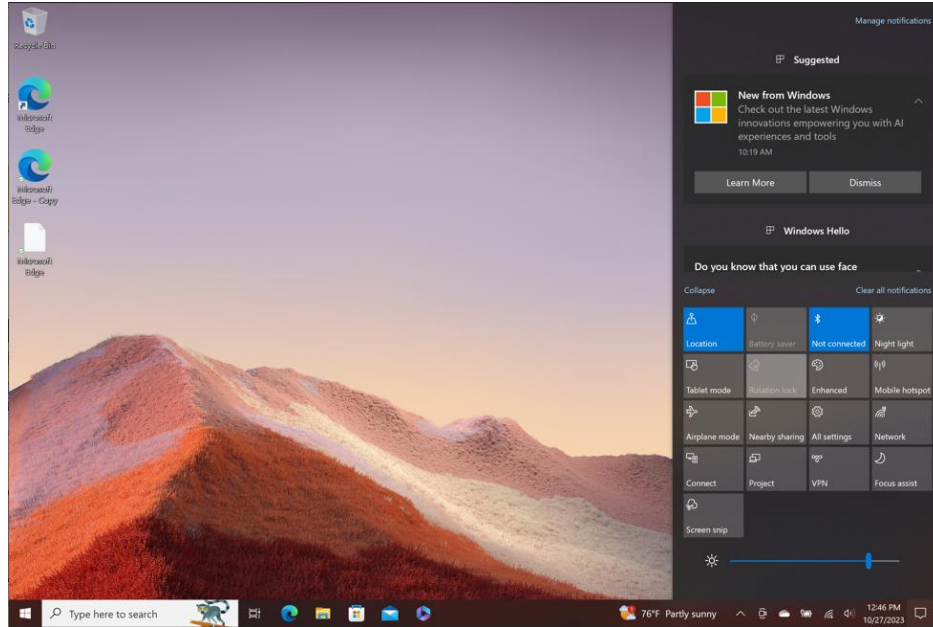
Plurality of visual representations in the first home view
(showing Tablet Mode button responsive to focus)



Second organizational view (which is transitioned to after
Tablet Mode button is selected)

99. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include the first home view as a first organizational view of at least one

application and computer content displayed responsive to activation of the system. For example:



First home view

100. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include an execution component, executing on the at least one processor, configured to identify at least a first and a second computer system configuration based on sensor input indicating a position of the display component relative to a base component. For example:

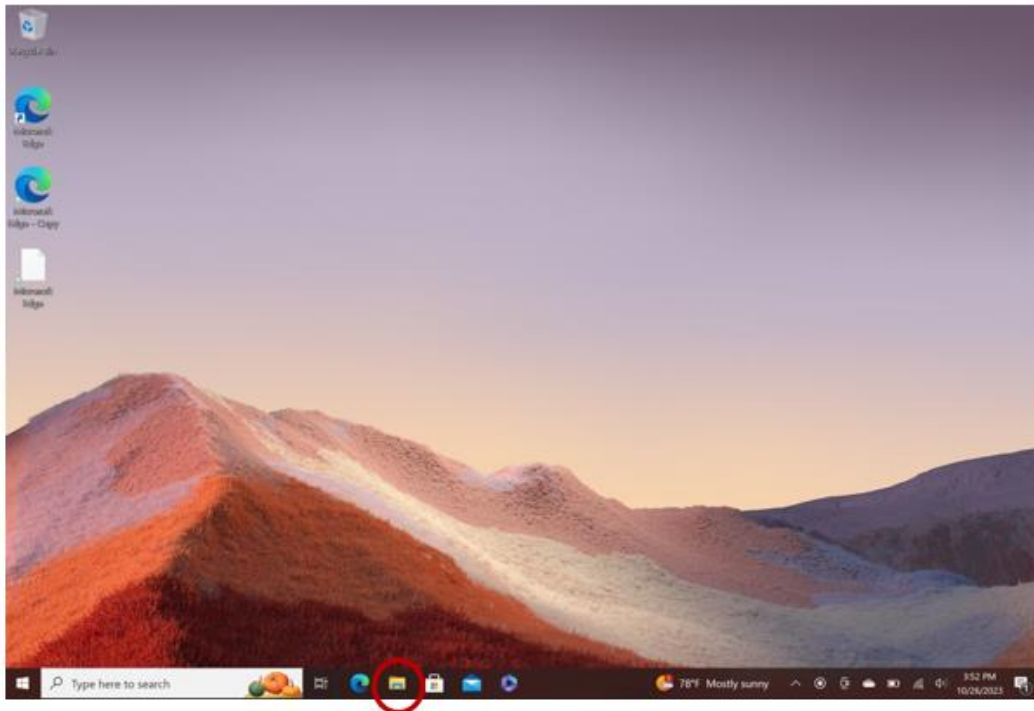


First computer system configuration

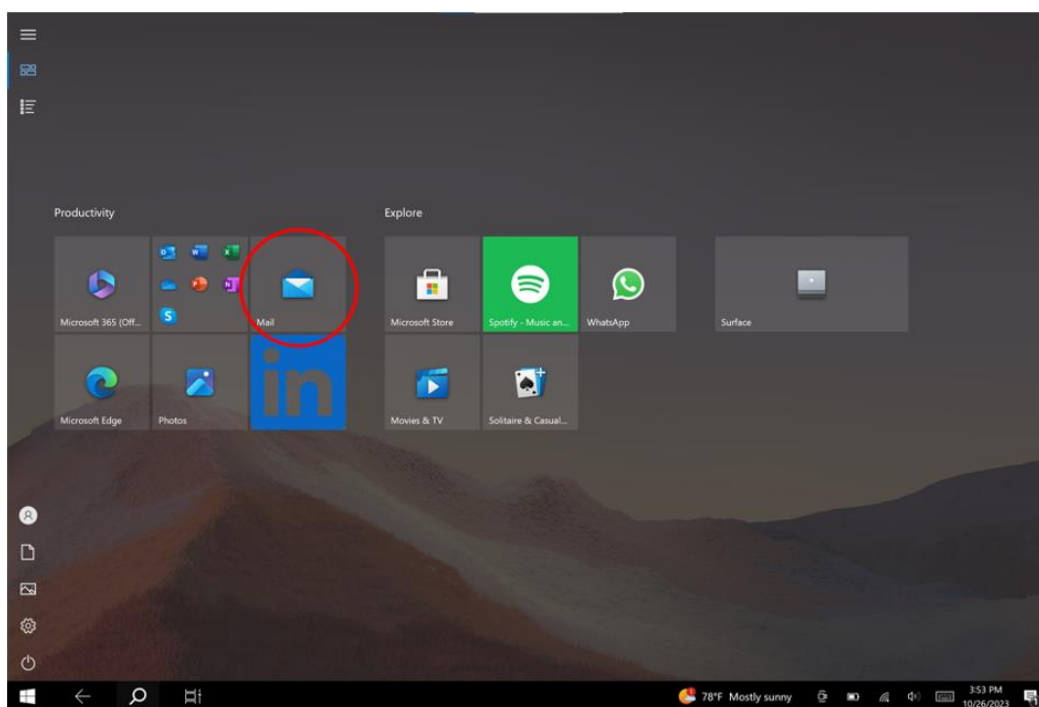


Second computer system configuration

101. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include an execution component configured to select, responsive to the sensor input, a first home view from the plurality of views for the first computer system configuration, wherein the first home view is configured to organize a first set of the plurality of visual representations. The execution component is further configured to filter the first set of visual representations to present content that is optimized for viewing in the second system configuration at least in part by identifying content to filter, removing the identified content from the first set of visual representations, and generating a second set of visual representations based on the filtered first set of visual representations, wherein the second set of visual representations includes at least one different member than the first set of visual representations. For example, when the Surface Pro 7 is changed from a laptop configuration to a kickstand configuration by rotating the Surface Pro Signature Type Cover underneath the device and extending the kickstand and resting it on the backside of the keyboard then Windows transitions into Tablet Mode, which causes some icons to be hidden and other icons to be displayed as enlarged tiles:



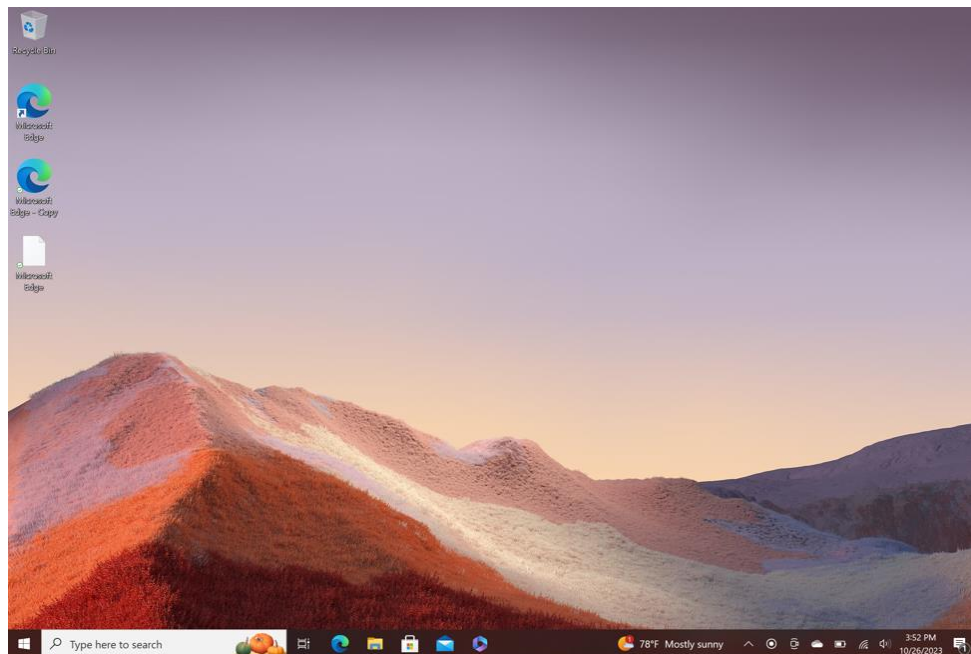
First home view for a first computer system configuration



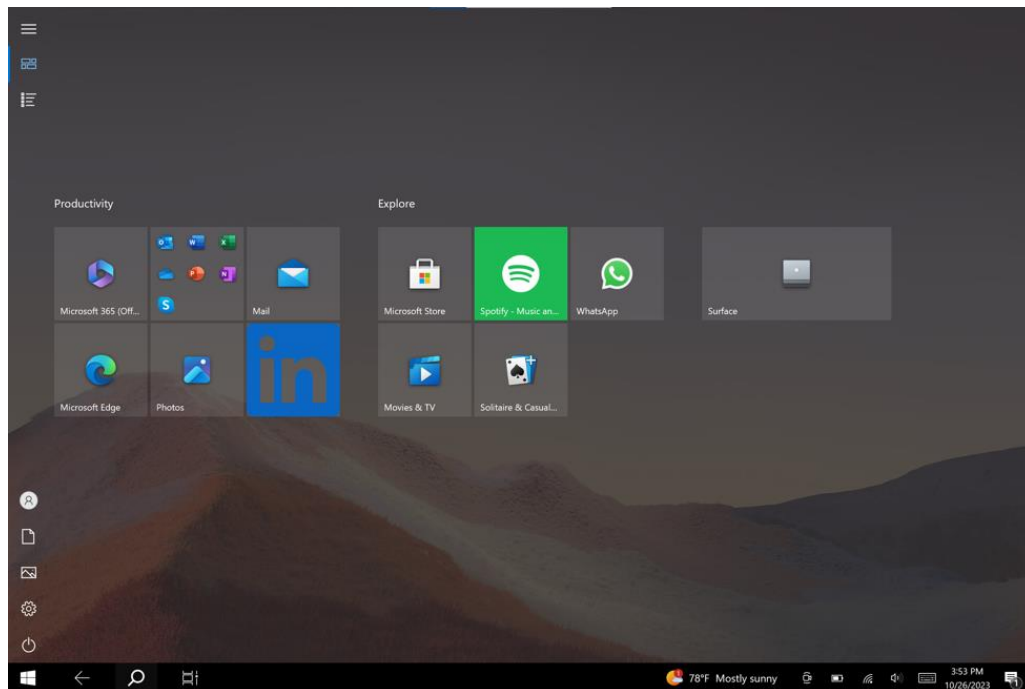
Second organizational view for a second computer system configuration

102. The Accused Microsoft Products (e.g., the Surface Pro 7 with Surface Pro Signature Type Cover) include an execution component configured to transition, automatically in

response to the sensor input, the display component between at least the first home view of the plurality of views and a second default content view of the plurality of views, wherein the second default content view is configured to organize the second set of visual representations, wherein the second default content view is a second organizational view of at least one application and computer content, and wherein the sensor input indicates a transition to the second computer system configuration. For example:



First home view



Second default content view

Microsoft's Induced Infringement Involving the Accused Microsoft Products

103. Since at least as early as May 2021, Microsoft knew of the '315 patent.

104. Since at least as early as May 2021, Microsoft knew that the Accused Microsoft Products infringe at least claim 1 of the '315 patent when used by customers or other users, and when sold or offered for sale by resellers such as Best Buy.

105. Since at least as early as May 2021, Microsoft has induced infringement by actively encouraging third-party resellers to directly infringe at least claim 1 of the '315 patent by facilitating resellers' sales and offers for sale of the Accused Microsoft Products and actively encouraging such sales and offers for sale.

106. Since at least as early as May 2021, Microsoft has induced infringement by actively encouraging customers or other users to directly infringe at least claim 1 of the '315 patent. Microsoft has provided with the Accused Microsoft Products and on the

<https://www.microsoft.com/en-us/surface/devices/surface-pro-models> website product

documentation and advertising materials that induce customers or others to use the Accused Microsoft Products in a manner that infringes at least claim 1 of the '315 patent.

Microsoft's Induced Infringement Involving the Accused HP Products

107. Since at least as early as April 2023, Microsoft has known of LiTL's allegations that the Accused HP Products infringe at least claim 1 of the '315 patent when imported, used, sold or offered for sale by HP or resellers such as Best Buy, and used by customers or other users, as detailed in LiTL's Complaint (D.I. 1) in this action.

108. Since at least as early as April 2023, Microsoft has induced infringement of at least claim 1 of the '315 patent by providing the Windows operating system to HP to be pre-installed on the Accused HP Products.

Microsoft's Contributory Infringement

109. In the alternative to direct infringement, Microsoft has contributorily infringed at least claim 1 of the '315 patent.

110. Microsoft has contributorily infringed at least claim 1 of the '315 patent by selling, offering to sell, and importing within the United States the Accused Surface Devices.

111. The Accused Surface Devices are not staple articles or commodities of commerce with a substantial noninfringing use. The Accused Surface Devices are designed, configured and adapted to work with the Accused Surface Keyboards and have no substantial purpose other than as part of infringing devices and are accordingly not staple articles or commodities of commerce.

112. The Accused Surface Devices are a material part of the invention of at least claim 1 of the '315 patent.

113. Since at least as early as May 2021, Microsoft has known of the '315 patent.

114. Since at least as early as May 2021, Microsoft has known that the Accused Surface Devices are especially made or adapted for use in a manner that infringes at least claim 1 of the '315 patent.

Microsoft's Willful Infringement

115. In May 2021, LiTL provided to Microsoft a claim chart detailing how the Accused Microsoft Products infringe claim 1 of the '315 patent.

116. Since at least as early as May 2021, Microsoft (1) has continued to offer for sale, sell, and use the Accused Microsoft Products knowing that such activity would infringe the '315 patent; (2) has continued to induce customers to infringe by providing instructions and advertising that encourage use of the Accused Microsoft Products knowing that such use would infringe the '315 patent; (3) has continued to induce infringement by resellers such as Best Buy by encouraging resellers to sell and offer for sale the Accused Microsoft Products knowing that such activity would infringe the '315 patent; and (4) in the alternative to direct infringement, has continued to contributorily infringe the '315 patent by selling, offering for sale, and importing within the United States the Accused Microsoft Products.

117. Since at least as early as April 2023, Microsoft has continued to provide to HP the Windows operating system for pre-installation on the Accused HP Products knowing that the Accused HP Products infringe at least claim 1 of the '315 patent.

118. Microsoft's infringement of at least claim 1 of the '315 patent has been willful. The willful nature of Microsoft's infringement is demonstrated by Microsoft's offers for sale, sales, importation, and use of the Accused Microsoft Products; its provision to customers of instructions and advertising that encourage infringing use of the Accused Microsoft Products; its encouragement of sales and offers for sale by resellers of the Accused Microsoft Products; and

its provision to HP of the Windows operating system for pre-installation on the Accused HP Products.

LiTL's Injury Due to Microsoft's Infringement

119. The foregoing description of Microsoft's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Microsoft Products and the Accused HP Products that it obtains during discovery.

120. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Microsoft's infringement of the '315 patent.

121. Microsoft's infringement of the '315 patent has damaged and continues to damage LiTL in an amount yet to be determined, of no less than a reasonable royalty.

122. LiTL has complied with the notice requirement of 35 U.S.C. § 287 and does not currently distribute, sell, offer for sale, or make products embodying the Asserted Patents.

COUNT VI

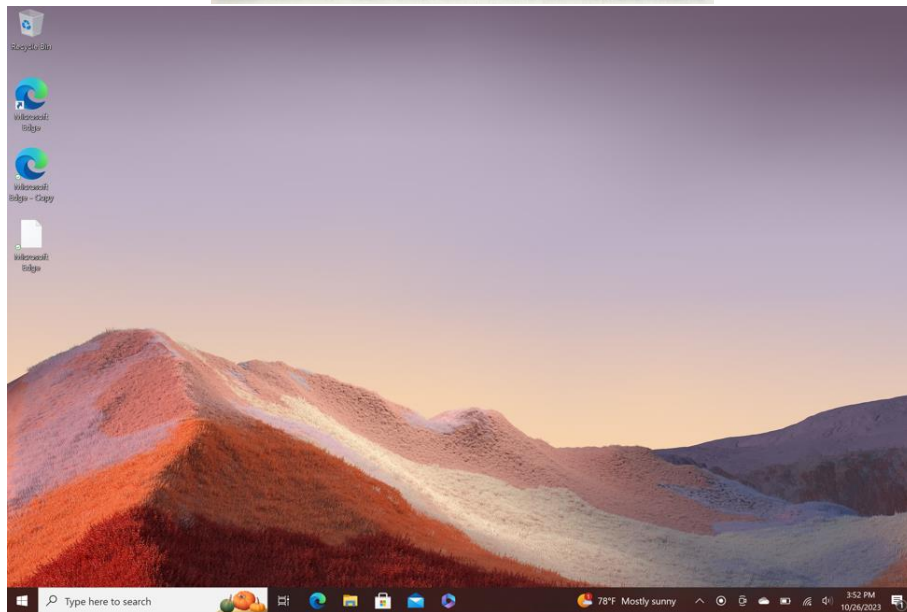
(Infringement of U.S. Patent No. 9,880,715)

123. LiTL incorporates by reference and realleges all the foregoing paragraphs of these Counterclaims as if fully set forth herein.

Microsoft's Direct Infringement Involving the Microsoft Accused Products

124. Microsoft has directly infringed and continues to directly infringe, literally and/or equivalently, one or more claims of the '715 patent, including at least claim 1, including by using, importing, selling, and offering for sale in the United States the Accused Microsoft Products.

125. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include a customized user interface to display computer content on a display component of a computer system including a keyboard. For example:



Customized user interface

126. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include a user interface comprising at least one processor operatively connected to a memory of the computer system. For example:

Memory	4GB, 8GB, or 16GB LPDDR4x RAM
Processor	Dual-core 10th Gen Intel® Core™ i3-1005G1 Processor Quad-core 10th Gen Intel® Core™ i5-1035G4 Processor Quad-core 10th Gen Intel® Core™ i7-1065G7 Processor

Processor and Memory Specifications

See, e.g., Surface Pro 7 Specifications (<https://support.microsoft.com/en-us/surface/surface-pro-7-specs-and-features-8254894d-bb80-77ef-daae-612ea713e310>).

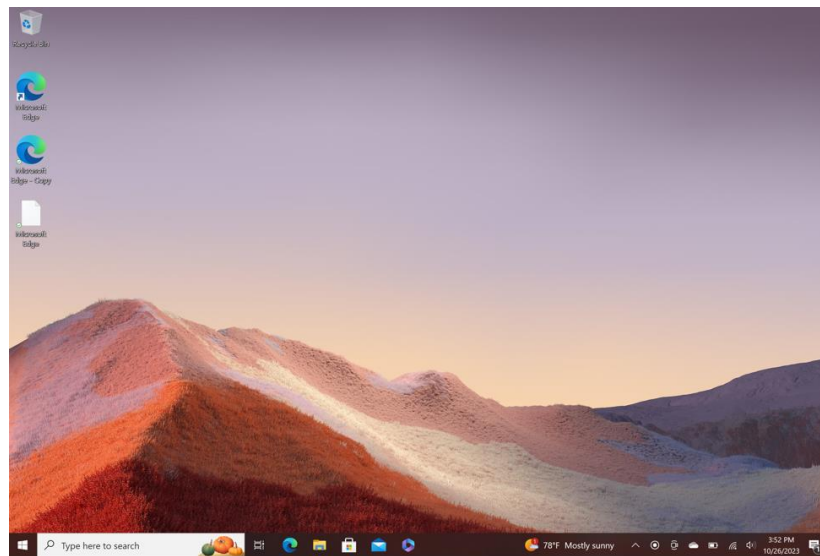
127. The Accused Microsoft Products (e.g., the Surface Pro 7 with Surface Pro Signature Type Cover) include a graphical user interface, executing on the at least one processor, configured to display the computer content on the display component of the computer system.

For example:

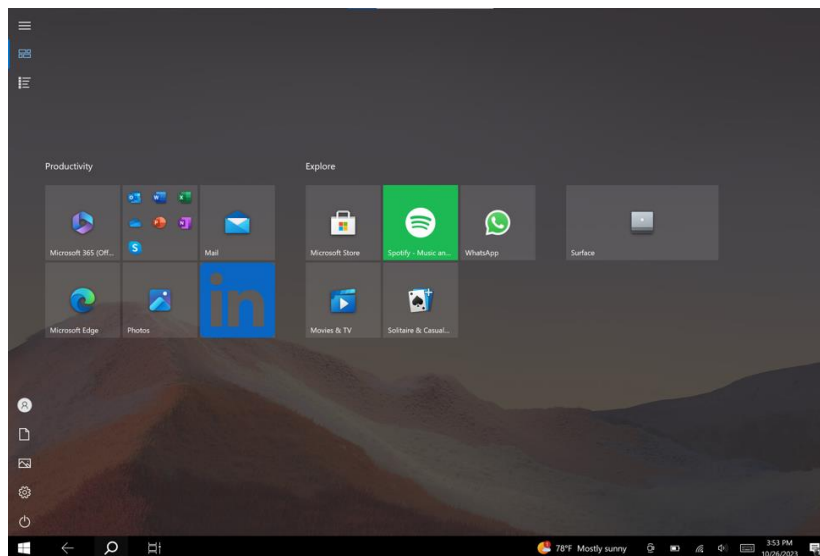


128. The Accused Microsoft Products (e.g., the Surface Pro 7 with Surface Pro Signature Type Cover) include a graphical user interface configured to display a plurality of views of a plurality of visual representations of computer content. For example, the Surface Pro

7 with Surface Pro Signature Type Cover is configured to display a home screen in laptop mode and a home screen in tablet mode:

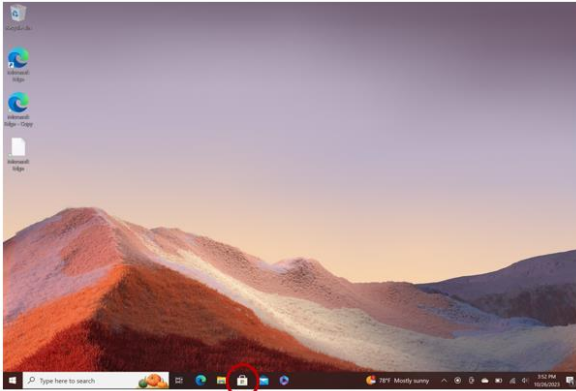


First view

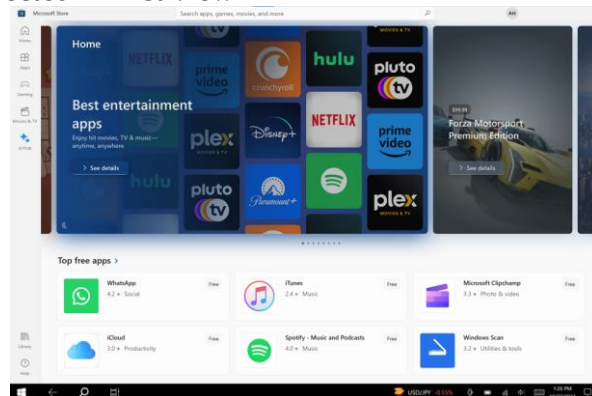
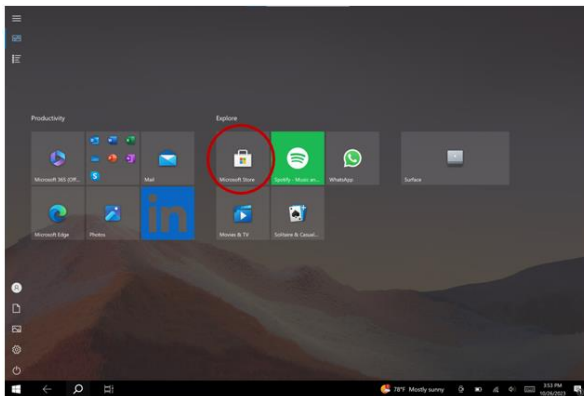


Second view

129. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include computer content that includes at least one of selectable digital content, selectable computer operations and passive digital content. For example, the Microsoft Store app can be selected from the task bar in laptop mode and in tablet mode:



Microsoft Store selected in first view



Microsoft Store selected in second view

130. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include an execution component, executing on the at least one processor, configured to detect a current computer system configuration from at least a first computer system configuration where the keyboard is operable to receive input from an operator of the computer system to control the computer system and a second computer system configuration where the keyboard is inoperable to receive input from the operator of the computer system to control the computer system. For example:



First computer system configuration

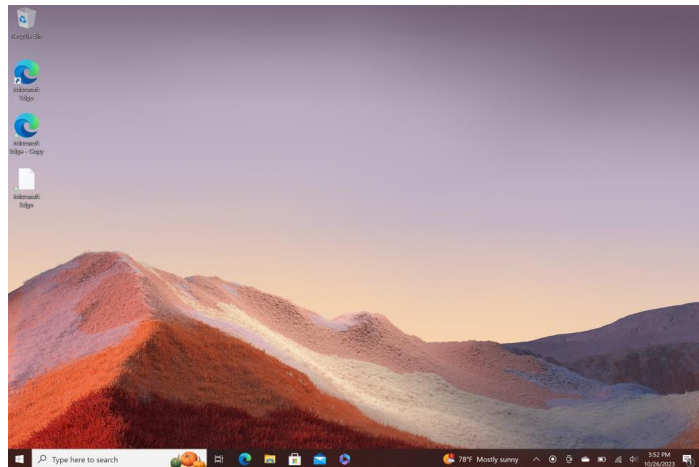


Second computer system configuration

131. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) an execution component, executing on the at least one processor, configured to select one of the plurality of views for display on the computer system in response to the detected current computer system configuration, and configured to transition the display component to the selected one of the plurality of views. For example, the Surface Pro 7 with Surface Pro Signature Type Cover is configured to transition into Tablet Mode when the keyboard is rotated underneath the device:



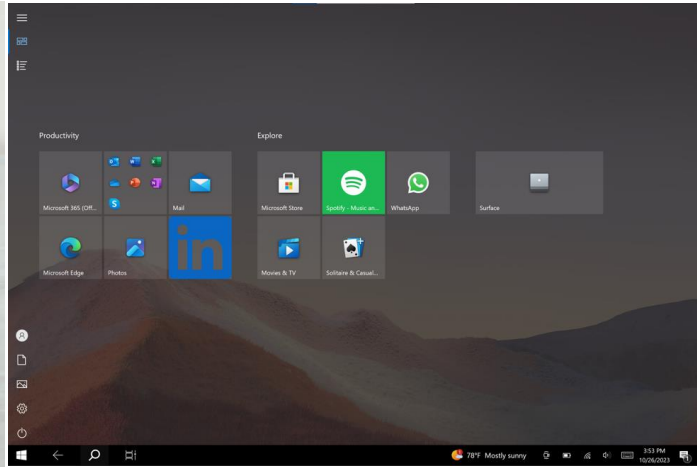
First computer system configuration



First view



Second computer system configuration



Second view

Microsoft's Induced Infringement Involving the Accused Microsoft Products

132. Since at least as early as May 2021, Microsoft knew of the '715 patent.

133. Since at least as early as May 2021, Microsoft knew that the Accused Microsoft Products infringe at least claim 1 of the '715 patent when used by customers or other users, and when sold or offered for sale by resellers such as Best Buy.

134. Since at least as early as May 2021, Microsoft has induced infringement by actively encouraging third-party resellers to directly infringe at least claim 1 of the '715 patent by facilitating resellers' sales and offers for sale of the Accused Microsoft Products and actively encouraging such sales and offers for sale.

135. Since at least as early as May 2021, Microsoft has induced infringement by actively encouraging customers or other users to directly infringe at least claim 1 of the '715 patent. Microsoft has provided with the Accused Microsoft Products and on the <https://www.microsoft.com/en-us/surface/devices/surface-pro-models> website product documentation and advertising materials that induce customers or others to use the Accused Microsoft Products in a manner that infringes at least claim 1 of the '715 patent.

Microsoft's Induced Infringement Involving the Accused HP Products

136. Since at least as early as April 2023, Microsoft has known of LiTL's allegations that the Accused HP Products infringe at least claim 1 of the '715 patent when imported, used, sold or offered for sale by HP or resellers such as Best Buy, and used by customers or other users, as detailed in LiTL's Complaint (D.I. 1) in this action.

137. Since at least as early as April 2023, Microsoft has induced infringement of at least claim 1 of the '715 patent by providing the Windows operating system to HP to be pre-installed on the Accused HP Products.

Microsoft's Contributory Infringement

138. In the alternative to direct infringement, Microsoft has contributorily infringed at least claim 1 of the '715 patent.

139. Microsoft has contributorily infringed at least claim 1 of the '715 patent by selling, offering to sell, and importing within the United States the Accused Surface Devices.

140. The Accused Surface Devices are not staple articles or commodities of commerce with a substantial noninfringing use. The Accused Surface Devices are designed, configured and adapted to work with the Accused Surface Keyboards and have no substantial purpose other than as part of infringing devices and are accordingly not staple articles or commodities of commerce.

141. The Accused Surface Devices are a material part of the invention of at least claim 1 of the '715 patent.

142. Since at least as early as May 2021, Microsoft has known of the '715 patent.

143. Since at least as early as May 2021, Microsoft has known that the Accused Surface Devices are especially made or adapted for use in a manner that infringes at least claim 1 of the '715 patent.

Microsoft's Willful Infringement

144. In May 2021, LiTL provided to Microsoft a claim chart detailing how the Accused Microsoft Products infringe claim 1 of the '715 patent.

145. Since at least as early as May 2021, Microsoft (1) has continued to offer for sale, sell, and use the Accused Microsoft Products knowing that such activity would infringe the '715 patent; (2) has continued to induce customers to infringe by providing instructions and advertising that encourage use of the Accused Microsoft Products knowing that such use would infringe the '715 patent; (3) has continued to induce infringement by resellers such as Best Buy by encouraging resellers to sell and offer for sale the Accused Microsoft Products knowing that such activity would infringe the '715 patent; and (4) in the alternative to direct infringement, has continued to contributorily infringe the '715 patent by selling, offering for sale, and importing within the United States the Accused Microsoft Products.

146. Since at least as early as April 2023, Microsoft has continued to provide to HP the Windows operating system for pre-installation on the Accused HP Products knowing that the Accused HP Products infringe at least claim 1 of the '715 patent.

147. Microsoft's infringement of at least claim 1 of the '715 patent has been willful. The willful nature of Microsoft's infringement is demonstrated by Microsoft's offers for sale, sales, importation, and use of the Accused Microsoft Products; its provision to customers of instructions and advertising that encourage infringing use of the Accused Microsoft Products; its encouragement of sales and offers for sale by resellers of the Accused Microsoft Products; and its provision to HP of the Windows operating system for pre-installation on the Accused HP Products.

LiTL's Injury Due to Microsoft's Infringement

148. The foregoing description of Microsoft's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Microsoft Products and the Accused HP Products that it obtains during discovery.

149. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Microsoft's infringement of the '715 patent.

150. Microsoft's infringement of the '715 patent has damaged and continues to damage LiTL in an amount yet to be determined, of no less than a reasonable royalty.

151. LiTL has complied with the notice requirement of 35 U.S.C. § 287 and does not currently distribute, sell, offer for sale, or make products embodying the Asserted Patents.

COUNT VII

(Infringement of U.S. Patent No. 10,564,818)

152. LiTL incorporates by reference and realleges all the foregoing paragraphs of these Counterclaims as if fully set forth herein.

Microsoft's Direct Infringement Involving the Microsoft Accused Products

153. Microsoft has directly infringed and continues to directly infringe, literally and/or equivalently, one or more claims of the '818 patent, including at least claim 1, including by using, importing, selling, and offering for sale in the United States the Accused Microsoft Products. For example:

Memory	4GB, 8GB, or 16GB LPDDR4x RAM
Processor	Dual-core 10th Gen Intel® Core™ i3-1005G1 Processor Quad-core 10th Gen Intel® Core™ i5-1035G4 Processor Quad-core 10th Gen Intel® Core™ i7-1065G7 Processor

Processor and Memory Specifications

See, e.g., Surface Pro 7 Specifications (<https://support.microsoft.com/en-us/surface/surface-pro-7-specs-and-features-8254894d-bb80-77ef-daae-612ea713e310>).

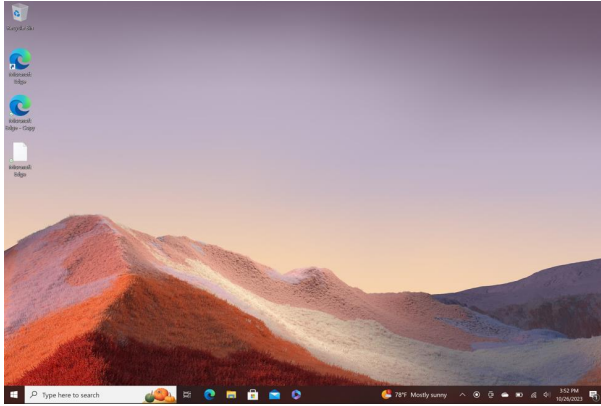


First computer system configuration

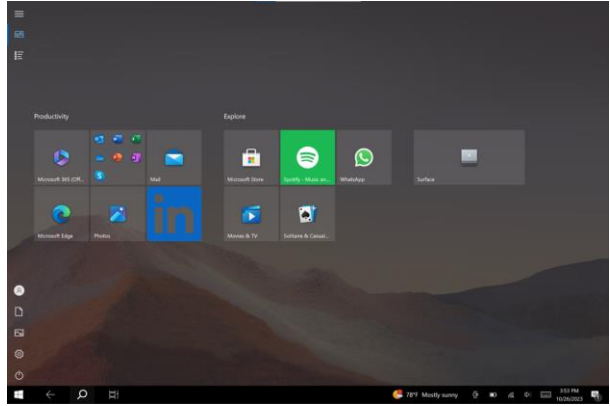


Second computer system configuration

154. The Accused Microsoft Products (e.g., the Surface Pro 7 with Surface Pro Signature Type Cover) include a processor to perform a method displaying a plurality of views of a plurality of visual representations of computer content. For example:



First view in a first configuration



Second view in a second configuration

155. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include a processor to perform a method detecting a current computer system configuration from at least a first computer system configuration of the plurality of computer system configurations where the keyboard is operable to receive input from an operator of the computer system to control the computer system and a second computer system configuration of the plurality of computer system configurations where the keyboard is inoperable to receive input from the operator of the computer system to control the computer system. For example:

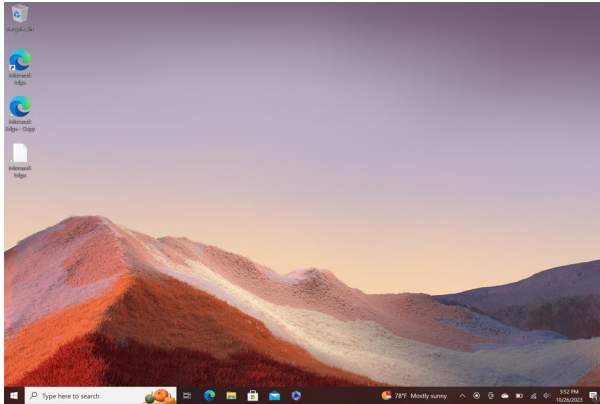


First computer system configuration

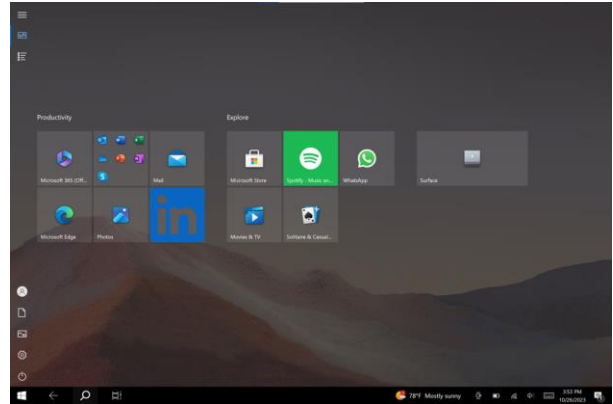


Second computer system configuration

156. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include a processor to perform a method selecting one of the plurality of views for display on the computer system in response to the detected current computer system configuration; transitioning to the selected one of the plurality of views; and displaying the selected one of the plurality of views. For example:



First view in a first configuration



Second view in a second configuration

Microsoft's Induced Infringement Involving the Accused Microsoft Products

157. Since at least as early as May 2021, Microsoft knew of the '818 patent.

158. Since at least as early as May 2021, Microsoft knew that the Accused Microsoft Products infringe at least claim 1 of the '818 patent when used by customers or other users, and when sold or offered for sale by resellers such as Best Buy.

159. Since at least as early as May 2021, Microsoft has induced infringement by actively encouraging third-party resellers to directly infringe at least claim 1 of the '818 patent by facilitating resellers' sales and offers for sale of the Accused Microsoft Products and actively encouraging such sales and offers for sale.

160. Since at least as early as May 2021, Microsoft has induced infringement by actively encouraging customers or other users to directly infringe at least claim 1 of the '818 patent. Microsoft has provided with the Accused Microsoft Products and on the

<https://www.microsoft.com/en-us/surface/devices/surface-pro-models> website product

documentation and advertising materials that induce customers or others to use the Accused Microsoft Products in a manner that infringes at least claim 1 of the '818 patent.

Microsoft's Induced Infringement Involving the Accused HP Products

161. Since at least as early as April 2023, Microsoft has known of LiTL's allegations that the Accused HP Products infringe at least claim 1 of the '818 patent when imported, used, sold or offered for sale by HP or resellers such as Best Buy, and used by customers or other users, as detailed in LiTL's Complaint (D.I. 1) in this action.

162. Since at least as early as April 2023, Microsoft has induced infringement of at least claim 1 of the '818 patent by providing the Windows operating system to HP to be pre-installed on the Accused HP Products.

Microsoft's Contributory Infringement

163. In the alternative to direct infringement, Microsoft has contributorily infringed at least claim 1 of the '818 patent.

164. Microsoft has contributorily infringed at least claim 1 of the '818 patent by selling, offering to sell, and importing within the United States the Accused Surface Devices.

165. The Accused Surface Devices are not staple articles or commodities of commerce with a substantial noninfringing use. The Accused Surface Devices are designed, configured and adapted to work with the Accused Surface Keyboards and have no substantial purpose other than as part of infringing devices and are accordingly not staple articles or commodities of commerce.

166. The Accused Surface Devices are a material part of the invention of at least claim 1 of the '818 patent.

167. Since at least as early as May 2021, Microsoft has known of the '818 patent.

168. Since at least as early as May 2021, Microsoft has known that the Accused Surface Devices are especially made or adapted for use in a manner that infringes at least claim 1 of the '818 patent.

Microsoft's Willful Infringement

169. In May 2021, LiTL provided to Microsoft a claim chart detailing how the Accused Microsoft Products infringe claim 1 of the '818 patent.

170. Since at least as early as May 2021, Microsoft (1) has continued to offer for sale, sell, and use the Accused Microsoft Products knowing that such activity would infringe the '818 patent; (2) has continued to induce customers to infringe by providing instructions and advertising that encourage use of the Accused Microsoft Products knowing that such use would infringe the '818 patent; (3) has continued to induce infringement by resellers such as Best Buy by encouraging resellers to sell and offer for sale the Accused Microsoft Products knowing that such activity would infringe the '818 patent; and (4) in the alternative to direct infringement, has continued to contributorily infringe the '818 patent by selling, offering for sale, and importing within the United States the Accused Microsoft Products.

171. Since at least as early as April 2023, Microsoft has continued to provide to HP the Windows operating system for pre-installation on the Accused HP Products knowing that the Accused HP Products infringe at least claim 1 of the '818 patent.

172. Microsoft's infringement of at least claim 1 of the '818 patent has been willful. The willful nature of Microsoft's infringement is demonstrated by Microsoft's offers for sale, sales, importation, and use of the Accused Microsoft Products; its provision to customers of instructions and advertising that encourage infringing use of the Accused Microsoft Products; its encouragement of sales and offers for sale by resellers of the Accused Microsoft Products; and

its provision to HP of the Windows operating system for pre-installation on the Accused HP Products.

LiTL's Injury Due to Microsoft's Infringement

173. The foregoing description of Microsoft's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Microsoft Products and the Accused HP Products that it obtains during discovery.

174. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Microsoft's infringement of the '818 patent.

175. Microsoft's infringement of the '818 patent has damaged and continues to damage LiTL in an amount yet to be determined, of no less than a reasonable royalty.

176. LiTL has complied with the notice requirement of 35 U.S.C. § 287 and does not currently distribute, sell, offer for sale, or make products embodying the Asserted Patents.

COUNT VIII

(Infringement of U.S. Patent No. 8,612,888)

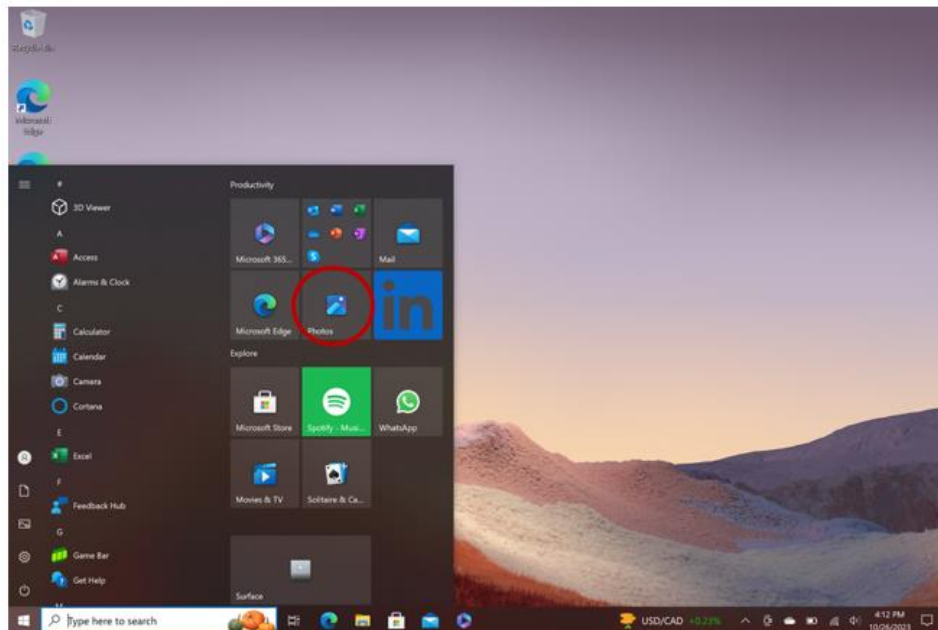
177. LiTL incorporates by reference and realleges all the foregoing paragraphs of these Counterclaims as if fully set forth herein.

Microsoft's Direct Infringement Involving the Microsoft Accused Products

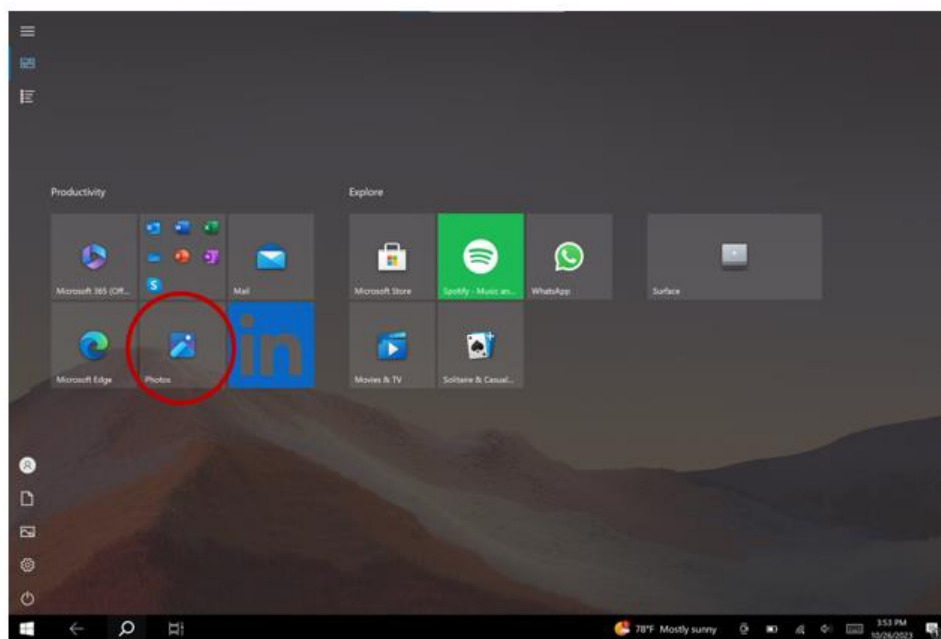
178. Microsoft has directly infringed and continues to directly infringe, literally and/or equivalently, one or more claims of the '888 patent, including at least claim 27, including by using, importing, selling, and offering for sale in the United States the Accused Microsoft Products.

179. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include a system for accessing and managing digital media libraries with

a plurality of selectable I/O profiles. For example, the Surface Pro 7 with Surface Pro Signature Type Cover includes the Microsoft Photos app, which can be accessed in a first and second I/O profile:

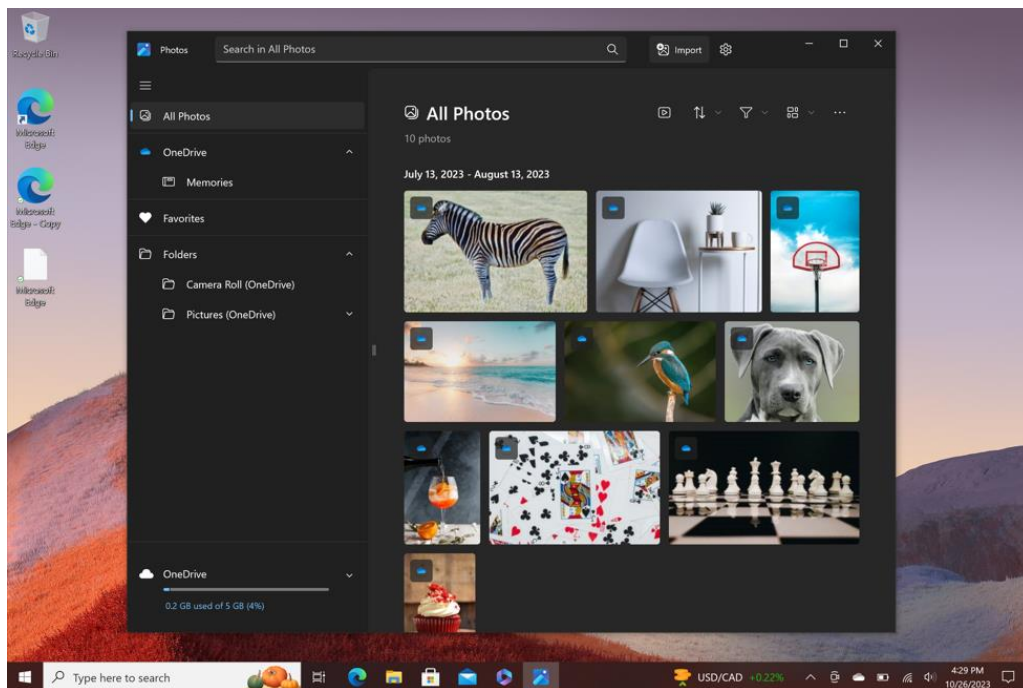


Microsoft Photos app in a first I/O profile

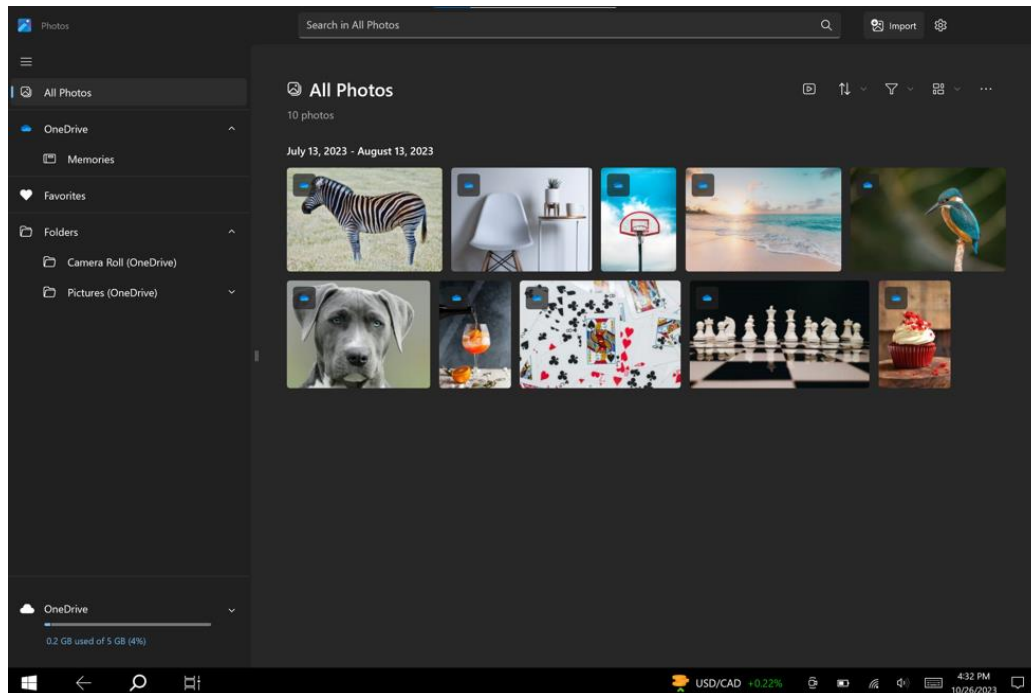


Microsoft Photos app in a second I/O profile

180. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include a display component configured to display a graphical user interface on a computing device, wherein the graphical user interface comprises at least a plurality of views of digital media content, wherein the plurality of views include at least one of a plurality of visual representations. For example, the Surface Pro 7 with Surface Pro Signature Type Cover includes a laptop mode and a tablet mode, and a different view associated with each of the different I/O profiles, and each of these views has a plurality of visual representations of digital content:



Microsoft Photos app in a first I/O profile with a first view

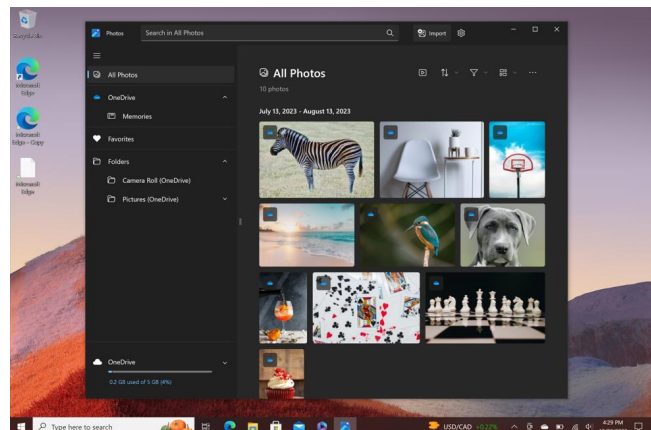


Microsoft Photos app in a second I/O profile with a second view

181. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include an execution component configured to transition the graphical user interface between the plurality of views in response to selection of an I/O profile. For example, the Surface Pro 7 with Surface Pro Signature Type Cover with Surface Pro Signature Type Cover is configured to transition between a plurality of views in response to selection of laptop and tablet modes:



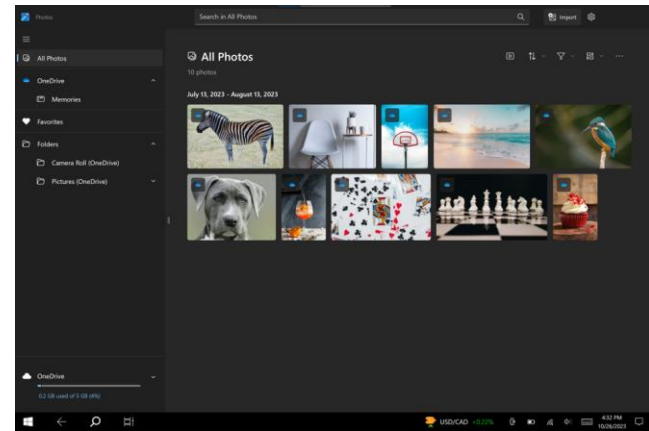
First physical configuration



First I/O profile with a first view



Second physical configuration

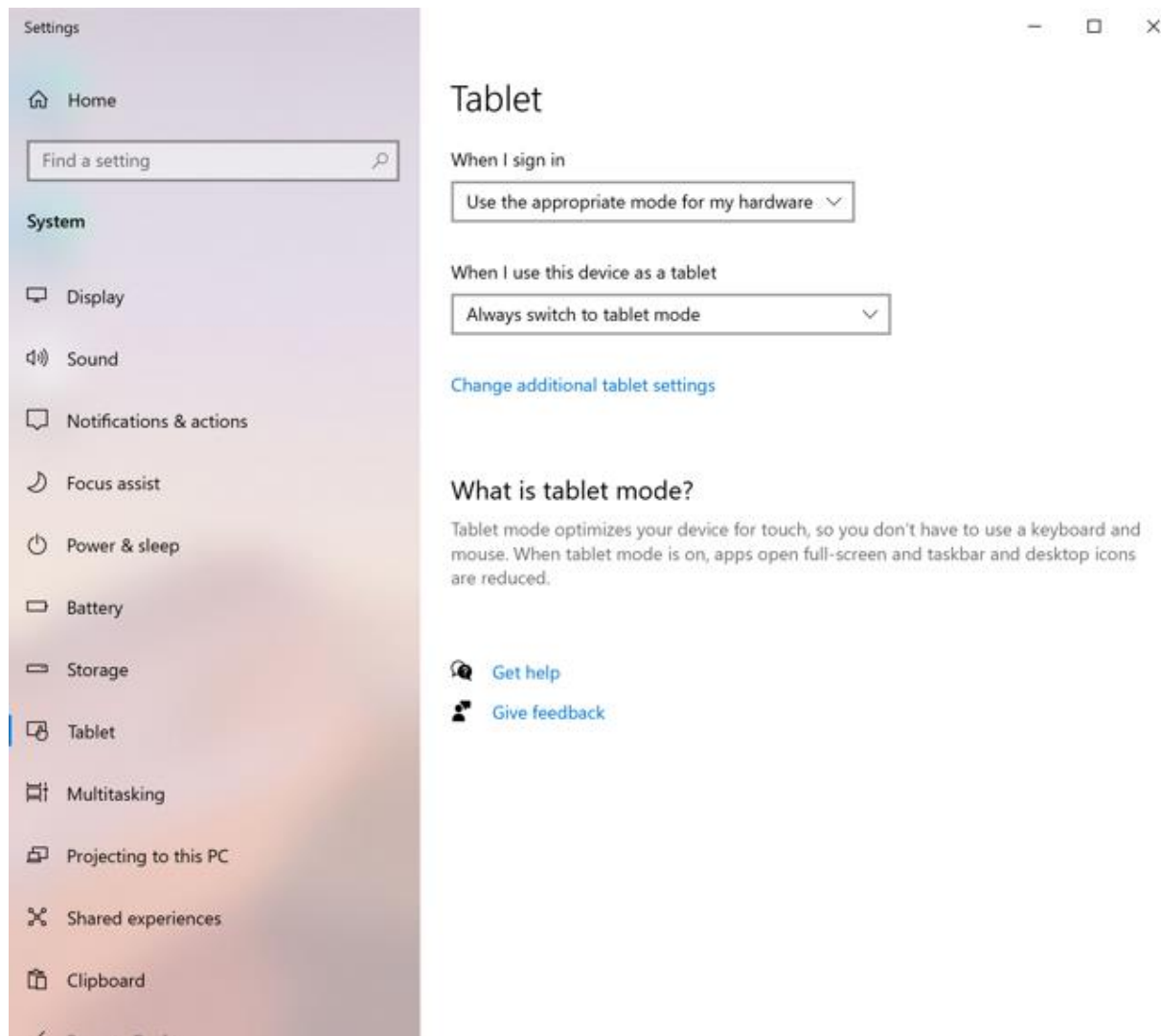


Second I/O profile with a second view

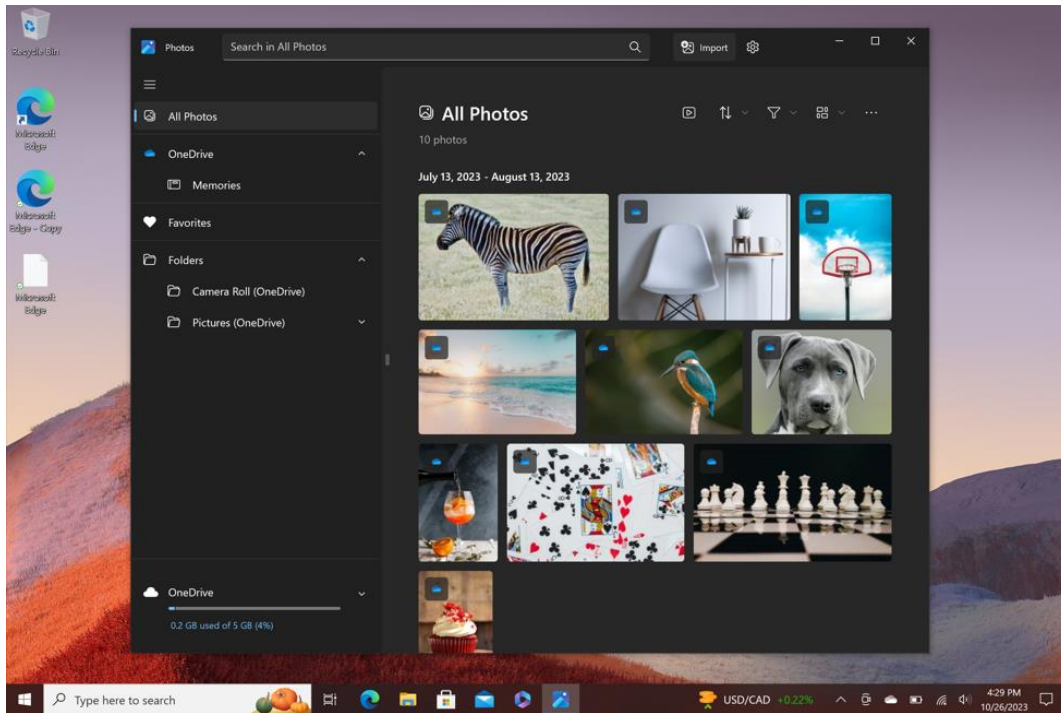
182. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) includes responding to user rotation of a display component of the computing device about a longitudinal axis running along an interface between the display component and a base of the streamlined computing device; responding to rotation of the display component about the longitudinal from a closed mode to a first physical orientation configures the computing device into a laptop mode having a first physical configuration of the display component and the base with one of the plurality of views as a default display; and responding to rotation of the display component about the longitudinal axis from the closed mode to a second physical orientation configures the computing device into another display mode having a second physical configuration of the display component and the base with another one of the plurality of views as the default display. For example, the Surface Pro 7 with Surface Pro Signature Type Cover has a first physical configuration with a first view when rotated from a closed mode to a laptop mode, and has a second physical configuration with a second view when rotated from laptop mode to a stand mode.

		
Closed mode	User rotation of a display component	First physical configuration with a first view in laptop mode
		
Closed mode	User rotation of a display component	Second physical configuration with a second view in stand mode

183. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include a view selector component configured to transition between the plurality of views in response to activation. For example:

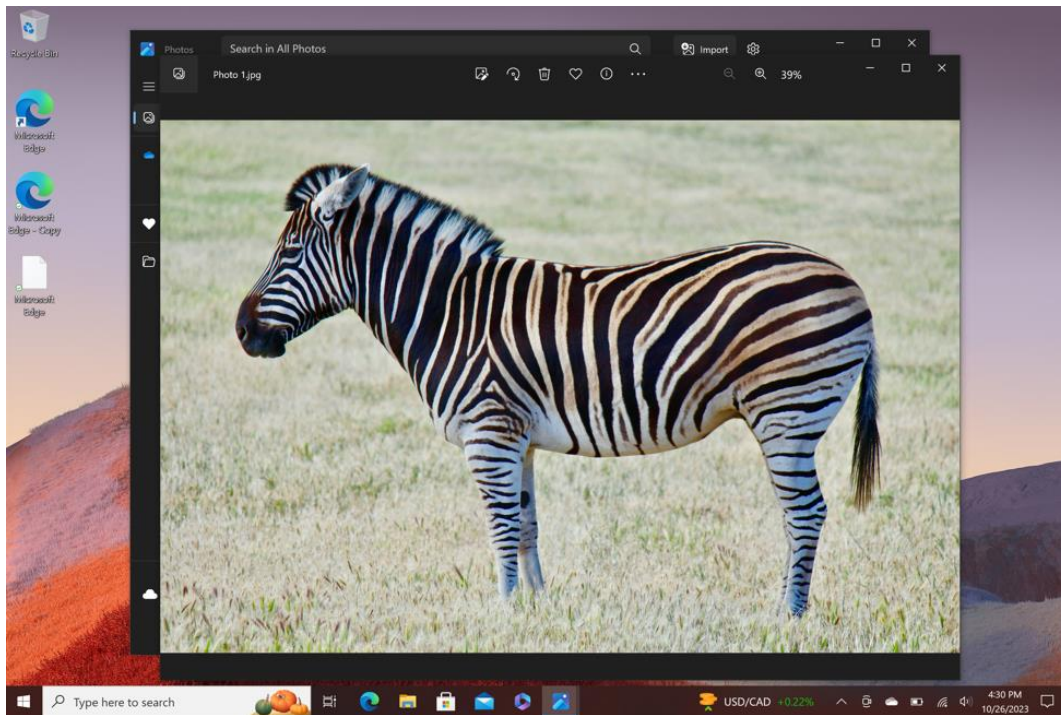


184. The Accused Microsoft Products (e.g., the Surface Pro 7 with Surface Pro Signature Type Cover) include a storage component configured to store an association between at least one of a plurality of visual representations and digital media content. For example, the Surface Pro 7 with Surface Pro Signature Type Cover includes the Microsoft Photos app, which is configured to store an association between thumbnail previews of content and digital media content:



Microsoft Photos app showing thumbnail previews

185. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include an execution component further configured to execute the association with the at least one of the plurality of visual representations with digital media content in response to selection and transition the display to a view of the digital media content in response to the act of executing the association. For example, selecting a thumbnail preview in the Microsoft Photos app transitions to a view of the digital media content:



Digital media content in Microsoft Photos app

186. The Accused Microsoft Products (*e.g.*, the Surface Pro 7 with Surface Pro Signature Type Cover) include a display component configured to display user digital media content and referenced digital media content in the view of the digital media content. For example, the Surface Pro 7 with Surface Pro Signature Type Cover includes the Microsoft Photos app, which is configured to permit users to manage digital media content libraries that can include both user digital media content and referenced digital media content:



Microsoft Photos app

Microsoft's Induced Infringement Involving the Accused Microsoft Products

187. Since at least as early as May 2021, Microsoft knew of the '888 patent.

188. Since at least as early as May 2021, Microsoft knew that the Accused Microsoft Products infringe at least claim 27 of the '888 patent when used by customers or other users, and when sold or offered for sale by resellers such as Best Buy.

189. Since at least as early as May 2021, Microsoft has induced infringement by actively encouraging third-party resellers to directly infringe at least claim 27 of the '888 patent by facilitating resellers' sales and offers for sale of the Accused Microsoft Products and actively encouraging such sales and offers for sale.

190. Since at least as early as May 2021, Microsoft has induced infringement by actively encouraging customers or other users to directly infringe at least claim 27 of the '888 patent. Microsoft has provided with the Accused Microsoft Products and on the <https://www.microsoft.com/en-us/surface/devices/surface-pro-models> website product

documentation and advertising materials that induce customers or others to use the Accused Microsoft Products in a manner that infringes at least claim 27 of the '888 patent.

Microsoft's Induced Infringement Involving the Accused HP Products

191. Since at least as early as April 2023, Microsoft has known of LiTL's allegations that the Accused HP Products infringe at least claim 27 of the '888 patent when imported, used, sold or offered for sale by HP or resellers such as Best Buy, and used by customers or other users, as detailed in LiTL's Complaint (D.I. 1) in this action.

192. Since at least as early as April 2023, Microsoft has induced infringement of at least claim 27 of the '888 patent by providing the Windows operating system to HP to be pre-installed on the Accused HP Products.

Microsoft's Contributory Infringement

193. In the alternative to direct infringement, Microsoft has contributorily infringed at least claim 27 of the '888 patent.

194. Microsoft has contributorily infringed at least claim 27 of the '888 patent by selling, offering to sell, and importing within the United States the Accused Surface Devices.

195. The Accused Surface Devices are not staple articles or commodities of commerce with a substantial noninfringing use. The Accused Surface Devices are designed, configured and adapted to work with the Accused Surface Keyboards and have no substantial purpose other than as part of infringing devices and are accordingly not staple articles or commodities of commerce.

196. The Accused Surface Devices are a material part of the invention of at least claim 27 of the '888 patent.

197. Since at least as early as May 2021, Microsoft has known of the '888 patent.

198. Since at least as early as May 2021, Microsoft has known that the Accused Surface Devices are especially made or adapted for use in a manner that infringes at least claim 27 of the '888 patent.

Microsoft's Willful Infringement

199. In May 2021, LiTL provided to Microsoft a claim chart detailing how the Accused Microsoft Products infringe claim 27 of the '888 patent.

200. Since at least as early as May 2021, Microsoft (1) has continued to offer for sale, sell, and use the Accused Microsoft Products knowing that such activity would infringe the '888 patent; (2) has continued to induce customers to infringe by providing instructions and advertising that encourage use of the Accused Microsoft Products knowing that such use would infringe the '888 patent; (3) has continued to induce infringement by resellers such as Best Buy by encouraging resellers to sell and offer for sale the Accused Microsoft Products knowing that such activity would infringe the '888 patent; and (4) in the alternative to direct infringement, has continued to contributorily infringe the '888 patent by selling, offering for sale, and importing within the United States the Accused Microsoft Products.

201. Since at least as early as April 2023, Microsoft has continued to provide to HP the Windows operating system for pre-installation on the Accused HP Products knowing that the Accused HP Products infringe at least claim 27 of the '888 patent.

202. Microsoft's infringement of at least claim 27 of the '888 patent has been willful. The willful nature of Microsoft's infringement is demonstrated by Microsoft's offers for sale, sales, importation, and use of the Accused Microsoft Products; its provision to customers of instructions and advertising that encourage infringing use of the Accused Microsoft Products; its encouragement of sales and offers for sale by resellers of the Accused Microsoft Products; and

its provision to HP of the Windows operating system for pre-installation on the Accused HP Products.

LiTL's Injury Due to Microsoft's Infringement

203. The foregoing description of Microsoft's infringement is based on publicly available information. LiTL reserves the right to modify this description, including, for example, on the basis of information about the Accused Microsoft Products and the Accused HP Products that it obtains during discovery.

204. LiTL has been and is being irreparably harmed, and has incurred and will continue to incur damages, as a result of Microsoft's infringement of the '888 patent.

205. Microsoft's infringement of the '888 patent has damaged and continues to damage LiTL in an amount yet to be determined, of no less than a reasonable royalty.

206. LiTL has complied with the notice requirement of 35 U.S.C. § 287 and does not currently distribute, sell, offer for sale, or make products embodying the Asserted Patents.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff LiTL respectfully requests that this Court enter judgment as follows:

- a. Declaring that Microsoft has directly infringed, contributorily infringed, and induced infringement of the '154, '315, '715, '818, and '888 patents and has induced infringement of the '688, '844, and '229 patents;
- b. Granting a permanent injunction, enjoining Microsoft and its officers, agents, employees, attorneys, and all other persons acting in concert or participation with them, from further infringement of the '688, '844, '229, '154, '315, '715, '818, and '888 patents, including but not limited to (1) enjoining the manufacture, sale, offer for sale, importation or use of the Accused Microsoft Products and any

further development of the Accused Microsoft Products, and (2) enjoining the provision of the Windows operating system to HP for use in the Accused HP Products;

- c. Awarding LiTL damages adequate to compensate it for Microsoft's infringing activities, including supplemental damages for any post-verdict infringement up until entry of the final judgment with an accounting as needed, together with pre-judgment and post-judgment interest on the damages awarded;
- d. Finding Microsoft's infringement of the '688, '844, '229, '154, '315, '715, '818, and '888 patents to be willful and awarding enhanced damages in an amount up to treble the amount of compensatory damages as justified under 35 U.S.C. § 284;
- e. Finding this to be an exceptional case and awarding LiTL its attorneys' fees and costs under 35 U.S.C. § 285 as a result of Microsoft's willful infringement of the Asserted Patents; and
- f. Awarding LiTL any such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

LiTL hereby demands a trial by jury on all issues so triable.

Date: December 6, 2023

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