IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CP STUDIOS LLC, a Delaware Limited Liability Company, Plaintiff, v. TWITCH INTERACTIVE, INC., a Delaware Corporation, Defendant.	Case No. **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff CP Studios, LLC ("CP Studios" or "Plaintiff") files this Complaint against Twitch Interactive, Inc. ("Twitch" or "Defendant").

NATURE OF THE CASE

1. This is an action for the infringement of United States Patent Nos. 9,604,132 ("the '132 Patent"), 9,889,373 ("the '373 Patent"), 10,632,388 ("the '388 Patent), and 11,731,054 ("the '054 Patent") (collectively, the "Asserted Patents").

2. Defendant has infringed and continues to infringe the Asserted Patents in violation of 35 U.S.C. § 271 by making, using, offering to sell, selling, and/or importing its live streaming and entertainment platform Twitch including Twitch.tv, the Twitch Mobile App, Twitch Studio, Twitch Bits, Twitch Turbo, associated Twitch servers and subscriptions (collectively, the "Accused Instrumentalities") through its interactive features that allow viewers to affect gameplay, and by placing such products and services into the stream of commerce with the expectation that they will be purchased and/or used by third party resellers and/or by end consumers in this District.

3. Plaintiff CP Studios seeks appropriate damages and prejudgment and post-judgment interest for Defendant's infringement of the Asserted Patents.

THE PARTIES

4. Plaintiff CP Studios is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business at 2225 East Murray Holladay Road, Salt Lake City, UT 84117. CP Studios was established in 2010 to develop technologies related to socially connected gaming experiences. CP Studios protected its novel ideas related to these technologies with patents.

5. On information and belief, Defendant is incorporated and organized under the laws of the State of Delaware, with its corporate headquarters listed as 350 Bush Street, San Francisco, California 94104.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

7. This Court has original subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Defendant in this action because Defendant is incorporated in the District and has committed acts within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice. Defendant, directly and/or through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among other things, making, using, offering to sell, selling, and/or importing products that infringe the Asserted Patents.

9. Defendant, directly and/or through subsidiaries or intermediaries, has purposefully and voluntarily placed one or more products or services in the stream of commerce that practice the Asserted Patents with the intention and expectation that they will be purchased and used by

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third party resellers and/or end consumers in this District. These products have been and continue to be purchased and used in this District.

10. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(c) and 1400(b) as Defendant is incorporated in this District.

THE ASSERTED PATENTS

11. The ’132 Patent is titled “Video Gaming Platform and User Interface” and was issued by the United States Patent and Trademark Office to inventors Brian Joseph Wiklem and Carrie Ann Cowan on March 28, 2017, and assigned to CP Studios LLC. The ’132 Patent claims priority to U.S. Patent application 61/643,352, filed on May 12, 2012. A true and correct copy of the ’132 Patent is attached hereto as Exhibit A.

12. CP Studios is the owner of all right, title, and interest in and to the ’132 Patent with the full and exclusive right to bring suit to enforce the ’132 Patent.

13. The ’132 Patent is valid and enforceable under the United States Patent Laws.

14. The ’373 Patent is titled “Multilayer Framework and Architecture with Variable Video Gaming Capabilities” and was issued by the United States Patent and Trademark Office to inventors Brian Joseph Wiklem and Carrie Ann Cowan on February 13, 2018, and assigned to CP Studios, LLC. The ’373 Patent claims priority to U.S. Patent application 61/643,352, filed on May 7, 2012. A true and correct copy of the ’373 Patent is attached hereto as Exhibit B.

15. CP Studios is the owner of all right, title, and interest in and to the ’373 Patent with the full and exclusive right to bring suit to enforce the ’373 Patent.

16. The ’373 Patent is valid and enforceable under the United States Patent Laws.

17. The ’388 Patent is titled “Multilayer framework architecture and user interface for video gaming applications” and was issued by the United States Patent and Trademark Office to inventors Brian Joseph Wilkem and Carrie Ann Cowan on April 28, 2020, and assigned to CP

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Studios, LLC. The ’388 Patent claims priority to U.S. Patent Application Ser. No. 13/889,276, titled “Multilayer Framework and Architecture with Variable Video Gaming Capabilities,” filed May 7, 2013, U.S. Patent Application Ser. No. 13/889,266, titled “Video Gaming Platform and User Interface,” filed May 7, 2013, U.S. Patent Application Ser. No. 13/889,274, titled “Providing Synchronized and Integrated Video Gaming,” filed May 7, 2013, U.S. Patent Application Ser. No. 13/889,284, titled “Providing Video Gaming Action Via Communications In A Social Network,” filed May 7, 2013, each of which claims the benefit under 35 U.S.C. § 119(e) of U.S. Provisional Application No. 61/643,352, entitled “Multilayer Framework Architecture and User Interfaces for Video Gaming Applications,” filed on May 7, 2012.

18. A true and correct copy of the ’388 Patent is attached hereto as Exhibit C.

19. CP Studios is the owner of all right, title, and interest in and to the ’388 Patent with the full and exclusive right to bring suit to enforce the ’388 Patent.

20. The ’388 Patent is valid and enforceable under the United States Patent Laws.

21. The ’054 Patent is titled “Multilayer framework architecture and user interface for video gaming applications” and was issued by the United States Patent and Trademark Office to inventors Brian Joseph Wilkem and Carrie Ann Cowan on August 22, 2023, and assigned to CP Studios, LLC. The ’054 Patent claims priority to U.S. Patent Application Ser. No. 16/740,289, titled “Multilayer Framework Architecture and User Interface for Video Gaming Applications,” filed Jan. 10, 2020, which claims priority to U.S. Patent Application Ser. No. 15/428,914, titled “Multilayer Framework Architecture and User Interface for Video Gaming Applications,” filed Feb. 9, 2017, which claims priority to U.S. Patent Application Ser. No. 13/889,276, titled “Multilayer Framework and Architecture with Variable Video Gaming Capabilities,” filed May 7, 2013, to U.S. Patent Application Ser. No. 13/889,266, titled “Video Gaming Platform and User

Interface," filed May 7, 2013, to U.S. Patent Application Ser. No. 13/889,274, titled "Providing Synchronized and Integrated Video Gaming," filed May 7, 2013, and to U.S. Patent Application Ser. No. 13/889,284, titled "Providing Video Gaming Action Via Communications In A Social Network," filed May 7, 2013, each of which claims the benefit under 35 U.S.C. § 119(e) of U.S. Provisional Application No. 61/643,352, entitled "Multilayer Framework Architecture and User Interfaces for Video Gaming Applications," filed on May 7, 2012.

22. A true and correct copy of the '054 Patent is attached hereto as Exhibit D.

23. CP Studios is the owner of all right, title, and interest in and to the '054 Patent with the full and exclusive right to bring suit to enforce the '054 Patent.

24. The '054 Patent is valid and enforceable under the United States Patent Laws.

25. The Asserted Patents generally disclose and claim novel improvements to computer, human machine interfaces (HMI) and Internet technology by, *inter alia*, providing specific, technical solutions to problems rooted in computer, HMI, and internet technology. The Asserted Patents also recite inventive concepts, including elements and their ordered combinations that were not well-understood, routine, or conventional and thus provide significantly more than any judicial exception.

26. For example, the '132 Patent is directed to improvements to computer platform architecture and HMI, and more particularly to "flexible platform architecture provides a fluid and continuous visual experience for players across different platform types." '132 Patent at Abstract. The '132 Patent explains that the "it may be beneficial to find better platform architectures for gaming applications that continue to enhance the user experience." *Id.* at 1:50-53. The '132 Patent further explains that "[t]he present disclosure overcomes the deficiencies and limitations of the prior art by providing a technology with a flexible architecture for video gaming applications." *Id.*

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at 1:57-59. For example, the '132 Patent provides that: "The architecture accords variable status to players who can opt for different levels of play" in which "a 'spectator' or 'bystander' game play enables players to play from a reactive perspective." *Id.* at 6:38-46. Here, "[p]layers are accorded this status when they initiate play via a social network wall posting, a response to a social networking service facilitating exchange of text or via any other key word response, which has direct impact on game play." *Id.* at 6:46-53. Accordingly, the '132 Patent is directed to improvements to computer-related technology by, for example, enabling computer functionality not previously achieved. These improvements are tied to and recited in the claims.

27. During patent prosecution, the Patent Office agreed that "the claimed invention, as a whole, is drawn to patent-eligible subject matter under 35 U.S.C. § 101." Ex. E ('132 Patent Notice Of Allowance) at 2. The Patent Office found that:

> Applicant's Remarks submitted 06/30/2016 include compelling reasons for finding that the claimed invention, as a whole, is drawn to patent-eligible subject matter under 35 U.S.C. § 101. Additionally, the claimed invention is rooted in improvements to computer technology, thus aligning with the Federal Circuit decision in *Enfish*, and hence, is not drawn to an abstract idea under Step 2A of the Alice/Mayo framework.
>
> (1) For example, the elements of amended claim 1 solve a technical problem using a technical solution by performing concrete transformative steps. For example, the technical problem includes that certain user devices do not have the capability (e.g., graphics capability, bandwidth, processing power) to operate all aspects of a gaming experience (e.g., a two dimensional or three dimensional interface). Accordingly, in the amended limitations below, the method may improve performance by adjusting the user experiences based on the user device used to access the gaming application. The amended claims improve the functioning of the underlying computing system by adjusting user experiences based on the user device that the user uses to access the gaming application.

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Id. at 2-3.

28. Moreover, the claims recite additional elements and their ordered combinations that were not well-understood, routine, or conventional as of the critical date. For example, claim 1 recites at least the following additional elements:

- facilitating variable and distinct user experiences based on the one or more user devices that the one or more players use to access the video gaming application, the variable and distinct user experiences including at least one of a three-dimensional user interface and a two-dimensional user interface;
- receiving, via the social network server, one or more social network interactions from one or more non-players, the one or more non-players being users with whom the one or more players share an affinity in a social network, the one or more social network interactions including a comment posted to the social network server by the one or more non-players, the comment being a comment on one or more events posted to the social network server; and
- modifying play of the video gaming application based on the one or more social network interactions from the one or more non-players.

29. On information and belief, it was not well-understood, routine, or conventional as of 2012 for a computer application to "facilitat[e] variable and distinct user experiences based on the one or more user devices that the one or more players use to access the video gaming application," "receiv[e], via the social network server, one or more social network interactions from one or more non-players, the one or more non-players being users with whom the one or more players share an affinity in a social network," or "modify[] play of the video gaming application based on the one or more social network interactions from the one or more non-

players." For example, the Patent Office found that these additional elements were not found in the prior art. *Id.* at 3-5. Referring to the above elements, the Patent Office found that the prior art of "Melander, and/or Shteyn, in combination or taken alone, does not disclose the limitations cited above." *Id.* at 5. Because these additional elements were not in the prior art, they could not have been well-understood, routine, or conventional as of the critical date. Accordingly, the '132 Patent claims are patent eligible.

30. Similarly, the '373 Patent is directed to improvements to computer platform architecture and HMI, and more particularly to "[a] multilayer framework and architecture with variable video or digital gaming capabilities provides multiple levels of play, permitting players to engage in different ways ." '373 Patent at Abstract. The '373 Patent explains that the "it would certainly be beneficial to find better architectures for gaming applications that continue to enhance the user experience." *Id.* at 1:50-52. The '373 Patent further explains that "[t]he present disclosure overcomes the deficiencies and limitations of the prior art by providing a technology with a flexible architecture for video gaming applications." *Id.* at 1:57-59. For example, the '373 Patent provides: "the flexible and multilayer architecture provides a continuous game and visual experience for players across different platforms (platform agnostic) and engages them at different levels of play and capability," in which "[e]ach of the players may have a unique and different gaming experience, depending upon the level of play and capability accorded to each player." *Id.* at 4:1-7. In one embodiment, "[t]he different levels of play options include 1) a peer-to-peer competitive challenge level for 'core' players, 2) a 'casual' play option for play with friends with whom a particular player shares an affinity, for example, in a social network; and 3) a 'spectator' mode that permits non-players in a network to assist friends." *Id.* at 4:44-49. Accordingly, the '373 Patent is

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directed to improvements to computer-related technology by, for example, enabling computer functionality not previously achieved. These improvements are tied to and recited in the claims.

31. During patent prosecution, the Patent Office agreed that the claimed invention provides an improvement over prior art system: "Prior art systems do teach video games in association with a social media network, wherein other users may comment on a user's play of a game, however, the prior art does not teach wherein said comment comprising a keyword that will affect the user's play of the game, which is viewed upon by the Examiner as an improvement of the prior art." Ex. F ('373 Patent Notice of Allowance) at 4.

32. Moreover, the claims provide significantly more than any alleged abstract idea. For example, the Patent Office found that "[r]ecitation of such a device, was deemed to impose significantly more i.e., meaningful limitations, on any alleged underlying abstract idea." *Id.* The Patent Office concluded that "in light of the total disclosure, the gaming system now claimed narrows the claims to only refer to a highly specialized and improved device with particular functionality required in the technological field." *Id.* at 4-6.

33. Furthermore, the claims recite additional elements and their ordered combinations that were not well-understood, routine, or conventional as of the critical date. For example, claim 1 recites at least the following additional element:

- designating, using the server, a status level from a plurality of status levels to each user of the plurality of users, wherein each status level of the plurality of status levels provides a different capability within the video gaming environment, the plurality of status levels including a first player status level that accords full access and play within the video gaming environment, a second player status level that accords restricted access and play within the video gaming environment; and a third

player status level that accords reactive access and play within the video gaming environment, the reactive access specifying that a keyword response commented by a user having the third player status level on a social network post of a user having the first player status level or the second player status level affects elements of gameplay on the video gaming environment.

34. On information and belief, it was not well-understood, routine, or conventional as of the critical date for a computer application to "designat[e], using the server, a status level from a plurality of status levels to each user of the plurality of users, wherein each status level of the plurality of status levels provides a different capability within the video gaming environment, the plurality of status levels including a first player status level that accords full access and play within the video gaming environment, a second player status level that accords restricted access and play within the video gaming environment; and a third player status level that accords reactive access and play within the video gaming environment, the reactive access specifying that a keyword response commented by a user having the third player status level on a social network post of a user having the first player status level or the second player status level affects elements of gameplay on the video gaming environment." The Patent Office found that this additional element was not found in the prior art, stating "[t]here is no teaching or suggestion in the art of a video gaming environment that is associated with a plurality of users and a social media network wherein a comment posted on a social network post affects at least one element of gameplay" such that "in the event that a first user is playing a video game that is in associated with a social network, wherein a comment comprising a keyword posted by a second user on first user's social network wall/profile, the keyword will affect at least one element of the first user's gameplay." *Id.* at 4. Because this additional element was not in the prior art, it could not have been well-understood,

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routine, or conventional as of the critical date. Accordingly, the '373 Patent claims are patent-eligible.

35. Similarly, the '388 Patent is directed to improvements to computer platform architecture and HMI, and more particularly to "a flexible architecture for video gaming applications," where "the flexible architecture is platform agnostic and provides a continuous visual experience for players across different platforms while engaging them at different levels of play." '388 Patent at Abstract. The '388 Patent explains that "it would certainly be beneficial to find better architectures for gaming applications that continue to enhance the user experience." *Id.* at 1:52-54. The '388 Patent further explains that "[t]he present disclosure overcomes the deficiencies and limitations of the prior art by providing a technology with a flexible architecture for video gaming applications." *Id.* at 1:58-60. For example, the '388 Patent provides that: "the flexible architecture provides multiple levels of play, permitting players to engage in different ways and at different levels," including "a 'spectator mode' that permits non-players in a network to assist friends." *Id.* at 7:20-27. Accordingly, the '388 Patent is directed to improvements to computer-related technology by, for example, enabling computer functionality not previously achieved. These improvements are tied to and recited in the claims.

36. During patent prosecution, the Patent Office found that the claims are directed to patent-eligible subject matter because they are directed an improvement that "yields a specialized device distinguishable from a general-purpose computer." Ex. G ('388 Patent Notice of Allowance) at 2. The Patent Office further observed that the claims improved upon prior art systems: "Recitation of such a gaming system is viewed by the Examiner as applying the judicial exception with, or by use of, a particular device and also an improvement of playing a dart game in the technological or gaming field of the legitimacy of game playing." *Id.* The Patent Office

concluded that "the gameplay of a video game being affected by comments posted on a social media website played by a user is significantly more than an abstract idea executed solely with a generic computer or video game console performing generic functions." *Id.*

37. The claims further recite significantly more than an alleged judicial exception and are therefore patent-eligible. For example, the Patent Office found that additional element of "gameplay of a video game being affected by comments posted on a social media website played by a user is significantly more than an abstract idea executed solely with a generic computer or video game console performing generic functions." *Id.* at 2.

38. Moreover, the claims recite additional elements and their ordered combinations that were not well-understood, routine, or conventional as of the critical date. For example, claim 1 recites at least the following additional elements:

- receiving, by the server, an interaction via the social online service of a second user with the content item on the social online service;
- determining, by the server, an influence to the video gaming environment based on the interaction via the social online service of the second user with the content item on the social online service; and
- modifying, by the server, the video gaming environment based on the influence.

39. On information and belief, it was not well-understood, routine, or conventional as of the critical date for a computer application to "receiv[e], by the server, an interaction via the social online service of a second user with the content item on the social online service;" "determin[e], by the server, an influence to the video gaming environment based on the interaction via the social online service of the second user with the content item on the social online service;" or "modify[], by the server, the video gaming environment based on the influence." For example,

the Patent Office found that these additional elements were not found in the prior art. *Id.* Referring to the above elements, the Patent Office found that "[t]here is no teaching or suggestion in the art of a video game environment that is in association with a social network comprising a plurality of users operating a plurality of computing devices, wherein the gaming environment allows a user to post at least one comment to the social network that is related to an event occurring in the gaming environment, wherein the computing devices processes and determines if the at least one comment includes one or more keywords, wherein the affects the gameplay of a user in the video game environment." *Id.* Because these additional elements were not in the prior art, they could not have been well-understood, routine, or conventional as of the critical date. Accordingly, the '388 Patent claims are patent eligible.

40. Similarly, the '054 Patent is directed to improvements to computer platform architecture and HMI, and more particularly to "a flexible architecture for video gaming applications," where "the flexible architecture is platform agnostic and provides a continuous visual experience for players across different platforms while engaging them at different levels of play." '054 Patent at Abstract. The '054 Patent explains that the "it would certainly be beneficial to find better architectures for gaming applications that continue to enhance the user experience." *Id.* at 1:59-61. The '388 Patent further explains that "[t]he present disclosure overcomes the deficiencies and limitations of the prior art by providing a technology with a flexible architecture for video gaming applications." *Id.* at 1:65-67. For example, the '054 Patent provides that: "the flexible architecture provides multiple levels of play, permitting players to engage in different ways and at different levels," including "a 'spectator mode' that permits non-players in a network to assist friends." *Id.* at 7:23-32. Accordingly, the '054 Patent is directed to improvements to

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computer-related technology by, for example, enabling computer functionality not previously achieved. These improvements are tied to and recited in the claims.

41. During patent prosecution, the Patent Office found that the claims are directed to patent-eligible subject matter because they are directed an improvement that "yields a specialized device distinguishable from a general-purpose computer." Ex. H ('054 Patent Notice of Allowance) at 2. The Patent Office further observed that the claims improved upon prior art systems: "Recitation of such a gaming system is viewed by the Examiner as applying the judicial exception with, or by use of, a particular device and also an improvement of playing a dart game in the technological or gaming field of the legitimacy of game playing." *Id.* The Patent Office concluded that "the gameplay of a video game being affected by comments posted on a social media website played by a user is significantly more than an abstract idea executed solely with a generic computer or video game console performing generic functions." *Id.*

42. The claims further recite significantly more than an alleged judicial exception and are therefore patent-eligible. For example, the Patent Office found that additional element of "gameplay of a video game being affected by comments posted on a social media website played by a user is significantly more than an abstract idea executed solely with a generic computer or video game console performing generic functions." *Id.* at 2.

43. Moreover, the claims recite additional elements and their ordered combinations that were not well-understood, routine, or conventional as of the critical date. For example, claim 1 recites at least the following additional elements:

- enabling a second computing device of the plurality of computing devices to participate in a second gameplay of the video gaming application via the cloud

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computing network, the second computing device participating in the second gameplay via a second gaming platform;

- receiving one or more interactions via a social network service in association with an event from one of the first gameplay and the second gameplay of the video gaming application;
- determining an influence to one of the first gameplay and the second gameplay of the video gaming application based on the one or more interactions via the social network service; and
- modifying one of the first gameplay and the second gameplay of the video gaming application based on the influence.

44. On information and belief, it was not well-understood, routine, or conventional as of the critical date for a computer application to "enabl[e] a second computing device of the plurality of computing devices to participate in a second gameplay of the video gaming application via the cloud computing network, the second computing device participating in the second gameplay via a second gaming platform;" "receiv[e] one or more interactions via a social network service in association with an event from one of the first gameplay and the second gameplay of the video gaming application;" "determin[e] an influence to one of the first gameplay and the second gameplay of the video gaming application based on the one or more interactions via the social network service;" or "modify[] one of the first gameplay and the second gameplay of the video gaming application based on the influence." The Patent Office found that "[t]here is no teaching or suggestion in the art of a video game environment that is in association with a social network comprising a plurality of users operating a plurality of computing devices, wherein the gaming environment allows a user to post at least one comment to the social network that is related

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to an event occurring in the gaming environment, wherein the computing devices processes and determines if the at least one comment includes one or more keywords, wherein the affects the gameplay of a user in the video game environment." *Id.* Because these additional elements were not in the prior art, they could not have been well-understood, routine, or conventional as of the critical date. Accordingly, the '388 Patent claims are patent eligible.

COMMUNICATIONS BETWEEN THE PARTIES

45. CP Studios re-alleges and incorporates by reference all the foregoing paragraphs.

46. On November 16, 2018, counsel for CP Studios sent a letter, attached as Exhibit I, to the General Counsel for Twitch. In the letter, counsel for CP Studios describes the subject matter of the '132 and '373 Patents and stated that the patents were "highly relevant to Twitch Interactive's live streaming platform, especially the video game live streaming platform." Ex. I at 2. The letter then referred to infringement charts for the Accused Instrumentalities attached as an appendix. *Id.* at 2. One of the infringement charts included an "Illustrative Claim Chart for '132 Patent vs. Amazon Twitch," which presented evidence of infringement of claim 1 of the '132 Patent on a limitation-by-limitation basis. *Id.* at 230-40. The letter stated that "CP Studios is willing to sell its patent portfolio to your company. The ultimate purchaser will remove any exposure or liability due to their product offering by purchasing the patents." *Id.* at 2. The letter also included a list of other patents and patent applications in the portfolio, including U.S. Patent Application No. 15/428,914 that later became the '388 Patent. *Id.* at 4.

47. On December 17, 2018, Twitch's parent company, Amazon.com, Inc. ("Amazon"), acknowledged receipt of CP Studios' November 16, 2018 letter when it replied via email on Twitch's behalf. Ex. J. The email stated that Amazon had assessed the patents and claim charts provided in CP Studios' November 16, 2018 letter, but "[n]either Twitch nor Amazon is interested in purchasing the patents." *Id.*

FIRST CAUSE OF ACTION
(PATENT INFRINGMENT UNDER 35 U.S.C. § 271 OF THE '132 PATENT)

48. CP Studios re-alleges and incorporates by reference all the foregoing paragraphs.

49. On information and belief, Defendant has directly infringed and continues to directly infringe either literally or under the doctrine of equivalents, one or more claims, including at least claim 1 of the '132 Patent in violation of 35 U.S.C. § 271, et seq., by making, using, offering to sell, selling, and/or importing at least the Accused Instrumentalities.

50. Claim 1 of the '132 Patent provides:

> A computer-implemented method using one or more computing devices for implementing a video gaming application, comprising:
>
> [1] providing access by one or more user devices of one or more players to the video gaming application operated on at least one of a social network server, a third party server, and an application provided on electronic devices used by the one or more players;
>
> [2] providing an interface to the video gaming application via at least one of a social network interface, a mobile device interface, a gaming console interface, and a browser interface;
>
> [3] facilitating variable and distinct user experiences based on the one or more user devices that the one or more players use to access the video gaming application, the variable and distinct user experiences including at least one of a three-dimensional user interface and a two-dimensional user interface;
>
> [4] receiving, via the social network server, one or more social network interactions from one or more non-players, the one or more non-

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players being users with whom the one or more players share an affinity in a social network, the one or more social network interactions including a comment posted to the social network server by the one or more non-players, the comment being a comment on one or more events posted to the social network server; and

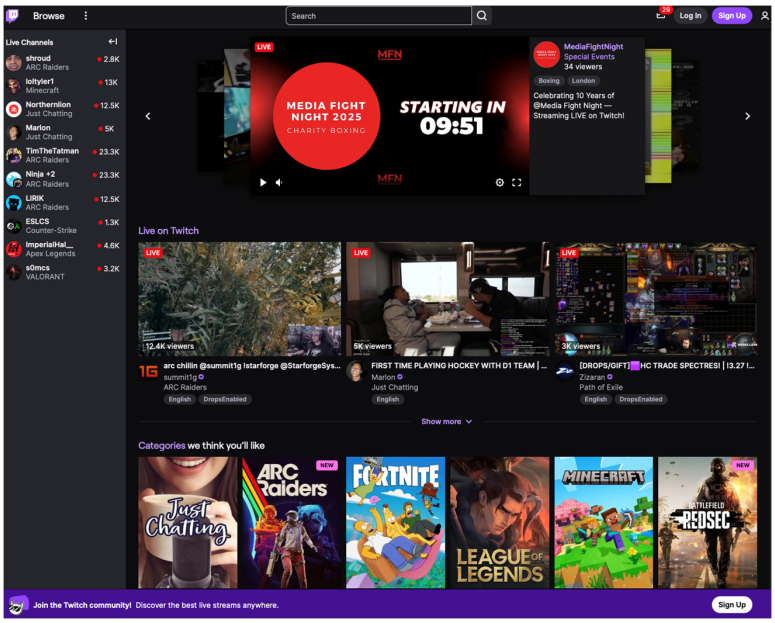
[5] modifying play of the video gaming application based on the one or more social network interactions from the one or more non-players.

51. On information and belief, Defendant designs, makes, offers for sale, sells, and/or imports Accused Instrumentalities that meet every limitation of at least claim 1 of the '132 Patent as stated below.

52. The preamble of claim 1 requires "A computer-implemented method using one or more computing devices for implementing a video gaming application." The Accused Instrumentalities implement video game applications using one or more computing devices. For example, Defendant provides software in the form of Apps to run on various computing devices for download from its website. *See* http://app.twitch.download (last visited 11/7/2025). These Apps allow users to play various games via the Twitch service.

53. Limitation [1] of the claim 1 requires "providing access by one or more user devices of one or more players to the video gaming application operated on at least one of a social network server, a third party server, and an application provided on electronic devices used by the one or more players." The Accused Instrumentalities provide multiple users and their devices access to video gaming applications operated on a social network server, a third party server, or an application provided on an electronic device. *See e.g.* https://www.twitch.tv (last visited 11/7/2025).

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54. Limitation [2] requires "providing an interface to the video gaming application via at least one of a social network interface, a mobile device interface, a gaming console interface, and a browser interface." The Accused Instrumentalities provide an interface to the video gaming application via a social network interface, a mobile device interface, a gaming console interface or a browser interface. For example, the below screenshot shows an interface to the video game application "Minecraft" via a browser.

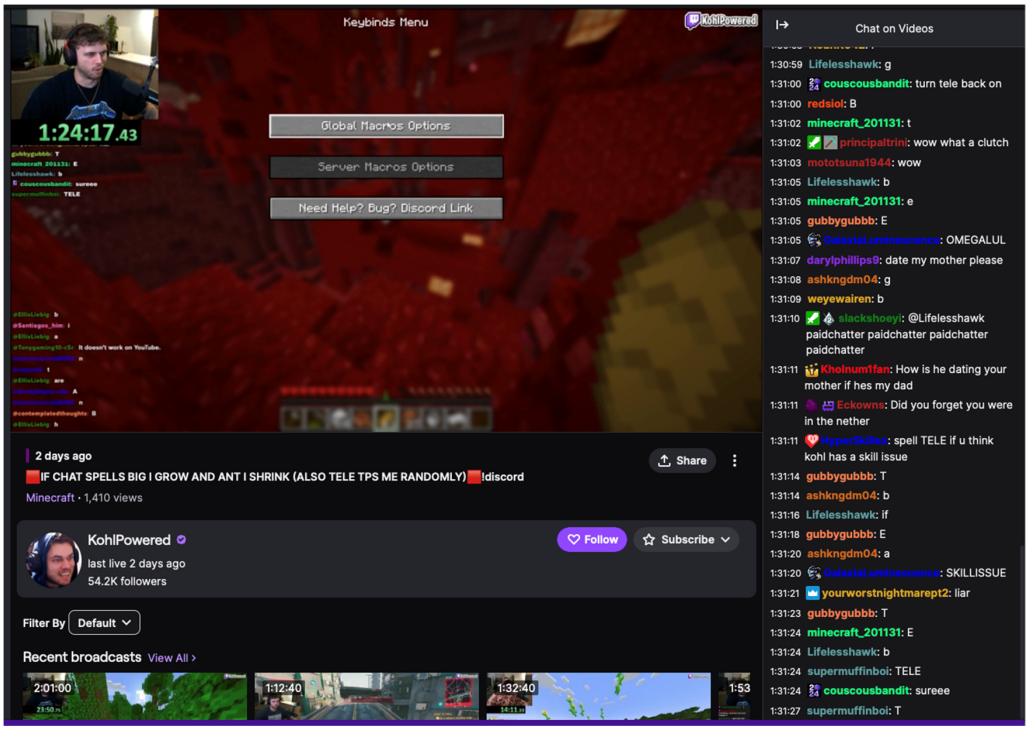


https://www.youtube.com/watch?v=HB3CEZrkrD0 at 0:54 (last visited on 11/7/2025).

55. Limitation [3] requires "facilitating variable and distinct user experiences based on the one or more user devices that the one or more players use to access the video gaming application, the variable and distinct user experiences including at least one of a three-dimensional user interface and a two-dimensional user interface." The Accused Instrumentalities facilitate variable and distinct user experiences on the user's device by at least providing a 2D interface that allows resizing of the windows and scrolling of chat contents.

56. Limitation [4] requires "receiving, via the social network server, one or more social network interactions from one or more non-players, the one or more non-players being users with whom the one or more players share an affinity in a social network, the one or more social network interactions including a comment posted to the social network server by the one or more non-players, the comment being a comment on one or more events posted to the social network server." The Accused Instrumentalities provide interactive features that allow non-players to provide comments via a chat feature allowing multiple non-players to comment on the gameplay or

respond to comments from other non-players. For example, the right-hand window below shows a chat window with multiple chat users commenting on Minecraft.



https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025). Additionally, the Twitch developer documents explain that "Chat is an essential part of the Twitch expeience, allowing community members, streamers, chatbots to interact with each other in real time." https://dev.twitch.tv/docs/chat/ (last visited on 11/7/2025). These non-players share an affinity with the social network as they all follow the streamer creating the particular stream on which they are commenting.

57. Limitation [5] requires "modifying play of the video gaming application based on the one or more social network interactions from the one or more non-players." The Accused Instrumentalities provide for the modification of game play based on interactions from one or more non-players in multiple ways. Users can enter a sequence of letters into the chat to affect the game

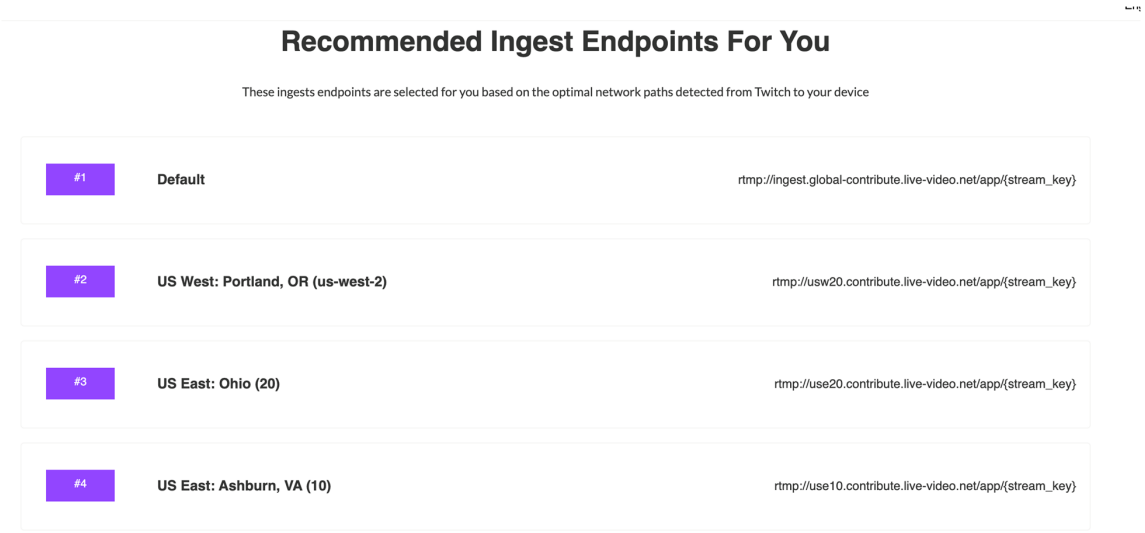
and game play. In the above example, as the title indicates, if the non-players in the chat spell "BIG," the player grows, "ANT," the player shrinks, and "TELE" the player gets teleported somewhere else. In another example, users can enter commands into the chat to spawn enemies, clone player and other actions. *See e.g.* https://clonedroneinthedangerzone.com/twitch/ (last visited 11/7/2025). Additionally, the accused instrumentalities provide for users to vote on actions that affect the game. https://dev.twitch.tv/docs/api/polls (last visited 11/7/2025); https://steamcommunity.com/workshop/filedetails/?id=427002021 (last visited 11/7/2025).

58. Moreover, Twitch through its various features and APIs provides the ability for streamers and third parties to create game mods extensions that can provide streamers with more control over the types of game actions and features non-player can affect through chat and voting. These Twitch features and APIs include the Twitch API, EventSubs, Chat and Chatbots, Extensions, among others. *See, e.g.* https://dev.twitch.tv/docs/ (last visited 11/7/2025). As an example, the following extensions and mods allow voting and chat to affect gameplay: Crowd Control (www.crowdcontrol.live (last visited on 11/7/2025)), Chaos Mod for GTA V(https://github.com/gta-chaos-mod/ChaosModV (last visited 11/9/2025), Chaos Tricks (https://chaostricks.com/?utm_source=chatgpt.com (last visited 11/7/2025), Twitch Mode for Clone Drone (https://clonedroneinthedangerzone.com/twitch/ (last visited 11/7/2025), among others.

59. On information and belief, Twitch directly infringes claim 1 of the '132 Patent because it uses the claimed invention within the United States. Twitch servers located in the United States perform each and every limitation of method claim 1. For example, Twitch hosts Ingests Servers, which include "a specific Twitch server that receives [a user's] broadcast stream." https://help.twitch.tv/s/article/twitch-stream-key-

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faq?language=en_US#:~:text=TWITCH%2DINGEST%2DSERVER%20%2D%20This,that%20uniquely%20identifies%20your%20stream (last visited December 17, 2025). Twitch describes that several Ingest Endpoints are located in the United States:



60. On information and belief, Twitch servers perform infringing operations based on and using the ingested broadcast.

61. CP Studios has complied with the requirements of 35 U.S.C. § 287 to the extent applicable. Because the asserted claims of the ’132 Patent are method claims, and because CP Studios has not previously asserted any apparatus claims of the ’132 Patent, no duty to mark under 35 U.S.C. § 287(a) attaches to CP Studios.

62. Twitch has had knowledge of the ’132 Patent since on or around November 18, 2018, when it received CP Studios’ November 16, 2018 letter. Ex. I at 276. Twitch undertook and continues its infringing actions despite an objectively high likelihood that such activities infringe the ’132 Patent, which has been duly issued by the PTO and presumed valid. On information and belief, Twitch could not reasonably, subjectively believe that its actions do not constitute infringement of the ’132 Patent. Despite that knowledge and subjective belief, and the objectively

high likelihood that its actions constitute infringement, Twitch has continued its infringing activities. Twitch's actions are willful, blatant, and in egregious disregard for CP Studio's patent rights. As such, Twitch has willfully infringed and/or will continue to willfully infringe the '132 Patent.

63. As a result of Twitch's infringement of the '132 Patent, CP Studios has suffered and continues to suffer substantial injury and is entitled to recover all damages caused by Twitch's infringement to the fullest extent permitted by the Patent Act, together with prejudgment interest and costs for Twitch's wrongful conduct.

64. CP Studios has no adequate remedy at law to prevent future infringement of the '132 Patent. CP Studios suffers and continues to suffer irreparable harm as a result of Twitch's patent infringement and is, therefore, entitled to injunctive relief to enjoin Twitch's wrongful conduct.

SECOND CAUSE OF ACTION
(PATENT INFRINGMENT UNDER 35 U.S.C. § 271 OF THE '373 PATENT)

65. CP Studios re-alleges and incorporates by reference all the foregoing paragraphs.

66. On information and belief, Defendant has directly infringed and continues to directly infringe either literally or under the doctrine of equivalents, one or more claims, including at least claim 1 of the '373 Patent in violation of 35 U.S.C. § 271, et seq., by making, using, offering to sell, selling, and/or importing at least the Accused Instrumentalities.

Claim 1 of the '373 Patent provides:

> A computer-implemented method for implementing a multilayer architecture for video gaming, comprising:
>
> [1] providing a video gaming environment hosted on a server;
>
> [2] providing access, using the server, to the video gaming

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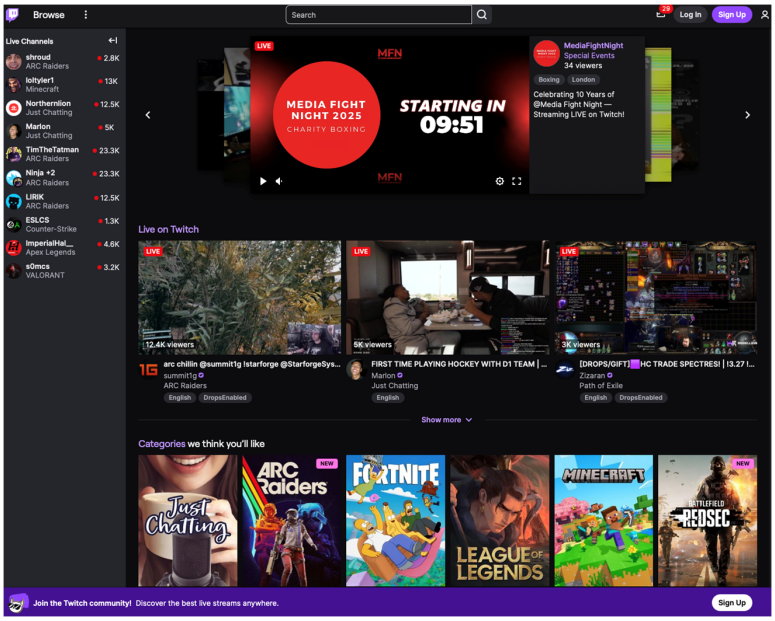
environment by a plurality of user devices associated with a plurality of users; and

[3] designating, using the server, a status level from a plurality of status levels to each user of the plurality of users, wherein each status level of the plurality of status levels provides a different capability within the video gaming environment, the plurality of status levels including a first player status level that accords full access and play within the video gaming environment, a second player status level that accords restricted access and play within the video gaming environment; and a third player status level that accords reactive access and play within the video gaming environment, the reactive access specifying that a keyword response commented by a user having the third player status level on a social network post of a user having the first player status level or the second player status level affects elements of gameplay on the video gaming environment.

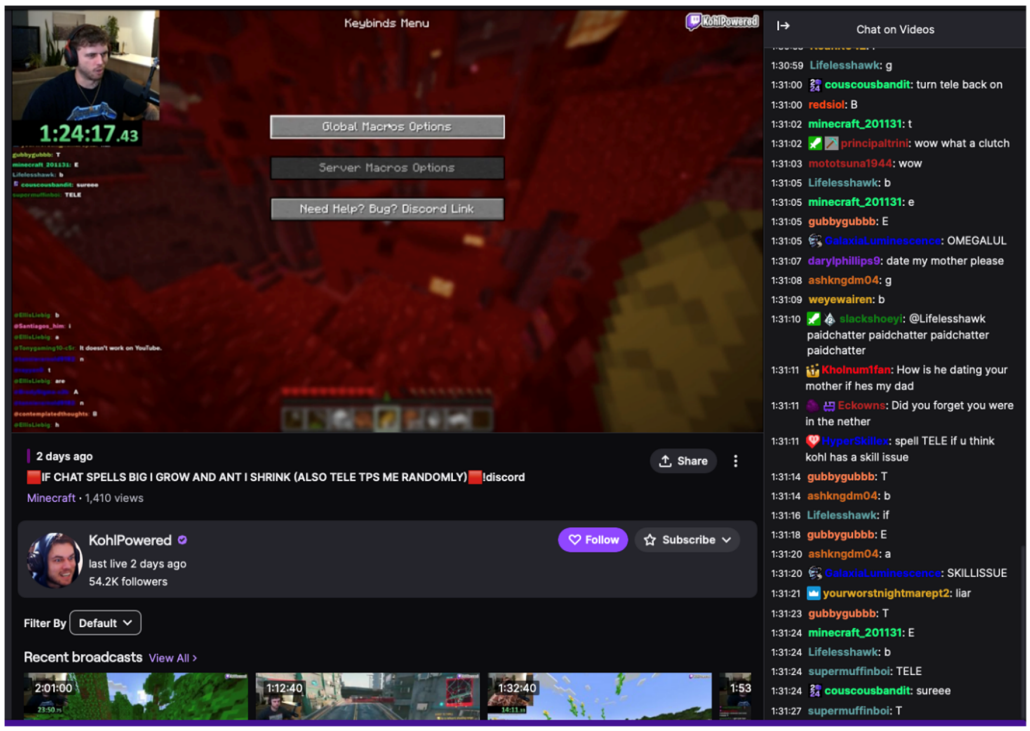
67. The preamble of claim 1 requires "A computer-implemented method for implementing a multilayer architecture for video gaming." The Accused Instrumentalities implement video game applications using one or more computing devices that have a multilayer architecture. For example, Defendant provides software in the form of Apps to run on various computing devices for download from its website. *See* http://app.twitch.download (last visited 11/7/2025). These Apps allow users to play various games via the Twitch service. Users of the Accused Instrumentalities are categories such as streamers, players, and non-players as describes in more detail below.

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68. Limitation [1] of the claim 1 requires "providing a video gaming environment hosted on a server." The Accused Instrumentalities provide a video gaming environment hosted on a server as shown below. Accused Instrumentality Twitch.tv is one such gaming environment. *See, e.g.,* https://www.twitch.tv (last visited 11/7/2025).



69. Limitation [2] of claim 1 requires "providing access, using the server, to the video gaming environment by a plurality of user devices associated with a plurality of users." The Accused Instrumentalities provide access to the video gaming environment by a plurality of users devices associated with a plurality of users. *See, e.g.,* https://www.twitch.tv (last visited 11/7/2025). For example, in the below screenshot, user Kohlpowered is hosting a stream while playing Minecraft. Other players are playing Minecraft at the same time, and in the right-hand side of the screen other users are using the chat feature to comment on the game, and in some instances modify game play as discussed in more detail below.



https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025). Thus, multiple users are accessing the video gaming environment on their devices.

70. Limitation [3] requires "designating, using the server, a status level from a plurality of status levels to each user of the plurality of users, wherein each status level of the plurality of status levels provides a different capability within the video gaming environment . . . ." As mentioned above, the Accused Instrumentalities provide within the gaming environment for users with different status levels such as the streamer ("KohlPowered" in the above screenshot), other players in the Minecraft game, and the non-players using the chat window at the right-hand side of the screen above.

71. Limitation [3] further requires "the plurality of status levels including a first player status level that accords full access and play within the video gaming environment . . . ." The streamer, "KohlPowered" for example, has full control over the video gaming environment shows

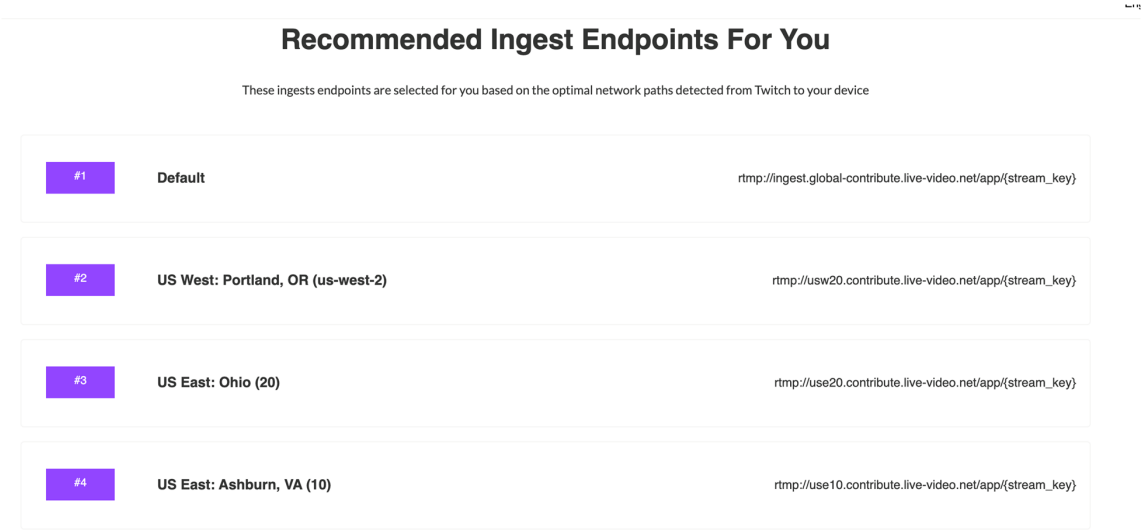
in the screenshot above. The streamer can start and stop play, allow chat, set up game-play actions the chat users can use to modify play, among other things.

72. Limitation [3] further provides "a second player status level that accords restricted access and play within the video gaming environment . . . ." The Accused Instrumentalities provide for other players in the game, in the above example Minecraft, to have restricting access and play within the Twitch.tv video gaming environment in that these players can play the game but cannot modify the video gaming environment like the streamer can.

73. Limitation [3] further provides "a third player status level that accords reactive access and play within the video gaming environment, the reactive access specifying that a keyword response commented by a user having the third player status level on a social network post of a user having the first player status level or the second player status level affects elements of gameplay on the video gaming environment." The gaming environment allows for users who are observing the game and using the chat messaging features shown in the right-hand side of the above screenshot. These chat users are not allowed to play the game, yet can affect gameplay through interactions via chat. For example, chat users can enter a sequence of letters into the chat to affect the game and game play. In the above example, as the title indicates, if the non-players in the chat spell "BIG," the player grows, "ANT," the player shrinks, and "TELE" the player gets teleported somewhere else. In another example, users can enter commands into the chat to spawn enemies, clone player and other actions. *See, e.g.*, https://clonedroneinthedangerzone.com/twitch/ (last visited 11/7/2025). Additionally, the accused instrumentalities provide for users to vote on actions that affect the game. https://dev.twitch.tv/docs/api/polls (last visited 11/7/2025); https://steamcommunity.com/workshop/filedetails/?id=427002021 (last visited 11/7/2025).

74. Moreover, Twitch through its various features and APIs provides the ability for streamers and third parties to create game mods extensions that can provide streamers with more control over the types of game actions and features non-player can affect through chat and voting. These Twitch features and APIs include the Twitch API, EventSubs, Chat and Chatbots, Extensions, among others. *See, e.g.*, https://dev.twitch.tv/docs/ (last visited 11/7/2025). As an example, the following extensions and mods allow voting and chat to affect gameplay: Crowd Control (www.crowdcontrol.live (last visited on 11/7/2025)), Chaos Mod for GTA V(https://github.com/gta-chaos-mod/ChaosModV (last visited 11/9/2025), Chaos Tricks (https://chaostricks.com/?utm_source=chatgpt.com (last visited 11/7/2025), Twitch Mode for Clone Drone (https://clonedroneinthedangerzone.com/twitch/ (last visited 11/7/2025), among others.

75. On information and belief, Twitch directly infringes claim 1 of the '373 Patent because it uses the claimed invention within the United States. Twitch servers located in the United States perform each and every limitation of method claim 1. For example, Twitch hosts Ingests Servers, which include "a specific Twitch server that receives [a user's] broadcast stream." https://help.twitch.tv/s/article/twitch-stream-key-faq?language=en_US#:~:text=TWITCH%2DINGEST%2DSERVER%20%2D%20This,that%20uniquely%20identifies%20your%20stream (last visited December 17, 2025). Twitch describes that several Ingest Endpoints are located in the United States:



76. On information and belief, Twitch servers perform infringing operations based on and using the ingested broadcast.

77. CP Studios has complied with the requirements of 35 U.S.C. § 287 to the extent applicable. Because the asserted claims of the '373 Patent are method claims, and because CP Studios has not previously asserted any apparatus claims of the '373 Patent, no duty to mark under 35 U.S.C. § 287(a) attaches to CP Studios.

78. Twitch has had knowledge of the '373 Patent since on or around November 18, 2018, when it received CP Studios' November 16, 2018 letter. Ex. I at 276. Twitch has infringed and/or will continue to infringe the '373 Patent.

79. As a result of Twitch's infringement of the '373 Patent, CP Studios has suffered and continues to suffer substantial injury and is entitled to recover all damages caused by Twitch's infringement to the fullest extent permitted by the Patent Act, together with prejudgment interest and costs for Twitch's wrongful conduct.

80. CP Studios has no adequate remedy at law to prevent future infringement of the '373 Patent. CP Studios suffers and continues to suffer irreparable harm as a result of Twitch's

patent infringement and is, therefore, entitled to injunctive relief to enjoin Twitch's wrongful conduct.

THIRD CAUSE OF ACTION
(PATENT INFRINGMENT UNDER 35 U.S.C. § 271 OF THE '388 PATENT)

81. CP Studios re-alleges and incorporates by reference all the foregoing paragraphs.

82. On information and belief, Defendant has directly infringed and continues to directly infringe either literally or under the doctrine of equivalents, one or more claims, including at least claim 1 of the '388 Patent in violation of 35 U.S.C. § 271, et seq., by making, using, offering to sell, selling, and/or importing at least the Accused Instrumentalities.

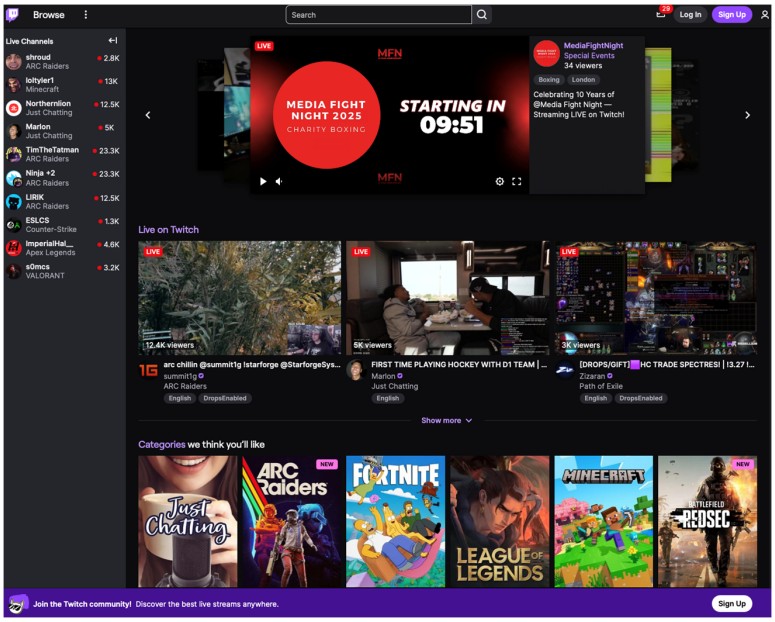
83. Claim 1 of the '388 Patent provides:

> A computer-implemented method for providing a video gaming environment hosted on a server to one or more users, comprising:
>
> [1] providing access to the video gaming environment, by the server, to the one or more users via one or more user devices, the one or more user devices including a user interface configured to display the video gaming environment;
>
> [2] transmitting, by the server, a content item to a social online service, the content item representing an event associated with a first user in the video gaming environment;
>
> [3] receiving, by the server, an interaction via the social online service of a second user with the content item on the social online service;
>
> [4] determining, by the server, an influence to the video gaming environment based on the interaction via the social online service of the second user with the content item on the social online service; and

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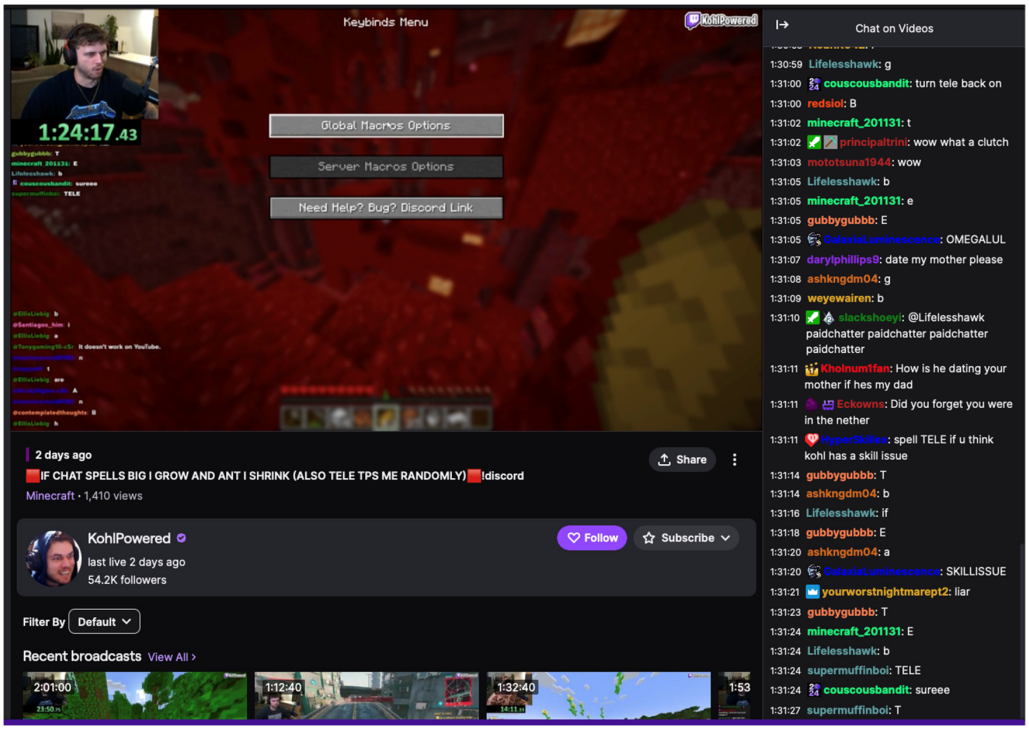
[5] modifying, by the server, the video gaming environment based on the influence.

84. The preamble of claim 1 requires "A computer-implemented method for providing a video gaming environment hosted on a server to one or more users, comprising." To the extent the pre-amble is limiting, the Accused Instrumentalities implement "[a] computer-implemented method for providing a video gaming environment hosted on a server to one or more users, comprising." For example, the Accused Instrumentalities provide a video gaming environment hosted on a server to one or more users as below. Accused Instrumentality Twitch.tv is one such gaming environment, such gaming environment being provided to both game players and streaming viewers. *See, e.g.*, https://www.twitch.tv (last visited 11/7/2025).



85. Limitation [1] of claim 1 requires "providing access to the video gaming environment, by the server, to the one or more users via one or more user devices, the one or more user devices including a user interface configured to display the video gaming environment." The Accused Instrumentalities provide access to the video gaming environment by a plurality of users

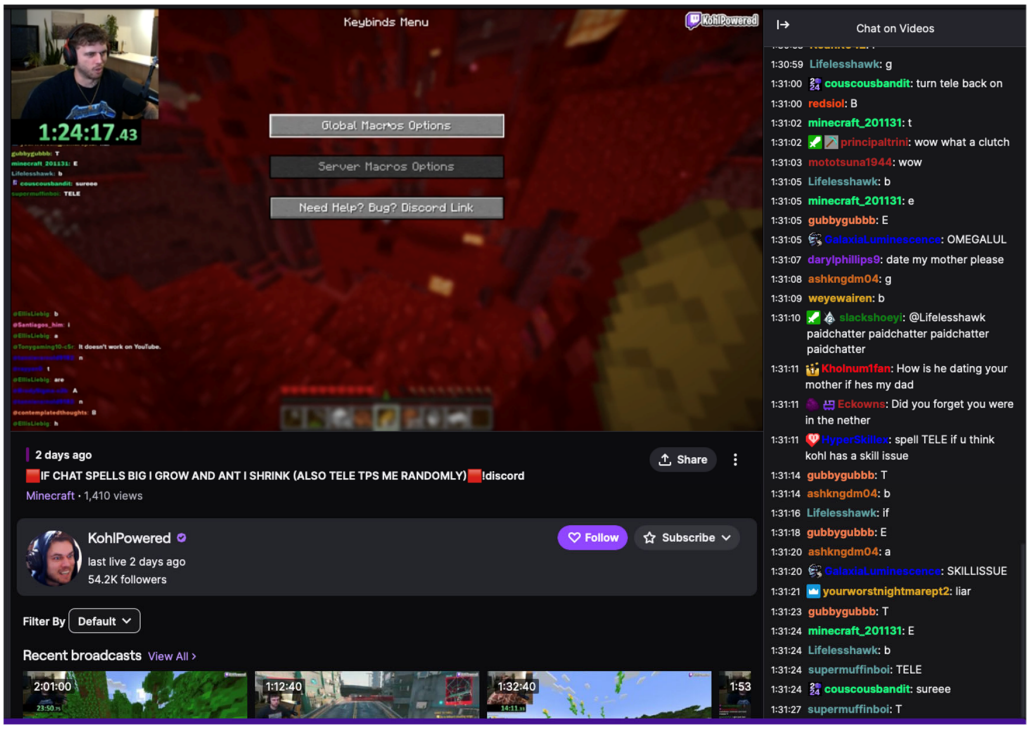
devices associated with a plurality of users. *See, e.g.*, https://www.twitch.tv (last visited 11/7/2025). For example, in the below screenshot, user Kohlpowered is hosting a stream while playing Minecraft. Other players are playing Minecraft at the same time, and in the right-hand side of the screen other users viewing the stream are using the chat feature to comment on the game, and in some instances modify game play as discussed in more detail below. User Kohlpowered and other users viewing the stream are provided with a user interface that displays the Minecraft gaming environment, as below.



https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025). Thus, multiple users are accessing the video gaming environment on their devices.

86. Limitation [2] of claim 1 requires "transmitting, by the server, a content item to a social online service, the content item representing an event associated with a first user in the video gaming environment." The Accused Instrumentalities perform "transmitting, by the server, a

content item to a social online service, the content item representing an event associated with a first user in the video gaming environment." For example, the Accused Instrumentalities provide interactive features that allow non-players to provide comments via a chat feature allowing multiple non-players to comment on the gameplay or respond to comments from other non-players. For example, the right-hand window below shows a chat window with multiple chat users commenting on Minecraft.



https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025).

87. Additionally, the Twitch developer documents explain that "Chat is an essential part of the Twitch experience, allowing community members, streamers, chatbots to interact with each other in real time." https://dev.twitch.tv/docs/chat/ (last visited on 11/7/2025). In the above example, users can enter a sequence of letters into the chat to affect the game and game play. In the above example, as the title indicates, if the non-players in the chat spell "BIG," the player

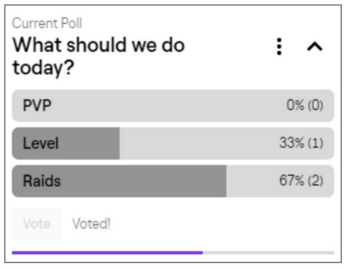
grows, "ANT," the player shrinks, and "TELE" the player gets teleported somewhere else. In another example, users can enter commands into the chat to spawn enemies, clone player and other actions. *See, e.g.*, https://clonedroneinthedangerzone.com/twitch/ (last visited 11/7/2025).

88. In another example, Twitch describes that "[p]olls can be created by streamers and voted on by viewers. Polls are a great way for streamers to gauge feedback from their community, figure out what game they should play next or even just ask their community how they're doing today. Streamers can start a poll at any time and viewers can begin to vote on their option." https://help.twitch.tv/s/article/how-to-use-polls?language=en_US (last visited 11/18/2025). Twitch further describes that polls are published to the "top of the chat window," as below:

Voting in Polls

When a Poll is created a modal will be displayed at the top of the chat window. You can expand the poll to see what the question and selection of choices are by clicking the **Arrow Down** icon. Options can be voted on by selecting the option and clicking the **Vote** button. Alternatively, you can vote using chat commands by typing `/vote` and the number of your desired option.

For example: `/vote 2` would vote for "Level" on the poll in the screenshot below.



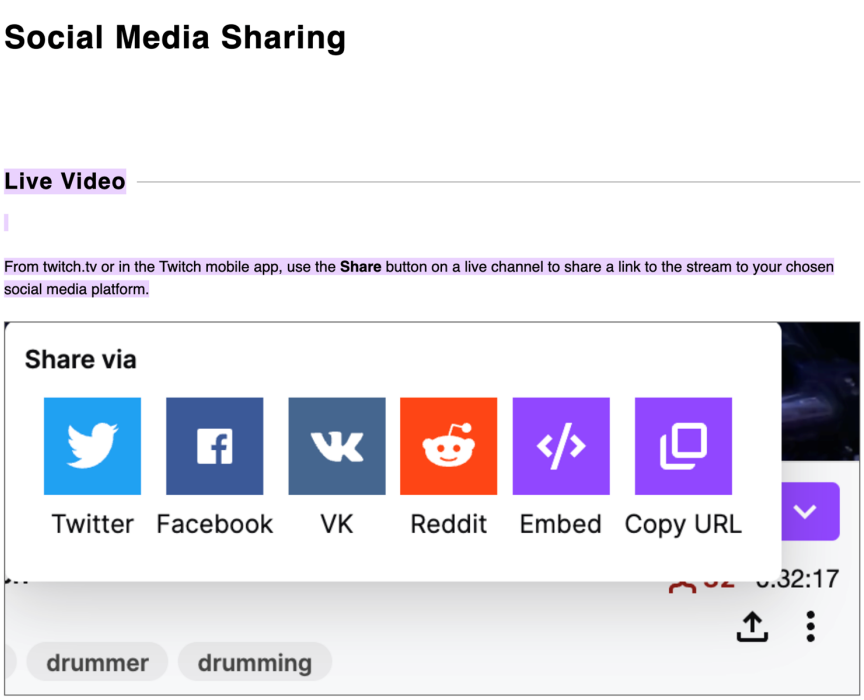
Polls can be configured by the streamer to be:

- Additional votes with Channel Points (not available on mobile)

Eligible voters, depending on the Poll settings, will be able to vote once for free on their answer choice. If the Poll has been configured to accept additional votes using Channel Points you may continue to vote using Channel Points for each consecutive vote.

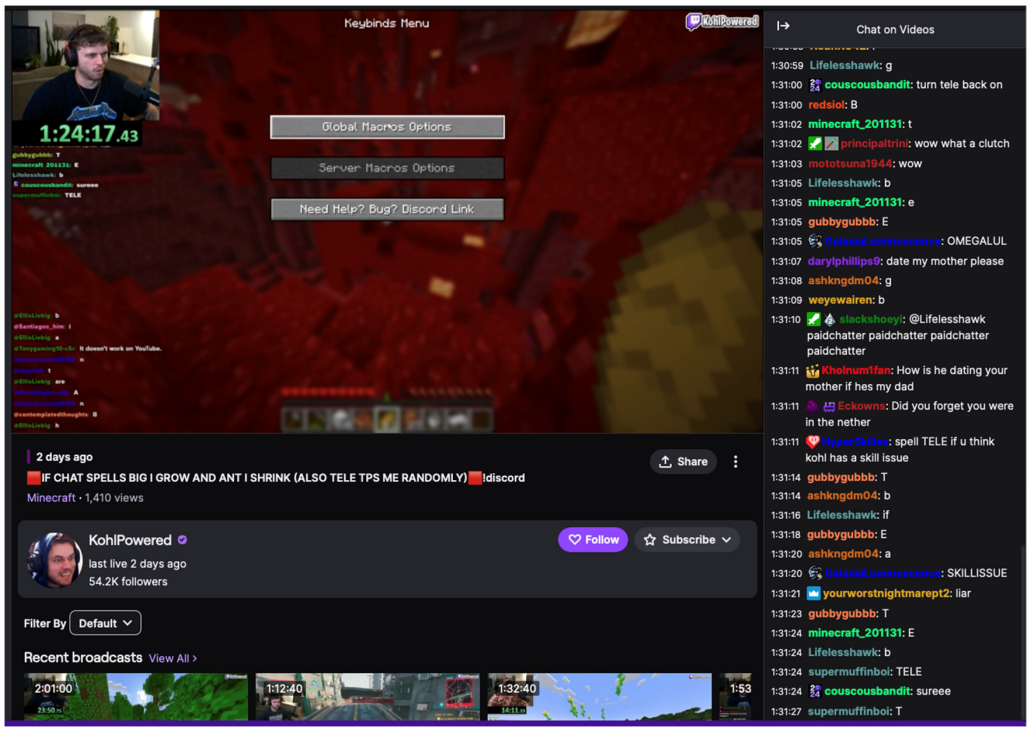
Id.

89. In another example, Twitch allows streamers to share their stream to social media platforms such as Facebook and Reddit:



https://help.twitch.tv/s/article/how-to-share-a-stream?language=en_US#:~:text=Live%20Video,your%20chosen%20social%20media%20platform (last visited 11/18/2025).

90. Limitation [3] of claim 1 requires "receiving, by the server, an interaction via the social online service of a second user with the content item on the social online service." The Accused Instrumentalities perform "receiving, by the server, an interaction via the social online service of a second user with the content item on the social online service." For example, the Accused Instrumentalities provide interactive features that allow non-players to provide comments via a chat feature allowing multiple non-players to comment on the gameplay or respond to comments from other non-players. For example, the right-hand window below shows a chat window with multiple chat users commenting on Minecraft.

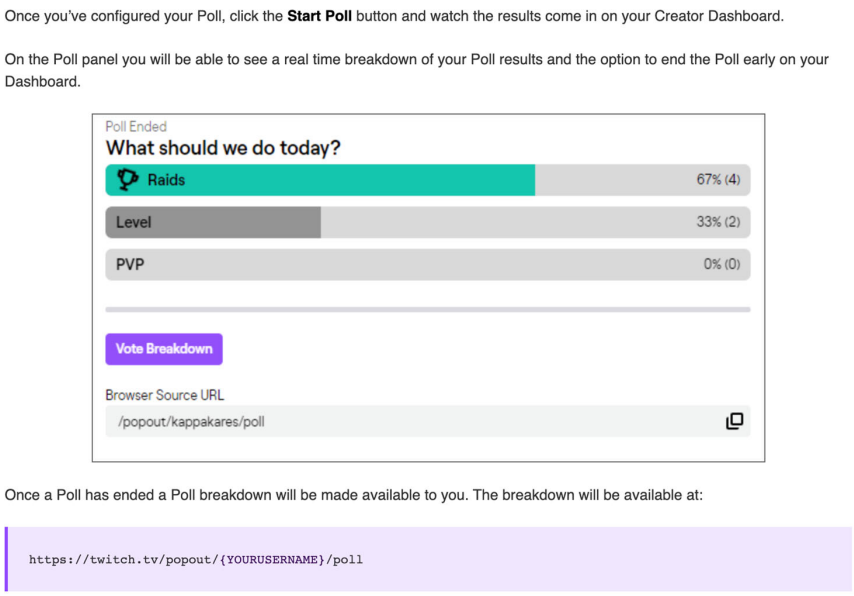


https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025).

91. Additionally, the Twitch developer documents explain that "Chat is an essential part of the Twitch experience, allowing community members, streamers, chatbots to interact with each other in real time." https://dev.twitch.tv/docs/chat/ (last visited on 11/7/2025). In the above example, users can enter a sequence of letters into the chat to affect the game and game play. In the above example, as the title indicates, if the non-players in the chat spell "BIG," the player grows, "ANT," the player shrinks, and "TELE" the player gets teleported somewhere else. In another example, users can enter commands into the chat to spawn enemies, clone player and other actions. *See e.g.* https://clonedroneinthedangerzone.com/twitch/ (last visited 11/7/2025).

92. In another example, Twitch describes that "[e]ligible voters, depending on the Poll settings, will be able to vote once for free on their answer choice."

https://help.twitch.tv/s/article/how-to-use-polls?language=en_US (last visited 11/18/2025). Twitch also describes that interactions with the poll are tallied, as below:

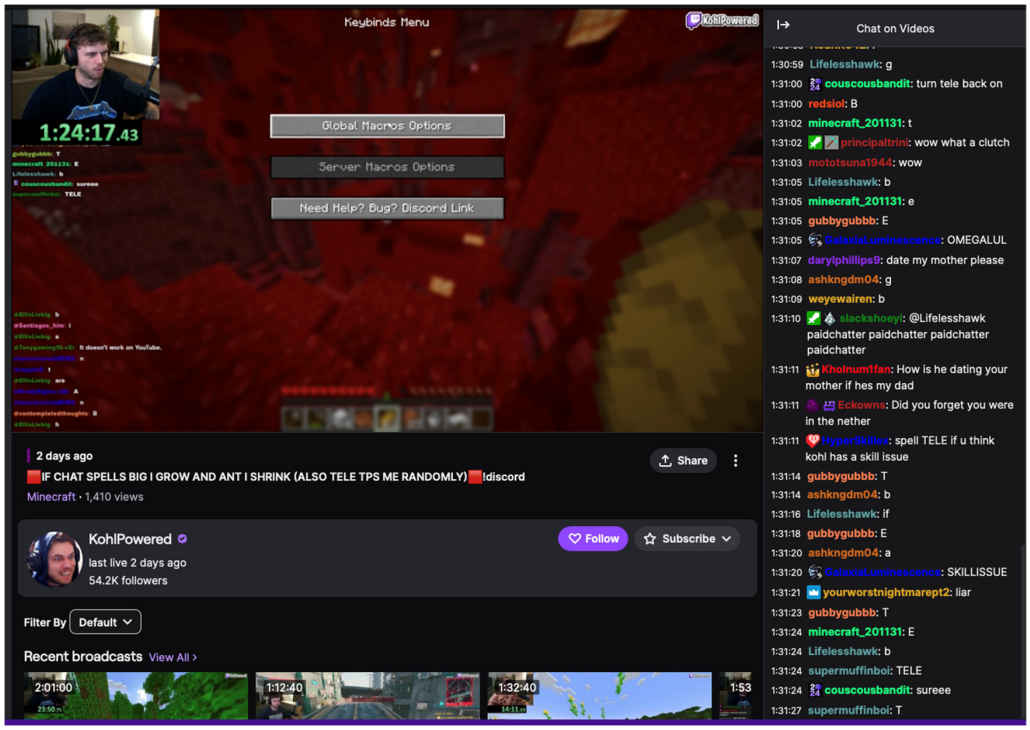


Id.

93. In another example, Twitch describes that the Accused Instrumentalities "share a link to the stream to your chosen social media platform." https://help.twitch.tv/s/article/how-to-share-a-stream?language=en_US#social (last visited 11/18/2025). Users can interact with such links to access the linked stream.

94. Limitation [4] of claim 1 requires "determining, by the server, an influence to the video gaming environment based on the interaction via the social online service of the second user with the content item on the social online service." The Accused Instrumentalities perform "determining, by the server, an influence to the video gaming environment based on the interaction via the social online service of the second user with the content item on the social online service." For example, the Accused Instrumentalities provide interactive features that allow non-players to provide comments via a chat feature allowing multiple non-players to comment on the gameplay

or respond to comments from other non-players. For example, the right-hand window below shows a chat window with multiple chat users commenting on Minecraft.



https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025).

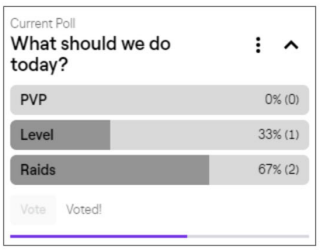
95. Additionally, the Twitch developer documents explain that "Chat is an essential part of the Twitch experience, allowing community members, streamers, chatbots to interact with each other in real time." https://dev.twitch.tv/docs/chat/ (last visited on 11/7/2025). In the above example, users can enter a sequence of letters into the chat to affect the game and game play. In the above example, as the title indicates, if the non-players in the chat spell "BIG," the player grows, "ANT," the player shrinks, and "TELE" the player gets teleported somewhere else. In another example, users can enter commands into the chat to spawn enemies, clone player and other actions. *See e.g.* https://clonedroneinthedangerzone.com/twitch/ (last visited 11/7/2025).

96. In another example, Twitch describes that "[p]olls can be created by streamers and voted on by viewers. Polls are a great way for streamers to gauge feedback from their community, figure out what game they should play next or even just ask their community how they're doing today. Streamers can start a poll at any time and viewers can begin to vote on their option." https://help.twitch.tv/s/article/how-to-use-polls?language=en_US (last visited 11/18/2025). Twitch further describes that polls are published to the "top of the chat window," as below:

Voting in Polls

When a Poll is created a modal will be displayed at the top of the chat window. You can expand the poll to see what the question and selection of choices are by clicking the **Arrow Down** icon. Options can be voted on by selecting the option and clicking the **Vote** button. Alternatively, you can vote using chat commands by typing `/vote` and the number of your desired option.

For example: `/vote 2` would vote for "Level" on the poll in the screenshot below.



Polls can be configured by the streamer to be:

- Additional votes with Channel Points (not available on mobile)

Eligible voters, depending on the Poll settings, will be able to vote once for free on their answer choice. If the Poll has been configured to accept additional votes using Channel Points you may continue to vote using Channel Points for each consecutive vote.

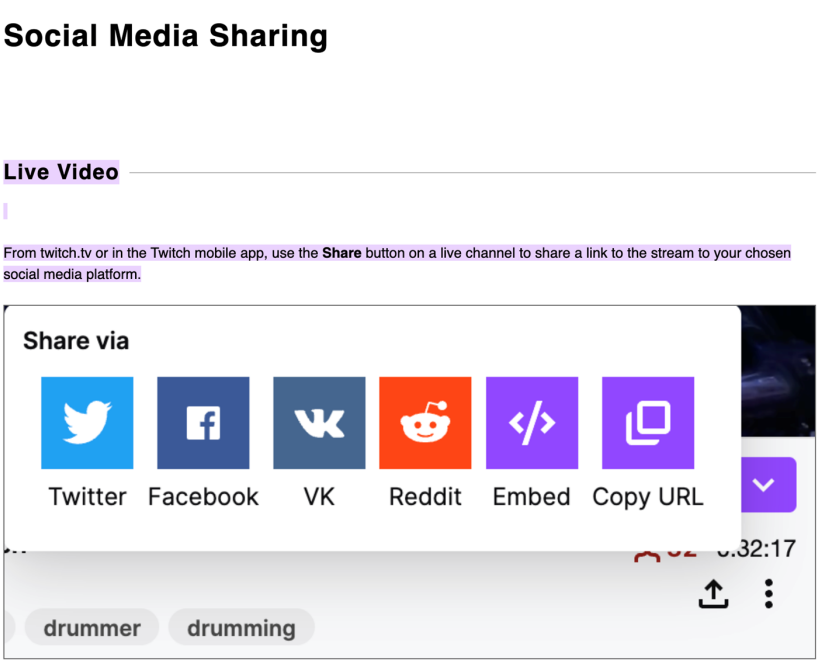
Id. Twitch describes that polls can be overlay in the game environment:

Using the Poll overlay

The Poll overlay allows you to display the currently active Poll on your channel onto your stream. You can do this by adding a browser source into your active scene and using the following URL - replace `{YOURUSERNAME}` with your own username:

```
https://www.twitch.tv/popout/{YOURUSERNAME}/poll
```

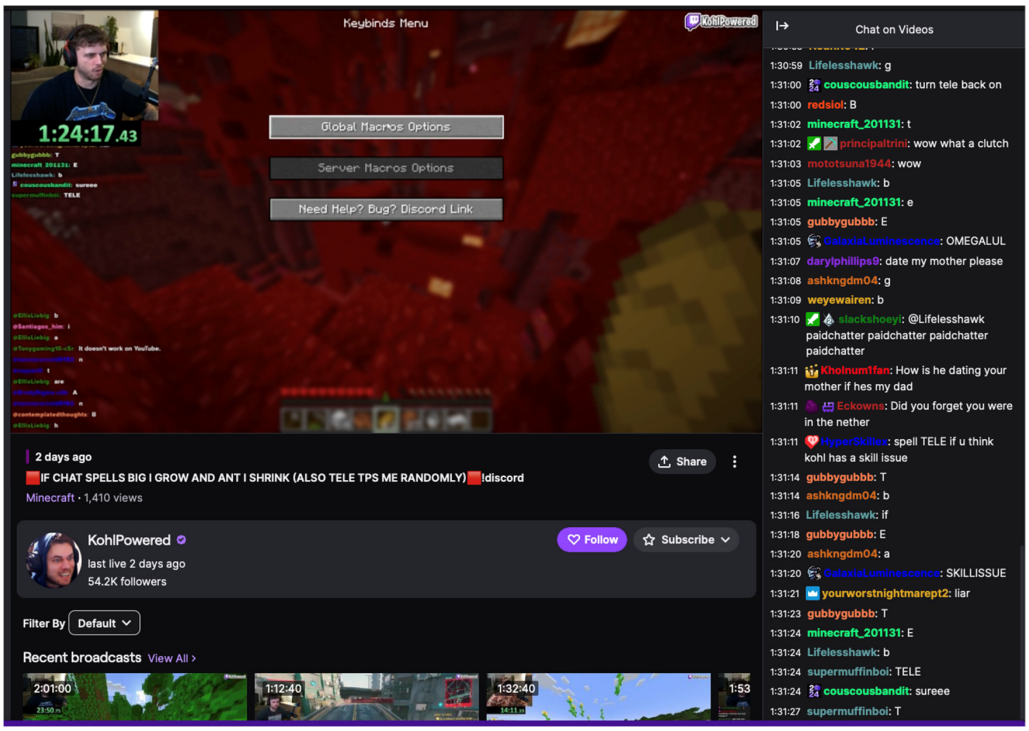
97. In another example, Twitch allows streamers to share their stream to social media platforms such as Facebook and Reddit:



https://help.twitch.tv/s/article/how-to-share-a-stream?language=en_US#:~:text=Live%20Video,your%20chosen%20social%20media%20platform (last visited 11/18/2025).

98. These links allow users to access the stream.

99. Limitation [5] of claim 1 requires "modifying, by the server, the video gaming environment based on the influence." The Accused Instrumentalities perform "modifying, by the server, the video gaming environment based on the influence." For example, the Accused Instrumentalities provide interactive features that allow non-players to provide comments via a chat feature allowing multiple non-players to comment on the gameplay or respond to comments from other non-players. For example, the right-hand window below shows a chat window with multiple chat users commenting on Minecraft.



https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025).

100. Additionally, the Twitch developer documents explain that "Chat is an essential part of the Twitch experience, allowing community members, streamers, chatbots to interact with each other in real time." https://dev.twitch.tv/docs/chat/ (last visited on 11/7/2025). In the above example, users can enter a sequence of letters into the chat to affect the game and game play. In the above example, as the title indicates, if the non-players in the chat spell "BIG," the player grows, "ANT," the player shrinks, and "TELE" the player gets teleported somewhere else. In another example, users can enter commands into the chat to spawn enemies, clone player and other actions. *See, e.g.*, https://clonedroneinthedangerzone.com/twitch/ (last visited 11/7/2025).

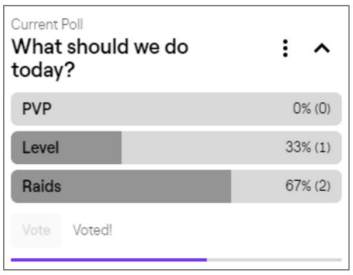
101. In another example, Twitch describes that "[p]olls can be created by streamers and voted on by viewers. Polls are a great way for streamers to gauge feedback from their community, figure out what game they should play next or even just ask their community how they're doing

today. Streamers can start a poll at any time and viewers can begin to vote on their option." https://help.twitch.tv/s/article/how-to-use-polls?language=en_US (last visited 11/18/2025). Twitch further describes that polls are published to the "top of the chat window," as below:

Voting in Polls

When a Poll is created a modal will be displayed at the top of the chat window. You can expand the poll to see what the question and selection of choices are by clicking the **Arrow Down** icon. Options can be voted on by selecting the option and clicking the **Vote** button. Alternatively, you can vote using chat commands by typing `/vote` and the number of your desired option.

For example: `/vote 2` would vote for "Level" on the poll in the screenshot below.



Polls can be configured by the streamer to be:

- Additional votes with Channel Points (not available on mobile)

Eligible voters, depending on the Poll settings, will be able to vote once for free on their answer choice. If the Poll has been configured to accept additional votes using Channel Points you may continue to vote using Channel Points for each consecutive vote.

Id. Twitch describes that polls can be overlay in the game environment:

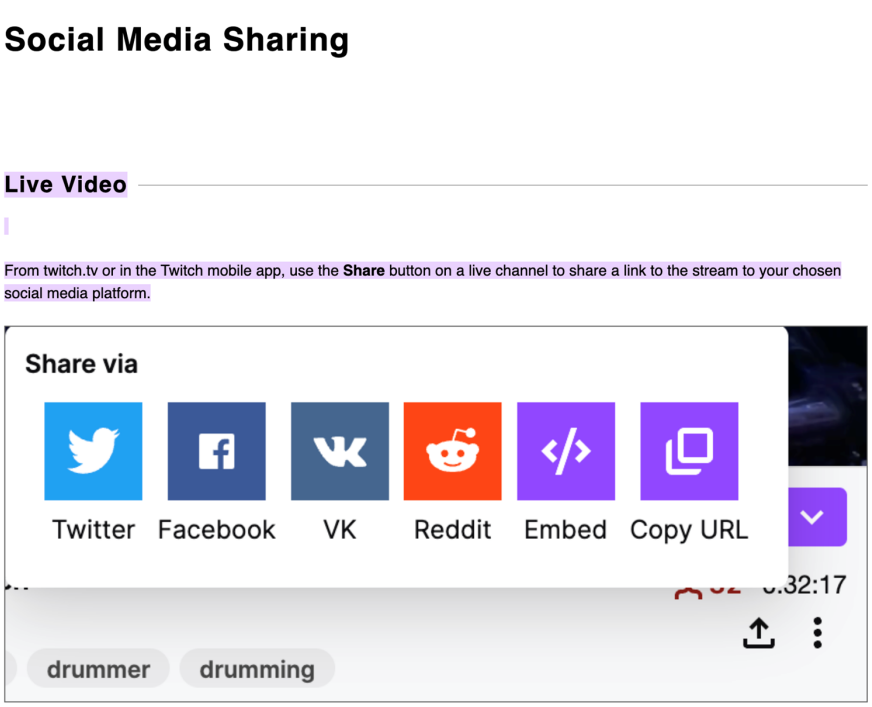
Using the Poll overlay

The Poll overlay allows you to display the currently active Poll on your channel onto your stream. You can do this by adding a browser source into your active scene and using the following URL - replace `{YOURUSERNAME}` with your own username:

```
https://www.twitch.tv/popout/{YOURUSERNAME}/poll
```

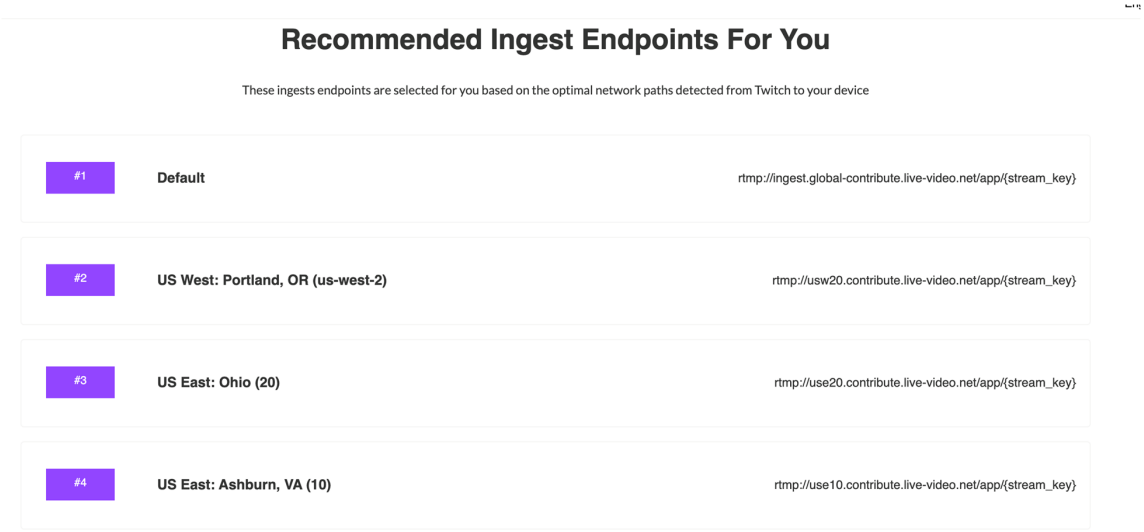
Id.

102. In another example, Twitch allows streamers to share their stream to social media platforms such as Facebook and Reddit:



https://help.twitch.tv/s/article/how-to-share-a-stream?language=en_US#:~:text=Live%20Video,your%20chosen%20social%20media%20platform (last visited 11/18/2025).

103. On information and belief, Twitch directly infringes claim 1 of the '388 Patent because it uses the claimed invention within the United States. Twitch servers located in the United States perform each and every limitation of method claim 1. For example, Twitch hosts Ingests Servers, which include "a specific Twitch server that receives [a user's] broadcast stream." https://help.twitch.tv/s/article/twitch-stream-key-faq?language=en_US#:~:text=TWITCH%2DINGEST%2DSERVER%20%2D%20This,that%20uniquely%20identifies%20your%20stream (last visited December 17, 2025). Twitch describes that several Ingest Endpoints are located in the United States:



104. On information and belief, Twitch servers perform infringing operations based on and using the ingested broadcast.

105. CP Studios has complied with the requirements of 35 U.S.C. § 287 to the extent applicable. Because the asserted claims of the ’388 Patent are method claims, and because CP Studios has not previously asserted any apparatus claims of the ’388 Patent, no duty to mark under 35 U.S.C. § 287(a) attaches to CP Studios.

106. Twitch has had knowledge of U.S. Patent Application No. 15/428,914, which matured into the ’388 Patent, since on or around November 18, 2018, when it received CP Studios’ November 16, 2018 letter. Ex. I at 276. Twitch has infringed and/or will continue to infringe the ’388 Patent.

107. As a result of Twitch’s infringement of the ’388 Patent, CP Studios has suffered and continues to suffer substantial injury and is entitled to recover all damages caused by Twitch’s infringement to the fullest extent permitted by the Patent Act, together with prejudgment interest and costs for Twitch’s wrongful conduct.

108. CP Studios has no adequate remedy at law to prevent future infringement of the '388 Patent. CP Studios suffers and continues to suffer irreparable harm as a result of Twitch's patent infringement and is, therefore, entitled to injunctive relief to enjoin Twitch's wrongful conduct.

FOURTH CAUSE OF ACTION
(PATENT INFRINGMENT UNDER 35 U.S.C. § 271 OF THE '054 PATENT)

109. CP Studios re-alleges and incorporates by reference all the foregoing paragraphs.

110. On information and belief, Defendant has directly infringed and continues to directly infringe either literally or under the doctrine of equivalents, one or more claims, including at least claim 1 of the '054 Patent in violation of 35 U.S.C. § 271, et seq., by making, using, offering to sell, selling, and/or importing at least the Accused Instrumentalities.

111. Claim 1 of the '054 Patent provides:

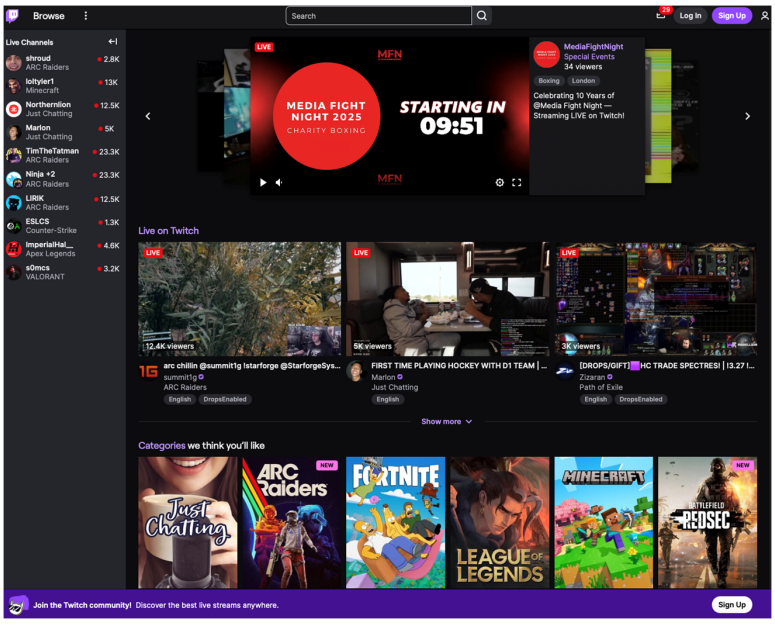
> A computer-implemented method using a plurality of computing devices in a cloud computing network, the method comprising:
>
> [1] providing access to a video gaming application operated in the cloud computing network to the plurality of computing devices;
>
> [2] enabling a first computing device of the plurality of computing devices to participate in a first gameplay of the video gaming application via the cloud computing network, the first computing device participating in the first gameplay via a first gaming platform;
>
> [3] enabling a second computing device of the plurality of computing devices to participate in a second gameplay of the video gaming application via the cloud computing network, the second computing device participating in the second gameplay via a second gaming platform;

[4] receiving one or more interactions via a social network service in association with an event from one of the first gameplay and the second gameplay of the video gaming application;

[5] determining an influence to one of the first gameplay and the second gameplay of the video gaming application based on the one or more interactions via the social network service; and

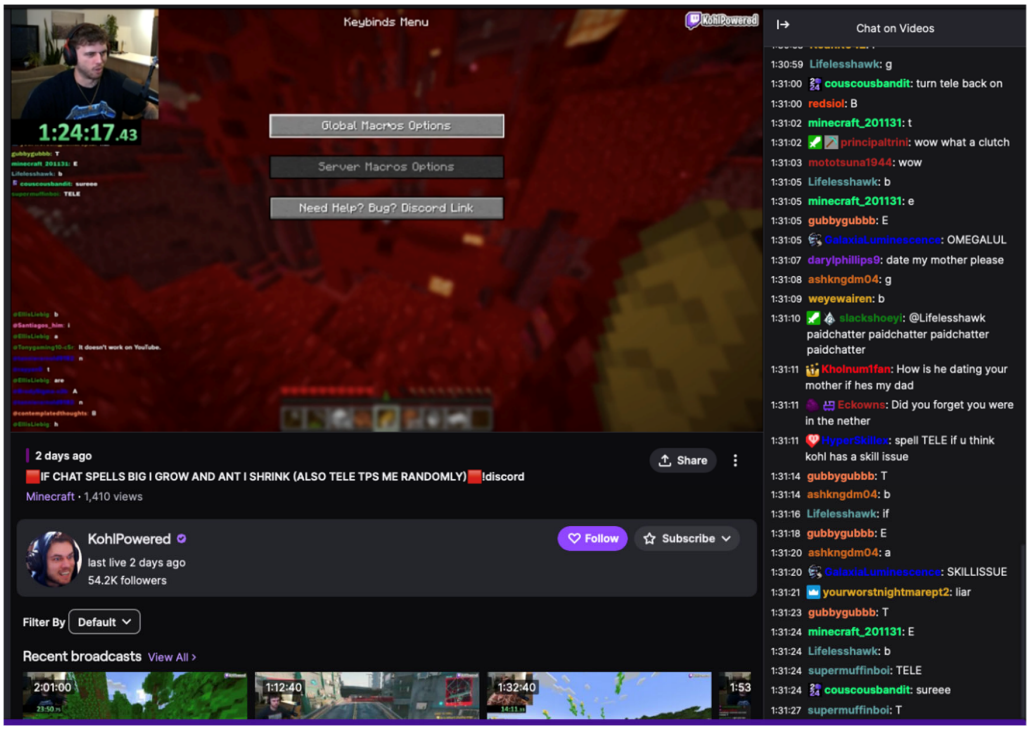
[6] modifying one of the first gameplay and the second gameplay of the video gaming application based on the influence.

112. The preamble of claim 1 requires "A computer-implemented method using a plurality of computing devices in a cloud computing network, the method comprising." To the extent the pre-amble is limiting, the Accused Instrumentalities implement "[a] computer-implemented method using a plurality of computing devices in a cloud computing network, the method comprising." For example, the Accused Instrumentalities provide a video gaming environment in a cloud computing network to a plurality of computing devices. Accused Instrumentality Twitch.tv is one such gaming environment, such gaming environment being provided to both game players and streaming viewers. *See, e.g.*, https://www.twitch.tv (last visited 11/7/2025).



113. Limitation [1] of claim 1 requires "providing access to a video gaming application operated in the cloud computing network to the plurality of computing devices." The Accused Instrumentalities perform "providing access to a video gaming application operated in the cloud computing network to the plurality of computing devices." For example, in the below screenshot, user Kohlpowered is hosting a stream while playing Minecraft. Other players are playing Minecraft at the same time. *See* https://www.minecraft.net/en-us/article/how-play-minecraft-server#:~:text=Join%20up%20with%20your%20friends,need%20help%20setting%20one%20up (last visited 11/19/2025). In the right-hand side of the screen other users viewing the stream are using the chat feature to comment on the game, and in some instances modify game play as

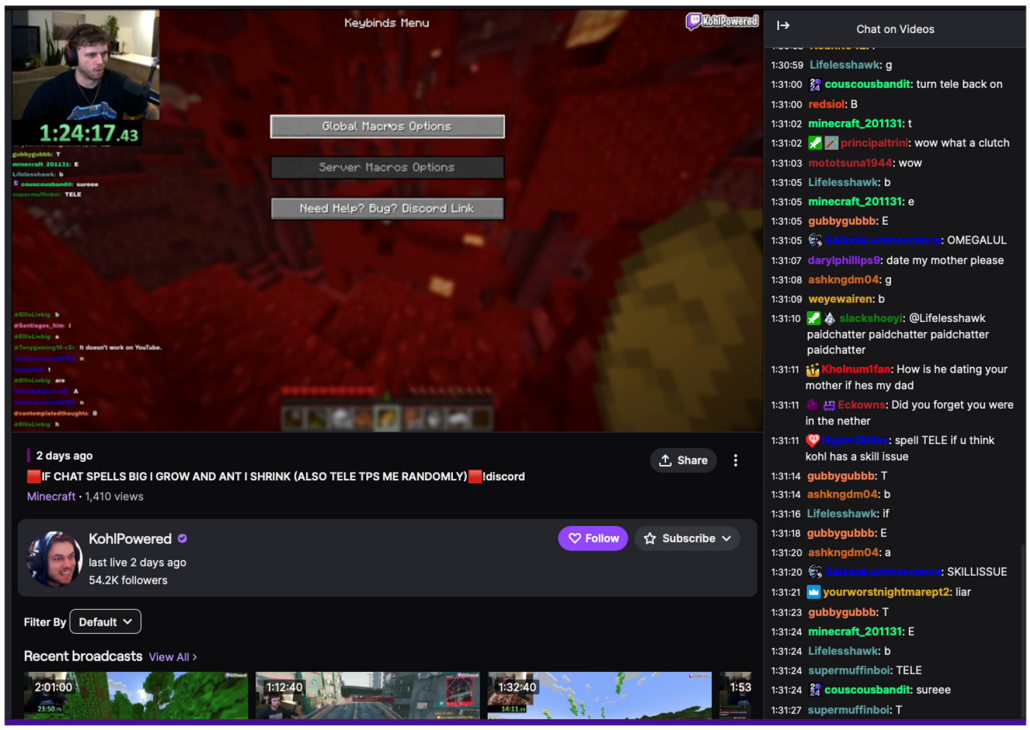
discussed in more detail below. User Kohlpowered and other users viewing the stream are provided with a user interface that displays the Minecraft gaming environment, as below.



https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025). Thus, multiple users are accessing the video gaming environment on a plurality of corresponding computing devices.

114. Limitation [2] of claim 1 requires "enabling a first computing device of the plurality of computing devices to participate in a first gameplay of the video gaming application via the cloud computing network, the first computing device participating in the first gameplay via a first gaming platform." The Accused Instrumentalities perform "enabling a first computing device of the plurality of computing devices to participate in a first gameplay of the video gaming application via the cloud computing network, the first computing device participating in the first gameplay via a first gaming platform." For example, in the below screenshot, user Kohlpowered is hosting a stream while playing Minecraft via a gaming platform. For example, Defendant provides software in the form of Apps to run on various computing devices for download from its website. *See*

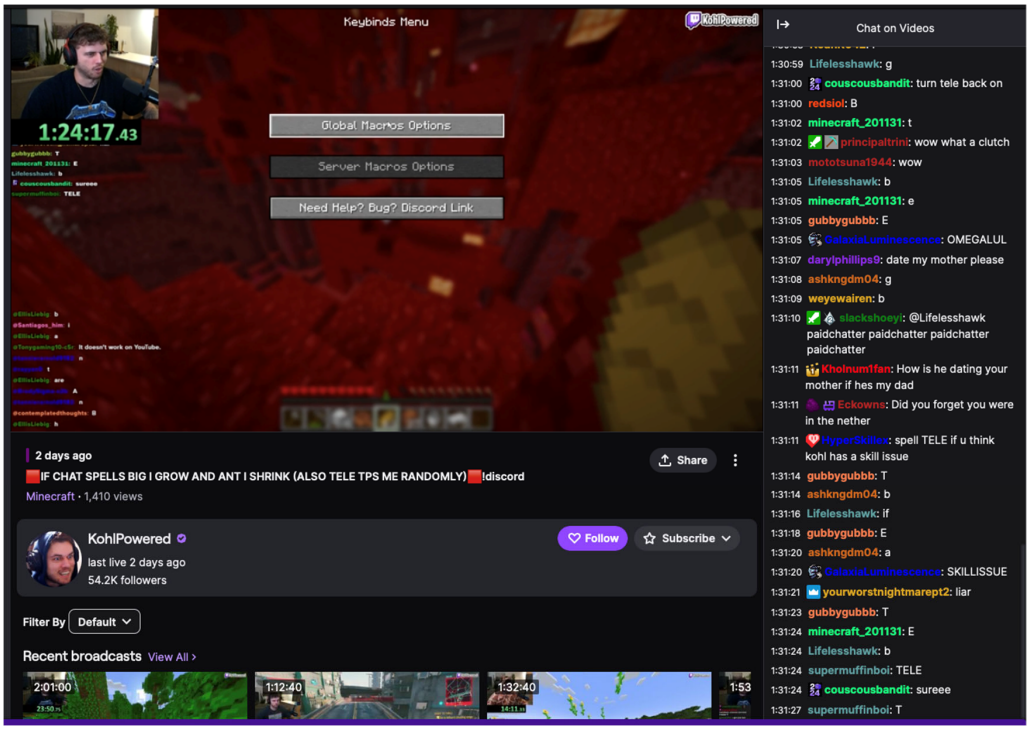
http://app.twitch.download (last visited 11/7/2025). These Apps allow users to play various games via the Twitch service. Other players are playing Minecraft at the same time via respective gaming platforms, and in the right-hand side of the screen other users viewing the stream are using the chat feature to comment on the game, and in some instances modify game play as discussed in more detail below.



https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025). Thus, a first computing device participates in Minecraft gameplay via a first gaming platform.

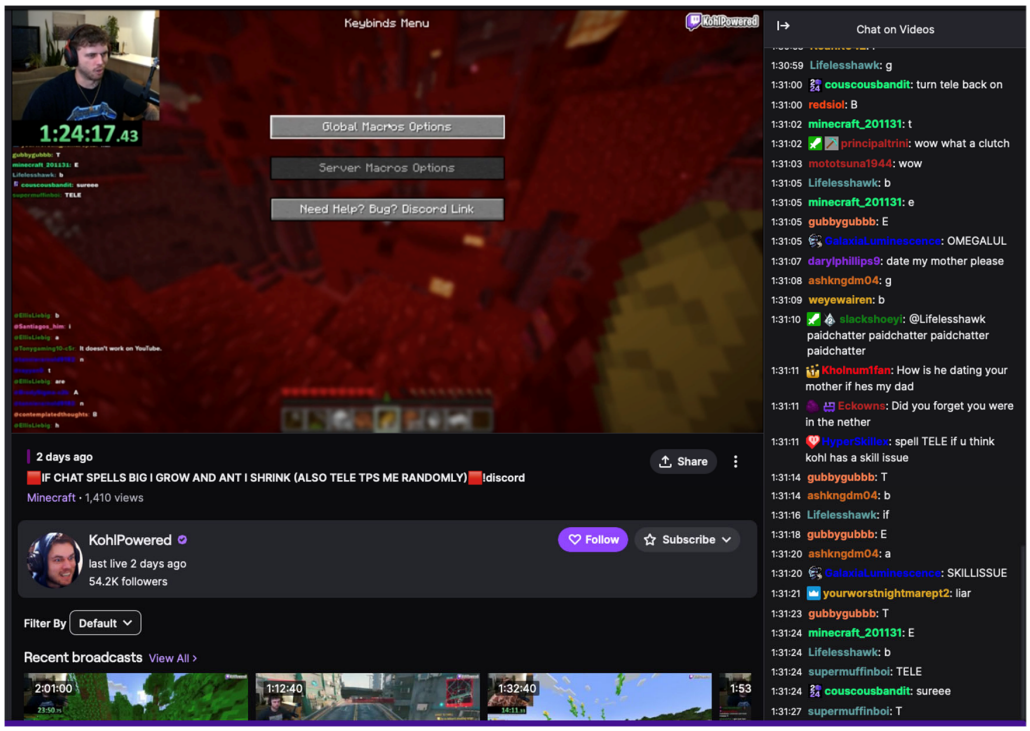
115. Limitation [3] of claim 1 requires "enabling a second computing device of the plurality of computing devices to participate in a second gameplay of the video gaming application via the cloud computing network, the second computing device participating in the second gameplay via a second gaming platform." The Accused Instrumentalities perform "enabling a second computing device of the plurality of computing devices to participate in a second gameplay

of the video gaming application via the cloud computing network, the second computing device participating in the second gameplay via a second gaming platform." For example, in the below screenshot, user Kohlpowered is hosting a stream while playing Minecraft via a gaming platform. Other players are playing Minecraft at the same time via respective gaming platforms. *See* https://www.minecraft.net/en-us/article/how-play-minecraft-server#:~:text=Join%20up%20with%20your%20friends,need%20help%20setting%20one%20up (last visited 11/19/2025). Defendant provides software in the form of Apps to run on various computing devices for download from its website. *See* http://app.twitch.download (last visited 11/7/2025). These Apps allow users to play various games via the Twitch service. In the right-hand side of the screen other users viewing the stream are using the chat feature to comment on the game, and in some instances modify game play as discussed in more detail below.



https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025). Thus, a second computing device of the plurality of computing devices participate in a second gameplay of the video gaming application via a second gaming platform.

116. Limitation [4] of claim 1 requires "receiving one or more interactions via a social network service in association with an event from one of the first gameplay and the second gameplay of the video gaming application." The Accused Instrumentalities perform "receiving one or more interactions via a social network service in association with an event from one of the first gameplay and the second gameplay of the video gaming application." For example, the Accused Instrumentalities provide interactive features that allow non-players to provide comments via a chat feature allowing multiple non-players to comment on the gameplay or respond to comments from other non-players. For example, the right-hand window below shows a chat window with multiple chat users commenting on Minecraft.



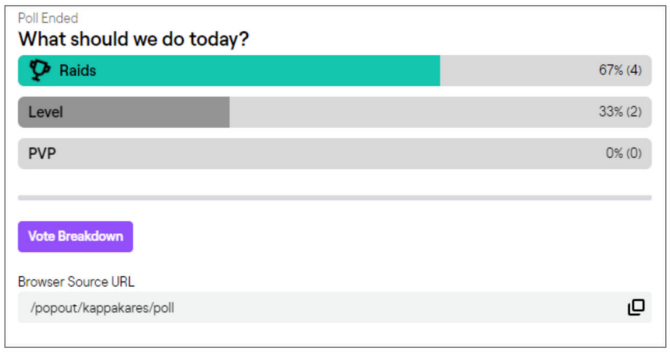
https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025).

117. Additionally, the Twitch developer documents explain that "Chat is an essential part of the Twitch experience, allowing community members, streamers, chatbots to interact with each other in real time." https://dev.twitch.tv/docs/chat/ (last visited on 11/7/2025). In the above example, users can enter a sequence of letters into the chat to affect the game and game play. In the above example, as the title indicates, if the non-players in the chat spell "BIG," the player grows, "ANT," the player shrinks, and "TELE" the player gets teleported somewhere else. In another example, users can enter commands into the chat to spawn enemies, clone player and other actions. *See e.g.* https://clonedroneinthedangerzone.com/twitch/ (last visited 11/7/2025).

118. In another example, Twitch describes that "[e]ligible voters, depending on the Poll settings, will be able to vote once for free on their answer choice." https://help.twitch.tv/s/article/how-to-use-polls?language=en_US (last visited 11/18/2025). Twitch also describes that interactions with the poll are tallied, as below:

Once you've configured your Poll, click the **Start Poll** button and watch the results come in on your Creator Dashboard.

On the Poll panel you will be able to see a real time breakdown of your Poll results and the option to end the Poll early on your Dashboard.



Once a Poll has ended a Poll breakdown will be made available to you. The breakdown will be available at:

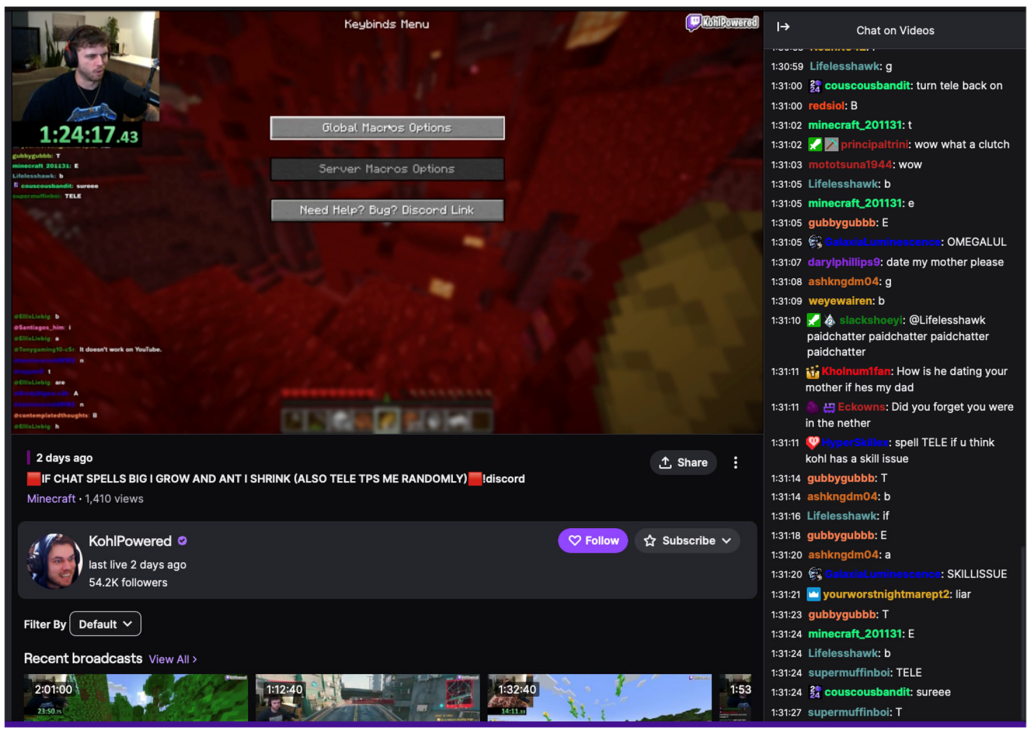
```
https://twitch.tv/popout/{YOURUSERNAME}/poll
```

Id.

119. In another example, Twitch describes that the Accused Instrumentalities "share a link to the stream to your chosen social media platform." https://help.twitch.tv/s/article/how-to-

share-a-stream?language=en_US#social (last visited 11/18/2025). Users can interact with such links to access the linked stream.

120. Limitation [4] of claim 1 requires "determining an influence to one of the first gameplay and the second gameplay of the video gaming application based on the one or more interactions via the social network service." The Accused Instrumentalities perform "determining an influence to one of the first gameplay and the second gameplay of the video gaming application based on the one or more interactions via the social network service." For example, the Accused Instrumentalities provide interactive features that allow non-players to provide comments via a chat feature allowing multiple non-players to comment on the gameplay or respond to comments from other non-players. For example, the right-hand window below shows a chat window with multiple chat users commenting on Minecraft.



https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025).

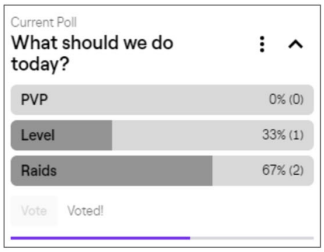
121. Additionally, the Twitch developer documents explain that "Chat is an essential part of the Twitch experience, allowing community members, streamers, chatbots to interact with each other in real time." https://dev.twitch.tv/docs/chat/ (last visited on 11/7/2025). In the above example, users can enter a sequence of letters into the chat to affect the game and game play. In the above example, as the title indicates, if the non-players in the chat spell "BIG," the player grows, "ANT," the player shrinks, and "TELE" the player gets teleported somewhere else. In another example, users can enter commands into the chat to spawn enemies, clone player and other actions. *See e.g.* https://clonedroneinthedangerzone.com/twitch/ (last visited 11/7/2025).

122. In another example, Twitch describes that "[p]olls can be created by streamers and voted on by viewers. Polls are a great way for streamers to gauge feedback from their community, figure out what game they should play next or even just ask their community how they're doing today. Streamers can start a poll at any time and viewers can begin to vote on their option." https://help.twitch.tv/s/article/how-to-use-polls?language=en_US (last visited 11/18/2025). Twitch further describes that polls are published to the "top of the chat window," as below:

Voting in Polls

When a Poll is created a modal will be displayed at the top of the chat window. You can expand the poll to see what the question and selection of choices are by clicking the **Arrow Down** icon. Options can be voted on by selecting the option and clicking the **Vote** button. Alternatively, you can vote using chat commands by typing `/vote` and the number of your desired option.

For example: `/vote 2` would vote for "Level" on the poll in the screenshot below.



Polls can be configured by the streamer to be:

- Additional votes with Channel Points (not available on mobile)

Eligible voters, depending on the Poll settings, will be able to vote once for free on their answer choice. If the Poll has been configured to accept additional votes using Channel Points you may continue to vote using Channel Points for each consecutive vote.

Id. Twitch describes that polls can be overlaid in the game environment:

Using the Poll overlay

The Poll overlay allows you to display the currently active Poll on your channel onto your stream. You can do this by adding a browser source into your active scene and using the following URL - replace `{YOURUSERNAME}` with your own username:

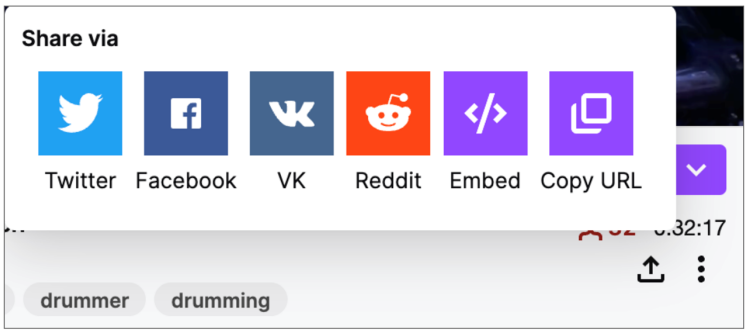
```
https://www.twitch.tv/popout/{YOURUSERNAME}/poll
```

123. In another example, Twitch allows streamers to share their stream to social media platforms such as Facebook and Reddit:

Social Media Sharing

Live Video

From twitch.tv or in the Twitch mobile app, use the **Share** button on a live channel to share a link to the stream to your chosen social media platform.

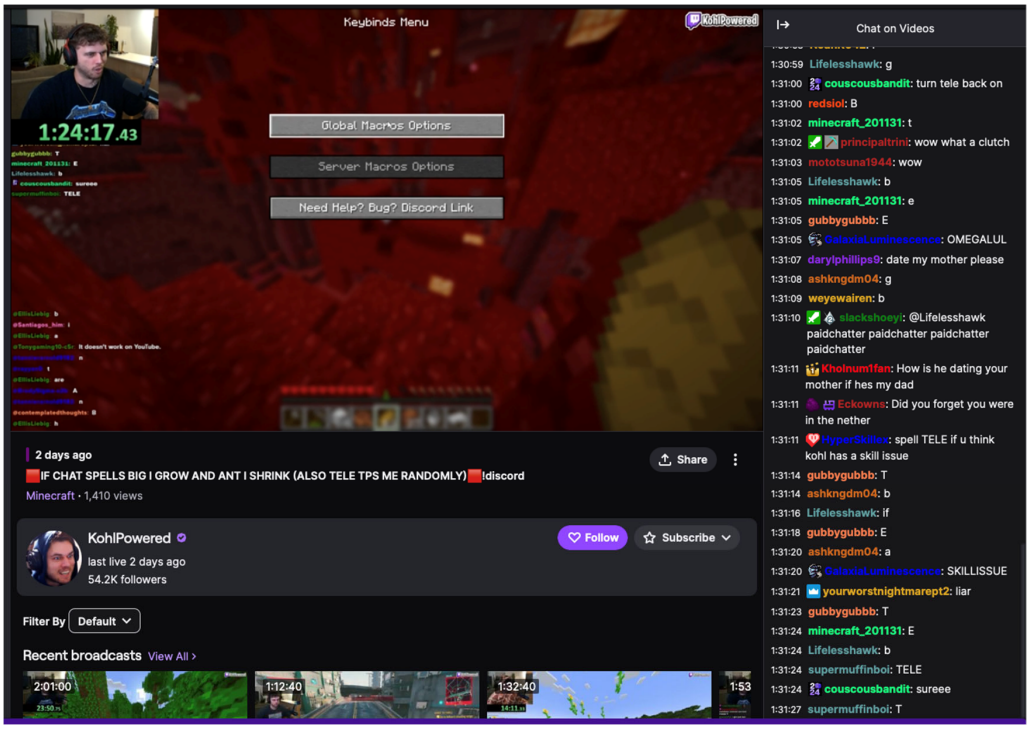


https://help.twitch.tv/s/article/how-to-share-a-stream?language=en_US#:~:text=Live%20Video,your%20chosen%20social%20media%20platform. (last visited 11/18/2025).

124. These links allow users to access the stream.

125. Limitation [5] of claim 1 requires "modifying one of the first gameplay and the second gameplay of the video gaming application based on the influence." The Accused Instrumentalities perform "modifying one of the first gameplay and the second gameplay of the video gaming application based on the influence." For example, the Accused Instrumentalities

provide interactive features that allow non-players to provide comments via a chat feature allowing multiple non-players to comment on the gameplay or respond to comments from other non-players. For example, the right-hand window below shows a chat window with multiple chat users commenting on Minecraft.



https://www.twitch.tv/videos/2610788688 (last visited on 11/7/2025).

126. Additionally, the Twitch developer documents explain that "Chat is an essential part of the Twitch experience, allowing community members, streamers, chatbots to interact with each other in real time." https://dev.twitch.tv/docs/chat/ (last visited on 11/7/2025). In the above example, users can enter a sequence of letters into the chat to affect the game and game play. In the above example, as the title indicates, if the non-players in the chat spell "BIG," the player grows, "ANT," the player shrinks, and "TELE" the player gets teleported somewhere else. In

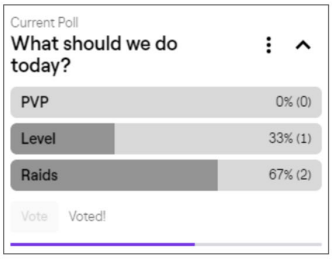
another example, users can enter commands into the chat to spawn enemies, clone player and other actions. *See, e.g.*, https://clonedroneinthedangerzone.com/twitch/ (last visited 11/7/2025).

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Voting in Polls

When a Poll is created a modal will be displayed at the top of the chat window. You can expand the poll to see what the question and selection of choices are by clicking the **Arrow Down** icon. Options can be voted on by selecting the option and clicking the **Vote** button. Alternatively, you can vote using chat commands by typing `/vote` and the number of your desired option.

For example: `/vote 2` would vote for "Level" on the poll in the screenshot below.



Polls can be configured by the streamer to be:

- Additional votes with Channel Points (not available on mobile)

Eligible voters, depending on the Poll settings, will be able to vote once for free on their answer choice. If the Poll has been configured to accept additional votes using Channel Points you may continue to vote using Channel Points for each consecutive vote.

Id. Twitch describes that polls can be overlay in the game environment:

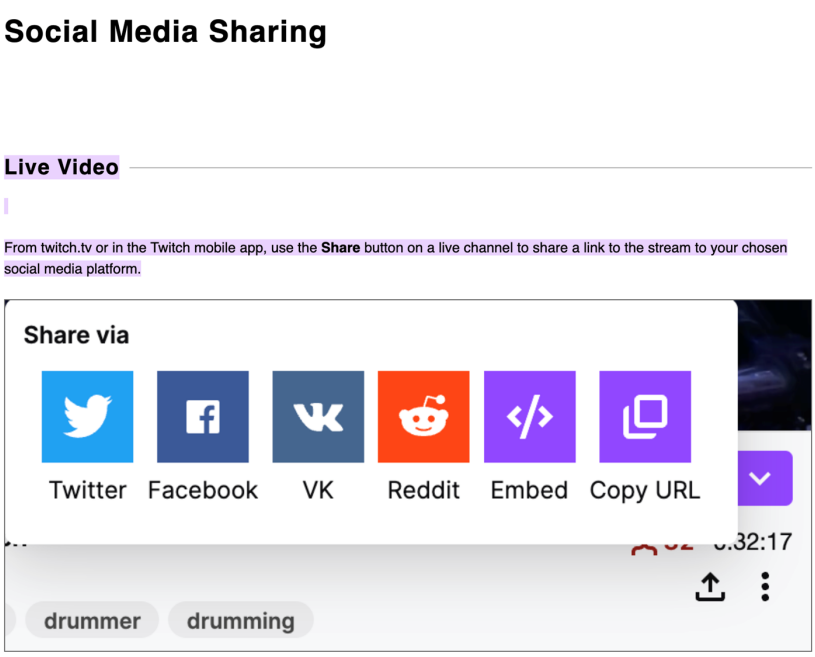
Using the Poll overlay

The Poll overlay allows you to display the currently active Poll on your channel onto your stream. You can do this by adding a browser source into your active scene and using the following URL - replace `{YOURUSERNAME}` with your own username:

```
https://www.twitch.tv/popout/{YOURUSERNAME}/poll
```

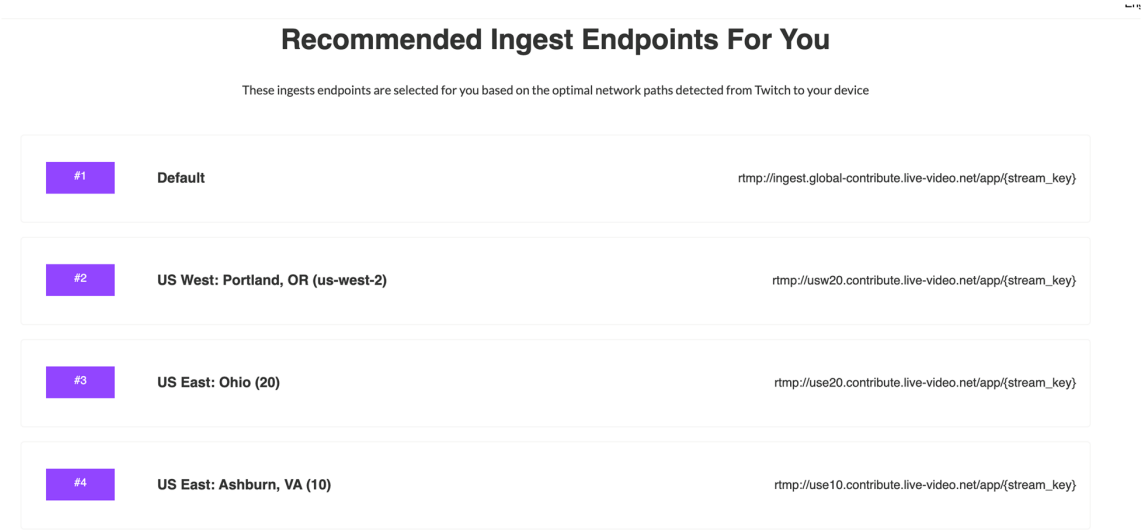
Id.

128. In another example, Twitch allows streamers to share their stream to social media platforms such as Facebook and Reddit:



https://help.twitch.tv/s/article/how-to-share-a-stream?language=en_US#:~:text=Live%20Video,your%20chosen%20social%20media%20platform (last visited 11/18/2025).

129. On information and belief, Twitch directly infringes claim 1 of the '054 Patent because it uses the claimed invention within the United States. Twitch servers located in the United States perform each and every limitation of method claim 1. For example, Twitch hosts Ingests Servers, which include "a specific Twitch server that receives [a user's] broadcast stream." https://help.twitch.tv/s/article/twitch-stream-key-faq?language=en_US#:~:text=TWITCH%2DINGEST%2DSERVER%20%2D%20This,that%20uniquely%20identifies%20your%20stream (last visited December 17, 2025). Twitch describes that several Ingest Endpoints are located in the United States:



130. On information and belief, Twitch servers perform infringing operations based on and using the ingested broadcast.

131. CP Studios has complied with the requirements of 35 U.S.C. § 287 to the extent applicable. Because the asserted claims of the ’054 Patent are method claims, and because CP Studios has not previously asserted any apparatus claims of the ’054 Patent, no duty to mark under 35 U.S.C. § 287(a) attaches to CP Studios.

132. Twitch has infringed and/or will continue to infringe the ’054 Patent.

133. As a result of Twitch’s infringement of the ’054 Patent, CP Studios has suffered and continues to suffer substantial injury and is entitled to recover all damages caused by Twitch’s infringement to the fullest extent permitted by the Patent Act, together with prejudgment interest and costs for Twitch’s wrongful conduct.

134. CP Studios has no adequate remedy at law to prevent future infringement of the ’054 Patent. CP Studios suffers and continues to suffer irreparable harm as a result of Twitch’s patent infringement and is, therefore, entitled to injunctive relief to enjoin Twitch’s wrongful conduct.

PRAYER FOR RELIEF

WHEREFORE, CP Studios respectfully requests judgment against Defendant, and that the Court adjudge that:

135. Defendant is liable for infringing the ’132 Patent;

136. Defendant is liable for infringing the ’373 Patent;

137. Defendant is liable for infringing the ’388 Patent;

138. Defendant is liable for infringing the ’054 Patent;

139. Defendant willfully infringes the ’132 Patent.

140. CP Studios is entitled to and shall be awarded damages by this Court under 35 U.S.C. § 284 sufficient to compensate for Defendant’s infringement, including but not limited to infringement occurring before the filing of this lawsuit;

141. CP Studios is entitled to and shall be awarded by this Court any post-judgment ongoing royalties under 35 U.S.C. § 284 as may be appropriate;

142. CP Studios is entitled to treble damages because Twitch’s infringement has been willful;

143. CP Studios is entitled to and shall be awarded by this Court any applicable pre-judgment, post-judgment interest, and costs; and

144. this Court award CP Studios such other relief at law or in equity as the Court deems just and proper.

JURY DEMAND

145. CP Studios requests that all claims and causes of action be tried to a jury to the fullest extent possible.

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Dated: May 18, 2026

Respectfully submitted,

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