

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STATE FARM MUTUAL AUTOMOBILE	)	
INSURANCE CO.,	)	
	)	C.A. No.
Plaintiff,	)	
	)	DEMAND FOR JURY TRIAL
v.	)	
	)	
AMAZON.COM, INC.,	)	
AMAZON DIGITAL SERVICES LLC, and	)	
AMAZON.COM SERVICES LLC,	)	
	)	
Defendants.	)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff State Farm Mutual Automobile Insurance Company (“State Farm” or “Plaintiff”) files this Complaint for Patent Infringement and Demand for Jury Trial against Amazon.com, Inc., Amazon Digital Services LLC, and Amazon.com Services LLC (collectively, “Amazon” or “Defendants”).

INTRODUCTION

1. This is a case about innovation, and the infringement and theft of intellectual property that threatens to undermine it. The patents-at-issue in this case concern key elder care advancements that State Farm developed and partnered with Amazon to adapt for Amazon Alexa-enabled devices until Amazon took State Farm’s patented technology and used its vast marketing power to launch its own product to its millions of users.

2. State Farm welcomes competition and does not bring litigation lightly. In fact, it has never before filed suit for patent infringement. But Amazon’s blatant, willful infringement creates an unfair playing field and threatens the ability to innovate. Amazon’s infringement is so contrary to State Farm’s core values of being “a good neighbor”—both in terms of the irreparable

harm it has caused State Farm, and to innovation as a whole—that State Farm had no choice but to bring this action. As noted in further detail below, this is just the latest example of Amazon unfairly using its widespread platform and global scale to siphon other companies’ innovations for its own gain.

3. State Farm was founded in 1922 by a visionary farmer in central Illinois to provide affordable automobile insurance to farmers and rural drivers, and has been well-known for a hundred years as a leading provider of insurance and financial services, servicing its customers first, and not being beholden to stockholders. Innovation has always been at the core of State Farm’s mission to help its customers and improve customer service, beginning with its founder’s visionary ideas to better match insurance pricing to risk, resulting in lower cost insurance for rural insureds.

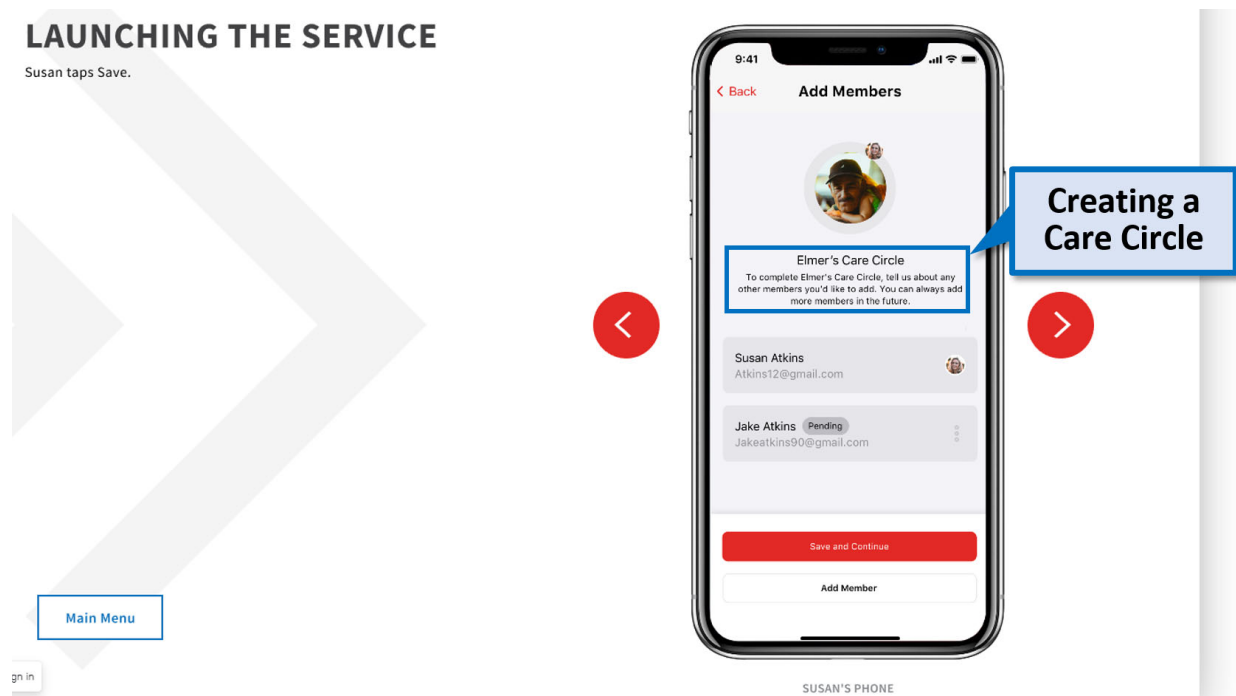
4. State Farm has continued to develop innovative technologies relating to its core business since its founding, devoting significant resources to identifying, researching, and developing critical technologies for the betterment of its customers. Among its many technological innovations, State Farm has fostered key advancements in automobile safety, home safety and security, disaster response, sustainability, and energy efficiency. More recently, since founding its RED Labs department in 2017, State Farm has advanced the use of aerial drone images to model risk and assess damage to homes, virtual reality to improve employee training and post-training retention, smart monitoring to reduce electrical fire risk, and the elder care technologies at issue in this case.

5. Such technological innovation requires extensive investments. To that end, State Farm employs technicians, engineers, and product developers throughout the United States, and has spent millions of dollars to research new and emerging technologies and develop a wide range

of products that allow it to provide better and more efficient services to its customers, as well as make the lives of its customers better in ways that were not previously attainable. To protect its substantial investments in research and development, State Farm has been awarded over 1,500 United States patents for its key technical innovations to date.

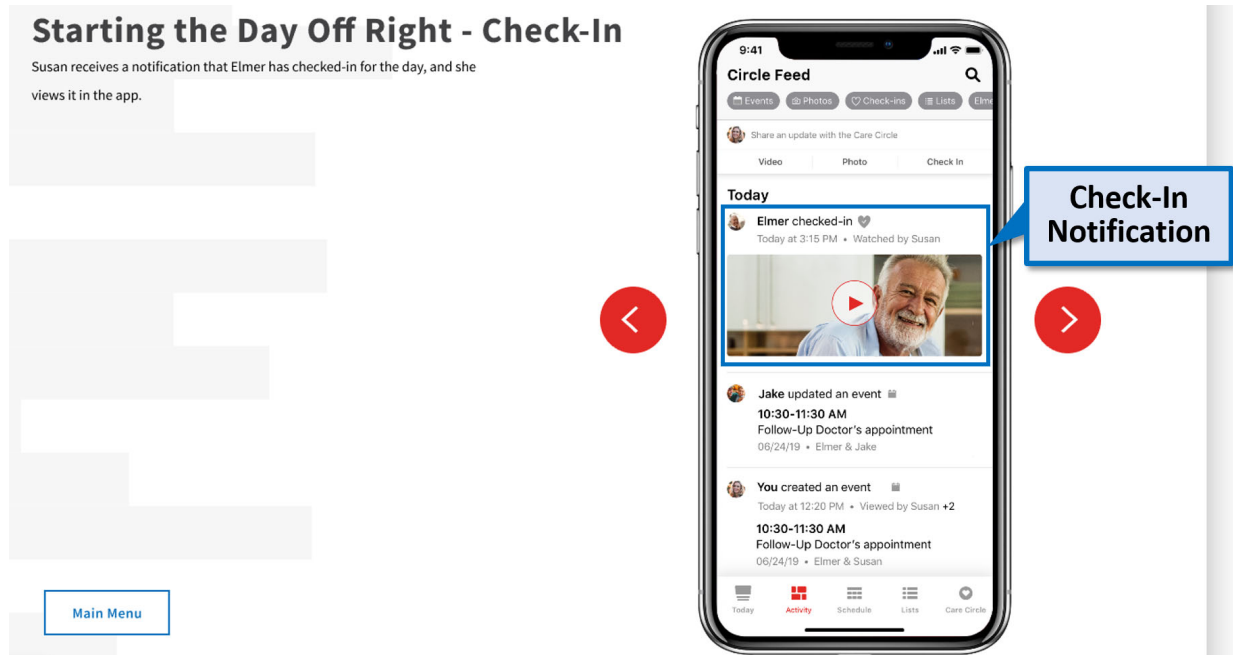
6. Among its many innovations, State Farm is responsible for key, specific technological advancements associated with “Senior Living,” the primary goal of which is to allow seniors to live independently and remain in their homes longer. Some of those innovations resulted in a novel Engagement and Care Support Platform (“ECSP”), which culminated in a product called “Sundial®,” and which is protected by the patents asserted in this suit. Arising out of a multi-year research and development process, and focusing on assisting seniors who wish to remain in their own homes as they age, State Farm’s novel ECSP includes specific technological functionality that facilitates allowing elderly users to maintain their independence, while simultaneously permitting caregivers and family members to maintain insight into the activity levels of the elderly user, all through a new technological platform designed and developed by State Farm.

7. As shown in the design document excerpted below, Sundial® includes a virtual care hub which provides family members, neighbors, friends, and other caregivers specific technological functionality allowing them to connect and communicate.



Ex. 7, Sundial® Design Document (annotations in blue added).

8. As depicted below, a primary feature of Sundial® was a specific technological mechanism providing the ability to monitor a senior's use of their electronic devices and send notifications to the mobile devices of their virtual care circle members once the senior had used an electronic device for the first time in the morning, *i.e.*, a "check-in" feature.



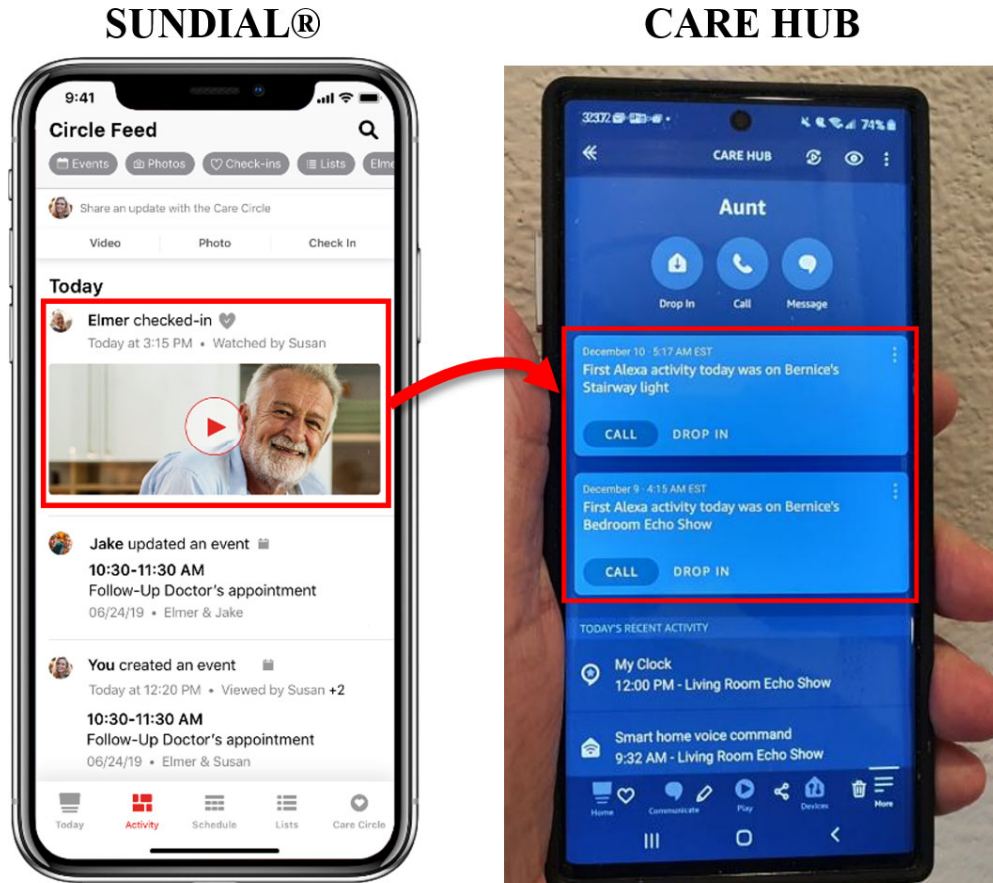
Ex. 8, Sundial® Design Document (annotations in blue added).

9. State Farm publicly launched its Sundial® product on June 22, 2020. Ex. 9, Dave Phillips, Sundial Points the Way to Connected Living, GOOD NEIGHBOR STORIES, June 22, 2020, *available at* <https://newsroom.statefarm.com/sundial-points-the-way-to-connected-living/>.

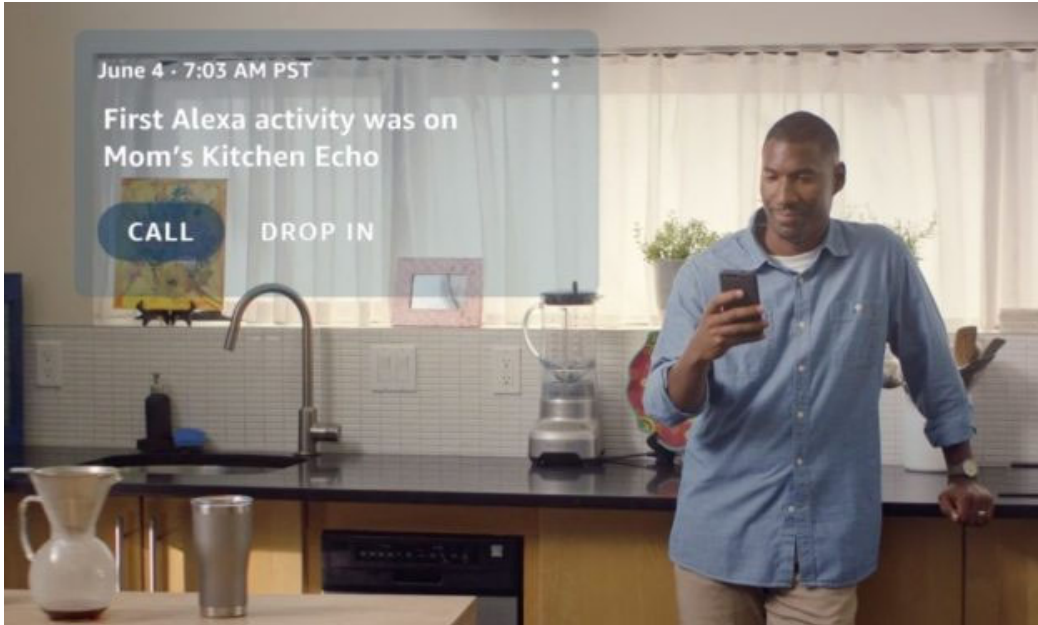
10. Amazon’s story, when it comes to the matters at issue in this case, is quite different from State Farm’s. Amazon was founded in 1994 as an online marketplace. It has since expanded into multiple product categories, including virtual assistant technology, such as Amazon’s “Alexa” device. However, unlike State Farm, Amazon was unable to independently produce technological innovations in that area that were suited to meeting the aforementioned needs of elderly users and their caregivers. Instead, over the course of 2019 and 2020, in connection with State Farm’s efforts to adapt its Sundial® application for Amazon Alexa-enabled devices, Amazon closely watched as State Farm’s senior product and technical personnel completed development of State Farm’s patented Sundial® technology. Amazon held regular meetings with State Farm, received materials concerning State Farm’s innovative, patent-pending technologies, and Amazon’s engineers,

executives, and other personnel learned about the structure, operation, functions of, and applications for those patented technologies.

11. But Amazon did not stop at merely watching; instead, its egregious actions, under the guise of an alleged partnership, reflect blatant, willful infringement. Rather than viewing its work with State Farm as the partnership it was intended to be, Amazon saw an opportunity to copy State Farm’s pioneering, proprietary technologies and avoid the expensive and time-consuming effort that would have been necessary to develop its own innovations in the elder care space for Alexa. Amazon did not have a comparable product in the elder care space until it launched Alexa “Care Hub” in November 2020, over a year after it was introduced to State Farm’s patented ECSP product. In September 2020, just over two months after State Farm publicly launched its Sundial® product, Amazon began promoting its Alexa “Care Hub” product. Amazon’s Alexa “Care Hub” even included its own “check-in” feature similar to that provided by Sundial® as shown below—reflecting unabashed copying.



Ex. 8, Sundial® Design Document (annotations added); Ex. 10, Frank Engelman, Alexa Care Hub: How To Advice, TECH-ENHANCED LIFE, September 10, 2020, *available at* <https://www.techenhancedlife.com/citizen-research/alexa-care-hub-set-up> (last visited November 2, 2022) (annotations added).



Ex. 11, Khari Johnson, Amazon launches Care Hub for family to monitor senior citizens, VENTUREBEAT, September 24, 2020, *available at* <https://venturebeat.com/2020/09/24/amazon-launches-care-hub-for-family-to-monitor-senior-citizens/> (last visited November 2, 2022).

12. The timing of Amazon’s advertising and product launch was no coincidence, and State Farm promptly notified Amazon that its products used State Farm’s patented technology. Even then, Amazon did not stop. To the contrary, within six months, Amazon launched a new subscription version of the Alexa Care Hub, called “Alexa Together,” which, like the Alexa Care Hub, also infringes State Farm’s patents. Indeed, Alexa Together incorporates even more of State Farm’s highly innovative and patented features—including the innovative “circle of friends” technology, which provides a specific, technical approach to allowing family members and other caregivers to share responsibilities in providing support for their relatives.

13. Shortly after Amazon’s announcement, State Farm again informed Amazon that Alexa Together used State Farm’s patents. Undeterred, in December 2021, despite full notice of its infringement of State Farm’s patents, Amazon launched Alexa Together in blatant disregard of State Farm’s intellectual property rights.

14. Despite State Farm repeatedly notifying Amazon of its infringement and State Farm's attempts to resolve this issue amicably, Amazon continues its infringing campaign. As such, State Farm has no choice but to bring this lawsuit to protect its intellectual property investments and to hold Amazon accountable for its willful infringement and blatant disregard for State Farm's intellectual property rights. Amazon's actions have caused harm, and continue to cause harm, to State Farm by incorporating State Farm's patented technologies into Amazon's products.

15. Sadly, this conduct is not new for Amazon. This is just the latest example of a pattern of anticompetitive behavior, including intellectual property infringement and other flagrant violations of the partnership agreements into which it has entered. Amazon's repeated efforts to run roughshod over other companies that develop their own products, services, and technologies—documented repeatedly by a variety of sources—significantly harms innovation and undermines the intent of the U.S. patent laws. *See, e.g.,* Ex. 12, Dana Mattioli, ***How Amazon Wins: By Steamrolling Rivals and Partners***, The Wall Street Journal (last updated December 22, 2020), available at <https://www.wsj.com/articles/amazon-competition-shopify-wayfair-allbirds-antitrust-11608235127> (detailing Amazon's aggressive tactics with partners and competitors); Ex. 13, Dana Mattioli and Cara Lombardo, ***Amazon Met With Startups About Investing, Then Launched Competing Products***, The Wall Street Journal (last updated July 23, 2020) available at <https://www.wsj.com/articles/amazon-tech-startup-echo-bezos-alexa-investment-fund-11595520249> (detailing how Amazon exploits information and data that is shared with the company and uses it to create competing services); Ex. 14, Aditya Kalra and Steve Stecklow, ***Amazon Copied Products and Rigged Search Results to Promote Its Own Brands, Documents Show***, Reuters (last updated October 13, 2021), available at

<https://www.reuters.com/investigates/special-report/amazon-india-rigging/> (detailing how Amazon’s internal documents show how it copied goods and boosted its own search results in India); Ex. 15, Dana Mattioli, *Amazon Scooped Up Data From Its Own Sellers to Launch Competing Products*, The Wall Street Journal (last updated April 23, 2020), *available at* <https://www.wsj.com/articles/amazon-scooped-up-data-from-its-own-sellers-to-launch-competing-products-11587650015> (detailing how Amazon used data from independent sellers on their platform to develop competing products); Ex. 16, Charles Duhigg, *Is Amazon Unstoppable?*, The New Yorker (Oct. 10, 2019), *available at* <https://www.newyorker.com/magazine/2019/10/21/is-amazon-unstoppable> (discussing Amazon’s history of copying products of third parties, noting “Amazon’s obsession with expansion made it the corporate equivalent of a colonizer, ruthlessly invading new industries and subjugating many smaller companies along the way.”).

16. If Amazon’s improper use of State Farm’s technologies allows Amazon to avoid the investments in time and money needed to independently develop new products, other companies will be encouraged to simply use others’ proprietary technologies rather than hire engineers, invest in innovation, and develop new technologies organically, and true innovators will simply give up or give in. Amazon should therefore be enjoined from improperly infringing State Farm’s lawful patent rights.

NATURE OF THE CASE

17. Plaintiff brings claims under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, for the willful infringement of the following United States patents: U.S. Patent Nos. 11,107,581 (“the ’581 patent”), 11,114,203 (“the ’203 patent”), 11,056,235 (“the ’235 patent”), 11,393,585 (“the ’585 patent”), 10,825,318 (“the ’318 patent”), and 11,094,180 (“the ’180 patent”) (collectively, the “Patents-in-Suit”).

THE PARTIES

18. State Farm is a mutual insurance company organized under the laws of the State of Illinois, with its principal place of business at One State Farm Plaza, Bloomington, Illinois 61710.

19. Amazon.com, Inc. is a corporation organized under the laws of the State of Delaware, with its principal place of business at 410 Terry Avenue North, Seattle, Washington 98109.

20. Amazon Digital Services LLC is a corporation organized under the laws of the State of Delaware, with its principal place of business at 410 Terry Avenue North, Seattle, Washington 98109.

21. Amazon.com Services LLC is a corporation organized under the laws of the State of Delaware, with its principal place of business at 410 Terry Avenue North, Seattle, Washington 98109.

JURISDICTION & VENUE

22. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

23. The Court has personal jurisdiction over Amazon in this action because each Amazon Defendant is incorporated in the State of Delaware. Amazon has also committed acts within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

24. Amazon also conducts business in this District by making, shipping, distributing, offering for sale, selling, and advertising its products and services in this District. Amazon has, either directly or through intermediaries, purposefully and voluntarily placed one or more of its

infringing products and/or services into the stream of commerce with the intention and expectation that they will be purchased and used by customers in this District.

25. For example, Amazon distributes, sells, and delivers infringing products and/or services to consumers in this District. A customer seeking to purchase infringing products and/or services can do so from the Amazon website, Amazon.com. On the Amazon.com website, customers can purchase third-party products intended to be used in an infringing manner with Amazon's infringing products and/or services. *See, e.g.,* Ex. 17, <https://www.amazon.com/Vayyar-Care-Touchless-Detection-Subscription/dp/B09JXV82Z6>, last visited November 2, 2022. These products are identified as shipped from and sold by "Amazon.com." *Id.* By making, shipping, distributing, offering for sale, selling, and advertising its products and services to Delaware residents, Amazon purposefully places its infringing products and/or services into the stream of commerce.

26. Further, as described below, Amazon has a regular and established place of business in this District, including a 3.8 million square-foot fulfillment center, the "largest operational Amazon facility in the country." Ex. 18, <https://www.delawareonline.com/story/money/business/2021/09/21/amazon-opens-mega-warehouse-delaware/8347000002/>. Amazon also has fulfillment centers in this District in Middletown and New Castle. Exs. 12, 13. Amazon has purposefully directed its activities at this State and District and should reasonably expect to be hauled into this Court.

27. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Amazon is incorporated within this District, regularly conducts business within this District, has a regular and established place of business in this District, and has committed acts of infringement within this District. Amazon's regular and established places of business in this District include the

Wilmington, Middletown, and New Castle fulfillment centers. Amazon also employs more than 3,500 people in the District of Delaware and sells and offers to sell infringing products and services to customers in the District of Delaware. Ex. 19, <https://www.choosedelaware.com/press-releases/amazon-invests-in-delaware-new-fulfillment-center/>.

28. Amazon advertises that it has invested more than \$2.5 billion in Delaware since 2010. *See, e.g.*, Ex. 19, <https://www.choosedelaware.com/press-releases/amazon-invests-in-delaware-new-fulfillment-center/>.

29. Amazon further designs, uses, distributes, sells, and/or offers for sale infringing products and/or services to consumers and businesses in this District, as described above.

BACKGROUND

30. For 100 years, State Farm has been a leading provider of insurance and financial services. Founded in 1922 by George Mecherle, an Illinois farmer who wanted to provide fair and honest insurance for other farmers, State Farm was initially a small auto insurance company that used word of mouth to grow its business. State Farm is now the number one provider of home and auto insurance in the United States. Its more than 19,400 agents and approximately 53,400 employees serve over 87 million policies and accounts, which include auto, fire, life, health, and commercial policies and financial services accounts.

31. Beyond providing insurance, State Farm invests in improving the safety and lives of its customers and communities. State Farm launched its first auto-safety campaign in the 1920s and continues to educate and promote auto safety for drivers and passengers. In 1955, State Farm launched its auto safety testing program and expanded into seatbelt and airbag safety testing in the 1960s. State Farm is also a founding member of the Insurance Institute for Highway Safety, Advocates for Highway & Auto Safety, Insurance Institute for Business and Home Safety, and Mcity Leadership Circle, among others.

32. State Farm has invested and continues to invest in qualitative, quantitative, and user-experience research to improve the quality and safety of homes and vehicles. For example, in 1997, the Children's Hospital of Philadelphia and State Farm formed Partners for Child Passenger Safety (PCPS) to create the first national child-focused surveillance system of motor vehicle crashes. The study (the largest of its kind in the world) collected information from more than 875,000 crashes involving more than 600,000 children from birth through age 15. The decade-long PCPS effort led to significant gains in child passenger safety. State Farm is also responsible for other advancements, including through its Arson Dog Program (through which State Farm has sponsored the training of over 400 arson dogs), Vehicle Research Facility, and Building Technology Research Laboratory, among others.

33. As part of its ongoing and extensive commitment to technological research and development, State Farm founded its Innovation Team in the early 2010s, which ultimately led to the formation of RED Labs in 2017. RED Labs focuses exclusively on fostering and developing new technologies. State Farm also has other internal divisions primarily focused on innovation, including teams within its Enterprise Technology department.

34. State Farm employs thousands of technical personnel devoted to innovation and has invested hundreds of millions in research and development. The technological innovations that have emerged from RED Labs have proven key to State Farm's customers, including, for example, the technologies related to the use of aerial drone images to model risk and assess damage to property, and to using virtual reality to improve employee training and post-training retention. Other RED Labs' innovation projects relate to aerial data insights, artificial intelligence, machine learning, blockchain, care support, computer vision, digital life and health, emerging products within the digital economy, mobility and transportation, parametric insurance, the platform

economy, quantum computing, and residential research. State Farm has over 1,500 United States patents to date, further reflecting the importance of those innovations.

35. In 2018, State Farm, through RED Labs, began researching specific technology solutions that could be used to improve care for the elderly. Mark Oakley, the former head of State Farm's RED Labs, was inspired by his own personal experiences with caring for an elderly family member. State Farm also recognized that technological innovations that could be used in this area were sorely lacking, and there was a growing need for technological support among its elderly customers and their families, particularly for elders who wish to "age in place" in their own home and the families that provide support to them. State Farm's efforts culminated in August 2019 with a final design for a novel Engagement and Care Support Platform ("ECSP") and Sundial®. State Farm has been awarded numerous patents recognizing these innovations, including the patents asserted in this suit.

36. State Farm's novel ECSP allows elderly users to maintain their independence, while simultaneously providing remote caregivers insight into the activity levels of the elderly user. State Farm's improvements include concrete, specific technological requirements to address problems dealing with elderly users accessing interactive computing devices. Some of the key aspects of the ECSP, which are embodied in the patents asserted in this suit, include the use of technologies developed by State Farm to allow health and wellness monitoring for seniors to blend into the background instead of requiring manual, intrusive check-ins or actively monitored camera systems.

37. In particular, the ECSP includes a novel "chatbot" to uniquely deploy the specific technology developed by State Farm. The technologies embodied in the patents asserted in this suit also include novel machine learning methods that interact with a variety of hardware sensors

to determine patterns and detect anomalies that may indicate an individual in the home environment is suffering from a physical or other health issue, without the need for a caregiver to engage in any active monitoring or interaction. This technology further deploys specific, novel techniques for interacting with the senior user's activities to provide individualized monitoring and updates for each senior user and associated caregivers. State Farm's ECSP then offers specific additional improvements in senior care monitoring technology and in senior interaction and engagement technology.

38. Amazon was founded in 1994 as an online marketplace. It has since expanded into multiple product categories, including virtual assistant technology, such as its "Alexa" devices. Unlike State Farm, however, Amazon was unable to produce technological innovations that could be used for the aforementioned purposes and was primed for assistance in that area. Thus, in early 2019, Amazon was introduced to State Farm by personnel at Accenture who at the time were working together with both companies. Before long, State Farm and Amazon entered into an agreement for State Farm to adapt its ECSP and Sundial® technologies for use on the Alexa-enabled devices.

39. Over the course of the following years, Amazon held regular meetings with State Farm and received materials concerning State Farm's innovative, patent-pending technologies. Amazon watched closely as State Farm adapted its patented technologies for use on Alexa-enabled devices, permitting Amazon's engineers, executives, and other personnel to learn about the structure, operation, functions of, and applications for, those patented technologies.

40. During that time, Amazon and State Farm entered a Code Schedule agreement by which State Farm would purchase the rights to promo codes redeemable by customers for purchasing certain Alexa-enabled devices. The agreement was intended to promote Sundial® as

well as demonstrate a partnership between State Farm and Amazon, which was highlighted in a joint press release using specific language requested by Amazon.

41. State Farm began a friends and family pilot for its Sundial® product in September 2019, and publicly released Sundial in June 2020. Amazon did not have a similar product in the elder care space until it began advertising Alexa Care Hub in September 2020, with its launch in November 2020. Although Alexa Care Hub shared some functionalities with Sundial®, it lacked other key features that were later incorporated into a subsequent Amazon subscription product called Alexa Together—a fact that Amazon would later admit in email correspondence with State Farm.

42. At least by January 2021, Amazon was aware of State Farm’s pending patent applications for the technologies at issue in this action, and knowingly and blatantly continued to infringe. On January 4, 2021, State Farm sent a letter notifying Amazon of the publication of the applications that became the ’235 and ’581 patents, noting their applicability to both State Farm’s Sundial® and Amazon’s Alexa Care Hub. On April 30, 2021, State Farm again contacted Amazon, notifying it of the allowance and issue fee payment for the application that became the ’235 patent. Similarly, in July 2021, State Farm informed Amazon of the allowance and issue fee payment for the applications that became the ’203 and ’581 patents, again noting that these patents applied to both Sundial® and Alexa Care Hub.

43. But Amazon was undeterred. On September 28, 2021, Amazon announced a new subscription product called Alexa Together, effectively forcing State Farm’s Sundial® out of the market by offering a nearly identical service on the same platform. Like State Farm’s Sundial® product, Alexa Together includes a “circle of support,” which includes an identical, specific technical approach allowing additional family members to join together in supporting a relative,

in addition to other copied Sundial® features. *See* Ex. 20, Amazon, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (last visited November 2, 2022). Confirming the importance of State Farm’s technologies, and Amazon’s apparent copying of them, Amazon touted its copied versions of the Sundial® features in Amazon’s Alexa marketing materials: for example, referring to Sundial’s® “Care Circle” as Amazon’s “Circle of Support,” and Sundial’s® “Interactive Dashboard” as Amazon’s “Activity Feed.” *Compare* Ex. 20 with Exs. 7, 8; *see also* Ex. 1, ’581 Patent, 25:6–8 (“The care circle can share information back to the senior – creating a virtual circle of *support*”) (emphasis added), 35:6–8 (“automatically virtually posting the pro-active check-in event to a *care circle feed*”) (emphasis added). On October 12, 2021, State Farm provided Amazon with further notice of Amazon’s patent infringement, namely, that Amazon’s Alexa Together infringes the ’203, ’581, and ’235 patents.

44. In December 2021, despite full notice of its infringement of State Farm’s patents, Amazon officially launched Alexa Together, in blatant disregard of State Farm’s intellectual property rights. Amazon continues its willful infringement to this day.

THE PATENTS-IN-SUIT

45. Each of the patents-in-suit offers specific improvements in health care monitoring technology and in senior interaction and engagement technology. As discussed in the patent backgrounds, while some conventional systems enabled caregivers to coordinate care for a senior user, those systems had many drawbacks and lacked the specific technical features of the patented inventions. *See, e.g.*, ’581 patent at 1:43-52. For example, conventional systems merely kept a schedule of the coordinated care and did not facilitate senior engagement in their daily schedules. *See id.* In addition, prior systems required invasive cameras or wearable devices. *See, e.g.*, Ex. 21, Jennifer Pattison Tuohy, *Alexa Together Review: Keeping Tabs on Dad*, The Verge,

<https://www.theverge.com/23066024/alexa-together-review-elder-care-urgent-response> (last updated May 17, 2022). By contrast, the patented technologies allow elderly users to maintain their independence, while simultaneously permitting remote caregivers to non-intrusively maintain insight into the activity levels of the elderly user. For example, the '581, '235, '203, and '585 patents claim a specific use of a novel “chatbot” to both facilitate a senior user’s interactions with an engagement and care support platform device and to provide individualized monitoring and updates to the senior user’s caregivers, without the need for those caregivers to engage in active or intrusive direct monitoring. Further, the '318 and '180 patents include novel machine learning methods that interact with a variety of hardware sensors to determine patterns and detect anomalies that indicate that an individual in their home environment is suffering from a physical or other health issue, without the need for their caregiver to engage in any active monitoring or interaction. The technology claimed in each of the patents-in-suit allows seniors to maintain their independence, while providing real and tangible improvements in the ability of caregivers to monitor their health, wellness, and engagement without active monitoring or intrusion.

The '581 Patent

46. On August 31, 2021, the United States Patent and Trademark Office (“USPTO”) duly and legally issued the '581 patent, entitled “Senior Living Engagement and Care Support Platforms.” State Farm owns all rights, title, and interest in and to the '581 patent, and possesses all rights of recovery under the '581 patent. A true and accurate copy of the '581 patent is attached hereto as **Ex. 1**.

47. The '581 patent is valid and enforceable.

The '203 Patent

48. On September 7, 2021, the USPTO duly and legally issued the '203 patent, entitled “Senior Living Engagement and Care Support Platforms.” State Farm owns all rights, title, and

interest in and to the '203 patent, and possesses all rights of recovery under the '203 patent. A true and accurate copy of the '203 patent is attached hereto as **Ex. 2**.

49. The '203 patent is valid and enforceable.

The '235 Patent

50. On July 6, 2021, the USPTO duly and legally issued the '235 patent, entitled "Senior Living Engagement and Care Support Platforms." State Farm owns all rights, title, and interest in and to the '235 patent, and possesses all rights of recovery under the '235 patent. A true and accurate copy of the '235 patent is attached hereto as **Ex. 3**.

51. The '235 patent is valid and enforceable.

The '585 Patent

52. On July 19, 2022, the USPTO duly and legally issued the '585 patent, entitled "Senior Living Engagement and Care Support Platforms." State Farm owns all rights, title, and interest in and to the '585 patent, and possesses all rights of recovery under the '585 patent. A true and accurate copy of the '585 patent is attached hereto as **Ex. 4**.

53. The '585 patent is valid and enforceable.

The '318 Patent

54. On November 3, 2020, the USPTO duly and legally issued the '318 patent, entitled "Sensing Peripheral Heuristic Evidence, Reinforcement, and Engagement System," and referred to herein as "SPHERES." State Farm owns all rights, title, and interest in and to the '318 patent, and possesses all rights of recovery under the '318 patent. A true and accurate copy of the '318 patent is attached hereto as **Ex. 5**.

55. The '318 patent is valid and enforceable.

The '180 Patent

56. On August 17, 2021, the USPTO duly and legally issued the '180 patent, entitled "Sensing Peripheral Heuristic Evidence, Reinforcement, and Engagement System," and referred to herein as "SPHERES." State Farm owns all rights, title, and interest in and to the '180 patent, and possesses all rights of recovery under the '180 patent. A true and accurate copy of the '180 patent is attached hereto as **Ex. 6**.

57. The '180 patent is valid and enforceable.

INFRINGING PRODUCTS

58. The products accused of infringement in this case include, but are not limited to, Alexa Care Hub and Alexa Together, alone or in combination with third party functionality intended to be used with Alexa Together, such as Vayyar Care.

AMAZON IS WILLFULLY INFRINGING STATE FARM'S PATENTS

59. State Farm has earned its reputation for bettering the safety and quality of life of its customers through a century of hard work, financial investment, and innovation. Through its novel Sundial® product, State Farm continued its commitment to improving the lives of its customers, particularly the growing base of aging elders who require additional care and help.

60. As State Farm worked to patent its novel technology, State Farm simultaneously adapted State Farm's patented Sundial® technology to work on the Alexa platform. Significantly, Amazon gained knowledge, insight, and access to State Farm's innovative technologies as part of these development efforts.

61. Rather than viewing this as a partnership, Amazon saw an opportunity to copy State Farm's pioneering proprietary technologies and avoid the expensive and time-consuming effort that would have been necessary to develop its own innovations in the elder care space for Alexa. Months after State Farm launched its Sundial® product, Amazon not only introduced its

comparable Alexa Care Hub, but also proceeded to expand its offerings with its release of Alexa Together. Significantly, Alexa Together incorporated even more of State Farm's highly innovative, patented features. State Farm even offered to license or sell its patent portfolio to Amazon—Amazon rejected all such offers.

62. Amazon was aware that the technologies it took from State Farm were subject to United States patents. State Farm filed its patent applications at the same time it was working with Amazon to adapt the patented technology for Alexa-enabled devices. In addition, State Farm repeatedly and consistently informed Amazon at crucial steps of its patenting efforts, notifying Amazon of the publication, allowance, and issue fee payment for its patents, as well as the applicability of these patents to Amazon's infringing products. State Farm even offered to license or sell its patent portfolio to Amazon—Amazon rejected all such offers.

63. Despite all this, Amazon continues undeterred in its promotion of its infringing products, touting the very functionalities that State Farm developed and patented. Amazon's infringement of State Farm's technologies has been crucial to Amazon's development and promotion of Alexa Together.

64. By this action, State Farm seeks to stop Amazon's willful, unauthorized, and improper use of State Farm's patented technologies, and to obtain damages for the significant harm caused to State Farm by Amazon's willful infringement of certain Patents-in-Suit.

FIRST CAUSE OF ACTION

Infringement of the '581 Patent by Amazon

65. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1–64 above as though fully set forth herein.

66. Amazon’s products and/or services that infringe the ’581 patent include, but are not limited to, Alexa Care Hub and Alexa Together (collectively “the ECSP Accused Products”) and use thereof.

67. Amazon makes, uses, sells, offers for sale, and/or imports the ECSP Accused Products and components thereof in the United States.

68. Amazon directly infringes—literally and/or under the doctrine of equivalents—at least claim 1 of the ’581 patent by making, using, selling, offering for sale, and/or importing into the United States its ECSP Accused Products and components thereof.

69. For example, claim 1 of the ’581 patent recites:

1. An engagement and care support platform (“ECSP”) computer device comprising at least one processor in communication with a chatbot and at least one memory device, the ECSP computer device in communication with a first client device associated with a senior user and a second client device associated with a caregiver, the at least one processor of the ECSP computer device is programmed to:

store user information for the senior user associated with the first client device and the caregiver associated with the second client device;

determine for the senior user a first expected time of interaction with the chatbot via the first client device;

continuously monitor for a senior user interaction indicating that the senior user has interacted with the chatbot; and

in response to not detecting the senior user interaction with the chatbot by the first expected time of interaction, transmit a message to the second client device of the caregiver indicating that the senior user has not interacted with the chatbot by the first expected time of interaction.

70. The ECSP Accused Products practice each limitation of claim 1 of the ’581 patent.

71. To the extent the preamble is construed to be limiting, the ECSP Accused Products include “[a]n engagement and care support platform (‘ECSP’) computer device comprising at least one processor in communication with a chatbot and at least one memory device,” where for

example, Alexa Together is the ECSP used with an Echo or Alexa-enabled device that is a “computer device comprising at least one processor in communication with a chatbot and at least one memory device”:

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently. The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, “Alexa, call for help.” If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one’s devices. The activity feed shows a generalized view of your loved one’s interactions, so you know they are active around the house. You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times. Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

What do I need to get started?

You will need to purchase one Alexa Together plan, either monthly or annual. If you are buying Alexa Together for yourself for peace of mind using Urgent Response, or receiving support from a family member, you will need an Echo or Alexa-enabled device and wifi. If you are the person providing support to a loved one, you only need the Alexa app downloaded to your phone. For a better experience, we do recommend that the person providing support also has an Echo device to use features like Alexa Calling or Drop In, or to enable video chat if both people have an Echo Show.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Alexa is officially a chatbot. Yesterday, Amazon began rolling out a new feature on iOS that enables users to type their requests to Alexa and see responses on the screen. This is yet another update Amazon has made this year in its Alexa mobile app as the company attempts to extend the voice assistant's utility beyond the home. It will also be welcomed by many users as a big convenience since Alexa services will now be available without making a sound. Others will wonder why a chatbot is a necessary update.

Ex. 22, <https://voicebot.ai/2020/12/01/alexa-becomes-a-chatbot-you-can-now-talk-to-alexa-by-typing/>

72. To the extent the preamble is construed to be limiting, the ECSP computer device is “in communication with a first client device associated with a senior user and a second client device associated with a caregiver.” For example, Alexa Together “requires the person receiving support” (senior user) “to have at least one Echo device,” and for the service to work “the supporting family member” (caregiver) “need[s] the Alexa app installed on [their] mobile device.”

Ex. 20, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022.

Peace of mind for you. Independence for them. It's easy to get started.

Alexa Together is a new way to provide support for your loved ones, keeping you together even when you're apart. To get started you will need:

- **One Alexa Together Subscription:** \$19.99/month plus tax after 6-month free trial. Cancel anytime.
- **An Echo Device for the person receiving support:** Alexa Together only requires the person receiving support to have at least one Echo device, while you — the supporting family member — only need the Alexa app installed on your mobile device. For the best experience, we recommend you both have devices such as an Echo Show 8 so that you can video chat too. [Shop Echo Show 8 device bundle.](#)
- **Two separate Amazon.com accounts:** One for you, and one for your loved one. [Need an account?](#)

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Set up Alexa Together, together

Setting up Alexa Together takes two: you and your loved one. Before you start, make sure your loved one has their own Amazon account. They will need to sign in to their Amazon account with their login and password, and will need a mobile phone number to receive a verification code during the setup process.

[Download the setup guide](#)



1. Get started

After purchasing Alexa Together, you can start the setup process.



2. Confirm access

Your loved one will get an email to finalize and confirm the setup, after which the subscription will be activated.



3. Customize experience

You're now connected to Alexa Together, and can start using alerts, Urgent Response, and more.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

73. The ECSP Accused Products are programmed to “store user information for the senior user associated with the first client device and the caregiver associated with the second

client device,” as required by claim 1 of the ’581 patent. In the examples below, Alexa Together requires two separate Amazon accounts, one for the loved one (senior user) and one for the care provider (caregiver). For example, “loved ones” need “an Alexa-enabled device” (first client device) and care providers need to “download or update the Alexa app in [their] mobile device’s app store,” and Amazon recommends that both the loved one and care provider “both have devices such as an Echo Show 8” (second client device):

Peace of mind for you. Independence for them. It's easy to get started.

Alexa Together is a new way to provide support for your loved ones, keeping you together even when you're apart. To get started you will need:

- **One Alexa Together Subscription:** \$19.99/month plus tax after 6-month free trial. Cancel anytime.
- **An Echo Device for the person receiving support:** Alexa Together only requires the person receiving support to have at least one Echo device, while you — the supporting family member — only need the Alexa app installed on your mobile device. For the best experience, we recommend you both have devices such as an Echo Show 8 so that you can video chat too. [Shop Echo Show 8 device bundle.](#)
- **Two separate Amazon.com accounts:** One for you, and one for your loved one. [Need an account?](#)

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Set up Alexa Together, together

Setting up Alexa Together takes two: you and your loved one. Before you start, make sure your loved one has their own Amazon account. They will need to sign in to their Amazon account with their login and password, and will need a mobile phone number to receive a verification code during the setup process.

[Download the setup guide](#)



1. Get started

After purchasing Alexa Together, you can start the setup process.



2. Confirm access

Your loved one will get an email to finalize and confirm the setup, after which the subscription will be activated.



3. Customize experience

You're now connected to Alexa Together, and can start using alerts, Urgent Response, and more.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

How can I help my loved one get set up with a new Alexa-enabled device?

To set up your loved one's Echo device first, such as an Echo Show, send the device to yourself and choose the gift option at shipping to prevent your account from syncing with the device. Follow the instructions for the overall [device setup process](#), including how to save your loved one's wifi network to their device before sending it to them.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Set Up Your Alexa Together Connection

Follow the invitation steps to create an Alexa Together connection.

To use Alexa Together, care providers or their loved one will need one active Alexa Together subscription. Loved ones also need a separate Alexa account, an Alexa-enabled device, and Wi-Fi.

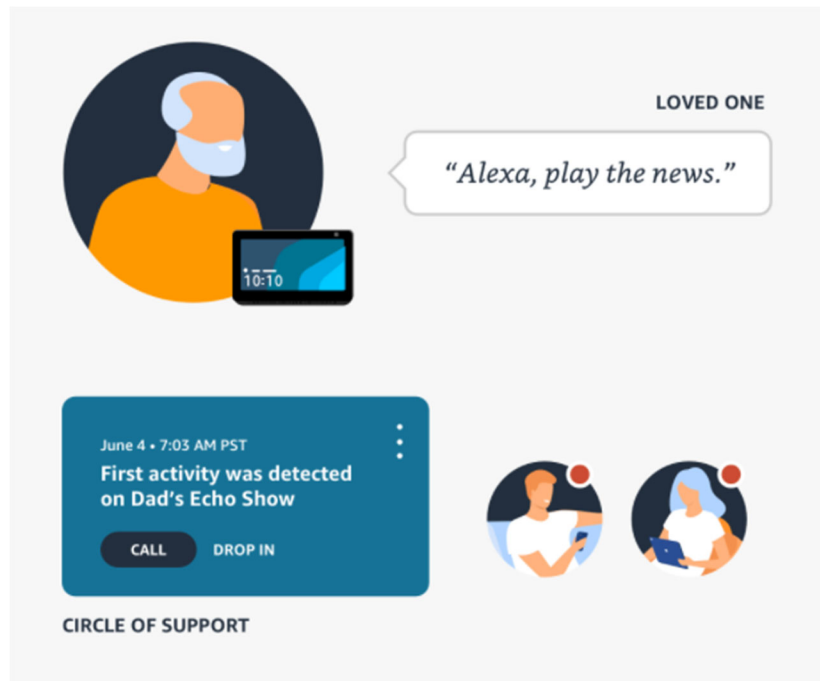
Tip: Before setup, download or update the Alexa app in your mobile device's app store. You can use the Alexa app or the [Get Started page](#).

1. Open the Alexa app .
2. Open **More**  and select **See More**.
3. Select **Alexa Together**.
4. Follow the on-screen steps to provide support or receive support from a loved one. You can send the invitation to any email address.
Note: Loved ones must sign up with the same account registered to their Alexa enabled device. Care providers must wait 48 hours after an invitation is cancelled or declined to send a new Alexa Together invite.
5. If you're providing support, help your loved ones send an Alexa Together invitation by selecting **View Guide**.

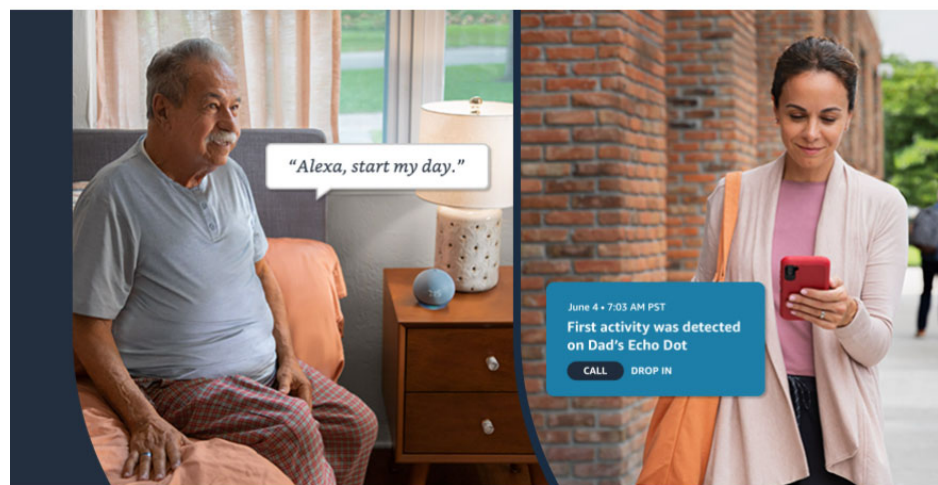
Ex. 23, <https://www.amazon.com/gp/help/customer/display.html?nodeId=>

GWZSHRX7PJUZNUDU

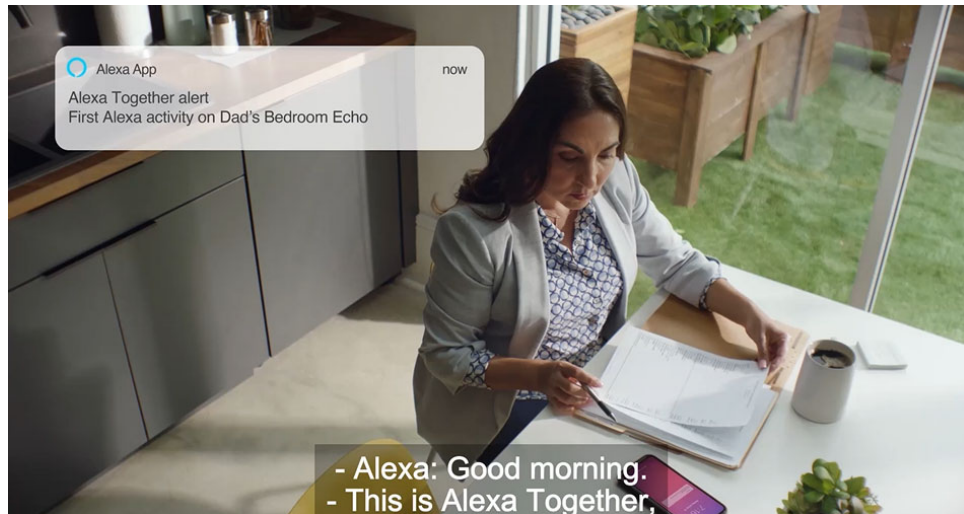
74. The ECSP Accused Products are programmed to “determine for the senior user a first expected time of interaction with the chatbot via the first client device,” as required by claim 1 of the ’581 patent. In the examples below, Alexa Together continuously monitors an elderly loved one’s user interaction and indicates to the care provider that the senior user has interacted with Alexa. For example, users can “[s]et up daily alerts for [their] loved one’s first Alexa use, or if it isn’t used by a certain time.” Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>. The ECSP Accused Products can also determine whether a loved one interacted with Alexa at specific times of the day:



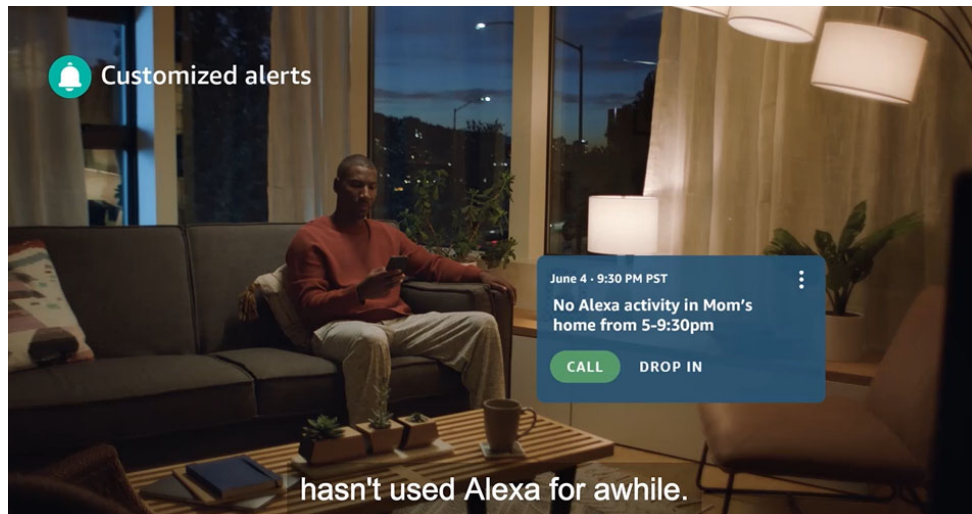
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



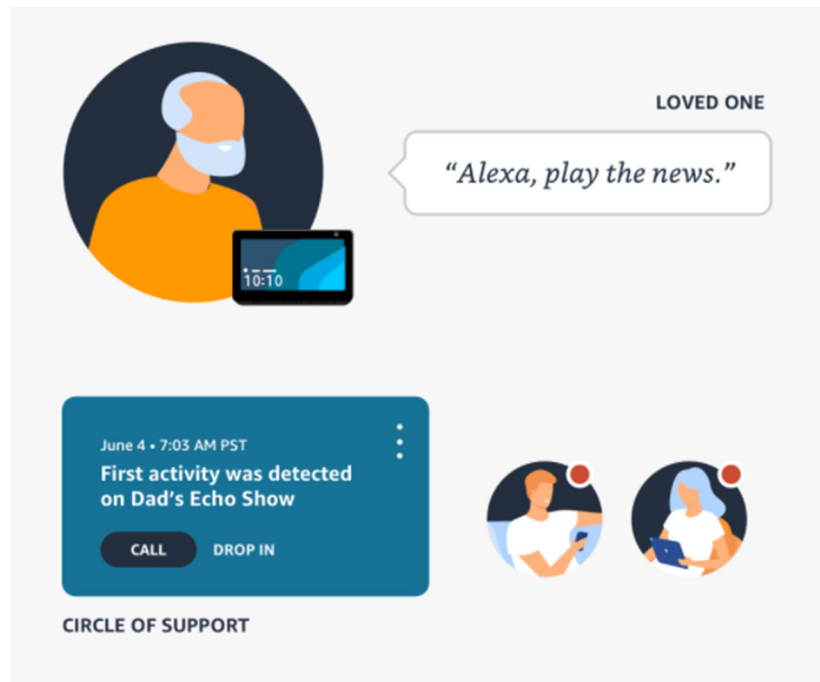
Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (video)



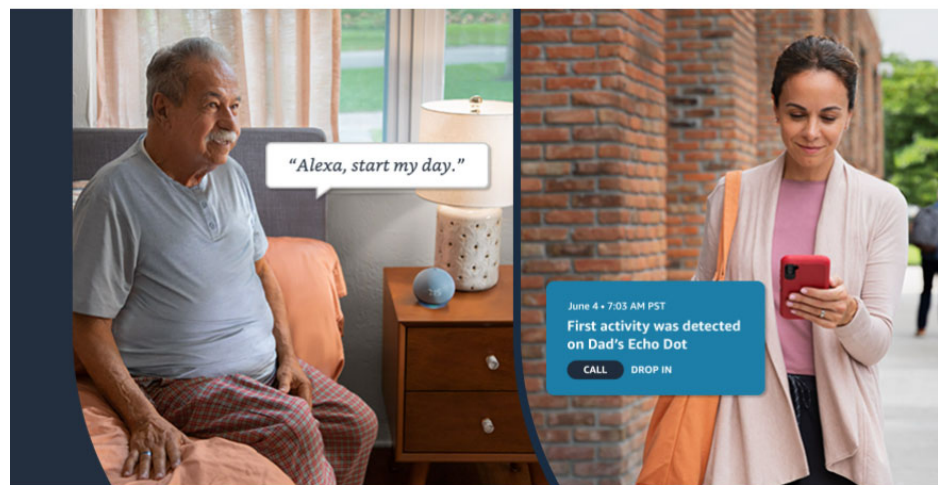
Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (video)

75. The ECSP Accused Products are programmed to “continuously monitor for a senior user interaction indicating that the senior user has interacted with the chatbot,” as required by claim 1 of the ’581 patent. In the examples below, Alexa Together continuously monitors an elderly loved one’s user interaction and indicates to the care provider that the senior user has interacted with Alexa. For example, users can “[s]et up daily alerts for [their] loved one’s first Alexa use, or if it isn’t used by a certain time.” Ex. 20, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022. The ECSP Accused

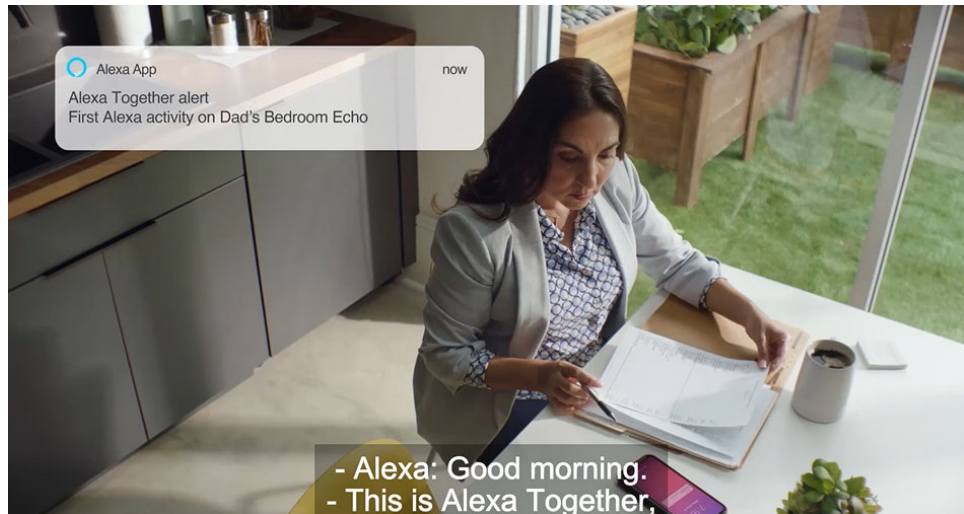
Products can also determine whether a loved one interacted with Alexa at specific times of the day:



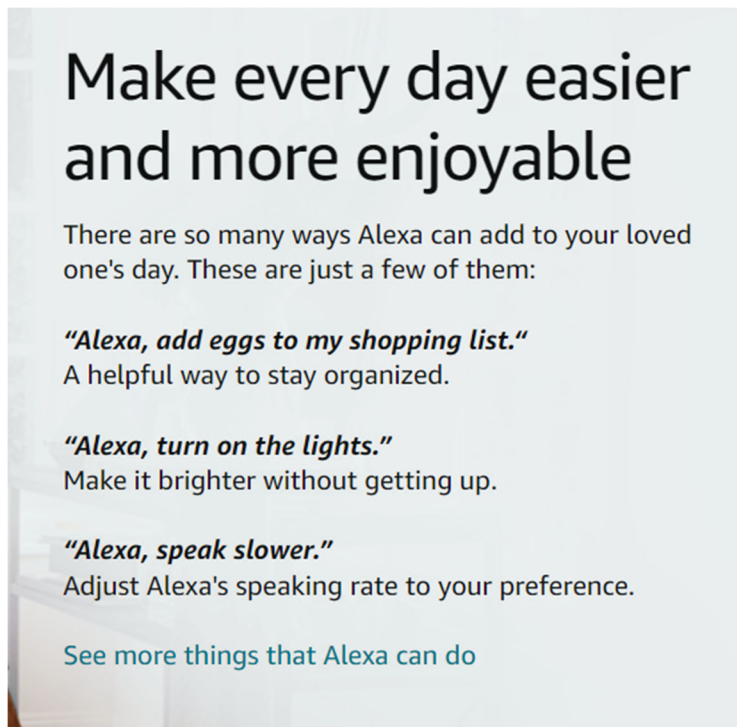
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (video)



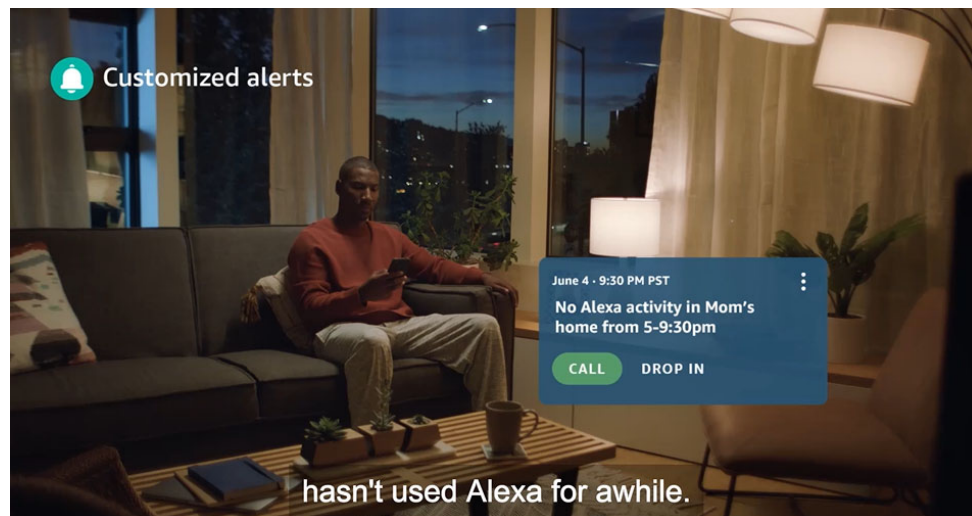
Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (video)



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

76. The ECSP Accused Products are programmed such that “in response to not detecting the senior user interaction with the chatbot by the first expected time of interaction, transmit a message to the second client device of the caregiver indicating that the senior user has not interacted with the chatbot by the first expected time of interaction,” as required by claim 1 of

the '581 patent. In the examples below, Alexa Together continuously monitors an elderly loved one's user interaction and indicates to the care provider that the senior user has interacted with Alexa. For example, users can "[s]et up daily alerts for [their] loved one's first Alexa use, or if it isn't used by a certain time." Ex. 20, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022. The ECSP Accused Products can also determine whether a loved one interacted with Alexa at specific times of the day and send the caregiver notifications if the loved one has not interacted with Alexa at those times. *See* Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022.



Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (video)



Activity Feed

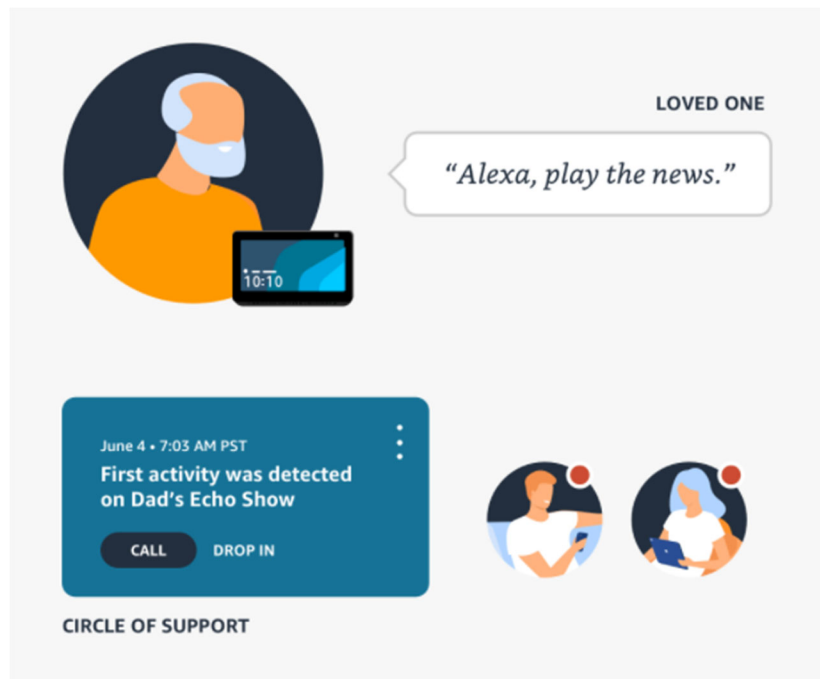
See how things are with snapshots of your loved one's Alexa and smart home interactions.



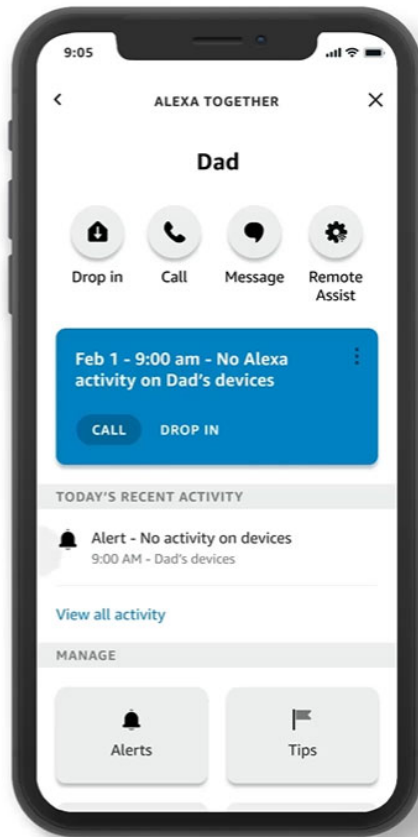
Fall Detection Response

If a compatible device detects a fall, Alexa calls Urgent Response and notifies emergency contacts.

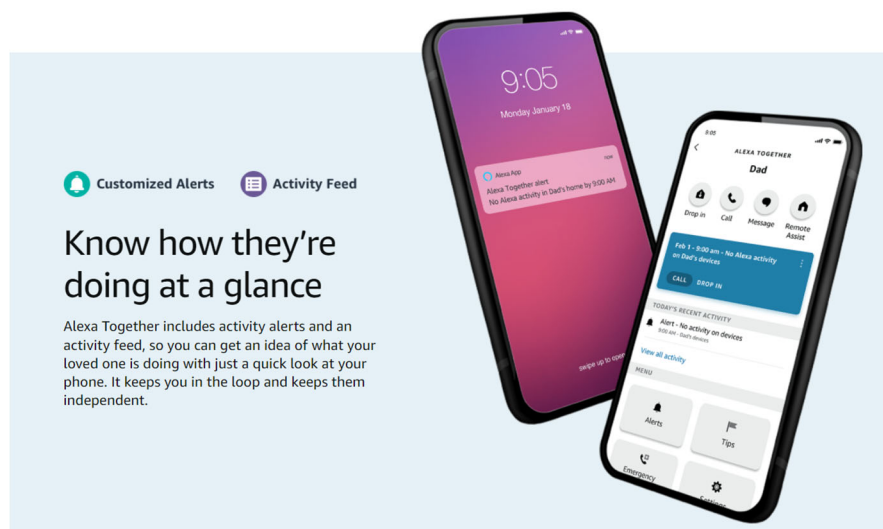
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

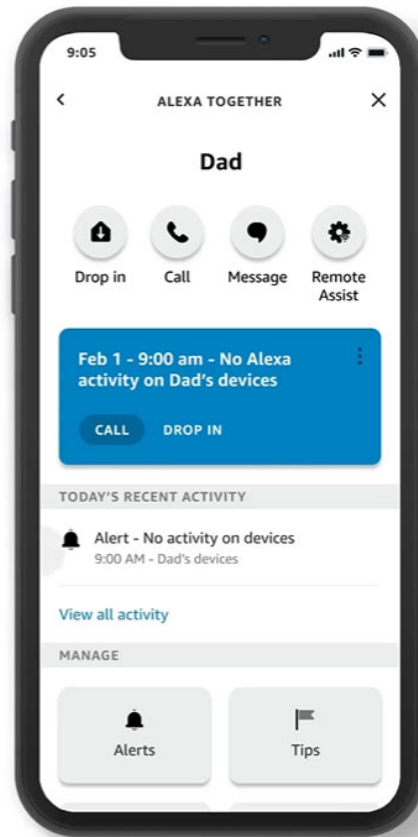
77. Amazon also directly infringes—literally and/or under the doctrine of equivalents—at least claim 5 of the '581 patent by making, using, selling, offering for sale, and/or importing into the United States its ECSP Accused Products and components thereof.

78. For example, claim 5 of the '581 patent recites:

The ECSP computer device of claim 1, wherein the message causes the second client device to display a virtual button on a user interface of the second client device that when selected the virtual button initiates at least one of a video call or a telephone call from the second client device to the first client device.

79. As previously described, Amazon directly infringes claim 1 of the '581 patent by making, using, selling, offering for sale, and/or importing into the United States its ECSP Accused Products and components thereof. Amazon also directly infringes claim 5 of the '581 patent.

80. For example, the ECSP Accused Products are programmed such that “the message causes the second client device to display a virtual button on a user interface of the second client device that when selected the virtual button initiates at least one of a video call or a telephone call from the second client device to the first client device,” as required by claim 5 of the '581 patent. The ECSP Accused Products can determine whether a loved one interacted with Alexa at specific times of the day and send the caregiver notifications if the loved one has not interacted with Alexa at those times. *See* Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022. Those notifications include two buttons, “Call” and “Drop In.” *Id.* The “Call” button initiates a telephone call from the caregivers device (the second client device) to the senior user (the first client device). *Id.*; Ex. 26. The “Drop In” button initiates a video call with the senior user. *Id.*



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

81. Each claim in the '581 patent recites an independent invention. Neither claims 1 or 5, described above, nor any other individual claim is representative of all claims in the '581 patent.

82. Amazon was aware of the '581 patent since before the date of its issuance on August 31, 2021. On January 4, 2021, State Farm sent a letter to Amazon notifying it of the publishing of the application that became the '581 patent and noting that it applied to State Farm's Sundial® and Amazon's Alexa Care Hub. On July 29, 2021, State Farm sent an email to Amazon notifying it of the allowance and issue fee payment for the applications that became the '581 and '203 patents. On October 12, 2021, State Farm sent Amazon an email notifying Amazon that Alexa Together infringes the '581, '203, and '235 patents and proposing a potential patent license.

83. Amazon has further been aware of the '581 patent since at least the filing date of this Complaint.

84. Amazon actively induced and is actively inducing infringement of at least claims 1 and 5 of the '581 patent, in violation of 35 U.S.C. § 271(b).

85. Amazon's customers and end-users of the ECSP Accused Products directly infringe claims 1 and 5 of the '581 patent, at least by using the ECSP Accused Products, as described above in Paragraphs 71-80.

86. Amazon knowingly induces infringement of at least claims 1 and 5 of the '581 patent by customers and end-users of the ECSP Accused Products with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to selling, marketing, advertising, promotion, support, and distribution of the ECSP Accused Products in the United States.

87. Amazon knowingly instructs customers and end users, at least through its marketing, promotional, and instructional materials, to use the infringing ECSP Accused Products in an infringing manner, as described in detail above in Paragraphs 71-80.

88. Amazon advertises and instructs users on how to use the ECSP Accused Products. For example, Amazon publicly shares a "Frequently asked questions" website that instructs customers, *inter alia*, how to "[g]et started." Ex. 24, Frequently asked questions, <https://www.amazon.com/b/?node=23666031011>, last visited November 2, 2022. Amazon also publicly shares an "Alexa Together Setup Guide," a step-by-step user guide that instructs users how to purchase, install, and setup the ECSP Accused Products. Ex. 25, Alexa Together Setup Guide, https://m.media-amazon.com/images/G/01/kindle/DP/Care-Launch/Alexa-Together-Setup-Guide-EN-V2.pdf?ref=at_setup_d, last visited November 2, 2022. Amazon also publicly

shares a “Frequently asked questions” webpage that instructs users on various aspects of Alexa Together, including instructions regarding setup, activity feed, urgent response, alerts and notifications, Remote Assist, fall detection, Alexa Communication Features, and Circle of Support.

Ex. 24, Alexa Together Frequently Asked Questions, <https://www.amazon.com/b/?node=23666031011>, last visited November 2, 2022.

89. Amazon further advertises and instructs that Alexa Together can notify users when their loved one “has had their first Alexa activity of the day or if no activity is detected by a certain time, such as 10 AM.” *Id.* Amazon also advertises and instructs users regarding the information that will appear on the Alexa Together activity feed. *Id.* (“Alexa Together will show a high-level summary of your loved one’s activity with Alexa or compatible smart home devices to give you a general sense that they are going about their day.”).

90. Amazon also posts videos on its website that instruct third parties on how to use the ECSP Accused Products. (See Ex. 26, Amazon Alexa Together Video, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (video) (last visited November 2, 2022)). These videos explain, *inter alia*, how care providers can be alerted regarding a loved one’s first Alexa activity, “can receive notifications and stay informed about [their] loved one’s well-being,” and can “setup customized alerts, like a notification if [their] loved one hasn’t used Alexa in a while.” *Id.*

91. In addition to marketing the ECSP Accused Products for use in an infringing manner, Amazon also provides customer service to purchasers of the ECSP Accused Products that directs and encourages customers of the ECSP Accused Products to use the ECSP Accused Products in an infringing manner. For example, Amazon provides Alexa Together Support and teaches customers “how to set up a connection, view activity, and get alerts with Alexa Together,”

(Ex. 27, Alexa Together Support, <https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3>, last visited November 2, 2022):

[Digital Services and Device Support](#) > [Alexa Features Help](#) >

Alexa Together Support

Learn how to set up a connection, view activity, and get alerts with Alexa Together.

Getting Started

[What is Alexa Together?](#)
[What are the Different Roles in a Circle of Support?](#)
[Purchase and Activate an Alexa Together Subscription](#)
[Help Loved Ones Set Up Their Echo Show Remotely](#)

How To

[Set Up Your Alexa Together Connection](#)
[Get Notifications About Your Loved One with Alexa Together](#)
[View Activity with the Alexa Together Dashboard](#)
[Connect Alexa Together to a Fall Detection Device](#)
[How Do Turn On Alexa Together Remote Assist?](#)
[Set Up an Alexa Routine](#)
[How Does Drop In Work?](#)
[Make Alexa Calls with Your Voice](#)
[Update Your Alexa Together Urgent Response Address](#)
[Update the Emergency Contact in Alexa Together](#)
[What Is an Alexa Emergency Contact?](#)
[Add Multiple Caregivers to an Alexa Together Subscription](#)
[Manage Your Alexa Together Circle of Support](#)
[Delete an Alexa Together Caregiver](#)
[Cancel Your Alexa Together Subscription](#)

Troubleshooting

[Set Up Doesn't Work with Alexa Together](#)
[Alexa Together Circle of Support Doesn't Work](#)
[Notifications Aren't Working on Alexa Together](#)

92. Amazon has sales and technical support staff who assist Amazon's customers and end users and provide instructions for the use of the ECSP Accused Products in an infringing manner in the United States. *See, e.g., id.*

93. Amazon provides its customers and end users with additional instructions that direct the customers and end users to use the ECSP Accused Products in an infringing manner. Such instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. *See, e.g., id.*

94. Amazon contributed and is contributing to infringement of at least claims 1 and 5 of the '581 patent, in violation of 35 U.S.C. § 271(c).

95. Amazon's customers and end-users of the ECSP Accused Products directly infringe claims 1 and 5 of the '581 patent, at least by using the ECSP Accused Products, as described in detail above in Paragraphs 71-80.

96. Amazon contributes to infringement of the '581 patent by offering to sell, selling, and importing into the United States the ECSP Accused Products and components thereof, including, for example, the Alexa Together and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '581 patent and have no substantial non-infringing use.

97. The ECSP Accused Products and associated software applications and firmware supplied by Amazon are especially made and especially adapted for use in infringing the '581 patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

98. Amazon's infringement of the '581 patent is without license or other authorization.

99. At least because Amazon had knowledge of the '581 patent and proceeded to knowingly directly and indirectly infringe the '581 patent, Amazon's infringement has been and continues to be willful. As previously alleged, Amazon intentionally and knowingly copied proprietary innovations developed and patented by State Farm, including technology that Amazon now markets as its own.

100. Amazon's continued infringement of the '581 patent has damaged and will continue to damage Plaintiff.

101. Unless and until enjoined by this Court, Amazon will continue to directly infringe as well as induce and contribute to infringement of the '581 patent. Amazon's infringing acts are causing and will continue to cause at least Plaintiff irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, Plaintiff is entitled to a permanent injunction against further infringement.

102. This case is exceptional, entitling Plaintiff to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

SECOND CAUSE OF ACTION

Infringement of the '203 Patent by Amazon

103. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1–102 above as though fully set forth herein.

104. Amazon's products and/or services that infringe the '203 patent include, but are not limited to, the ECSP Accused Products and use thereof.

105. Amazon makes, uses, sells, offers for sale, and/or imports the ECSP Accused Products and components thereof in the United States.

106. Amazon directly infringes—literally and/or under the doctrine of equivalents—at least claim 1 of the '203 patent by making, using, selling, offering for sale, and/or importing into the United States its ECSP Accused Products and components thereof.

107. For example, claim 1 of the '203 patent recites:

1. An engagement and care support platform (“ECSP”) computer device comprising at least one processor in communication with a chatbot and at least one memory device, the ECSP computer device in communication with a first client device associated with a senior user and a second client device associated with a caregiver, the at least one processor of the ECSP computer device is programmed to:

store user information for the senior user associated with the first client device and for the caregiver associated with the second client device;

continuously monitor for a first senior user interaction indicating that the senior user has interacted with the chatbot;

detect the first senior user interaction with the chatbot;

continuously monitor for a second senior user interaction indicating that the senior user has interacted with the chatbot, wherein the second senior user interaction is subsequent to the first senior user interaction;

determine an elapsed amount of time between detecting the first senior user interaction by the senior user and a current time without having detected the second senior user interaction with the chatbot; and

when the elapsed amount of time between detecting the first senior user interaction and the current time without having detected the second senior user interaction with the chatbot exceeds a predetermined threshold, transmit a message to the second client device of the caregiver indicating that the senior user has not interacted with the chatbot for the elapsed amount of time.

108. The ECSP Accused Products practice each limitation of claim 1 of the '203 patent.

109. To the extent the preamble is construed to be limiting, the ECSP Accused Products include “[a]n engagement and care support platform (‘ECSP’) computer device comprising at least one processor in communication with a chatbot and at least one memory device,” where for example, Alexa Together is the ECSP used with an Echo or Alexa-enabled device that is a

“computer device comprising at least one processor in communication with a chatbot and at least one memory device”:

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently. The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, “Alexa, call for help.” If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one’s devices. The activity feed shows a generalized view of your loved one’s interactions, so you know they are active around the house. You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times. Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

What do I need to get started?

You will need to purchase one Alexa Together plan, either monthly or annual. If you are buying Alexa Together for yourself for peace of mind using Urgent Response, or receiving support from a family member, you will need an Echo or Alexa-enabled device and wifi. If you are the person providing support to a loved one, you only need the Alexa app downloaded to your phone. For a better experience, we do recommend that the person providing support also has an Echo device to use features like Alexa Calling or Drop In, or to enable video chat if both people have an Echo Show.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Alexa is officially a chatbot. Yesterday, Amazon began rolling out a new feature on iOS that enables users to type their requests to Alexa and see responses on the screen. This is yet another update Amazon has made this year in its Alexa mobile app as the company attempts to extend the voice assistant's utility beyond the home. It will also be welcomed by many users as a big convenience since Alexa services will now be available without making a sound. Others will wonder why a chatbot is a necessary update.

Ex. 22, <https://voicebot.ai/2020/12/01/alexa-becomes-a-chatbot-you-can-now-talk-to-alexa-by-typing/>

110. To the extent the preamble is construed to be limiting, the ECSP computer device is “in communication with a first client device associated with a senior user and a second client device associated with a caregiver.” For example, Alexa Together “requires the person receiving support” (senior user) “to have at least one Echo device,” and for the service to work “the supporting family member” (caregiver) “need[s] the Alexa app installed on [their] mobile device.”

Ex. 20, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022.

Peace of mind for you. Independence for them. It's easy to get started.

Alexa Together is a new way to provide support for your loved ones, keeping you together even when you're apart. To get started you will need:

- **One Alexa Together Subscription:** \$19.99/month plus tax after 6-month free trial. Cancel anytime.
- **An Echo Device for the person receiving support:** Alexa Together only requires the person receiving support to have at least one Echo device, while you — the supporting family member — only need the Alexa app installed on your mobile device. For the best experience, we recommend you both have devices such as an Echo Show 8 so that you can video chat too. [Shop Echo Show 8 device bundle.](#)
- **Two separate Amazon.com accounts:** One for you, and one for your loved one. [Need an account?](#)

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Set up Alexa Together, together

Setting up Alexa Together takes two: you and your loved one. Before you start, make sure your loved one has their own Amazon account. They will need to sign in to their Amazon account with their login and password, and will need a mobile phone number to receive a verification code during the setup process.

[Download the setup guide](#)



1. Get started

After purchasing Alexa Together, you can start the setup process.



2. Confirm access

Your loved one will get an email to finalize and confirm the setup, after which the subscription will be activated.



3. Customize experience

You're now connected to Alexa Together, and can start using alerts, Urgent Response, and more.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

111. The ECSP Accused Products are programmed to “store user information for the senior user associated with the first client device and for the caregiver associated with the second

client device,” as required by claim 1 of the ’203 patent. In the examples below, Alexa Together requires two separate Amazon accounts, one for the loved one (senior user) and one for the care provider (caregiver). For example, “loved ones” need “an Alexa-enabled device” (first client device) and care providers need to “download or update the Alexa app in [their] mobile device’s app store,” and Amazon recommends that both the loved one and care provider “both have devices such as an Echo Show 8” (second client device):

Peace of mind for you. Independence for them. It's easy to get started.

Alexa Together is a new way to provide support for your loved ones, keeping you together even when you're apart. To get started you will need:

- **One Alexa Together Subscription:** \$19.99/month plus tax after 6-month free trial. Cancel anytime.
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Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Set up Alexa Together, together

Setting up Alexa Together takes two: you and your loved one. Before you start, make sure your loved one has their own Amazon account. They will need to sign in to their Amazon account with their login and password, and will need a mobile phone number to receive a verification code during the setup process.

[Download the setup guide](#)



1. Get started

After purchasing Alexa Together, you can start the setup process.



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Your loved one will get an email to finalize and confirm the setup, after which the subscription will be activated.



3. Customize experience

You're now connected to Alexa Together, and can start using alerts, Urgent Response, and more.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

How can I help my loved one get set up with a new Alexa-enabled device?

To set up your loved one's Echo device first, such as an Echo Show, send the device to yourself and choose the gift option at shipping to prevent your account from syncing with the device. Follow the instructions for the overall [device setup process](#), including how to save your loved one's wifi network to their device before sending it to them.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Set Up Your Alexa Together Connection

Follow the invitation steps to create an Alexa Together connection.

To use Alexa Together, care providers or their loved one will need one active Alexa Together subscription. Loved ones also need a separate Alexa account, an Alexa-enabled device, and Wi-Fi.

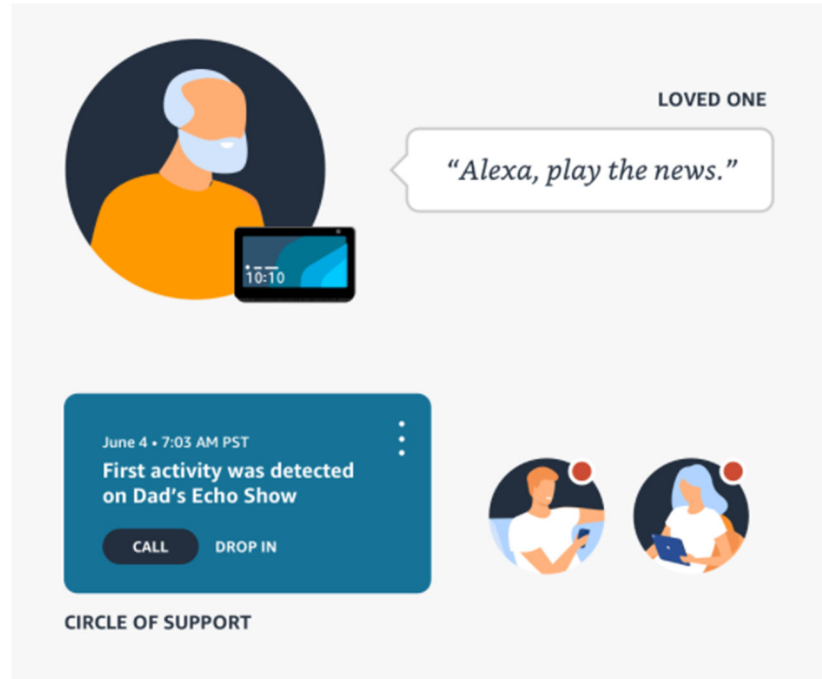
Tip: Before setup, download or update the Alexa app in your mobile device's app store. You can use the Alexa app or the [Get Started page](#).

1. Open the Alexa app .
2. Open **More**  and select **See More**.
3. Select **Alexa Together**.
4. Follow the on-screen steps to provide support or receive support from a loved one. You can send the invitation to any email address.
Note: Loved ones must sign up with the same account registered to their Alexa enabled device. Care providers must wait 48 hours after an invitation is cancelled or declined to send a new Alexa Together invite.
5. If you're providing support, help your loved ones send an Alexa Together invitation by selecting **View Guide**.

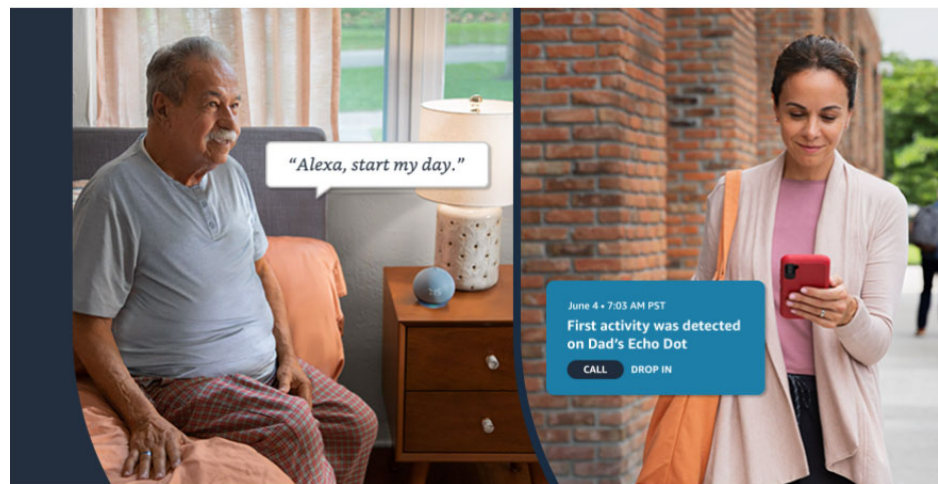
Ex. 23,

<https://www.amazon.com/gp/help/customer/display.html?nodeId=GWZSHRX7PJUZNUDU>

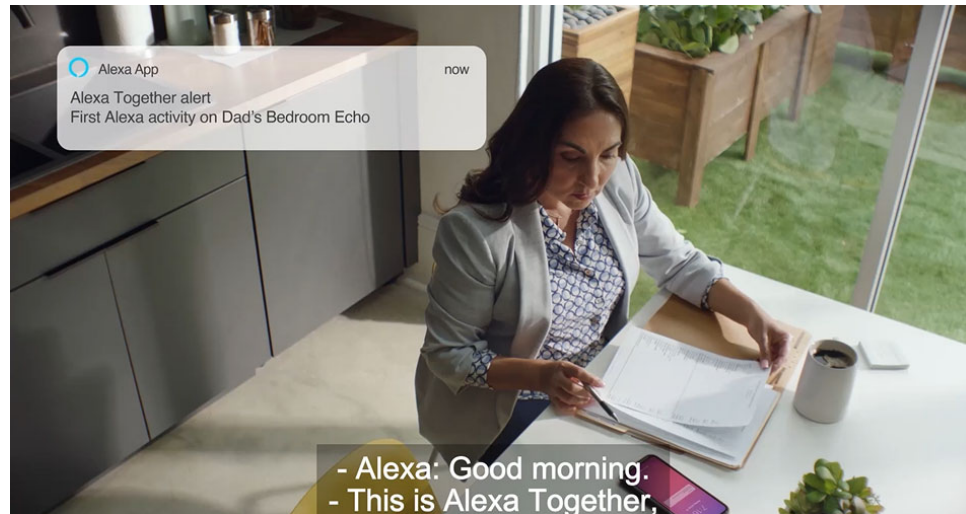
112. The ECSP Accused Products are programmed to “continuously monitor for a first senior user interaction indicating that the senior user has interacted with the chatbot,” as required by claim 1 of the ’203 patent. In the examples below, Alexa Together continuously monitors an elderly loved one’s user interaction and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting “[f]irst activity” or “first Alexa use” by the loved one. For example, users can “[s]et up daily alerts for [their] loved one’s first Alexa use, or if it isn’t used by a certain time.” Ex. 20, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022.



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

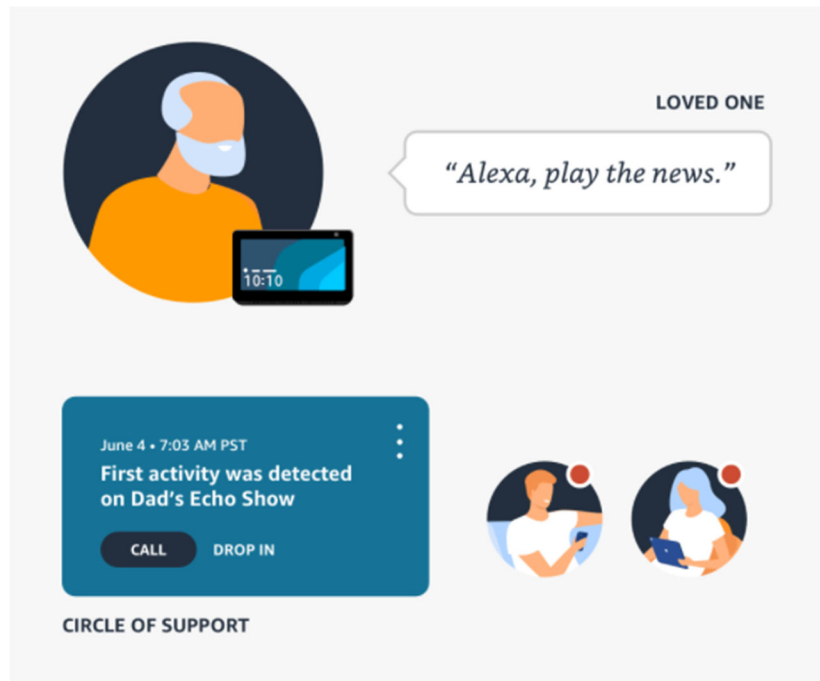


Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

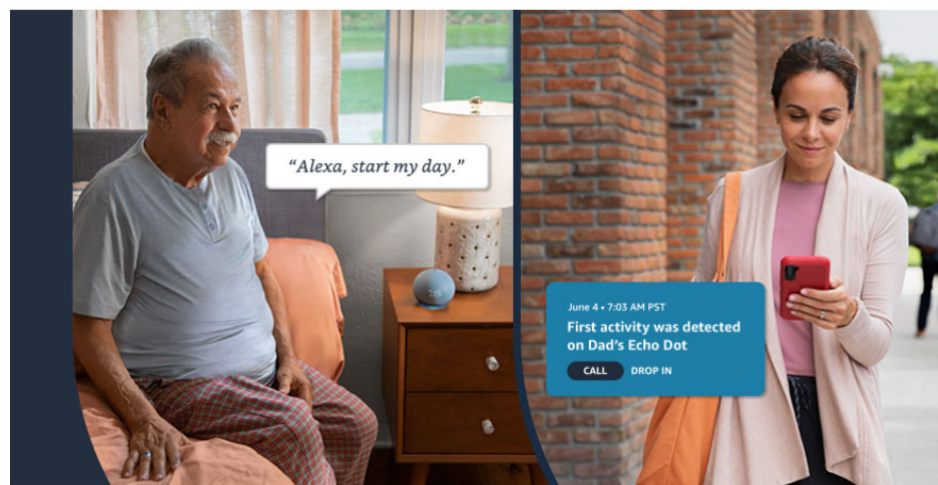


Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (video)

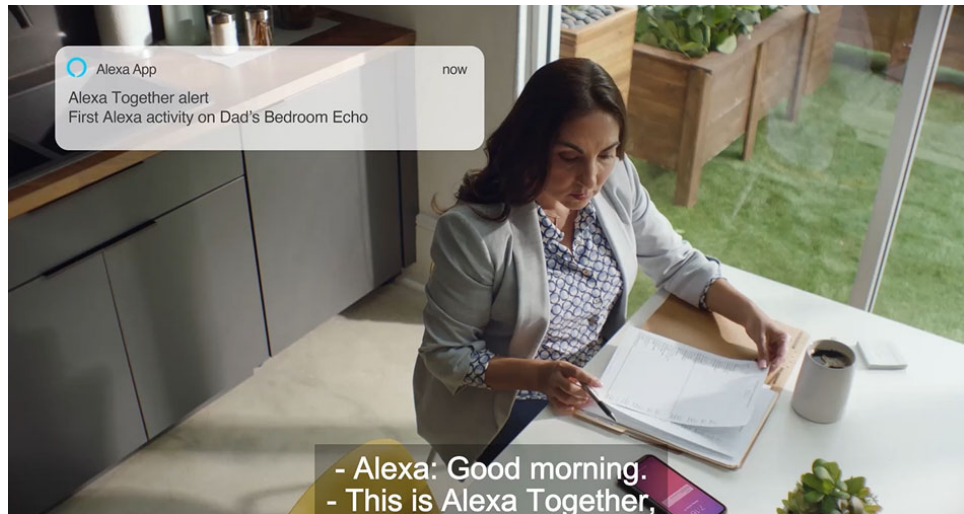
113. The ECSP Accused Products are programmed to “detect the first senior user interaction with the chatbot,” as required by claim 1 of the ’203 patent. In the examples below, Alexa Together detects an elderly loved one’s user interaction with Alexa and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting “[f]irst activity” or “first Alexa use” by the loved one. For example, users can “[s]et up daily alerts for [their] loved one’s first Alexa use, or if it isn’t used by a certain time.” Ex. 20, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022.



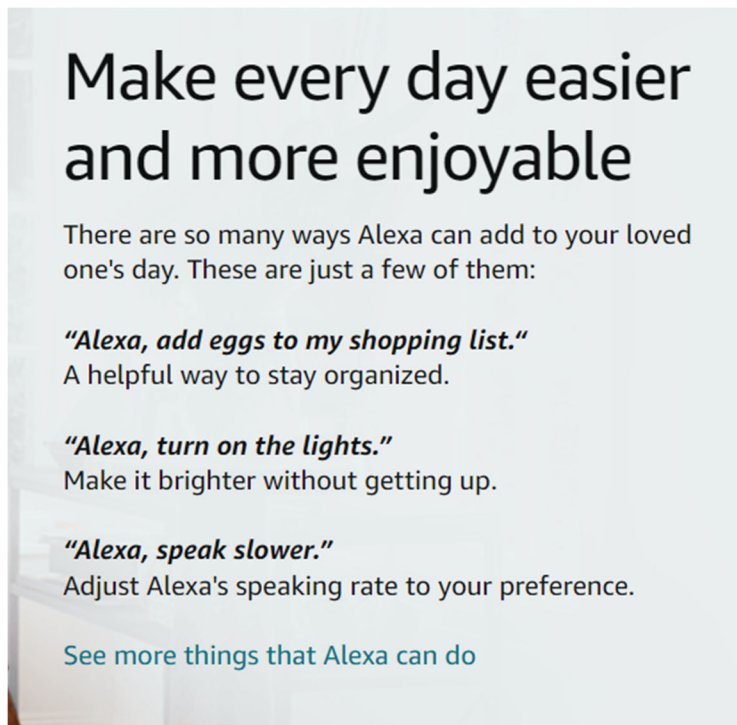
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

114. The ECSP Accused Products are programmed to “continuously monitor for a second senior user interaction indicating that the senior user has interacted with the chatbot, wherein the second senior user interaction is subsequent to the first senior user interaction,” as required by claim 1 of the ’203 patent. In the examples below, Alexa Together not only detects a

first Alexa use or first activity by the senior user, but also continuously monitors any of the loved one's Alexa and smart home interactions. For example, users can “[s]et up daily alerts for [their] loved one's first Alexa use, or if it isn't used by a certain time.” Ex. 20, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022.



Activity Feed

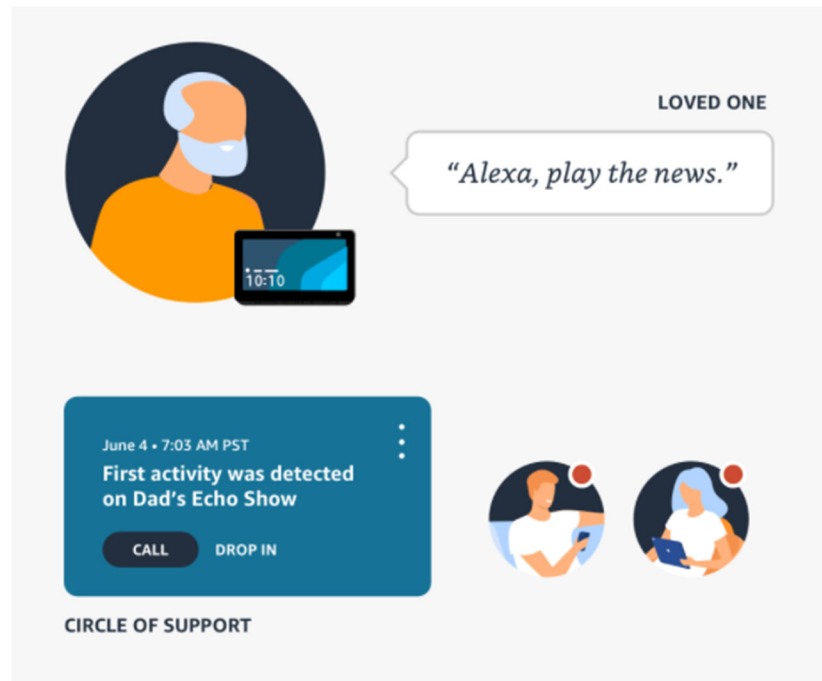
See how things are with snapshots of your loved one's Alexa and smart home interactions.



Fall Detection Response

If a compatible device detects a fall, Alexa calls Urgent Response and notifies emergency contacts.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



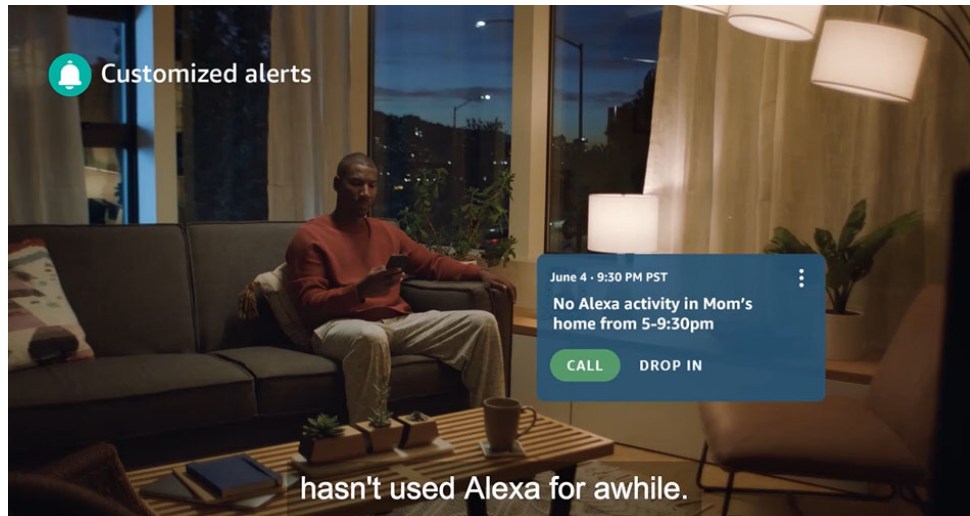
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



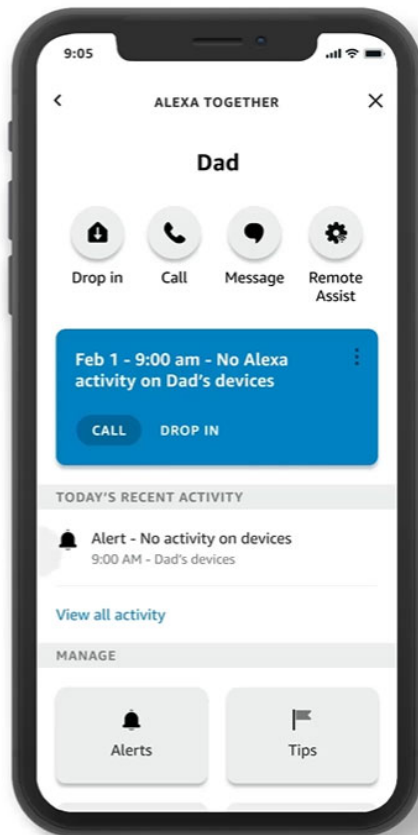
Customized Alerts

Set up daily alerts for your loved one's first Alexa use, or if it isn't used by a certain time.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



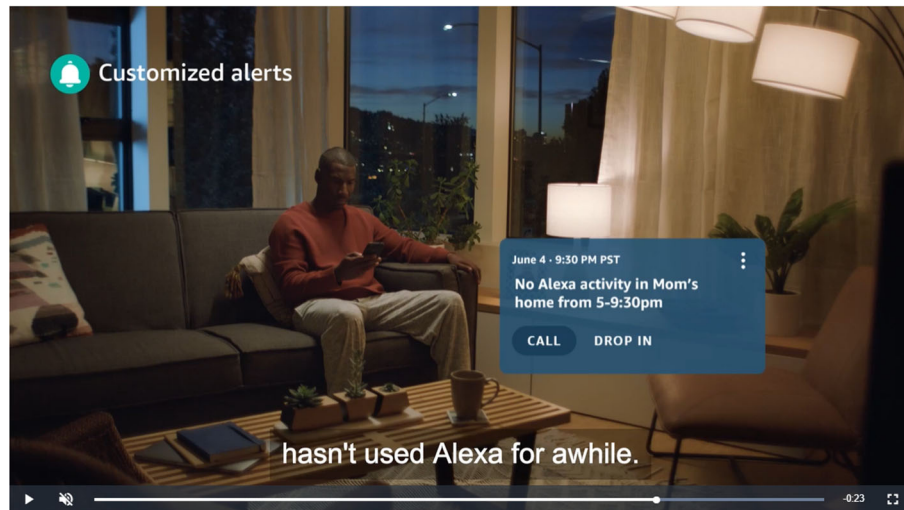
Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

115. The ECSP Accused Products are programmed to “determine an elapsed amount of time between detecting the first senior user interaction by the senior user and a current time without

having detected the second senior user interaction with the chatbot,” as required by claim 1 of the ’203 patent. In the example below, the ECSP Accused Products can determine and alert the caregiver if the loved one has not used Alexa within a specified period of time, *e.g.*, 5–9:30 PM.



Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

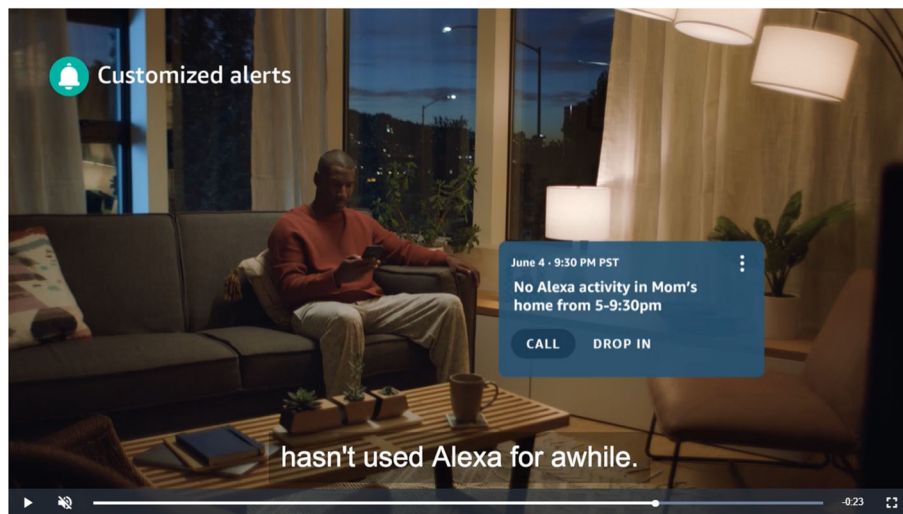
116. The ECSP Accused Products are programmed such that “when the elapsed amount of time between detecting the first senior user interaction and the current time without having detected the second senior user interaction with the chatbot exceeds a predetermined threshold, transmit a message to the second client device of the caregiver indicating that the senior user has not interacted with the chatbot for the elapsed amount of time,” as required by claim 1 of the ’203 patent. The ECSP Accused Products allows customized alerts to the care provider’s device to indicate that the loved one has not interacted with the ECSP Accused Products “by a certain time.” In the example below, the ECSP Accused Products can determine and alert the caregiver if the loved one has not used Alexa within a specified period of time, *e.g.*, 5–9:30 PM.



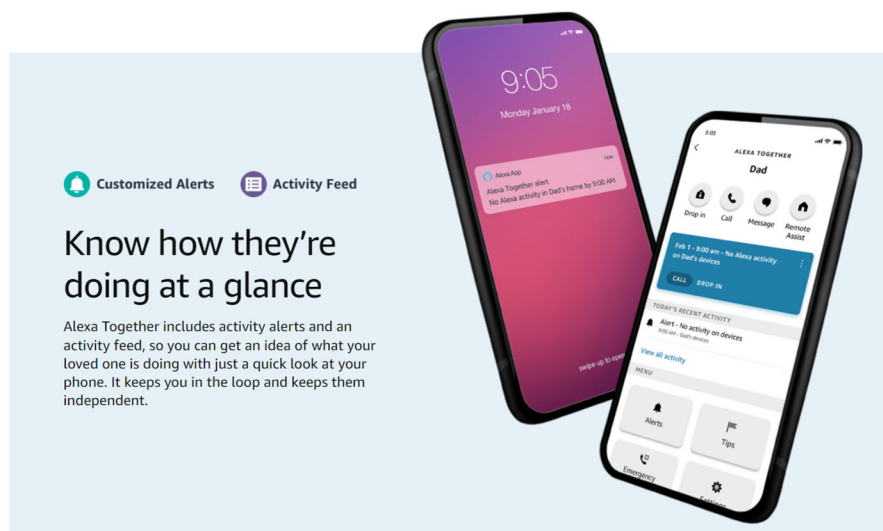
Customized Alerts

Set up daily alerts for your loved one's first Alexa use, or if it isn't used by a certain time.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

117. Each claim in the '203 patent recites an independent invention. Neither claim 1, described above, nor any other individual claim is representative of all claims in the '203 patent.

118. Amazon was aware of the '203 patent since before the date of its issuance on September 7, 2021. On January 4, 2021, State Farm sent a letter to Amazon notifying it of the publishing of the application that became the '235 patent, of which the '203 is a continuation, noting that it applied to State Farm's Sundial® and Amazon's Alexa Care Hub. On July 29, 2021, State Farm sent an email to Amazon notifying it of the allowance and issue fee payment for the applications that became the '203 and '581 patents. On October 12, 2021, State Farm sent Amazon an email notifying Amazon that Alexa Together infringes the '203, '581, and '235 patents and proposing a potential patent license.

119. Amazon has further been aware of the '203 patent since at least the filing date of this Complaint.

120. Amazon actively induced and is actively inducing infringement of at least claim 1 of the '203 patent, in violation of 35 U.S.C. § 271(b).

121. Amazon's customers and end-users of the ECSP Accused Products directly infringe claim 1 of the '203 patent, at least by using the ECSP Accused Products, as described above in Paragraphs 105-112.

122. Amazon knowingly induces infringement of at least claim 1 of the '203 patent by customers and end-users of the ECSP Accused Products with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to selling, marketing, advertising, promotion, support, and distribution of the ECSP Accused Products in the United States.

123. Amazon knowingly instructs customers and end users, at least through its marketing, promotional, and instructional materials, to use the infringing ECSP Accused Products in an infringing manner, as described in detail above in Paragraphs 105-112.

124. Amazon advertises and instructs users on how to use the ECSP Accused Products. For example, Amazon publicly shares a “Frequently asked questions” website that instructs customers, *inter alia*, how to “[g]et started.” (Ex. 24, Frequently asked questions, <https://www.amazon.com/b/?node=23666031011>, last visited November 2, 2022). Amazon also publicly shares an “Alexa Together Setup Guide,” a step-by-step user guide that instructs users how to purchase, install, and setup the ECSP Accused Products. Ex. 25, Alexa Together Setup Guide, https://m.media-amazon.com/images/G/01/kindle/DP/Care-Launch/Alexa-Together-Setup-Guide-EN-V2.pdf?ref=at_setup_d, last visited November 2, 2022). Amazon also publicly shares a “Frequently asked questions” webpage that instructs users on various aspects of Alexa Together, including instructions regarding setup, activity feed, urgent response, alerts and notifications, Remote Assist, fall detection, Alexa Communication Features, and Circle of Support. Ex. 24, Alexa Together Frequently Asked Questions, <https://www.amazon.com/b/?node=23666031011>, last visited November 2, 2022.

125. Amazon further advertises and instructs that Alexa Together can notify users when their loved one “has had their first Alexa activity of the day or if no activity is detected by a certain time, such as 10 AM.” *Id.* Amazon also advertises and instructs users regarding the information that will appear on the Alexa Together activity feed. *Id.* (“Alexa Together will show a high-level summary of your loved one’s activity with Alexa or compatible smart home devices to give you a general sense that they are going about their day.”).

126. Amazon also posts videos on its website which instruct third parties on how to use the ECSP Accused Products. (See Ex. 26, Amazon Alexa Together Video, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (video) (last visited November 2, 2022)). These videos explain, *inter alia*, how care providers can be alerted regarding a loved one's first Alexa activity, "can receive notifications and stay informed about [their] loved one's well-being," and can "setup customized alerts, like a notification if [their] loved one hasn't used Alexa in a while." *Id.*

127. In addition to marketing the ECSP Accused Products for use in an infringing manner, Amazon also provides customer service to purchasers of the ECSP Accused Products that directs and encourages customers of the ECSP Accused Products to use the ECSP Accused Products in an infringing manner. For example, Amazon provides Alexa Together Support and teaches customers "how to set up a connection, view activity, and get alerts with Alexa Together," (Ex. 27, Alexa Together Support, <https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3>, last visited November 2, 2022):

[Digital Services and Device Support](#) › [Alexa Features Help](#) ›

Alexa Together Support

Learn how to set up a connection, view activity, and get alerts with Alexa Together.

Getting Started

- [What is Alexa Together?](#)
- [What are the Different Roles in a Circle of Support?](#)
- [Purchase and Activate an Alexa Together Subscription](#)
- [Help Loved Ones Set Up Their Echo Show Remotely](#)

How To

- [Set Up Your Alexa Together Connection](#)
- [Get Notifications About Your Loved One with Alexa Together](#)
- [View Activity with the Alexa Together Dashboard](#)
- [Connect Alexa Together to a Fall Detection Device](#)
- [How Do Turn On Alexa Together Remote Assist?](#)
- [Set Up an Alexa Routine](#)
- [How Does Drop In Work?](#)
- [Make Alexa Calls with Your Voice](#)
- [Update Your Alexa Together Urgent Response Address](#)
- [Update the Emergency Contact in Alexa Together](#)
- [What Is an Alexa Emergency Contact?](#)
- [Add Multiple Caregivers to an Alexa Together Subscription](#)
- [Manage Your Alexa Together Circle of Support](#)
- [Delete an Alexa Together Caregiver](#)
- [Cancel Your Alexa Together Subscription](#)

Troubleshooting

- [Set Up Doesn't Work with Alexa Together](#)
- [Alexa Together Circle of Support Doesn't Work](#)
- [Notifications Aren't Working on Alexa Together](#)

128. Amazon has sales and technical support staff who assist Amazon's customers and end users and provide instructions for the use of the ECSP Accused Products in an infringing manner in the United States. *See, e.g., id.*

129. Amazon provides its customers and end users with additional instructions that direct the customers and end users to use the ECSP Accused Products in an infringing manner.

Such instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. *See, e.g., id.*

130. Amazon contributed and is contributing to infringement of at least claim 1 of the '203 patent, in violation of 35 U.S.C. § 271(c).

131. Amazon's customers and end-users of the ECSP Accused Products directly infringe claim 1 of the '203 patent, at least by using the ECSP Accused Products, as described in detail above in Paragraphs 105-112.

132. Amazon contributes to infringement of the '203 patent by offering to sell, selling, and importing into the United States the ECSP Accused Products and components thereof, including, for example, the Alexa Together and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '203 patent and have no substantial non-infringing use.

133. The ECSP Accused Products and associated software applications and firmware supplied by Amazon are especially made and especially adapted for use in infringing the '203 Patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

134. Amazon's infringement of the '203 patent is without license or other authorization.

135. Because Amazon had knowledge of the '203 patent and proceeded to knowingly directly and indirectly infringe the '203 patent, Amazon's infringement has been and continues to be willful. As previously alleged, Amazon intentionally and knowingly copied proprietary innovations developed and patented by State Farm, including technology that Amazon now markets as its own.

136. Amazon's continued infringement of the '203 patent has damaged and will continue to damage Plaintiff.

137. Unless and until enjoined by this Court, Amazon will continue to directly infringe as well as induce and contribute to infringement of the '203 patent. Amazon's infringing acts are causing and will continue to cause at least Plaintiff irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, Plaintiff is entitled to a permanent injunction against further infringement.

138. This case is exceptional, entitling Plaintiff to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

THIRD CAUSE OF ACTION

Infringement of the '235 Patent by Amazon

139. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1–138 above as though fully set forth herein.

140. Amazon's products and/or services that infringe the '235 patent include, but are not limited to, the ECSP Accused Products and use thereof.

141. Amazon makes, uses, sells, offers for sale, and/or imports the ECSP Accused Products and components thereof in the United States.

142. Amazon directly infringes—literally and/or under the doctrine of equivalents—at least claim 1 of the '235 patent by making, using, selling, offering for sale, and/or importing into the United States its ECSP Accused Products and components thereof.

143. For example, claim 1 of the '235 patent recites:

1. An engagement and care support platform ("ECSP") computer device comprising at least one processor in communication with a chatbot and at least one memory device, the ECSP computer device in communication with a first client device and at least one second client device, the at least one processor of the ECSP computer device is programmed to:

register a senior user via the first client device, the first client device configured to receive a user interaction and communicate with the chatbot;

register a caregiver associated with the senior user via the at least one second client device;

determine a first expected time of interaction with the chatbot via the first client device for the senior user for a predefined period of time;

continuously monitor for a senior user interaction indicating that the senior user has interacted with the chatbot;

in response to detecting the senior user interaction with the chatbot prior to the first expected time of interaction elapsing, transmit a message to the at least one second client device of the caregiver indicating that the senior user has interacted with the chatbot; and

in response to not detecting the senior user interaction with the chatbot by the first expected time of interaction, transmit a different message to the at least one second client device of the caregiver indicating that the senior user has not interacted with the chatbot by the first expected time of interaction.

144. The ECSP Accused Products practice each limitation of claim 1 of the '235 patent.

145. To the extent the preamble is construed to be limiting, the ECSP Accused Products include “[a]n engagement and care support platform (‘ECSP’) computer device comprising at least one processor in communication with a chatbot and at least one memory device,” where for example, Alexa Together is the ECSP used with an Echo or Alexa-enabled device that is a “computer device comprising at least one processor in communication with a chatbot and at least one memory device”:

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently. The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house. You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times. Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

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Ex. 22, <https://voicebot.ai/2020/12/01/alexa-becomes-a-chatbot-you-can-now-talk-to-alexa-by-typing/>

146. To the extent the preamble is construed to be limiting, the ECSP computer device is “in communication with a first client device and at least one second client device.” For example, Alexa Together “requires the person receiving support to have at least one Echo device,” (first client device) and for the service to work “the supporting family member” (second client device) “need[s] the Alexa app installed on [their] mobile device.” Ex. 20, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022.

Peace of mind for you. Independence for them. It's easy to get started.

Alexa Together is a new way to provide support for your loved ones, keeping you together even when you're apart. To get started you will need:

- **One Alexa Together Subscription:** \$19.99/month plus tax after 6-month free trial. Cancel anytime.
- **An Echo Device for the person receiving support:** Alexa Together only requires the person receiving support to have at least one Echo device, while you — the supporting family member — only need the Alexa app installed on your mobile device. For the best experience, we recommend you both have devices such as an Echo Show 8 so that you can video chat too. [Shop Echo Show 8 device bundle.](#)
- **Two separate Amazon.com accounts:** One for you, and one for your loved one. [Need an account?](#)

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Set up Alexa Together, together

Setting up Alexa Together takes two: you and your loved one. Before you start, make sure your loved one has their own Amazon account. They will need to sign in to their Amazon account with their login and password, and will need a mobile phone number to receive a verification code during the setup process.

[Download the setup guide](#)



1. Get started

After purchasing Alexa Together, you can start the setup process.



2. Confirm access

Your loved one will get an email to finalize and confirm the setup, after which the subscription will be activated.



3. Customize experience

You're now connected to Alexa Together, and can start using alerts, Urgent Response, and more.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently.

The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house.

You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times.

Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (emphasis added)

What do I need to get started?

You will need to purchase one Alexa Together plan, either monthly or annual. If you are buying Alexa Together for yourself for peace of mind using Urgent Response, or receiving support from a family member, you will need an Echo or Alexa-enabled device and wifi. If you are the person providing support to a loved one, you only need the Alexa app downloaded to your phone. For a better experience, we do recommend that the person providing support also has an Echo device to use features like Alexa Calling or Drop In, or to enable video chat if both people have an Echo Show.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

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Ex. 22, <https://voicebot.ai/2020/12/01/alexa-becomes-a-chatbot-you-can-now-talk-to-alexa-by-typing/>

147. The ECSP Accused Products are programmed to “register a senior user via the first client device, the first client device configured to receive a user interaction and communicate with the chatbot,” as required by claim 1 of the '235 patent. In the examples below, Alexa Together requires two separate Amazon accounts, one for the loved one (senior user) and one for the care provider (caregiver). For example, “loved ones” need “an Alexa-enabled device” (first client device), and Amazon recommends that both the loved one and care provider “both have devices such as an Echo Show 8”:

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Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

How can I help my loved one get set up with a new Alexa-enabled device?

To set up your loved one's Echo device first, such as an Echo Show, send the device to yourself and choose the gift option at shipping to prevent your account from syncing with the device. Follow the instructions for the overall [device setup process](#), including how to save your loved one's wifi network to their device before sending it to them.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Set Up Your Alexa Together Connection

Follow the invitation steps to create an Alexa Together connection.

To use Alexa Together, care providers or their loved one will need one active Alexa Together subscription. Loved ones also need a separate Alexa account, an Alexa-enabled device, and Wi-Fi.

Tip: Before setup, download or update the Alexa app in your mobile device's app store. You can use the Alexa app or the [Get Started page](#).

1. Open the Alexa app .
2. Open **More**  and select **See More**.
3. Select **Alexa Together**.
4. Follow the on-screen steps to provide support or receive support from a loved one. You can send the invitation to any email address.
Note: Loved ones must sign up with the same account registered to their Alexa enabled device. Care providers must wait 48 hours after an invitation is cancelled or declined to send a new Alexa Together invite.
5. If you're providing support, help your loved ones send an Alexa Together invitation by selecting **View Guide**.

Ex. 23,

<https://www.amazon.com/gp/help/customer/display.html?nodeId=GWZSHRX7PJUZNUDU>

148. The ECSP Accused Products are programmed to “register a caregiver associated with the senior user via the at least one second client device,” as required by claim 1 of the ’235

patent. Alexa Together requires two separate Amazon accounts, one for the loved one (senior user) and one for the care provider (caregiver). Moreover, “loved ones” need “an Alexa-enabled device” (first client device) and care providers need to “download or update the Alexa app in [their] mobile device’s app store,” and Amazon recommends that both the loved one and care provider “both have devices such as an Echo Show 8” (second client device):

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5. If you're providing support, help your loved ones send an Alexa Together invitation by selecting **View Guide**.

Ex. 23,

<https://www.amazon.com/gp/help/customer/display.html?nodeId=GWZSHRX7PJUZNUDU>

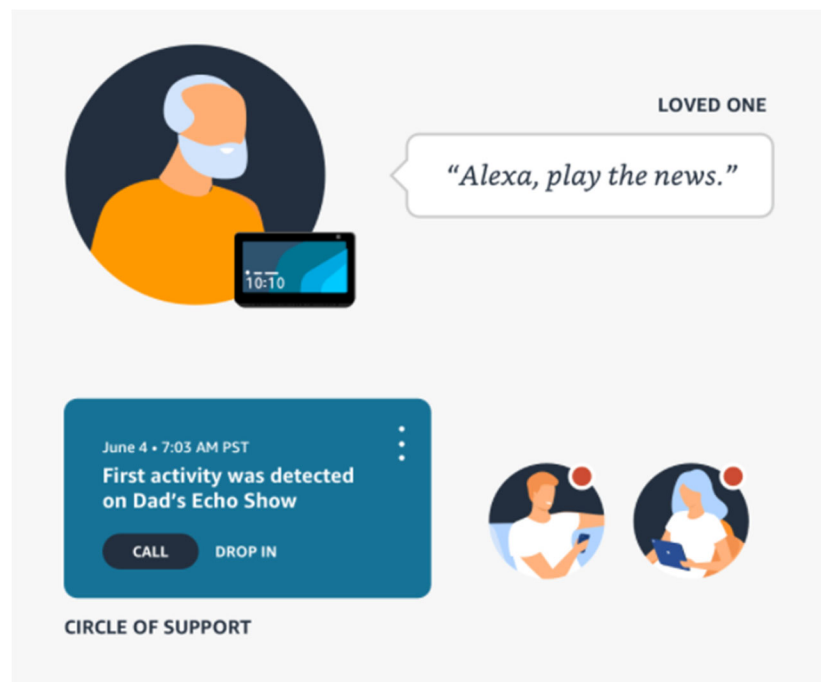
149. The ECSP Accused Products are programmed to “determine a first expected time of interaction with the chatbot via the first client device for the senior user for a predefined period of time,” as required by claim 1 of the ’235 patent. In the examples below, Alexa Together continuously monitors an elderly loved one’s user interaction and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting “[f]irst activity” or “first Alexa use” by the loved one. Alexa Together can also determine whether a loved one interacted with the Alexa at specific times of the day:



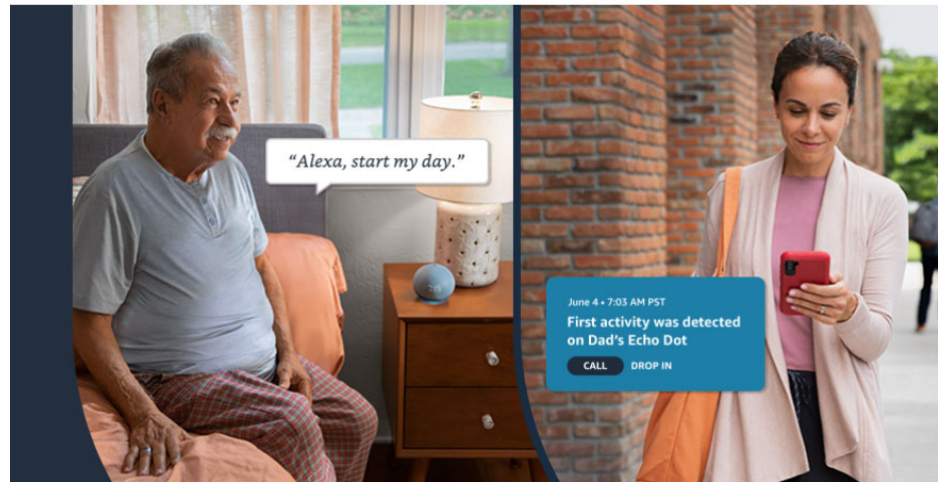
Customized Alerts

Set up daily alerts for your loved one's first Alexa use, or if it isn't used by a certain time.

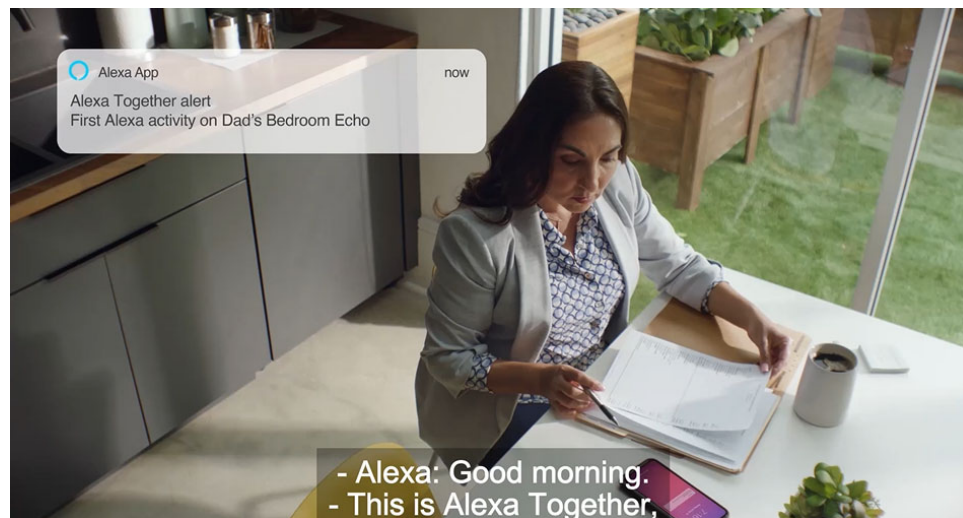
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



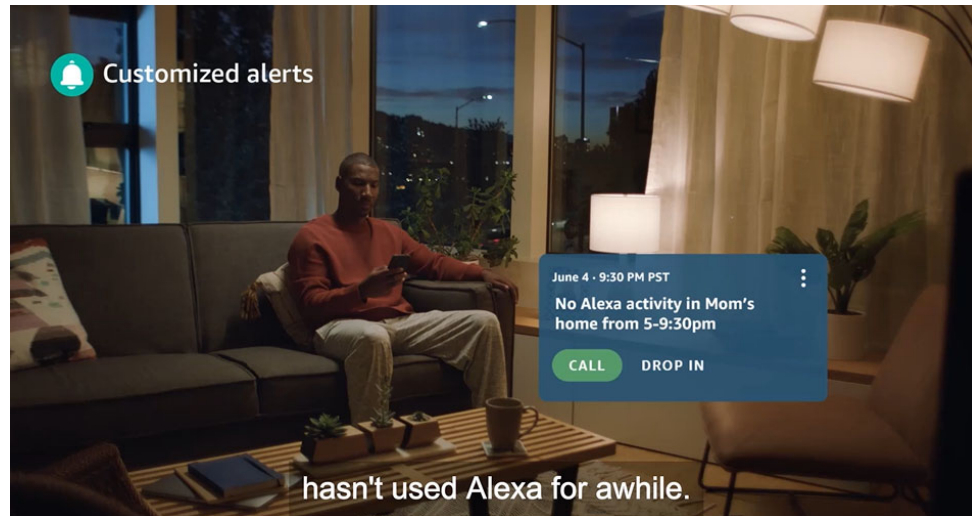
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



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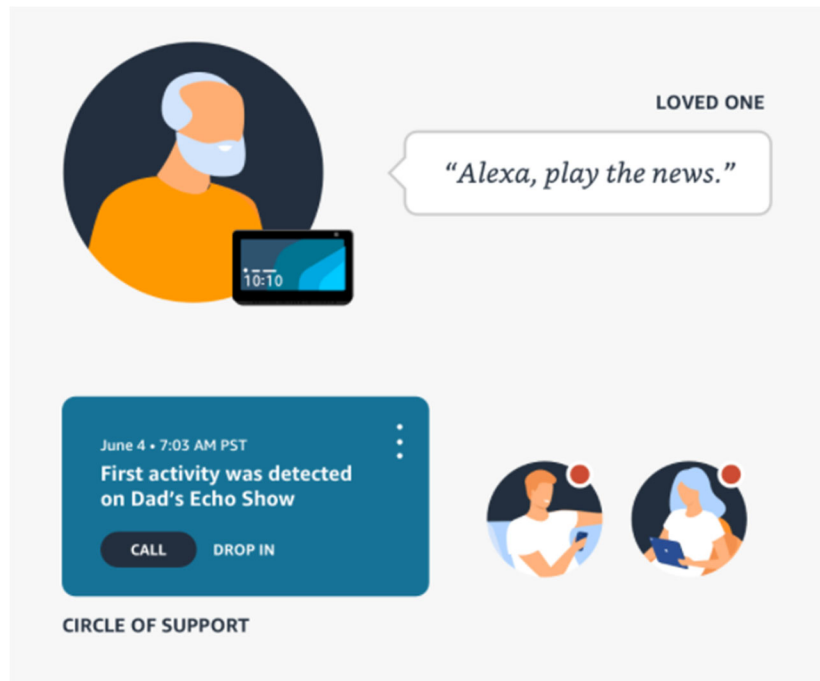


Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

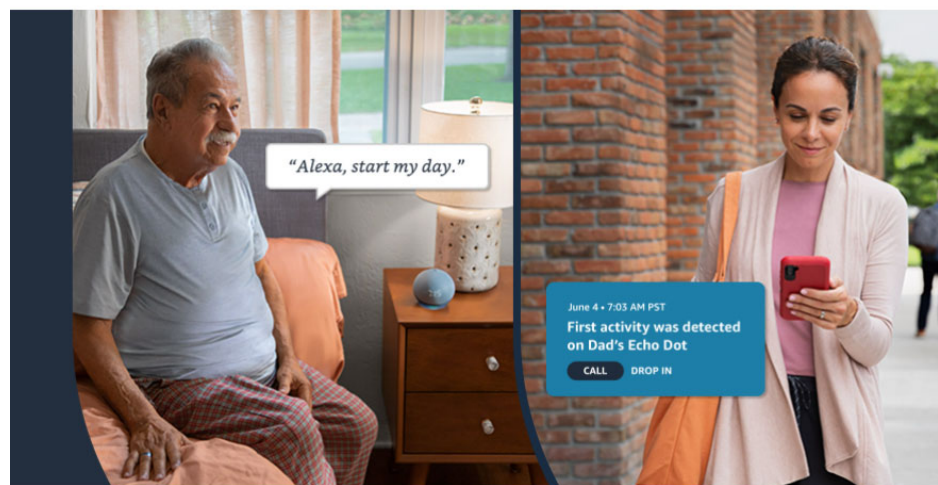


Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

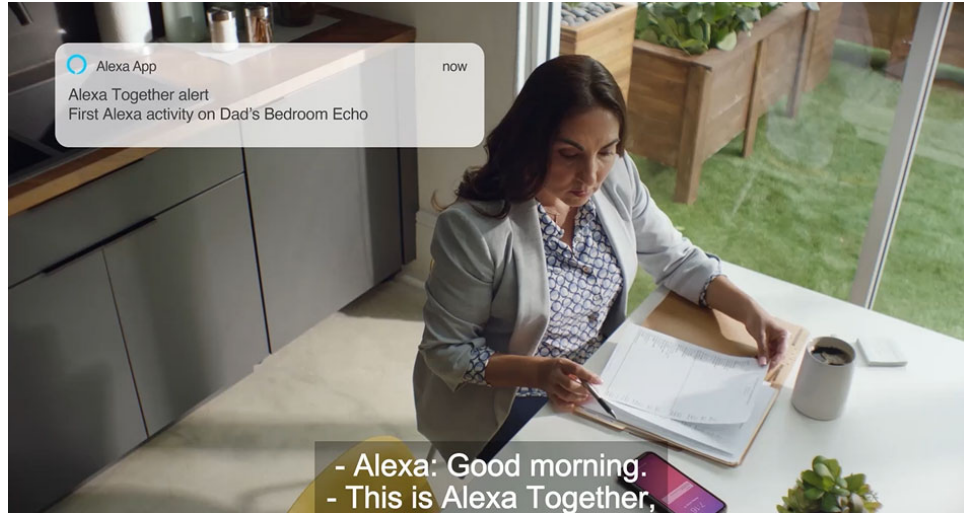
150. The ECSP Accused Products are programmed to “continuously monitor for a senior user interaction indicating that the senior user has interacted with the chatbot,” as required by claim 1 of the ’235 patent. In the examples below, Alexa Together detects an elderly loved one’s user interaction with Alexa and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting “[f]irst activity” or “first Alexa use” by the loved one. For example, a user can “[s]et up daily alerts for [their] loved one’s first Alexa use, or if it isn’t used by a certain time.” Ex. 20, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022.



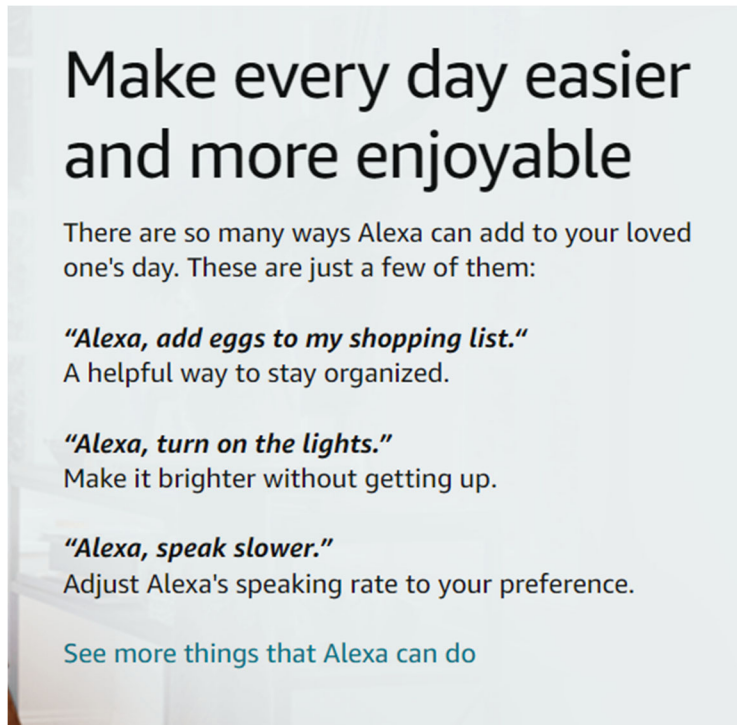
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



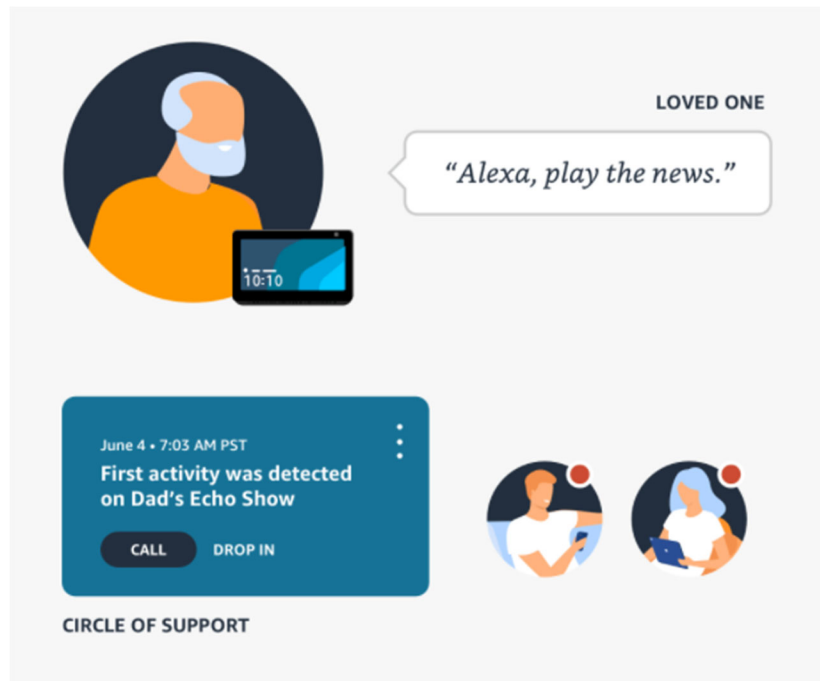
Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



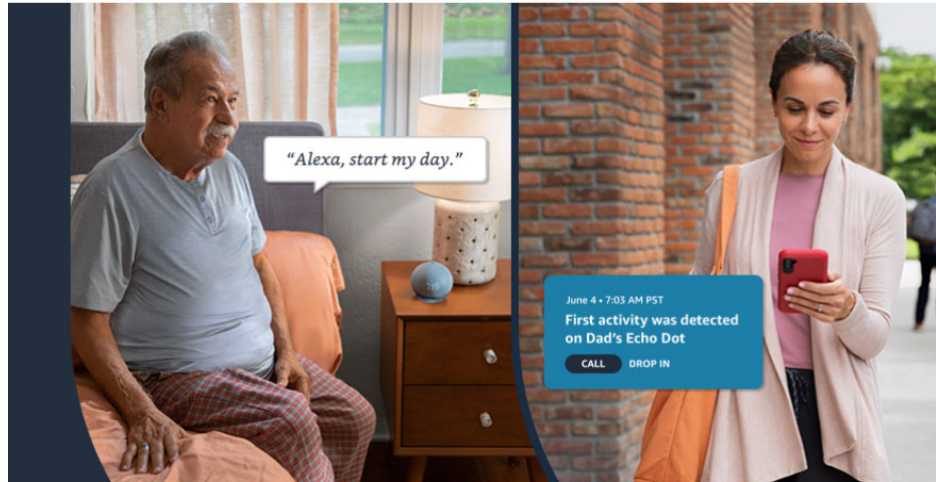
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

151. The ECSP Accused Products are programmed such that “in response to detecting the senior user interaction with the chatbot prior to the first expected time of interaction elapsing, transmit a message to the at least one second client device of the caregiver indicating that the senior user has interacted with the chatbot,” as required by claim 1 of the ’235 patent. In the examples

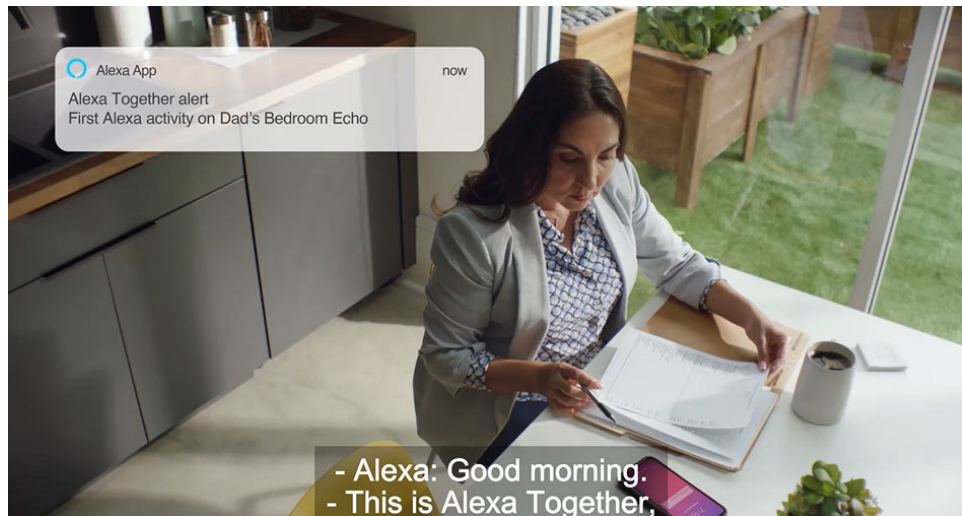
below, Alexa Together continuously monitors an elderly loved one's user interaction and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting "[f]irst activity" or "first Alexa use" by the loved one. For example, a user can "[s]et up daily alerts for [their] loved one's first Alexa use, or if it isn't used by a certain time." Ex. 20, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022.



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

152. The ECSP Accused Products are programmed such that “in response to not detecting the senior user interaction with the chatbot by the first expected time of interaction, transmit a different message to the at least one second client device of the caregiver indicating that the senior user has not interacted with the chatbot by the first expected time of interaction,” as required by claim 1 of the '235 patent. In the examples below, Alexa Together not only detect a first Alexa use or first activity by the senior user, but also continuously monitors any of the loved one's Alexa and smart home interactions. Moreover, Alexa Together allows customized alerts to

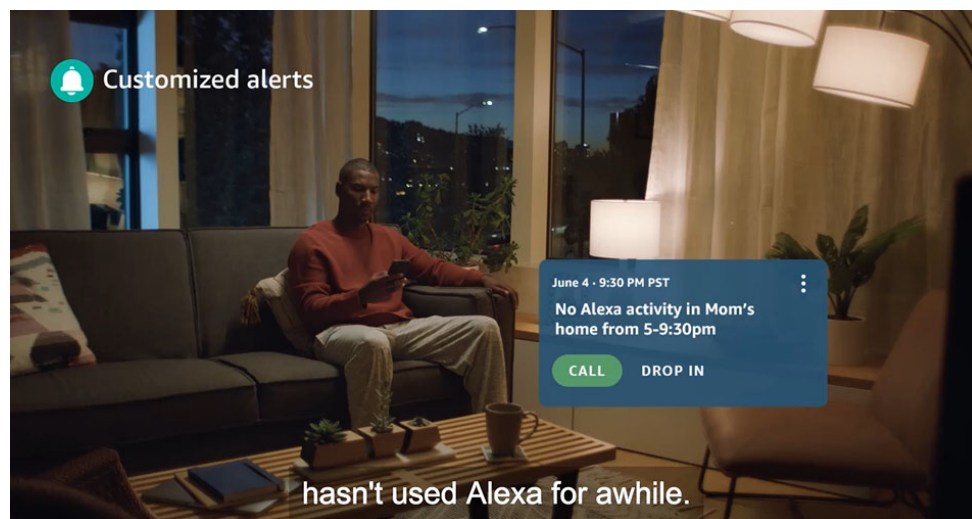
the care provider's device to indicate that the loved one has not interacted with the ECSP Accused Products "by a certain time":



Customized Alerts

Set up daily alerts for your loved one's first Alexa use, or if it isn't used by a certain time.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Activity Feed

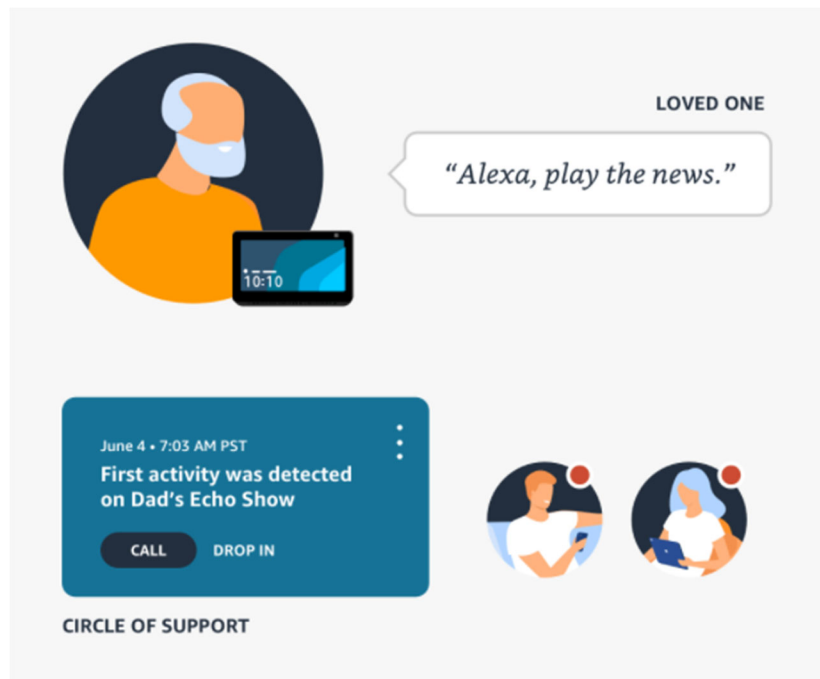
See how things are with snapshots of your loved one's Alexa and smart home interactions.



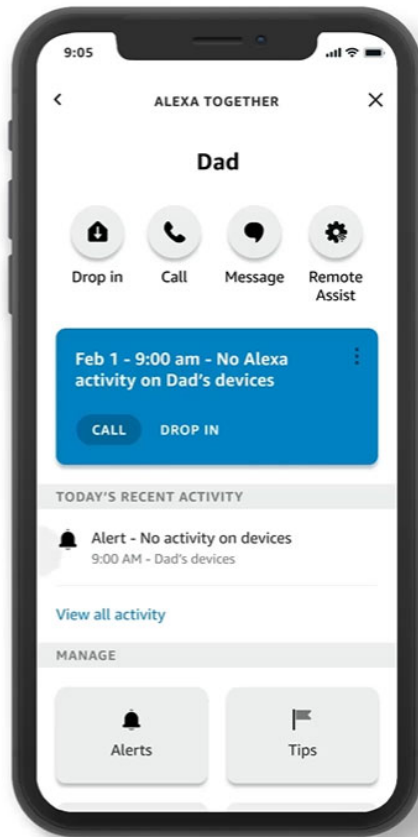
Fall Detection Response

If a compatible device detects a fall, Alexa calls Urgent Response and notifies emergency contacts.

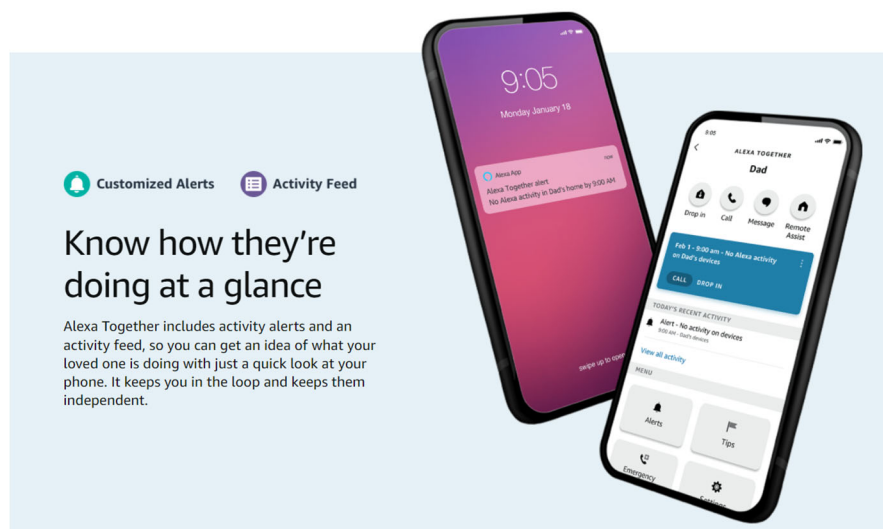
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



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Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

153. Each claim in the '235 patent recites an independent invention. Neither claim 1, described above, nor any other individual claim is representative of all claims in the '235 patent.

154. Amazon was aware of the '235 patent since before the date of its issuance on July 6, 2021. On January 4, 2021, State Farm sent a letter to Amazon notifying it of the publication of the application that became the '235 patent and noting that it applied to State Farm's Sundial® and Amazon's Alexa Care Hub. On April 30, 2021, State Farm sent an email to Amazon notifying it of the allowance and issue fee payment for the application that became the '235 patent. On October 12, 2021, State Farm sent Amazon an email notifying Amazon that Alexa Together infringes the '203, '581, and '235 patents and proposing a potential patent license.

155. Amazon has further been aware of the '235 patent since at least the filing date of this Complaint.

156. Amazon actively induced and is actively inducing infringement of at least claim 1 of the '235 patent, in violation of 35 U.S.C. § 271(b).

157. Amazon's customers and end-users of the ECSP Accused Products directly infringe claim 1 of the '235 patent, at least by using the ECSP Accused Products, as described above in Paragraphs 141-148.

158. Amazon knowingly induces infringement of at least claim 1 of the '235 patent by customers and end-users of the ECSP Accused Products with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to selling, marketing, advertising, promotion, support, and distribution of the ECSP Accused Products in the United States.

159. Amazon knowingly instructs customers and end users, at least through its marketing, promotional, and instructional materials, to use the infringing ECSP Accused Products in an infringing manner, as described in detail above in Paragraphs 141-148.

160. Amazon advertises and instructs users on how to use the ECSP Accused Products. For example, Amazon publicly shares a “Frequently asked questions” website that instructs customers, *inter alia*, how to “[g]et started.” Ex. 24, Frequently asked questions, <https://www.amazon.com/b/?node=23666031011>, last visited November 2, 2022. Amazon also publicly shares an “Alexa Together Setup Guide,” a step-by-step user guide that instructs users how to purchase, install, and setup the ECSP Accused Products. Ex. 25, Alexa Together Setup Guide, https://m.media-amazon.com/images/G/01/kindle/DP/Care-Launch/Alexa-Together-Setup-Guide-EN-V2.pdf?ref=at_setup_d, last visited November 2, 2022). Amazon also publicly shares a “Frequently asked questions” webpage that instructs users on various aspects of Alexa Together, including instructions regarding setup, activity feed, urgent response, alerts and notifications, Remote Assist, fall detection, Alexa Communication Features, and Circle of Support. Ex. 24, Alexa Together Frequently Asked Questions, <https://www.amazon.com/b/?node=23666031011>, last visited November 2, 2022.

161. Amazon further advertises and instructs that Alexa Together can notify users when their loved one “has had their first Alexa activity of the day or if no activity is detected by a certain time, such as 10 AM.” *Id.* Amazon also advertises and instructs users regarding the information that will appear on the Alexa Together activity feed. *Id.* (“Alexa Together will show a high-level summary of your loved one’s activity with Alexa or compatible smart home devices to give you a general sense that they are going about their day.”).

162. Amazon also posts videos on its website that instruct third parties on how to use the ECSP Accused Products. *See* Ex. 26, Amazon Alexa Together Video, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (video) (last visited November 2, 2022). These videos explain, *inter alia*, how care providers can be alerted regarding a loved one's first Alexa activity, "can receive notifications and stay informed about [their] loved one's well-being," and can "setup customized alerts, like a notification if [their] loved one hasn't used Alexa in a while." *Id.*

163. In addition to marketing the ECSP Accused Products for use in an infringing manner, Amazon also provides customer service to purchasers of the ECSP Accused Products that directs and encourages customers of the ECSP Accused Products to use the ECSP Accused Products in an infringing manner. For example, Amazon provides Alexa Together Support and teaches customers "how to set up a connection, view activity, and get alerts with Alexa Together," (Ex. 27, Alexa Together Support, <https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3>, last visited November 2, 2022):

Digital Services and Device Support › Alexa Features Help ›

Alexa Together Support

Learn how to set up a connection, view activity, and get alerts with Alexa Together.

Getting Started

- [What is Alexa Together?](#)
- [What are the Different Roles in a Circle of Support?](#)
- [Purchase and Activate an Alexa Together Subscription](#)
- [Help Loved Ones Set Up Their Echo Show Remotely](#)

How To

- [Set Up Your Alexa Together Connection](#)
- [Get Notifications About Your Loved One with Alexa Together](#)
- [View Activity with the Alexa Together Dashboard](#)
- [Connect Alexa Together to a Fall Detection Device](#)
- [How Do Turn On Alexa Together Remote Assist?](#)
- [Set Up an Alexa Routine](#)
- [How Does Drop In Work?](#)
- [Make Alexa Calls with Your Voice](#)
- [Update Your Alexa Together Urgent Response Address](#)
- [Update the Emergency Contact in Alexa Together](#)
- [What Is an Alexa Emergency Contact?](#)
- [Add Multiple Caregivers to an Alexa Together Subscription](#)
- [Manage Your Alexa Together Circle of Support](#)
- [Delete an Alexa Together Caregiver](#)
- [Cancel Your Alexa Together Subscription](#)

Troubleshooting

- [Set Up Doesn't Work with Alexa Together](#)
- [Alexa Together Circle of Support Doesn't Work](#)
- [Notifications Aren't Working on Alexa Together](#)

164. Amazon has sales and technical support staff who assist Amazon's customers and end users and provide instructions for the use of the ECSP Accused Products in an infringing manner in the United States. *See, e.g., id.*

165. Amazon provides its customers and end users with additional instructions that direct the customers and end users to use the ECSP Accused Products in an infringing manner.

Such instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. *See, e.g., id.*

166. Amazon contributed and is contributing to infringement of at least claim 1 of the '235 patent, in violation of 35 U.S.C. § 271(c).

167. Amazon's customers and end-users of the ECSP Accused Products directly infringe claim 1 of the '235 patent, at least by using the ECSP Accused Products, as described in detail above in Paragraphs 141-148.

168. Amazon contributes to infringement of the '235 patent by offering to sell, selling, and importing into the United States the ECSP Accused Products and components thereof, including, for example, the Alexa Together and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '235 patent and have no substantial non-infringing use.

169. The ECSP Accused Products and associated software applications and firmware supplied by Amazon are especially made and especially adapted for use in infringing the '235 Patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

170. Amazon's infringement of the '235 patent is without license or other authorization.

171. Because Amazon had knowledge of the '235 patent and proceeded to knowingly directly and indirectly infringe the '235 patent, Amazon's infringement has been and continues to be willful.

172. Amazon's continued infringement of the '235 patent has damaged and will continue to damage Plaintiff.

173. Unless and until enjoined by this Court, Amazon will continue to directly infringe as well as induce and contribute to infringement of the '235 patent. Amazon's infringing acts are causing and will continue to cause at least Plaintiff irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, Plaintiff is entitled to a permanent injunction against further infringement.

174. This case is exceptional, entitling Plaintiff to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

FOURTH CAUSE OF ACTION

Infringement of the '585 Patent by Amazon

175. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1–174 above as though fully set forth herein.

176. Amazon's products and/or services that infringe the '585 patent include, but are not limited to, the ECSP Accused Products and use thereof.

177. Amazon makes, uses, sells, offers for sale, and/or imports the ECSP Accused Products and components thereof in the United States.

178. Amazon directly infringes—literally and/or under the doctrine of equivalents—at least claim 1 of the '585 patent by making, using, selling, offering for sale, and/or importing into the United States its ECSP Accused Products and components thereof.

179. For example, claim 1 of the '585 patent recites:

1. A user computer device comprising at least one processor in communication with at least one memory device and a first microphone, the user computer device in communication with at least one second computer device, the at least one processor of the user computer device programmed to:

access stored user registration information for a user associated with the user computer device;

access stored caregiver registration information for a caregiver associated with the user, wherein the caregiver registration information includes data for identifying the at least one second computer device;

determine an expected time of interaction for the user for a predefined period of time, wherein the expected time of interaction for the user is a time associated with a first unprompted and unscheduled verbal interaction of the user detected by the first microphone during the predefined period of time;

monitor an input of the first microphone for a user interaction that is unprompted and unscheduled by the user computer device; and

in response to detecting an input to the first microphone indicative of a verbal user interaction that is unprompted and unscheduled by the user computer device prior to the expected time of interaction, the at least one processor of the user computer device programmed to:

transmit a message to the at least one second computer device of the caregiver indicating that the user has interacted with the user computer device during the predefined period of time.

180. The ECSP Accused Products practice each limitation of claim 1 of the '585 patent.

181. To the extent the preamble is construed to be limiting, the ECSP Accused Products include “[a] user computer device comprising at least one processor in communication with at least one memory device and a first microphone, the user computer device in communication with at least one second computer device, the at least one processor of the user computer device programmed to,” where for example, an Echo or Alexa-enabled device with Alexa Together is the claimed “user computer device”:

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently. The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house. You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times. Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

What do I need to get started?

You will need to purchase one Alexa Together plan, either monthly or annual. If you are buying Alexa Together for yourself for peace of mind using Urgent Response, or receiving support from a family member, you will need an Echo or Alexa-enabled device and wifi. If you are the person providing support to a loved one, you only need the Alexa app downloaded to your phone. For a better experience, we do recommend that the person providing support also has an Echo device to use features like Alexa Calling or Drop In, or to enable video chat if both people have an Echo Show.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Alexa is officially a chatbot. Yesterday, Amazon began rolling out a new feature on iOS that enables users to type their requests to Alexa and see responses on the screen. This is yet another update Amazon has made this year in its Alexa mobile app as the company attempts to extend the voice assistant's utility beyond the home. It will also be welcomed by many users as a big convenience since Alexa services will now be available without making a sound. Others will wonder why a chatbot is a necessary update.

Ex. 22, <https://voicebot.ai/2020/12/01/alexa-becomes-a-chatbot-you-can-now-talk-to-alexa-by-typing/>

182. Further, Alexa Together requires an Echo or Alexa-enabled device with a “memory device” and a “microphone.”

Microphone. We use your mobile device's microphone to hear your requests and to enable Alexa Communication features. On some mobile devices, we also need the microphone permission to process audio from your Alexa-enabled Bluetooth devices.

Storage. To enable certain Alexa features, we may need to store data locally on the device. For example, to improve the performance of the app, we may store certain data (e.g., map data) locally.

Ex. 28, Alexa and Alexa Device FAQs,

<https://www.amazon.com/gp/help/customer/display.html?nodeId=201602230>

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently.

The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house.

You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times.

Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (emphasis added)

Alexa is officially a chatbot. Yesterday, Amazon began rolling out a new feature on iOS that enables users to type their requests to Alexa and see responses on the screen. This is yet another update Amazon has made this year in its Alexa mobile app as the company attempts to extend the voice assistant's utility beyond the home. It will also be welcomed by many users as a big convenience since Alexa services will now be available without making a sound. Others will wonder why a chatbot is a necessary update.

Ex. 22, <https://voicebot.ai/2020/12/01/alexa-becomes-a-chatbot-you-can-now-talk-to-alexa-by-typing/>

183. The ECSP Accused Products are programmed to "access stored user registration information for a user associated with the user computer device" and "access stored caregiver

registration information for a caregiver associated with the user, wherein the caregiver registration information includes data for identifying the at least one second computer device” as required by claim 1 of the ’585 patent. In the examples below, Alexa Together requires two separate Amazon accounts, one for the loved one (senior user) and one for the care provider (caregiver). For example, “loved ones” need “an Alexa-enabled device” (first client device), and Amazon recommends that both the loved one and care provider “both have devices such as an Echo Show 8”:

Peace of mind for you. Independence for them. It's easy to get started.

Alexa Together is a new way to provide support for your loved ones, keeping you together even when you're apart. To get started you will need:

- **One Alexa Together Subscription:** \$19.99/month plus tax after 6-month free trial. Cancel anytime.
- **An Echo Device for the person receiving support:** Alexa Together only requires the person receiving support to have at least one Echo device, while you — the supporting family member — only need the Alexa app installed on your mobile device. For the best experience, we recommend you both have devices such as an Echo Show 8 so that you can video chat too. [Shop Echo Show 8 device bundle.](#)
- **Two separate Amazon.com accounts:** One for you, and one for your loved one. [Need an account?](#)

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Set up Alexa Together, together

Setting up Alexa Together takes two: you and your loved one. Before you start, make sure your loved one has their own Amazon account. They will need to sign in to their Amazon account with their login and password, and will need a mobile phone number to receive a verification code during the setup process.

[Download the setup guide](#)



1. Get started

After purchasing Alexa Together, you can start the setup process.



2. Confirm access

Your loved one will get an email to finalize and confirm the setup, after which the subscription will be activated.



3. Customize experience

You're now connected to Alexa Together, and can start using alerts, Urgent Response, and more.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

How can I help my loved one get set up with a new Alexa-enabled device?

To set up your loved one's Echo device first, such as an Echo Show, send the device to yourself and choose the gift option at shipping to prevent your account from syncing with the device. Follow the instructions for the overall [device setup process](#), including how to save your loved one's wifi network to their device before sending it to them.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Set Up Your Alexa Together Connection

Follow the invitation steps to create an Alexa Together connection.

To use Alexa Together, care providers or their loved one will need one active Alexa Together subscription. Loved ones also need a separate Alexa account, an Alexa-enabled device, and Wi-Fi.

Tip: Before setup, download or update the Alexa app in your mobile device's app store. You can use the Alexa app or the [Get Started page](#).

1. Open the Alexa app .
2. Open **More**  and select **See More**.
3. Select **Alexa Together**.
4. Follow the on-screen steps to provide support or receive support from a loved one. You can send the invitation to any email address.
Note: Loved ones must sign up with the same account registered to their Alexa enabled device. Care providers must wait 48 hours after an invitation is cancelled or declined to send a new Alexa Together invite.
5. If you're providing support, help your loved ones send an Alexa Together invitation by selecting **View Guide**.

Ex. 23,

<https://www.amazon.com/gp/help/customer/display.html?nodeId=GWZSHRX7PJUZNUDU>

184. The ECSP Accused Products are programmed to “determine an expected time of interaction for the user for a predefined period of time, wherein the expected time of interaction for the user is a time associated with a first unprompted and unscheduled verbal interaction of the user detected by the first microphone during the predefined period of time,” as required by claim 1 of the '585 patent. In the examples below, Alexa Together continuously monitors an elderly loved one's user interaction and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting “[f]irst activity” or “first Alexa use” by the loved

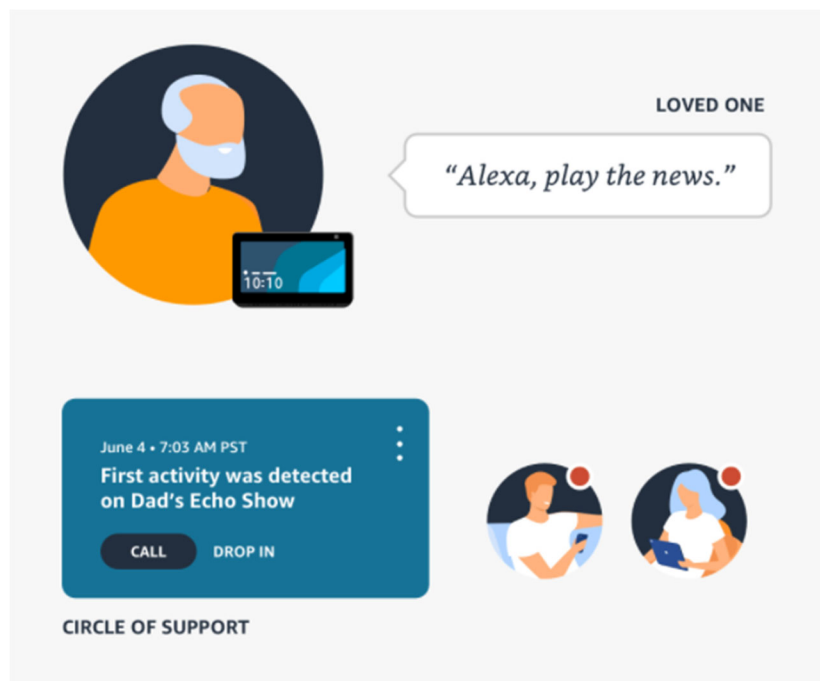
one. Alexa Together can also determine whether a loved one interacted with the Alexa at specific times of the day:



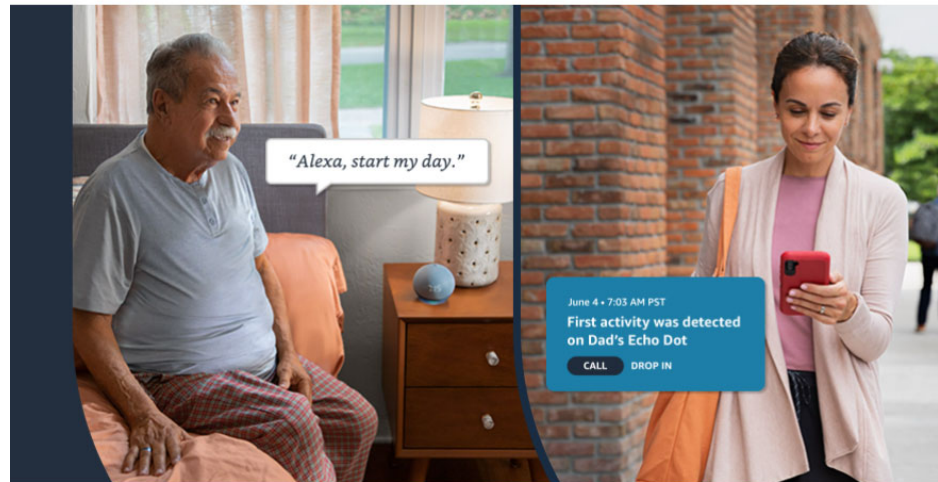
Customized Alerts

Set up daily alerts for your loved one's first Alexa use, or if it isn't used by a certain time.

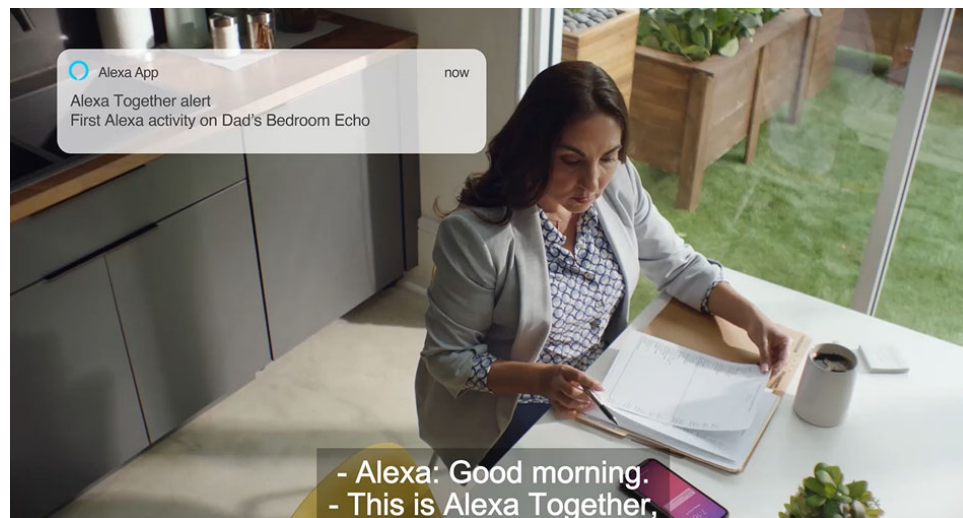
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



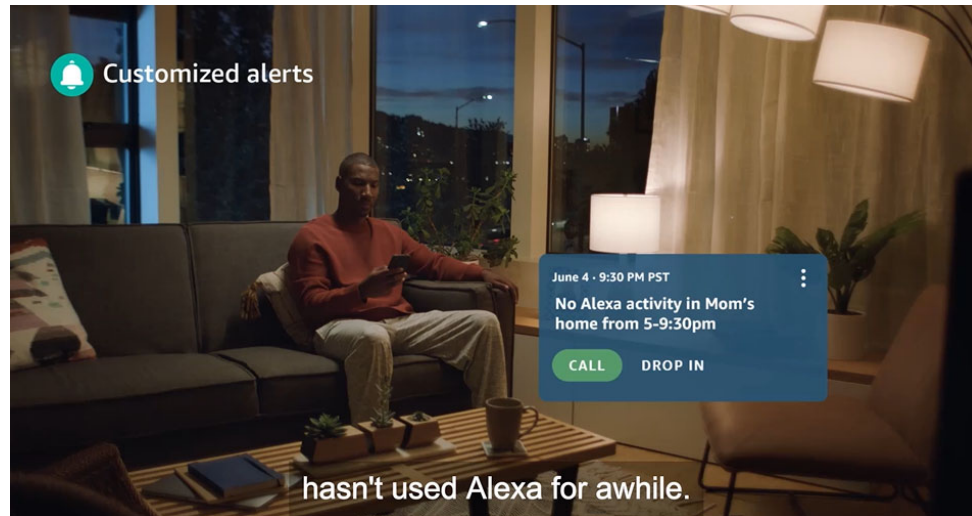
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

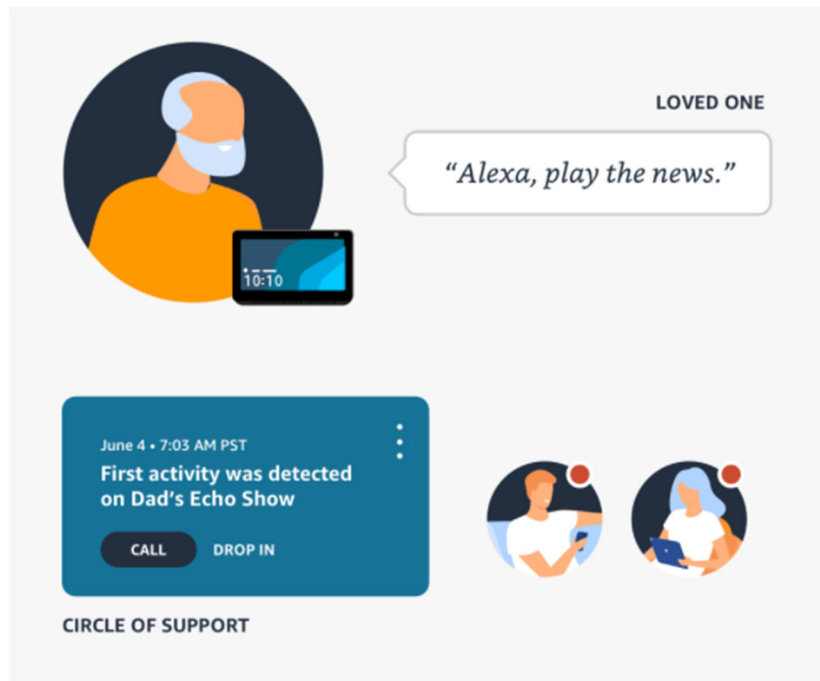


Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

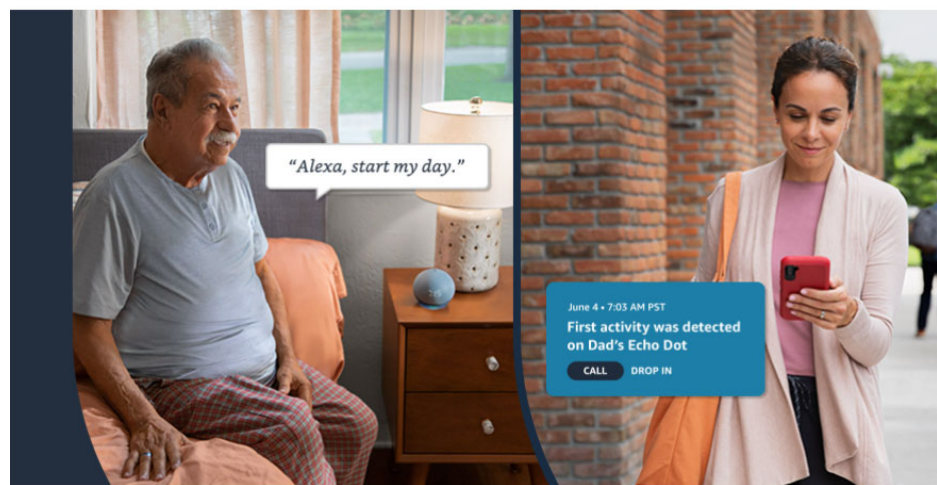


Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

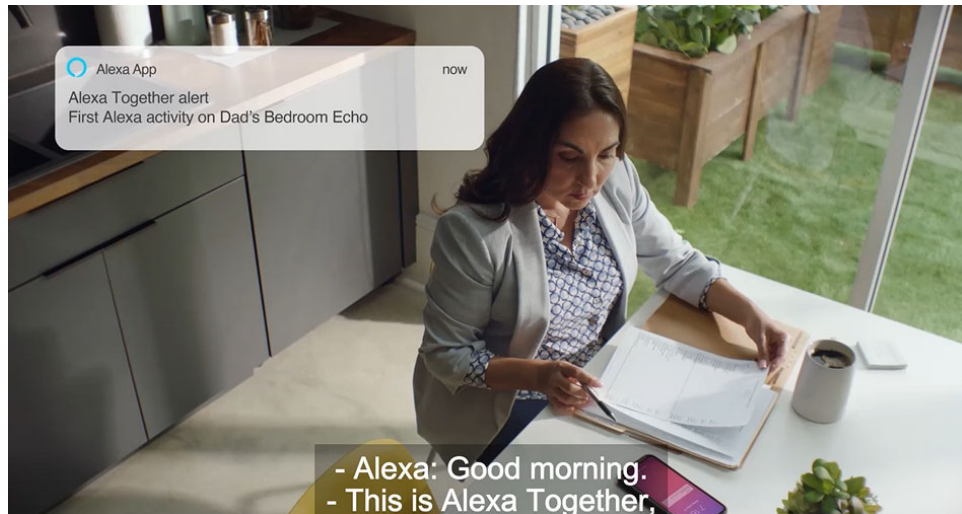
185. The ECSP Accused Products are programmed to “monitor an input of the first microphone for a user interaction that is unprompted and unscheduled by the user computer device,” as required by claim 1 of the ’585 patent. In the examples below, Alexa Together detects an elderly loved one’s user interaction with Alexa and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting “[f]irst activity” or “first Alexa use” by the loved one. For example, a user can “[s]et up daily alerts for [their] loved one’s first Alexa use, or if it isn’t used by a certain time.” Ex. 20, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022.



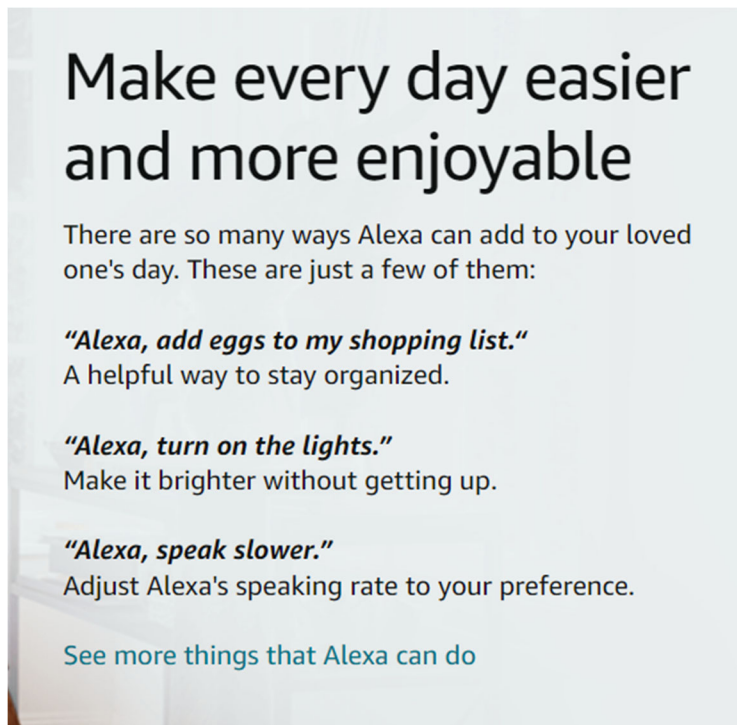
Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

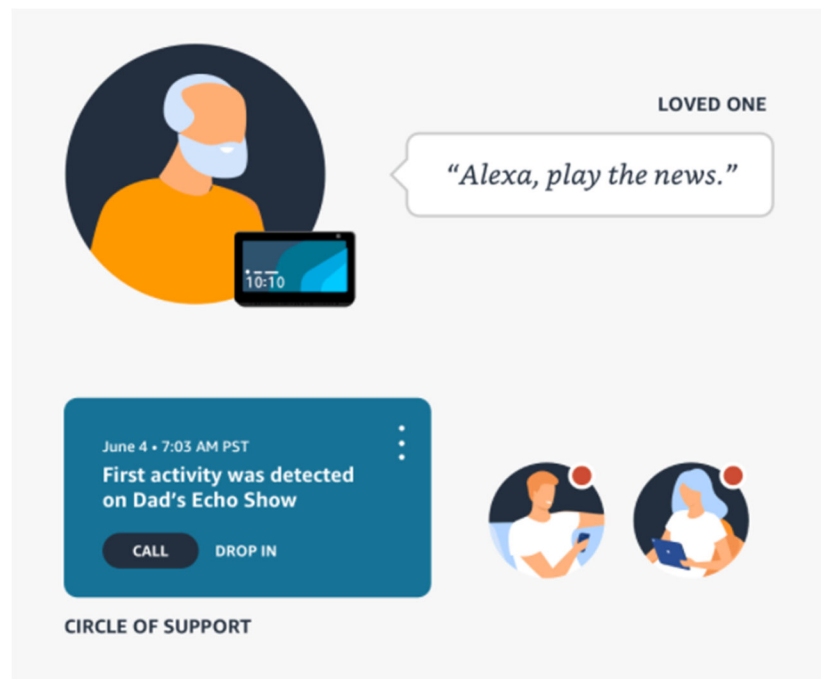


Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

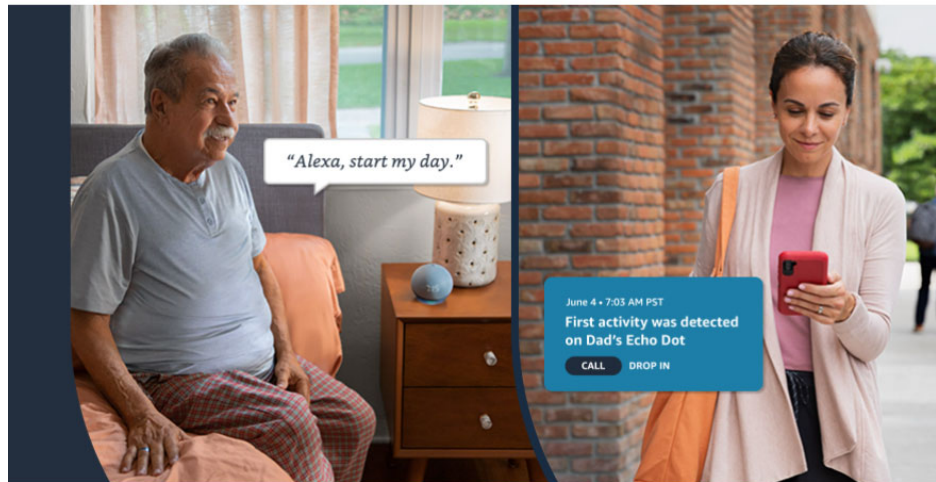
186. The ECSP Accused Products are programmed such that “in response to detecting an input to the first microphone indicative of a verbal user interaction that is unprompted and unscheduled by the user computer device prior to the expected time of interaction, the at least one processor of the user computer device programmed to transmit a message to the at least one second

computer device of the caregiver indicating that the user has interacted with the user computer device during the predefined period of time,” as required by claim 1 of the ’585 patent. In the examples below, Alexa Together continuously monitors an elderly loved one’s user interaction and indicates to the care provider that the senior user has interacted with Alexa, including but not limited to detecting “[f]irst activity” or “first Alexa use” by the loved one. For example, a user can “[s]et up daily alerts for [their] loved one’s first Alexa use, or if it isn’t used by a certain time.”

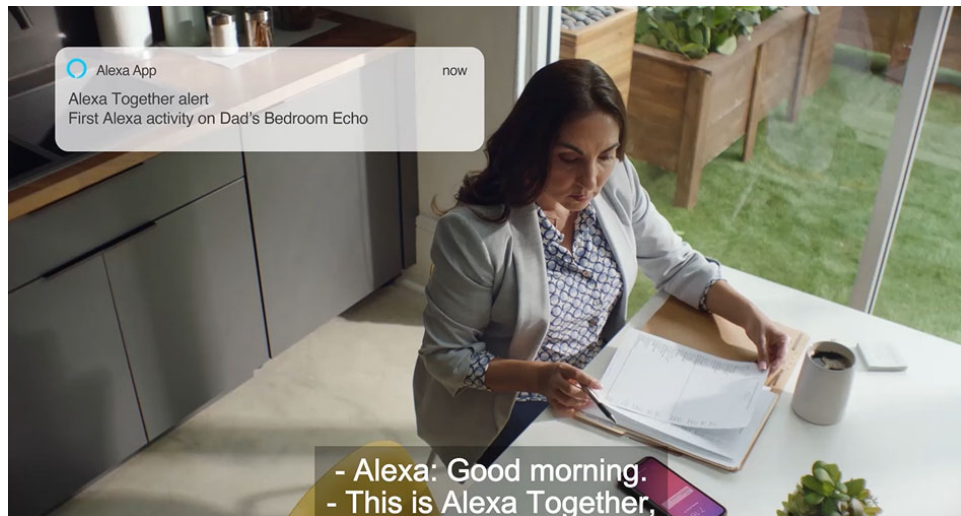
Ex. 20, Alexa Together, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>, last visited November 2, 2022.



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>



Ex. 26, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

187. Each claim in the '585 patent recites an independent invention. Neither claim 1, described above, nor any other individual claim is representative of all claims in the '585 patent.

188. Amazon has been aware of the '585 patent since at least the filing date of this Complaint.

189. Amazon actively induced and is actively inducing infringement of at least claim 1 of the '585 patent, in violation of 35 U.S.C. § 271(b).

190. Amazon's customers and end-users of the ECSP Accused Products directly infringe claim 1 of the '585 patent, at least by using the ECSP Accused Products, as described above in Paragraphs 177-182.

191. Amazon knowingly induces infringement of at least claim 1 of the '585 patent by customers and end-users of the ECSP Accused Products with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to selling, marketing, advertising, promotion, support, and distribution of the ECSP Accused Products in the United States.

192. Amazon knowingly instructs customers and end users, at least through its marketing, promotional, and instructional materials, to use the infringing ECSP Accused Products in an infringing manner, as described in detail above in Paragraphs 177-182.

193. Amazon advertises and instructs users on how to use the ECSP Accused Products. For example, Amazon publicly shares a "Frequently asked questions" website that instructs customers, *inter alia*, how to "[g]et started." Ex. 24, Frequently asked questions, <https://www.amazon.com/b/?node=23666031011>, last visited November 2, 2022. Amazon also publicly shares an "Alexa Together Setup Guide," a step-by-step user guide that instructs users how to purchase, install, and setup the ECSP Accused Products. Ex. 25, Alexa Together Setup Guide, https://m.media-amazon.com/images/G/01/kindle/DP/Care-Launch/Alexa-Together-Setup-Guide-EN-V2.pdf?ref=at_setup_d, last visited November 2, 2022). Amazon also publicly shares a "Frequently asked questions" webpage that instructs users on various aspects of Alexa Together, including instructions regarding setup, activity feed, urgent response, alerts and notifications, Remote Assist, fall detection, Alexa Communication Features, and Circle of Support.

Ex. 24, Alexa Together Frequently Asked Questions, <https://www.amazon.com/b/?node=23666031011>, last visited November 2, 2022.

194. Amazon further advertises and instructs that Alexa Together can notify users when their loved one “has had their first Alexa activity of the day or if no activity is detected by a certain time, such as 10 AM.” *Id.* Amazon also advertises and instructs users regarding the information that will appear on the Alexa Together activity feed. *Id.* (“Alexa Together will show a high-level summary of your loved one’s activity with Alexa or compatible smart home devices to give you a general sense that they are going about their day.”).

195. Amazon also posts videos on its website that instruct third parties on how to use the ECSP Accused Products. *See* Ex. 26, Amazon Alexa Together Video, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (video) (last visited November 2, 2022). These videos explain, *inter alia*, how care providers can be alerted regarding a loved one’s first Alexa activity, “can receive notifications and stay informed about [their] loved one’s well-being,” and can “setup customized alerts, like a notification if [their] loved one hasn’t used Alexa in a while.” *Id.*

196. In addition to marketing the ECSP Accused Products for use in an infringing manner, Amazon also provides customer service to purchasers of the ECSP Accused Products that directs and encourages customers of the ECSP Accused Products to use the ECSP Accused Products in an infringing manner. For example, Amazon provides Alexa Together Support and teaches customers “how to set up a connection, view activity, and get alerts with Alexa Together,” (Ex. 27, Alexa Together Support, <https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3>, last visited November 2, 2022):

Digital Services and Device Support › Alexa Features Help ›

Alexa Together Support

Learn how to set up a connection, view activity, and get alerts with Alexa Together.

Getting Started

[What is Alexa Together?](#)
[What are the Different Roles in a Circle of Support?](#)
[Purchase and Activate an Alexa Together Subscription](#)
[Help Loved Ones Set Up Their Echo Show Remotely](#)

How To

[Set Up Your Alexa Together Connection](#)
[Get Notifications About Your Loved One with Alexa Together](#)
[View Activity with the Alexa Together Dashboard](#)
[Connect Alexa Together to a Fall Detection Device](#)
[How Do Turn On Alexa Together Remote Assist?](#)
[Set Up an Alexa Routine](#)
[How Does Drop In Work?](#)
[Make Alexa Calls with Your Voice](#)
[Update Your Alexa Together Urgent Response Address](#)
[Update the Emergency Contact in Alexa Together](#)
[What Is an Alexa Emergency Contact?](#)
[Add Multiple Caregivers to an Alexa Together Subscription](#)
[Manage Your Alexa Together Circle of Support](#)
[Delete an Alexa Together Caregiver](#)
[Cancel Your Alexa Together Subscription](#)

Troubleshooting

[Set Up Doesn't Work with Alexa Together](#)
[Alexa Together Circle of Support Doesn't Work](#)
[Notifications Aren't Working on Alexa Together](#)

197. Amazon has sales and technical support staff who assist Amazon's customers and end users and provide instructions for the use of the ECSP Accused Products in an infringing manner in the United States. *See, e.g., id.*

198. Amazon provides its customers and end users with additional instructions that direct the customers and end users to use the ECSP Accused Products in an infringing manner.

Such instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. *See, e.g., id.*

199. Amazon contributed and is contributing to infringement of at least claim 1 of the '585 patent, in violation of 35 U.S.C. § 271(c).

200. Amazon's customers and end-users of the ECSP Accused Products directly infringe claim 1 of the '585 patent, at least by using the ECSP Accused Products, as described in detail above in Paragraphs 177-182.

201. Amazon contributes to infringement of the '585 patent by offering to sell, selling, and importing into the United States the ECSP Accused Products and components thereof, including, for example, the Alexa Together and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '585 patent and have no substantial non-infringing use.

202. The ECSP Accused Products and associated software applications and firmware supplied by Amazon are especially made and especially adapted for use in infringing the '585 Patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

203. Amazon's infringement of the '585 patent is without license or other authorization.

204. Because Amazon had knowledge of the '585 patent and proceeded to knowingly directly and indirectly infringe the '585 patent, Amazon's infringement has been and continues to be willful.

205. Amazon's continued infringement of the '585 patent has damaged and will continue to damage Plaintiff.

206. Unless and until enjoined by this Court, Amazon will continue to directly infringe as well as induce and contribute to infringement of the '585 patent. Amazon's infringing acts are causing and will continue to cause at least Plaintiff irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, Plaintiff is entitled to a permanent injunction against further infringement.

207. This case is exceptional, entitling Plaintiff to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

FIFTH CAUSE OF ACTION

Infringement of the '318 Patent by Amazon

208. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1–207 above as though fully set forth herein.

209. Amazon's products and/or services that infringe the '318 patent include, but are not limited to, Alexa Together and third-party products and services such as Vayyar Care (collectively, the "SPHERES Accused Products"), and the use thereof.

210. Through agreements with third-party provider Vayyar, Vayyar Care works exclusively with Amazon's Alexa Together. Thus, Amazon exercises control and direction over the functionality of the Vayyar Care products in connection with Amazon's Alexa Together. . Further, at least as a result of this exclusive relationship, Amazon has formed a joint enterprise to create the infringing SPHERES Accused Products.

About this item

- Vayyar Care works exclusively with Amazon Alexa and an Alexa Together subscription to protect seniors and provide peace of mind to their families. (Currently US Only)

Ex. 17, <https://www.amazon.com/Vayyar-Care-Touchless-Detection-Subscription/dp/B09JXV82Z6>.

211. Amazon makes, uses, sells, offers for sale, and/or imports Alexa Together and components thereof in the United States.

212. Amazon directly infringes—literally and/or under the doctrine of equivalents—at least claim 1 of the '318 patent at least by using, selling, and/or offering for sale the SPHERES Accused Products and components thereof.

213. For example, claim 1 of the '318 patent recites:

1. A computer-implemented method for training a machine learning module to identify abnormalities or anomalies in sensor data corresponding to conditions associated with individuals in home environments, comprising:

receiving, by a processor, historical sensor data detected by a plurality of sensors associated with a plurality of home environments;

receiving, by a processor, historical condition data indicating conditions associated with individuals in each of the plurality of home environments;

analyzing, by a processor, using the machine learning module, the historical sensor data detected by the plurality of sensors associated with the plurality of home environments and the historical condition data indicating conditions associated with individuals in each of the plurality of home environments, the historical sensor data comprising at least one of a body temperature, a heart rate, a breathing rate, a glucose/ketone level, medication adherence data, eye movement data, exercise data, body control data, fine motor control data, and health and/or nutrition data, and the historical condition data comprising data indicating at least one of a medical condition, a health condition, an urgent condition, and a cognitive condition;

identifying, by a processor, using the machine learning module, based upon the analysis, one or more abnormalities or anomalies in the historical sensor data detected by the plurality of sensors corresponding to conditions associated with the individuals in the home environments; and

modifying, by a processor, the machine learning module based upon the analysis and the identified one or more abnormalities or anomalies with corresponding conditions.

214. The SPHERES Accused Products practice each limitation of claim 1 of the '318 patent.

215. To the extent the preamble is construed to be limiting, the SPHERES Accused Products include “[a] computer-implemented method for training a machine learning module to identify abnormalities or anomalies in sensor data corresponding to conditions associated with individuals in home environments.” For example, Alexa Together includes a fall detection response of a loved one (identify abnormalities or anomalies in sensor data corresponding to conditions associated with individuals in home environments), wherein it “can detect when the customer has fallen”:

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently.

The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house.

You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times.

And, coming early 2022, multiple people will be able to connect their accounts so more family members can stay in the loop and help provide support for your aging loved one.

What is Alexa Together?

Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently.

The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, "Alexa, call for help." If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one's devices. The activity feed shows a generalized view of your loved one's interactions, so you know they are active around the house.

You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times.

Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (emphasis added)



The screenshot shows a webpage titled "Fall Detection Response" with a green icon of a person falling. The main heading is "Fall detection response". The text explains that Alexa Together works with compatible third-party fall detection devices, both automatic and button-activated. It states that if a fall is detected, Alexa can ask your loved one if they need help, then connect to the Urgent Response line and alert emergency contacts. Below this, it says "Shop Compatible Fall Detection Devices" and lists "Vayyar, SkyAngelCare, or AltumView" in blue text. At the bottom, there are logos for "vayyar", "SkyAngelCare", and "AltumView".

Fall Detection Response

Fall detection response

Alexa Together works with compatible third-party fall detection devices, both automatic and button-activated. If a fall is detected, Alexa can ask your loved one if they need help, then connect to the Urgent Response line and alert emergency contacts.

Shop Compatible Fall Detection Devices [Vayyar](#), [SkyAngelCare](#), or [AltumView](#)

 **vayyar**  **SkyAngelCare**
 **AltumView**

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Fall detection

How does fall detection work?

Alexa Together will be compatible with third-party fall detection devices from partners like ATS and Vayyar. If these devices are connected to the customer's Alexa account, they can detect when the customer has fallen or get a signal if the customer presses a help button on their wearable. When this happens, the devices can send a signal to prompt Alexa to ask if your loved one wants to call Urgent Response.

Does Alexa support a third-party fall detection device without an Alexa Together subscription?

A third-party fall detection device can be connected, but if there is no active Alexa Together subscription, Alexa will not receive the signal from the device that a fall happened. Alexa will not call Urgent Response.

What devices are compatible with Alexa Together?

Alexa Together is compatible with third-party devices—a wall-mounted radar device from Vayyar and a wearable pendant from ATS. These are both available on Amazon.com.

Ex. 24, Frequently asked questions, <https://www.amazon.com/b/?node=23666031011>, last visited November 2, 2022.

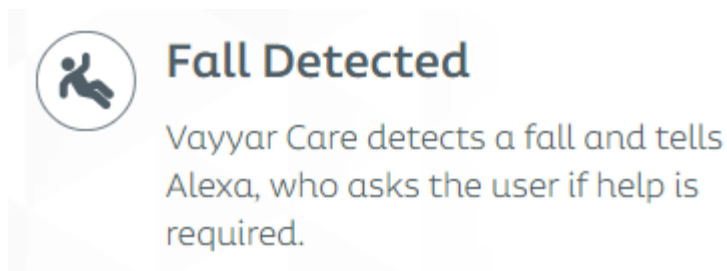


Ex. 29, <https://vayyar.com/care/b2c/>

Transformative touchless technology

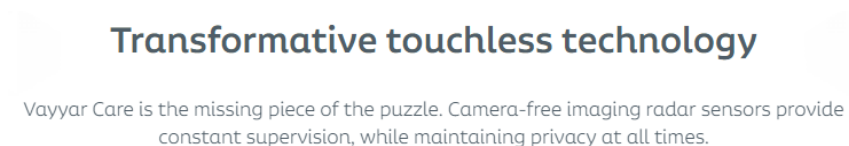
Vayyar Care is the missing piece of the puzzle. Camera-free imaging radar sensors provide constant supervision, while maintaining privacy at all times.

Ex. 29, <https://vayyar.com/care/b2c/>



Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>

216. The SPHERES Accused Products “receiv[e], by a processor, historical sensor data detected by a plurality of sensors associated with a plurality of home environments,” as required by claim 1 of the ’318 patent. For example, the SPHERES Accused Products are advertised as containing a “learning mode” that “enables the device to become familiar with its environment over a one-week period following installation” to improve its fall detection capabilities in a user’s home (Ex. 31, What is learning mode used for?, <https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-> (last visited November 2, 2022)):



Ex. 29.

The SPHERES Accused Products’ “learning mode” is used to retrieve historical sensor data by a plurality of sensors associated with multiple home environments, for example, multiple residents within individual rooms of senior living communities.

What is learning mode used for?

4 months ago · Updated

Follow

The automatic learning mode enables the device to become familiar with its environment over a one-week period following installation, in order to maximize accuracy.

During this period the system will not provide fall alerts and will not notify Alexa Together.

At the end of the learning period, the Vayyar Care device will automatically start monitoring and notify Alexa Together in the event of a fall.

Ex. 31, <https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for->

The wealth of data collected by Vayyar Care sensors, on the other hand, can be leveraged by NCS providers to build up comprehensive activity profiles of each resident, enabling senior living communities to provide proactive and preventative care.

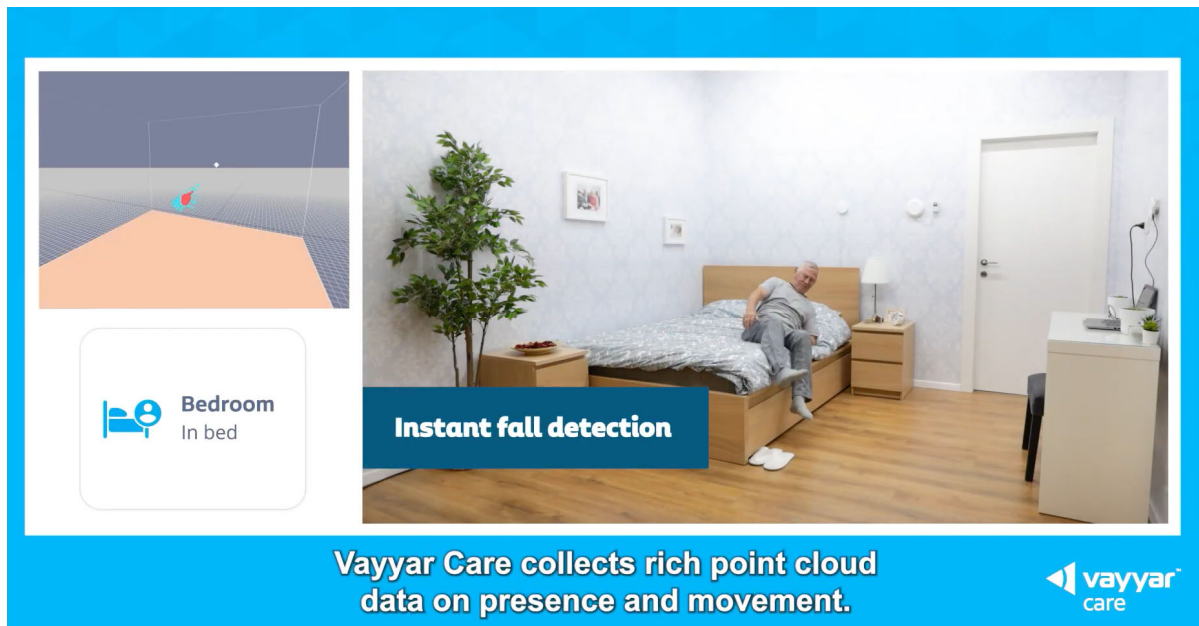
Ex. 32, <https://blog.vayyar.com/data-is-the-new-doctor>

Data silos are currently being broken down across multiple industries and [senior care is no exception](#). Granular resident activity data gathered over extended periods of time will ultimately allow MDs to make more accurate diagnoses and optimize pharmaceutical and therapeutic prescriptions.

By giving doctors a complete picture of a patient's behavior, nurse call technology providers will be able to play a pivotal role in enhancing resident health outcomes and delivering significant added value to communities.

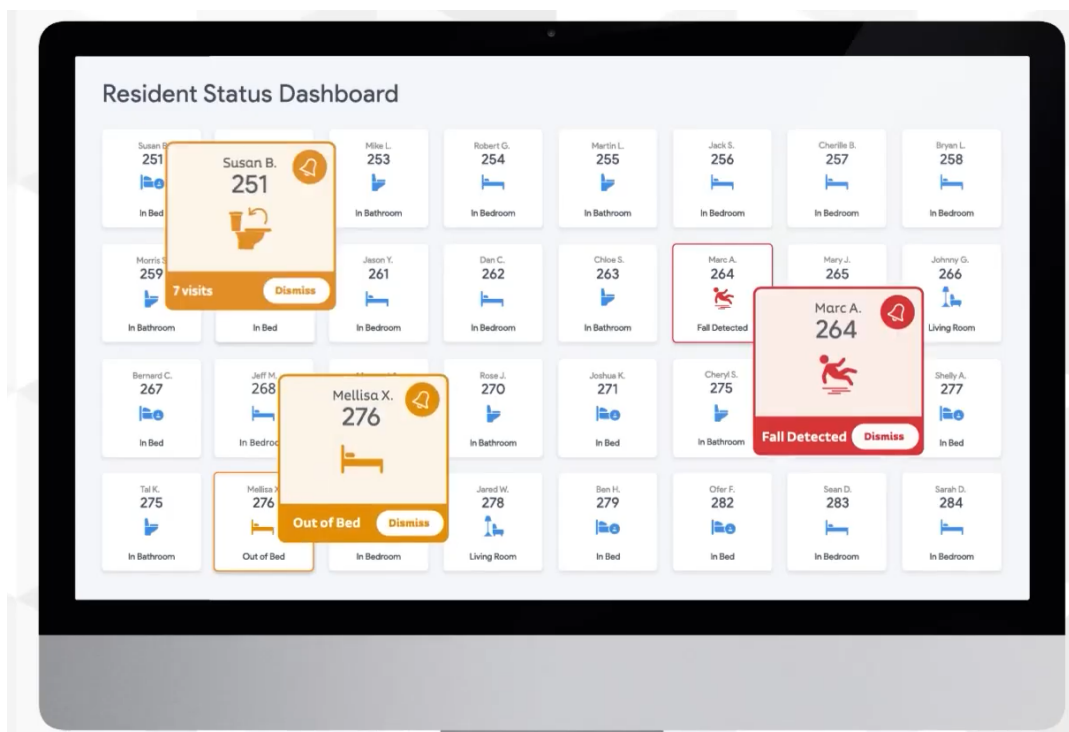
To learn more about how Vayyar Care can enable you to leverage the richest data, [click here](#).

Ex. 32, <https://blog.vayyar.com/data-is-the-new-doctor>



Ex. 33,

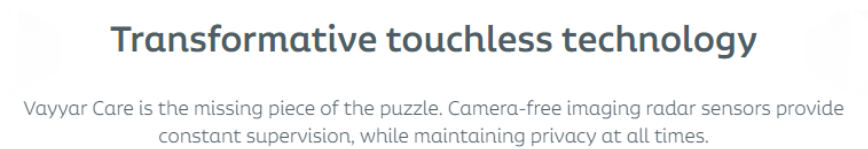
https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



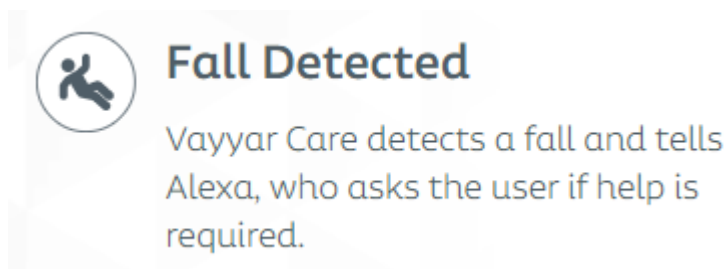
Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

217. The SPHERES Accused Products “receiv[e], by a processor, historical condition data indicating conditions associated with individuals in each of the plurality of home environments,” as required by claim 1 of the ’318 patent. For example, the SPHERES Accused Products are advertised as containing a “learning mode” that “enables the device to become familiar with its environment over a one-week period following installation” (Ex. 31, What is learning mode used for?, <https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-> (last visited November 2, 2022)) and by evaluating historical conditions with multiple home environments, for example, multiple residents within individual rooms of senior living communities:



Ex. 29.



Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>

What is learning mode used for?

4 months ago · Updated

Follow

The automatic learning mode enables the device to become familiar with its environment over a one-week period following installation, in order to maximize accuracy.

During this period the system will not provide fall alerts and will not notify Alexa Together.

At the end of the learning period, the Vayyar Care device will automatically start monitoring and notify Alexa Together in the event of a fall.

Ex. 31, <https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for->

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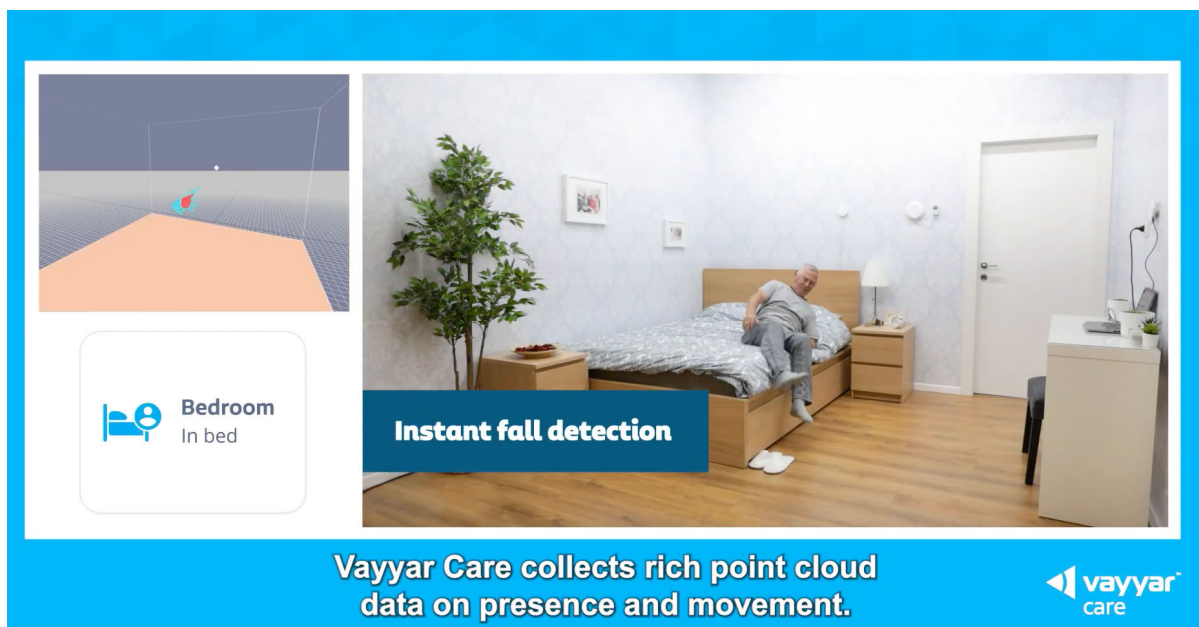
Ex. 32, <https://blog.vayyar.com/data-is-the-new-doctor>

Data silos are currently being broken down across multiple industries and [senior care is no exception](#). Granular resident activity data gathered over extended periods of time will ultimately allow MDs to make more accurate diagnoses and optimize pharmaceutical and therapeutic prescriptions.

By giving doctors a complete picture of a patient's behavior, nurse call technology providers will be able to play a pivotal role in enhancing resident health outcomes and delivering significant added value to communities.

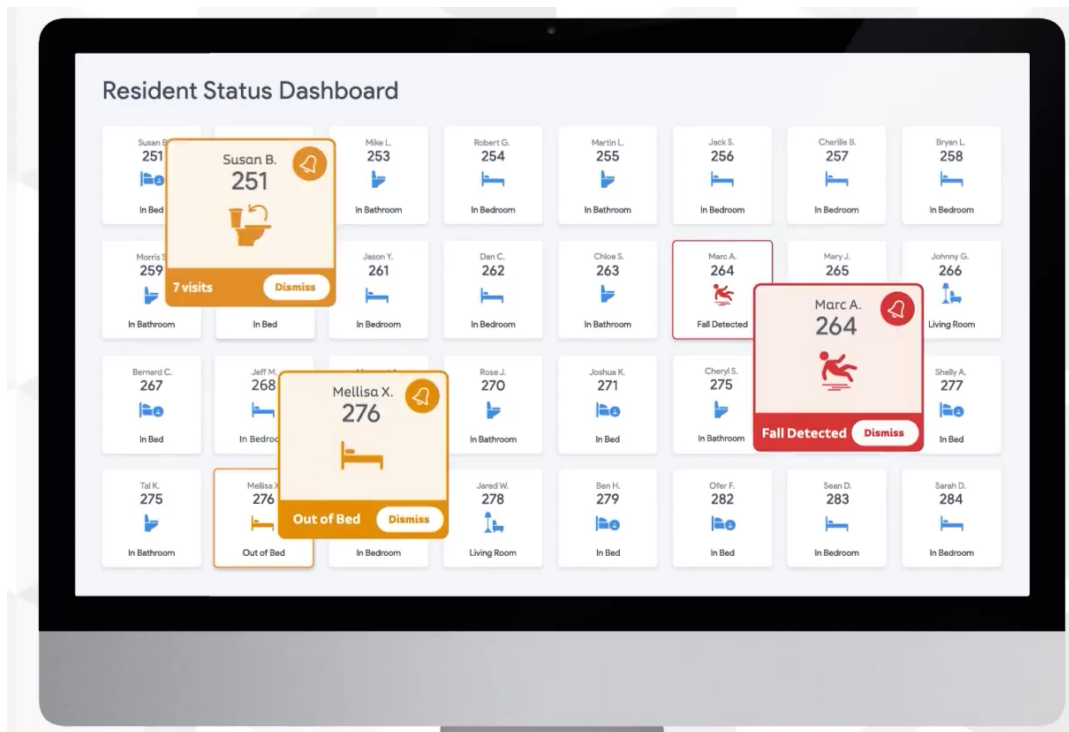
To learn more about how Vayyar Care can enable you to leverage the richest data, [click here](#).

Ex. 32, <https://blog.vayyar.com/data-is-the-new-doctor>



Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

218. The SPHERES Accused Products are programmed to “analyz[e], by a processor, using the machine learning module, the historical sensor data detected by the plurality of sensors associated with the plurality of home environments and the historical condition data indicating conditions associated with individuals in each of the plurality of home environments, the historical sensor data comprising at least one of a body temperature, a heart rate, a breathing rate, a glucose/ketone level, medication adherence data, eye movement data, exercise data, body control data, fine motor control data, and health and/or nutrition data, and the historical condition data comprising data indicating at least one of a medical condition, a health condition, an urgent condition, and a cognitive condition,” as required by claim 1 of the ’318 patent. For example, the SPHERES Accused Products “collect[] rich point cloud data on presence and movement” (Ex. 33,

Home

VC

Demo

Short

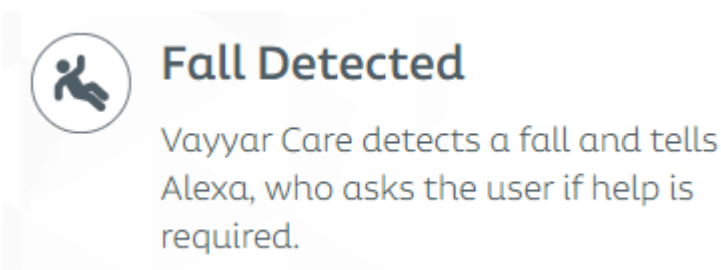
US

(video),

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo (last visited November 2, 2022)), *e.g.*, body control data, fine motor control data, and/or health data, and will detect falls and ask the user if help is required:



Ex. 29, <https://vayyar.com/care/b2c/>



Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>

What is learning mode used for?

4 months ago · Updated

Follow

The automatic learning mode enables the device to become familiar with its environment over a one-week period following installation, in order to maximize accuracy.

During this period the system will not provide fall alerts and will not notify Alexa Together.

At the end of the learning period, the Vayyar Care device will automatically start monitoring and notify Alexa Together in the event of a fall.

Ex. 31, <https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for->

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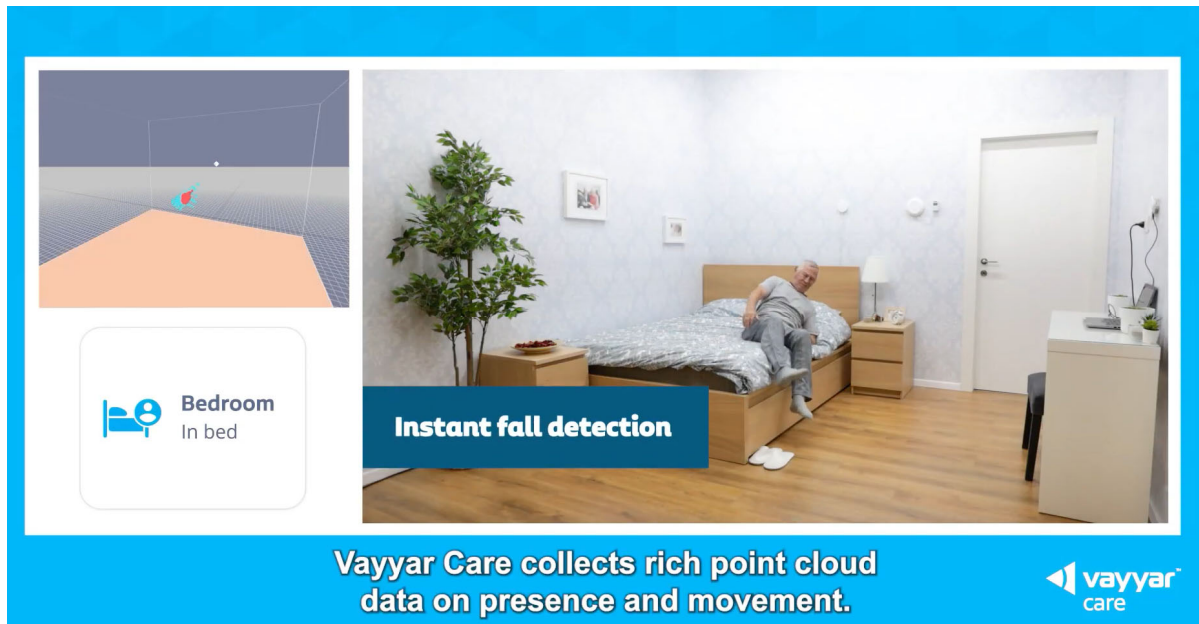
Ex. 32, <https://blog.vayyar.com/data-is-the-new-doctor>

Data silos are currently being broken down across multiple industries and [senior care is no exception](#). Granular resident activity data gathered over extended periods of time will ultimately allow MDs to make more accurate diagnoses and optimize pharmaceutical and therapeutic prescriptions.

By giving doctors a complete picture of a patient's behavior, nurse call technology providers will be able to play a pivotal role in enhancing resident health outcomes and delivering significant added value to communities.

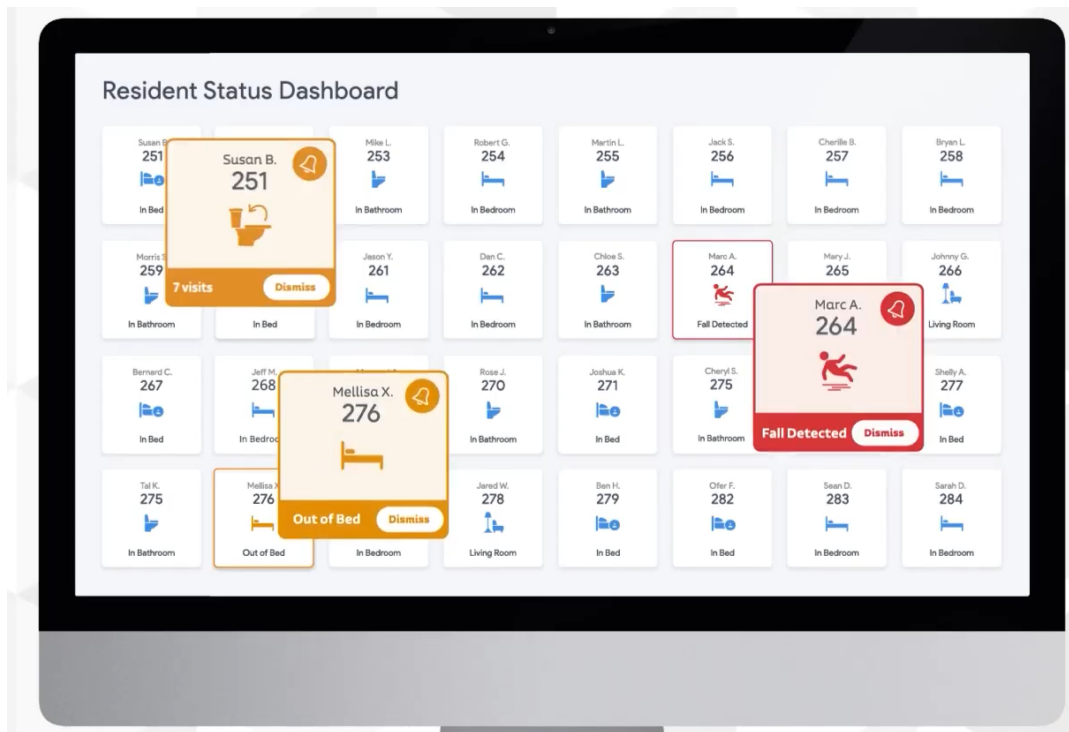
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Ex. 32, <https://blog.vayyar.com/data-is-the-new-doctor>



Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



Ex. 33,

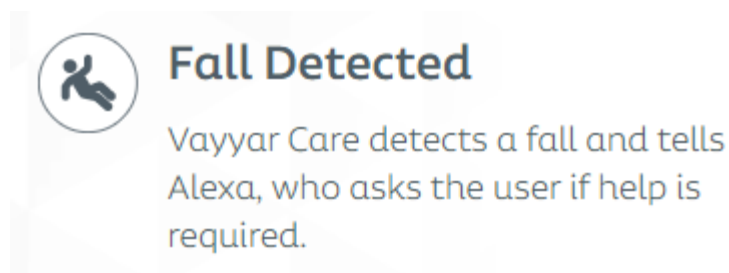
https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

219. The SPHERES Accused Products “identif[y], by a processor, using the machine learning module, based upon the analysis, one or more abnormalities or anomalies in the historical sensor data detected by the plurality of sensors corresponding to conditions associated with the individuals in the home environments,” as required by claim 1 of the ’318 patent. For example, the SPHERES Accused Products detect falls that occur within a loved one’s home:

Transformative touchless technology

Vayyar Care is the missing piece of the puzzle. Camera-free imaging radar sensors provide constant supervision, while maintaining privacy at all times.

Ex. 29, <https://vayyar.com/care/b2c/>



Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>

What is learning mode used for?

4 months ago · Updated

Follow

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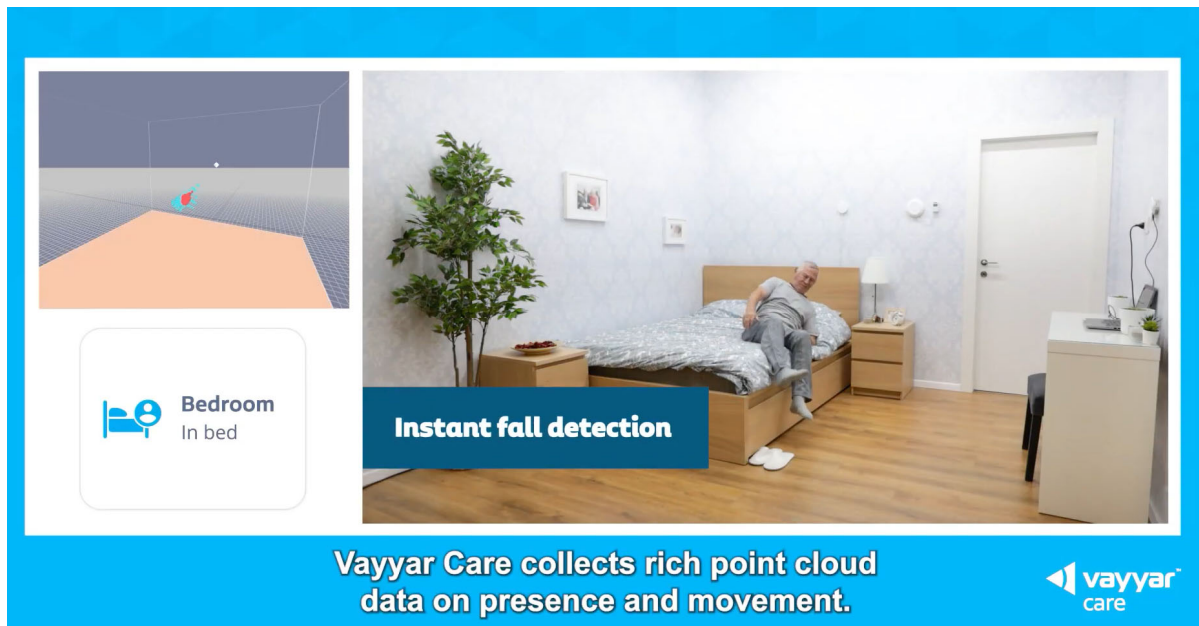
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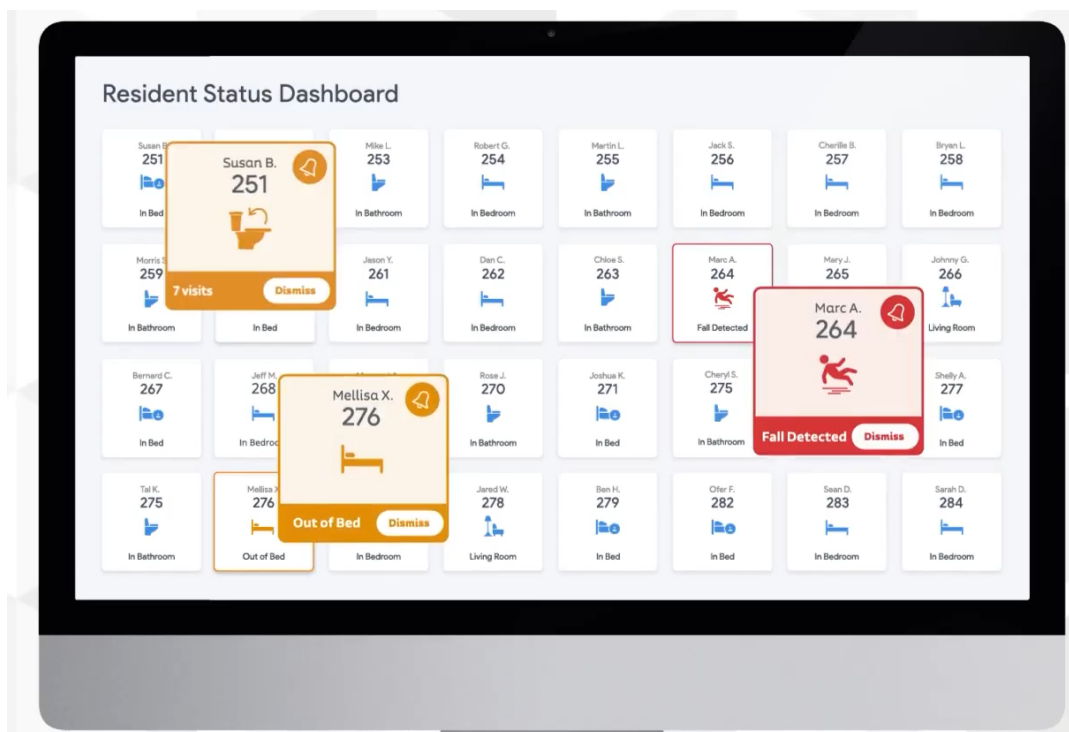
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Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

220. The SPHERES Accused Products “modif[y], by a processor, the machine learning module based upon the analysis and the identified one or more abnormalities or anomalies with corresponding conditions,” as required by claim 1 of the ’318 patent. For example, the SPHERES Accused Products collect data that “can be leveraged by NCS providers to build up comprehensive activity profiles of each resident, enabling senior living communities to provide proactive and preventative care” (Ex. 32, Advancing Nurse Call Technology to Ensure Safety | Vayyar, <https://blog.vayyar.com/data-is-the-new-doctor>, last visited November 2, 2022):

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Vayyar Care is the missing piece of the puzzle. Camera-free imaging radar sensors provide constant supervision, while maintaining privacy at all times.

Ex. 29, <https://vayyar.com/care/b2c/>



Fall Detected

Vayyar Care detects a fall and tells Alexa, who asks the user if help is required.

Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>

What is learning mode used for?

4 months ago · Updated

Follow

The automatic learning mode enables the device to become familiar with its environment over a one-week period following installation, in order to maximize accuracy.

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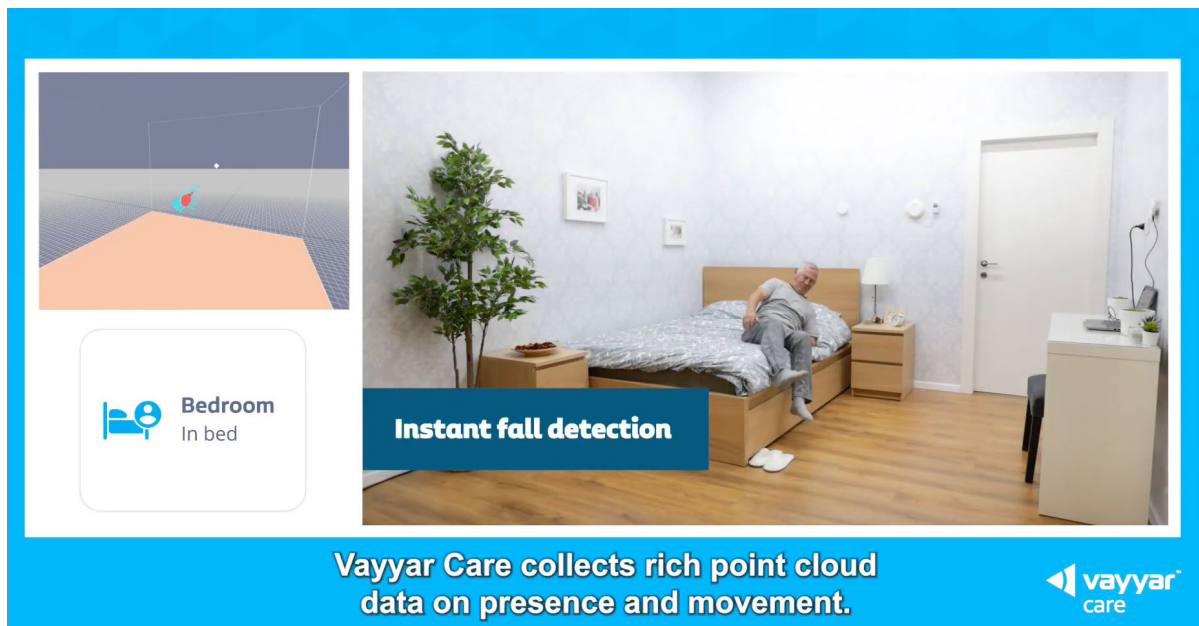
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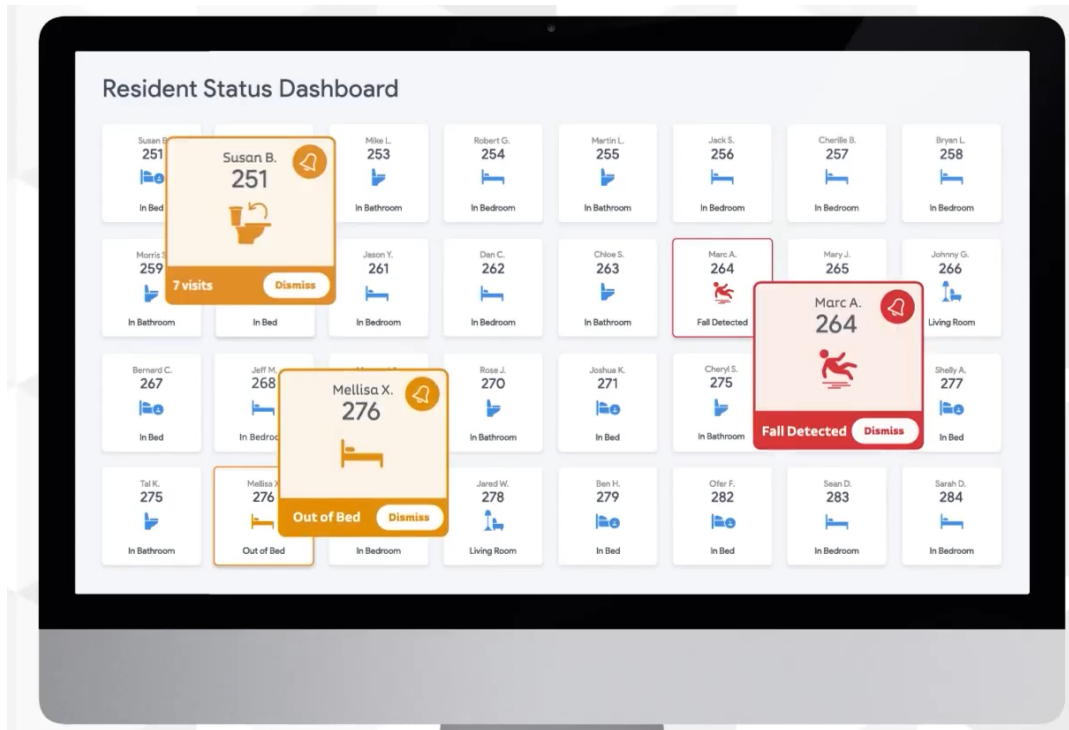
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Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

221. Each claim in the '318 patent recites an independent invention. Neither claim 1, described above, nor any other individual claim is representative of all claims in the '318 patent.

222. Amazon has been aware of the '318 patent since at least the filing date of this Complaint.

223. Amazon actively induced and is actively inducing infringement of at least claim 1 of the '318 patent, in violation of 35 U.S.C. § 271(b).

224. Amazon's customers and end-users of the SPHERES Accused Products directly infringe claim 1 of the '318 patent, at least by using the SPHERES Accused Products, as described above in Paragraphs 211-216.

225. Amazon knowingly induces infringement of at least claim 1 of the '318 patent by customers and end-users of the SPHERES Accused Products with specific intent to induce

infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to selling, marketing, advertising, promotion, support, and distribution of the SPHERES Accused Products in the United States.

226. Amazon knowingly instructs customers and end users, at least through its marketing, promotional, and instructional materials, to use the infringing SPHERES Accused Products in an infringing manner, as described in detail above in Paragraphs 211-216.

227. Amazon advertises and instructs users on how to use the SPHERES Accused Products. For example, Amazon publicly shares a “Frequently asked questions” website that instructs customers, *inter alia*, regarding “[h]ow does fall detection work?” Ex. 24, Frequently asked questions, <https://www.amazon.com/b/?node=23666031011>, last visited November 2, 2022. Amazon also publicly shares an “Alexa Together Setup Guide,” a step-by-step user guide that advertises features such as “24/7 Urgent Response” and “Fall Detection Response.” Ex. 25, Alexa Together Setup Guide, https://m.media-amazon.com/images/G/01/kindle/DP/Care-Launch/Alexa-Together-Setup-Guide-EN-V2.pdf?ref=at_setup_d, last visited November 2, 2022).

228. Amazon also posts videos on its website that instruct third parties on how to use the SPHERES Accused Products. *See* Ex. 26, Amazon Alexa Together Video, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (video) (last visited November 2, 2022). These videos explain, *inter alia*, how care providers can be alerted regarding a loved one’s first Alexa activity, how care providers “can receive notifications and stay informed about [their] loved one’s well-being,” and how care providers can “setup customized alerts, like a notification if [their] loved one hasn’t used Alexa in a while.” *Id.*

229. In addition to marketing the SPHERES Accused Products for use in an infringing manner, Amazon also provides customer service to purchasers of the SPHERES Accused Products that directs and encourages customers of the SPHERES Accused Products to use the SPHERES Accused Products in an infringing manner. For example, Amazon provides Alexa Together Support and teaches customers how to “Connect Alexa Together to a Fall Detection Device,” (Ex. 27, Alexa Together Support, <https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3>, last visited November 2, 2022):

Digital Services and Device Support › Alexa Features Help ›

Alexa Together Support

Learn how to set up a connection, view activity, and get alerts with Alexa Together.

Getting Started

[What is Alexa Together?](#)
[What are the Different Roles in a Circle of Support?](#)
[Purchase and Activate an Alexa Together Subscription](#)
[Help Loved Ones Set Up Their Echo Show Remotely](#)

How To

[Set Up Your Alexa Together Connection](#)
[Get Notifications About Your Loved One with Alexa Together](#)
[View Activity with the Alexa Together Dashboard](#)
[Connect Alexa Together to a Fall Detection Device](#)
[How Do Turn On Alexa Together Remote Assist?](#)
[Set Up an Alexa Routine](#)
[How Does Drop In Work?](#)
[Make Alexa Calls with Your Voice](#)
[Update Your Alexa Together Urgent Response Address](#)
[Update the Emergency Contact in Alexa Together](#)
[What Is an Alexa Emergency Contact?](#)
[Add Multiple Caregivers to an Alexa Together Subscription](#)
[Manage Your Alexa Together Circle of Support](#)
[Delete an Alexa Together Caregiver](#)
[Cancel Your Alexa Together Subscription](#)

Troubleshooting

[Set Up Doesn't Work with Alexa Together](#)
[Alexa Together Circle of Support Doesn't Work](#)
[Notifications Aren't Working on Alexa Together](#)

230. Amazon has sales and technical support staff who assist Amazon's customers and end users and provide instructions for the use of the SPHERES Accused Products in an infringing manner in the United States. *See, e.g., id.*

231. Amazon provides its customers and end users with additional instructions that direct the customers and end users to use the SPHERES Accused Products in an infringing manner.

Such instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. *See, e.g., id.*

232. Amazon contributed and is contributing to infringement of at least claim 1 of the '318 patent, in violation of 35 U.S.C. § 271(c).

233. Amazon's customers and end-users of the SPHERES Accused Products directly infringe claim 1 of the '318 patent, at least by using the SPHERES Accused Products, as described in detail above in Paragraphs 211-216.

234. Amazon contributes to infringement of the '318 patent by offering to sell, selling, and importing into the United States the SPHERES Accused Products and components thereof, including, for example, the Alexa Together and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '318 patent and have no substantial non-infringing use.

235. The SPHERES Accused Products and associated software applications and firmware supplied by Amazon are especially made and especially adapted for use in infringing the '318 Patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

236. Amazon's infringement of the '318 patent is without license or other authorization.

237. Because Amazon had knowledge of the '318 patent and proceeded to knowingly directly and indirectly infringe the '318 patent, Amazon's infringement has been and continues to be willful. As previously alleged, Amazon intentionally and knowingly copied proprietary innovations developed and patented by State Farm, including technology that Amazon now markets as its own.

238. Amazon's continued infringement of the '318 patent has damaged and will continue to damage Plaintiff.

239. Unless and until enjoined by this Court, Amazon will continue to directly infringe as well as induce and contribute to infringement of the '318 patent. Amazon's infringing acts are causing and will continue to cause at least Plaintiff irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, Plaintiff is entitled to a permanent injunction against further infringement.

240. This case is exceptional, entitling Plaintiff to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

SIXTH CAUSE OF ACTION

Infringement of the '180 Patent by Amazon

241. Plaintiff realleges and incorporates each of the allegations in Paragraphs 1–240 above as though fully set forth herein.

242. Amazon's products and/or services that infringe the '180 patent include, but are not limited to, the SPHERES Accused Products and the use thereof.

243. Through agreements with third-party provider Vayyar, Vayyar Care works exclusively with Amazon's Alexa Together. Thus, Amazon exercises control and direction over the functionality of the Vayyar Care products in connection with Amazon's Alexa Together. . Further, at least as a result of this exclusive relationship, Amazon has formed a joint enterprise to create the infringing SPHERES Accused Products.

About this item

- Vayyar Care works exclusively with Amazon Alexa and an Alexa Together subscription to protect seniors and provide peace of mind to their families. (Currently US Only)

Ex. 17, <https://www.amazon.com/Vayyar-Care-Touchless-Detection-Subscription/dp/B09JXV82Z6>.

244. Amazon makes, uses, sells, offers for sale, and/or imports Alexa Together and components thereof in the United States.

245. Amazon directly infringes—literally and/or under the doctrine of equivalents—at least claim 1 of the '180 patent by using, selling, and/or offering for sale, the SPHERES Accused Products and components thereof.

246. For example, claim 1 of the '180 patent recites:

1. A computer-implemented method for identifying a condition associated with an individual in a home environment, comprising:

training, by a processor, a neural network model using a plurality of datasets associated with a plurality of home environments, wherein training a neural network model comprises adding one or more layers to the trained neural network model, wherein at least one layer of the one or more layers is associated with at least one of an activation function, a loss function, and an optimization function;

capturing data detected by a plurality of sensors associated with the home environment;

analyzing, by a processor, the captured data to identify one or more abnormalities or anomalies;

determining, by a processor, based upon the identified one or more abnormalities or anomalies, the condition associated with the individual in the home environment; and

generating, by a processor, to a caregiver of the individual, a notification indicating the condition associated with the individual,

wherein analyzing the captured data comprises analyzing the captured data using the trained neural network model to identify a new behavior pattern,

wherein the one or more abnormalities or anomalies comprise the new behavior pattern,

wherein determining the condition comprises determining the condition associated with the individual based at least in part upon the identified new behavior pattern, and

wherein the notification comprises a snapshot report generated periodically and the snapshot report includes an indication of the condition associated with the individual and a change from a prior snapshot report.

247. The SPHERES Accused Products practice each limitation of claim 1 of the '180 patent

248. To the extent the preamble is construed to be limiting, the SPHERES Accused Products include “[a] computer-implemented method for identifying a condition associated with an individual in a home environment.” For example, Alexa Together includes a fall detection response, wherein it “can detect when the customer has fallen”:

What is Alexa Together?

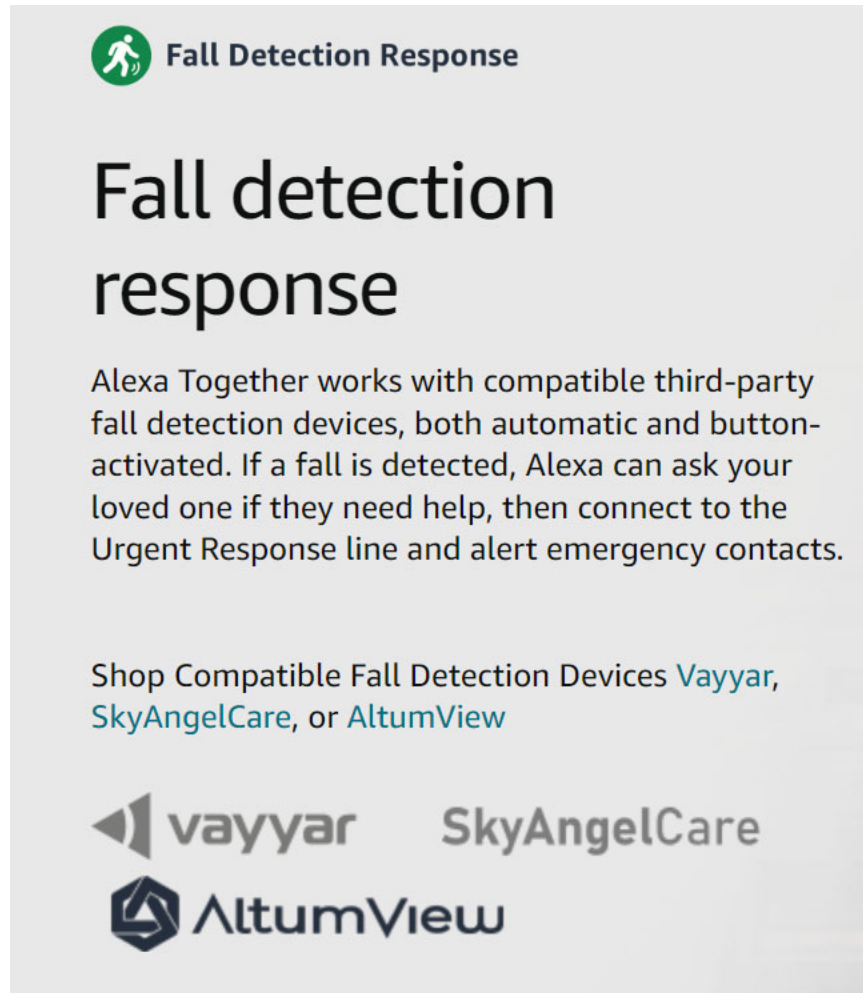
Alexa Together is a new subscription service that is designed to give the entire family peace of mind and help aging loved ones feel more comfortable and confident to live independently.

The new service has many features including 24/7 hands-free access to professional Urgent Response agents that can get your loved one the assistance they need if they say, “Alexa, call for help.” If a compatible third-party device detects a fall or a button is pressed on the device, the device can send a signal to prompt Alexa to ask if the person receiving support wants to call Urgent Response. Our opt-in Remote Assist feature allows you to manage device settings, remotely set reminders, or connect a music service on your loved one’s devices. The activity feed shows a generalized view of your loved one’s interactions, so you know they are active around the house.

You can also create alerts to know when your loved one first uses Alexa or if no activity is detected between certain times.

Circle of Support is a new feature. Circle of Support allows you to add up to 10 additional family members or friends to support your aging loved one.

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (emphasis added)



 **Fall Detection Response**

Fall detection response

Alexa Together works with compatible third-party fall detection devices, both automatic and button-activated. If a fall is detected, Alexa can ask your loved one if they need help, then connect to the Urgent Response line and alert emergency contacts.

Shop Compatible Fall Detection Devices [Vayyar](#), [SkyAngelCare](#), or [AltumView](#)

 **vayyar**  **SkyAngelCare**

 **AltumView**

Ex. 20, <https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011>

Fall detection

How does fall detection work?

Alexa Together will be compatible with third-party fall detection devices from partners like ATS and Vayyar. If these devices are connected to the customer's Alexa account, they can detect when the customer has fallen or get a signal if the customer presses a help button on their wearable. When this happens, the devices can send a signal to prompt Alexa to ask if your loved one wants to call Urgent Response.

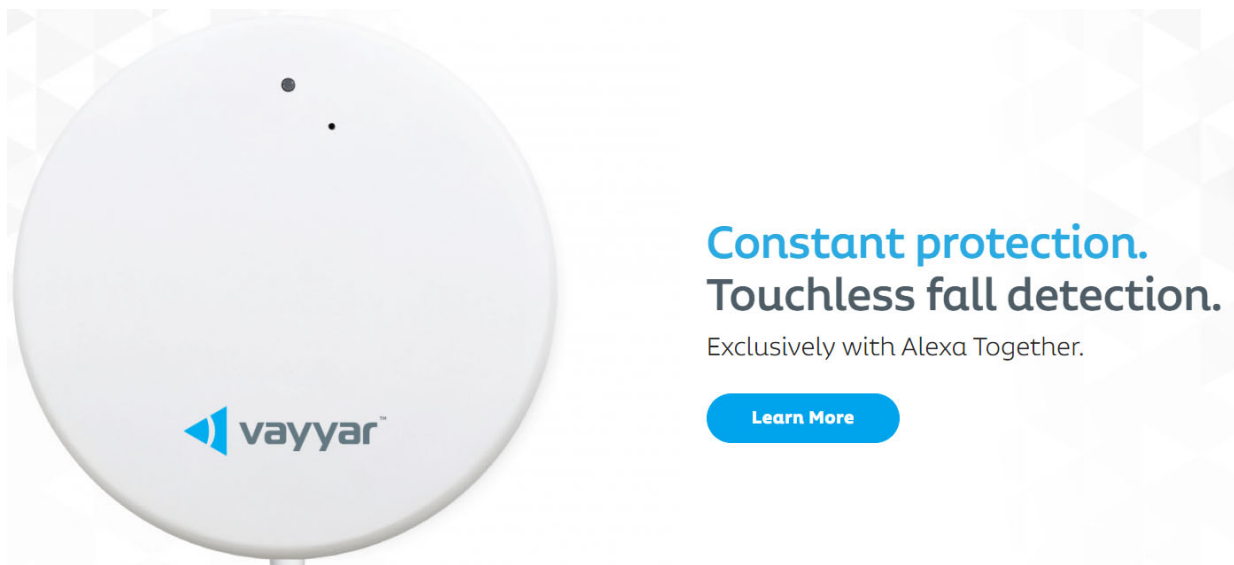
Does Alexa support a third-party fall detection device without an Alexa Together subscription?

A third-party fall detection device can be connected, but if there is no active Alexa Together subscription, Alexa will not receive the signal from the device that a fall happened. Alexa will not call Urgent Response.

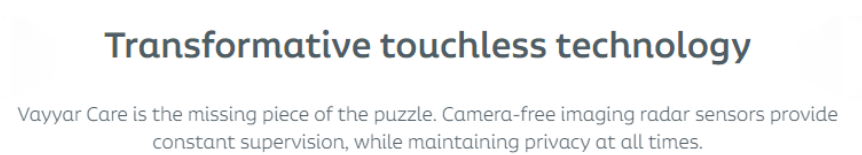
What devices are compatible with Alexa Together?

Alexa Together is compatible with third-party devices—a wall-mounted radar device from Vayyar and a wearable pendant from ATS. These are both available on Amazon.com.

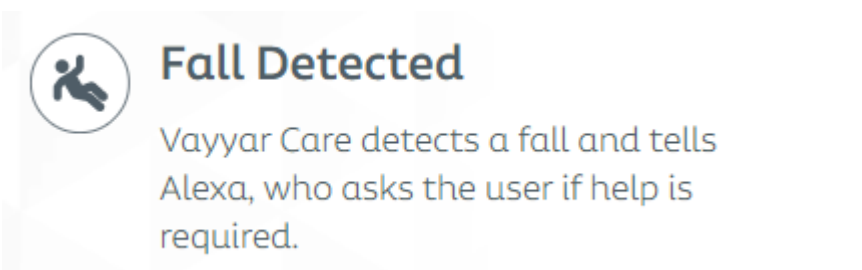
Ex. 24.



Ex. 29, <https://vayyar.com/care/b2c/>



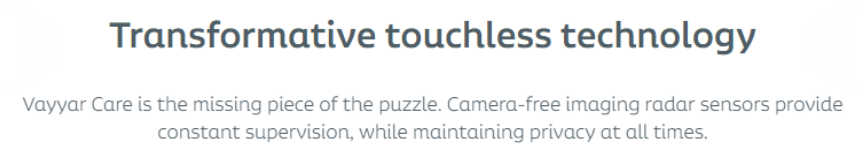
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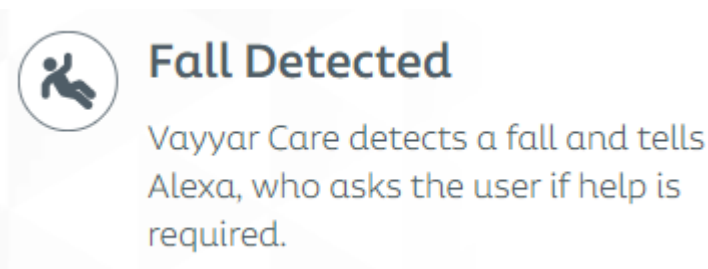
Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>

249. The SPHERES Accused Products “train[], by a processor, a neural network model using a plurality of datasets associated with a plurality of home environments, wherein training a neural network model comprises adding one or more layers to the trained neural network model, wherein at least one layer of the one or more layers is associated with at least one of an activation function, a loss function, and an optimization function” as required by claim 1 of the ’180 patent. For example, the SPHERES Accused Products are advertised as containing a “learning mode” that

“enables the device to become familiar with its environment over a one-week period following installation” through an optimization and/or loss function (Ex. 31, What is learning mode used for?, <https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for-> (last visited November 2, 2022)):



Ex. 29, <https://vayyar.com/care/b2c/>



Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>

The SPHERES Accused Products’ “learning mode” is used to retrieve historical sensor data by a plurality of sensors associated with multiple home environments, for example, multiple residents within individual rooms of senior living communities that will train a neural network using an optimization and/or loss function.

What is learning mode used for?

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The automatic learning mode enables the device to become familiar with its environment over a one-week period following installation, in order to maximize accuracy.

During this period the system will not provide fall alerts and will not notify Alexa Together.

At the end of the learning period, the Vayyar Care device will automatically start monitoring and notify Alexa Together in the event of a fall.

Ex. 31, <https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for->

The wealth of data collected by Vayyar Care sensors, on the other hand, can be leveraged by NCS providers to build up comprehensive activity profiles of each resident, enabling senior living communities to provide proactive and preventative care.

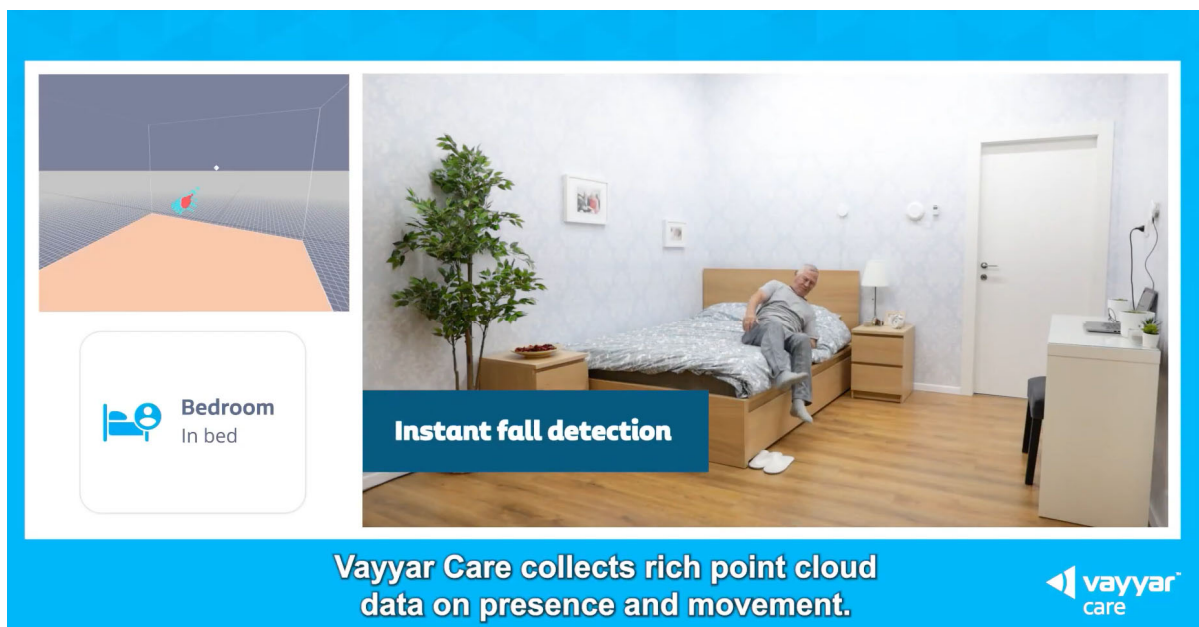
Ex. 32, <https://blog.vayyar.com/data-is-the-new-doctor>

Data silos are currently being broken down across multiple industries and [senior care is no exception](#). Granular resident activity data gathered over extended periods of time will ultimately allow MDs to make more accurate diagnoses and optimize pharmaceutical and therapeutic prescriptions.

By giving doctors a complete picture of a patient's behavior, nurse call technology providers will be able to play a pivotal role in enhancing resident health outcomes and delivering significant added value to communities.

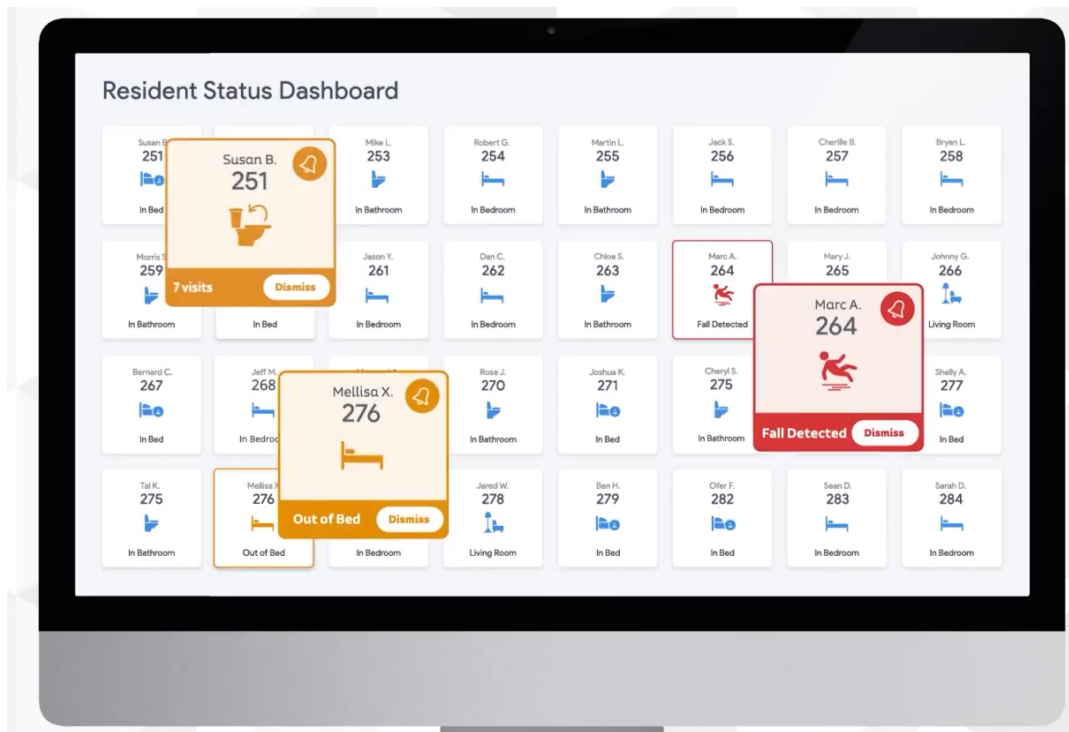
To learn more about how Vayyar Care can enable you to leverage the richest data, [click here](#).

Ex. 32, <https://blog.vayyar.com/data-is-the-new-doctor>



Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



Ex. 33,

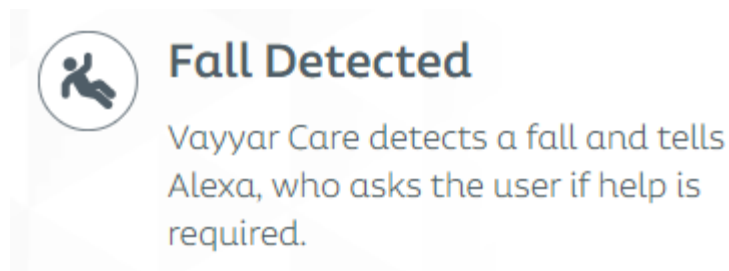
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250. The SPHERES Accused Products “captur[e] data detected by a plurality of sensors associated with the home environment,” as required by claim 1 of the ’180 patent. For example, the SPHERES Accused Products are advertised as containing a “learning mode” that “enables the device to become familiar with its environment over a one-week period following installation” (Ex. 31, What is learning mode used for?, <https://support.vayyarcare.com/hc/en-us/articles/4410361534609-What-is-learning-mode-used-for->, last visited November 2, 2022) and by capturing data detected by a plurality of sensors associated with the home environment:

Transformative touchless technology

Vayyar Care is the missing piece of the puzzle. Camera-free imaging radar sensors provide constant supervision, while maintaining privacy at all times.

Ex. 29, <https://vayyar.com/care/b2c/>



Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>

What is learning mode used for?

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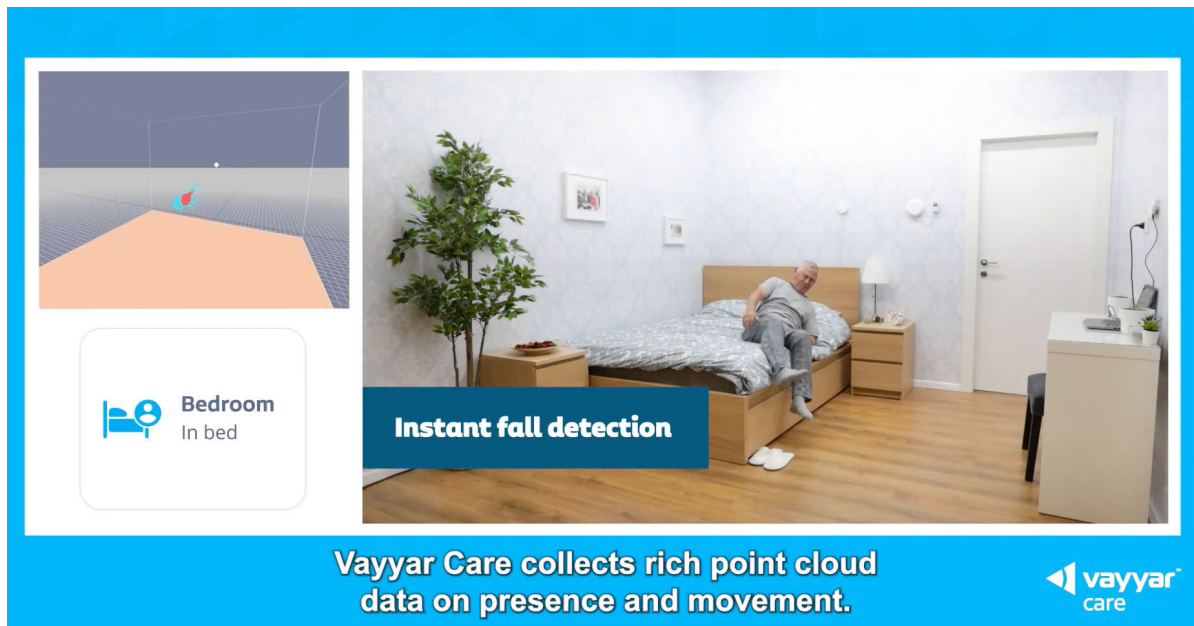
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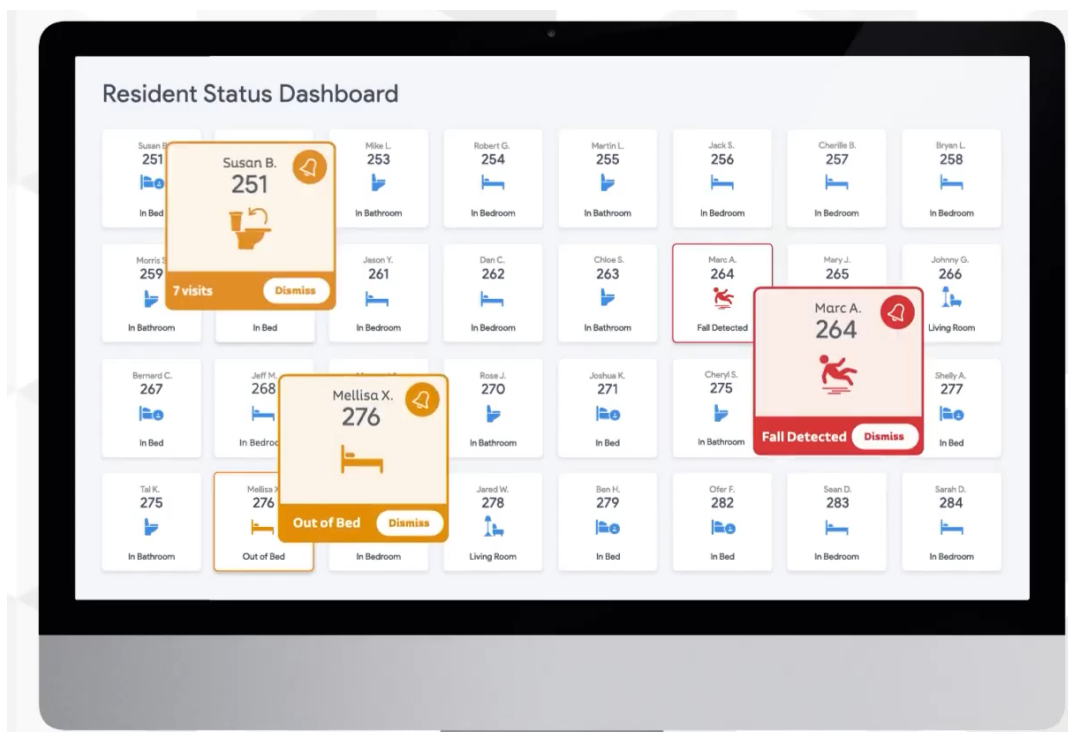
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Specifications

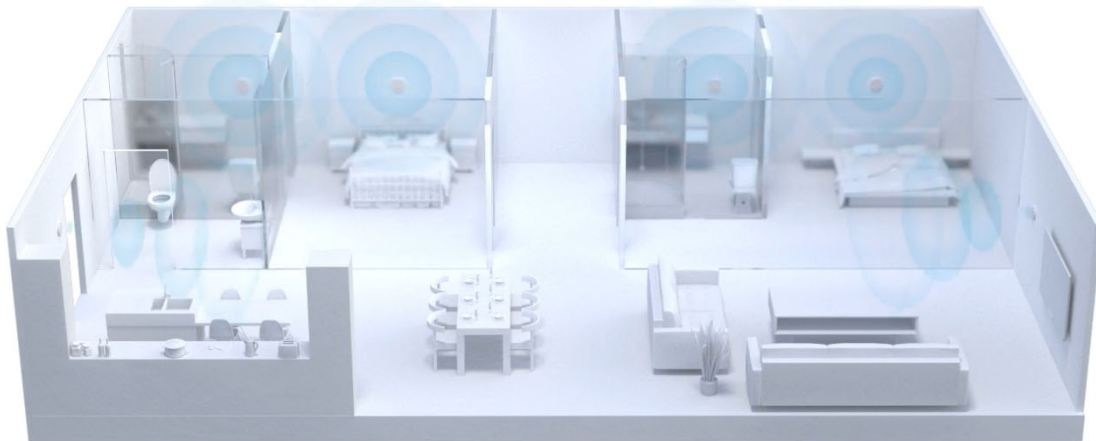
Brand name	Vayyar Care
Key advantages	Detects falls without cameras or requiring user to push a button, pull a cord or put on a wearable device
Sensor range	Wall-mounted sensor (1.5m / 5 feet off floor) monitors a coverage area of 16m ² / 169ft ² - supports a 140° azimuth (horizontal) and 70° elevation (height) field of view
Recommended number of devices	1 in the bedroom, 1 in the kitchen, 1 in the bathroom and 1 or more in the living room, depending on size (stairwells not supported at this time).
Device dimensions	9cm (3½") diameter, 1.5cm (¾") depth
Device weight	110g (4oz)
Technology	mmWave MIMO (Multiple Input Multiple Output) radio frequency sensor

Ex. 17, <https://www.amazon.com/Vayyar-Care-Touchless-Detection-Subscription/dp/B09JXV82Z6>

How many devices do I need?

Each Vayyar Care device has a range of 13 feet to the front and 6 feet 6 inches either side. Large rooms may require more than one device.

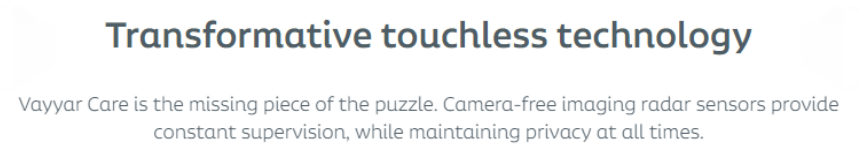
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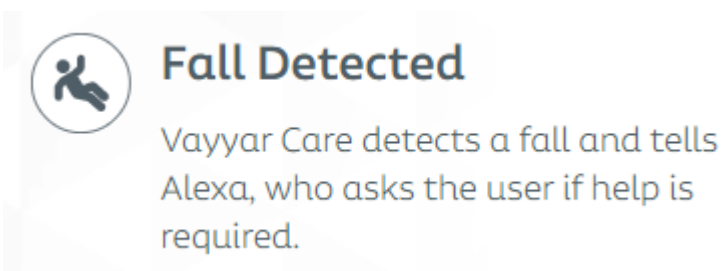
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251. The SPHERES Accused Products “analyz[e], by processor, the captured data to identify one or more abnormalities or anomalies,” as required by claim 1 of the ’180 patent. For

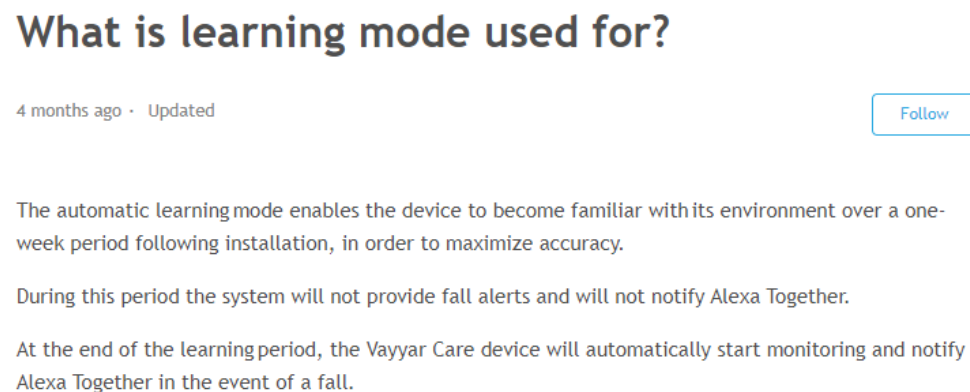
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Ex. 29, <https://vayyar.com/care/b2c/>



Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>



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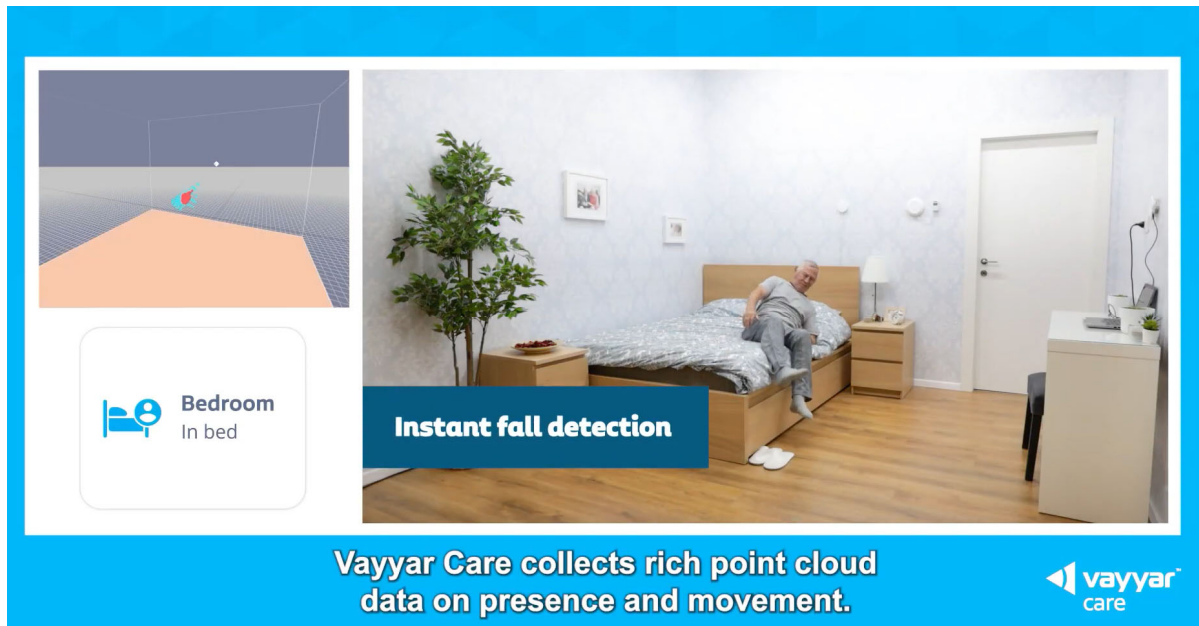
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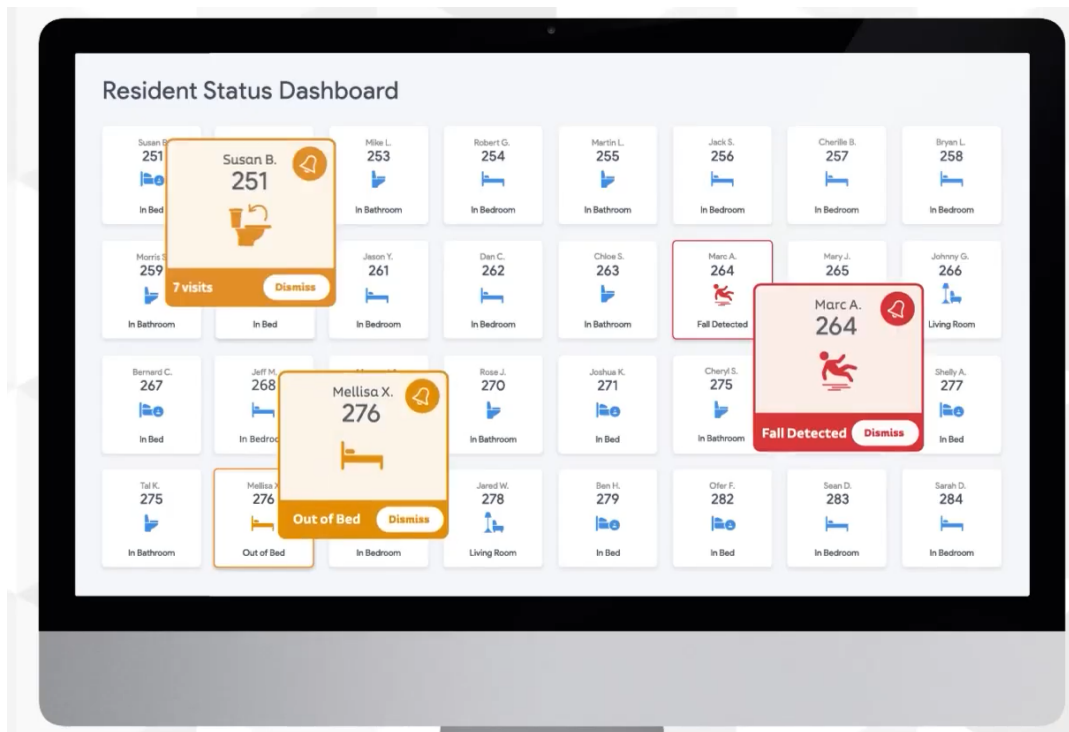
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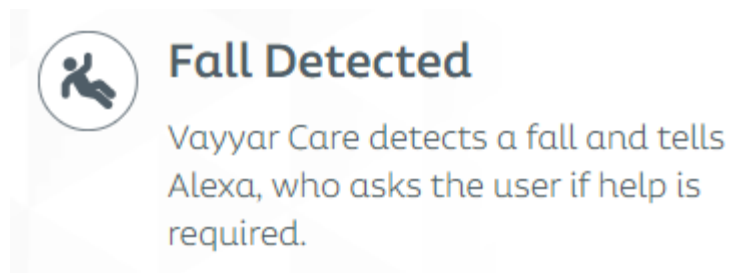
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252. The SPHERES Accused Products “determin[e], by the processor, based upon the identified one or more abnormalities or anomalies, the condition associated with the individual in the home environment,” as required by claim 1 of the ’180 patent. For example, the SPHERES Accused Products detect falls that occur within a loved one’s home:

Transformative touchless technology

Vayyar Care is the missing piece of the puzzle. Camera-free imaging radar sensors provide constant supervision, while maintaining privacy at all times.

Ex. 29, <https://vayyar.com/care/b2c/>



Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>

What is learning mode used for?

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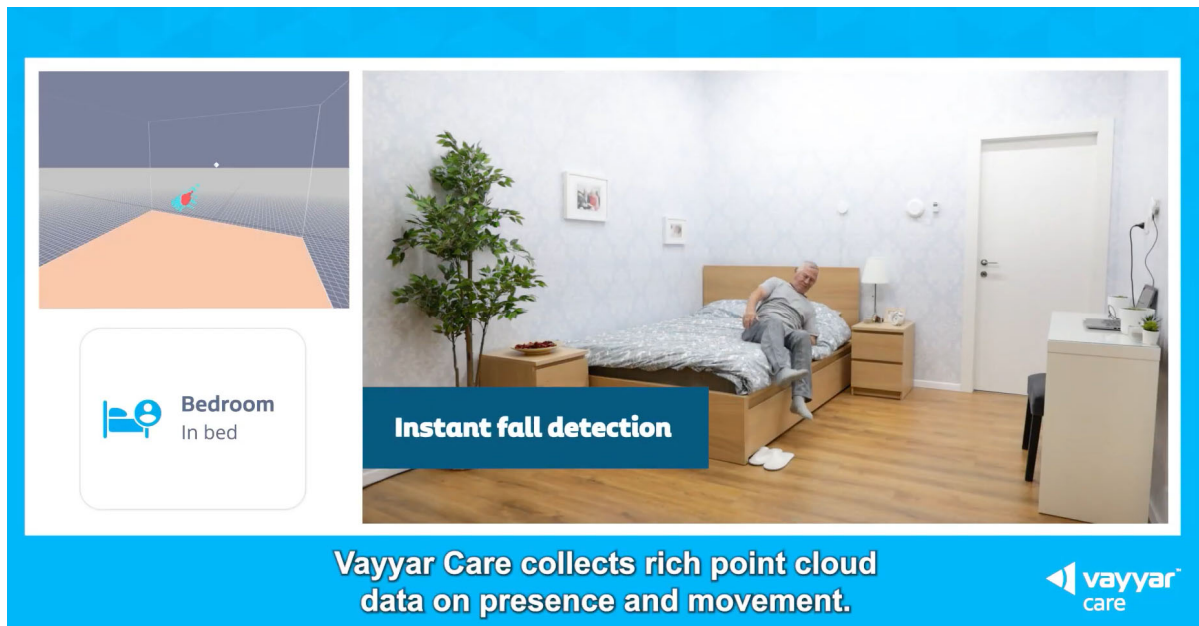
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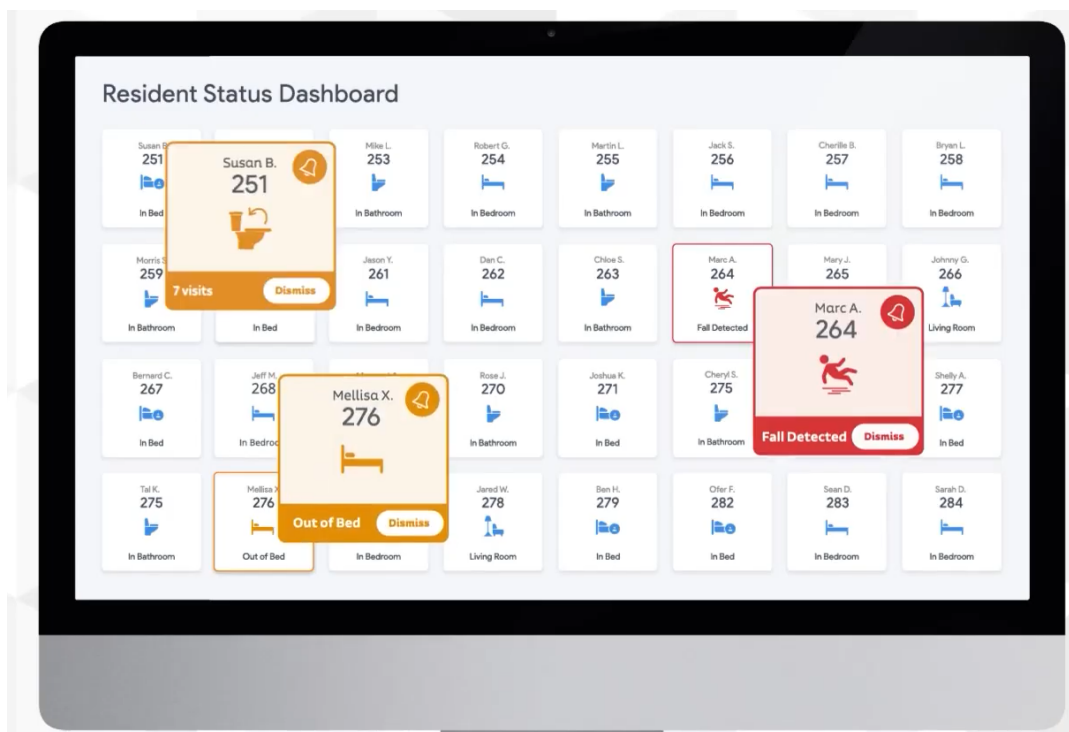
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https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo

253. The SPHERES Accused Products “generat[e], by the processor, to a caregiver of the individual, a notification indicating the condition associated with the individual,” as required by claim 1 of the ’180 patent. For example, the SPHERES Accused Products detect falls that occur within a loved one’s home and notifies a caregiver.

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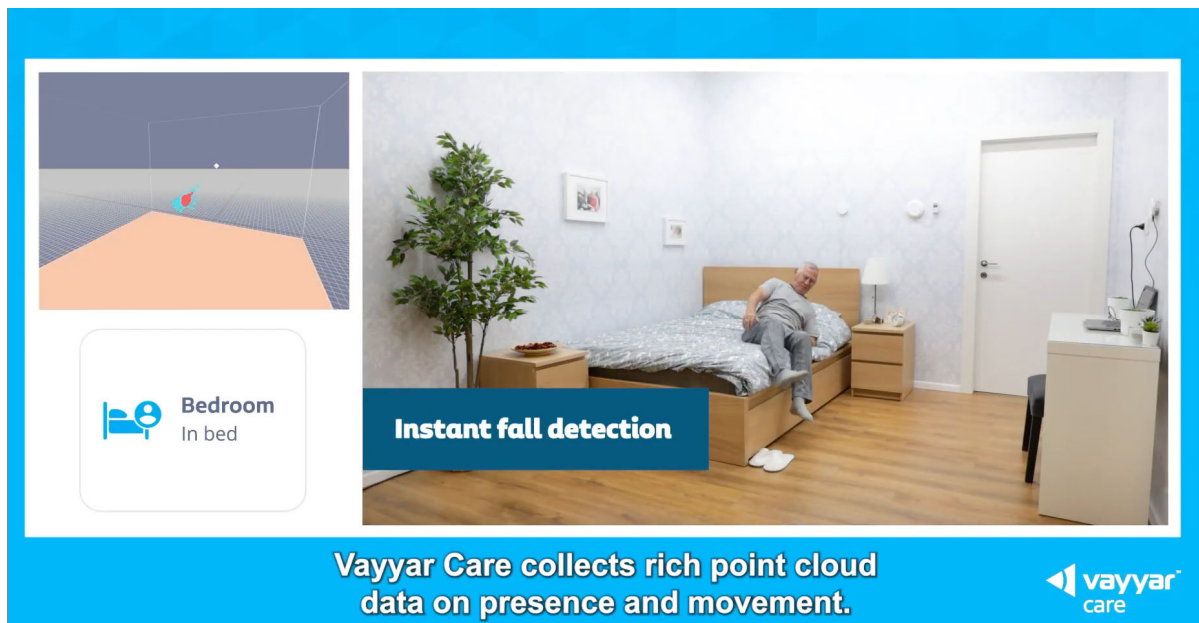
Ex. 29, <https://vayyar.com/care/b2c/>



Fall Detected

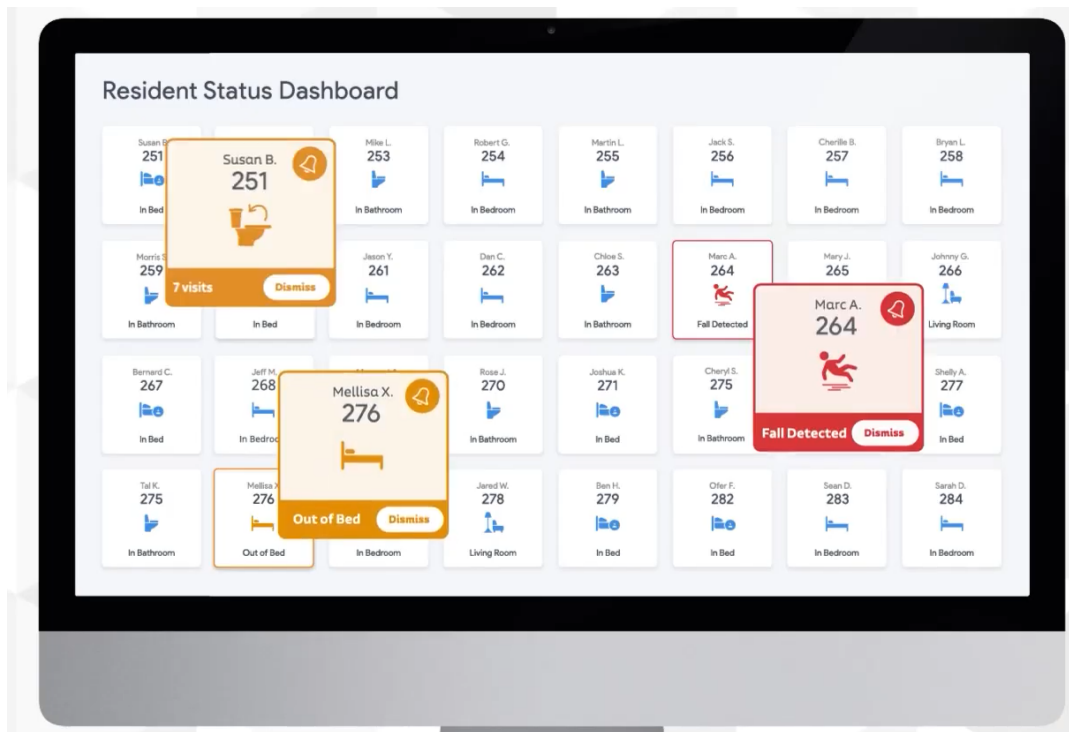
Vayyar Care detects a fall and tells Alexa, who asks the user if help is required.

Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>



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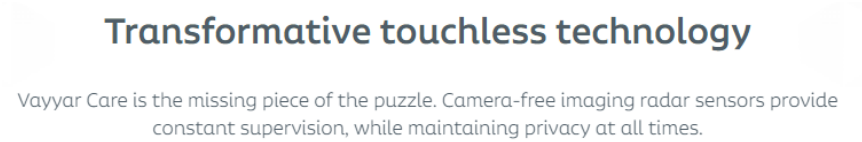
Assistance via Alexa

Alexa calls Urgent Response line
and alerts emergency contact.

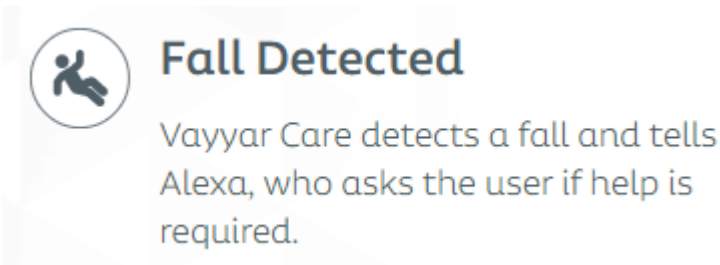
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254. The SPHERES Accused Products “analyz[e] the captured data comprises analyzing the captured data using the trained neural network model to identify a new behavior pattern,” as required by claim 1 of the ’180 patent. For example, the SPHERES Accused Products “collect[] rich point cloud data on presence and movement” (Ex. 33, Home VC Demo Short US (video),

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Ex. 29, <https://vayyar.com/care/b2c/>



Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>

What is learning mode used for?

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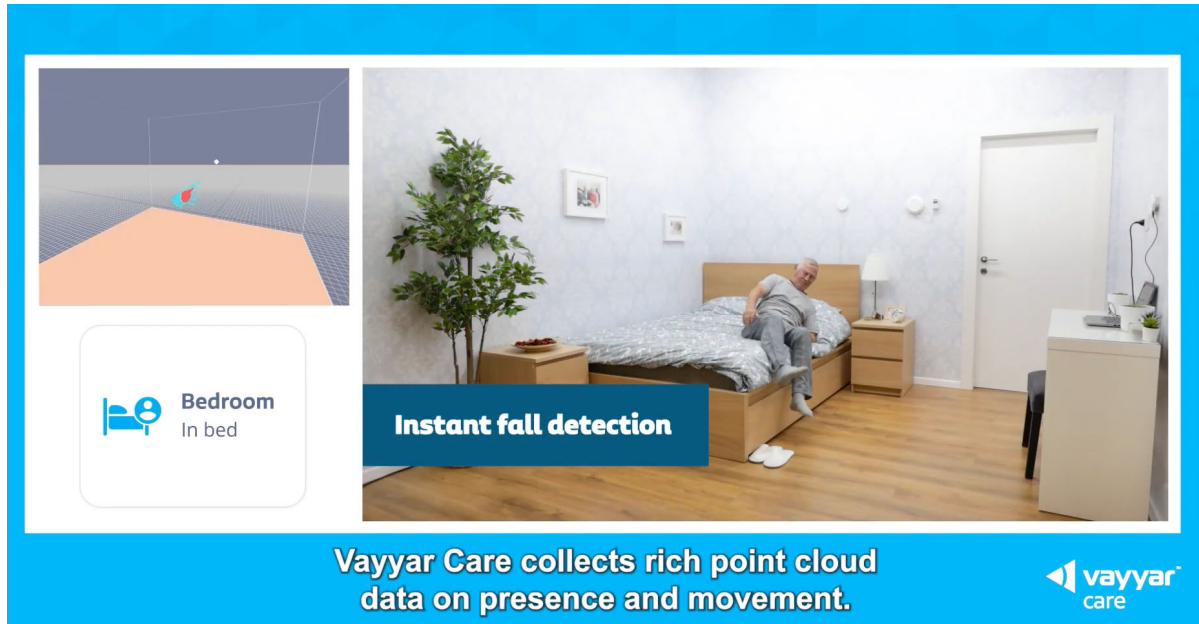
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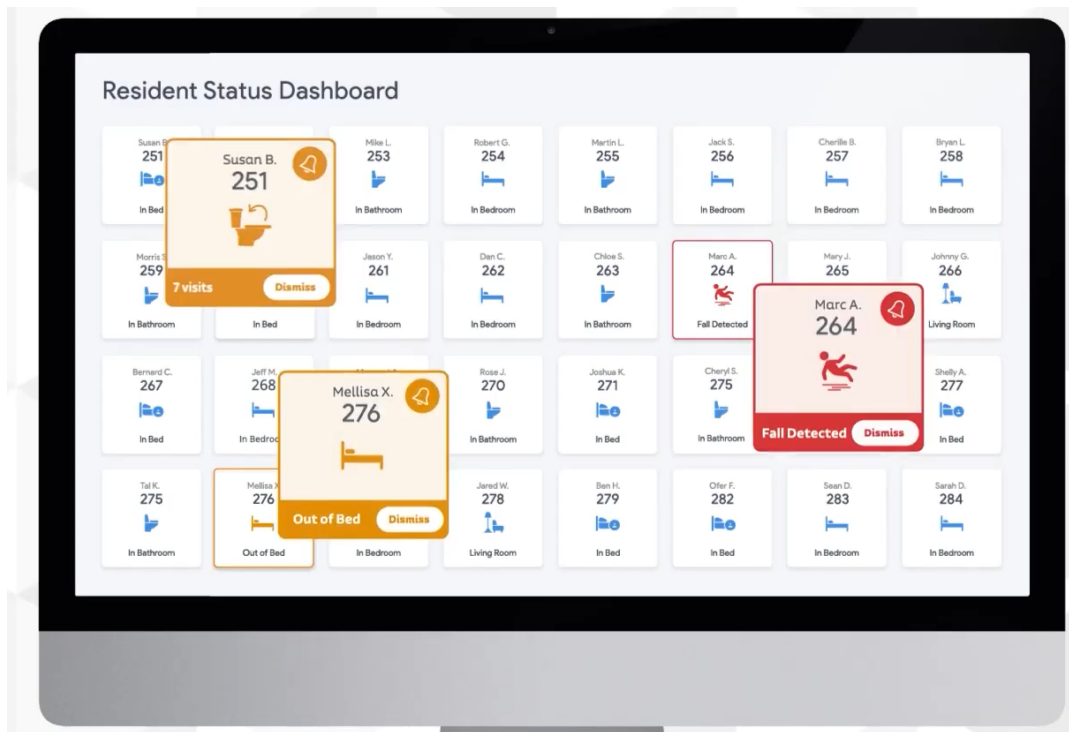
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255. The SPHERES Accused Products include “one or more abnormalities or anomalies comprise the new behavior pattern,” as required by claim 1 of the ’180 patent. For example, the SPHERES Accused Products detect falls that occur within a loved one’s home:

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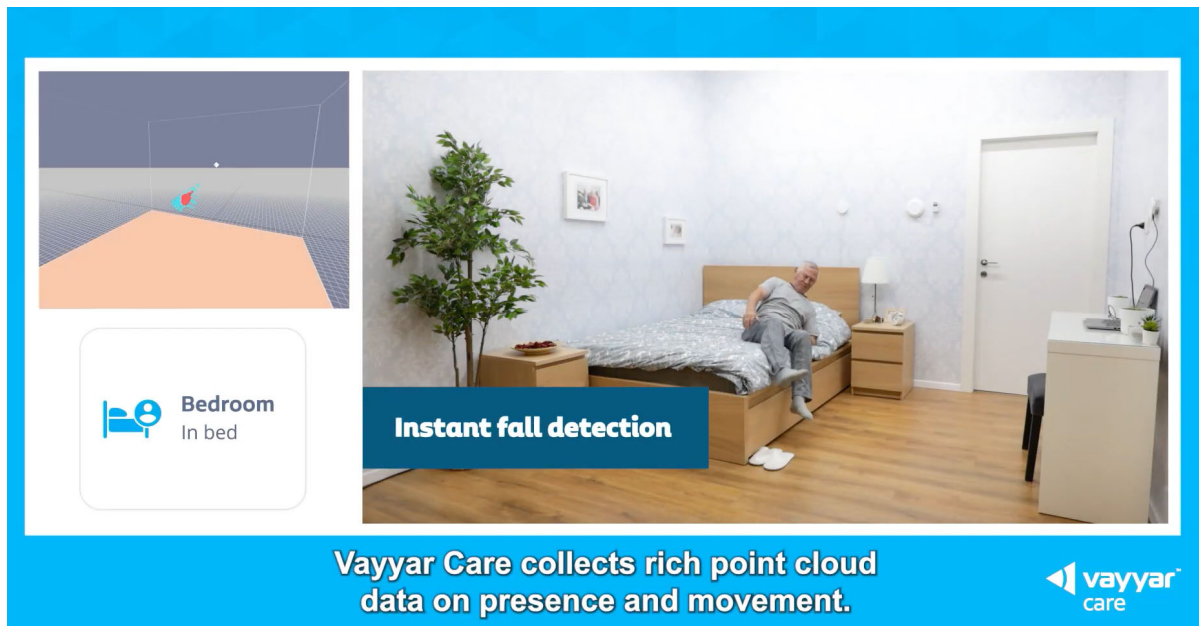
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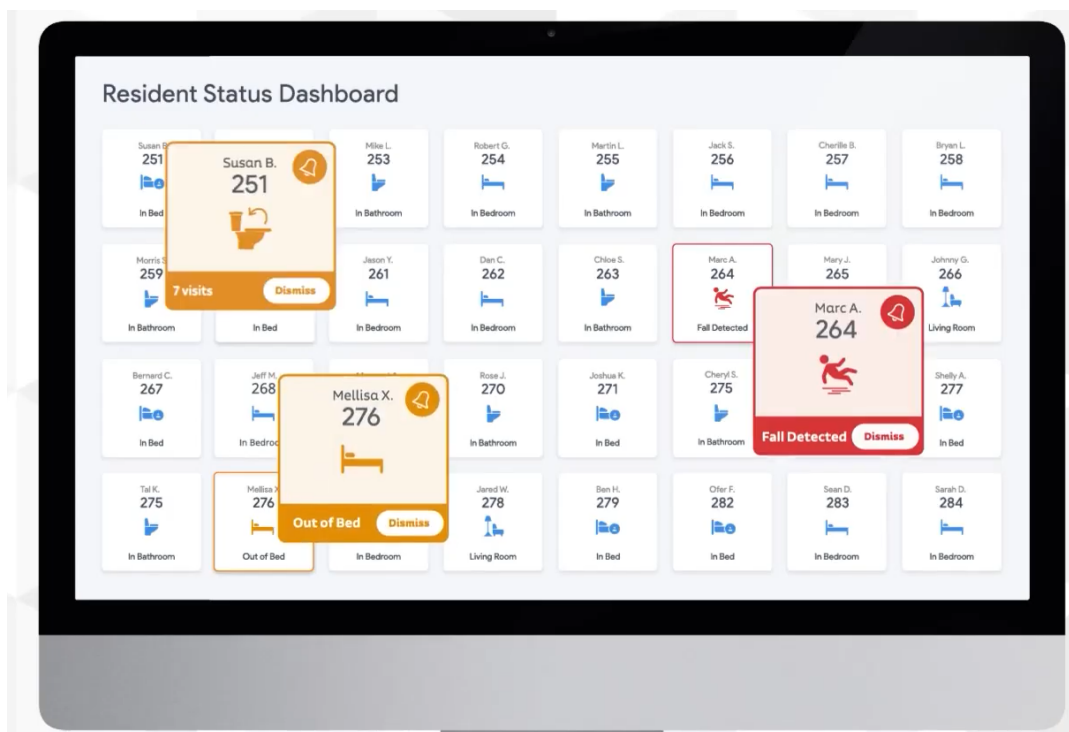
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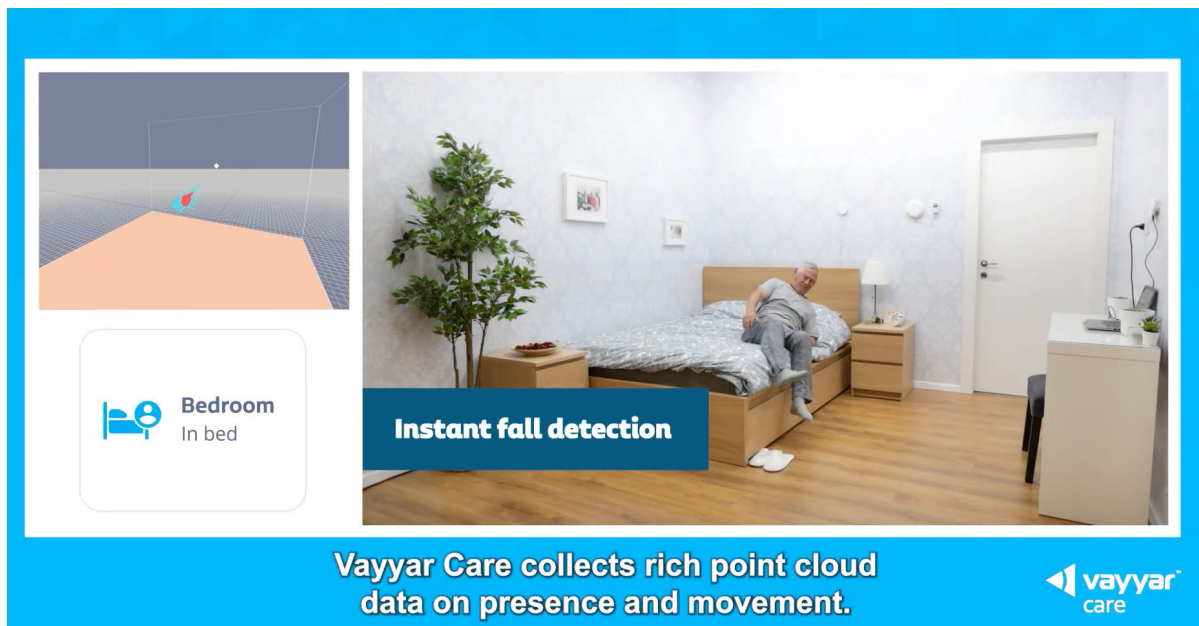
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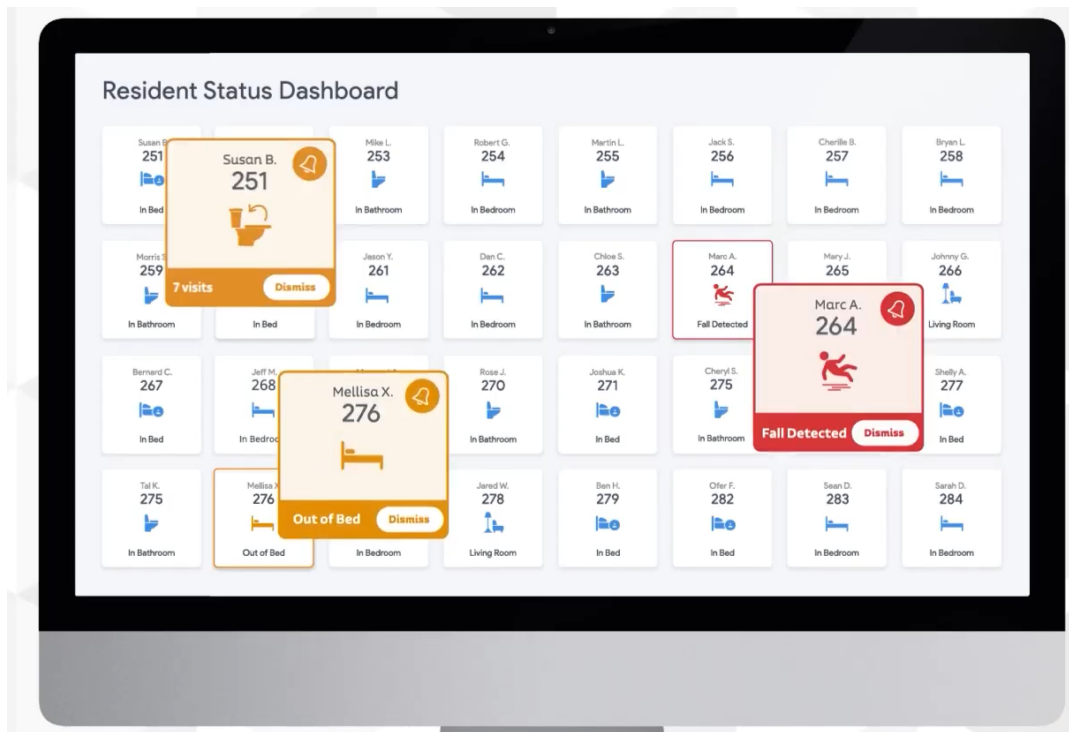
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257. The SPHERES Accused Products include a “notification [that] comprises a snapshot report generated periodically and the snapshot report includes an indication of the condition associated with the individual and a change from a prior snapshot report,” as required by claim 1 of the ’180 patent. For example, the SPHERES Accused Products detect falls that occur within a loved one’s home and notify a caregiver.

Transformative touchless technology

Vayyar Care is the missing piece of the puzzle. Camera-free imaging radar sensors provide constant supervision, while maintaining privacy at all times.

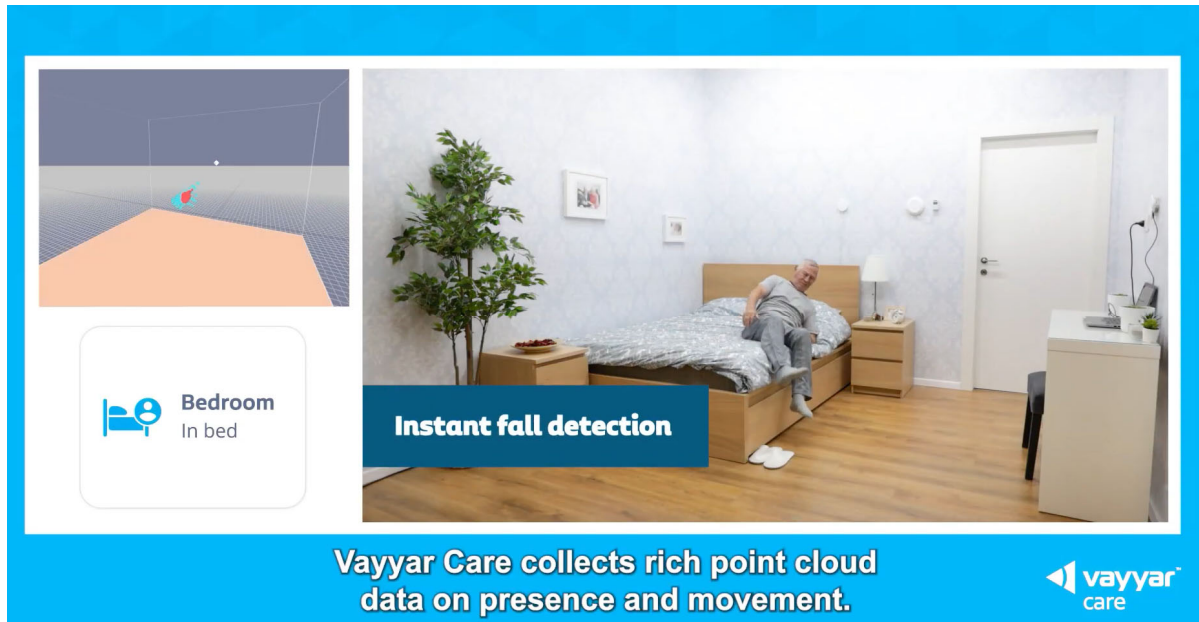
Ex. 29, <https://vayyar.com/care/b2c/>



Fall Detected

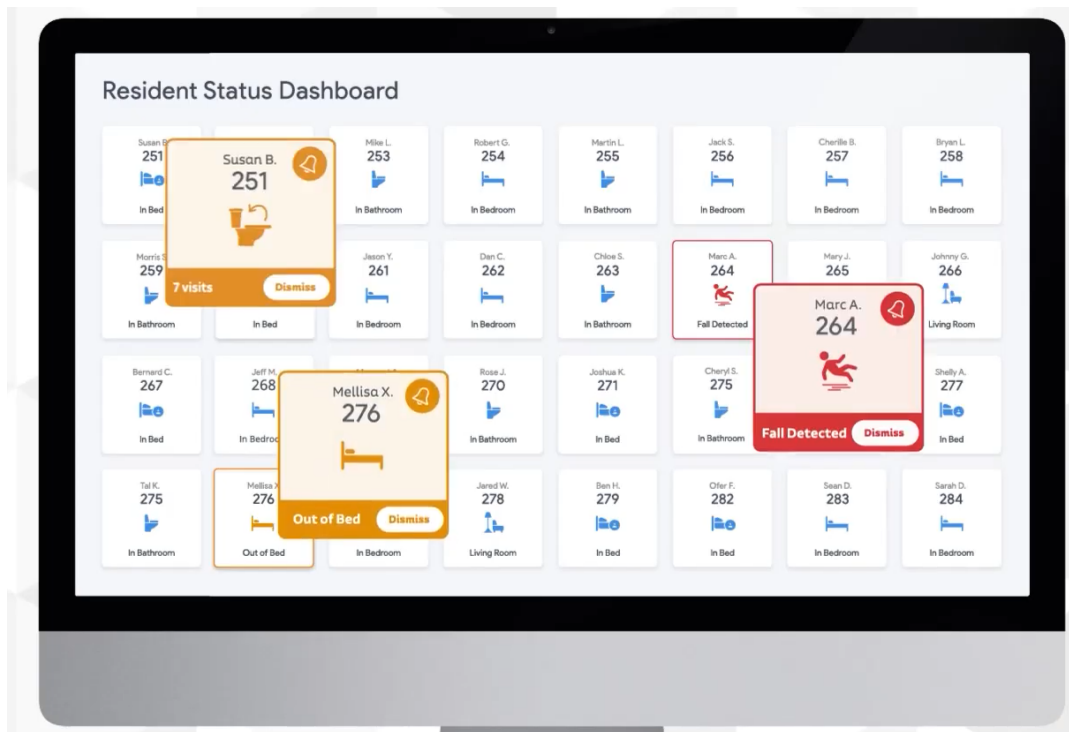
Vayyar Care detects a fall and tells Alexa, who asks the user if help is required.

Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>



Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



Ex. 33,

https://www.youtube.com/watch?time_continue=42&v=SYhZbfYu_Fk&feature=emb_logo



Assistance via Alexa

Alexa calls Urgent Response line
and alerts emergency contact.

Ex. 30, <https://vayyar.com/care/b2c/how-it-works/>

258. Each claim in the '180 patent recites an independent invention. Neither claim 1, described above, nor any other individual claim is representative of all claims in the '180 patent.

259. Amazon has been aware of the '180 patent since at least the filing date of this Complaint.

260. Amazon actively induced and is actively inducing infringement of at least claim 1 of the '180 patent, in violation of 35 U.S.C. § 271(b).

261. Amazon's customers and end-users of the SPHERES Accused Products directly infringe claim 1 of the '180 patent, at least by using the SPHERES Accused Products, as described above in Paragraphs 244-253.

262. Amazon knowingly induces infringement of at least claim 1 of the '180 patent by customers and end-users of the SPHERES Accused Products with specific intent to induce infringement, and/or with willful blindness to the possibility that its acts induce infringement, through activities relating to selling, marketing, advertising, promotion, support, and distribution of the SPHERES Accused Products in the United States.

263. Amazon knowingly instructs customers and end users, at least through its marketing, promotional, and instructional materials, to use the infringing SPHERES Accused Products in an infringing manner, as described in detail above in Paragraphs 244-253.

264. For example, Amazon publicly shares a "Frequently asked questions" website that instructs customers, *inter alia*, regarding "[h]ow does fall detection work?" Ex. 24, Frequently asked questions, <https://www.amazon.com/b/?node=23666031011>, last visited November 2, 2022. Amazon also publicly shares an "Alexa Together Setup Guide," a step-by-step user guide that advertises features such as "24/7 Urgent Response" and "Fall Detection Response." Ex. 25, Alexa Together Setup Guide, https://m.media-amazon.com/images/G/01/kindle/DP/Care-Launch/Alexa-Together-Setup-Guide-EN-V2.pdf?ref=at_setup_d, last visited November 2, 2022).

265. Amazon also posts videos on its website that instruct third parties on how to use the SPHERES Accused Products. See Ex. 26, Amazon Alexa Together Video,

<https://www.amazon.com/Alexa-Together/b?ie=UTF8&node=21390531011> (video) (last visited November 2, 2022). These videos explain, *inter alia*, how care providers can be alerted regarding a loved one's first Alexa activity, how care providers "can receive notifications and stay informed about [their] loved one's well-being," and how care providers can "setup customized alerts, like a notification if [their] loved one hasn't used Alexa in a while." *Id.*

266. In addition to marketing the SPHERES Accused Products for use in an infringing manner, Amazon also provides customer service to purchasers of the SPHERES Accused Products that directs and encourages customers of the SPHERES Accused Products to use the SPHERES Accused Products in an infringing manner. For example, Amazon provides Alexa Together Support and teaches customers how to "Connect Alexa Together to a Fall Detection Device," (Ex. 27, [Alexa Together Support, https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3](https://www.amazon.com/gp/help/customer/display.html?nodeId=GPXFZXHJFT6L97D3), last visited November 2, 2022)):

Digital Services and Device Support › Alexa Features Help ›

Alexa Together Support

Learn how to set up a connection, view activity, and get alerts with Alexa Together.

Getting Started

[What is Alexa Together?](#)
[What are the Different Roles in a Circle of Support?](#)
[Purchase and Activate an Alexa Together Subscription](#)
[Help Loved Ones Set Up Their Echo Show Remotely](#)

How To

[Set Up Your Alexa Together Connection](#)
[Get Notifications About Your Loved One with Alexa Together](#)
[View Activity with the Alexa Together Dashboard](#)
[Connect Alexa Together to a Fall Detection Device](#)
[How Do Turn On Alexa Together Remote Assist?](#)
[Set Up an Alexa Routine](#)
[How Does Drop In Work?](#)
[Make Alexa Calls with Your Voice](#)
[Update Your Alexa Together Urgent Response Address](#)
[Update the Emergency Contact in Alexa Together](#)
[What Is an Alexa Emergency Contact?](#)
[Add Multiple Caregivers to an Alexa Together Subscription](#)
[Manage Your Alexa Together Circle of Support](#)
[Delete an Alexa Together Caregiver](#)
[Cancel Your Alexa Together Subscription](#)

Troubleshooting

[Set Up Doesn't Work with Alexa Together](#)
[Alexa Together Circle of Support Doesn't Work](#)
[Notifications Aren't Working on Alexa Together](#)

267. Amazon has sales and technical support staff who assist Amazon's customers and end users and provide instructions for the use of the SPHERES Accused Products in an infringing manner in the United States. *See, e.g., id.*

268. Amazon provides its customers and end users with additional instructions that direct the customers and end users to use the SPHERES Accused Products in an infringing manner.

Such instructions include, for example, data sheets, technical specifications, customer support services, product sheets, and technical support services. *See, e.g., id.*

269. Amazon contributed and is contributing to infringement of at least claim 1 of the '180 patent, in violation of 35 U.S.C. § 271(c).

270. Amazon's customers and end-users of the SPHERES Accused Products directly infringe claim 1 of the '180 patent, at least by using the SPHERES Accused Products, as described in detail above in Paragraphs 244-253.

271. Amazon contributes to infringement of the '180 patent by offering to sell, selling, and importing into the United States the SPHERES Accused Products and components thereof, including, for example, the Alexa Together and associated software applications and firmware. Such components are substantial, material parts of the claimed inventions of the '180 patent and have no substantial non-infringing use.

272. The SPHERES Accused Products and associated software applications and firmware supplied by Amazon are especially made and especially adapted for use in infringing the '180 Patent and are not staple articles or commodities of commerce suitable for substantial non-infringing use.

273. Amazon's infringement of the '180 patent is without license or other authorization.

274. Because Amazon had knowledge of the '180 patent and proceeded to knowingly directly and indirectly infringe the '180 patent, Amazon's infringement has been and continues to be willful. As previously alleged, Amazon intentionally and knowingly copied proprietary innovations developed and patented by State Farm, including technology that Amazon now markets as its own.

275. Amazon's continued infringement of the '180 patent has damaged and will continue to damage Plaintiff.

276. Unless and until enjoined by this Court, Amazon will continue to directly infringe as well as induce and contribute to infringement of the '180 patent. Amazon's infringing acts are causing and will continue to cause at least Plaintiff irreparable harm, for which there is no adequate remedy at law. Under 35 U.S.C. § 283, Plaintiff is entitled to a permanent injunction against further infringement.

277. This case is exceptional, entitling Plaintiff to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

DEMAND FOR JURY TRIAL

278. Plaintiff respectfully requests a jury trial on any issues so triable by right.

PRAYER FOR RELIEF

279. WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in their favor and grant the following relief:

- A. A judgment that Amazon infringes, directly and indirectly, the Patents-in-Suit;
- B. An order permanently enjoining Amazon, its affiliates and subsidiaries, and each of its officers, agents, servants and employees and those acting in privity or concert with them, from making, offering to sell, selling, using, or importing into the United States products claimed in any of the claims of the Patents-in-Suit; using or performing methods claimed in any of the claims of the Patents-in-Suit; inducing others to use and perform methods that infringe any claim of the Patents-in-Suit; inducing others to make, offer, sell, use or import into the United States articles that infringe, or are made by a process that infringes, any claim of the Patents-in-Suit; and contributing to

- others infringing any claim of the Patents-in-Suit, until after the expiration of the Patents-in-Suit, respectively, including any extensions and/or additional periods of exclusivity to which Plaintiff is or becomes entitled;
- C. An order awarding damages under 35 U.S.C. §§ 154 & 284 in an amount sufficient to compensate Plaintiff for its damages arising from infringement by Amazon, including, but not limited to, lost profits and/or a reasonable royalty;
- D. A judgment that Amazon's infringement of the Patents-in-Suit was and continues to be willful and an order awarding Plaintiff treble damages under 35 U.S.C. § 284;
- E. A judgment and order requiring Amazon to pay Plaintiff the prejudgment and post-judgment interest to the fullest extent allowed under the law, as well as their costs;
- F. An order finding that this is an exceptional case and awarding Plaintiff its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and
- G. Such other relief as the Court may deem appropriate and just under the circumstances.

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