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11 Attorneys for Plaintiff Vaporstream, Inc.

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14 **WESTERN DIVISION**

15  
16 VAPORSTREAM, INC.,  
17 Plaintiff,  
18 vs.  
19 SNAP INC. d/b/a SNAPCHAT, INC.,  
20 Defendant.  
21

Case No. 2:17-cv-220

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

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1 Plaintiff Vaporstream, Inc. (“Vaporstream”) files this Complaint for patent  
2 infringement against Defendant Snap Inc., which does business in California as  
3 Snapchat, Inc. (“Snap” or “Defendant”), and alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is an action under the patent laws of the United States, 35 U.S.C.  
6 §§ 1, *et seq.*, for infringement by Snap of certain claims of U.S. Patent Nos.  
7 8,886,739; 8,935,351; 9,306,885; 9,306,886; 9,313,155; 9,313,156; 9,313,157;  
8 9,338,111; and 9,413,711 (collectively referred to as the “Patents-in-Suit”).

9 **THE PARTIES**

10 2. Vaporstream is a corporation duly organized and existing under the  
11 laws of Delaware, having its principal place of business at 223 West Jackson  
12 Boulevard, Suite 1104, Chicago, Illinois 60606.

13 3. Vaporstream is the assignee and owner of the Patents-in-Suit.

14 4. On information and belief, Snap is a corporation duly organized and  
15 existing under the laws of Delaware, having its principal place of business at 63  
16 Market Street, Venice, California 90291, and with a registered agent at 2710  
17 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833. Snap does  
18 business in California as Snapchat, Inc.

19 5. Snap is a social media and technology company. Among other things,  
20 Snap develops and maintains a mobile messaging application called Snapchat,  
21 currently used by more than 150 million daily active users. Snap also develops and  
22 manufactures wearable technology called Spectacles, a pair of smartglasses that  
23 connects to a user’s Snapchat account and records video.

24 **JURISDICTION AND VENUE**

25 6. This Court has subject matter jurisdiction pursuant to 28 U.S.C.  
26 §§ 1331 and 1338(a).

27 7. This Court has personal jurisdiction over Snap because, *inter alia*,  
28 upon information and belief, (i) Snap has its principal place of business in Venice,

1 California; (ii) Snap has done and continues to do business in California; and (iii)  
2 Snap has committed and continues to commit acts of patent infringement in the  
3 State of California, including by making, using, offering to sell, and/or selling  
4 accused products and services in California, and/or inducing others to commit acts  
5 of patent infringement in this District.

6 8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b),  
7 1391(c), and 1400(b) because, *inter alia*, upon information and belief, (i) Snap has  
8 its principal place of business in Venice, California; (ii) Snap has done and  
9 continues to do business in California; and (iii) Snap has committed and continues  
10 to commit acts of patent infringement in the State of California, including by  
11 making, using, offering to sell, and/or selling accused products and services in  
12 California, and/or inducing others to commit acts of patent infringement in this  
13 District.

#### 14 PATENTS-IN-SUIT

15 9. On, November 11, 2014, the United States Patent and Trademark  
16 Office duly and lawfully issued U.S. Patent No. 8,886,739 (the “’739 Patent”),  
17 entitled “Electronic Message Content And Header Restrictive Send Device  
18 Handling System And Method.” A true and correct copy of the ’739 Patent is  
19 attached hereto as Exhibit A.

20 10. On January 13, 2015, the United States Patent and Trademark Office  
21 duly and lawfully issued United States Patent No. 8,935,351 (the “’351 Patent”),  
22 entitled “Electronic Message Content And Header Restrictive Recipient Handling  
23 System And Method.” A true and correct copy of the ’351 Patent is attached hereto  
24 as Exhibit B.

25 11. On April 5, 2016, the United States Patent and Trademark Office duly  
26 and lawfully issued United States Patent No. 9,306,885 (the “’885 Patent”), entitled  
27 “Electronic Message Send Device Handling System And Method With Media  
28

1 Component And Header Information Separation.” A true and correct copy of the  
2 ’885 Patent is attached hereto as Exhibit C.

3 12. On April 5, 2016, the United States Patent and Trademark Office duly  
4 and lawfully issued United States Patent No. 9,306,886 (the “’886 Patent”), entitled  
5 “Electronic Message Recipient Handling System And Method With Separated  
6 Display Of Message Content And Header Information.” A true and correct copy of  
7 the ’886 Patent is attached hereto as Exhibit D.

8 13. On April 12, 2016, the United States Patent and Trademark Office  
9 duly and lawfully issued United States Patent No. 9,313,155 (the “’155 Patent”),  
10 entitled “Electronic Message Send Device Handling System And Method With  
11 Separation Of Message Content And Header Information.” A true and correct copy  
12 of the ’155 Patent is attached hereto as Exhibit E.

13 14. On April 12, 2016, the United States Patent and Trademark Office  
14 duly and lawfully issued United States Patent No. 9,313,156 (the “’156 Patent”),  
15 entitled “Electronic Message Send Device Handling System and Method With  
16 Separated Display And Transmission Of Message Content And Header  
17 Information.” A true and correct copy of the ’156 Patent is attached hereto as  
18 Exhibit F.

19 15. On April 12, 2016, the United States Patent and Trademark Office  
20 duly and lawfully issued United States Patent No. 9,313,157 (the “’157 Patent”),  
21 entitled “Electronic Message Recipient Handling System And Method With  
22 Separation Of Message Content And Header Information.” A true and correct copy  
23 of the ’157 Patent is attached hereto as Exhibit G.

24 16. On May 10, 2016, the United States Patent and Trademark Office duly  
25 and lawfully issued United States Patent No. 9,338,811 (the “’811 Patent”), entitled  
26 “Electronic Message Recipient Handling System And Method With Media  
27 Component And Header Information Separation.” A true and correct copy of the  
28 ’811 Patent is attached hereto as Exhibit H.

1           17. On August 9, 2016, the United States Patent and Trademark Office  
2 duly and lawfully issued United States Patent No. 9,413,711 (the “’711 Patent”),  
3 entitled “Electronic Message Recipient Handling System And Method With  
4 Separation Of Message Content And Header Information.” A true and correct copy  
5 of the ’711 Patent is attached hereto as Exhibit I.

6           18. The Patents-in-Suit generally relate to electronic messaging systems  
7 and methods with reduced traceability.

8           19. Vaporstream owns all right, title, and interest in and to the Patents-in-  
9 Suit and possesses all rights of recovery.

10   **DEFENDANT AND THE ACCUSED PRODUCT**

11           20. Upon information and belief, including based on Snap’s services and  
12 products identified on Snap’s website and in its mobile application, Snap makes,  
13 uses, offers to sell, and/or sells in the United States, and/or import into the United  
14 States, application products and services that practice the inventions disclosed in  
15 the Patents-in-Suit, including, but not limited to, the mobile messaging application  
16 known as Snapchat (“Snapchat App”).

17           21. Upon information and belief, Snap actively and knowingly directs,  
18 causes, induces, and encourages others, including, but not limited to, its software  
19 developers, customers, advertisers, end users, and app users to make, use, sell,  
20 and/or offer to sell in the United States, and/or import into the United States,  
21 application products and services that practice the inventions disclosed in the  
22 Patents-in-Suit, including, but not limited to, the Snapchat App, by, among other  
23 things, providing instructions and technical assistance relating to the installation,  
24 download, set up, use, operation, and maintenance of said Snapchat App.

25   **NOTICE OF INFRINGEMENT**

26           22. Defendant has notice of the Patents-in-Suit at least as of the date of  
27 this Complaint.

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**FIRST CAUSE OF ACTION  
(INFRINGEMENT OF THE '739 PATENT)**

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3       23. Vaporstream incorporates the preceding paragraphs as if fully set forth  
4 herein.

5       24. The '739 Patent generally relates to the field of an electronic  
6 messaging system and method with reduced traceability. The asserted claims of the  
7 '739 Patent recite novel systems and methods for providing separate displays on a  
8 sender's device for the display of (a) a message content and (b) a recipient address  
9 corresponding to the message content, such that: (a) and (b) are not displayed at the  
10 same time; are transmitted separately from the sender's device; and (a) is not  
11 accessible on the sender's device after a component of (a) is transmitted from the  
12 device to a server.

13       25. Snap infringes the '739 Patent by making, using, selling, and/or  
14 offering for sale in the United States, and/or importing into the United States,  
15 application products and services that meet the elements of the asserted claims. By  
16 way of a non-limiting example, the Snapchat App practices the inventions disclosed  
17 in the '739 Patent because at launch, it provides (a) a first display that allows a user  
18 to take a photo or video and to associate the photo or video with an electronic  
19 message (together comprising a "snap"), and (b) a second display for the selection  
20 of one or more recipient addresses for the snap. The Snapchat App does not display  
21 (a) and (b) at the same time; allows them to be transmitted separately from the user  
22 device; and ensures that the snap is not accessible from the user device after it has  
23 been transmitted to one or more servers owned or maintained by Defendant.

24       26. Upon information and belief, Snap has infringed at least claims 1, 4-8,  
25 and 10 of the '739 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,  
26 offering to sell, and/or selling in the United States, and/or importing into the United  
27 States the Snapchat App. Upon information and belief, Snap's infringement  
28 pursuant to 35 U.S.C. § 271(a) is ongoing.

1           27. Upon information and belief, since having notice of the '739 Patent,  
2 Snap has induced infringement of at least claims 1, 4-8, and 10 of the '739 Patent  
3 pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing, directing,  
4 causing, and encouraging others, including, but not limited to, its software  
5 developers, customers, advertisers, end users, and app users to make, use, sell,  
6 and/or offer to sell in the United States, and/or import into the United States,  
7 application products and services that practice the inventions disclosed in the '739  
8 Patent, by, among other things, providing instructions and technical assistance  
9 relating to the installation, download, set up, use, operation, and maintenance of the  
10 Snapchat App.

11           28. In one example, Snap has induced infringement of the above-identified  
12 claims by providing its software developers, customers, advertisers, end users, and  
13 app users with the Snapchat App, knowing and/or intending that, when used as  
14 intended, the Snapchat App meets the elements of the asserted claims. In another  
15 example, Snap has induced infringement of the above-identified claims of the '739  
16 Patent by knowingly and/or willfully providing instructions and technical assistance  
17 that explain, instruct, direct, cause, and encourage its software developers,  
18 customers, advertisers, end users, and app users to download or install the Snapchat  
19 App from a mobile application store and to run and use the Snapchat App, thereby  
20 activating its infringing functionalities.

21           29. Upon information and belief, Snap committed the foregoing infringing  
22 activities without license from Vaporstream and with notice of the '739 Patent.

23           30. Snap knew the '739 Patent existed while committing the foregoing  
24 infringing acts, thereby willfully, wantonly, and deliberately infringing the '739  
25 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35  
26 U.S.C. § 284 because of Snap's willful infringement of the '739 Patent.

27           31. The acts of infringement by Snap have been with the knowledge of the  
28 '739 Patent and are willful, wanton, and deliberate, thus rendering this action



1 “exceptional” within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to  
2 its reasonable attorney’s fees and litigation expenses.

3 32. The acts of infringement by Snap will continue unless enjoined by this  
4 Court.

5 33. Vaporstream has been and will continue to be irreparably harmed and  
6 damaged by Snap’s infringement of the ’739 Patent and has no adequate remedy at  
7 law.

8 **SECOND CAUSE OF ACTION**  
9 **(INFRINGEMENT OF THE ’351 PATENT)**

10 34. Vaporstream incorporates the preceding paragraphs as if fully set forth  
11 herein.

12 35. The ’351 Patent generally relates to the field of an electronic  
13 messaging system and method with reduced traceability. The asserted claims of the  
14 ’351 Patent recite novel systems and methods for providing separate displays on a  
15 recipient user device for the separate display of (a) the header information of an  
16 electronic message and (b) a message content (including a media component), such  
17 that: (a) and (b) are not displayed at the same time; the display of (b) does not  
18 display a sender’s username associated with (a); and (b) is no longer available to a  
19 recipient user after being displayed.

20 36. Snap infringes the ’351 Patent by making, using, selling, and/or  
21 offering for sale in the United States, and/or importing into the United States,  
22 application products and services that meet the elements of the asserted claims. By  
23 way of a non-limiting example, the Snapchat App practices the inventions disclosed  
24 in the ’351 Patent because upon accepting a snap at a recipient user device, it  
25 separately displays on the recipient user device: (a) a notification of an unread  
26 message from a sender along with the sender’s username, and (b) a snap. The  
27 Snapchat App does not display the sender’s username and the snap at the same  
28



1 time, and once displayed for a predetermined amount of time, the snap is no longer  
2 available to the recipient user on the recipient user device.

3 37. Upon information and belief, Snap has infringed at least claims 1, 3–7,  
4 9, 11, and 12 of the '351 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,  
5 offering to sell, and/or selling in the United States, and/or importing into the United  
6 States the Snapchat App. Upon information and belief, Snap's infringement  
7 pursuant to 35 U.S.C. § 271(a) is ongoing.

8 38. Upon information and belief, since having notice of the '351 Patent,  
9 Snap has induced infringement of at least claims 1, 3–7, 9, 11, and 12 of the '351  
10 Patent pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing,  
11 directing, causing, and encouraging others, including, but not limited to, its  
12 software developers, customers, advertisers, end users, and app users to make, use,  
13 sell, and/or offer to sell in the United States, and/or import into the United States,  
14 application products and services that practice the inventions disclosed in the '351  
15 Patent, by, among other things, providing instructions and technical assistance  
16 relating to the installation, download, set up, use, operation, and maintenance of the  
17 Snapchat App.

18 39. In one example, Snap has induced infringement of the above-identified  
19 claims by providing its software developers, customers, advertisers, end users, and  
20 app users with the Snapchat App, knowing and/or intending that, when used as  
21 intended, the Snapchat App meets the elements of the asserted claims. In another  
22 example, Snap has induced infringement of the above-identified claims of the '351  
23 Patent by knowingly and/or willfully providing instructions and technical assistance  
24 that explain, instruct, direct, cause, and encourage its software developers,  
25 customers, advertisers, end users, and app users to download or install the Snapchat  
26 App from a mobile application store and to run and use the Snapchat App, thereby  
27 activating its infringing functionalities.

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1 40. Upon information and belief, Snap committed the foregoing infringing  
2 activities without license from Vaporstream and with notice of the '351 Patent.

3 41. Snap knew the '351 Patent existed while committing the foregoing  
4 infringing acts, thereby willfully, wantonly, and deliberately infringing the '351  
5 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35  
6 U.S.C. § 284 because of Snap's willful infringement of the '351 Patent.

7 42. The acts of infringement by Snap have been with the knowledge of the  
8 '351 Patent and are willful, wanton, and deliberate, thus rendering this action  
9 "exceptional" within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to  
10 its reasonable attorney's fees and litigation expenses.

11 43. The acts of infringement by Snap will continue unless enjoined by this  
12 Court.

13 44. Vaporstream has been and will continue to be irreparably harmed and  
14 damaged by Snap's infringement of the '351 Patent and has no adequate remedy at  
15 law.

16 **THIRD CAUSE OF ACTION**  
17 **(INFRINGEMENT OF THE '885 PATENT)**

18 45. Vaporstream incorporates the preceding paragraphs as if fully set forth  
19 herein.

20 46. The '885 Patent generally relates to the field of an electronic  
21 messaging system and method with reduced traceability. The asserted claims of the  
22 '885 Patent recite novel systems and methods for: associating (a) a message content  
23 (including a media component) with an electronic message at a sending user device;  
24 associating (b) an identifier of a recipient with the electronic message at a sending  
25 user device; separately displaying (a) and (b) at a sending user device so that a  
26 single-screen capture of both (a) and (b) is prevented; and separately transmitting  
27 (a) and (b) to a server in a way that allows the (a) message content and the (b)  
28 recipient identifier to be related to each other at a later time by the server.

1           47. Snap infringes the '885 Patent by making, using, selling, and/or  
2 offering for sale in the United States, and/or importing into the United States,  
3 application products and services that meet the elements of the asserted claims. By  
4 way of a non-limiting example, the Snapchat App practices the inventions disclosed  
5 in the '885 Patent by enabling the association, separate display, separate  
6 transmission, and relation of a message content with a recipient identifier by  
7 Snapchat servers. Each snap includes an identifier of a recipient and a message  
8 content. At the sending user device, the Snapchat App associates a message content  
9 with the electronic message via a first display and separately associates an identifier  
10 of a recipient with the electronic message via a second display. The two displays  
11 are kept separate at a sending Snapchat App user device so that a single-screen  
12 capture of both is prevented. The message content and the recipient identifier are  
13 then separately transmitted with the snap to the Snapchat server. On information  
14 and belief, the Snapchat server assigns an identifier to correlate a snap with the  
15 recipient's username so that they may be related to each other at a later time.

16           48. Upon information and belief, Snap has infringed at least claims 1 and  
17 5–10 of the '885 Patent, pursuant to 35 U.S.C. § 271(a), by making, using, offering  
18 to sell, and/or selling in the United States, and/or importing into the United States  
19 the Snapchat App. Upon information and belief, Snap's infringement pursuant to  
20 35 U.S.C. § 271(a) is ongoing.

21           49. Upon information and belief, since having notice of the '885 Patent,  
22 Snap has induced infringement of at least claims 1 and 5–10 of the '885 Patent  
23 pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing, directing,  
24 causing, and encouraging others, including, but not limited to, its software  
25 developers, customers, advertisers, end users, and app users to make, use, sell,  
26 and/or offer to sell in the United States, and/or import into the United States,  
27 application products and services that practice the inventions disclosed in the '885  
28 Patent, by, among other things, providing instructions and technical assistance

1 relating to the installation, download, set up, use, operation, and maintenance of the  
2 Snapchat App.

3 50. In one example, Snap has induced infringement of the above-identified  
4 claims by providing its software developers, customers, advertisers, end users, and  
5 app users with the Snapchat App, knowing and/or intending that, when used as  
6 intended, the Snapchat App meets the elements of the asserted claims. In another  
7 example, Snap has induced infringement of the above-identified claims of the '885  
8 Patent by knowingly and/or willfully providing instructions and technical assistance  
9 that explain, instruct, direct, cause, and encourage its software developers,  
10 customers, advertisers, end users, and app users to download or install the Snapchat  
11 App from a mobile application store and to run and use the Snapchat App, thereby  
12 activating its infringing functionalities.

13 51. Upon information and belief, Snap committed the foregoing infringing  
14 activities without license from Vaporstream and with notice of the '885 Patent.

15 52. Snap knew the '885 Patent existed while committing the foregoing  
16 infringing acts, thereby willfully, wantonly, and deliberately infringing the '885  
17 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35  
18 U.S.C. § 284 because of Snap's willful infringement of the '885 Patent.

19 53. The acts of infringement by Snap have been with the knowledge of the  
20 '885 Patent and are willful, wanton, and deliberate, thus rendering this action  
21 "exceptional" within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to  
22 its reasonable attorney's fees and litigation expenses.

23 54. The acts of infringement by Snap will continue unless enjoined by this  
24 Court.

25 55. Vaporstream has been and will continue to be irreparably harmed and  
26 damaged by Snap's infringement of the '885 Patent and has no adequate remedy at  
27 law.  
28

**FOURTH CAUSE OF ACTION  
(INFRINGEMENT OF THE '886 PATENT)**

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3       56. Vaporstream incorporates the preceding paragraphs as if fully set forth  
4 herein.

5       57. The '886 Patent generally relates to the field of an electronic  
6 messaging system and method with reduced traceability. The asserted claims of the  
7 '886 Patent recite novel systems and methods for providing separate displays on a  
8 recipient user device for separately displaying: (a) the header information of an  
9 electronic message and (b) a message content (including a media component), such  
10 that (a) and (b) are not displayed at the same time; a single-screen capture of both  
11 (a) and (b) is prevented; and (a) and (b) are related to each other using a correlation.

12       58. Snap infringes the '886 Patent by making, using, selling, and/or  
13 offering for sale in the United States, and/or importing into the United States,  
14 application products and services that meet the elements of the asserted claims. By  
15 way of a non-limiting example, the Snapchat App practices the inventions disclosed  
16 in the '886 Patent because upon accepting a snap at a recipient user device, it  
17 separately displays on the recipient user device: (a) a notification of an unread  
18 message from a sender along with the sender's username in a first display, and (b) a  
19 snap in a second display. On information and belief, the Snapchat server assigns an  
20 identifier to correlate a snap with the sender's username. The Snapchat App does  
21 not display the snap and the sender's username at the same time, thereby preventing  
22 a single-screen capture of both.

23       59. Upon information and belief, Snap has infringed at least claims 1–6  
24 and 8–13 of the '886 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,  
25 offering to sell, and/or selling in the United States, and/or importing into the United  
26 States the Snapchat App. Upon information and belief, Snapchat's infringement  
27 pursuant to 35 U.S.C. § 271(a) is ongoing.  
28

1           60. Upon information and belief, since having notice of the '886 Patent,  
2 Snapchat has induced infringement of at least claims 1–6 and 8–13 of the '886  
3 Patent pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing,  
4 directing, causing, and encouraging others, including, but not limited to, its  
5 software developers, customers, advertisers, end users, and app users to make, use,  
6 sell, and/or offer to sell in the United States, and/or import into the United States,  
7 application products and services that practice the inventions disclosed in the '886  
8 Patent, by, among other things, providing instructions and technical assistance  
9 relating to the installation, download, set up, use, operation, and maintenance of the  
10 Snapchat App.

11           61. In one example, Snap has induced infringement of the above-identified  
12 claims by providing its software developers, customers, advertisers, end users, and  
13 app users with the Snapchat App, knowing and/or intending that, when used as  
14 intended, the Snapchat App meets the elements of the asserted claims. In another  
15 example, Snap has induced infringement of the above-identified claims of the '886  
16 Patent by knowingly and/or willfully providing instructions and technical assistance  
17 that explain, instruct, direct, cause, and encourage its software developers,  
18 customers, advertisers, end users, and app users to download or install the Snapchat  
19 App from a mobile application store and to run and use the Snapchat App, thereby  
20 activating its infringing functionalities.

21           62. Upon information and belief, Snap committed the foregoing infringing  
22 activities without license from Vaporstream and with notice of the '886 Patent.

23           63. Snap knew the '886 Patent existed while committing the foregoing  
24 infringing acts, thereby willfully, wantonly, and deliberately infringing the '886  
25 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35  
26 U.S.C. § 284 because of Snap's willful infringement of the '886 Patent.

27           64. The acts of infringement by Snap have been with the knowledge of the  
28 '886 Patent and are willful, wanton, and deliberate, thus rendering this action

1 “exceptional” within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to  
2 its reasonable attorney’s fees and litigation expenses.

3 65. The acts of infringement by Snap will continue unless enjoined by this  
4 Court.

5 66. Vaporstream has been and will continue to be irreparably harmed and  
6 damaged by Snap’s infringement of the ’886 Patent and has no adequate remedy at  
7 law.

8 **FIFTH CAUSE OF ACTION**  
9 **(INFRINGEMENT OF THE ’155 PATENT)**

10 67. Vaporstream incorporates the preceding paragraphs as if fully set forth  
11 herein.

12 68. The ’155 Patent generally relates to the field of an electronic  
13 messaging system and method with reduced traceability. The asserted claims of the  
14 ’155 Patent recite novel systems and methods for providing separate displays on a  
15 sender’s device for the separate display of: (a) an electronic message including a  
16 message content including a media component and (b) a header information that  
17 corresponds to the message content including a media component, such that the  
18 message content including a media component is associated with the electronic  
19 message via a first display. The disclosed systems and methods further specify that  
20 the identifier of a recipient is associated with the electronic message via a second  
21 display and that (a) and (b) are not displayed at the same time.

22 69. Snap infringes the ’155 Patent by making, using, selling, and/or  
23 offering for sale in the United States, and/or importing into the United States,  
24 application products and services that meet the elements of the asserted claims. By  
25 way of a non-limiting example, the Snapchat App practices the inventions disclosed  
26 in the ’155 Patent because at launch, it provides (a) a first display that allows a user  
27 to take a snap, and (b) a second display for the selection of one or more recipient  
28



1 usernames for the snap. The Snapchat App associates the snap with a recipient  
2 username but does not display a snap with a recipient username at the same time.

3 70. Upon information and belief, Snap has infringed at least claims 1–6  
4 and 9–13 of the '155 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,  
5 offering to sell, and/or selling in the United States, and/or importing into the United  
6 States the Snapchat App. Upon information and belief, Snap's infringement  
7 pursuant to 35 U.S.C. § 271(a) is ongoing.

8 71. Upon information and belief, since having notice of the '155 Patent,  
9 Snap has induced infringement of at least claims 1–6 and 9–13 of the '155 Patent  
10 pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing, directing,  
11 causing, and encouraging others, including, but not limited to, its software  
12 developers, customers, advertisers, end users, and app users to make, use, sell,  
13 and/or offer to sell in the United States, and/or import into the United States,  
14 application products and services that practice the inventions disclosed in the '155  
15 Patent, by, among other things, providing instructions and technical assistance  
16 relating to the installation, download, set up, use, operation, and maintenance of the  
17 Snapchat App.

18 72. In one example, Snap has induced infringement of the above-identified  
19 claims by providing its software developers, customers, advertisers, end users, and  
20 app users with the Snapchat App, knowing and/or intending that, when used as  
21 intended, the Snapchat App meets the elements of the asserted claims. In another  
22 example, Snap has induced infringement of the above-identified claims of the '155  
23 Patent by knowingly and/or willfully providing instructions and technical assistance  
24 that explain, instruct, direct, cause, and encourage its software developers,  
25 customers, advertisers, end users, and app users to download or install the Snapchat  
26 App from a mobile application store and to run and use the Snapchat App, thereby  
27 activating its infringing functionalities.

28



1           80. Snap infringes the '156 Patent by making, using, selling, and/or  
2 offering for sale in the United States, and/or importing into the United States,  
3 application products and services that meet the elements of the asserted claims. By  
4 way of a non-limiting example, the Snapchat App practices the inventions disclosed  
5 in the '156 Patent because it enables the association, separate transmission, and  
6 relation of a message content with a recipient identifier by the Snapchat server.  
7 Each snap includes an identifier of a recipient and a message content. The  
8 Snapchat App first associates a message content with the electronic message via a  
9 first display at a sending user device and separately associates an identifier of a  
10 recipient with the electronic message via a second display at the sending user  
11 device. The two displays are kept separate at a sending Snapchat App user device  
12 so that a single-screen capture of both is prevented. Then, the message content and  
13 the recipient identifier are separately transmitted with the snap to the Snapchat  
14 server. On information and belief, the Snapchat server assigns an identifier to  
15 correlate a snap with the recipient's username so that they may be related to each  
16 other at a later time.

17           81. Upon information and belief, Snap has infringed at least claims 1–3  
18 and 6–11 of the '156 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,  
19 offering to sell, and/or selling in the United States, and/or importing into the United  
20 States the Snapchat App. Upon information and belief, Snap's infringement  
21 pursuant to 35 U.S.C. § 271(a) is ongoing.

22           82. Upon information and belief, since having notice of the '156 Patent,  
23 Snap has induced infringement of at least claims 1–3 and 6–11 of the '156 Patent  
24 pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing, directing,  
25 causing, and encouraging others, including, but not limited to, its software  
26 developers, customers, advertisers, end users, and app users to make, use, sell,  
27 and/or offer to sell in the United States, and/or import into the United States,  
28 application products and services that practice the inventions disclosed in the '156

1 Patent, by, among other things, providing instructions and technical assistance  
2 relating to the installation, download, set up, use, operation, and maintenance of the  
3 Snapchat App.

4 83. In one example, Snap has induced infringement of the above-identified  
5 claims by providing its software developers, customers, advertisers, end users, and  
6 app users with the Snapchat App, knowing and/or intending that, when used as  
7 intended, the Snapchat App meets the elements of the asserted claims. In another  
8 example, Snap has induced infringement of the above-identified claims of the '156  
9 Patent by knowingly and/or willfully providing instructions and technical assistance  
10 that explain, instruct, direct, cause, and encourage its software developers,  
11 customers, advertisers, end users, and app users to download or install the Snapchat  
12 App from a mobile application store and to run and use the Snapchat App, thereby  
13 activating its infringing functionalities.

14 84. Upon information and belief, Snap committed the foregoing infringing  
15 activities without license from Vaporstream and with notice of the '156 Patent.

16 85. Snap knew the '156 Patent existed while committing the foregoing  
17 infringing acts, thereby willfully, wantonly, and deliberately infringing the '156  
18 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35  
19 U.S.C. § 284 because of Snap's willful infringement of the '156 Patent.

20 86. The acts of infringement by Snap have been with the knowledge of the  
21 '156 Patent and are willful, wanton, and deliberate, thus rendering this action  
22 "exceptional" within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to  
23 its reasonable attorney's fees and litigation expenses.

24 87. The acts of infringement by Snap will continue unless enjoined by this  
25 Court.

26 88. Vaporstream has been and will continue to be irreparably harmed and  
27 damaged by Snap's infringement of the '156 Patent and has no adequate remedy at  
28 law.

**SEVENTH CAUSE OF ACTION  
(INFRINGEMENT OF THE '157 PATENT)**

1  
2  
3 89. Vaporstream incorporates the preceding paragraphs as if fully set forth  
4 herein.

5 90. The '157 Patent generally relates to the field of an electronic  
6 messaging system and method with reduced traceability. The asserted claims of the  
7 '157 Patent recite novel systems and methods for providing separate displays on a  
8 recipient user device for the separate display of: (a) header information of an  
9 electronic message in a first display and (b) a message content (including a media  
10 component) of the electronic message in a second display, such that the second  
11 display via the recipient user device does not include a display of the header  
12 information, and a single-screen capture of the header information and the media  
13 component is prevented.

14 91. Snap infringes the '157 Patent by making, using, selling, and/or  
15 offering for sale in the United States, and/or importing into the United States,  
16 application products and services that meet the elements of the asserted claims. By  
17 way of a non-limiting example, the Snapchat App practices the inventions disclosed  
18 in the '157 Patent because upon receiving a snap at a recipient user device, it  
19 separately displays on the recipient user device: (a) a notification of an unread  
20 message from a sender along with the sender's username in a first display, and (b) a  
21 snap in a separate second display. The Snapchat App does not display the sender's  
22 username with the snap so that a single-screen capture of the sender's username and  
23 the snap is prevented.

24 92. Upon information and belief, Snap has infringed at least claims 1-7  
25 and 10 of the '157 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,  
26 offering to sell, and/or selling in the United States, and/or importing into the United  
27 States the Snapchat App. Upon information and belief, Snap's infringement  
28 pursuant to 35 U.S.C. § 271(a) is ongoing.

1           93. Upon information and belief, since having notice of the '157 Patent,  
2 Snap has induced infringement of at least claims 1–7 and 10 of the '157 Patent  
3 pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing, directing,  
4 causing, and encouraging others, including, but not limited to, its software  
5 developers, customers, advertisers, end users, and app users to make, use, sell,  
6 and/or offer to sell in the United States, and/or import into the United States,  
7 application products and services that practice the inventions disclosed in the '157  
8 Patent, by, among other things, providing instructions and technical assistance  
9 relating to the installation, download, set up, use, operation, and maintenance of the  
10 Snapchat App.

11           94. In one example, Snap has induced infringement of the above-identified  
12 claims by providing its software developers, customers, advertisers, end users, and  
13 app users with the Snapchat App, knowing and/or intending that, when used as  
14 intended, the Snapchat App meets the elements of the asserted claims. In another  
15 example, Snap has induced infringement of the above-identified claims of the '157  
16 Patent by knowingly and/or willfully providing instructions and technical assistance  
17 that explain, instruct, direct, cause, and encourage its software developers,  
18 customers, advertisers, end users, and app users to download or install the Snapchat  
19 App from a mobile application store and to run and use the Snapchat App, thereby  
20 activating its infringing functionalities.

21           95. Upon information and belief, Snap committed the foregoing infringing  
22 activities without license from Vaporstream and with notice of the '157 Patent.

23           96. Snap knew the '157 Patent existed while committing the foregoing  
24 infringing acts, thereby willfully, wantonly, and deliberately infringing the '157  
25 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35  
26 U.S.C. § 284 because of Snap's willful infringement of the '157 Patent.

27           97. The acts of infringement by Snap have been with the knowledge of the  
28 '157 Patent and are willful, wanton, and deliberate, thus rendering this action

1 “exceptional” within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to  
2 its reasonable attorney’s fees and litigation expenses.

3 98. The acts of infringement by Snap will continue unless enjoined by this  
4 Court.

5 99. Vaporstream has been and will continue to be irreparably harmed and  
6 damaged by Snap’s infringement of the ’157 Patent and has no adequate remedy at  
7 law.

8 **EIGHTH CAUSE OF ACTION**  
9 **(INFRINGEMENT OF THE ’111 PATENT)**

10 100. Vaporstream incorporates the preceding paragraphs as if fully set forth  
11 herein.

12 101. The ’111 Patent generally relates to the field of an electronic  
13 messaging system and method with reduced traceability. The asserted claims of the  
14 ’111 Patent recite novel systems and methods for: associating (a) a message content  
15 (including a media component) with an electronic message at a sending user device;  
16 associating (b) an identifier of a recipient with the electronic message at a sending  
17 user device; separately displaying (a) and (b) at a sending user device so that a  
18 single-screen capture of both (a) and (b) is prevented; and separately transmitting  
19 (a) and (b) to a server in a way that allows the (a) message content and the (b)  
20 recipient identifier to be related to each other at a later time by the server.

21 102. Snap infringes the ’111 Patent by making, using, selling, and/or  
22 offering for sale in the United States, and/or importing into the United States,  
23 application products and services that meet the elements of the asserted claims. By  
24 way of a non-limiting example, the Snapchat App practices the inventions disclosed  
25 in the ’111 Patent because it enables the association, separate transmission, and  
26 relation of a message content with a recipient identifier by the Snapchat server.  
27 Each snap includes an identifier of a recipient and a message content. The  
28 Snapchat App first associates a message content with the electronic message via a



1 first display at a sending user device and separately associates an identifier of a  
2 recipient with the electronic message via a second display at the sending user  
3 device. The two displays are kept separate at a sending Snapchat App user device  
4 so that a single-screen capture of both is prevented. Then, the message content and  
5 the recipient identifier are separately transmitted with the snap to the Snapchat  
6 server. On information and belief, the Snapchat server assigns an identifier to  
7 correlate a snap with the recipient's username so that they may be related to each  
8 other at a later time.

9 103. Upon information and belief, Snap has infringed at least claims 1, 2,  
10 4–6, and 8–12 of the '111 Patent, pursuant to 35 U.S.C. § 271(a), by making, using,  
11 offering to sell, and/or selling in the United States, and/or importing into the United  
12 States the Snapchat App. Upon information and belief, Snap's infringement  
13 pursuant to 35 U.S.C. § 271(a) is ongoing.

14 104. Upon information and belief, since having notice of the '111 Patent,  
15 Snap has induced infringement of at least claims 1, 2, 4–6, and 8–12 of the '111  
16 Patent pursuant to 35 U.S.C. § 271(b) by actively and knowingly inducing,  
17 directing, causing, and encouraging others, including, but not limited to, its  
18 software developers, customers, advertisers, end users, and app users to make, use,  
19 sell, and/or offer to sell in the United States, and/or import into the United States,  
20 application products and services that practice the inventions disclosed in the '111  
21 Patent, by, among other things, providing instructions and technical assistance  
22 relating to the installation, download, set up, use, operation, and maintenance of the  
23 Snapchat App.

24 105. In one example, Snap has induced infringement of the above-identified  
25 claims by providing its software developers, customers, advertisers, end users, and  
26 app users with the Snapchat App, knowing and/or intending that, when used as  
27 intended, the Snapchat App meets the elements of the asserted claims. In another  
28 example, Snap has induced infringement of the above-identified claims of the '111

1 Patent by knowingly and/or willfully providing instructions and technical assistance  
2 that explain, instruct, direct, cause, and encourage its software developers,  
3 customers, advertisers, end users, and app users to download or install the Snapchat  
4 App from a mobile application store and to run and use the Snapchat App, thereby  
5 activating its infringing functionalities.

6 106. Upon information and belief, Snap committed the foregoing infringing  
7 activities without license from Vaporstream and with notice of the '111 Patent.

8 107. Snap knew the '111 Patent existed while committing the foregoing  
9 infringing acts, thereby willfully, wantonly, and deliberately infringing the '111  
10 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35  
11 U.S.C. § 284 because of Snap's willful infringement of the '111 Patent.

12 108. The acts of infringement by Snap have been with the knowledge of the  
13 '111 Patent and are willful, wanton, and deliberate, thus rendering this action  
14 "exceptional" within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to  
15 its reasonable attorney's fees and litigation expenses.

16 109. The acts of infringement by Snap will continue unless enjoined by this  
17 Court.

18 110. Vaporstream has been and will continue to be irreparably harmed and  
19 damaged by Snap's infringement of the '111 Patent and has no adequate remedy at  
20 law.

21 **NINTH CAUSE OF ACTION**  
22 **(INFRINGEMENT OF THE '711 PATENT)**

23 111. Vaporstream incorporates the preceding paragraphs as if fully set forth  
24 herein.

25 112. The '711 Patent generally relates to the field of an electronic  
26 messaging system and method with reduced traceability. The asserted claims of the  
27 '711 Patent recite novel systems and methods for: associating (a) a message content  
28 (including a media component) with an electronic message at a sending user device

1 at a first display; associating (b) an identifier of a recipient with the electronic  
2 message at a sending user device at a second display; separately displaying (a) and  
3 (b) at a sending user device so that a single-screen capture of both (a) and (b) is  
4 prevented; and separately transmitting (a) and (b) to a server in a way that allows  
5 the (a) message content and the (b) recipient identifier to be related to each other at  
6 a later time by the server. Further, the asserted claims of the '885 Patent also cite  
7 novel systems and methods for associating (c) a third display presenting the  
8 identifier of a sending user at the recipient user device; associating (d) a fourth  
9 display presenting the media component at the recipient user device; separately  
10 displaying (c) and (d) at a recipient user device so that a single-screen capture of  
11 both (c) and (d) is prevented; and separately receiving (c) and (d) at a server in a  
12 way that allows the (c) recipient identifier and the (d) media component to be  
13 related to each other at a later time by the server.

14 113. Snap infringes the '711 Patent by making, using, selling, and/or  
15 offering for sale in the United States, and/or importing into the United States,  
16 application products and services that meet the elements of the asserted claims. By  
17 way of a non-limiting example, the Snapchat App practices the inventions disclosed  
18 in the '711 Patent by enabling the association, separate display, separate  
19 transmission, and relation of a message content with a recipient identifier by  
20 Snapchat servers. Each snap includes an identifier of a recipient and a message  
21 content. At the sending user device, the Snapchat App associates a snap via a first  
22 display and separately associates an identifier of a recipient with the electronic  
23 message via a second display. The two displays are kept separate at a sending  
24 Snapchat App user device so that a single-screen capture of both is prevented. The  
25 message content and the recipient identifier are then separately transmitted with the  
26 snap to the Snapchat server. On information and belief, the Snapchat server assigns  
27 an identifier to correlate a snap with the recipient's username so that they may be  
28 related to each other at a later time.

1           114. On information and belief, the Snapchat App also practices the  
2 inventions disclosed in the '711 Patent by enabling the association, separate  
3 display, separate receipt, and relation of a snap with a sender identifier by Snapchat  
4 servers. At the recipient user device, the Snapchat App presents the sender  
5 identifier or username via a third display and separately presents a snap via a fourth  
6 display. The two displays are kept separate at a recipient Snapchat App user device  
7 so that a single-screen capture of both is prevented. On information and belief, the  
8 sender's username and the snap are also received separately by the Snapchat server,  
9 but the Snapchat server assigns an identifier to correlate the sender's username and  
10 the snap so that they may be related to each other at a later time.

11           115. Upon information and belief, Snap has infringed at least claims 1–17  
12 of the '711 Patent, pursuant to 35 U.S.C. § 271(a), by making, using, offering to  
13 sell, and/or selling in the United States, and/or importing into the United States the  
14 Snapchat App. Upon information and belief, Snap's infringement pursuant to 35  
15 U.S.C. § 271(a) is ongoing.

16           116. Upon information and belief, since having notice of the '711 Patent,  
17 Snap has induced infringement of at least claims 1–17 of the '711 Patent pursuant  
18 to 35 U.S.C. § 271(b) by actively and knowingly inducing, directing, causing, and  
19 encouraging others, including, but not limited to, its software developers,  
20 customers, advertisers, end users, and app users to make, use, sell, and/or offer to  
21 sell in the United States, and/or import into the United States, application products  
22 and services that practice the inventions disclosed in the '711 Patent, by, among  
23 other things, providing instructions and technical assistance relating to the  
24 installation, download, set up, use, operation, and maintenance of the Snapchat  
25 App.

26           117. In one example, Snap has induced infringement of the above-identified  
27 claims by providing its software developers, customers, advertisers, end users, and  
28 app users with the Snapchat App, knowing and/or intending that, when used as

1 intended, the Snapchat App meets the elements of the asserted claims. In another  
2 example, Snap has induced infringement of the above-identified claims of the '711  
3 Patent by knowingly and/or willfully providing instructions and technical assistance  
4 that explain, instruct, direct, cause, and encourage its software developers,  
5 customers, advertisers, end users, and app users to download or install the Snapchat  
6 App from a mobile application store and to run and use the Snapchat App, thereby  
7 activating its infringing functionalities.

8 118. Upon information and belief, Snap committed the foregoing infringing  
9 activities without license from Vaporstream and with notice of the '711 Patent.

10 119. Snap knew the '711 Patent existed while committing the foregoing  
11 infringing acts, thereby willfully, wantonly, and deliberately infringing the '711  
12 Patent. Accordingly, Vaporstream's damages should be trebled pursuant to 35  
13 U.S.C. § 284 because of Snap's willful infringement of the '711 Patent.

14 120. The acts of infringement by Snap have been with the knowledge of the  
15 '711 Patent and are willful, wanton, and deliberate, thus rendering this action  
16 "exceptional" within the meaning of 35 U.S.C. § 285 and entitling Vaporstream to  
17 its reasonable attorney's fees and litigation expenses.

18 121. The acts of infringement by Snap will continue unless enjoined by this  
19 Court.

20 122. Vaporstream has been and will continue to be irreparably harmed and  
21 damaged by Snap's infringement of the '711 Patent and has no adequate remedy at  
22 law.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff Vaporstream prays for judgment in its favor and  
25 against Defendant Snap and specifically for the following relief:

26 (a) Entry of judgment in favor of Vaporstream and against Snap on all  
27 counts;

28 (b) Entry of judgment that Snap has infringed the Patents-in-Suit;

1 (c) Entry of judgment that Snap’s infringement of the Patents-in-Suit has  
2 been willful;

3 (d) An order permanently enjoining Snap, together with its officers,  
4 directors, agents, servants, employees, those acting in privity with them, and upon  
5 those persons in active concert or participation with them, from infringing the  
6 Patents-in-Suit;

7 (e) An award of compensatory damages adequate to compensate  
8 Vaporstream for Snap’s infringement of the Patents-in-Suit, in no event less than a  
9 reasonable royalty, in an amount according to proof and trebled as a result of willful  
10 infringement as provided by 35 U.S.C. § 284;

11 (f) An award of reasonable fees for expert witnesses and attorneys  
12 pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;

13 (g) Pre-judgment and post-judgment interest on Vaporstream’s award, in  
14 an amount according to proof;

15 (h) Vaporstream’s costs; and

16 (i) All such other and further costs and relief as the Court deems just and  
17 proper.

18  
19 Dated: January 10, 2017

DAVIDA BROOK  
MENG XI  
ROBERT RIVERA, JR. (PHV to be filed)  
JOSEPH S. GRINSTEIN (PHV to be filed)  
SUSMAN GODFREY L.L.P.

20  
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23 By:   
24 Meng Xi  
Attorneys for Plaintiff Vaporstream, Inc.

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**DEMAND FOR JURY TRIAL**

Vaporstream demands a trial by jury on all issues triable in this action pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: January 10, 2017

DAVIDA BROOK  
MENG XI  
ROBERT RIVERA, JR. (*PHV to be filed*)  
JOSEPH S. GRINSTEIN (*PHV to be filed*)  
SUSMAN GODFREY L.L.P.

By:

  
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Attorneys for Plaintiff Vaporstream, Inc.