

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	Civil Action No. 6:16-cv-324
	§	
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
OOVOO, LLC,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendants, ooVoo, LLC (“ooVoo”), allege as follows:

THE PARTIES

1. Uniloc USA, Inc. (“Uniloc USA”) is a Texas corporation having a principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano Texas 75024. Uniloc also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2. Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Uniloc Luxembourg owns a number of patents in the field of conference calling and messaging.

4. Upon information and belief, ooVoo is a Delaware corporation having a principal place of business in New York, New York and offering its products, including those accused

herein of infringement, to customers and/or potential customers located in Texas via *inter alia* one or more “ooVootiques” and in the judicial Eastern District of Texas. ooVoo may be served with process through its registered agent: CT Corporation System, 111 Eighth Avenue, New York, New York 10011.

JURISDICTION AND VENUE

5. Uniloc brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, ooVoo is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Texas.

7. ooVoo is subject to this Court’s jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and judicial district, including: (A) at least part of its past infringing activities, (B) regularly doing or soliciting business in Texas and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 8,571,194)

8. Uniloc incorporates paragraphs 1-7 above by reference.

9. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,571,194 (“the ‘194 Patent”), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE

CALL that issued on October 29, 2013. A true and correct copy of the '194 Patent is attached as Exhibit A hereto.

10. Uniloc USA is the exclusive licensee of the '194 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

11. Upon information and belief, the following identifies, at least in part, ooVoo's voice and messaging application:

Description
With ooVoo you can make free, high-quality video calls, voice calls, and send text messages to easily connect with your friends and family. Make clear and crisp video calls with up to 12 people at a time, on any device. Try it now!

[ooVoo LLC Web Site](#) [ooVoo - Free Video Call, Text and Voice Support](#) ...More

What's New in Version 2.7.1
Bug fixes

View in iTunes

This app is designed for both iPhone and iPad

Free
Category: Social Networking
Updated: Mar 27, 2016
Version: 2.7.1
Size: 76.5 MB
Languages: English, Arabic, French, German, Hebrew, Italian, Japanese, Korean, Persian, Portuguese, Russian, Simplified Chinese, Spanish, Traditional Chinese, Turkish
Seller: ooVoo LLC
© 2012 ooVoo, LLC.
Rated 4+

Compatibility: Requires iOS 7.0 or later. Compatible with iPhone, iPad, and iPod touch.

Customer Ratings
Current Version: ★★★★★ 517 Ratings
All Versions: ★★★★★ 153771 Ratings

Top In-App Purchases

1. Trump	\$0.99
2. OOVOO PREMIUM A...	\$0.99
3. Sparkle	\$0.99
4. Agnes	\$0.99
5. Obama	\$0.99
6. Hammy	\$0.99

Screenshots

iPhone | iPad

The best **group** video calling experience

Now, video chat as a **character**

12. Upon information and belief, the following describes, at least in part, ooVoo's voice and messaging application:

Description

With ooVoo you can make free, high-quality video calls, voice calls, and send text messages to easily connect with your friends and family. Make clear and crisp video calls with up to 12 people at a time, on any device. Try it now!

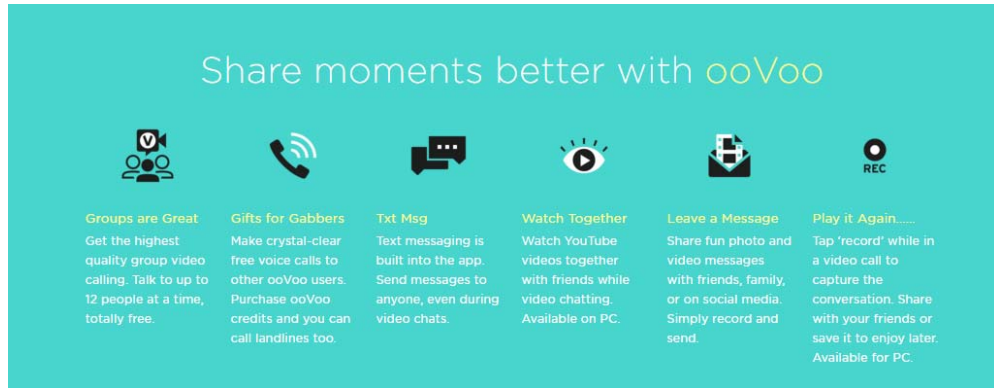
Features

- Free Video Calls—1 x1 or group video calls with up to 12 people at a time with integrated one-touch calling to easily move from a chat to video call. Change group name and picture. All for free.
- Free Characters— Video chat as Cosmo the dog, POTUS, and other fun characters! (Available on iPhone 4S & higher.)
- Free Text Messaging—Robust, in-app instant messaging to send text, pictures and videos, even during a call. Awesome indeed.
- Free Voice Calls—Talk to friends and family right next door or across the world for as long as you like.
- Address Book, Facebook & Whatsapp Integration - Easily invite all your friends to ooVoo by connecting with your Address Book, and Facebook and Whatsapp accounts.
- SuperClear™—Our patented technology, SuperClear™ automatically detects and adjusts for connection speed, which means less dropped calls on the same connection as other video chat apps.
- Superior Audio - Echo cancellation for crystal-clear audio.
- ooVoo works on any type of network - clear and crisp video chat, phone, and text over 4G, 3G, LTE and WiFi without increasing data consumption.
- ooVoo Everywhere - ooVoo is cross-platform so you can talk to all your friends anytime and anywhere. Always.

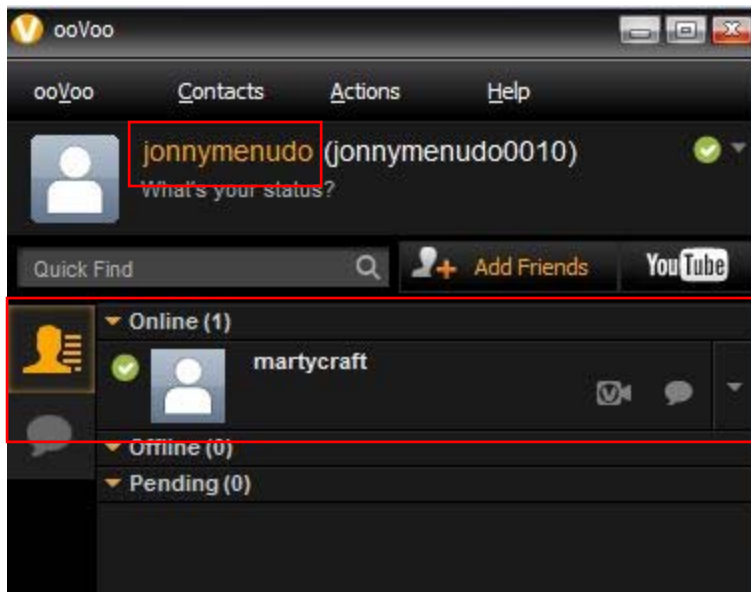
13. Upon information and belief, the following describes, at least in part, how ooVoo's voice and messaging application works:



14. Upon information and belief, the following describes, at least in part, how ooVoo's voice and messaging application works:



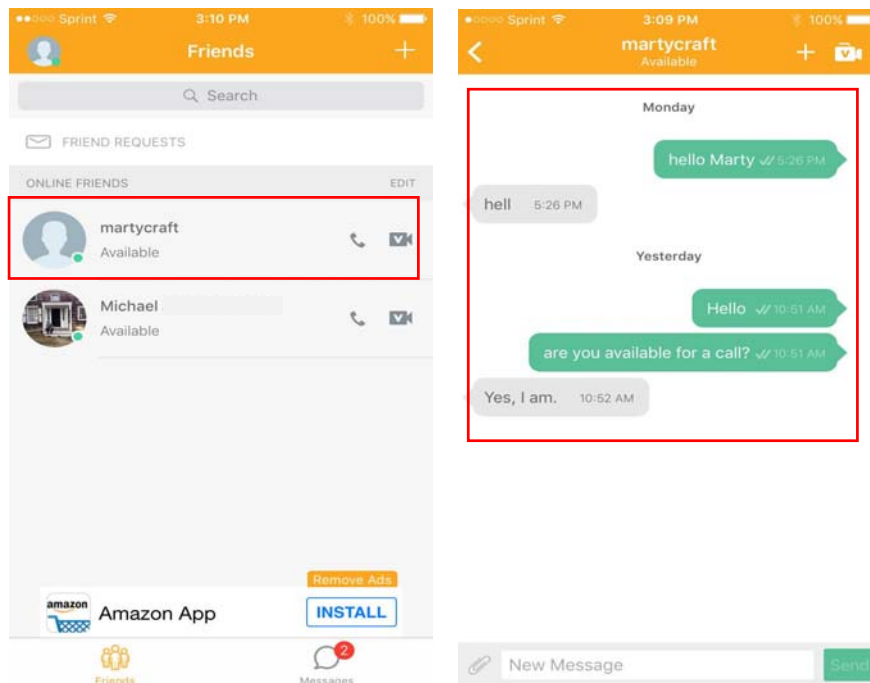
15. Upon information and belief, the following describes, at least in part, how ooVoo's voice and messaging application works:



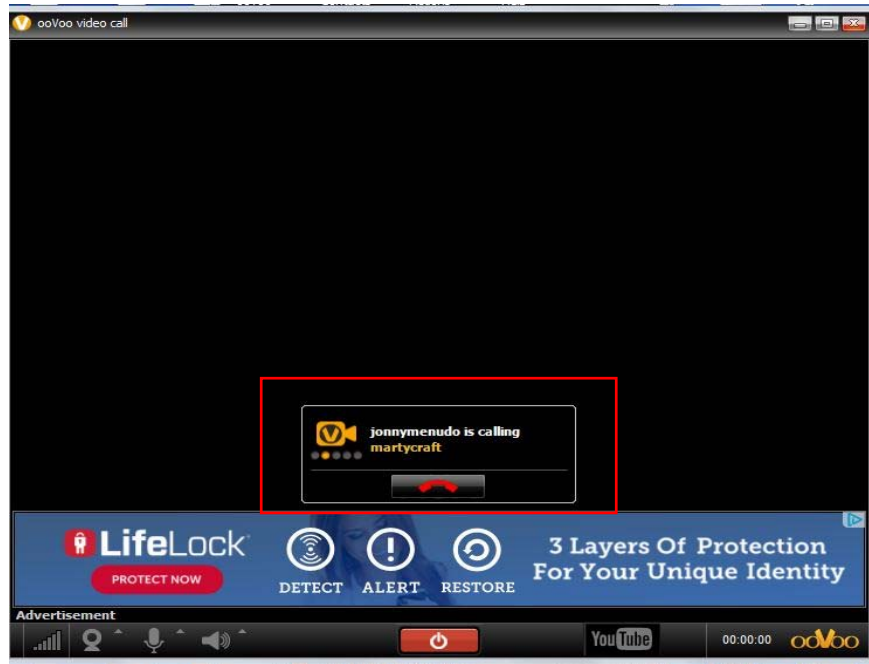
16. Upon information and belief, the following describes, at least in part, how ooVoo's voice and messaging application works:



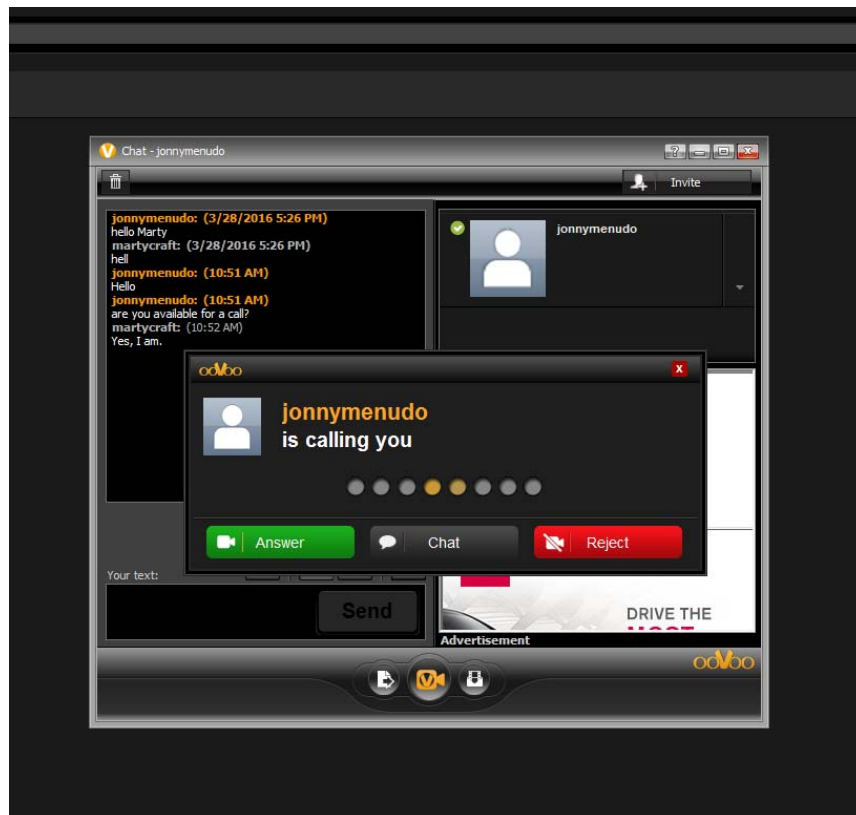
17. Upon information and belief, the following describes, at least in part, how ooVoo's voice and messaging application works:



18. Upon information and belief, the following describes, at least in part, how ooVoo's voice and messaging application works:



19. Upon information and belief, the following describes, at least in part, how ooVoo's voice and messaging application works:



20. ooVoo has directly infringed, and continues to directly infringe one or more claims of the '194 Patent in this judicial district and elsewhere in Texas, including at least Claims 1, 2, 3, 4 and 5 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its voice and messaging application during the pendency of the '194 Patent which *inter alia* comprises instructions for displaying an instant message chat window, exchanging instant messages between two or more parties, displaying an indication of whether parties are connected to said instant message session, and automatically initiating an audio/video call between the participants.

21. In addition, should ooVoo's voice and messaging application be found to not literally infringe the asserted claims of the '194 Patent, ooVoo's accused products would nevertheless infringe the asserted claims of the '194 Patent. More specifically, the accused voice and messaging application performs substantially the same function (contains instructions for implementing an IM to voice/video call capability), in substantially the same way (comprising computer readable instructions contained in or loaded into non-transitory memory) to yield substantially the same result (effecting an instant message to voice/video call). ooVoo would thus be liable for direct infringement under the doctrine of equivalents.

22. ooVoo may have infringed the '194 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of its voice and messaging application. Uniloc reserves the right to discover and pursue all such additional infringing software.

23. ooVoo has indirectly infringed and continues to indirectly infringe at least claims 1, 3, 4 and 5 of the '194 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, and/or importation of

at least ooVoo's messaging software. ooVoo's customers who use such software in accordance with ooVoo's instructions directly infringe one or more of the above identified claims of the '194 Patent in violation of 35 U.S.C. § 271.

24. ooVoo instructs its customers in the use of its messaging software through Internet demonstrations, training videos, brochures and administration, maintenance, installation and/or user guides, such as those located at the following:

<http://www.oovoo.com/>

<http://support.oovoo.com/link/portal/3908/4244/ArticleFolder/98/FAQs>

<https://www.youtube.com/user/ooVooVideoChat>

<http://support.oovoo.com/link/portal/3908/4244/Article/1291/Quick-Start-Guide-for-Android>

<http://support.oovoo.com/link/portal/3908/4244/ArticleFolder/128/ooVoo-for-PC>

<http://support.oovoo.com/link/portal/3908/4244/ArticleFolder/152/ooVoo-for-Mac>

ooVoo is thereby liable for infringement of the '194 Patent pursuant to 35 U.S.C. § 271(b).

25. ooVoo has indirectly infringed and continues to indirectly infringe at least claims 1, 3, 4 and 5 of the '194 Patent, by among other things, contributing to the direct infringement by others, including without limitation users of its messaging software, by making, using, offering to sell, or selling, in the United States, and/or importing a component of a patented machine, manufacture, or combination, or an apparatus for use in the practicing a patent process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringement of the '194 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

26. For example, the ooVoo messaging software module that allows users to initiate a call from an instant message window is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such software module is a material part of the invention and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Thus ooVoo is liable for infringement pursuant to 35 U.S.C. § 271(c).

27. ooVoo will have been on notice of the '194 Patent since, at the latest, the service of this complaint. By the time of trial, ooVoo will thus have known and intended (since receiving such notice), that its continued actions would actively induce and contribute to actual infringement of at least claims 1, 3, 4 and 5 of the '194 Patent.

28. Uniloc has been damaged, reparably and irreparably, by ooVoo's infringement of the '194 Patent and such damage will continue unless and until ooVoo is enjoined.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against ooVoo as follows:

- (A) that ooVoo has infringed the '194 Patent;
- (B) awarding Uniloc its damages suffered as a result of ooVoo's infringement of the '194 Patent pursuant to 35 U.S.C. § 284;
- (C) enjoining ooVoo, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing the '194 Patent pursuant to 35 U.S.C. § 283;
- (D) awarding Uniloc its costs, attorneys' fees, expenses and interest, and
- (E) granting Uniloc such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: April 13, 2016

Respectfully submitted,

/s/ Craig Tadlock

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