

**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-380
	§	
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
TANGOME, INC. d/b/a/ TANGO,	§	
	§	
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 defendant, TangoMe, Inc. d/b/a Tango (“Tango”), 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, 4<sup>th</sup> Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Uniloc Luxembourg owns a number of patents in the field of instant messaging/calling.

4. Upon information and belief, Tango is a Delaware corporation having a regular and established place of business in Cedar Park, Texas and offering its products, including those

accused herein of infringement, to customers and/or potential customers located in Texas and in the judicial Eastern District of Texas. Tango may be served with process through its registered agent in Texas: Incorporating Services, Ltd., 3610-2 North Josey, Suite 223, Carrollton, Texas 75007.

**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, Tango 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 offering and providing the accused products to one or more customers in Texas.

7. Tango 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 Cedar Park, 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)

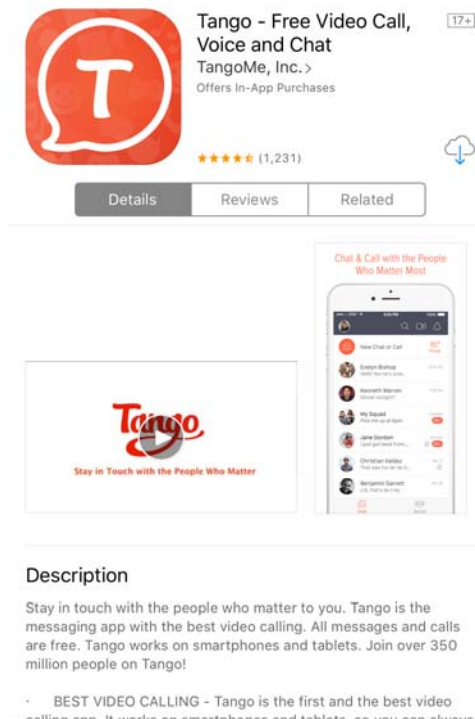
8. Uniloc incorporates paragraphs 1-7 above by reference.

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, *inter alia*, identifies Tango's Voice and Chat application ("Tango Voice and Chat App"):



12. Upon information and belief, the following describes, at least in part, features of the Tango Voice and Chat App:

### Description

Stay in touch with the people who matter to you. Tango is the messaging app with the best video calling. All messages and calls are free. Tango works on smartphones and tablets. Join over 350 million people on Tango!

- BEST VIDEO CALLING - Tango is the first and the best video calling app. It works on smartphones and tablets, so you can always call the people who matter to you anywhere in the world. Hear their voice and see their face with the best quality all for free.

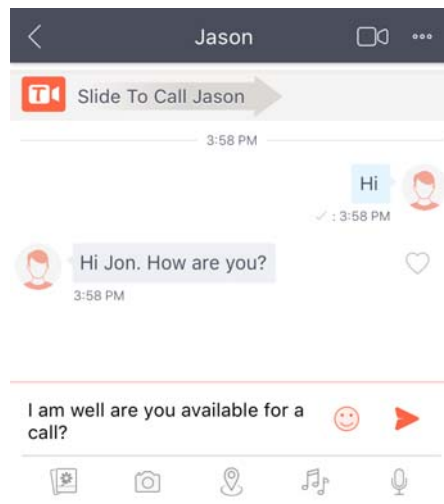
- ALL THE FEATURES - Send and receive text, stickers, photos, video, audio and location messages on Tango for free. Make voice calls and video calls anywhere in the world for free. Tango works on both smartphones and tablets.

- FUN - Don't just video call, have fun while video calling. Send stickers, add filters, and play games all while in a call. Send stickers, photos and play games with your friends and family in a chat. Everything is free.

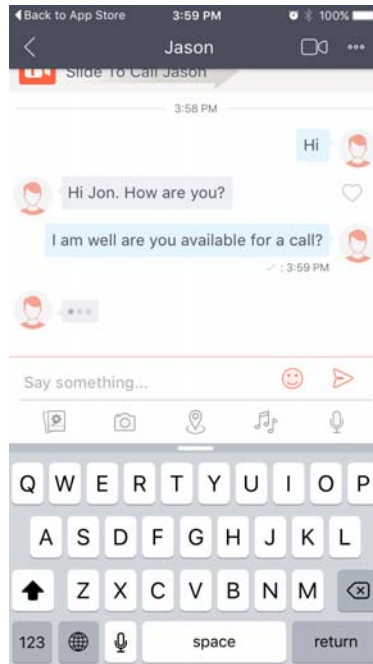
- GROUPS - Family, friends, roommates, co-workers, events. Use Tango to keep in touch with the groups of people that matter to you. Send text, photos, videos, stickers & more to a group. Groups are free on Tango.

- SOCIAL - Follow and interact with interesting people nearby and around the world. Share photos, videos with your followers and see updates from others. Chat with people 1:1 or join a casual conversation in our public chat rooms.

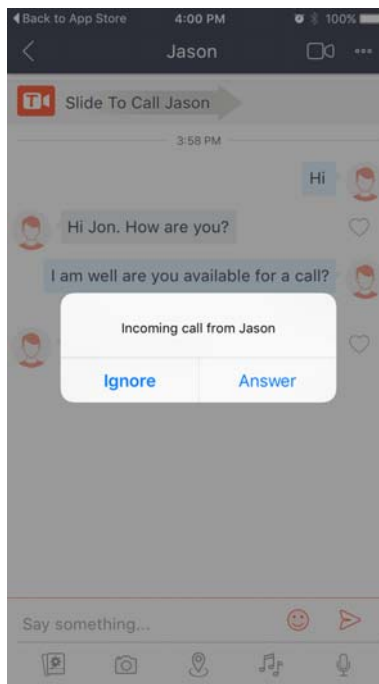
13. Upon information and belief, the following describes, at least in part, how the Tango Voice and Chat App works:



14. Upon information and belief, the following describes, at least in part, how the Tango Voice and Chat App works:



15. Upon information and belief, the following describes, at least in part, how the Tango Voice and Chat App works:



16. Upon information and belief, the following, *inter alia*, identifies Tango's Fiesta application ("Fiesta App"):

## Fiesta by Tango

[View More by This Developer](#)

By TangoMe, Inc.

Open iTunes to buy and download apps.



### Description

Check out Tango's new social app Fiesta!

Fiesta by Tango is the place to meet new friends nearby and around the world.

Find interesting people around you or search in a specific location. Stay up to date with your favorite people by following them. Share photos and videos with your own followers. Or join a trending conversation in Fiesta's Chat rooms.

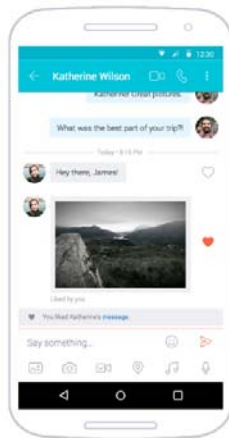
[View in iTunes](#)

This app is designed for both iPhone and iPad

Millions of people use Fiesta by Tango to:

- Make new friends – nearby or around the world
- Share photos, videos and other updates and see updates from others
- Chat with people 1:1 or join a conversation in our chat rooms
- Play a game with friends – Road Riot, Jewel Raiders, and more
- Make video and audio calls with your new friends

17. Upon information and belief, the following describes, at least in part, features of the Fiesta App:



### Chat & Call

Chat and make video calls with your new friends

### Chit Chat

Join a casual conversation in our public chat rooms

18. Upon information and belief, the Fiesta App enables voice and chat communication in substantially the same manner as the Tango Voice and Chat App.

19. Tango 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, 3, 4 and 5 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Tango Voice and Chat App and the Fiesta App during the pendency of the '194 Patent which software *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.

20. In addition, should the Tango Voice and Chat App and/or the Fiesta App be found to not literally infringe the asserted claims of the '194 Patent, the Tango Voice and Chat App and the Fiesta App would nevertheless infringe the asserted claims of the '194 Patent. More specifically, the Tango Voice and Chat App and the Fiesta App perform 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). Tango would thus be liable for direct infringement under the doctrine of equivalents.

21. Tango may have infringed the '194 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of the Tango Voice and Chat App and the Fiesta App. Uniloc reserves the right to discover and pursue all such additional infringing software.

22. Tango 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 the Tango Voice and Chat App and the Fiesta App. Tango's customers who use such software in accordance with Tango's instructions directly infringe one or more of the above identified claims of the '194 Patent in violation of 35 U.S.C. § 271.

23. Tango instructs its customers directly and/or indirectly in the use of the Tango Voice and Chat App and the Fiesta App through Internet demonstrations, training videos,

brochures and administration, maintenance, installation and/or user guides, such as those located at the following:

[www.tango.me](http://www.tango.me)

<https://play.google.com/store/apps>

<https://itunes.apple.com/us/app>

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

24. Tango 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 the Tango Voice and Chat App and the Fiesta App, 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.

25. For example, the Tango Voice and Chat App and the Fiesta App that allow 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 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, Tango is liable for infringement pursuant to 35 U.S.C. § 271(c).

26. Tango will have been on notice of the '194 Patent since, at the latest, the service of this complaint. By the time of trial, Tango 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.

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

**PRAYER FOR RELIEF**

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

- (A) that Tango has infringed the '194 Patent;
- (B) awarding Uniloc its damages suffered as a result of Tango's infringement of the '194 Patent pursuant to 35 U.S.C. § 284;
- (C) enjoining Tango, 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 26, 2016

Respectfully submitted,

*/s/ Craig Tadlock*

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Craig Tadlock  
Texas State Bar No. 00791766  
Keith Smiley  
Texas State Bar No. 24067869  
**TADLOCK LAW FIRM PLLC**  
2701 Dallas Parkway, Suite 360  
Plano, TX 75093  
Tel: (903) 730-6789  
Email: craig@tadlocklawfirm.com  
Email: keith@tadlocklawfirm.com

Paul J. Hayes  
Kevin Gannon  
**CESARI AND MCKENNA, LLP**  
88 Black Falcon Ave  
Suite 271  
Boston, MA 02110  
Telephone: (617) 951-2500  
Facsimile: (617) 951-3927  
Email: pjh@c-m.com  
Email: kgannon@c-m.com

**ATTORNEYS FOR THE PLAINTIFFS**