

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

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	
	§	Civil Action No. 2:16-cv-733
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, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

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

4. Upon information and belief, Tango is a Delaware corporation having a principal place of business in Cedar Park, Texas and offering its products, including those accused of infringement herein, to customers and potential customers in Texas and in the judicial Eastern

District of Texas. Tango may be served with process through its registered agent for service of process in Texas: Incorporating Services Ltd., 3610-2 North Josey, Suite 223, Carrollton, Texas 75--7.

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 sales 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 Texas and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

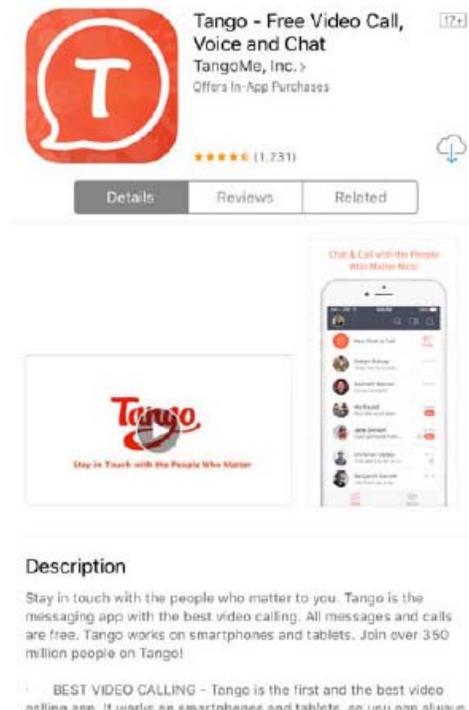
COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 8,724,622)

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

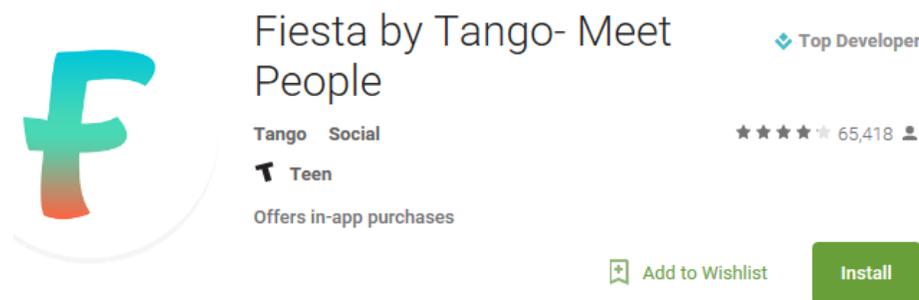
9. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,724,622 ("the '622 Patent"), entitled SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING that issued on May 13, 2014. A true and correct copy of the '622 Patent is attached as Exhibit A hereto.

10. Uniloc USA is the exclusive licensee of the '622 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 and describes, at least in part, Tango text and voice messaging app:



12. Upon information and belief, the following identifies and describes, at least in part, Fiesta text and video messaging app



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

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.

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



The other day I was driving to work and I was clearly not in an ideal situation to text my husband over Tango.

So, I decided to use Tango's Push-to-Talk feature, a handy way of sending a voice message to someone in a chat conversation.

I was reminded how convenient and easy it is to use this option simply by holding down the microphone icon and speaking, then automatically my voice message recording gets dropped right into the conversation.

It's a great way to articulate a message when you don't have enough time to type a text, and it's certainly a great way to avoid texting and driving.

When you're in a chat screen in the Tango app, simply press the "+" button, and you'll see the bright red microphone button to send a voice message.

15. Upon information and belief, the following describes, at least in part, the 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.

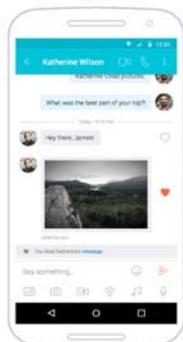
Find interesting people around you or search in a specific location. Stay up to date with your favorite people by following them. Share photos and videos with your own followers. Or join a trending conversation in Fiesta's Chat rooms.

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

[View in iTunes](#)
This app is designed for both iPhone and iPad

16. Upon information and belief, the following describes, at least in part, how the Fiesta app works



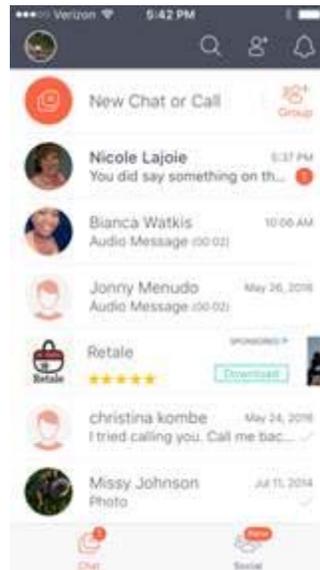
Chat & Call
Chat and make video calls with your new friends

Chit Chat
Join a casual conversation in our public chat rooms

17. Upon information and belief, the following describes, at least in part, how the Tango app works:



18. Upon information and belief, the following describes, at least in part, how the Tango app works:



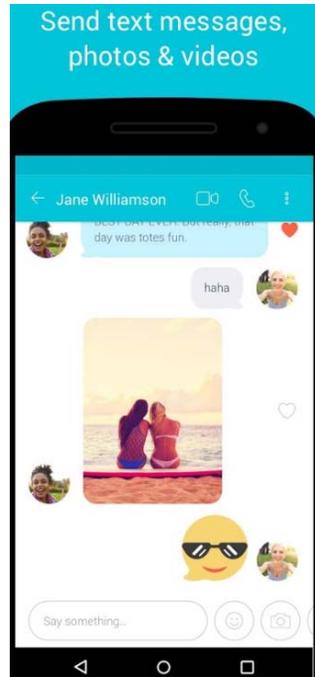
19. Upon information and belief, the following describes, at least in part, how the Tango app works:



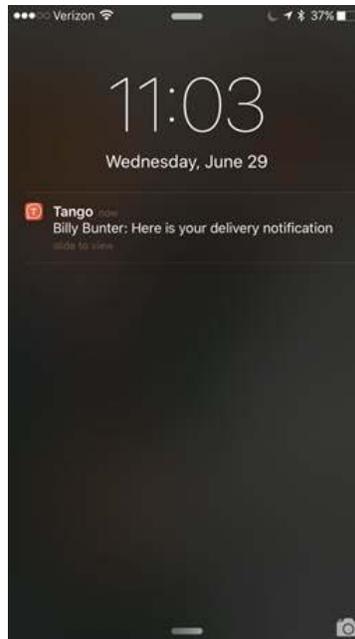
20. Upon information and belief, the following describes, at least in part, how the Tango app works:



21. Upon information and belief, the following describes, at least in part, how the Tango app works:



22. Upon information and belief, the following describes, at least in part, how the Tango app works:



23. Tango has directly infringed, and continues to directly infringe one or more claims of the '622 Patent in this judicial district and elsewhere in Texas, including at least claims 3, 4, 6-8, 10-19, 21-23 and, 38-39 literally and/or under the doctrine of equivalents, by or

through making, using, importing, offering for sale and/or selling the Tango app and the Fiesta app during the pendency of the '622 Patent which software and associated Tango servers perform instant voice messaging over Wi-Fi and the Internet between persons using cellphones and/or other devices capable of instant voice messaging; wherein digitized audio files are transmitted between a plurality of recipients on a packet switched network and a list of one or more currently potential recipients is displayed on the device.

24. In addition, should the Tango app and the Fiesta app system be found to not literally infringe the asserted claims of the '622 Patent, the Tango app and the Fiesta app system would nevertheless infringe the asserted claims of the '622 Patent. More specifically, the accused Tango app and the Fiesta app system perform substantially the same function (instant voice messaging), in substantially the same way (via a digitized audio files in a client/server environment), to yield substantially the same result (delivering voice messages to available intended recipients). Tango would thus be liable for direct infringement under the doctrine of equivalents.

25. Tango has indirectly infringed and continues to indirectly infringe at least claims 3-4, 6-8, 10-19, 21-23 and 38-39 of the '622 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Tango app and the Fiesta app. Tango's customers who purchase the Tango app and the Fiesta app and operate such applications in accordance with Tango's instructions directly infringe one or more of the forgoing claims of the '622 Patent in violation of 35 U.S.C. § 271. Tango directly and indirectly instructs its customers directly and indirectly through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.tango.me

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

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

Tango is thereby liable for infringement of the '622 Patent under 35 U.S.C. § 271(b).

26. Tango has indirectly infringed and continues to indirectly infringe at least claims 3-4, 6-8, 10-19, 21-23 and 38-39 of the '622 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Tango app and the Fiesta app, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '622 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

27. For example, the Tango app and the Fiesta app are components of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Tango app and the Fiesta app are material parts of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Tango is therefore, liable for infringement under 35 U.S.C. § 271(c).

28. Tango will have been on notice of the '622 Patent since, at the latest, the service of this complaint upon Tango. By the time of trial, Tango will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 3-4, 6-8, 10-19, 21-23 and 38-39 of the '622 Patent.

29. Tango may have infringed the '622 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Tango app and the Fiesta app. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

30. Uniloc has been damaged, reparably and irreparably, by Tango's infringement of the '622 Patent and such damage will continue unless and until Tango is enjoined.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 8,995,433)

31. Uniloc incorporates paragraphs 1-30 above by reference.

32. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,995,433 ("the '433 Patent"), entitled SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING that issued on March 31, 2015. A true and correct copy of the '433 Patent is attached as Exhibit B hereto.

33. Uniloc USA is the exclusive licensee of the '433 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.

34. Tango has directly infringed, and continues to directly infringe one or more claims of the '433 Patent in this judicial district and elsewhere in Texas, including at least claims 1-5, 7-12, 14-17 and 25-27 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Tango app and the Fiesta app during the pendency of the '433 Patent which software and associated Tango servers perform instant voice messaging over Wi-Fi and the Internet between persons using cellphones and/or other devices capable of instant voice messaging; wherein a list of one or more potential recipients is displayed on the device, the instant messages are temporarily stored using a unique

identifier, and a file manager stores, retrieves and/or deletes the messages in response to the users request.

35. In addition, should the Tango app and the Fiesta app system be found to not literally infringe the asserted claims of the '433 Patent, the Tango app and the Fiesta app system would nevertheless infringe the asserted claims of the '433 Patent. More specifically, the accused Tango app and the Fiesta app system perform substantially the same function (instant voice messaging), in substantially the same way (identifying potentially available recipients, storing messages using unique identifiers and a file manager for storing, retrieving and/or deleting the messages), to yield substantially the same result (delivering voice messages to available intended recipients and wherein the messages may be stored, retrieved and/or deleted). Tango would thus be liable for direct infringement under the doctrine of equivalents.

36. Tango has indirectly infringed and continues to indirectly infringe at least claims 1-5, 7-12, 14-17 and 25-27 of the '433 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Tango app and the Fiesta app. Tango's customers who purchase the Tango app and the Fiesta app and operate such applications in accordance with Tango's instructions directly infringe one or more of the forgoing claims of the '433 Patent in violation of 35 U.S.C. § 271. Tango directly and indirectly instructs its customers directly and indirectly through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.tango.me

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

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

Tango is thereby liable for infringement of the '433 Patent under 35 U.S.C. § 271(b).

37. Tango has indirectly infringed and continues to indirectly infringe at least claims 1-5, 7-12, 14-17 and 25-27 of the '433 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Tango app and the Fiesta app, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '433 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

38. For example, the Tango app and the Fiesta app are components of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Tango app and the Fiesta app are material parts of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Tango is, therefore, liable for infringement under 35 U.S.C. § 271(c).

39. Tango will have been on notice of the '433 Patent since, at the latest, the service of this complaint upon Tango. By the time of trial, Tango will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1-5, 7-12, 14-17 and 25-27 of the '433 Patent.

40. Tango may have infringed the '433 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Tango app and the

Fiesta app. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

41. Uniloc has been damaged, reparably and irreparably, by Tango's infringement of the '433 Patent and such damage will continue unless and until Tango is enjoined.

COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 7,535,890)

42. Uniloc incorporates paragraphs 1-41 above by reference.

43. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,535,890 ("the '890 Patent"), entitled SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING that issued on May 19, 2009. A true and correct copy of the '890 Patent is attached as Exhibit C hereto.

44. Uniloc USA is the exclusive licensee of the '890 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.

45. Tango has directly infringed, and continues to directly infringe one or more claims of the '890 Patent in this judicial district and elsewhere in Texas, including at least claims 1-6, 9, 14-15, 17-20, 23, 28-29, 31-34, 37, 40-43, 46, 51-54, 57, 62-65 and 68-69 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Tango app and the Fiesta app during the pendency of the '890 Patent which software and associated Tango servers perform instant voice messaging over Wi-Fi and the Internet between persons using cellphones and/or other devices capable of instant voice messaging; wherein the instant messages are temporarily stored if an intended message recipient is unavailable and thereafter delivered once the intend recipient becomes available.

46. In addition, should the Tango app and the Fiesta app system be found to not literally infringe the asserted claims of the '890 Patent, the Tango app and the Fiesta app system would nevertheless infringe the asserted claims of the '890 Patent. More specifically, the accused Tango app and the Fiesta app system performs substantially the same function (instant voice messaging), in substantially the same way (via a client/server environment), to yield substantially the same result (delivering voice messages to available intended recipients). Tango would thus be liable for direct infringement under the doctrine of equivalents.

47. Tango has indirectly infringed and continues to indirectly infringe at least claims 1-6, 9, 14-15, 17-20, 23, 28-29, 31-34, 37, 40-43, 46, 51-54, 57, 62-65 and 68-69 of the '890 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Tango app and the Fiesta app. Tango's customers who purchase the Tango app and the Fiesta app and operate such applications in accordance with Tango's instructions directly infringe one or more of the forgoing claims of the '890 Patent in violation of 35 U.S.C. § 271. Tango directly and indirectly instructs its customers directly and indirectly through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.tango.me

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

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

Tango is thereby liable for infringement of the '890 Patent under 35 U.S.C. § 271(b).

48. Tango has indirectly infringed and continues to indirectly infringe at least claims 1-6, 9, 14-15, 17-20, 23, 28-29, 31-34, 37, 40-43, 46, 51-54, 57, 62-65 and 68-69 of the '890 Patent in this judicial district and elsewhere in the United States by, among other things,

contributing to the direct infringement by others including, without limitation customers using the Tango app and the Fiesta app, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '890 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

49. For example, the Tango app and the Fiesta app are components of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Tango app and the Fiesta app are material parts of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Tango is, therefore, liable for infringement under 35 U.S.C. § 271(c).

50. Tango will have been on notice of the '890 Patent since, at the latest, the service of this complaint upon Tango. By the time of trial, Tango will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1-6, 9, 14-15, 17-20, 23, 28-29, 31-34, 37, 40-43, 46, 51-54, 57, 62-65 and 68-69 of the '890 Patent.

51. Tango may have infringed the '890 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Tango app and the Fiesta app. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

52. Uniloc has been damaged, reparably and irreparably, by Tango's infringement of the '890 Patent and such damage will continue unless and until Tango is enjoined.

COUNT IV
(INFRINGEMENT OF U.S. PATENT NO. 8,199,747)

53. Uniloc incorporates paragraphs 1-52 above by reference.

54. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,199,747 (“the ’747 Patent”), entitled SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING that issued on June 12, 2012. A true and correct copy of the ’747 Patent is attached as Exhibit D hereto.

55. Uniloc USA is the exclusive licensee of the ’747 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.

56. Tango has directly infringed, and continues to directly infringe one or more claims of the ’747 Patent in this judicial district and elsewhere in Texas, including at least claims 1-3 and 12-14 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Tango app and the Fiesta app for/on mobile and desktop devices during the pendency of the ’747 Patent which software and associated Tango servers perform instant voice messaging over Wi-Fi and the Internet between persons using cellphones and/or other devices capable of instant voice messaging; wherein the instant message audio file is generated and one or more files attached thereto and transmitting the files to available recipients and temporarily storing the message if an intended recipient is unavailable and thereafter delivered once the intend recipient becomes available.

57. In addition, should the Tango app and the Fiesta app system be found to not literally infringe the asserted claims of the ’747 Patent, the Tango app and the Fiesta app system would nevertheless infringe the asserted claims of the ’747 Patent. More specifically, the accused Tango app and the Fiesta app system performs substantially the same function (instant

voice messaging), in substantially the same way (recording and transmitting a message to be audibly played by one or more recipients and temporarily storing messages for a recipient who is unavailable), to yield substantially the same result (delivering voice messages with attached file(s) to available intended recipients). Tango would thus be liable for direct infringement under the doctrine of equivalents.

58. Tango has indirectly infringed and continues to indirectly infringe at least claims 1-3 and 12-14 of the '747 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Tango app. Tango's customers who purchase the Tango app and the Fiesta app and operate such applications in accordance with Tango's instructions directly infringe one or more of the forgoing claims of the '747 Patent in violation of 35 U.S.C. § 271. Tango directly and/or indirectly instructs its customers directly and indirectly through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.tango.me

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

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

Tango is thereby liable for infringement of the '747 Patent under 35 U.S.C. § 271(b).

59. Tango has indirectly infringed and continues to indirectly infringe at least claims 1-3 and 12-14 of the '747 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Tango app and the Fiesta app, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part

of the invention, knowing the same to be especially made or especially adapted for use in infringing the '747 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

60. For example, the Tango app and the Fiesta app are components of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process. Furthermore, the Tango app and the Fiesta app are material parts of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Tango is, therefore, liable for infringement under 35 U.S.C. § 271(c).

61. Tango will have been on notice of the '747 Patent since, at the latest, the service of this complaint upon Tango. By the time of trial, Tango will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1-3 and 12-14 of the '747 Patent.

62. Tango may have infringed the '747 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Tango app and the Fiesta app. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

63. Uniloc has been damaged, reparably and irreparably, by Tango's infringement of the '747 Patent and such damage will continue unless and until Tango is enjoined.

COUNT V
(INFRINGEMENT OF U.S. PATENT NO. 8,243,723)

64. Uniloc incorporates paragraphs 1-63 above by reference.

65. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,243,723 ("the '723 Patent"), entitled SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING

that issued on August 14, 2012. A true and correct copy of the '723 Patent is attached as Exhibit E hereto.

66. Uniloc USA is the exclusive licensee of the '723 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.

67. Tango has directly infringed, and continues to directly infringe one or more claims of the '723 Patent in this judicial district and elsewhere in Texas, including at least claims 1-3 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Tango app and the Fiesta app during the pendency of the '723 Patent which software and associated Tango servers perform instant voice messaging over Wi-Fi and the Internet between persons using cellphones and/or other devices capable of instant voice messaging; wherein the availability of the recipients' nodes is monitored, recorded and displayed and the instant message(s) are temporarily stored if an intended message recipient is unavailable and thereafter delivered once the intend recipient becomes available.

68. In addition, should the Tango app and the Fiesta app system be found to not literally infringe the asserted claims of the '723 Patent, the Tango app and the Fiesta app system would nevertheless infringe the asserted claims of the '723 Patent. More specifically, the accused Tango app and the Fiesta app system performs substantially the same function (instant voice messaging), in substantially the same way (monitoring, recording and displaying recipients' availability), to yield substantially the same result (delivering voice messages to available intended recipients and storing messages for unavailable recipients until they become available). Tango would thus be liable for direct infringement under the doctrine of equivalents.

69. Tango has indirectly infringed and continues to indirectly infringe at least claims 1-3 of the '723 Patent in this judicial district and elsewhere in the United States by, among other things, actively inducing the using, offering for sale, selling, or importing the Tango app and the Fiesta app. Tango's customers who purchase the Tango app and the Fiesta app and operate such applications in accordance with Tango's instructions directly infringe one or more of the forgoing claims of the '723 Patent in violation of 35 U.S.C. § 271. Tango directly and/or indirectly instructs its customers directly and indirectly through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.tango.me

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

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

Tango is thereby liable for infringement of the '723 Patent under 35 U.S.C. § 271(b).

70. Tango has indirectly infringed and continues to indirectly infringe at least claims 1-3 of the '723 Patent in this judicial district and elsewhere in the United States by, among other things, contributing to the direct infringement by others including, without limitation customers using the Tango app and the Fiesta app, by making, offering to sell, selling and/or importing into the United States, a component of a patented machine, manufacture or combination, or an apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringing the '723 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

71. For example, the Tango app and the Fiesta app are components of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patent process.

Furthermore, the Tango app and the Fiesta app are material parts of the claimed inventions and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Tango is, therefore, liable for infringement under 35 U.S.C. § 271(c).

72. Tango will have been on notice of the '723 Patent since, at the latest, the service of this complaint upon Tango. By the time of trial, Tango will have known and intended (since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of one or more of claims 1-3 of the '723 Patent.

73. Tango may have infringed the '723 Patent through other software utilizing the same or reasonably similar functionality, including other versions of it's the Tango app and the Fiesta app. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

74. Uniloc has been damaged, reparably and irreparably, by Tango's infringement of the '723 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 '622 Patent, '433 Patent, '890 Patent, '747 Patent and the '723 Patent;

(B) awarding Uniloc its damages suffered as a result of Tango's infringement of the '622 Patent, '433 Patent, '890 Patent, '747 Patent and the '723 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 '622 Patent, '433 Patent, '890 Patent, '747 Patent and the '723 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: July 5, 2016

Respectfully submitted,

/s/ Craig Tadlock

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