

**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-779
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
SHORETEL, INC.,	§	
	§	
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, ShoreTel, Inc. (“ShoreTel”), 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, ShoreTel is a Delaware corporation having a principal place of business in Sunnyvale, California and does business in Texas at 6500 River. Pl. Blvd., Austin, Texas 78730. ShoreTel may be served with process through its registered

agent for service of process in Texas: National Corporate Research Ltd., 206 E. 9th St., Suite 1300, Austin, Texas 78701.

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, ShoreTel is deemed to reside in this judicial district, have committed acts of infringement in this judicial district, and/or have purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Texas.

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

ACCUSED PRODUCTS

8. The "Accused Products" include, but are not limited to, ShoreTel's Unified Communications Solutions including, but not limited to, ShoreTel Premises, ShoreTel Enterprise Edition, ShoreTel Small Business Edition, and ShoreTel Connect ONSITE; running ShoreTel Release 12, 13 or 14 (including all minor builds, e.g. 14.3.1601.0) or equivalent; operating with ShoreTel Communicator client software, such as ShoreTel Service Appliance for Instant Messaging (a.k.a ShoreTel Collaboration Service Appliance); including servers such as SA-100,

or SA-400; and ShoreTel Voice Switches, such as ShoreTel Voice Switch 90 and ShoreTel Voice Switch T1K.

COUNT I

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

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

10. 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.

11. 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.

12. Upon information and belief, the following describes, at least in part, how the Accused Products work:

The ShoreTel system is a highly distributed, highly reliable voice communication system. A complete ShoreTel system is composed of the following fundamental components:

- ShoreTel servers
- ShoreTel voice switches
- IP endpoints, such as IP phones
- Client applications

The system may also include:

- ShoreTel Conferencing and Instant Messaging Services
- ShoreTel Contact Center Solution

The ShoreTel system's components interact with each other in a distributed environment. The heart of the architecture is the Telephony Management Service (TMS), which provides overall control for the entire ShoreTel system.

The administrative client, ShoreTel Director, is used to configure and manage the whole system.

Figure 1 on page 14 shows the various components of a ShoreTel system and how they interact with the public switched telephone network (PSTN) and IP-based networks.

Source: http://customers.btxchange.com/Manuals/ShoreTel/shoretel_14_maintenance_guide.pdf

13. Upon information and belief, the following describes, at least in part, how the Accused Products work:



Figure 1: ShoreTel System with Single-Image Management

14. Upon information and belief, the following describes, at least in part, how the Accused Products work:

ShoreTel Servers

Each ShoreTel system includes a main server called the Headquarters server. Systems may optionally include distributed applications servers, called Distributed Voice Servers (DVSs). Each server provides a local instance of TMS that supports applications such as voicemail, workgroups and ShoreTel Communicator. Each instance of TMS manages its local softswitch and can be configured to manage ShoreTel voice switches as well. The Distributed Voice Servers rely on the Headquarters server for configuration changes, but otherwise DVSs can operate independently of the Headquarters server.

ShoreTel Voice Switches and Service Appliances

ShoreTel voice switches and service appliances provide physical connectivity for the PSTN and analog phones, and logical connectivity for IP endpoints on a reliable, highly scalable platform for the ShoreTel call control software. The ShoreTel voice switches and service appliances receive their configuration information via TMS.

IP Endpoints

The ShoreTel system manages calls and applications for two types of IP endpoints: IP phones and softphones. IP endpoints are identified by IP address and can exist anywhere on the network.

ShoreTel Client Applications

Client applications, such as ShoreTel Communicator, interact with TMS using the Client Application Server (CAS) for call and data handling. Beginning with ShoreTel 13, client applications use CAS rather than Client-Server Internet Service (CSIS) to retrieve and update data.

ShoreTel Communicator provides desktop call control as well as voicemail, directory, and call logging features. Users of supported versions of Microsoft Outlook can integrate their voicemail, contacts, and calendar with the ShoreTel system.

Source: http://customers.btxchange.com/Manuals/ShoreTel/shoretel_14_maintenance_guide.pdf

15. Upon information and belief, the following describes, at least in part, how the Accused Products work:

Visual Voicemail					
Standard integrated voicemail: Caller id name and number, date, time and duration, play, call back, delete	•	•	•	•	•
Advanced voicemail playback: compose, forward, forward via email, move backward, reply, reply all, save, sort with folders	•	•	•	•	•
Voicemail preview					
Message notification and escalation	•	•	•	•	•

Source: <https://www.shoretel.com/sites/default/files/ShoreTel%20Premises%20Communicator%20Specifications.pdf>

16. Upon information and belief, the following describes, at least in part, how the Accused Products work:

Voice Mail Window

A list of your voice mails, in the order they are received, is shown on the Voice Mail window. Using the Voice Mail window you can select your playback and recording device; listen to, reply to; and create a voice mail, and manage your voice mail. See [Chapter 3, Working with Voice Mail](#) on page 34 for information.

The Voice Mail window also contains the Playback bar to control the audio playback of voice messages.

The appearance of the Voice Mail window toolbar can be changed by clicking **Customize** and using the Customize Toolbar dialog box to:

- Change the button style
- Show or hide a button
- Move a button to a different location on the toolbar

To return the toolbar to its default appearance, right-click on the toolbar and from the resulting menu choose **Reset Toolbar**.

Source: <https://web.saumag.edu/its/files/2015/10/Shoretel-Communicator-Guide-Desktop-Software.pdf>

17. Upon information and belief, the following describes, at least in part, how the Accused Products work:

Replying to Voice Mail

You can reply to a voice mail by [voice mail](#), or by contacting the sender through [other methods](#) (i.e. making a telephone call, replying by IM, or sending an email).



Note

You can only reply to a voice mail sent by other ShoreTel Communicator users. You can only reply by telephone if Caller ID is available for a voice mail.

You can also [reply to voice mail](#) using Microsoft Outlook.

1. From the Voice Mail window, right-click on the message you want to response to and select **Reply** or **Reply to All** from the resulting menu. You can also click **Reply** from the toolbar.
2. Use the New Voice Mail Message window to [create your voice mail](#) response.

Source: <https://web.saumag.edu/its/files/2015/10/Shoretel-Communicator-Guide-Desktop-Software.pdf>

18. Upon information and belief, the following describes, at least in part, how the Accused Products work:

Creating New Voice Mail

Using ShoreTel Communicator you can create a new voice mail from the Voice Mail window and the Contacts window. You can also [use Microsoft Outlook](#) to create a new voice mail. Note that you can only send a voice mail to other ShoreTel users.

Voice messages are recorded using your telephone or a microphone. Voice mails can be created for, and sent to, multiple recipients by selecting a distribution list. For more information on distributions lists, see [Managing Distribution Lists](#) on page 41.

By default, message length is 2 seconds. If you want more time for your voice mails, contact your system administrator.

1. Click **New Message**.

2. In the New Voice Message window, enter the names of the recipient(s) in the **To** field.

If you need help finding a recipient, click **To**. Use the Add/Remove Members dialog box to create and edit a list of recipients (including a distribution list) by selecting a recipient and clicking **Add** or **Remove** to move the item into the appropriate list. You can narrow the possible recipients displayed by choosing the appropriate category from the **Show Names From** drop-down menu. Then click **OK**.

3. In the **Subject** field, type the subject of the message.

4. If the message requires immediate attention, select the checkbox for **Urgent**. You can also select the **Private** and **Return Receipt** checkboxes to indicate if the voice message is of a private nature and if you want notification that the recipient has listened to the voice mail.

5. Click the **Record** button and speak into your microphone or telephone to record your message.

The device you use to record a voice mail is determined by your playback device. Refer to [Selecting Your Playback Device](#) on page 36 for details.

6. Click the **Stop** button when you have finished recording.

7. Use the **Play/Pause** button and the cursor to review the message.

8. When you are ready to send your recorded message, click **Send**.

Creating a voice mail using the Contacts window

1. Right-click on the recipient of the voice mail, and from the resulting menu choose **Send Message**. Use the New Voice Message window to compose and send the voice message.

Use this method if you also want to send the voice mail to additional recipients.

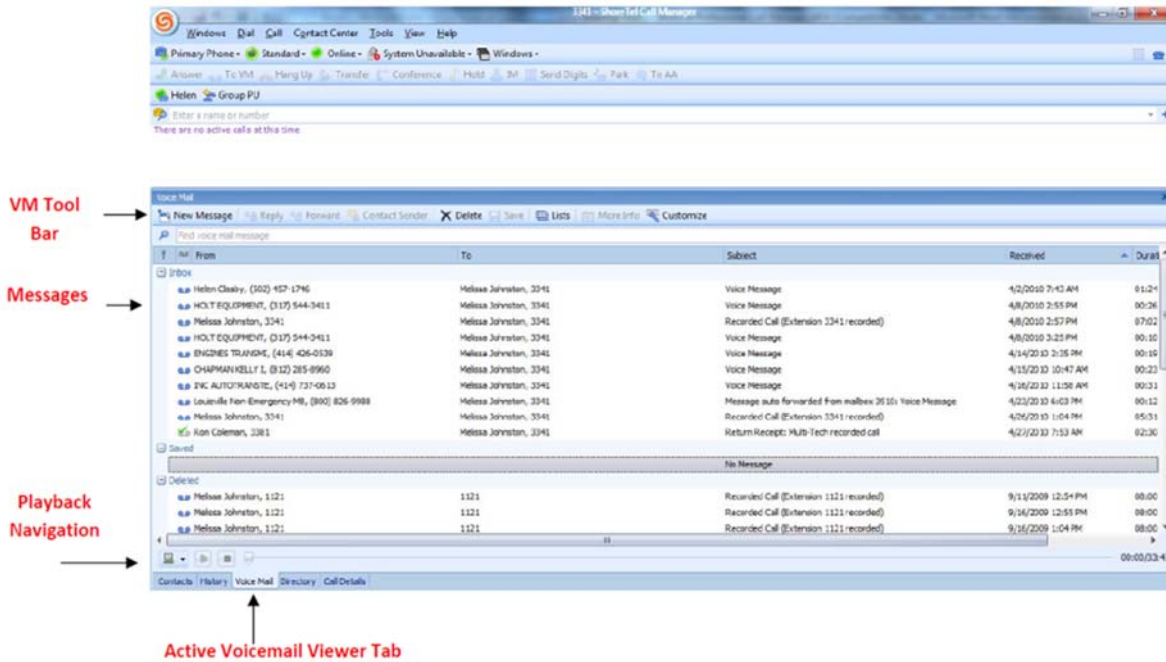
2. If you want to send the voice mail directly to the recipient's voice mailbox, select the recipient of the voice mail, click **Dial Mailbox**. Then using your telephone or headphone, leave a voice mail.

You can also right-click on the recipient and from the resulting menu and choose **Dial Mailbox**.

Source: <https://web.saumag.edu/its/files/2015/10/Shoretel-Communicator-Guide-Desktop-Software.pdf>

19. Upon information and belief, the following describes, at least in part, how the Accused Products work:

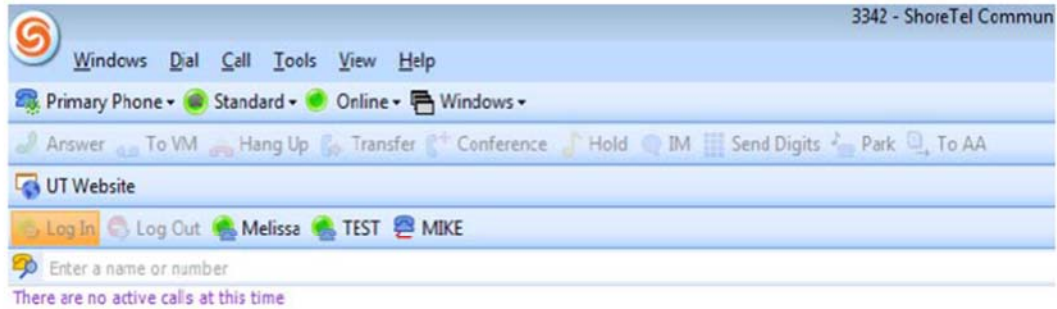
Voicemail Viewer- allows managing voicemail messages (new, saved, & deleted) and sending of voice mail messages visually through Communicator



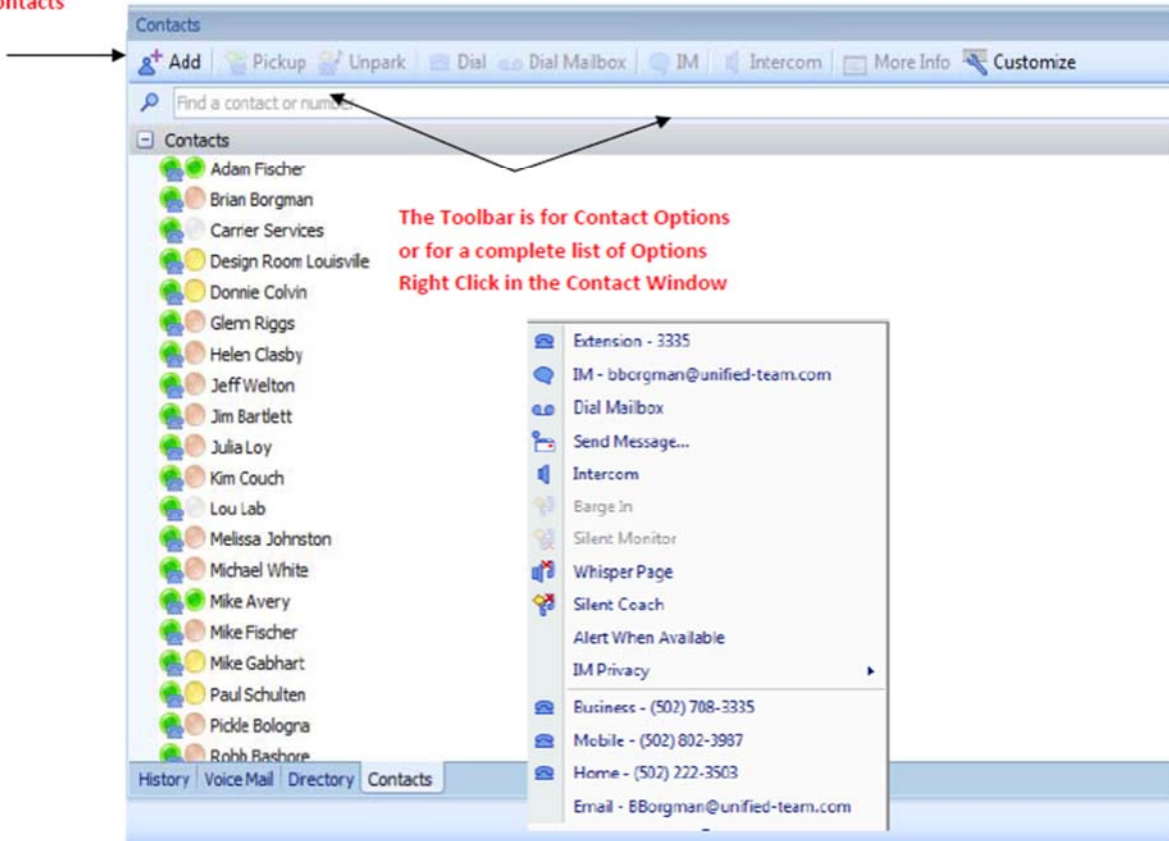
Source: http://training.pcusa.org/shortel/documents/04_ShoreTel%20Professional%20Call%20Manager-%20Standard.pdf

20. Upon information and belief, the following describes, at least in part, how the Accused Products work:

Contacts Viewer- Allows you to perform tasks such as for handling active calls, send email or voice messages, and create additional contact groups.



Click to Add
Contacts



Source: http://training.pcusa.org/shortel/documents/04_ShoreTel%20Professional%20Call%20Manager-%20Standard.pdf

21. Upon information and belief, the following describes, at least in part, how the Accused Products work:

Using Outlook with Voice Mail

ShoreTel Communicator can integrate your voice mail with Outlook. From within Outlook you can:

- [Select your playback device](#)
- [Listen to a voice mail](#)
- [Reply to a voice mail](#)
- [Create a new voice mail](#)
- [Forward a voice mail](#)
- [Edit the subject of a voice mail](#)
- [Delete a voice mail](#)
- [Move a voice mail into another folder](#)

Your voice mails are listed in the Outlook Inbox. Voice mails are indicated by a cassette icon, and include the phone number or extension of the sender. Unheard messages are displayed in bold; a red exclamation point is associated with urgent messages.

Source: <https://web.saumag.edu/its/files/2015/10/Shoretel-Communicator-Guide-Desktop-Software.pdf>

22. Upon information and belief, the following describes, at least in part, how the Accused Products work:

Boost productivity with directory access

ShoreTel Communicator gives users immediate access to online directories or their personal Microsoft Outlook and lets users initiate a call or IM session with just one click. It also offers an easy way to contact coworkers using email. With faster access to frequently used modes of communication, productivity can be improved.

Save time with Microsoft Outlook

Microsoft Outlook integration lets users manage voicemail and contacts with a full set of flexible, productivity-enhancing features.

Source: <https://www.shoretel.com/sites/default/files/ShoreTel%20Premises%20Communicator%20Specifications.pdf>

23. Upon information and belief, the following describes, at least in part, how the Accused Products work:

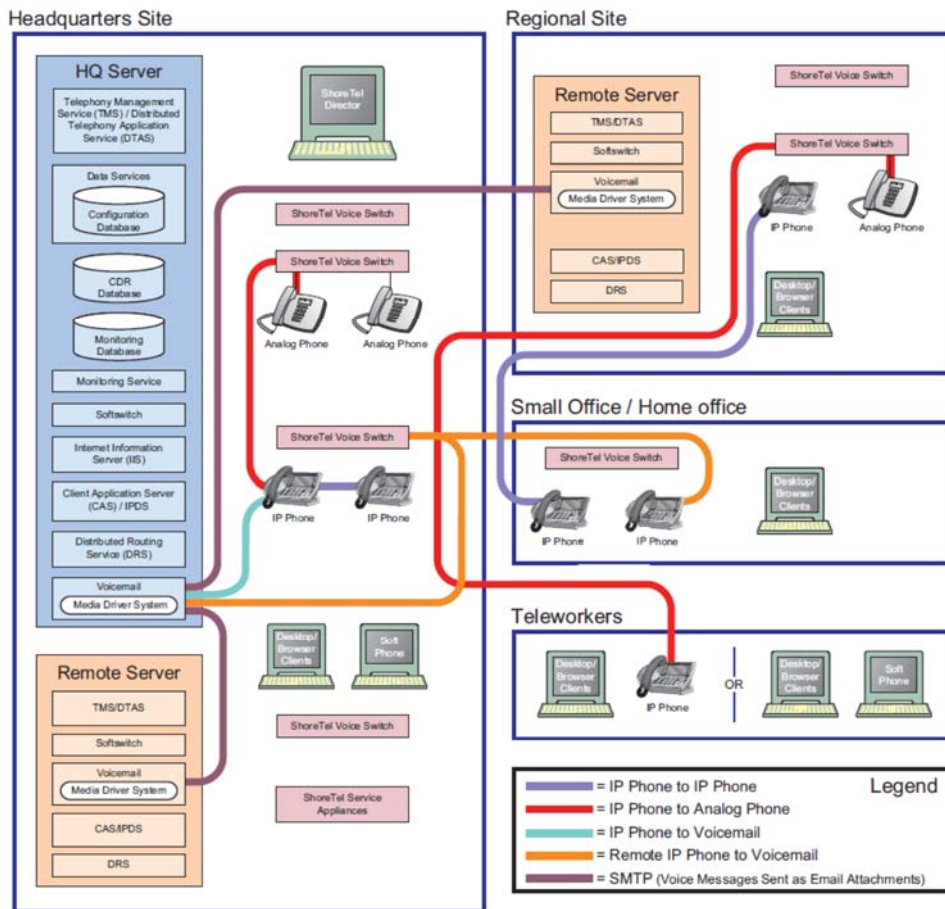


Figure 6: Media Traffic in a ShoreTel System

Source: http://customers.btxchange.com/Manuals/ShoreTel/shoretel_14_maintenance_guide.pdf

24. Upon information and belief, the following describes, at least in part, how the Accused Products work:

Services

The ShoreTel server is made up of multiple processes working together to provide applications that include voicemail, ShoreTel Director, and Workgroups. Each process runs as a Windows Service, which starts automatically when the server starts.

Source: http://customers.btxchange.com/Manuals/ShoreTel/shoretel_14_maintenance_guide.pdf

25. Upon information and belief, the following describes, at least in part, how the Accused Products work:

The ShoreTel Service Appliance is a sealed appliance, optimized for resiliency and security, capable of running ShoreTel services. The Service Appliance can host Audio Conferencing, Web Conferencing and Instant Messaging services.

Service appliances are deployed in the same manner as other ShoreTel voice switches and managed similarly to the voicemail-enabled switches. Director windows configure conference settings and provide status for the Service Appliance. Network settings are configured using a serial cable or the Service Appliance's switch command line interface (`stcli`). The management of the services running on the Service Appliance switch is done via the Service Manager command line interface (`svccli`). The `stcli` and `svccli` are accessible via a serial cable or remotely via SSH.

Source: http://customers.btxchange.com/Manuals/ShoreTel/shoretel_14_maintenance_guide.pdf

26. Upon information and belief, the following describes, at least in part, how the Accused Products work:

The Service Appliance is a node that installs on a ShoreTel server site and performs processing functions for conference calls and IM sessions. In conference calls, the Service Appliance serves as a hub that receives audio and data streams from the participants, bundles the streams, and broadcasts the bundles to the other conference participants. The Service Appliance also maintains conference web pages and manages IM sessions for users.

ShoreTel Telephony Management Service (TMS) and other ShoreTel software installed on the Service Appliance ensure the integration of the unit into the ShoreTel system. This allows the system to use a universal conference number while directing conference requests to the appropriate appliance in environments where two or more Service Appliances are installed. The software also allows the system to collect and store call data from the Service Appliance where it can be retrieved and viewed as Call Detail Records (CDR) in ShoreTel Director.

The conferencing and instant messaging services the Service Appliance provide seamlessly integrate with user desktop applications such as ShoreTel Communicator and Microsoft Outlook.

Source: <http://www.ct-pros.com/training/documents/ShoreTel%20Conferencing/Conferencing%20&%20Instant%20Messaging%20Planning%20&%20Installation%20Guide%202014.2.pdf>

27. Upon information and belief, the following describes, at least in part, how the Accused Products work:

ShoreTel Communicator presents a single interface to manage business communications using your ShoreTel desk phone, computer, mobile phone, or home telephone. This means that you can move seamlessly between voice, video, or instant messages (IM).

Using ShoreTel Communicator simplifies your day-to-day communications, streamlines your work, and makes it easier to stay in the loop by putting intuitive communication and collaboration tools at your fingertips. ShoreTel Communicator for Windows also integrates with Microsoft Outlook.

Source: <https://web.saumag.edu/its/files/2015/10/Shoretel-Communicator-Guide-Desktop-Software.pdf>

28. Upon information and belief, the following describes, at least in part, how the Accused Products work:

ShoreTel Communicator Features

With ShoreTel Communicator you can:

- Quickly Access Your Directories

ShoreTel Communicator provides immediate access to your online directories and personal Microsoft Outlook contacts. This feature makes it easy to quickly connect to the right person and to contact coworkers using IM or email.

- Manage your Contacts from within Microsoft Outlook

With Microsoft Outlook integration, you can manage your voice mail and contacts using a full set of flexible, productivity-enhancing features. This includes the ability, from within Outlook, to call contacts and define how your calls are handled when in a meeting or appointment.

- Identify a Contact's Phone and IM Presence

Uniquely, ShoreTel Communicator indicates both phone and IM presence. So you can immediately see a contact's phone and IM presence status, allowing you to determine the best way to reach them. Presence status is also displayed in Microsoft Outlook.

Source: <https://web.saumag.edu/its/files/2015/10/Shoretel-Communicator-Guide-Desktop-Software.pdf>

29. Upon information and belief, the following describes, at least in part, how the Accused Products work:

ShoreTel Premises Communicator centralizes user engagement with the full ShoreTel Premises product line, including ShoreTel Premises Collaboration, ShoreTel Premises Contact Center and ShoreTel Premises Mobility. By integrating all of these tools into a single user interface, ShoreTel Premises Communicator offers a streamlined, intuitive experience of unified communications that connects people faster, simplifies collaboration, raises the bar on customer engagement, helps mobile users stay connected and integrates easily with existing applications.

ShoreTel Premises Communicator is available in diverse environments such as Web browsers, Windows, Mac OS, and popular smartphones and devices. With minimal training, users across job roles can master a full suite of versatile tools for managing real-time communications on their computer or mobile phone, moving seamlessly between voice, video, or IM as needed.

Source: <https://www.shoretel.com/products/premises-how-it-works>

30. Upon information and belief, the following describes, at least in part, how the Accused Products work:

Deployment Scenarios

The ShoreTel Service Appliance 100 and Service Appliance 400 may be deployed both internal to the LAN or externally in a company DMZ.

Deployment scenarios may include multiple installations of appliances in a ShoreTel system.

However, in any multi-appliance deployment scenario, if one appliance is accessible for external access then all appliances must be accessible for external access.

Source:<http://www.ct-pros.com/training/documents/ShoreTel%20Conferencing/Conferencing%20&%20Instant%20Messaging%20Planning%20&%20Installation%20Guide%2014.2.pdf>

31. ShoreTel 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 Accused Products during the pendency of the '622 Patent, which software and associated 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.

32. In addition, should the Accused Products be found to not literally infringe the asserted claims of the '622 Patent, they would nevertheless infringe the asserted claims of the '622 Patent. More specifically, the Accused Products 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). ShoreTel would thus be liable for direct infringement under the doctrine of equivalents.

33. ShoreTel 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 Accused Products. ShoreTel's customers who purchase the Accused Products and operate such application in accordance with ShoreTel's instructions directly infringe one or more of the forgoing claims of the '622 Patent in violation of 35 U.S.C. § 271. ShoreTel directly and indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.shoretel.com

<https://portal.shoretelsky.com>

http://training.pcusa.org/shoretel/documents/04_ShoreTel%20Professional%20Call%20Manager-%20Standard.pdf

http://customers.btxchange.com/Manuals/ShoreTel/shoretel_14_maintenance_guide.pdf

<https://web.saumag.edu/its/files/2015/10/Shoretel-Communicator-Guide-Desktop-Software.pdf>

<http://www.ct-pros.com/training/documents/ShoreTel%20Conferencing/Conferencing%20&%20Instant%20Messaging%20Planning%20&%20Installation%20Guide%202014.2.pdf>

www.youtube.com

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

34. ShoreTel 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 Accused Products 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.

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

36. ShoreTel will have been on notice of the '622 Patent since, at the latest, the service of this complaint upon ShoreTel. By the time of trial, ShoreTel 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.

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

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

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

39. Uniloc incorporates paragraphs 1-38 above by reference.

40. 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.

41. 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.

42. ShoreTel 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 and 25-26 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Accused Products during the pendency of the ’433 Patent, which software and associated 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.

43. In addition, should the Accused Products be found to not literally infringe the asserted claims of the ’433 Patent, they would nevertheless infringe the asserted claims of the ’433 Patent. More specifically, the Accused Products 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). ShoreTel would thus be liable for direct infringement under the doctrine of equivalents.

44. ShoreTel has indirectly infringed and continues to indirectly infringe at least claims 1-5, 7-12 and 25-26 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 Accused Products. ShoreTel's customers who purchase the Accused Products and operate such application in accordance with ShoreTel's instructions directly infringe one or more of the forgoing claims of the '433 Patent in violation of 35 U.S.C. § 271. ShoreTel directly and indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.shoretel.com

<https://portal.shoretelsky.com>

http://training.pcusa.org/shortel/documents/04_ShoreTel%20Professional%20Call%20Manager-%20Standard.pdf

http://customers.btxchange.com/Manuals/ShoreTel/shoretel_14_maintenance_guide.pdf

<https://web.saumag.edu/its/files/2015/10/Shoretel-Communicator-Guide-Desktop-Software.pdf>

<http://www.ct-pros.com/training/documents/ShoreTel%20Conferencing/Conferencing%20&%20Instant%20Messaging%20Planning%20&%20Installation%20Guide%202014.2.pdf>

www.youtube.com

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

45. ShoreTel has indirectly infringed and continues to indirectly infringe at least claims 1-5, 7-12 and 25-26 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 Accused Products 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.

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

47. ShoreTel will have been on notice of the '433 Patent since, at the latest, the service of this complaint upon ShoreTel. By the time of trial, ShoreTel 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 and 25-26 of the '433 Patent.

48. ShoreTel may have infringed the '433 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Accused Products. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

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

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

50. Uniloc incorporates paragraphs 1-49 above by reference.

51. 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.

52. 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.

53. ShoreTel 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, 3-6, 13-14, 17-20, 27-29, 31-33, 38, 40-43, 50-54, 57, 61-65 and 69 literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling the Accused Products during the pendency of the '890 Patent, which software and associated 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.

54. In addition, should the Accused Products be found to not literally infringe the asserted claims of the '890 Patent, they would nevertheless infringe the asserted claims of the '890 Patent. More specifically, the Accused Products 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). ShoreTel would thus be liable for direct infringement under the doctrine of equivalents.

55. ShoreTel has indirectly infringed and continues to indirectly infringe at least claims 1, 3-6, 13-14, 17-20, 27-29, 31-33, 38, 40-43, 50-54, 57, 61-65 and 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 Accused Products. ShoreTel's customers who purchase the Accused Products and operate such application in accordance with ShoreTel's instructions directly infringe one or more of the forgoing claims of the '890 Patent in violation of 35 U.S.C. § 271. ShoreTel directly and indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.shoretel.com

<https://portal.shoretelsky.com>

http://training.pcusa.org/shortel/documents/04_ShoreTel%20Professional%20Call%20Manager-%20Standard.pdf

http://customers.btxchange.com/Manuals/ShoreTel/shoretel_14_maintenance_guide.pdf

<https://web.saumag.edu/its/files/2015/10/Shoretel-Communicator-Guide-Desktop-Software.pdf>

<http://www.ct-pros.com/training/documents/ShoreTel%20Conferencing/Conferencing%20&%20Instant%20Messaging%20Planning%20&%20Installation%20Guide%202014.2.pdf>

www.youtube.com

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

56. ShoreTel has indirectly infringed and continues to indirectly infringe at least claims 1, 3-6, 13-14, 17-20, 27-29, 31-33, 38, 40-43, 50-54, 57, 61-65 and 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 Accused Products 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.

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

58. ShoreTel will have been on notice of the '890 Patent since, at the latest, the service of this complaint upon ShoreTel. By the time of trial, ShoreTel 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, 3-6, 13-14, 17-20, 27-29, 31-33, 38, 40-43, 50-54, 57, 61-65 and 69 of the '890 Patent.

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

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

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

61. Uniloc incorporates paragraphs 1-60 above by reference.

62. 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 D hereto.

63. 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.

64. ShoreTel 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 Accused Products during the pendency of the '723 Patent, which software and associated 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.

65. In addition, should the Accused Products be found to not literally infringe the asserted claims of the '723 Patent, they would nevertheless infringe the asserted claims of the '723 Patent. More specifically, the Accused Products 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). ShoreTel would thus be liable for direct infringement under the doctrine of equivalents.

66. ShoreTel 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 Accused Products. ShoreTel's customers who purchase the Accused Products and operate such application in accordance with ShoreTel's instructions directly infringe one or more of the forgoing claims of the '723 Patent in violation of 35 U.S.C. § 271. ShoreTel directly and indirectly instructs its customers through training videos, demonstrations, brochures, installation and/or user guides, such as those located at the following:

www.shoretel.com

<https://portal.shoretelsky.com>

http://training.pcusa.org/shortel/documents/04_ShoreTel%20Professional%20Call%20Manager-%20Standard.pdf

http://customers.btxchange.com/Manuals/ShoreTel/shoretel_14_maintenance_guide.pdf

<https://web.saumag.edu/its/files/2015/10/Shoretel-Communicator-Guide-Desktop-Software.pdf>

<http://www.ct-pros.com/training/documents/ShoreTel%20Conferencing/Conferencing%20&%20Instant%20Messaging%20Planning%20&%20Installation%20Guide%202014.2.pdf>

www.youtube.com

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

67. ShoreTel 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 Accused Products 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.

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

69. ShoreTel will have been on notice of the '723 Patent since, at the latest, the service of this complaint upon ShoreTel. By the time of trial, ShoreTel 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.

70. ShoreTel may have infringed the '723 Patent through other software utilizing the same or reasonably similar functionality, including other versions of the Accused Products. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

71. Uniloc has been damaged, reparably and irreparably, by ShoreTel's infringement of the '723 Patent and such damage will continue unless and until ShoreTel is enjoined.

PRAYER FOR RELIEF

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

(A) that ShoreTel has infringed the '622 Patent, the '433 Patent, the '890 Patent, and the '723 Patent;

(B) awarding Uniloc its damages suffered as a result of ShoreTel's infringement of the '622 Patent, the '433 Patent, the '890 Patent, and the '723 Patent pursuant to 35 U.S.C. § 284;

(C) enjoining ShoreTel, 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, the '433 Patent, the '890 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 15, 2016

Respectfully submitted,

/s/ Craig Tadlock

Craig Tadlock

Texas State Bar No. 00791766

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