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

ZENO HOLDINGS, LLC	)
	)
Plaintiff,	)
	) Civil Action No. 2:16-cv-676-JRG-RSP
v.	) LEAD CASE
	)
FUTURESIMPLE INC.	) **JURY TRIAL DEMANDED**
	)
Defendant.	)
	)
ZENO HOLDINGS, LLC	)
	)
Plaintiff,	)
	) Civil Action No. 2:16-cv-583-JRG-RSP
v.	)
	) **JURY TRIAL DEMANDED**
ZOHO CORPORATION and	)
CORNERSTONE SOLUTIONS, INC.	)
	)
Defendants.	)
	)

AMENDED COMPLAINT

For its Complaint, Plaintiff Zeno Holdings, LLC ("Zeno Holdings"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1.   Zeno Holdings is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 400, Plano, Texas 75093.

2.   Defendant Zoho Corporation ("Zoho") is a California company with, upon information and belief, a place of business located at 805 Las Cimas Pkwy, Suite 380, Austin, Texas 78746.

3.   Upon information and belief, Zoho has registered with the Texas Secretary of State to conduct business in Texas.

4.   Defendant Cornerstone Solutions, Inc. is a Texas company with, upon information and belief, a place of business located in Houston, Texas.

5.   Upon information and belief, Defendant Cornerstone Solutions, Inc. is a reseller of Zoho. Defendants Cornerstone Solutions, Inc. and Zoho are collectively referred to herein as "Defendants."

JURISDICTION AND VENUE

6.   This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

7.   Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

8.   Upon information and belief, Defendants conduct substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

9.   Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENTS-IN-SUIT

10.   On August 25, 2015, U.S. Patent No. 9,118,773 (the "'773 patent"), entitled "Automated Prompting Techniques Implemented Via Mobile Devices and Systems," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '063 patent is attached hereto as Exhibit A.

11.   On June 10, 2014, U.S. Patent No. 8,750,836 (the "'836 patent"), entitled "Automated Prompting Techniques Implemented Via Mobile Devices and Systems," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the

'836 patent is attached hereto as Exhibit B.

12.   On April 9, 2013, U.S. Patent No. 8,417,233 (the "'233 patent"), entitled "Automated Notation Techniques Implemented Via Mobile Devices and/or Computer Networks," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '233 patent is attached hereto as Exhibit C.

13.   Zeno Holdings is the assignee and owner of the right, title and interest in and to the '773, '836 and '233 patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 9,118,773

14.   Zeno Holdings repeats and realleges the allegations of paragraphs 1 through 13 as if fully set forth herein.

15.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants are liable for infringement of at least claim 1 of the '773 patent by making, using, importing, offering for sale, and/or selling systems and methods for operating a mobile communication device associated with a user, including, but not limited to, Zoho CRM Mobile Edition.

16.   More specifically and upon information and belief, Defendants' Zoho CRM Mobile Edition includes a method for operating a mobile communication device associated with a user.
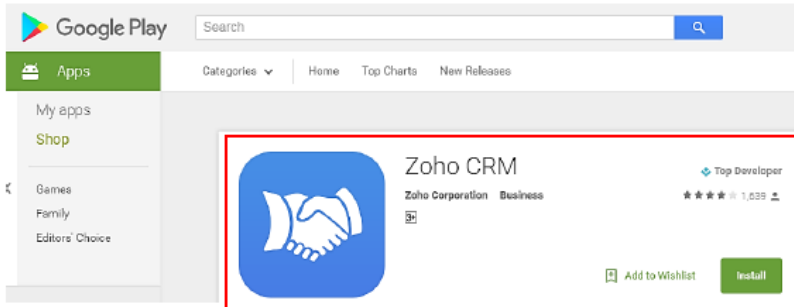
Zoho CRM Mobile Edition can be installed on the Android phones with OS 4.0 or a higher. Android systems require a 200 MHz processor to support a variety of platforms and configurations. The Android processor of the mobile device is the processor that executes the instructions provided by Zoho CRM Mobile Edition.

4

Zoho CRM Mobile Edition identifies a set of threshold criteria for causing a display, at the mobile communication device, of a user interface message prompting the user to initiate a procedure at the mobile communication device.
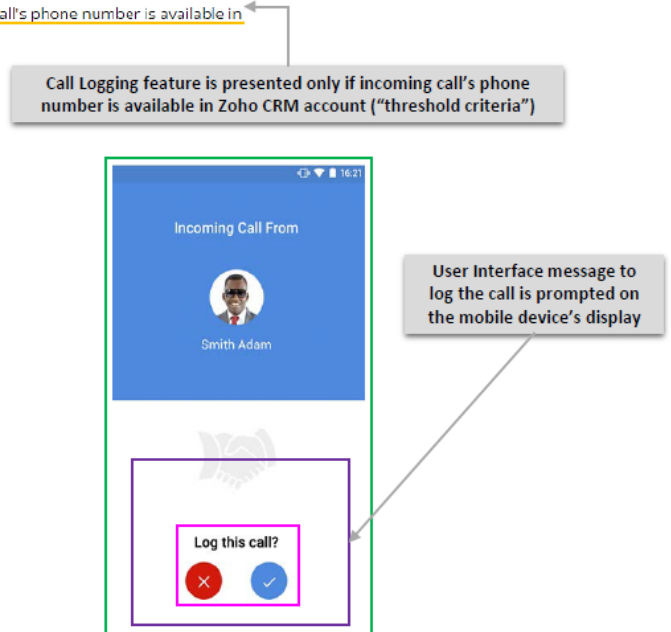


Zoho CRM Mobile Edition determines if an occurrence of an end of call (EOC) event has been detected at the mobile communication device.

Log Calls

To log an incoming call

1. Answer the incoming call.
   When the call is over, log a call option will be available if the incoming call's phone number is available in your Zoho CRM account.
2. Tap **Yes** to log the call.

> **Determining occurrence of first event : End of incoming call**
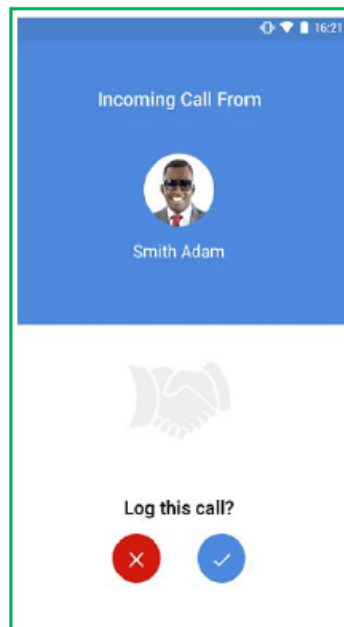
When the call is over, and if the threshold criteria is met (i.e., if the incoming contact's phone number is available in the database), a message is displayed on the interface of the mobile device prompting the user to initiate the call log ("first procedure")).
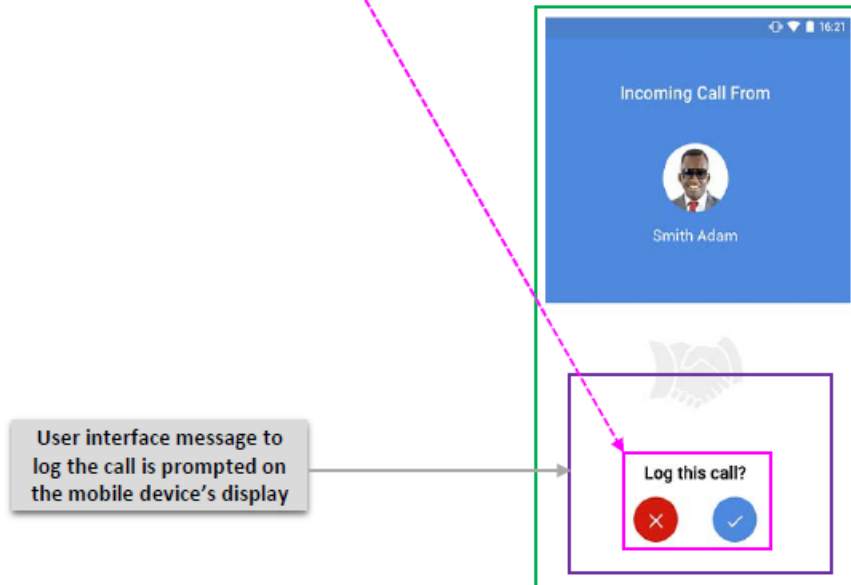
Log Calls

To log an incoming call

1. Answer the incoming call.
   When the call is over, log a call option will be available if the incoming call's phone number is available in your Zoho CRM account.
2. Tap Yes to log the call.

Incoming Call From

Smith Adam

User interface message to log the call is prompted on the mobile device's display
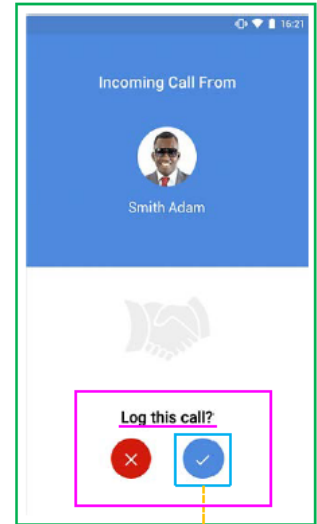
Log this call?

Then, the procedure is initiated at the mobile communication device in response to receiving an input from the user authorizing initiation of the procedure.

Initiating the procedure includes generating, using the input from the user, a portion of digital content and accessing information which includes details relating to the phone call.

To log an incoming call

1. Answer the incoming call.
   When the call is over, log a call option will be available if the incoming call's phone number is available in your Zoho CRM account.
2. Tap Yes to log the call.
3. In the *Call Information* page enter the call information and tap Save.
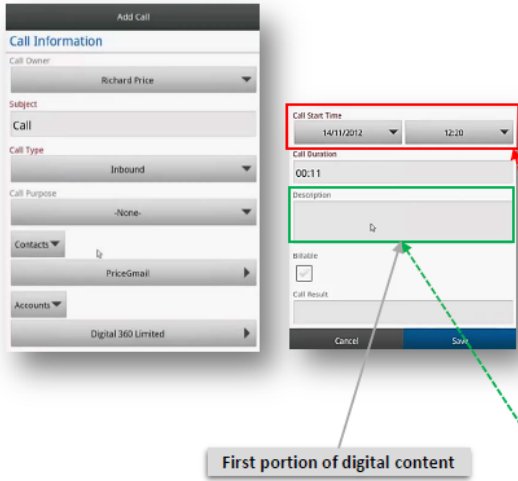
First portion of digital content

Standard Fields in Log Calls

In the *Log a Call* page, you need to specify the call-related information. The following table provides description of the various fields in the page.

Field Name	Description	Data Type
Subject	Enter the subject of the call.	Text Box
Call Type	• Choose Inbound for the incoming calls in your organization. • Choose Outbound for the outgoing calls in your organization.	Select option
Related To	Choose the type of record to which the call is related and then choose the record.	Drop-down list
Call From/To	Specify to whom the call is made or from whom the call is received.	Select option
Call Purpose	Choose the purpose of the call from the drop-down list.	Pick list
Call Result	Specify the call result	Text Box
Time Details	• Click Current Call if the call is in progress. • Click Completed Call if the call is completed.	Select option
Call Start Time	Automatically displays the current date and time.	Date and Time
Call Duration	• Displays the call duration for the Current Calls. • For Completed Calls, specify the call duration.	Numeric
Description	Specify the description of the call.	Text Box
Billable	Select the check box if the call is billable.	Check Box

Zoho CRM Mobile Edition's "Log a Call" functionality allows a user to create an electronic file comprising details of the call such as call duration, date, time, etc. and notes (described by the user). The details are saved so that they are accessible to the user for future reference.

The Log a Call functionality helps you to register the inbound calls (received from leads and customers) and outbound calls (dialed to leads and customers) with call details such as call duration, date and time of calls, notes, etc. Users who frequently make calls or receive calls in an organization can make use of this functionality in Zoho CRM.

For example customer support executives can log calls and identify the time spent on each call and keep track of the average time spent in calls on a monthly basis. On the other hand, the Sales and Marketing Executives can keep track of all the calls they make to their prospects. The call details can be further used to generate reports on billing details, average time spent on calls, number of calls per day, etc.

Keeping track of calls for future reference

Benefits

- Helps identify typical questions asked by users
- Keep track of all the customer calls for future reference.

Activities

An important aspect in CRM is to keep track of all the tasks, meetings, calls, events, or activity records.You can neatly organize the numerous records along with the activities associated to them such as follow-up, pre sales and post sales activities, phone conversations etc. They can be very useful in initiating and tracking pending action items and in recording the results of meetings or events.

In Zoho CRM, the Activities module is where you can create and associate business tasks, events and calls. Each activity has vital information on the date, time, priority level and notification parameters that can even be accessible from within the record it is associated to.

17.   Zeno Holdings' initial complaint was filed on June 2, 2016.

18.   Zoho was served the initial complaint on July 5, 2016.

19.   Thus, Zoho has been on notice of the '773 patent since, at the latest, the date it was served the Complaint.

20.   Upon information and belief, Zoho has not altered its infringing conduct after receiving the initial complaint.

21.   Upon information and belief, Zoho's continued infringement despite its knowledge of the '773 patent and the accusations of infringement has been objectively reckless and willful.

22.   In particular, Zoho's customers' and end-users' use of Zoho's products and services which operate a mobile communication device associated with a user, such as, Zoho CRM Mobile Edition, is facilitated by the use of technology patented under the '773 patent.

Thus, Zoho's customers and end-users are able to log calls when using such products and services.

23.   On information and belief, in order to generate profits and revenues, Zoho markets and promotes, e.g., through its website and sales personnel, the use of its products and services that infringe the '773 patent when used as intended by Zoho's customers and end-users. Zoho's customers and end-users use such products and services (including, e.g., Zoho's software). Zoho further instructs its customers and end-users how to use such products and services in a manner that infringes the '773 patent (e.g., through on-line technical documentation, instructions, and technical support). Zoho further instructs its customers and end-users to infringe the '773 patent through the products and services themselves, e.g., through on-line instructions and intuitive user interfaces, such as those found in Zoho CRM Mobile Edition.

24.   In particular, Zoho instructs its customers and end-users through at least on-line support instructions and documentation over the Internet how to keep track and log calls when using Zoho CRM Mobile Edition.

25.   Zoho still further makes such products and services accessible to its customers and end-users via mobile apps, thus enabling and encouraging its customers and end-users to use such products and services, including supporting software systems, to infringe the '773 patent.

26.   On information and belief, even though Zoho has been aware of the '773 patent and that its customers and end-users infringe the '773 patent since as of June 2, 2016 and Zoho has neither made any changes to the functionality, operations, marketing, sales, technical support, etc. of such products and services to avoid infringing the '773 patent nor

informed its customers or end-users how to avoid infringing the '773 patent. To date, Zoho has not identified a single action that it has taken to avoid infringement (e.g., by designing around or notifying its customers or end-users how to avoid infringement) by itself or its customers or end-users since it became aware of the '773 patent.

27.   On information and belief, Zoho itself is unaware of any legal or factual basis that its actions solely, or in combination with the actions of its customers and end-users, do not constitute direct or indirect infringement of the '773 patent. To date, Zoho has not produced any opinion of counsel, request for opinion of counsel, evaluation, analysis, or investigation relating to the validity, scope, interpretation, construction, enforceability, unenforceability, or the infringement or potential infringement of any claim of the '773 patent.

28.   As such, on information and belief, despite the information Zoho obtained from the original complaint in this action, Zoho continues to specifically intend for and encourage its customers and end-users to use its products and/or services in a manner that infringe the claims of the '773 patent. In addition, since at least the filing of the original complaint in this action, Zoho has deliberately avoided taking any actions (e.g., designing around, or providing notice to its customers) to avoid confirming that its actions continue to specifically encourage its customers and end-users to use its products and/or services in a manner that infringe the claims of the '773 patent.

29.   Zoho's actions of, *inter alia*, making, importing, using, offering for sale, and/or selling such products and/or services constitute an objectively high likelihood of infringement of the '773 patent, which was duly issued by the United States Patent and Trademark Office and is presumed valid. Since at least the filing of the original complaint,

Zoho is aware that there is an objectively high likelihood that its actions constituted, and continue to constitute, infringement of the '773 patent and that the '773 patent is valid. Despite Zoho's knowledge of that risk, on information and belief, Zoho has not made any changes to the relevant operation of its products and/or services and has not provided its users and/or customers with instructions on how to avoid infringement the '773 patent. Instead, Zoho has continued to, and still is continuing to, among other things, make, use, offer for sale, and/or sell products and/or services patented under the '773 patent. As such, Zoho willfully, wantonly and deliberately infringed and is infringing the '773 patent in disregard of Zeno Holdings' rights under the '773 patent.

30.   Zeno Holdings is entitled to recover from Defendants the damages sustained by Zeno Holdings as a result of Defendants' infringement of the '773 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 8,750,836

31.   Zeno Holdings repeats and realleges the allegations of paragraphs 1 through 30 as if fully set forth herein.

32.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants are liable for infringement of at least claim 1 of the '836 patent by making, using, importing, offering for sale, and/or methods systems and methods for operating a mobile communication device associated with a user, including, but not limited to, Zoho CRM Mobile Edition.

33.   More specifically and upon information and belief, Defendant's Zoho CRM Mobile Edition includes a method for operating a mobile communication device associated with a first user.

Zoho CRM Mobile Edition can be installed on the Android phones with OS 4.0 or a higher. Android systems require a 200 MHz processor to support a variety of platforms and configurations. The Android processor of the mobile device is the processor that executes the instructions provided by Zoho CRM Mobile Edition.

Zoho CRM Mobile Edition enables the first user of the mobile device to identify a first set of threshold criteria for enabling automatic display, at the mobile communication device, of a first user interface message prompting the first user to initiate a first procedure at the mobile communication device.

Log Calls

After making calls to your customer, you can instantly log your calls.

To log an outgoing call

1. Go to the module (Leads, Accounts, Contacts, etc.).
2. Tap a contact to whom you want to make a call.
3. Tap the phone number to call the contact.
   When the call is completed, you will be asked if you want to log the call.
4. Tap **Yes** to log the call.

Mobile communication device
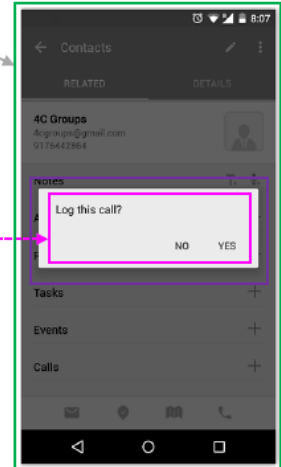
Call Logging feature is presented only if incoming call's phone number is available in Zoho CRM account ("threshold criteria")

To log an incoming call

1. Answer the incoming call.
   When the call is over, log a call option will be available if the incoming call's phone number is available in your Zoho CRM account.
2. Tap **Yes** to log the call.
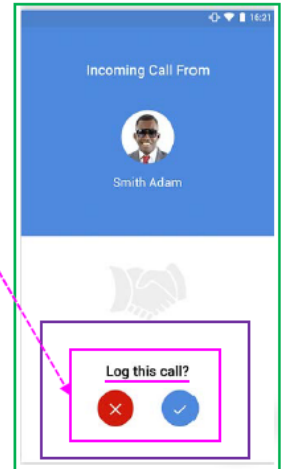
Zoho CRM Mobile Edition detects first event at the mobile communication device relating to an initiation of a first phone call at the mobile communication device and determines if an occurrence of a first end of call (EOC) event has been detected at the mobile communication device, the first EOC event relating to a termination of the first phone call.

Log Calls

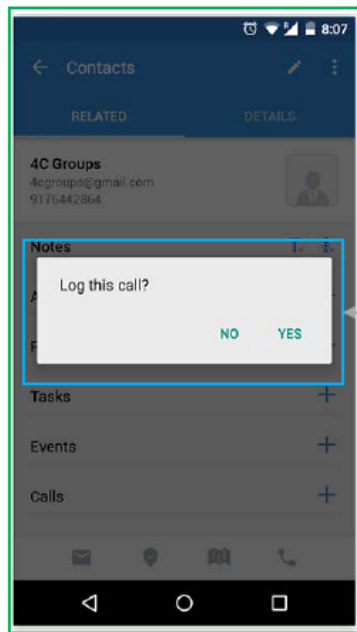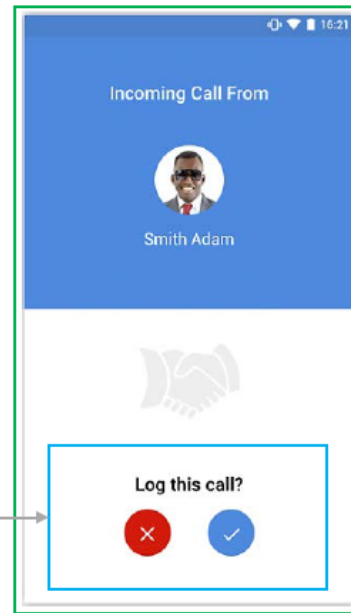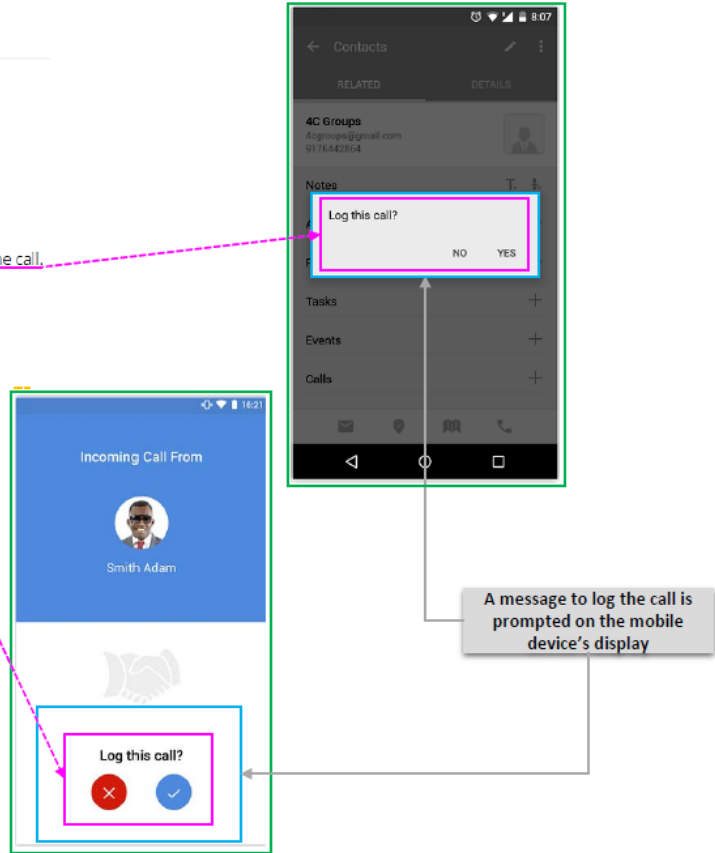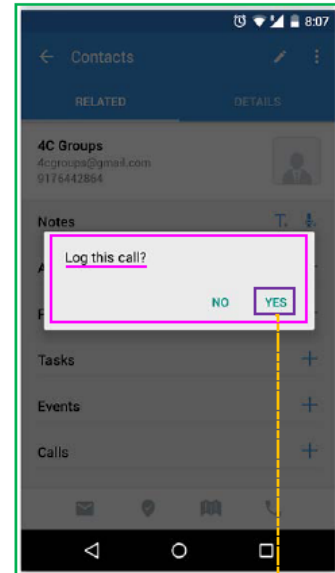After making calls to your customer, you can instantly log your calls.

To log an outgoing call

1. Go to the module (Leads, Accounts, Contacts, etc.).
2. Tap a contact to whom you want to make a call.
3. Tap the phone number to call the contact.
   When the call is completed, you will be asked if you want to log the call.
4. Tap Yes to log the call.

To log an incoming call

1. Answer the incoming call.
   When the call is over, log a call option will be available if the incoming call's phone number is available in your Zoho CRM account.

**Determining occurrence of first event :
End of outgoing or incoming call**

**Detecting a first event at mobile
communication device**

When the call is over, and if the threshold criteria is met (i.e., if the Call Logging feature is enabled and the incoming call's phone number is available in the database), a message is displayed on the interface of the mobile device prompting the user to initiate the call log ("first procedure).

The first procedure at the mobile communication device is initiated in response to receiving input from the first user authorizing initiation of the first procedure.
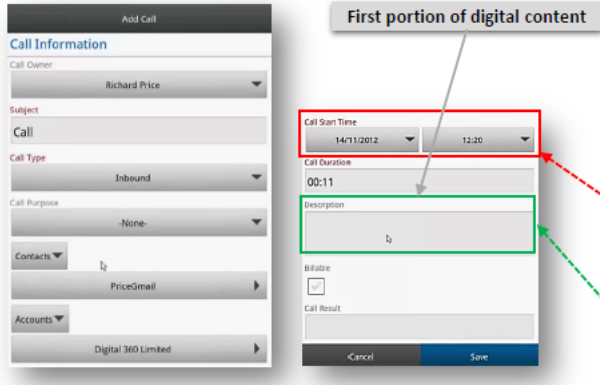
Initiating the first procedure includes generating, using input from the first user, a first portion of digital content, and accessing information which includes details relating to the first phone call.

Initiating the first procedure also includes creating a first electronic data file which associates the first portion of digital content with at least a portion of the details relating to the first phone call, and (iv) saving the first electronic data file at a first storage device such that the first electronic data file is accessible to the first user for future reference.

34.   Zeno Holding's initial complaint was filed on June 2, 2016.

35.   Zoho was served the initial complaint on July 5, 2016.

36.   Thus, Zoho has been on notice of the '836 patent since, at the latest, the date it was served the Complaint.

37.   Upon information and belief, Zoho has not altered its infringing conduct after receiving the initial complaint.

38.   Upon information and belief, Zoho's continued infringement despite its knowledge of the '836 patent and the accusations of infringement has been objectively reckless and willful.

39.   In particular, Zoho's customers' and end-users' use of Zoho's products and services which operate a mobile communication device associated with a user, such as, Zoho

CRM Mobile Edition, is facilitated by the use of technology patented under the '836 patent. Thus, Zoho's customers and end-users are able to log calls when using such products and services.

40.   On information and belief, in order to generate profits and revenues, Zoho markets and promotes, e.g., through its website and sales personnel, the use of its products and services that infringe the '836 patent when used as intended by Zoho's customers and end-users. Zoho's customers and end-users use such products and services (including, e.g., Zoho's software). Zoho further instructs its customers and end-users how to use such products and services in a manner that infringes the '836 patent (e.g., through on-line technical documentation, instructions, and technical support). Zoho further instructs its customers and end-users to infringe the '836 patent through the products and services themselves, e.g., through on-line instructions and intuitive user interfaces, such as those found in Zoho CRM.

41.   In particular, Zoho instructs its customers and end-users through at least on-line support instructions and documentation over the Internet how to keep track and log calls when using Zoho CRM.

42.   Zoho still further makes such products and services accessible to its customers and end-users via mobile apps, thus enabling and encouraging its customers and end-users to use such products and services, including supporting software systems, to infringe the '836 patent.

43.   On information and belief, even though Zoho has been aware of the '836 patent and that its customers and end-users infringe the '836 patent since as of June 2, 2016 and Zoho has neither made any changes to the functionality, operations, marketing, sales, technical support, etc. of such products and services to avoid infringing the '836 patent nor informed its

customers or end-users how to avoid infringing the '836 patent. To date, Zoho has not identified a single action that it has taken to avoid infringement (e.g., by designing around or notifying its customers or end-users how to avoid infringement) by itself or its customers or end-users since it became aware of the '836 patent.

44.   On information and belief, Zoho itself is unaware of any legal or factual basis that its actions solely, or in combination with the actions of its customers and end-users, do not constitute direct or indirect infringement of the '836 patent. To date, Zoho has not produced any opinion of counsel, request for opinion of counsel, evaluation, analysis, or investigation relating to the validity, scope, interpretation, construction, enforceability, unenforceability, or the infringement or potential infringement of any claim of the '836 patent.

45.   As such, on information and belief, despite the information Zoho obtained from the original complaint in this action, Zoho continues to specifically intend for and encourage its customers and end-users to use its products and/or services in a manner that infringe the claims of the '836 patent. In addition, since at least the filing of the original complaint in this action, Zoho has deliberately avoided taking any actions (e.g., designing around, or providing notice to its customers) to avoid confirming that its actions continue to specifically encourage its customers and end-users to use its products and/or services in a manner that infringe the claims of the '836 patent.

46.   Zoho's actions of, *inter alia*, making, importing, using, offering for sale, and/or selling such products and/or services constitute an objectively high likelihood of infringement of the '773 patent, which was duly issued by the United States Patent and Trademark Office and is presumed valid. Since at least the filing of the original complaint, Zoho is aware that there is an objectively high likelihood that its actions constituted, and continue to constitute,

infringement of the '836 patent and that the '836 patent is valid. Despite Zoho's knowledge of that risk, on information and belief, Zoho has not made any changes to the relevant operation of its products and/or services and has not provided its users and/or customers with instructions on how to avoid infringement the '836 patent. Instead, Zoho has continued to, and still is continuing to, among other things, make, use, offer for sale, and/or sell products and/or services patented under the '836 patent. As such, Zoho willfully, wantonly and deliberately infringed and is infringing the '836 patent in disregard of Zeno Holdings' rights under the '836 patent.

47.   Zeno Holdings is entitled to recover from Defendants the damages sustained by Zeno Holdings as a result of Defendants' infringement of the '836 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 8,417,233

48.   Zeno Holdings repeats and realleges the allegations of paragraphs 1 through 47 as if fully set forth herein.

49.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants are liable for infringement of at least claims 1 and 2 of the '233 patent by making, using, importing, offering for sale, and/or methods systems and methods for operating a mobile communication device associated with a user, including, but not limited to, Zoho CRM Mobile Edition.

50.   More specifically and upon information and belief, Defendant's Zoho CRM Mobile Edition includes a method for operating a mobile communication device associated with a first user.

Zoho   CRM   Mobile   Edition   can   be   installed   on   Android   phones.   *See*
https://www.zoho.com/crm/help/mobile/install-app-for-android.html (last accessed June 2,
2016). Zoho CRM Mobile Edition detects, at the mobile communication device, an occurrence
of a first communication event relating to a first communication activity at the mobile
communication device.

Log Calls

To log an incoming call

A first communication activity

1. Answer the incoming call.
   When the call is over, log a call option will be available if the incoming call's phone number is available in your Zoho CRM account.
2. Tap **Yes** to log the call.

Detecting an end of incoming call

Zoho CRM Mobile Edition determines whether the Call Logging feature is enabled by the user. It also checks whether the incoming call's phone number is available in the Zoho CRM database ("threshold criteria").

26

Log Calls

To log an incoming call

1. Answer the incoming call.
   When the call is over, log a call option will be available if the incoming call's phone number is available in your Zoho CRM account.
2. Tap **Yes** to log the call.

"User-defined": User can enable or disable the Call Logging feature

If the threshold criteria is met (i.e., if the Call Logging feature is enabled and the incoming call's phone number is available in the database), a message is displayed on the interface of the mobile device prompting the user to initiate the call log ("recommended feature").

Log Calls

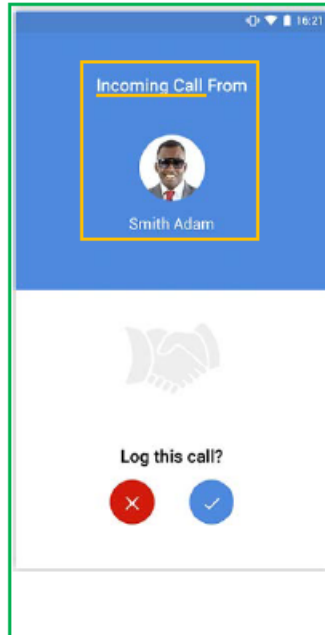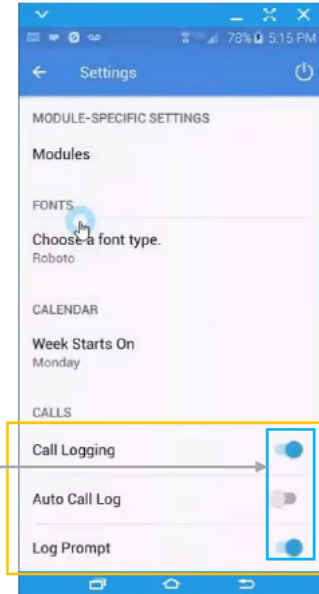**To log an incoming call**

1. Answer the incoming call.
   When the call is over, log a call option will be available if the incoming call's phone number is available in your Zoho CRM account.
2. Tap **Yes** to log the call.

A message to log the call is prompted on the mobile device's display

Incoming Call From

Smith Adam

Log this call?

27
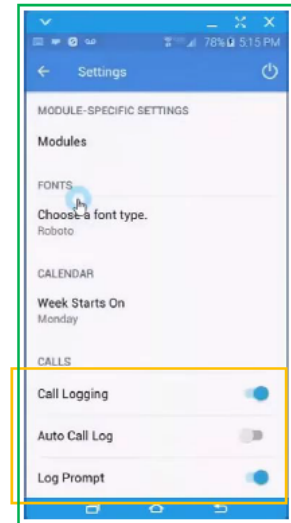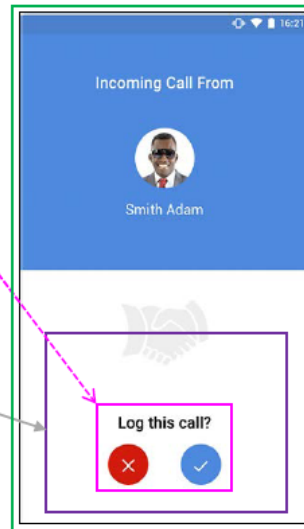
Zoho CRM Mobile Edition waits, at the mobile communication device, a first predetermined time interval to receive input from the user authorizing initiation of the first recommended procedure at the mobile communication device and automatically initiates the first recommended procedure at the mobile communication device in response to receiving input from the user authorizing initiation of the first recommended procedure.
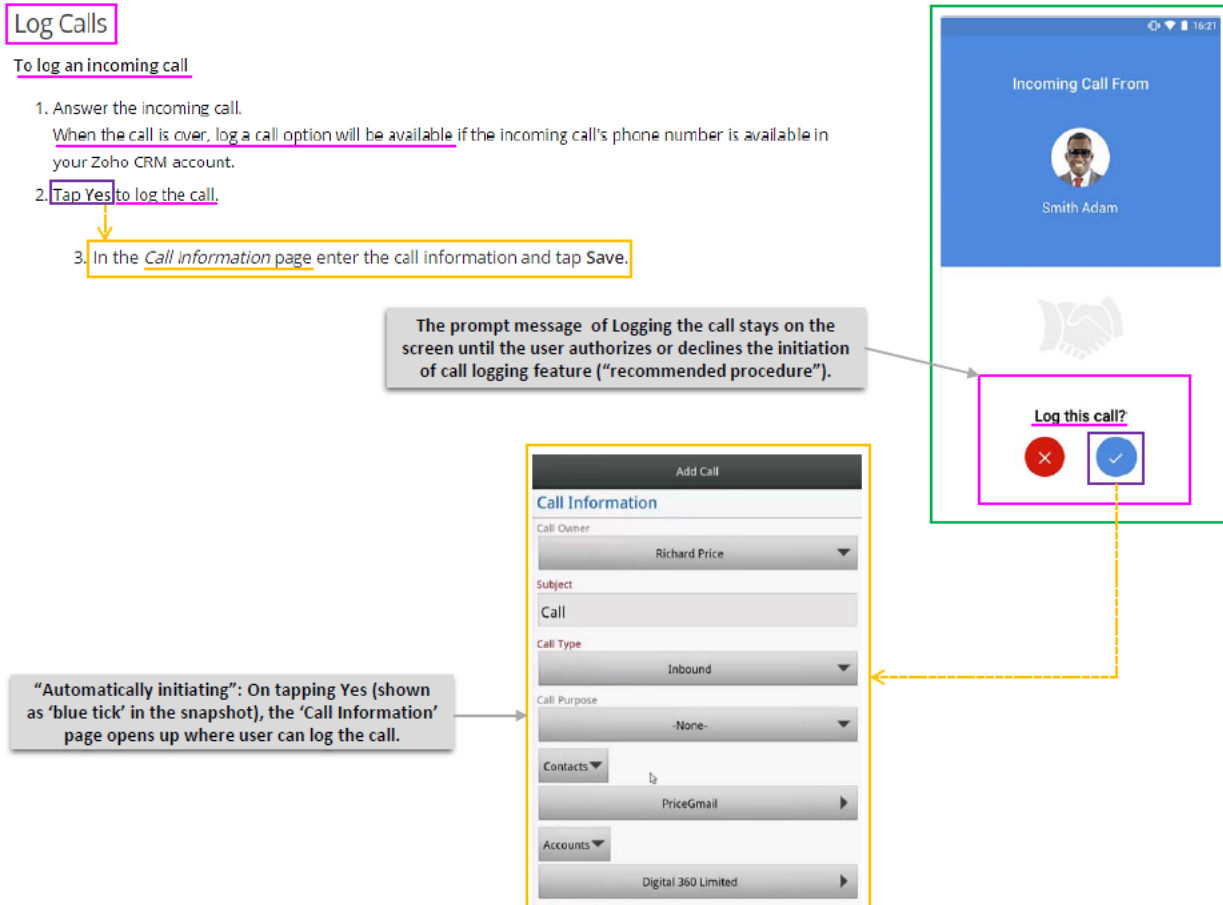
Zoho CRM Mobile Edition generates, in response to initiating the first recommended procedure, a first portion of digital content, accesses information which includes details relating to the detected first communication event, and creates a first electronic data file which associates the first portion of digital content with at least a portion of the details relating to the detected first communication event.

Zoho CRM Mobile Edition's Log a Call functionality allows a user to create an electronic file comprising the details of the call such as call duration, date, time, etc. and notes described by the user. The details are saved so that they are accessible to the user for future reference.

Call Start Time

| 14/11/2012 ▼ | 12:20 ▼ |

Call Duration

00:11

Description

Billable

Call Result

| Cancel | Save |

The Log a Call functionality helps you to register the **inbound calls** (received from leads and customers) and **outbound calls** (dialed to leads and customers) with call details such as call duration, date and time of calls, notes, etc. Users who frequently make calls or receive calls in an organization can make use of this functionality in Zoho CRM.

For example customer support executives can log calls and identify the time spent on each call and keep track of the average time spent in calls on a monthly basis. On the other hand, the Sales and Marketing Executives can keep track of all the calls they make to their prospects. The call details can be further used to generate reports on billing details, average time spent on calls, number of calls per day, etc.

Keeping track of calls for future reference

Benefits

- Helps identify typical questions asked by users
- Keep track of all the customer calls for future reference.

Activities

An important aspect in CRM is to keep track of all the tasks, meetings, calls, events, or activity records.You can neatly organize the numerous records along with the activities associated to them such as follow-up, pre sales and post sales activities, phone conversations etc. They can be very useful in initiating and tracking pending action items and in recording the results of meetings or events.

In Zoho CRM, the Activities module is where you can create and associate business tasks, events and calls. Each activity has vital information on the date, time, priority level and notification parameters that can even be accessible from within the record it is associated to.

51.   Zeno Holding's initial complaint was filed on June 2, 2016.

52.   Zoho was served the initial complaint on July 5, 2016.

53.   Thus, Zoho has been on notice of the '233 patent since, at the latest, the date it was served the Complaint.

54.   Upon information and belief, Zoho has not altered its infringing conduct after receiving the initial complaint.

55.   Upon information and belief, Zoho's continued infringement despite its knowledge of the '233 patent and the accusations of infringement has been objectively reckless and willful.

56.   In particular, Zoho's customers' and end-users' use of Zoho's products and services which operate a mobile communication device associated with a user, such as, Zoho

30

CRM Mobile Edition, is facilitated by the use of technology patented under the '836 patent. Thus, Zoho's customers and end-users are able to log calls when using such products and services.

57.   On information and belief, in order to generate profits and revenues, Zoho markets and promotes, e.g., through its website and sales personnel, the use of its products and services that infringe the '233 patent when used as intended by Zoho's customers and end-users. Zoho's customers and end-users use such products and services (including, e.g., Zoho's software). Zoho further instructs its customers and end-users how to use such products and services in a manner that infringes the '233 patent (e.g., through on-line technical documentation, instructions, and technical support). Zoho further instructs its customers and end-users to infringe the '233 patent through the products and services themselves, e.g., through on-line instructions and intuitive user interfaces, such as those found in Zoho CRM.

58.   In particular, Zoho instructs its customers and end-users through at least on-line support instructions and documentation over the Internet how to keep track and log calls when using Zoho CRM.

59.   Zoho still further makes such products and services accessible to its customers and end-users via mobile apps, thus enabling and encouraging its customers and end-users to use such products and services, including supporting software systems, to infringe the '233 patent.

60.   On information and belief, even though Zoho has been aware of the '233 patent and that its customers and end-users infringe the '233 patent since as of June 2, 2016 and Zoho has neither made any changes to the functionality, operations, marketing, sales,

technical support, etc. of such products and services to avoid infringing the '233 patent nor informed its customers or end-users how to avoid infringing the '233 patent. To date, Zoho has not identified a single action that it has taken to avoid infringement (e.g., by designing around or notifying its customers or end-users how to avoid infringement) by itself or its customers or end-users since it became aware of the '233 patent.

61.   On information and belief, Zoho itself is unaware of any legal or factual basis that its actions solely, or in combination with the actions of its customers and end-users, do not constitute direct or indirect infringement of the '233 patent. To date, Zoho has not produced any opinion of counsel, request for opinion of counsel, evaluation, analysis, or investigation relating to the validity, scope, interpretation, construction, enforceability, unenforceability, or the infringement or potential infringement of any claim of the '233 patent.

62.   As such, on information and belief, despite the information Zoho obtained from the original complaint in this action, Zoho continues to specifically intend for and encourage its customers and end-users to use its products and/or services in a manner that infringe the claims of the '233 patent. In addition, since at least the filing of the original complaint in this action, Zoho has deliberately avoided taking any actions (e.g., designing around, or providing notice to its customers) to avoid confirming that its actions continue to specifically encourage its customers and end-users to use its products and/or services in a manner that infringe the claims of the '233 patent.

63.   Zoho's actions of, *inter alia*, making, importing, using, offering for sale, and/or selling such products and/or services constitute an objectively high likelihood of infringement of the '233 patent, which was duly issued by the United States Patent and

32

Trademark Office and is presumed valid. Since at least the filing of the original complaint, Zoho is aware that there is an objectively high likelihood that its actions constituted, and continue to constitute, infringement of the '233 patent and that the '233 patent is valid. Despite Zoho's knowledge of that risk, on information and belief, Zoho has not made any changes to the relevant operation of its products and/or services and has not provided its users and/or customers with instructions on how to avoid infringement the '233 patent. Instead, Zoho has continued to, and still is continuing to, among other things, make, use, offer for sale, and/or sell products and/or services patented under the '233 patent. As such, Zoho willfully, wantonly and deliberately infringed and is infringing the '233 patent in disregard of Zeno Holdings' rights under the '836 patent.

64.   Zeno Holdings is entitled to recover from Defendants the damages sustained by Zeno Holdings as a result of Defendants' infringement of the '233 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Zeno Holdings hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Zeno Holdings requests that this Court enter judgment against Defendants as follows:

A.   An adjudication that Defendants have infringed the '773, '836 and '233 patents;

B.   A judgment that Zoho has induced infringement of the '773, '836 and '233 patents;

C.   An award of damages to be paid by Defendants adequate to compensate Zeno Holdings for Defendants' past infringement of the '773, '836 and '233 patents and any continuing

33

or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

D. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Zeno Holdings' reasonable attorneys' fees;

E. An award of enhanced damages pursuant to 35 U.S.C. § 284 for Zoho's willful infringement of the '773, '836 and '233 patents subsequent to the date of its notice of the '773, '836 and '233 patents; and

F. An award to Zeno Holdings of such further relief at law or in equity as the Court deems just and proper.

Dated: August 23, 2016   */s/ Richard C. Weinblatt*
            Stamatios Stamoulis DE SB #4606
            Richard C. Weinblatt DE SB #5080 – Lead Counsel
            Stamoulis & Weinblatt LLC
            Two Fox Point Centre
            6 Denny Road, Suite 307
            Wilmington, DE 19809
            Telephone: (302) 999-1540
            Facsimile: (302) 762-1688
            stamoulis@swdelaw.com
            weinblatt@swdelaw.com

            Attorneys for Plaintiff
            Zeno Holdings, LLC

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2016, I electronically filed the above document with the Clerk of Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

            /s/ Richard C. Weinblatt
            Richard C. Weinblatt