



users.

### **THE PARTIES**

1. Plaintiff and patent owner Mobile Synergy Solutions, LLC (“MSS”) is a Texas limited liability company with its headquarters and principal place of business at 1400 Preston Road, Suite 475, Plano, Texas 75093.

2. Defendant T-Mobile USA, Inc. (“T-Mobile”) is a Delaware corporation with its principal place of business located at 12920 SE 38th Street, Bellevue, WA 98006. Defendant T-Mobile USA, Inc. may be served through its registered agent in Texas, Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701. Defendant T-Mobile USA, Inc. has been served and filed an answer.

3. Defendant T-Mobile USA, Inc. f/k/a MetroPCS Communications, Inc. (“MetroPCS”) is a Delaware corporation with its principal place of business located at 12920 SE 38th Street, Bellevue, WA 98006. Defendant T-Mobile USA, Inc. f/k/a MetroPCS Communications, Inc. may be served through its registered agent in Texas, Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701. Defendant MetroPCS has been served and filed an answer.

4. Defendant T-Mobile USA, Inc. f/k/a MetroPCS Wireless, Inc. (“MetroPCS Wireless”) is a Delaware corporation with its principal place of business located at 12920 SE 38th Street, Bellevue, WA 98006. Defendant T-Mobile USA, Inc. f/k/a MetroPCS Wireless, Inc. may be served through its registered agent in Texas, Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701. Defendant MetroPCS Wireless has been served and filed an answer.

5. Defendant T-Mobile US, Inc. is a Delaware corporation with its principal place of business at 12920 SE 38th Street, Bellevue, Washington 98006. On information and belief, T-Mobile US, Inc. may be served through its registered agent for service, Corporation Service Company, 2711 Centerville Rd. Suite 400, Wilmington, Delaware 19808. Defendant T-Mobile US, Inc. has been served and filed an answer.

6. Defendant MetroPCS Texas, LLC (“MetroPCS Texas”) is a Delaware corporation with its principal office located at 12920 SE 38th Street, Bellevue, WA 98006. Defendant MetroPCS Texas, LLC may be served through its registered agent in Texas, Corporation Service Company dba CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701. Collectively MetroPCS, MetroPCS Wireless and MetroPCS Texas are referred to as “MetroPCS.” Defendant MetroPCS Texas has been served and filed an answer.

7. In 2013, T-Mobile parent Deutsche Telekom AG announced the completion of the merger of T-Mobile US, Inc. and MetroPCS Communications, Inc. The merger resulted in the combined company, T-Mobile US, Inc., which has been publicly traded since May 1, 2013.

8. T-Mobile US, Inc. maintains a significant presence in Richardson, Texas.

9. T-Mobile USA, Inc. maintains and operates research and development facilities at 7668 Warren Parkway, Frisco, Texas 75034.

10. Defendant ZTE (USA), Inc. (“ZTE”), is a New Jersey corporation with its principal place of business located at 2425 N. Central Expressway, Richardson, TX, 75080, and may be served through its registered agent, Jing Li, 2425 North Central Expressway,

Suite 323, Richardson, TX, 75080. Defendant ZTE has been served and appeared herein.

11. Defendant HTC Corporation is a Taiwanese corporation with its principal place of business at 23 Xinghau Road, Taoyuan City, Taoyuan 330, Taiwan, R.O.C. On information and belief, Defendant HTC Corporation may be served at its principal place of business at 23 Xinghau Road, Taoyuan City, Taoyuan 330, Taiwan, R.O.C. Defendant HTC Corporation has answered and appeared herein.

12. Defendant HTC America, Inc. is a Washington corporation with its principal place of business at 13290 SE Eastgate Way, Suite 400, Bellevue, Washington 98005. On information and belief, HTC America, Inc.'s registered agent for service of process in Texas is Law Offices of Christina C. Hsu, 13706 N. Highway 183, #201, Austin, Texas 78750. The HTC defendants may be referred to collectively at "HTC." Defendant HTC America, Inc. has answered and appeared herein.

13. On information and belief, TCT Mobile Limited, is a wholly-owned subsidiary of TCL Communication Technology Holdings, Ltd. TCT Mobile Limited is a company established under the laws of Hong Kong, having its registered office at Room 1520, Tower 6, China Hong Kong City, 33 Canton Road, Tsim Sha Tsui, Kowloon, Hong Kong. On information and belief, TCT Hong Kong has a domestic address at 25 Edelman, Suite 200, Irvine, CA 92618. Defendant TCT Mobile Limited has answered and appeared herein.

14. On information and belief Defendant TCT Mobile (US), Inc. is a Delaware corporation and wholly-owned subsidiary of TCL Communication Technology Holdings, Ltd. with its principal place of business at 25 Edelman, Suite 200, Irvine, CA 92618. TCT

Mobile (US), Inc. is the domestic subsidiary of TCL Communication Technology Holdings, Ltd and is identified on the Alcatel OneTouch website as the local office in the United States for the Alcatel OneTouch product line. TCL Communication Technology Holdings, Ltd., TCT Mobile Limited, TCT Mobile (US), Inc. may collectively be referred to as “Alcatel.” Defendant TCT Mobile (US), Inc. has answered and appeared herein.

15. Defendant Coolpad Technologies, Inc. (“Coolpad”) is a Delaware corporation headquartered at 6650 Lusk Boulevard, Suite B204, San Diego, California 92121. Coolpad is the domestic subsidiary of Yulong Computer Communications based in Shenzhen, P.R.C. Coolpad’s registered agent for service of process is Paracorp Inc., 2140 South DuPont Highway, Camden Delaware 19934. Defendant Coolpad Technologies, Inc. has answered and appeared herein.

16. T-Mobile/MetroPCS offer postpaid and prepaid wireless voice, messaging, and data service to customers in all states and U.S. territories.

17. In connection with its provision of wireless services, T-Mobile/MetroPCS offer a selection of wireless devices, including smartphones, tablets and other mobile communication devices manufactured by ZTE, Alcatel, Coolpad, and HTC directly to customers through retail stores and its website and to dealers and third-party distributors for resale through independent third-party retail outlets and third-party websites.

### **JURISDICTION AND VENUE**

18. This is a patent suit brought under the United States Patent Act, namely 35 U.S.C. §§ 271, 281, and 284-285, among other laws. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

19. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Defendants do business in this judicial district, have committed acts of infringement in this judicial district, have purposely transacted business in this judicial district involving the accused products and/or, have regular and established places of business in this judicial district.

20. Defendants each are subject to this Court's specific and general personal 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 at least part of their infringing activities and regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

21. T-Mobile/MetroPCS and its authorized retailers operate retail in this district and throughout the United States.

22. T-Mobile/MetroPCS and its device partners, Defendants ZTE, Coolpad, Alcatel, and HTC, provide smartphones and other end-user hardware configured to provide the T-Mobile/MetroPCS Visual Voicemail and Visual Voicemail Plus services to customers in this district through the T-Mobile store at 5627 S. Broadway Avenue, Tyler, Texas 75703.

## **BACKGROUND**

### **A. Silent Communication Ltd.**

23. In 2004, inventors Max Bluvband and Shahar Hajdu founded Silent Communication Ltd. in Tel Aviv, Israel. The company pioneered device and network agnostic mobile client solutions including visual voicemail.

24. The Patent Office recognized the inventors' pioneering efforts and awarded them patents covering their novel visual voicemail inventions.

25. In the late 2000s, Silent Communication introduced and licensed to mobile operators the Silent Visual Voicemail System branded Silent VVM™.

26. Silent Communication marketed its VVM solution to mobile network operators around the world, and by 2011, Silent VVM was available on more than 200 different mobile device brands worldwide.

27. By 2010, MetroPCS and T-Mobile, which were independent at the time, had evaluated Silent Communication's Visual Voicemail System.

28. In 2016, Silent Communication assigned the '874 and '490 Patents to Plaintiff.

### **B. MetroPCS Licenses Silent Communication's VVM Technology**

29. In 2009-2010, MetroPCS was searching for a visual voicemail solution to offer its customers and entered into discussions with Silent Communication about Silent Communication's Visual Voicemail System.

30. In 2010, MetroPCS selected Silent Communication's Visual Voicemail System to provide as an additional, value-add service to MetroPCS subscribers.

31. In November 2010, MetroPCS and Silent Communication entered into a limited license and service agreement.

32. MetroPCS and Silent Communication agreed to develop an application test plan they would execute in MetroPCS's Dallas market.

33. Under their agreement, MetroPCS agreed to pay both an initial fee and a monthly fee for each Active User (subject to certain terms and condition) that used the Silent Communication VVM application.

34. Under their agreement, MetroPCS obtained a revocable, limited, non-exclusive license to Silent Communication's intellectual property necessary for MetroPCS to market, deliver and use, and for MetroPCS customers to use, the Silent Communication VVM application.

35. The agreement further provides that no party acquires any intellectual property rights thereunder except the limited rights necessary to carry out the purposes of the agreement.

36. In 2012, MetroPCS and T-Mobile agreed to merge, and they closed the transaction on May 1, 2013.

37. After they merged, MetroPCS/T-Mobile began providing T-Mobile-branded visual voicemail on new devices.

38. The T-Mobile-branded visual voicemail system includes many of the same features and functionality provided by the Silent Communication VVM system.

39. The number of MetroPCS subscribers using Silent Communication's VVM application declined to zero over time, and MetroPCS ceased delivering and using Silent



Communication's VVM system.

40. MetroPCS/T-Mobile has no authorization to practice any claim of the '874 and '490 Patents in connection with provision, marketing, and use of visual voicemail systems not provided by Silent Communication.

**C. United States Patent No. 8,792,874**

41. MSS is the owner, by assignment, of U.S. Patent No. 8,792,874 (the "'874 Patent"), titled "SYSTEMS, METHODS, CIRCUITS AND ASSOCIATED SOFTWARE FOR AUGMENTING CONTACT DETAILS STORED ON A COMMUNICATION DEVICE WITH DATA RELATING TO THE CONTACT CONTAINED ON SOCIAL NETWORKING SITES."

42. A true and correct copy of the '874 Patent is attached as Exhibit B.

43. As the owner of the '874 Patent, MSS holds all substantial rights in and under the '874 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

44. The United States Patent Office granted the '874 Patent on July 29, 2014.

45. The '874 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

46. Cellular phones are used for far more than just conversation. Modern cellular networks offer users various value added services.

47. Many of these value added services are implemented on the network servers or by a third party connected to the network via a distributed data network.

48. For this reason, a phone user can only access these services via an

intermediate media service such as web browsing, dialing or IVR (Interactive Voice Response). This makes these value added services difficult and cumbersome to access and often entails an added charge for the intermediate media service.

49. The '874 Patent addresses the need for cellular value added services that minimize or negate the need for an intermediate media user access.

50. Social networking sites focus on building online communities of people who share interests and/or activities, or who are interested in exploring the interests and activities of others.

51. Most social network services are web based and provide a variety of ways for users to interact, such as e-mail, instant messaging and blog-like services.

52. In general, social networking services allow users to create a profile for themselves, and can be broken down into two broad categories: internal social networking (ISN); and external social networking (ESN) sites such as MySpace, Facebook, and Twitter.

53. Social network users can upload a picture of themselves, create their 'profile,' add textual and/or graphical descriptions and post videos.

54. Mobile social networking typically is conducted using a web browser or stand-alone mobile device application, but these operate independent of a mobile device's communication functions.

55. Although mobile device applications may allow users to perform virtually any action on the social networks that could be performed on a home computer, the inventors noted that such applications do not leverage social network data to improve

mobile device communication functions.

56. The '874 Patent describes systems, methods, circuits and associated software for augmenting contact details stored on a communication device, such as a smartphone, with data relating to contacts maintained on social networking sites. The inventions claimed in the '874 Patent provide a synchronization engine adapted to collect data from social networking sites (both ISNs and ESNs), via social network adapters, and display and/or store the collected data on the communication device.

57. The inventions claimed in the '874 Patent integrate collected social network data in the operation of the communication device, which may include integrated usage of social network information with a mobile device's embedded communication functions.

58. In some embodiments, the synchronization engine is installed on the communication device and prompts the user to input the social networking sites of which he is a member along with credentials for access to each of the social networking sites. Alternatively, the synchronization engine may detect social networking sites associated with the device user.

59. The synchronization engine accesses user profiles on social networks and compares contacts stored on the communication device to the user's contacts or "friends" and synchronizes contact information across social networks and the user's personal communication device.

60. Once the synchronization engine has correlated a contact with a profile from a social networking site, a pointer or link may be stored to enable future updates and maintain synchronization of the user's contacts.

61. Embodiments disclosed in the '874 Patent include server-side and client-side components that communicate over a data link typically provided by a mobile network operator such as MetroPCS/T-Mobile.

62. A visual voicemail client application may access metadata associated with a voice message (to identify the caller, for example) and display additional information to the mobile device user based upon the metadata (for example, social networking profile data correlated to the caller).

**D. United States Patent No. 8,494,490**

63. MSS is the owner, by assignment, of U.S. Patent No. 8,494,490 (the "'490 Patent"), titled "METHOD, CIRCUIT, SYSTEM AND APPLICATION FOR PROVIDING MESSAGING SERVICES."

64. A true and correct copy of the '490 Patent is attached as Exhibit A.

65. As the owner of the '490 Patent, MSS holds all substantial rights in and under the '490 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

66. The United States Patent Office granted the '490 Patent on July 23, 2013.

67. The '490 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

68. The '490 Patent provides methods, circuits, systems and applications that provide for download, synchronization, voicemail-message to text-message transactions, direct access and handling of selected voicemail messages through a user's user interface and other functionality relating to voicemails and related data received, generated, or stored

on a cellular operator's voicemail server.

69. The '490 Patent describes an invention that includes methods, circuits, systems and applications for providing messaging services.

70. According to some embodiments of the invention, a Visual Voice Mail system may include server-side component(s) and client-side software application component(s) installed on a user's remote device such as a smartphone.

71. According to some embodiments of the invention, one or more of the Visual Voice Mail server-side components may include, or be functionally associated with, a speech recognition module and algorithms adapted to convert an audio portion of a stored voice message into a text string. A Visual Voice Mail user may select through an interface menu a preference as to whether to receive only voice message copies, only text string copies or a combination of the two.

72. According to some embodiments of the invention, the Visual Voice Mail client application may include an interface module adapted to present a listing of locally stored voice messages, along with related parameters and/or metadata, as a list of items.

73. The Visual Voice Mail client may also access the list of contacts details stored on the remote device and correlate the origin of stored voice messages with contacts on the remote device and the details relating to contacts. Correlated voice message data may be displayed to the user along with the other metadata associated with the stored voice messages.

74. The Visual Voice Mail client may correlate data associated with a voice message, such as the origin, with data contained in a profile stored on a social network

server and may be adapted to associate other data contained in a profile with a specific voice message.

**E. The Remote Device Manufacturers**

75. ZTE, HTC, TCL, and Coolpad manufacture and provide to MetroPCS/T-Mobile smartphones, tablets, and other mobile devices with client-side software and hardware for performing the claimed methods and embodying the claimed systems.

**i. ZTE (USA), Inc.**

76. ZTE makes, uses, offers to sell, sells and/or imports remote devices offered for sale by MetroPCS for use on the MetroPCS network (“ZTE Accused Phones”). Examples of ZTE Accused Phones include the ZTE Avid Plus and ZMAX Pro.

77. ZTE practices one or more claims of the ’874 and ’490 Patents, including at least claims 1, 2, 10, and 11 of the ’874 and claims 19, 20, and 22 of the ’490 Patent by making, using, offering for sale, selling and/or importing products that include systems and perform methods claimed in the ’873 and ’490 Patents.

78. ZTE Accused Phones store a user’s contacts where a contact includes a phone number and an identity indicator associated with the phone number.

79. Software, hardware, and wireless communication radio equipment in ZTE’s Accused correlate a first profile contained on a first social networking site with a first contact stored in said local memory; retrieve from the first social networking site data contained in the first profile and associate the retrieved data with the first contact

80. Operating system software, drivers, and installed application(s) on ZTE Accused Phones cause the control circuitry of the mobile phone to display, in association

with the first contact, the retrieved data, upon the device's graphic user interface.

81. ZTE Accused Phones continuously update a user's contact details with correlated information stored on social networking sites such as Google+.

82. In operation, when a contact stored in a user's ZTE Accused Phone updates his or her Google+ social networking profile, the updated profile data is retrieved by the ZTE Accused Phone, stored, and displayed to the user.

**ii. HTC Corporation and HTC America, Inc.**

83. Defendant HTC is a phone manufacturer who makes, uses, offers to sell, sells and/or imports remote devices for use on the T-Mobile and MetroPCS networks (the "HTC Accused Phones"). Examples of HTC Accused Phones include the HTC Desire 530 provided for use on the MetroPCS network and the HTC Desire 626s offered for use on the T-Mobile network.

84. Operation and functionality of the HTC Accused Phones are substantially similar to the ZTE Accused Phones described above.

85. HTC Accused Phones allow users to store contacts where a contact includes a phone number and an identity indicator associated with the phone number.

86. HTC Accused Phones have a synchronization engine adapted to correlate a first profile contained on a first social networking site with a first contact stored in said local memory; retrieve from the first social networking site data contained in the first profile and associate the retrieved data with the first contact and a presentation and operation module adapted to cause the control circuitry of said mobile phone to display, in association with the first contact, the retrieved data, upon a graphic user interface of said

mobile phone.

87. T-Mobile provides customers remote devices such as the HTC Desire 626s with visual voicemail pre-installed.

88. HTC practices one or more claims of the '874 and '490 Patents, including at least claims 1, 2, 10, and 11 of the '874 Patent and claims 19, 20, and 22 of the '490 Patent by making, using, offering for sale, selling and/or importing products that include systems and perform methods claimed in the '874 and '490 Patents.

89. HTC Accused Phones store a user's contacts where a contact includes a phone number and an identity indicator associated with the phone number.

90. Software, hardware, and wireless communication radio equipment in HTC's Accused Phones correlate a first profile contained on a first social networking site with a first contact stored in said local memory; retrieve from the first social networking site data contained in the first profile and associate the retrieved data with the first contact

91. Operating system software, drivers, and installed application(s) on HTC Accused Phones cause the control circuitry of the mobile phone to display, in association with the first contact, the retrieved data, upon the device's graphic user interface.

92. HTC Accused Phones continuously update a user's contact details with correlated information stored on social networking sites such as Google+.

93. In operation, when a contact stored in a user's HTC Accused Phone updates his or her Google+ social networking profile, the updated profile data is retrieved by the HTC Accused Phone, stored, and displayed to the user.

94. HTC provides Accused Phones with visual voicemail pre-installed and



having the client application software configured to communicate with MetroPCS/T-Mobile server-side visual voicemail servers.

95. HTC Accused Phones communicate with social networking sites such as Google+ and retrieve data or images corresponding to a user's contacts stored on the phone.

96. HTC Accused Phones have a screen and graphical user interface to display to the user a list of voicemails with stored profile data that was retrieved from a social networking site.

97. HTC Accused Phones play voicemail messages selected by a user from storage on the device and/or MetroPCS/T-Mobile server side storage.

### **iii. Coolpad Group Limited**

98. Defendant Coolpad makes, uses, offers to sell, sells and/or imports remote devices for use on the T-Mobile and MetroPCS networks (the "Coolpad Accused Phones"). An example of the Coolpad Accused Phones is the Coolpad Catalyst.

99. Operation and functionality of the Coolpad Accused Phones are substantially similar to the ZTE and HTC Accused Phones described above.

100. Coolpad Accused Phones allow users to store contacts where a contact includes a phone number and an identity indicator associated with the phone number.

101. Coolpad Accused Phones include a synchronization engine adapted to correlate a first profile contained on a first social networking site with a first contact stored in said local memory; retrieve from the first social networking site data contained in the first profile and associate the retrieved data with the first contact and a presentation and operation module adapted to cause the control circuitry of said mobile phone to display, in

association with the first contact, the retrieved data, upon a graphic user interface of said mobile phone.

102. Coolpad Accused Phones provided by T-Mobile have visual voicemail pre-installed.

103. Coolpad practices one or more claims of the '874 and '490 Patents, including at least claims 1, 2, 10, and 11 of the '874 Patent and claims 19, 20, and 22 of the '490 Patent by making, using, offering for sale, selling and/or importing products that include systems and perform methods claimed in the '874 and '490 Patents.

104. Coolpad Accused Phones store a user's contacts where a contact includes a phone number and an identity indicator associated with the phone number.

105. Software, hardware, and wireless communication radio equipment in Coolpad's Accused Phones correlate a first profile contained on a first social networking site with a first contact stored in said local memory; retrieve from the first social networking site data contained in the first profile and associate the retrieved data with the first contact

106. Operating system software, drivers, and installed application(s) on Coolpad Accused Phones cause the control circuitry of the mobile phone to display, in association with the first contact, the retrieved data, upon the device's graphic user interface.

107. Coolpad Accused Phones continuously update a user's contact details with correlated information stored on social networking sites such as Google+.

108. In operation, when a contact stored in a user's Coolpad Accused Phone updates his or her Google+ social networking profile, the updated profile data is retrieved

by the Coolpad Accused Phone, stored, and displayed to the user.

109. Coolpad provides Accused Phones with visual voicemail pre-installed and having the client application software configured to communicate with MetroPCS/T-Mobile server-side visual voicemail servers.

110. Coolpad Accused Phones communicate with social networking sites such as Google+ and retrieve data or images corresponding to a user's contacts stored on the phone.

111. Coolpad Accused Phones have a screen and graphical user interface to display to the user a list of voicemails with stored profile data that was retrieved from a social networking site.

112. Coolpad Accused Phones play voicemail messages selected by a user from storage on the device and/or MetroPCS/T-Mobile server side storage.

**iv. TCT Mobile Limited and TCT Mobile (US), Inc. (collectively "Alcatel")**

113. Defendant Alcatel makes, uses, offers to sell, sells and/or imports remote devices for use on the MetroPCS and T-Mobile networks (the "Alcatel Accused Phones"). Examples of the Alcatel Accused Phones are the Alcatel TRU, Alcatel FIERCE 4, and Alcatel OneTouch Fierce XL provided for use on the MetroPCS network and the Alcatel ONETOUCH FIERCE XL with Windows 10 provided for use on the T-Mobile network.

114. Operation and functionality of the Alcatel Accused Phones are substantially similar to the ZTE, Coolpad, and HTC Accused Phones described above.

115. Alcatel Accused Phones allow users to store contacts where a contact includes a phone number and an identity indicator associated with the phone number.

116. Alcatel Accused Phones have a synchronization engine adapted to correlate

a first profile contained on a first social networking site with a first contact stored in said local memory; retrieve from the first social networking site data contained in the first profile and associate the retrieved data with the first contact and a presentation and operation module adapted to cause the control circuitry of said mobile phone to display, in association with the first contact, the retrieved data, upon a graphic user interface of said mobile phone.

117. Alcatel Accused Phones such as the Alcatel TRU and Alcatel OneTouch Fierce XL sold by MetroPCS are provided with visual voicemail pre-installed.

118. Alcatel practices one or more claims of the '874 and '490 Patents, including at least claims 1, 2, 10, and 11 of the '874 Patent and claims 19, 20, and 22 of the '490 Patent by making, using, offering for sale, selling and/or importing products that include systems and perform methods claimed in the '874 and '490 Patents.

119. Alcatel Accused Phones store a user's contacts where a contact includes a phone number and an identity indicator associated with the phone number.

120. Software, hardware, and wireless communication radio equipment in Alcatel's Accused Phones correlate a first profile contained on a first social networking site with a first contact stored in said local memory; retrieve from the first social networking site data contained in the first profile and associate the retrieved data with the first contact

121. Operating system software, drivers, and installed application(s) on Alcatel Accused Phones cause the control circuitry of the mobile phone to display, in association with the first contact, the retrieved data, upon the device's graphic user interface.

122. Alcatel Accused Phones continuously update a user's contact details with

correlated information stored on social networking sites such as Google+.

123. In operation, when a contact stored in a user's Alcatel Accused Phone updates his or her Google+ social networking profile, the updated profile data is retrieved by the Alcatel Accused Phone, stored, and displayed to the user.

124. Alcatel provides Accused Phones with visual voicemail pre-installed and having the client application software configured to communicate with MetroPCS/T-Mobile server-side visual voicemail servers.

125. Alcatel Accused Phones communicate with social networking sites such as Google+ and retrieve data or images corresponding to a user's contacts stored on the phone.

126. Alcatel Accused Phones have a screen and graphical user interface to display to the user a list of voicemails with stored profile data that was retrieved from a social networking site.

127. Alcatel Accused Phones play voicemail messages selected by a user from storage on the device and/or MetroPCS/T-Mobile server side storage.

**F. The Mobile Network Operators**

**i. MetroPCS**

128. Defendant MetroPCS is mobile network operator that operates the MetroPCS visual voicemail system and uses, offers to sell, sells and/or imports the ZTE Accused Phones, Coolpad Accused Phones, Alcatel Accused Phones, and HTC Accused Phones configured for use on the MetroPCS network to provide visual voicemail and contact synchronization features (the “MetroPCS Accused Phones”).

129. MetroPCS practices one or more claims of the ’874 and ’490 Patents, including at least claims 1, 3, 10, and 19 of the ’490 Patent and claims 1, 2, 10, 11, 12, and 13 of the ’874 Patent by making, using, offering for sale, selling and/or importing products and services such as visual voicemail that include systems and perform methods claimed in the ’874 and ’490 Patents.

130. The MetroPCS Accused Phones operate as described above.

131. In normal operation on the MetroPCS network, MetroPCS Accused Phones allow users to store contacts where a contact includes a phone number and an identity indicator associated with the phone number.

132. The MetroPCS network and MetroPCS Accused Phones include a synchronization engine adapted to correlate a first profile contained on a first social networking site with a first contact stored in said local memory; retrieve from the first social networking site data contained in the first profile and associate the retrieved data with the first contact and a presentation and operation module adapted to cause the control circuitry of said mobile phone to display, in association with the first contact, the retrieved

data, upon a graphic user interface of said mobile phone.

133. MetroPCS Accused Phones are sold and provided to MetroPCS customers with MetroPCS Visual Voicemail pre-installed

134. MetroPCS provides for download by end users and customers the MetroPCS Visual Voicemail application.

135. MetroPCS charges customers a fee for use of Visual Voicemail.

136. MetroPCS encourages and instructs customers to download, configure, and use the MetroPCS Visual Voicemail Application.

137. MetroPCS is responsible for the content and operation of the MetroPCS Visual Voicemail Application.

138. The MetroPCS Visual Voicemail Application is a value-added service provided by MetroPCS to its customers.

139. MetroPCS allows users to bring their own devices and use the MetroPCS network and MetroPCS Visual Voicemail system.

140. The MetroPCS Visual Voicemail Application allows users to access their voicemail without dialing into their voicemail.



## Visual Voicemail by MetroPCS

MetroPCS Wireless Inc. Business

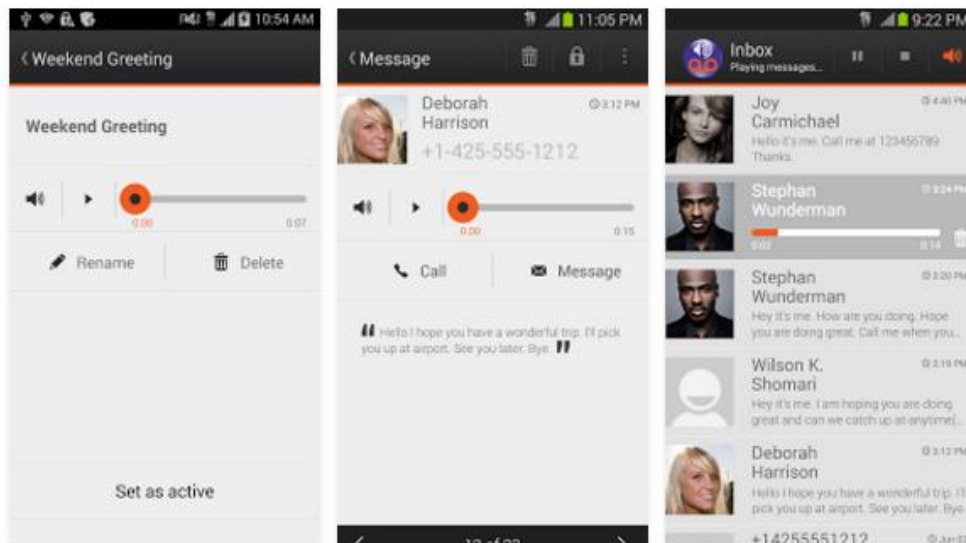
★★★★★ 10,251

Everyone

You don't have any devices

Add to Wishlist

Install



MetroPCS Voicemail keeps getting better and better! With Visual Voicemail you can listen to messages in any order, respond in one click, update your contacts, and easily manage your inbox without ever dialing into your voicemail.

141. MetroPCS's visual voicemail system includes server-side components associated with visual voicemail servers that convert voice messages to data suitable for transmission over a data link such as a cellular radio link and client-side application software running on mobile devices.

142. Client-side application software receives voicemail data from MetroPCS servers and stores the voicemail data on the user's device.

143. Operating system software, drivers, and application software on MetroPCS



Accused Phones retrieve data and images from social networking sites (e.g., profile data) and correlate voice message data with data or images from social networking sites corresponding to callers.

144. MetroPCS Accused Phones are programmed to display a list of voice messages with retrieved social network data or images and provide a user an interface to selectively play voicemail messages from the list as pictured above.

**ii. T-Mobile**

145. Defendant T-Mobile is a mobile network operator that provides, uses, offers to sell, sells and/or imports ZTE Accused Phones, Coolpad Accused Phone, Alcatel Accused Phones, and the HTC Accused Phones for use on the T-Mobile network (the “T-Mobile Accused Phone”).

146. T-Mobile practices one or more claims of the '874 and '490 Patents, including at least claims 1, 3, 10, and 19 of the '490 Patent and claims 1, 2, 10, 11, 12, and 13 of the '874 Patent, by making, using, offering for sale, selling and/or importing products and services that include systems and perform methods claimed in the '874 and '490 Patents.

147. In normal operation on the T-Mobile network, T-Mobile Accused Phones allow users to store contacts where a contact includes a phone number and an identity indicator associated with the phone number.

148. T-Mobile network and T-Mobile Accused Phones have a synchronization engine adapted to correlate a first profile contained on a first social networking site with a first contact stored in said local memory; retrieve from the first social networking site data

contained in the first profile and associate the retrieved data with the first contact and a presentation and operation module adapted to cause the control circuitry of said mobile phone to display, in association with the first contact, the retrieved data, upon a graphic user interface of said mobile phone.

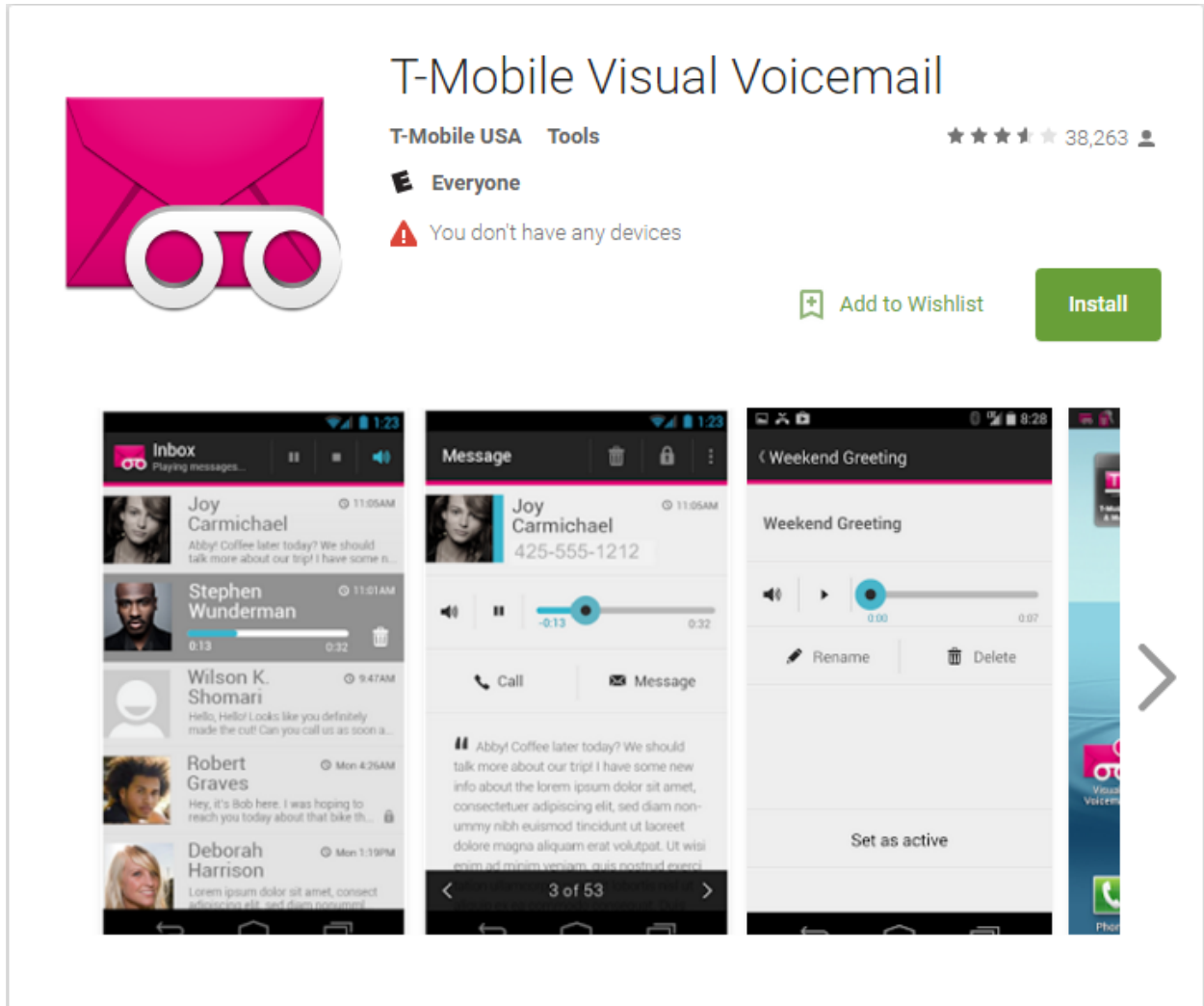
149. T-Mobile Accused Phones are sold and provided to T-Mobile customers with T-Mobile Visual Voicemail pre-installed

150. T-Mobile provides for download by end users and customers the T-Mobile Visual Voicemail Application.

151. T-Mobile charges customers a fee for use of Visual Voicemail.

152. T-Mobile encourages and instructs customers to download, configure, and use the T-Mobile Visual Voicemail Application.

153. T-Mobile is responsible for the content and operation of the T-Mobile Visual Voicemail Application:



154. The T-Mobile Visual Voicemail Application is a value-added service provided by T-Mobile to its customers.

155. T-Mobile allows users to bring their own devices and use the T-Mobile network and T-Mobile Visual Voicemail system.

156. The T-Mobile Visual Voicemail Application allows users to access their voicemail without dialing into their voicemail.

157. Defendant T-Mobile encourages its customers to use and download the T-Mobile Visual Voicemail Application.

158. Defendant T-Mobile is responsible for the content and operation of the T-Mobile Visual Voicemail Application.

159. T-Mobile's visual voicemail system includes server-side components associated with visual voicemail servers that convert voice messages to data suitable for transmission over a data link such as a cellular radio link and client-side application software running on mobile devices.

160. Client-side application software receives voicemail data from T-Mobile servers and stores the voicemail data on the user's device.

161. Operating system software, drivers, and application software on T-Mobile Accused Phones retrieve data and images from social networking sites (e.g., profile data) and correlate voice message data with data or images from social networking sites corresponding to callers.

162. T-Mobile Accused Phones are programmed to display a list of voice messages with retrieved social network data or images and provide a user an interface to selectively play voicemail messages from the list as pictured above.

163. Defendants Coolpad, Alcatel, HTC, and ZTE are on notice of the MSS Patents and how the accused products infringe them. Defendants' continued acts of infringement including inducing, encouraging, aiding, abetting, and directing others, namely their direct customers and MetroPCS/T-Mobile subscribers and end-users, to practice the asserted patents constitutes indirect infringement.

164. MetroPCS/T-Mobile indirectly infringe the asserted patents by providing and encouraging end users to download and make use of the MetroPCS and T-Mobile Visual

### Voicemail Applications.

165. MetroPCS and T-Mobile provide the MetroPCS and T-Mobile Visual Voicemail Applications to end users with enabling instructions, encouragement, and direction to them intended to cause end users to practice the asserted patents.

166. Upon downloading the MetroPCS and T-Mobile Visual Voicemail Applications, an end user is encouraged and instructed by MetroPCS and T-Mobile on how to configure, set up, and use the Applications in an infringing manner.

167. The MetroPCS and T-Mobile Visual Voicemail Applications enable the end user to access their voicemail without dialing into their voicemail; view data and images from social networking sites (e.g., profile data); the voice message data is correlated with data or images from social networking sites corresponding to callers; and the user is able to selectively play and/or view voicemail messages from the list.

168. The T-Mobile and MetroPCS Applications are a component of a patented apparatus and constitute a material part of the invention having no substantial use other than to practice the asserted patents.

169. T-Mobile and MetroPCS have known since at least the filing of this lawsuit about the asserted patents and Plaintiff's specific allegations about the acts and structures that infringe them.

170. Since Plaintiff filed its original complaint in this case, defendants have made no effort to instruct end users how to avoid infringing the asserted patents.

171. Since Plaintiff filed its original complaint in this case, defendants have made no effort to modify or deactivate functionality in the accused products that are alleged to

infringe.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 8,494,490**

172. MSS incorporates paragraphs 1 through 171 herein by reference.

173. MSS is the owner, by assignment, of U.S. Patent No. 8,494,490 (the “’490 Patent”), titled “METHOD, CIRCUIT, SYSTEM AND APPLICATION FOR PROVIDING MESSAGING SERVICES.”

174. A true and correct copy of the ’490 Patent is attached as Exhibit A.

175. As the owner of the ’490 Patent, MSS holds all substantial rights in and under the ’490 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

176. The United States Patent Office granted the ’490 Patent on July 23, 2013.

177. The ’490 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

178. Defendants jointly and individually practice the ’490 Patent by providing, making, selling, offering for sale, and/or importing the Accused Phones and Visual Voicemail services.

179. Defendants knowingly induce end users to infringe the ’490 Patent by encouraging, aiding, and abetting the use, configuration, deployment, installation, and operation of the Accused Phones and Visual Voicemail services.

180. Defendants provide step-by-step instruction to end users of the accused handsets on the T-Mobile and MetroPCS mobile networks, instructing and directing them

to practice the claimed methods and use the claimed systems.

181. Defendants have had knowledge about the claimed subject matter of the '490 Patent and MSS's infringement allegations since at least October 12, 2016, when MSS filed its original complaint.

182. Defendants' instructions direct end users to operate the Accused Phones and Visual Voicemail services, as intended by Defendants, knowing that end users will directly infringe the '490 Patent by performing the functions and carrying out the operative steps described here.

183. Defendants' knowledge of the '490 Patent combined with their detailed instructions to end users demonstrate Defendants' knowledge that the induced acts constitute infringement of the '490 Patent.

184. T-Mobile and Metro/PCS subscribers (end users of the accused instrumentalities) directly infringe the '490 Patent by, for example, using the subscriber unit remote devices to receive voicemails from server-side Visual VoiceMail components and communicate with one or more social network sites. Using their remote devices, subscribers cause visual presentation of a list of voicemails correlated with data or images from a social network site(s).

185. Defendants contribute to end users' direct infringement by providing mobile phones configured to operate with and on the T-Mobile and MetroPCS mobile networks, receive voicemails from a voicemail server, correlate voicemails to social networking site profile data relating to a caller, and display such data in association with voicemail messages. Instrumentalities provided to end users and operated by defendants include

hardware and software designed and intended to carry out these functions (e.g., retrieving and associating voicemail messages with social networking site data and displaying associated information on an end user's phone). Such instrumentalities have no substantial non-infringing use.

186. Defendants and their end users have no consent or authorization to practice the '490 Patent.

187. MetroPCS and T-Mobile provide server-side hardware and software associated with visual voicemail servers that are adapted to convert voice messages to encapsulated data structures for transmission and storing on an end user's phone.

188. The Accused Phones receive voice messages from server-side components provided by MetroPCS and T-Mobile.

189. For cellular transmissions, MetroPCS and T-Mobile provide the data link for transmitting the data structure and transmit the duration of the message, identity of the caller, time of the call, and audio data representing the message over a data link (e.g., cellular or Wi-Fi connection). For voicemail-to-text services, Defendants provide a transcription of the message over a data link.

190. T-Mobile and MetroPCS provide application software installed on Accused Phones for correlating voice messages with contacts data that is synchronized with social networking data and images. Contacts applications running on Accused Phones retrieve and synchronize social networking data from Google+ and other sites with contact data on the client.

191. MSS has been harmed as a result of Defendants' infringing conduct.



Defendants are liable to MSS in an amount that adequately compensates it for their infringement, which compensation cannot be less than a reasonable royalty together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

192. Infringement by the T-Mobile and MetroPCS Defendants has been, and continues to be, willful, deliberate, and intentional. They have acted with knowledge of the asserted patents and reckless disregard of MSS's patent rights.

**COUNT II**  
**INFRINGEMENT OF U.S. PATENT NO. 8,792,874**

193. MSS incorporates paragraphs 1 through 192 herein by reference.

194. MSS is the owner, by assignment, of U.S. Patent No. 8,792,874 (the "'874 Patent"), titled "SYSTEMS, METHODS, CIRCUITS AND ASSOCIATED SOFTWARE FOR AUGMENTING CONTACT DETAILS STORED ON A COMMUNICATION DEVICE WITH DATA RELATING TO THE CONTACT CONTAINED ON SOCIAL NETWORKING SITES."

195. A true and correct copy of the '874 Patent is attached as Exhibit B.

196. As the owner of the '874 Patent, MSS holds all substantial rights in and under the '874 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

197. The United States Patent Office granted the '874 Patent on July 29, 2014.

198. The '874 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

199. Defendants jointly and individually practice the '874 Patent by providing,

making, selling, offering for sale, and/or importing the Accused Phones and Visual Voicemail services.

200. Defendants knowingly induce end users to infringe the '874 Patent by encouraging, aiding, and abetting the use, configuration, deployment, installation, and operation of the Accused Phones and Visual Voicemail contact synchronization services.

201. Defendants provide step-by-step instruction to end users of the accused handsets on the T-Mobile and MetroPCS mobile networks, instructing and directing them to practice the claimed methods and use the claimed systems.

202. Defendants have had knowledge about the claimed subject matter of the '874 Patent and MSS's infringement allegations since at least October 12, 2016, when MSS filed its original complaint.

203. Defendants' instructions direct end users to operate the Accused Phones and Visual Voicemail services, as intended by Defendants, knowing that end users will directly infringe the '874 Patent by performing the functions and carrying out the operative steps described here.

204. Defendants' knowledge of the '874 Patent combined with their detailed instructions to end users demonstrate Defendants' knowledge that the induced acts constitute infringement of the '874 Patent.

205. T-Mobile and Metro/PCS subscribers (end users of the accused instrumentalities) directly infringe the '874 Patent by, for example, using the subscriber unit remote devices to correlate profile data between social networking site(s) and contact data stored in a local memory on the mobile phone and display retrieved social networking

site profile data in association with contacts.

206. Defendants contribute to end users' direct infringement by providing mobile phones configured to operate with and on the T-Mobile and MetroPCS mobile networks, access profile data on social networking sites, and associate profile data with contact information stored on the phone. Instrumentalities provided by defendants to end users include hardware and software designed and intended to carry out these functions (e.g., synchronizing contacts with social networking accounts); such instrumentalities have no substantial non-infringing use.

207. Defendants and their end users have no consent or authorization to practice the '874 Patent.

208. Defendants encourage end users to use their mobile devices to access social networking sites and synchronize profile data.

209. MSS has been harmed as a result of Defendants' infringing conduct. Defendants are liable to MSS in an amount that adequately compensates it for their infringement, which compensation cannot be less than a reasonable royalty together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

210. Defendants T-Mobile/MetroPCS's infringement has been, and continues to be, willful, deliberate, and intentional. They have acted with knowledge of the asserted patents and reckless disregard of MSS's patent rights.

#### **NOTICE OF REQUIREMENT OF LITIGATION HOLD**

211. Defendants are hereby notified it is legally obligated to locate, preserve, and maintain all records, notes, drawings, documents, data, communications, materials,

electronic recordings, audio/video/photographic recordings, and digital files, including edited and unedited or “raw” source material, and other information and tangible things that Defendants know, or reasonably should know, may be relevant to actual or potential claims, counterclaims, defenses, and/or damages by any party or potential party in this lawsuit, whether created or residing in hard copy form or in the form of electronically stored information (hereafter collectively referred to as “Potential Evidence”).

212. As used above, the phrase “electronically stored information” includes without limitation: computer files (and file fragments), e-mail (both sent and received, whether internally or externally), information concerning e-mail (including but not limited to logs of e-mail history and usage, header information, and deleted but recoverable e-mails), text files (including drafts, revisions, and active or deleted word processing documents), instant messages, audio recordings and files, video footage and files, audio files, photographic footage and files, spreadsheets, databases, calendars, telephone logs, contact manager information, internet usage files, and all other information created, received, or maintained on any and all electronic and/or digital forms, sources and media, including, without limitation, any and all hard disks, removable media, peripheral computer or electronic storage devices, laptop computers, mobile phones, personal data assistant devices, Blackberry devices, iPhones, video cameras and still cameras, and any and all other locations where electronic data is stored. These sources may also include any personal electronic, digital, and storage devices of any and all of Defendants’ agents, resellers, or employees if Defendants’ electronically stored information resides there.

213. Defendants are hereby further notified and forewarned that any alteration,

destruction, negligent loss, or unavailability, by act or omission, of any Potential Evidence may result in damages or a legal presumption by the Court and/or jury that the Potential Evidence is not favorable to Defendants' claims and/or defenses. To avoid such a result, Defendants' preservation duties include, but are not limited to, the requirement that Defendants immediately notify its agents and employees to halt and/or supervise the auto-delete functions of Defendants' electronic systems and refrain from deleting Potential Evidence, either manually or through a policy of periodic deletion.

### **NOTICE**

214. MSS does not currently distribute, sell, offer for sale, or make products embodying the asserted Patents.

215. Defendants have had notice of the '490 and '874 Patents by virtue of MetroPCS's agreement with Silent Communication.

216. MSS has undertaken reasonable efforts as required to comply with the notice requirements of 35 U.S.C. § 287.

### **JURY DEMAND**

MSS hereby demands a trial by jury on all claims, issues, and damages so triable.

### **PRAYER FOR RELIEF**

MSS prays for the following relief:


- a. That Defendants be summoned to appear and answer;
- b. That the Court enter an order declaring that Defendants have willfully infringed the '490 and '874 Patents;
- c. That this is an exceptional case under 35 U.S.C. § 285;

- d. That the Court grant MSS judgment against Defendants for all actual, consequential, special, punitive, exemplary, increased, and/or statutory damages, including treble damages pursuant to 35 U.S.C. 284 including, if necessary, an accounting of all damages; pre and post-judgment interest as allowed by law; and reasonable attorney's fees, costs, and expenses incurred in this action; and
- e. That MSS be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: January 30, 2017

Respectfully submitted,

**TAYLOR DUNHAM AND RODRIGUEZ LLP**  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on January 30, 2017, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a).

  
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Cabrach J. Connor