IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GROUPCHATTER, LLC, Plaintiff, v. SLACK TECHNOLOGIES, INC., Defendant.	CIVIL ACTION FILE No. 1:16-cv-04339-WSD

FIRST AMENDED COMPLAINT AND JURY DEMAND

Plaintiff GroupChatter, LLC files this First Amended Complaint against Defendant Slack Technologies, Inc. ("Slack" or "Defendant") for infringement of U.S. Patent Nos. 8,588,207, 9,014,659, 9,294,888 and 7,945,249.

THE PARTIES

1. Plaintiff GroupChatter, LLC ("GroupChatter") is a Texas limited liability company with its headquarters and principal place of business at 1400 Preston Road, Suite 475, Plano, Texas 75093.

2. GroupChatter owns and licenses patents in the group communications field relating to technology that enables users to perform deterministic group messaging and leverage IP networks to enable content sharing across mobile and fixed networks.

3. Defendant Slack Technologies, Inc. is a Delaware corporation located at 155 5th St., 6th Floor, San Francisco 94103. Slack may be served via its registered agent, Incorporating Services, Ltd., at 7801 Folsom Blvd. Suite 202, Sacramento, California 95826.

4. Slack is a group messaging and social media platform used by more than 2.3 million people who send over 1.5 billion messages on the platform every month.

5. Slack has been deployed at numerous companies including PayPal, Capital One, IBM, HBO, eBay, Mint, Venmo, Sony, Nordstrom, Crossfit, Dell, the New York Times, GoDaddy, PayPal, Blue Bottle Coffee, Urban Outfitters, BuzzFeed, Gawker, and Slate.

6. Slack offers public channels on a variety of topics, and, recently, in January 2017, Slack introduced Enterprise Grid, a new product aimed at large corporations.

JURISDICTION AND VENUE

7. GroupChatter brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Slack does business in this judicial district, promotes use of the accused products in this judicial district, solicits end users in this judicial district, has committed acts of infringement in this judicial district, and has sought to and has transacted business in this judicial district involving the accused systems.

9. Slack offers its products and services including those accused of infringing GroupChatter's patents to customers in Georgia and in this judicial district and generates revenue from users in Georgia including in this judicial district.

10. In the Atlanta area, Tech404 uses Slack to provide chat channels for local developers, designers, marketers, business people, hobbyists, and students involved in technology.

11. Slack is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Georgia Long-Arm Statute, due at least to its substantial business in this State and judicial district, including: (A) at least part of its infringing activities alleged herein occur there; and (B) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Georgia residents.

GROUPCHATTER PATENTS INFRINGED BY SLACK

12. GroupChatter contends that Slack infringes, directly and indirectly, U.S. Patent Nos. 8,588,207 (the "'207 Patent"), 9,014,659 (the "'659 Patent"), 9,294,888 (the "'888 Patent") and 7,945,249 (the "'249 Patent") (collectively, the "GroupChatter Asserted Patents").

13. The '249 Patent, titled "Next Generation Social Networking and Content Rating System and Method," relates to socially networking groups of users to enable sharing, acknowledging, and rating content while providing updates regarding user status. The inventors described the technical field of their invention as leveraging an IP mobile network and a fixed network to provide a collaborative social networking experience.

14. The asserted '888, '659, and '207 Patents are related and share the same specification.

15. Broadly speaking, GroupChatter accuses Slack of infringement for making, providing, operating, testing, and using the Slack online workplace productivity tools and platform (including the infrastructure and software such as the Slack mobile and desktop apps) that allows Slack users to engage in real-time communication and content sharing and conduct and participate in deterministic, acknowledged group messaging within the Slack social network as recited in the

Asserted Claims.

16. GroupChatter contends Slack indirectly infringes the GroupChatter Asserted Claims by encouraging, directing, aiding and abetting end users to use the Slack platform and services to practice the claimed methods and use the claimed systems. Slack contributes to end users' infringement by providing to them software and communication infrastructure designed to infringe the asserted claims and having no substantial non-infringing use.

The GroupChatter '888, '659 and '207 Patents

17. The '888, '659, and '207 Patents relate to the methods, apparatuses, and systems for providing acknowledged, deterministic mass messaging over a two-way wireless network.

18. The GroupChatter Asserted '888, '659, and '207 Patents describe a two-way communication system and method providing acknowledged responses to group messages to enable deterministic group messaging within the claimed network architecture and addressing scheme.

19. "Deterministic" group messaging refers to one of the advantages delivered by the inventions. Using the claimed system offers the potential benefit of providing timely updates for and from endpoints within a group. In operation, these endpoints (e.g., PDUs, smartphones, pagers, and, in M2M (machine-to-

machine) systems, utility meters, transponders, etc.) send responses to group messages and thereby provide data from which to determine the status of each endpoint.

20. The inventors of the GroupChatter Asserted '888, '659, and '207 Patents noted in the patent specification that certain communication networks, even those with endpoint devices capable of acknowledging group messages, failed to provide the valuable advantage of deterministic communication because they provided no way to maintain status of group members' reception, review, and/or responses to group messages. This left administrators lacking important data about the status of each group member.

21. To solve this problem and other shortcomings of prior two-way wireless messaging networks, the inventors conceived a novel combination for maintaining group management information and organization for use on a wireless network. They describe in the '888, '659, and '207 Patents how to build and deploy the network architecture to use it and achieve these benefits.

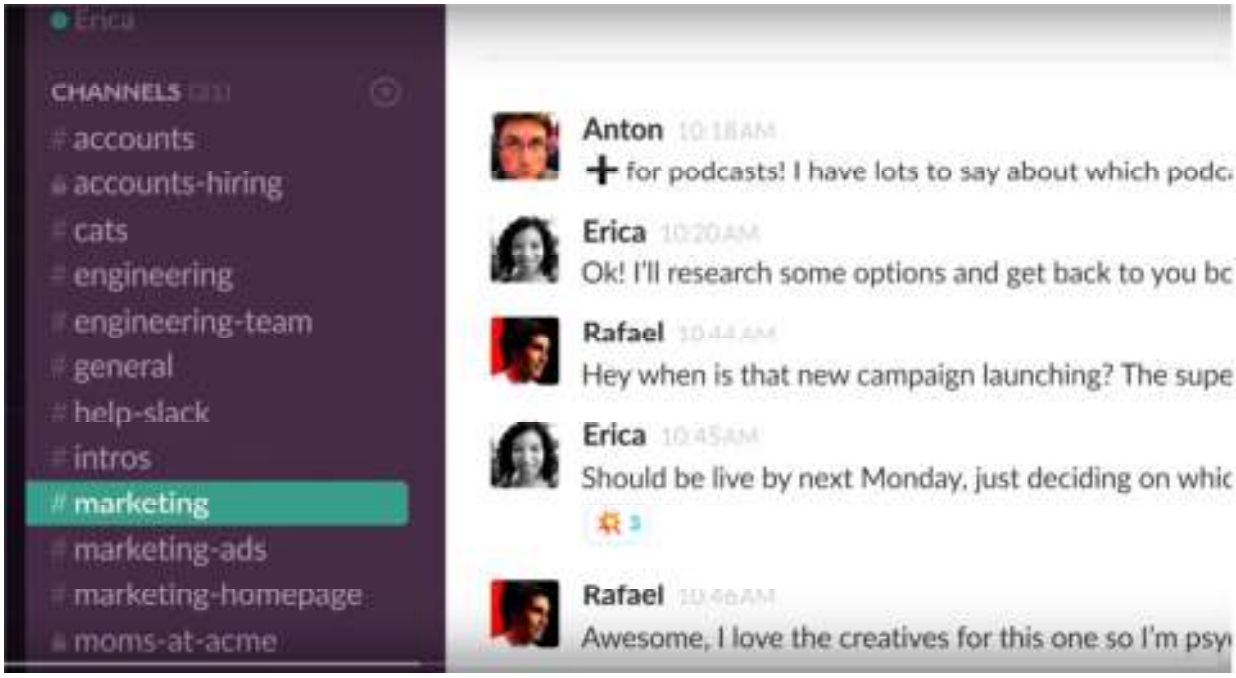
22. In the Asserted Claims of the '888, '659, and '207 patents, grouped endpoints are identified by information about the user or specific endpoint device and by groups to which a particular recipient belongs. In addition to the two-way wireless architecture of the radio network, a client/server-based architecture is

provided for communication between a network client and the two-way wireless messaging network.

23. Through client/server interactions, a user is provided up-to-date group information that may include address information, status information pertaining to a message or response, overall group detail and status, and even information about specific endpoints within a group.

24. In operation, the Slack Accused Systems store recipient identifiers, one or more group identifiers for each recipient endpoint, and group membership data that identifies which recipients belong to specific groups. A Slack endpoint may belong to multiple groups and thus may be associated with multiple group identifiers.

25. The screenshot below shows a Slack user interface with a group titled "marketing" highlighted and messages exchanged between user members of the marketing group:

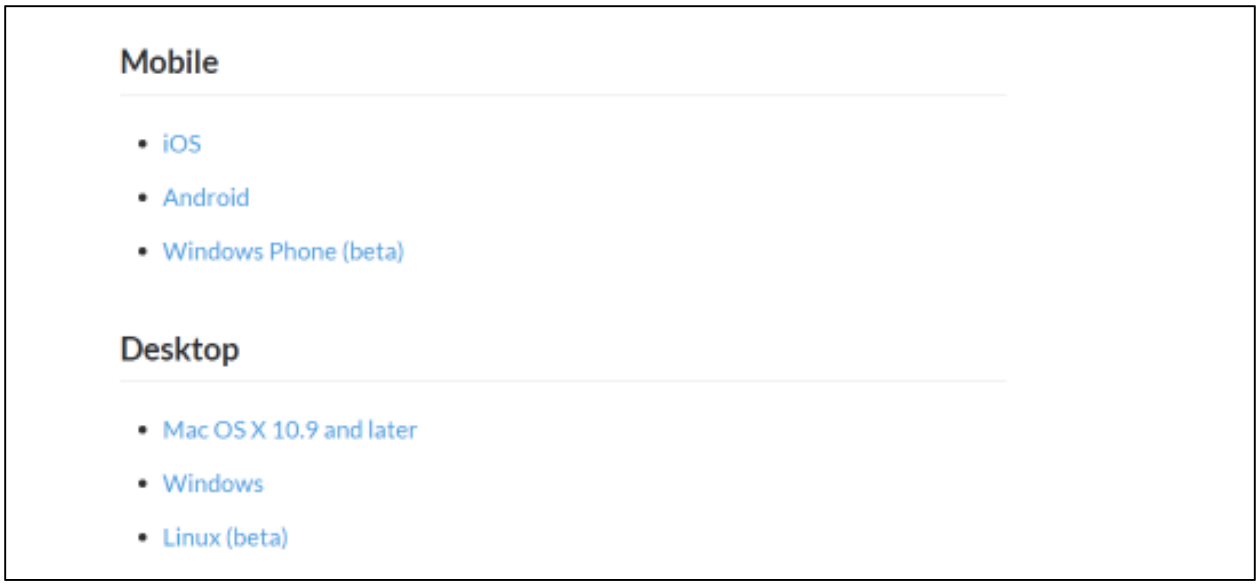


26. As shown in the screenshots below from the Slack website, Slack publishes apps for mobile devices and desktop computers, phones, and tablets that run various operating systems including Windows, Mac, Linux, iOS, and Android.

Slack apps for computers, phones & tablets

You can download Slack apps for mobile and desktop from slack.com/downloads.

We have apps for these platforms:

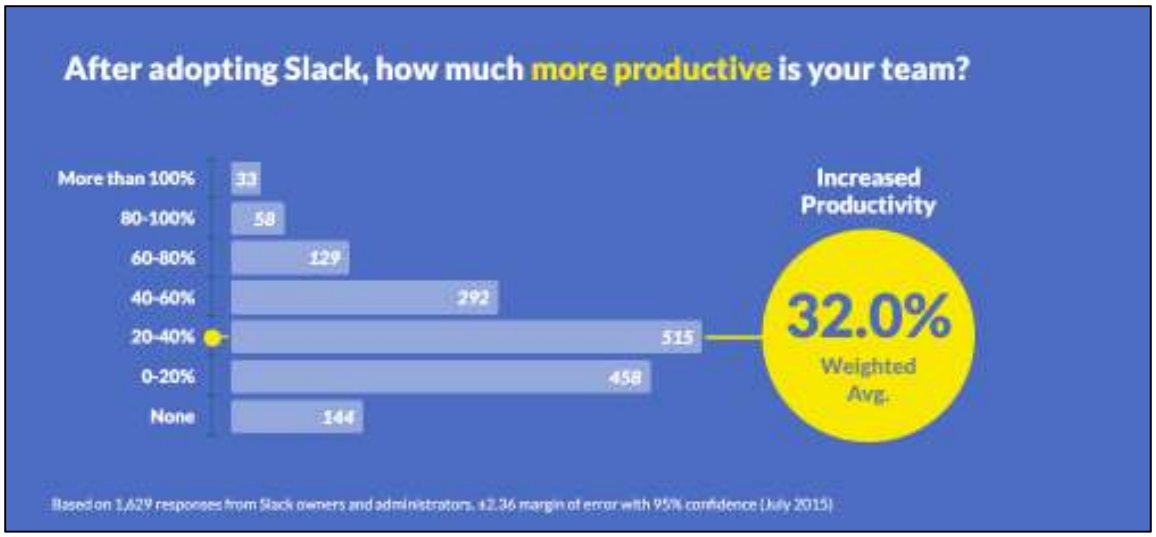


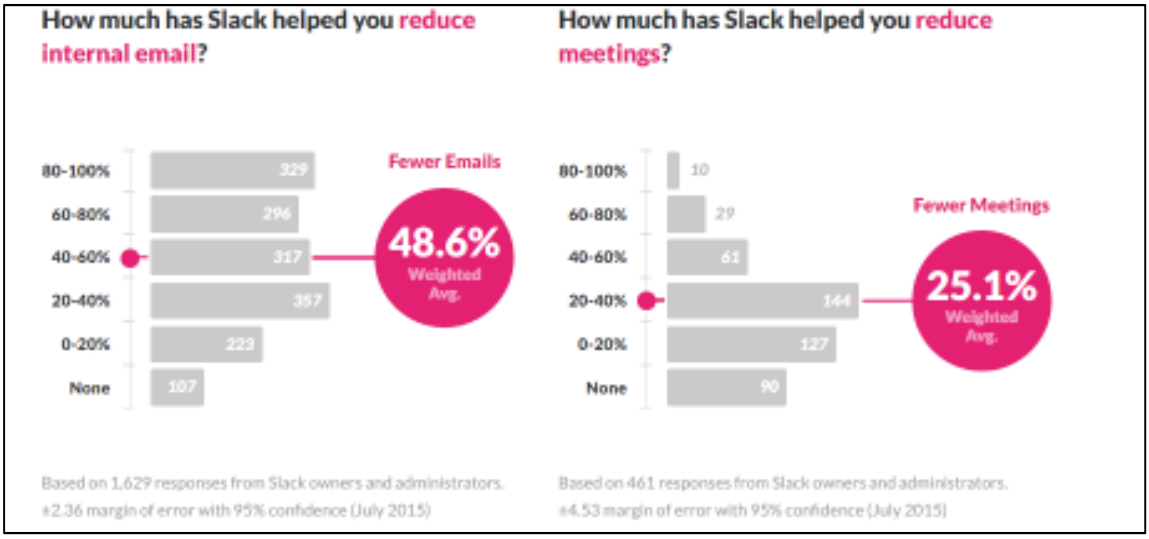
27. A Slack group message initiated via a network client may be wirelessly transmitted to endpoint devices located anywhere within the range of the wireless network infrastructure.

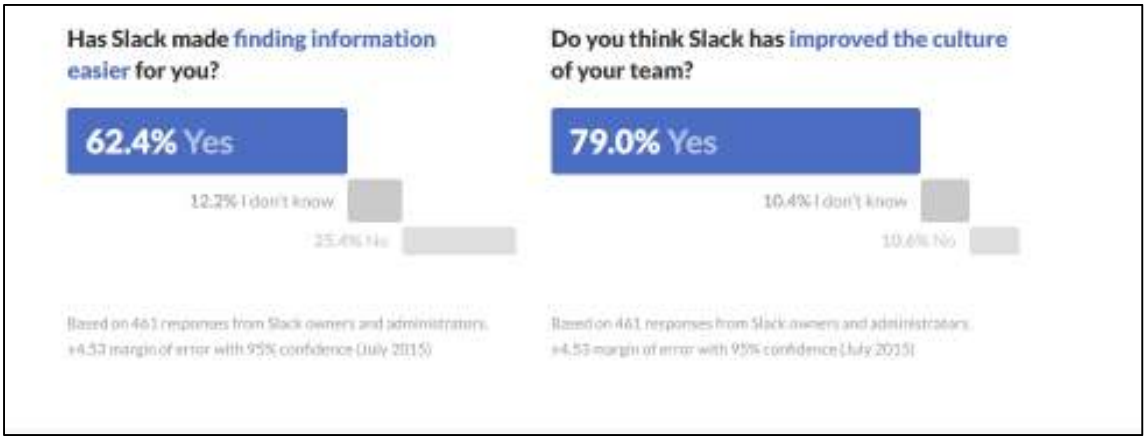
28. Slack endpoints are configured to receive group messages and respond with status information, alphanumeric text entries, messages, user-defined content, or other information based upon the message and endpoint device status.

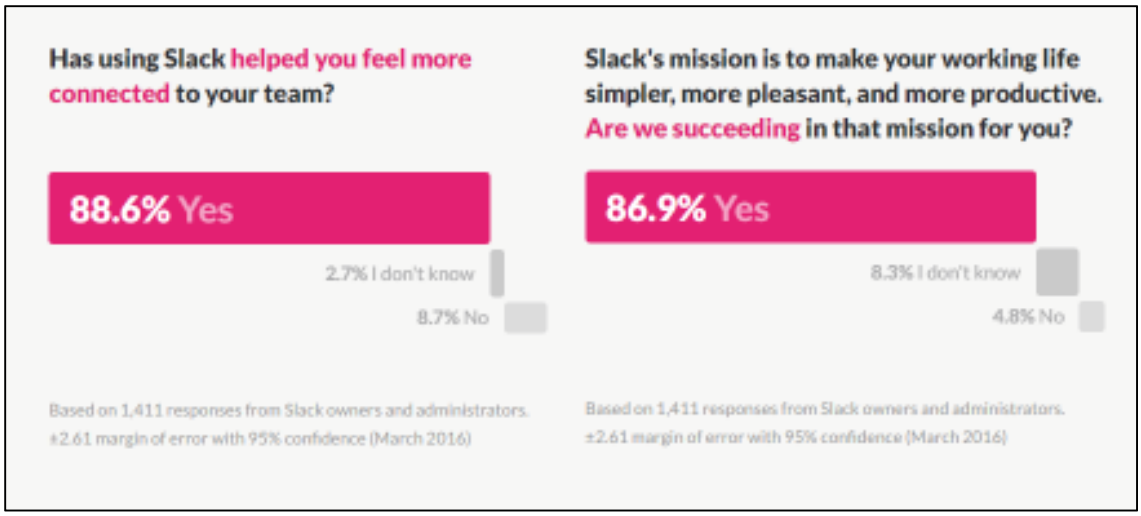
29. An advantage of systems disclosed in the patents is efficient group management. In some disclosed systems, networks efficiently communicate with selected endpoints and groups of endpoints that each have a subset of the group information data stored locally.

30. Slack touts that its systems increase productivity and efficiency:


After adopting Slack, how much more productive is your team?
More than 100%
80-100%
60-80%
40-60%
20-40%
0-20%
None
33
58
129
292
515
458
144
Increased Productivity
32.0%
Weighted Avg.
Based on 1,629 responses from Slack owners and administrators. ±2.36 margin of error with 95% confidence (July 2015)


How much has Slack helped you reduce internal email?
80-100%
60-80%
40-60%
20-40%
0-20%
None
329
296
317
357
223
107
Fewer Emails
48.6%
Weighted Avg.
Based on 1,629 responses from Slack owners and administrators.
±2.36 margin of error with 95% confidence (July 2015)
How much has Slack helped you reduce meetings?
80-100%
60-80%
40-60%
20-40%
0-20%
None
10
29
61
144
127
90
Fewer Meetings
25.1%
Weighted Avg.
Based on 461 responses from Slack owners and administrators.
±4.53 margin of error with 95% confidence (July 2015)


Has Slack made finding information easier for you?
62.4% Yes
12.2% I don't know
25.4% No
Based on 461 responses from Slack owners and administrators.
±4.53 margin of error with 95% confidence (July 2015)
Do you think Slack has improved the culture of your team?
79.0% Yes
10.4% I don't know
10.6% No
Based on 461 responses from Slack owners and administrators.
±4.53 margin of error with 95% confidence (July 2015)



31. Figure 1 of the '207 Patent (reproduced below) depicts network elements related to one or more asserted claims:

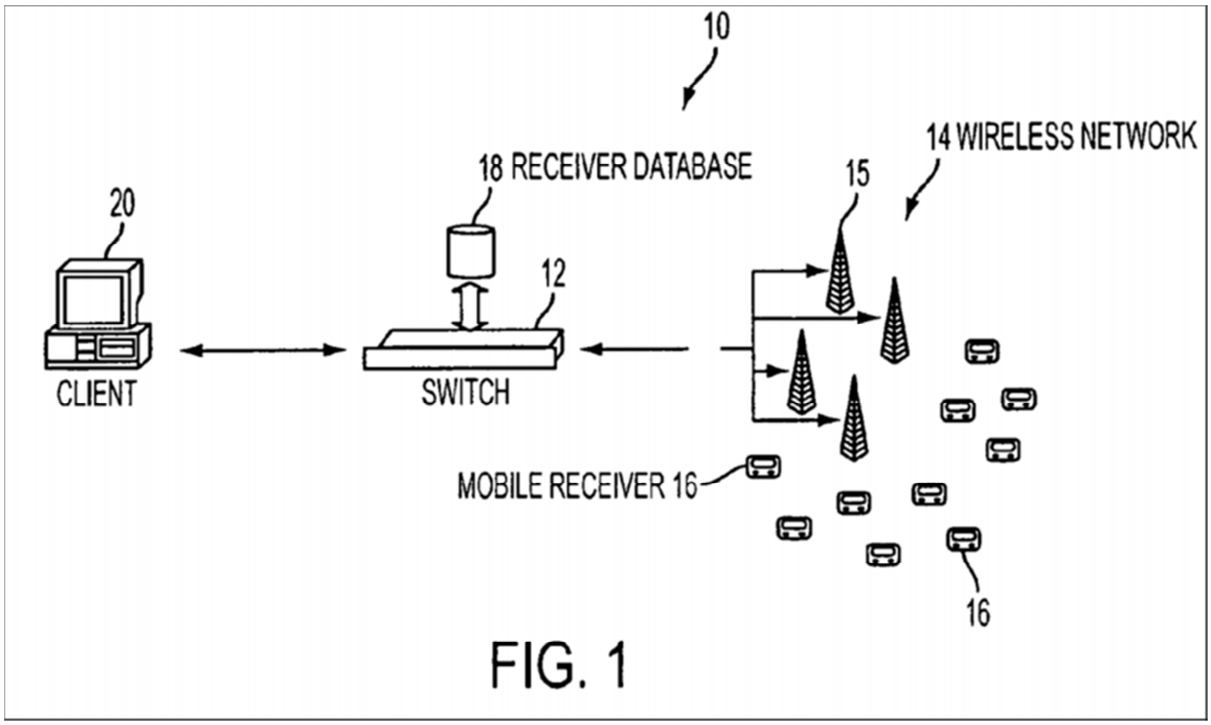


FIG. 1

32. As shown, exemplary structural elements for an embodied system include: (1) a network client 20; (2) a network switch or server 12 coupled to a

receiver database 18; (3) a wireless network 14; and (4) a plurality of mobile receivers 16 (e.g., smartphones, meters, etc.).

33. As background, the inventors conceived the subject matter of the patents-in-suit in part to address issues in communication networks of the day. For example, some radios and associated wireless networks used by emergency responders were unable to handle the heavy network traffic that circumstances unfortunately required. '207 Patent, col. 1; lines 40-49.

34. In the '888, '659, and '207 Patents, the "Background of the Invention" states:

> *"during the events of Sep. 11, 2001, radio channels became oversaturated, and interoperability problems among jurisdictions and agencies persisted throughout the entire response process. Otherwise compatible portable radios were preprogrammed in a manner that precluded interoperability. Cellular telephone systems and even the public switched telephone network (PSTN) became congested and unusable."*

35. The inventors of the GroupChatter '888, '659, and '207 Patents, James Dabbs and Brian Claise, were motivated by tragedy that revealed shortcomings in then-existing group messaging systems. During the September 11 tragedy, older pager systems proved more reliable than cell phone networks. But while pager-based systems had the potential to be relatively robust in emergency circumstances, such systems of the time were unable to efficiently process group

messages (i.e., messages to groups of recipients) and track the individual responses to know which members of the group had responded. The Background of the Invention section of the specification states:

> *"none of these systems provide a network interface sufficient to support acknowledged group messaging. Requiring that the message originator individually alert each recipient adds considerable setup delay when alerting large groups."*

36. Dabbs and Claise conceived the invention(s) to address these problems. The result was a novel system that efficiently used limited bandwidth and network resources to effectively communicate with selected endpoints groups whose membership may be dynamically created and adjusted. Even in these conditions, the inventors sought to provide effective group management and improved network efficiency, operability, and reliability (based on the challenges of the time).

37. The GroupChatter Asserted Patents require, among other things, a specific network architecture that may include at least: wireless network (e.g., a cellular network) infrastructure (e.g., base stations, backhaul, transmitters, receivers, antennae, and central switch), and multiple endpoints (e.g., smartphones equipped with two-way wireless communication modules for communicating on the wireless network).

38. The subject matter of the '888, '659, and '207 Asserted Claims relates to structural deployments described in the corresponding asserted patents and address shortcomings in group management and communication that the inventors experienced before their invention.

39. In operation, the '888, '659, and '207 Asserted Claims detail how a message originator, who may lack knowledge of specific details regarding a particular endpoint group, is provided group information. Such information may include membership information for each group, the number of recipient endpoints sharing a group identifier, or an identifier shared by certain recipient endpoints within a group.

40. The asserted claims recite a specific method for providing this information. They describe and recite the source of group and recipient endpoint information, how and when it is transmitted to a network client, and how it may be displayed and updated at the network client.

41. In an example scenario from the patents where an incident commander is seeking assistance over a pager network, a notification feature can provide the commander (i.e., the message originator) details about the number, identities, and statuses of group members. Without this feature, an incident commander may have insufficient context to know whether enough personnel were

being summoned, or whether key individuals had been mobilized. *See* '207 Patent, col. 2, lines 22-6.

42. By using the claimed addressing scheme described in the GroupChatter '888, '659, and '207 Asserted Patents, Slack and other infringers are able to communicate to ad hoc or dynamically organized groups of users in three different manners: Channels, Private Channels and Direct Group Messages:

43. Additional claim elements in the GroupChatter '888, '659, and '207 Asserted Claims include: (1) providing recipient identifier and group identifier information for each group to which a recipient is a member; and (2) storing acknowledgement data for each group member that lists them and indicates their response (e.g., "…*storing acknowledgement data in the memory device for each of*

the group members, the acknowledgement data comprising a listing of each of the group members and an indication of response for each of the group members"). In previous systems, referring again to the incident commander's scenario for example, after a volunteer group was alerted by pager, the incident commander would not know who was going to respond until personnel began to arrive on scene. In contrast, with the claimed "deterministic" group messaging systems, incident commanders (or group administrators) are updated in response to the group messages dispatched. Responses are linked to endpoint recipients within the group context, an advantage and novel advancement achieved by the inventive group management scheme. In this way, the inventive systems and methods provide a valuable, result: deterministic status information provided to a network client device for groups of endpoint recipients across a two-way wireless communication network.

44. Accordingly, the asserted claims of the GroupChatter '888, '659, and '207 Asserted Patents are directed to a specific two-way wireless architecture appended with a group management and maintenance system based upon group and recipient identifiers for identifying with and selectively communicating with endpoint recipients across the network.

45. Acknowledged group messaging may be performed in ways and

across architectures that differ from the claimed subject matter. While the advantages of the inventions likely will not be achieved, two-way messaging with selective groups of endpoints and management of such groups may be performed using other methods such as frequency division across the geographical region or focused transmission, encryption, or having multiple radios in the network infrastructure for communicating with predetermined groups based upon location.

46. The ’888, ’659, and ’207 Asserted Claims provide structure and limit the invention to particular and novel ways of deterministically messaging selective groups of recipients on a two-way wireless communication network. These structural limitations describing architecture, integrated computer-based operations necessary to practice the patent claims (e.g., database tables, communication at network client with server/switch), wireless network protocol capable of communicating with groups, and endpoints that can receive and interpret those signals provide meaningful structural limitations that one of skill in the art would recognize as distinctions between network types.

47. The operations, function, and results of the subject matter of the Accused Slack Systems cannot be carried out and achieved by a human or generic computer or by using a generic two-way wireless radio network.

48. Generic computer networks or wireless two-way radio networks do

not perform "group communication and response tracking" or "group management and maintenance" as those general concepts are claimed in the GroupChatter '888, '659, and '207 Asserted Patents.

49. Some of the major advantages of the claimed systems and advances over the prior art are discussed in the specification (centralized management and administration of groups and recipients' relationships with groups, effectively communicating with multiple endpoints in groups, and tracking status across a network by group). One skilled in the art at the time of the inventions would further recognize additional advantages including management of groups across a dispersed area or networks, tracking status information of recipient groups including whether individual group members have received or read a group message, and monitoring this information at a dispatch center.

50. By the novel combination of its two-way wireless network architecture, group management and maintenance scheme, and deterministic messaging functionality, the GroupChatter '888, '659, and '207 Asserted Patents present a specific, inventive solution to the problem the inventors recognized with messaging networks at the time of their invention.

GroupChatter '249 Patent

51. The'249 Patent describes socially networking a plurality of mobile

terminal users in order to share published personal content among users and provide notifications and acknowledgements rating such content.

52. At the time, the inventors of the '249 Patent worked in Texas for Alcatel-Lucent, a global company based in France that was a leading provider of networking hardware, IP technology, and software.

53. In January 2007, Alcatal-Lucent provided this description of the company and its operational focus to investors:

> *As a leader in fixed, mobile and converged broadband networking, IP technologies, applications, and services, Alcatel-Lucent offers the end-to-end solutions that enable compelling communications services for people at home, at work and on the move. With 79,000 employees and operations in more than 130 countries, Alcatel-Lucent is a local partner with global reach. The company has the most experienced global services team in the industry, and one of the largest research, technology and innovation organizations in the telecommunications industry.*

54. In 2006, at the time of the inventions of the '249 Patent, reliable, full-featured, IP-based mobile computing, especially on handheld devices, was still far from reality. Handheld devices had limited functionality. The Apple iPhone was almost a year away.

55. The inventors noted in the Background section of the '249 Patent that the state of the art in mobile communications at the time lacked a social networking service enabled for the mobile market.

56. The inventors of the GroupChatter Asserted ’249 Patent leveraged an IP mobile network and a fixed network to provide real-time or near real-time communication and content sharing among mobile terminal users.

57. The invention of the ’249 Patent facilitates a social networking system that works seamlessly across both fixed networks (e.g., a local area network) and mobile networks (cellular networks). *See* ’249 patent, ABSTRACT.

58. At the time of invention, the feature set on a fixed network (e.g., accessed by a desktop computer) was different from features now commonly performed on mobile devices. For example, a YouTube user could post videos to the Internet; however, his friends could only access the content from a fixed network. (*See* ’249 patent, col. 1, lines 24-35). Such access to a friend’s posted content was not easily provided over cellular networks. In some cases, a mobile handset user could provide location information to his friends, but at the time of the invention, such services required manual registration with a provider’s website. In any event, such services that existed at the time of the invention did not allow users to share their user-generated content (e.g., photos, video) over mobile networks (See ’249 Patent, col. 1, lines 33 - 41) as contemplated in the ’249 Patent.

59. Within this technological landscape, the inventors recognized a need for better social networking technology. The ’249 Patent provides a framework for

users to engage in complete and fulfilling online interactions with friend by sharing content, receiving notifications of content posted by friends, and the ability to react to shared content. The need for these improvements to social media technology at the time of the inventions arose because social communication through networked devices is, and was at the time, by its nature impersonal and void of intonation and cues conveyed by voice or in-person communication.

60. As interpersonal communication via networked mobile terminals was becoming a primary medium, the inventors recognized the need for users to have the ability to express human reaction. Words alone, they realized, were incapable of expressing nuance. This problem, which is specific to computer network communication, was solved by using the claimed subject matter to convey reaction to various media.

61. While the ’249 Patent provides a framework, architecture, and systems for users to engage in meaningful communication about shared content, the claims do not preempt all manner of sharing and viewing content. Nor does the ’249 Patent preempt social networking or sharing content online. The claimed subject matter of the ’249 Patent is directed to a specific way and specific devices that enable online interactions among users representing significant improvement over social networking technology known and available at the time.

62. The inventors leveraged an IP mobile network and a fixed network to provide what was, at the time, a next generation social networking experience that included real-time communication and content sharing to users of mobile terminals. As recited in the claims and described in the patent specification, the '249 Patent invention enables a complex feature set, where users receive friend updates (regarding posts, messages, etc.) in real time on both mobile and fixed networks.

63. A focus of the '249 invention is solving a problem that existed in social networking technology at the time. Discussing two particular platforms, YouTube and Dodgeball, the inventors noted that these applications "do not rely on IMS to enable people to use their mobile terminal to post and send their user generated content (e.g., photos, video) to other people who can then view the user generated content on their mobile terminals."

64. Another focus of the inventions is providing presence information to users of mobile terminals indicating availability of other mobile terminal users. This deficiency in the mobile messaging and content sharing applications at the time of the inventions is solved by the systems and methods claimed in the '249 Patent.

65. Claim 1 of the '249 Patent recites a method for socially networking

including enabling a mobile terminal user to: (1) set up and view a personal list of other mobile terminal users; (2) view presence information indicating selected other mobile terminal users; (3) establish communications with one or more of the other users; (4) view posted content obtained by other mobile terminal users; (5) receive a pop-up notification on a television/computer when other users publish new personal content; and (6) interact with the television/computer to view and rate the new personal content. As the '249 Patent describes, performing the method requires complex back-end servers, subsystems, programming, and mobile terminals to provide users real-time access to information (e.g., the location, presence, status and preferences for their friends).

66. Claim 7 of the '249 Patent recites a mobile terminal comprising (1) a user interface; (2) a camera; (3) and a processor which implements an application that enables a user to: (a) setup and view a personal list which includes other users of other mobile terminals; (b) view presence information which indicates availability of the other users of the other mobile terminals; (c) establish communication with one or more of the other users of the other mobile terminals; (d) view posted content which is obtained by one or more of the other users of the other mobile terminals; (e) receive a pop-up notification on a television/computer when one or more of the other users of the other mobile terminals publishes new

personal content; and (f) interact with the television/ computer to view and rate the new personal content.

67. The claimed invention, as exemplified by claims 1 and 7, is necessarily rooted in computer and communication technologies and improves the functioning of these systems using specific schemes for communicating between and across mobile and fixed platforms. The ’249 patent describes example hardware/software environments in its FIG. 1, reproduced below:

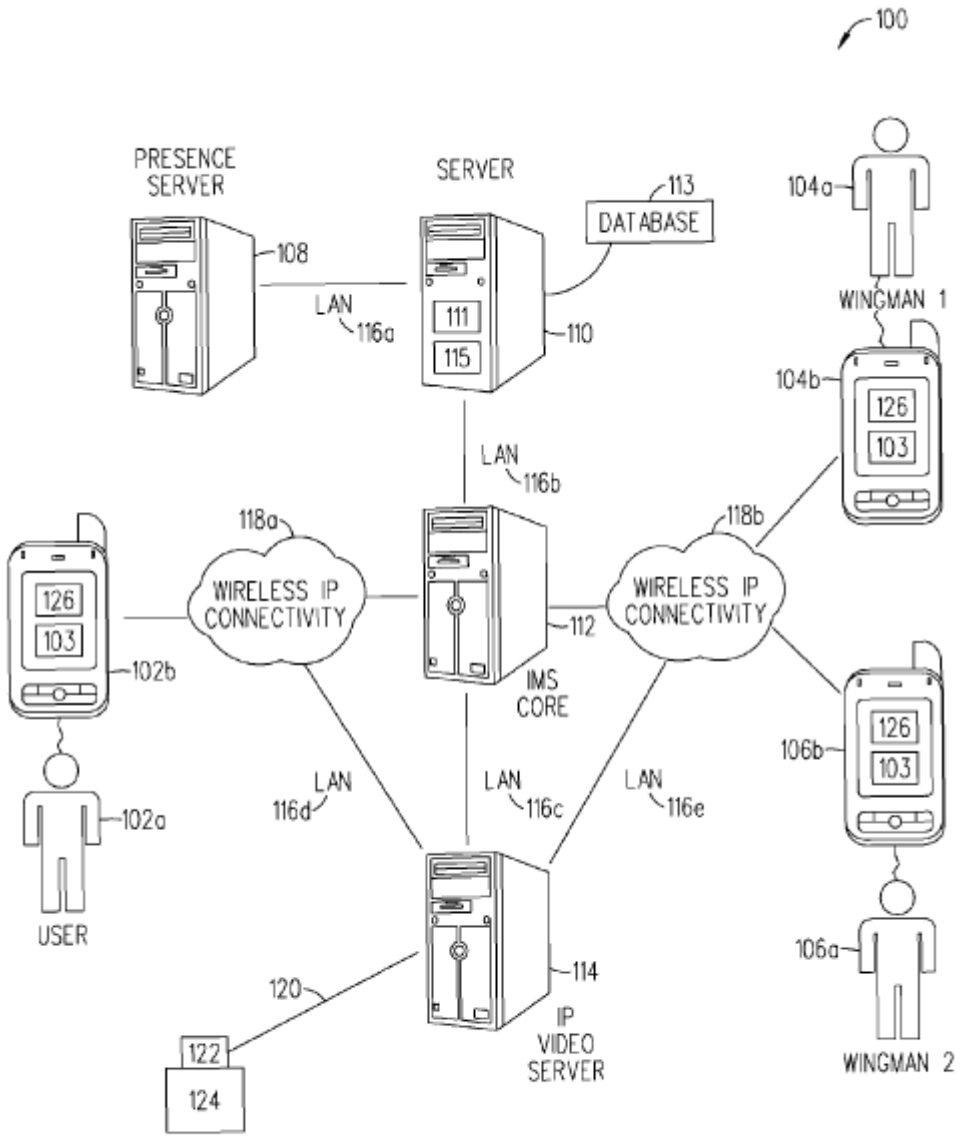


FIG. 1

68. In the above figure (FIG. 1 from the '249 Patent), the social networking system (item 100) includes mobile users (items 102a, 104a, and 106a) that carry mobile terminals (items 102b, 104b, and 106b). The system includes a

presence server (item 108), an application server (item 110), and a database (item 113). The system further includes an IMS core (item 112) and a streaming video server (item 114). As shown, the presence server (108) is coupled via LAN (116a) to the server 110, which is coupled via LAN (item 116b) to the IMS core (112), which in turn is coupled via mobile networks (118a and 118b) to enable wireless IP connectivity to the mobile terminals through wireless technologies including CDMA, Wi-Fi, WiMAX, GPRS, and UTMS. (*See* '249 Patent, col. 3, lines 20 – 30). In addition, the IMS core (item 112) is coupled to the streaming video server (item 114), which is coupled to mobile networks (items 118a and 118b). The video server (item 114) is also coupled via a network connection to a set-top box (item 122) and a television/computer (item 124).

69. The combination of these elements and the functionality they enable was unconventional at the time of the inventions. The architectural arrangement of fixed, mobile, and backhaul components utilized in the '249 Patent achieve a technological solution to the shortcomings of computer networks serving as a vehicle for meaningful social interaction. For example, rather than sending a network communication to a friend who may or may not be available, and may or may not respond, the '249 Patent provides presence information available to networked users via a presence server that delivers current information about other

users. In another example, "social gravity" presents users with location information of users posting shared content. By augmenting mobile communication with location information relevant to users and shared content, the '249 Patent adds a new dimension to social interaction that had not existed in network communication.

70. In operation, the overall system leverages the IP (e.g., IMS) mobile network (items 112, 118a, and 118e) and a fixed network (items 108, 110, and 114) to provide a next generation social network experience to the users (e.g., item 102a, 104a, and 106a). The mobile terminals (items 102b, 104b, and 106b) implement a standalone application (item 126) which enables their users to perform a variety of steps recited in the claims.

71. In one embodiment disclosed in the '249 Patent, the architecture of such an application (e.g., Slack) is illustrated in relation to the mobile terminal and operating system:

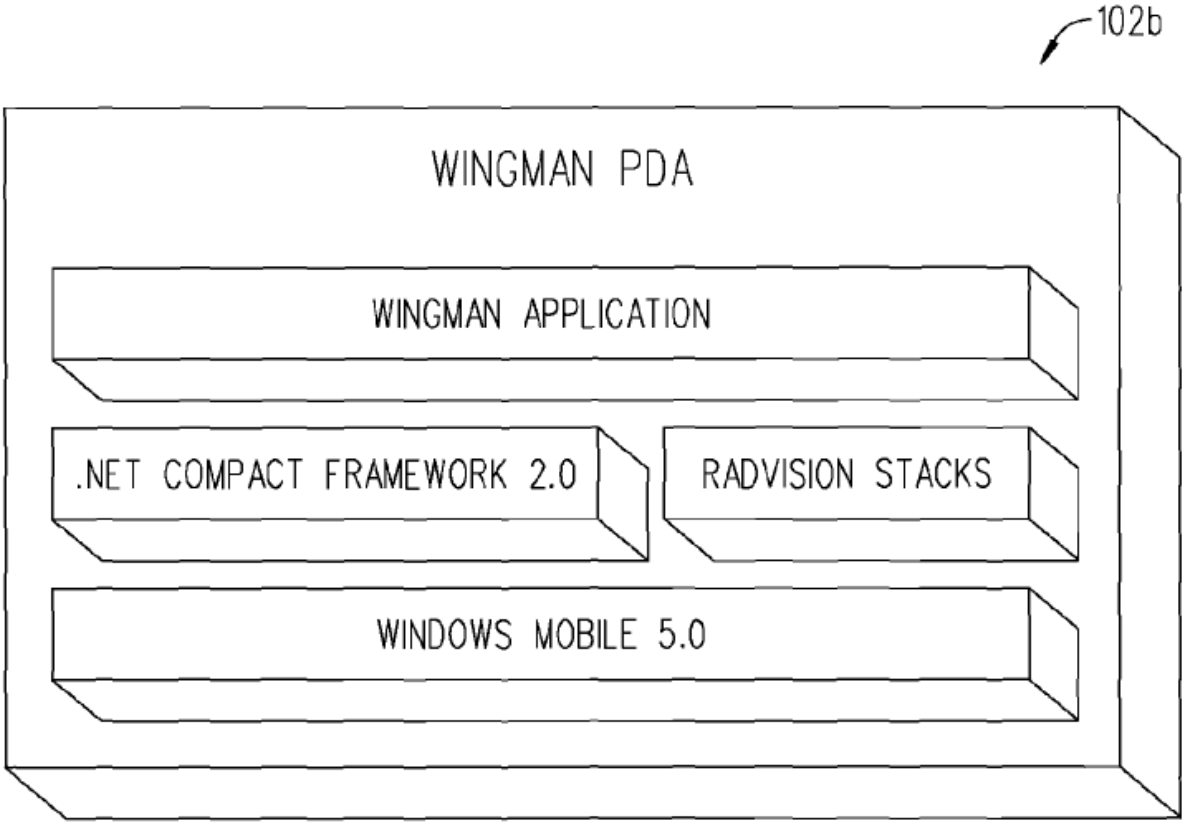


FIG. 20B

72. An example of the architectural relationship between mobile terminals, the IMS core, presence server, and database is shown in Figure 19 of the '249 Patent:

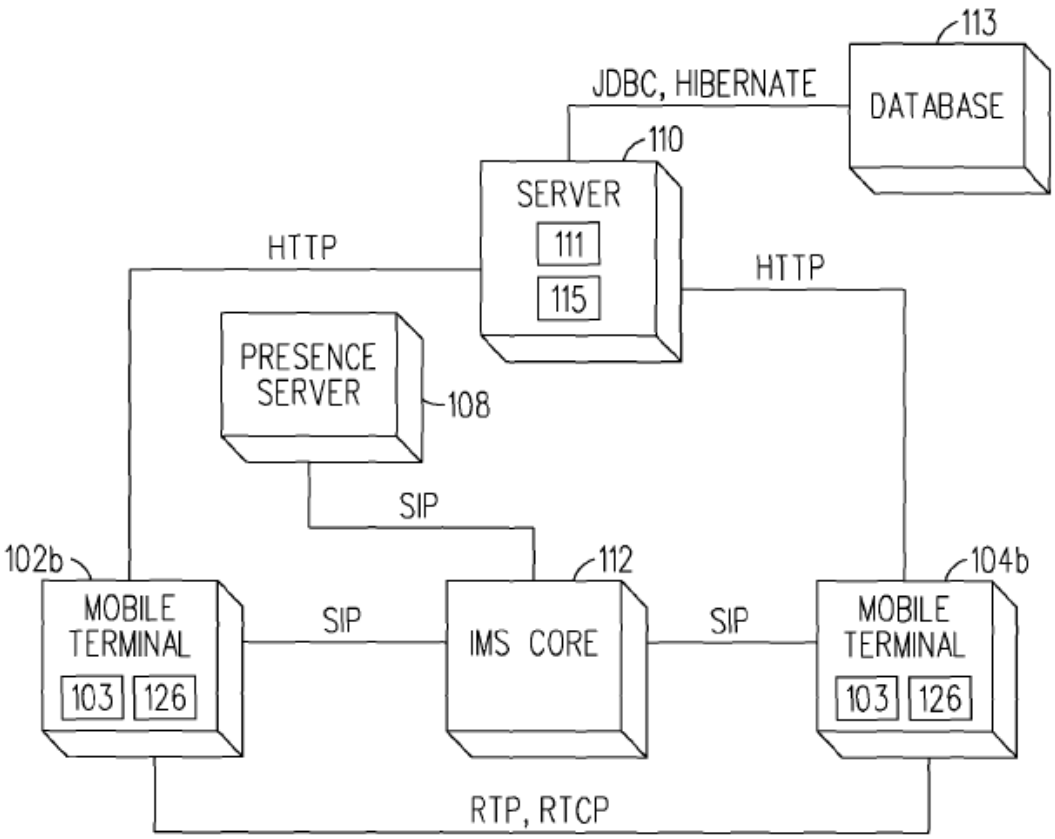


FIG. 19

73. In an example scenario, a user wishes to know whether a friend is present on the network. Accordingly, the user first logs into his mobile application and registers with remote a server ('249 Patent, col. 4, lines 14 - 28). In an embodiment described in '249 Patent, logging in and registering requires several preconditions including: (1) the IMS core (an IMS proxy platform) is running; (2) the mobile terminal has an IP connection to the IMS proxy platform; (3) the user has not yet registered with the remote server; (4) the mobile terminal is not running

the mobile application.

74. By combining known and conventional network components and functionality with new pieces, the inventors conceived a novel, non-generic arrangement of network elements. This new arrangement delivered data flows among users that were unknown at the time and improved the quality and effectiveness of social networking via a mobile network.

75. The network communication that enables this process is exemplified in Figure 9 of the '249 Patent:

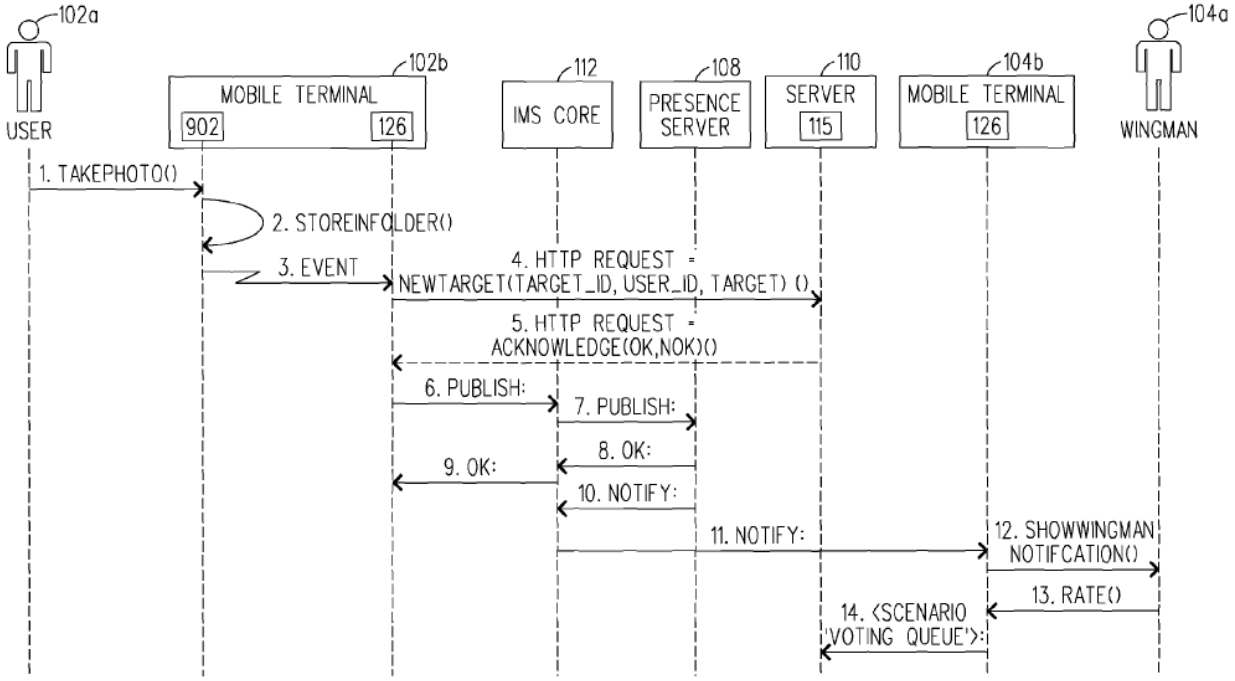


FIG. 9

76. The '249 Patent addresses shortcomings in mobile communication

technology of the time by providing specific architectural and operational solutions to improve the functionality of mobile terminals used for social networking and content sharing.

77. The ’249 Patent claims mobile terminals having specific, novel capabilities and having concrete structures. The processes enabled by the claimed subject matter provide particular, patentable functionality.

78. Content sharing across mobile terminals as recited in the ’249 Patent claims and described in the patent specification requires structure and functionality capable of performing the necessary processes disclosed in the patent. The ’249 Patent is directed to integrating these structures and operations in mobile terminals and the network over which they communicate.

79. These specific structures and operations are necessary for the performance described and claimed in the ’249 Patent. For example, after logging in and registering, the ’249 patent contemplates several potential actions by the mobile terminal user including: (1) establishing a voice call (’249 patent, col. 5, line 25 – col. 6, line 24); participating in an Instant Messaging (IM) session (’249 patent, col. 6, line 25 - col. 7, line 24); establishing a voting queue (’249 patent, col. 7, line 25 – col. 8, line 55); participating in a scorekeeper scenario (e.g., for scoring photographs) (’249 Patent, col. 8 line 57 – col. 9 , line 48); and viewing a

map of associates (’249 patent, col. 9, line 49 - line 41). This functionality and the other aspects of the ’249 patent claims were not known at the time of the invention.

80. In addition to the specialized network components required, the ’249 Patent requires specialized mobile components. For example, one embodiment specifies a mobile terminal (e.g. phone) with a user interface (e.g., operating system), a camera, and an application that enables the user to: (1) set up and view friend lists; (2) monitor presence information of friends; (3) establish electronic communications with other mobile terminal users; and (4) view content obtained and posted by other mobile terminal users. *See* ’249 Patent col. 1, line 63 - col. 2 line 6. The mobile terminals are specially programmed (via an application) to communicate through mobile networks with servers that, in turn, communicate to update users via their computers/televisions. In this way, groups of users are updated in real time across multiple platforms, and each device is synchronized with the most relevant and current data.

81. The ’249 Patent is not directed to an abstract idea; the inventions are more than simply sharing, reviewing, and rating personal content information. Disclosed and claimed embodiments provide presence information, which may be stored or delivered to mobile terminals for viewing by an end user via a network-connected presence server. Such presence information enables mobile terminal

users to establish communication with other mobile terminals in order to share and view content captured by a user's mobile terminal (e.g., using the device's camera).

82. Other inventions claimed in the '249 Patent are mobile terminals featuring a content capturing camera and user interface that enables a user to view presence information, establish communications with other mobile terminals, and view pop-up notifications when new content is available, which the mobile terminal may present to the user for viewing and comment. As the inventors noted in the specification, messaging applications and computing technology at the time was incapable of providing this functionality, so they invented a solution and were awarded a United States Patent recognizing their contribution to the art.

SLACK

83. Defendant Slack provides the SLACK messaging application and platform, which enables users to communicate seamlessly across mobile phones, tablets, and computers regardless of each device's operating system.

84. SLACK users download and install the SLACK software and may install a copy of the software on each of their devices.

85. SLACK permits the users to communicate with other users in various ways.

86. SLACK users can exchange messages, share photos, share "emojis" share videos, chat, place voice calls, group share, and receive notifications.

87. SLACK also offers group chat functions, through which users can create or join groups (or "channels") to exchange messages and share images, files and videos with multiple users in the group.

88. SLACK users can join groups (or "channels"), follow and participate in group discussions, and communicate with other SLACK users organized in groups.

89. SLACK is available on multiple platforms.

90. SLACK is available via apps for download and installation on laptops and tablets.

91. Through its App Directory, located at https://slack.com/apps, SLACK provides application software for use with the SLACK platform. Such Apps provide additional functionality for deterministic alerting of groups of SLACK users.

92. To communicate using a SLACK platform, SLACK users use the SLACK software (e.g., app) provided by Defendant.

93. SLACK software is available via web browser (at https://get.slack.help/hc/en-us/articles/201746897-Slack-apps-for-computers-phones-tablets) and from app stores operated by Apple, Google and Microsoft.

94. Using SLACK's software, devices operate over cellular connection (e.g., 3G, 4G, LTE) or Wi-Fi connection to provide communication among SLACK users.

95. A SLACK user is able to post content (e.g. chat messages, emojis, pictures, documents etc.) to an ongoing thread between another SLACK user or group of SLACK users. Users in that thread may then view the posted content, respond to that content, rate the content and post their own content.

96. According to SLACK, Android devices are supported devices.

97. According to SLACK, iOS devices are supported devices.

98. According to SLACK, Windows phones are supported devices.

99. According to SLACK, tablets are supported devices.

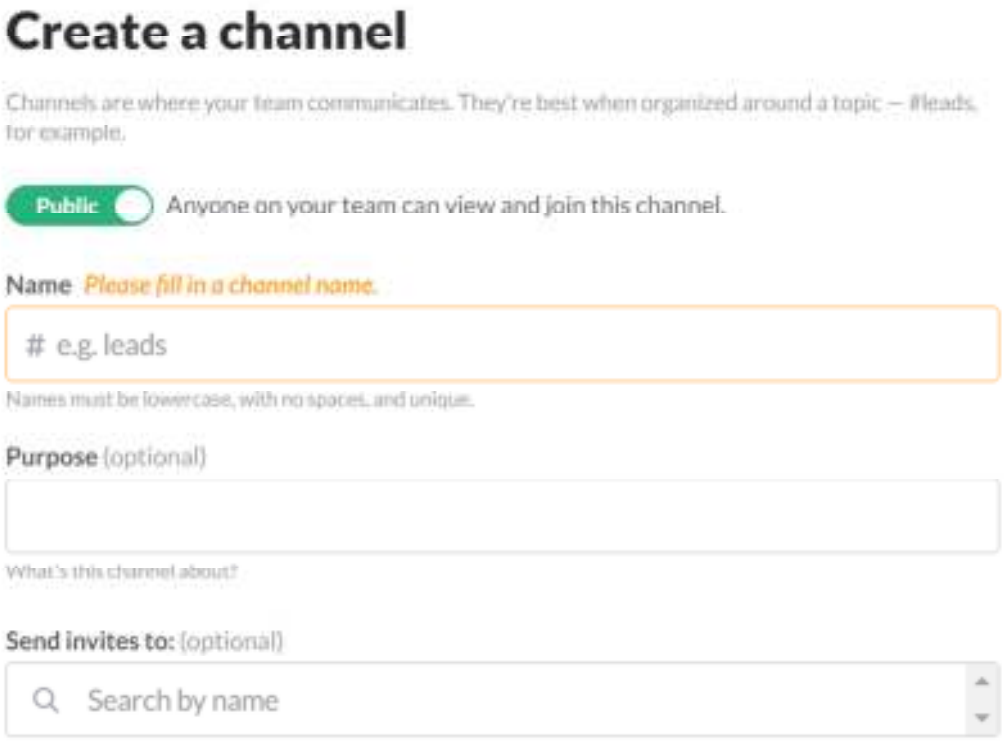
100. According to SLACK, laptops and tablets that operate Windows are supported devices.

101. According to SLACK, Mac OS based devices are supported devices.

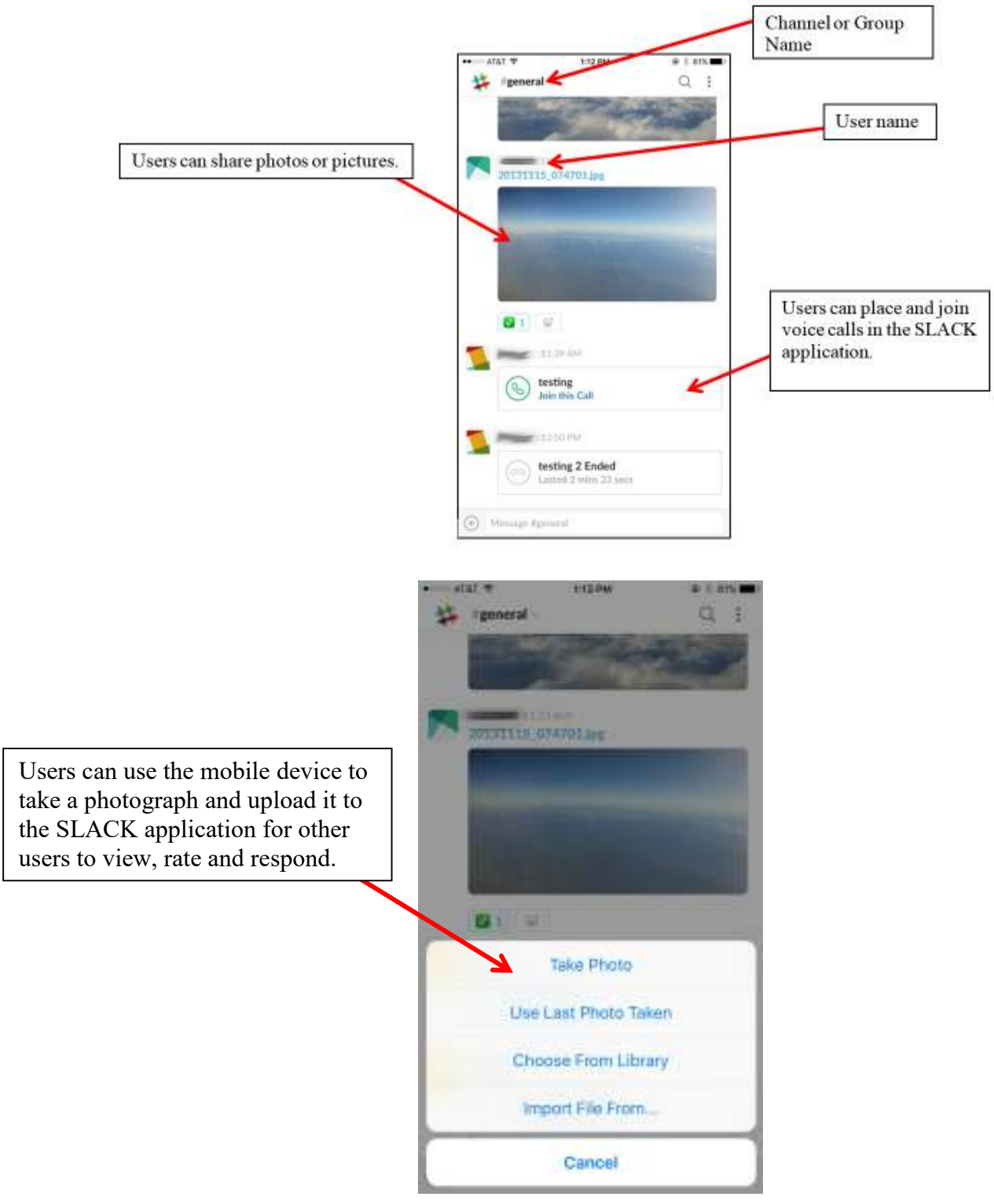
102. SLACK users can communicate with co-workers, fellow users, and group members in a variety of formats including through chats, channels, private channels and direct messages to provide chat messages, message feedback, pictures, videos, emojis, voice calls, photos and files.

103. SLACK provides users the ability to connect with specific sets of users (e.g., teammates, or co-workers) to share updates, files, photos, messages, and documents.

104. SLACK "Groups" permits users to communicate via group messages to specific sets of people (e.g., for teammates or coworkers). The screen shot below depicts creating a "channel" for group communication:

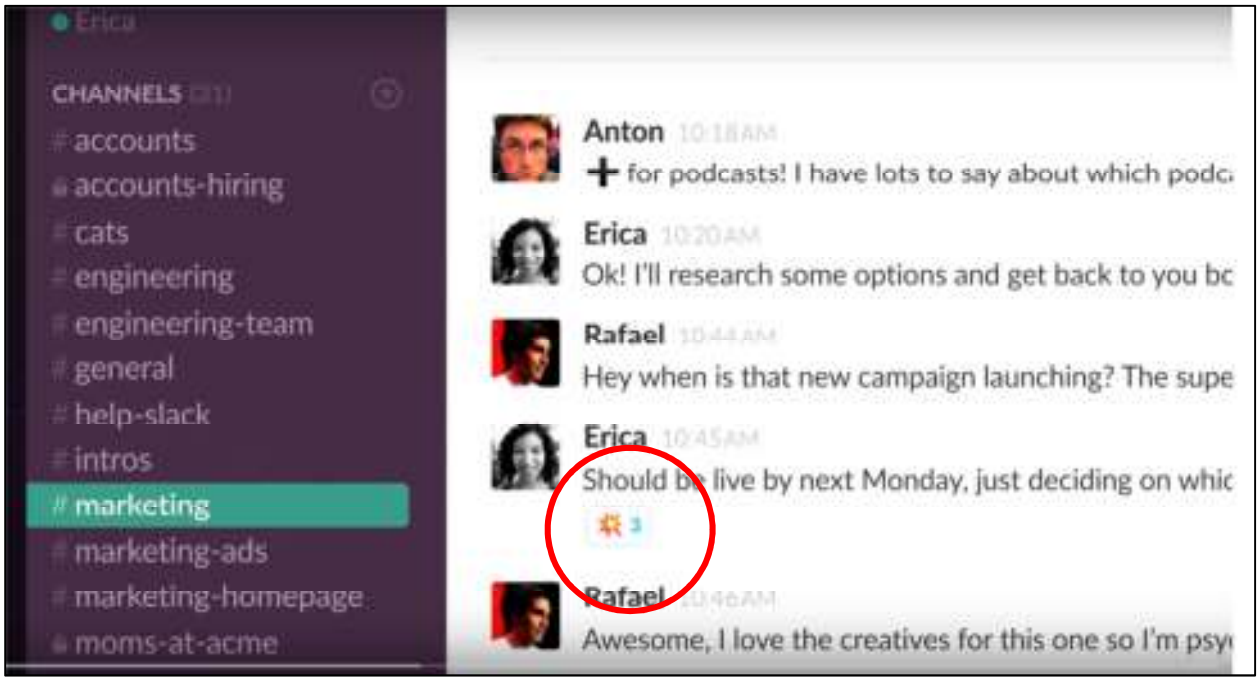


105. Groups are dedicated spaces that allow users to share emojis, files, photos, voice calls, videos and message other group members:

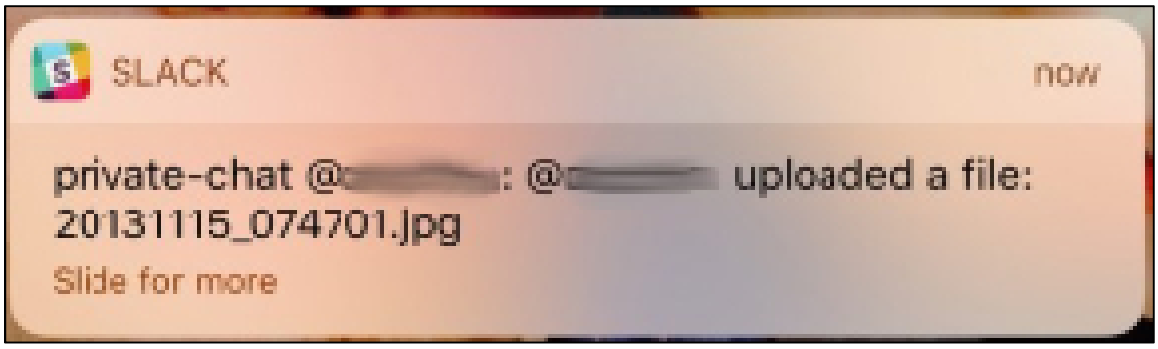


106. SLACK enables users to view, like, agree and comment on new

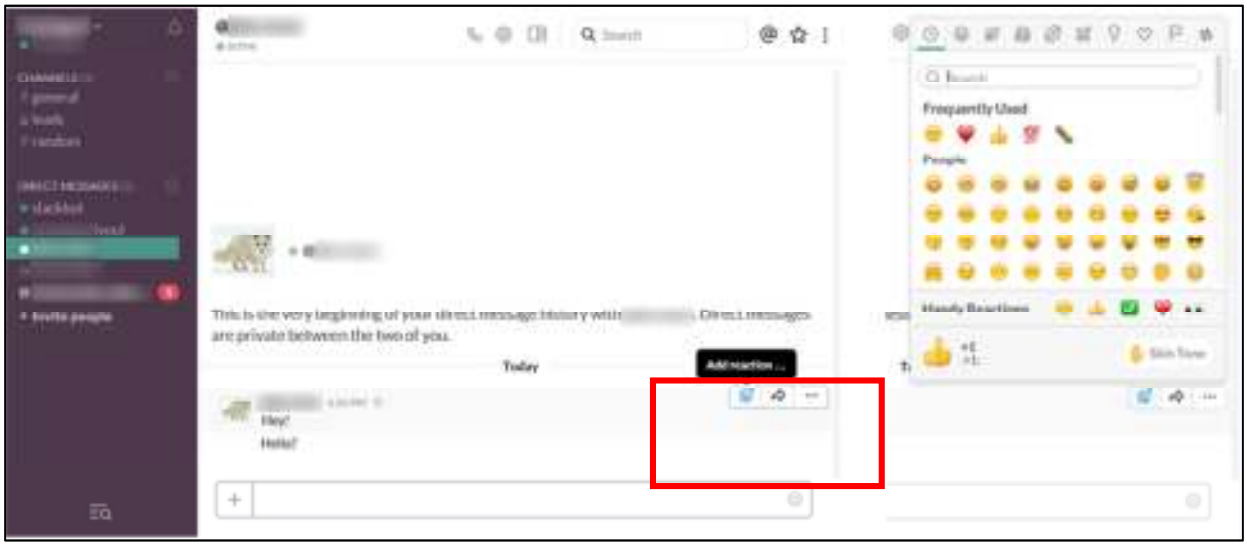
personal content provided by other users:

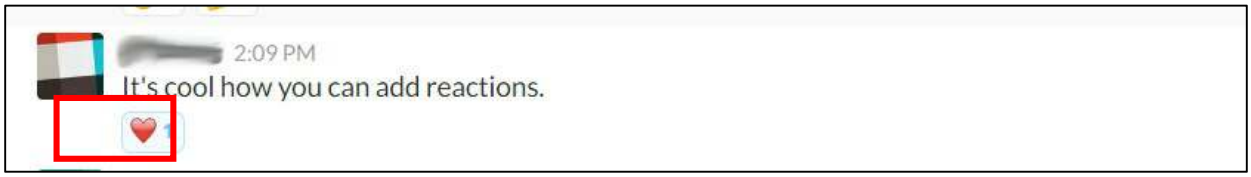


107. SLACK provides various notifications to users regarding posts, responses, and acknowledgments:



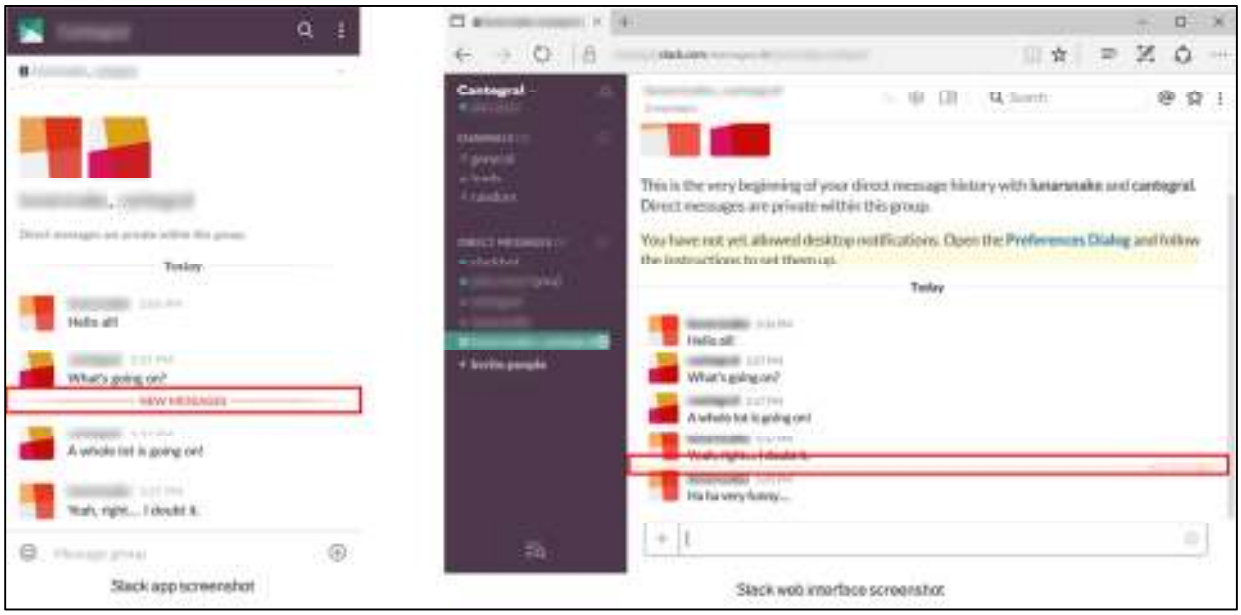
108. Users who see the post can post their replies or press the "reaction" button to acknowledge the post in a variety of ways:

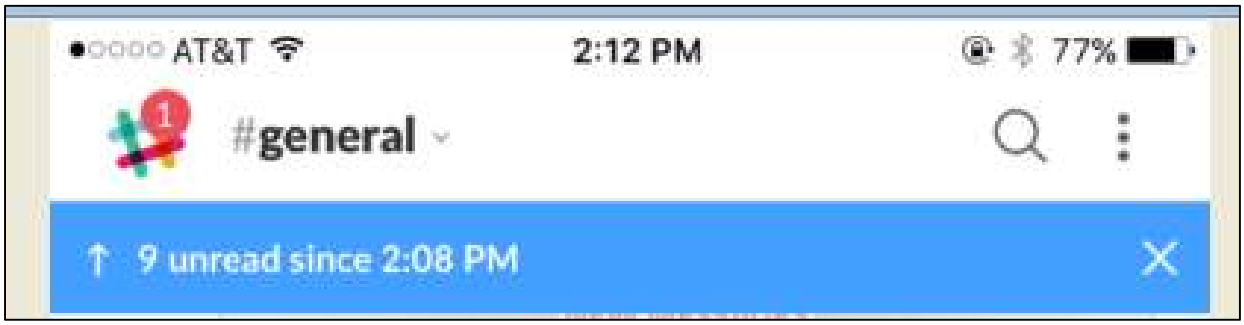


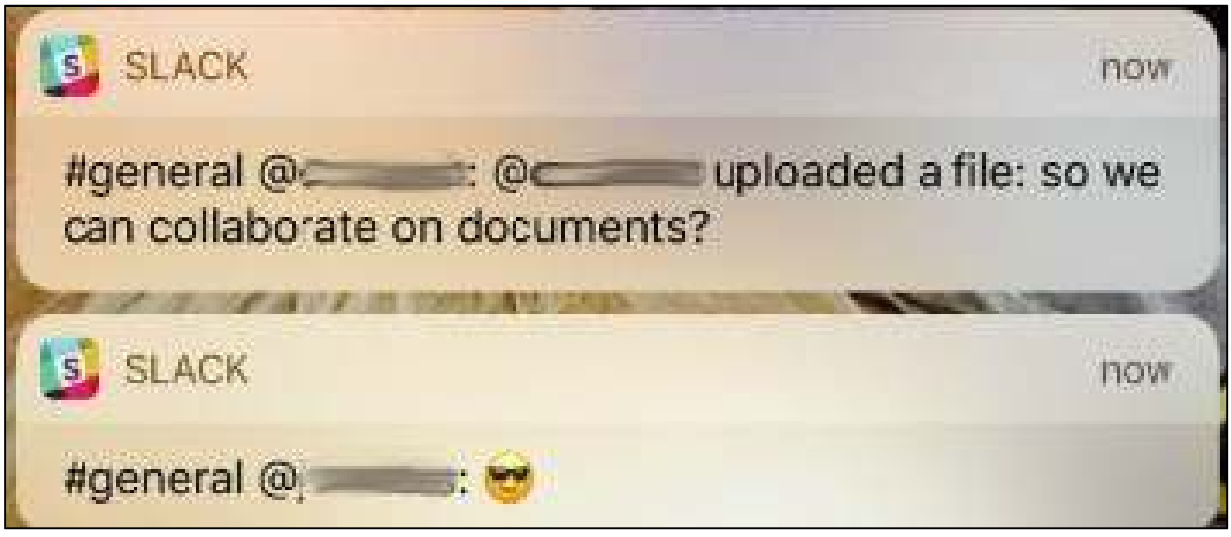


109. SLACK users receive text and graphical notifications from their browser or the SLACK app to alert them of any relevant posts, messages, calls, and other content. SLACK also provides real-time read status for group and individual

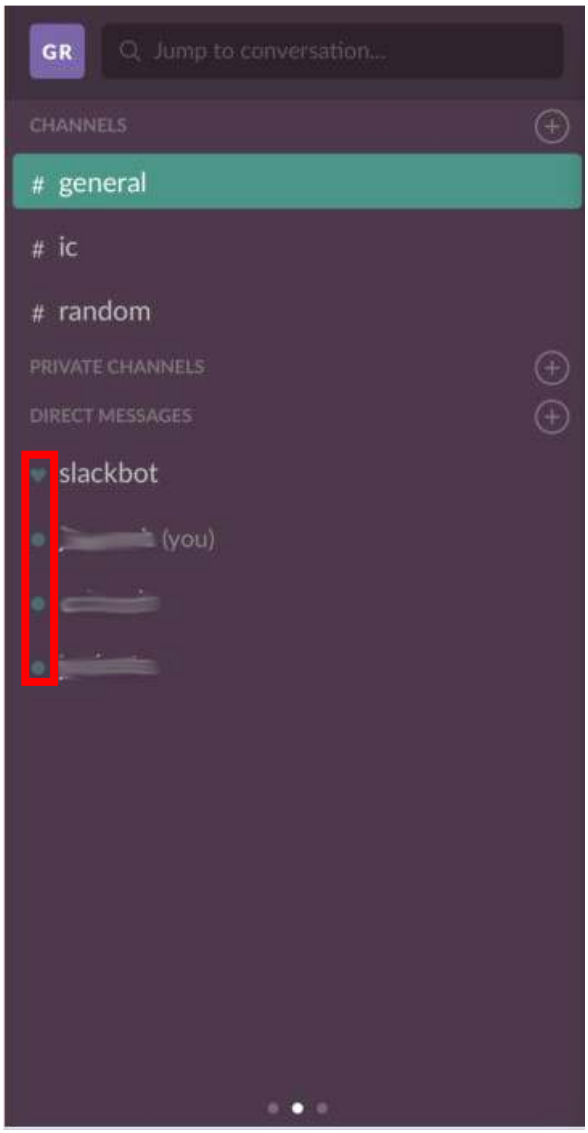
messages:

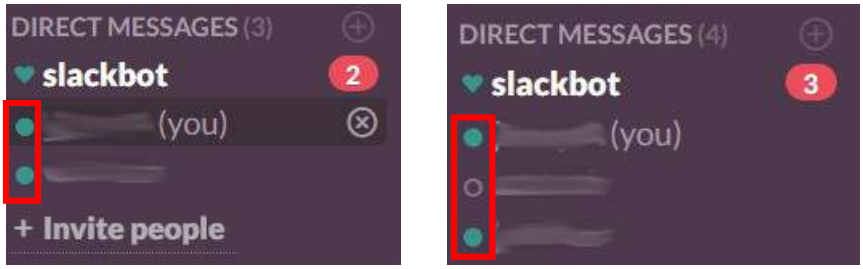

Slack app screenshot
Slack web interface screenshot


AT&T
2:12 PM
77%
#general
9 unread since 2:08 PM


SLACK
now
#general @[redacted]: @[redacted] uploaded a file: so we can collaborate on documents?
SLACK
now
#general @[redacted]:

110. SLACK provides presence information so that the user can see who is online:





111. At the end of January 2017, SLACK introduced Enterprise Grid, a new service designed for corporate deployments with many groups and users.

112. SLACK realizes substantial value from the group messaging features of the SLACK application and platform.

113. SLACK infringes the GroupChatter Asserted Patents by making, using, selling, configuring, deploying, providing, monetizing, and testing the SLACK applications, services, online workplace productivity tools and platform including SLACK infrastructure (e.g., server-based systems) and enabled devices and mobile terminals, and the various SLACK application software, including software provided by SLACK through the SLACK App Directory, that users install on phones, tablets, computers and other devices. SLACK applications include SLACK and SLACK Enterprise Grid. Collectively, these infringing SLACK components and systems are the "Accused Systems."

COUNT 1
(INFRINGEMENT OF U.S. PATENT NO. 8,588,207)

114. GroupChatter incorporates paragraphs 1 through 113 herein by reference.

115. GroupChatter is the owner, by assignment, of U.S. Patent No. 8,588,207 (the "'207 Patent"), titled "METHOD AND APPARATUS FOR EFFICIENT AND DETERMINISTIC GROUP ALERTING."

116. A true and correct copy of the '207 Patent is attached as Exhibit A.

117. As the owner of the '207 Patent, GroupChatter holds all substantial rights in and under the '207 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

118. The United States Patent Office granted the '207 Patent on November 19, 2013.

119. The '207 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

120. Defendant practices one or more claims of the '207 Patent, including at least claims 1, 2, 3, 5, 6, 8, 9, 11, and 12, by making, using, offering for sale, selling, testing, deploying, configuring, and/or importing the Accused Systems for operation as a deterministic group messaging system used by SLACK users to

exchange group messages over wireless networks (e.g., cellular, Wi-Fi, WiMAX, wireless broadband).

121. SLACK has directly and indirectly infringed and continues to infringe the '207 Patent by making, selling, configuring, deploying, testing, using, providing, monetizing and operating the Accused Systems to provide acknowledged group messaging to users and perform acknowledged group messaging as detailed in this Count and throughout this Complaint.

122. The Accused Systems operate on smartphones, laptops, tablets, and other mobile devices and may communicate using cellular and/or Wi-Fi networks.

123. The Accused Systems provide SLACK users the ability to start group conversations and exchange messages among members of a group using mobile devices operating on wireless networks.

124. SLACK IDs are part of a user's profile. SLACK uses this information to help SLACK users find other SLACK users and to organize a user's information within the SLACK infrastructure (e.g. on SLACK servers).

125. From within the SLACK app, a user selects "create a channel" button to create a group.

126. Once group members are selected, a group name may change or a member may create the group identifier or "Group Name" and include additional

members having recipient identifiers. From within the SLACK app, a user can create a private channel or direct message users.

127. SLACK uses Group IDs and User IDs to store group information.

128. Group information is stored on SLACK servers.

129. SLACK provides group information including User IDs and Group IDs corresponding to SLACK users to mobile devices running SLACK.

130. SLACK transmits recipient identifying information via the SLACK infrastructure to SLACK endpoints (e.g., mobile devices running a SLACK application).

131. In operation, SLACK application software is a network client that transmits to the SLACK infrastructure (e.g. a SLACK server) a request for wireless transmission of a group message.

132. SLACK transmits group messages to mobile terminals that are members of the group via wireless networks such as cellular or Wi-Fi network on which devices running SLACK are operating.

133. The SLACK Accused System sends and receives acknowledgments from group members via the user's wireless network (e.g., Wi-Fi network or cellular network).

134. SLACK tracks and updates a message's status to "Read" when

appropriate. Users may respond to group messages with emoticons, messages, or read indicators sent from their mobile device.

135. SLACK monitors for responses from group members to a group message.

136. When membership changes in a SLACK group, membership data on the SLACK server system is updated along with affected users' mobile devices.

137. SLACK instructs and encourages end users of the SLACK Accused Systems to use the SLACK group messaging features.

138. Since November 22, 2016, SLACK has been on notice of the '207 Patent and the conduct by SLACK and its end users and customers that infringes it.

139. SLACK has known about the '207 Patent and GroupChatter's infringement allegations since November 22, 2016, when this case was filed.

140. Since November 22, 2016, SLACK has induced and contributed to direct infringement of the '207 Patent by users of the SLACK Accused Systems.

141. SLACK knowingly induces users to infringe the asserted claims by encouraging, aiding, and abetting the installation, configuration, deployment, use, and operation of the Accused Systems.

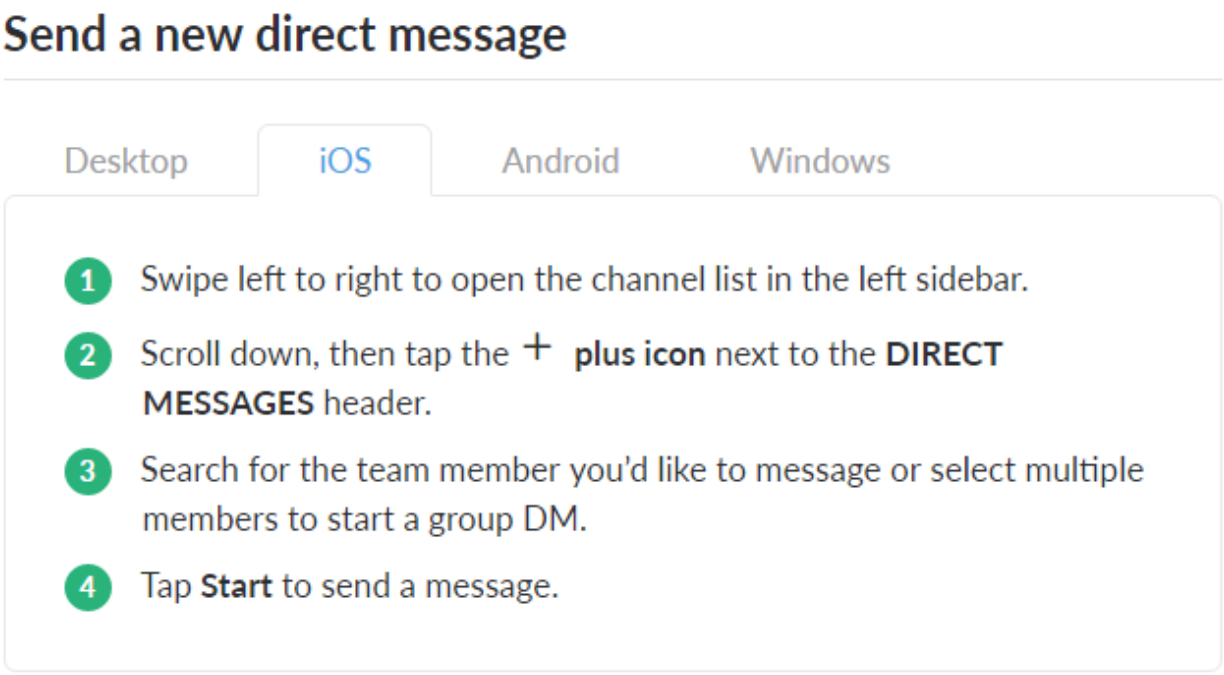
142. SLACK induces its users to directly infringe the '207 Patent by encouraging, directing, aiding, and abetting the use, deployment, installation,

configuration, and operation of the Accused Systems by providing detailed, step-by-step instructions to users of the Accused Systems.

143. SLACK's step-by-step instructions direct users of the Accused Systems to perform the functions and carry out the operations described here.

144. For example, SLACK instructs end users how to send Group Direct Messages by selecting multiple members.

145. The following instructions are provided by SLACK through the online Help Center:



146. Since learning about the '207 Patent, GroupChatter's infringement allegations, and the specific acts accused of infringing the '207 Patent, SLACK has made no effort to modify its instructions or the Accused Systems to avoid

infringement.

147. SLACK has not deactivated the functionality of the Accused Systems identified in GroupChatter's Complaint as infringing the '207 Patent.

148. SLACK has provided no instructions to users about how to avoid infringing the '207 Patent.

149. SLACK's knowledge of the '207 Patent and GroupChatter's infringement allegations combined with its knowledge of the Accused Systems and how they are used to infringe the '207 Patent, consistent with SLACK's instructions, demonstrate SLACK's specific intent to induce users to infringe the '207 Patent.

150. SLACK contributes to direct infringement by providing the Accused System software and software components to mobile device users enabling them to make a deterministic group messaging system through which they exchange group messages over communication networks.

151. With knowledge of the '207 Patent and GroupChatter's detailed infringement allegations, SLACK intends for the SLACK Accused System components to be combined with hardware (e.g., a mobile device or smart phone, laptop computer, tablet) including a processor, radio transceivers, and display and input devices to provide users the ability to view and create groups, send group

messages, and receive and view responses to group messages.

152. The SLACK Accused System software components that provide the accused functionality and carry out the operative steps described by GroupChatter are designed and developed by SLACK for the purpose of providing the accused functionality. They have no other substantial use but to infringe the ’207 Patent, and SLACK knows they are especially adapted for and made to infringe the ’207 Patent.

153. Despite having knowledge of GroupChatter's infringement allegations and the ’207 Patent, SLACK continues to provide applications and interfaces and has introduced new versions and products such as SLACK Enterprise Grid for use with mobile devices, smart phones, computers, laptops, and tablets, etc.

154. SLACK designed the Accused System software components, maintains and develops them, and intends they be used for infringing the ’207 Patent, consistent with SLACK’s instructions and the manner in which SLACK knows the Accused Systems will be used by end users and customers.

155. SLACK designed and developed the Accused Systems, including the particular software components and systems that carry out the infringing functions, to be implemented in a system for deterministic group messaging as recited in the asserted claims.

156. The primary purpose of the SLACK Accused System software components is to provide acknowledged group messaging over a wireless network by storing and providing recipient and group information, recipient and group identifiers, and group membership data, and enable wireless transmission of group messages, monitoring for responsive transmissions and storing of acknowledgement data relating to group members, which data may include indication of a response, when a message has been received, or when a response has been read by a recipient.

157. A further related purpose of the Accused System software components is to enable a user to update group and recipient identifiers, group membership, and propagate such updated information to mobile terminals on the network that are running the SLACK application software.

158. The sole purpose of the SLACK Accused System software components accused here is to infringe the ’207 Patent, and since this case was filed SLACK has made no effort to change or modify the software to avoid infringement.

159. SLACK’s knowledge of the ’207 Patent combined with its knowledge of how the SLACK Accused Systems are used demonstrate SLACK’s knowledge and intent that the SLACK application and related software will be combined with

other hardware and software to infringe the ’207 Patent.

160. SLACK’s infringing conduct described in this Count has damaged GroupChatter. SLACK is liable to GroupChatter in an amount that adequately compensates it for infringement, which by law can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT 2
(INFRINGEMENT OF U.S. PATENT NO. 9,014,659)

161. GroupChatter incorporates paragraphs 1 through 160 herein by reference.

162. GroupChatter is the owner, by assignment, of U.S. Patent No. 9,014,659 (the “’659 Patent”), titled “METHOD AND APPARATUS FOR EFFICIENT AND DETERMINISTIC GROUP ALERTING.”

163. A true and correct copy of the ’659 Patent is attached as Exhibit B.

164. As the owner of the ’659 Patent, GroupChatter holds all substantial rights in and under the ’659 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

165. The United States Patent Office granted the ’659 Patent on April 21, 2015.

166. The ’659 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

167. SLACK is practicing one or more claims of the ’659 Patent, including at least claims 1, 2, 3, 4, 5, 7, 10, 11, 12, 13, 14, 16, and 17 by making, using, offering for sale, selling, testing, operating, installing, configuring, deploying, monetizing, providing, and/or importing the SLACK Accused Systems that provide a deterministic group messaging system through which SLACK users exchange group messages over wireless networks (e.g., cellular, Wi-Fi, WiMAX, or wireless broadband).

168. SLACK has directly and indirectly infringed and continues to infringe the ’659 Patent by providing acknowledged group messaging to users and performing acknowledged group messaging as detailed in this Count and throughout this Complaint.

169. SLACK operates on smartphones, laptops, tablets, and other mobile devices and may communicate using cellular and/or Wi-Fi networks.

170. SLACK enables users to start group conversations and exchange messages among members of a group via mobile devices operating on wireless networks.

171. SLACK stores on its servers data relating to recipients, groups created

by users, and group membership information.

172. SLACK IDs are part of a user's profile. SLACK uses this information to organize user information on SLACK servers.

173. SLACK provides to mobile devices running a SLACK application group information such as group membership and recipient identifying data stored on the SLACK server infrastructure.

174. SLACK uses Group IDs and unique User IDs to store group information, which group information is stored on SLACK servers.

175. SLACK users select the "Create a Channel or Private Channel" buttons to create a group having a group identifier or "Group Name/Channel Name" and include members having recipient identifiers.

176. SLACK transmits group messages wirelessly to mobile devices corresponding to each recipient in the selected group.

177. Mobile devices running a SLACK application or accessing the SLACK system via web browser receive a group message and respond with acknowledgement of receipt, an alphanumeric text reply, and/or indication the group message has been received but not read by the user.

178. SLACK stores acknowledgement data for each group member in memory.

179. The SLACK Accused System designates when users have received or "read" the user's messages and will display a "new messages" bar to alert the user of the messages have not been received or "read."

180. The SLACK Accused System sends messages to group member devices running a SLACK application based upon stored acknowledgement data.

181. SLACK transmits group messages to users via the users' wireless networks (e.g., cellular or Wi-Fi networks).

182. The SLACK Accused System receives acknowledgement responses from group members via the wireless network used by a user's device.

183. Users may respond to group message in SLACK with emoticons, messages, or read indicators sent from their mobile device.

184. When membership changes in a SLACK Group, SLACK updates membership data on the SLACK infrastructure (e.g., SLACK servers) and user devices (e.g., phone or computer) that are affected by the change.

185. The SLACK Accused System provides acknowledged group messaging as recited in the asserted '659 claims.

186. SLACK servers store recipient identifiers for each group member, a group identifier corresponding to recipient groups, and information about membership of recipients in the recipient groups.

187. Unique User IDs and Group IDs are stored on SLACK servers.

188. SLACK provides group information to user devices having the SLACK application installed.

189. When a SLACK group message is initiated, the SLACK application and system effect wireless transmission of the group message to mobile devices corresponding to SLACK group recipients. In turn, mobile devices receiving the SLACK group message transmit a response.

190. In operation, the SLACK client application monitors group message information relayed by SLACK infrastructure (e.g., servers) for group message responses. The SLACK client application stores acknowledgment data and message status information for group members.

191. SLACK instructs and encourages end users of the SLACK Accused Systems to use the SLACK group messaging features.

192. SLACK has known about the ’659 Patent and GroupChatter’s infringement allegations detailing the conduct by SLACK and its end users and customers that infringes the patent since November 22, 2016, when this case was filed.

193. Since November 22, 2016, SLACK has induced and contributed to direct infringement of the ’659 Patent by users of the SLACK Accused Systems.

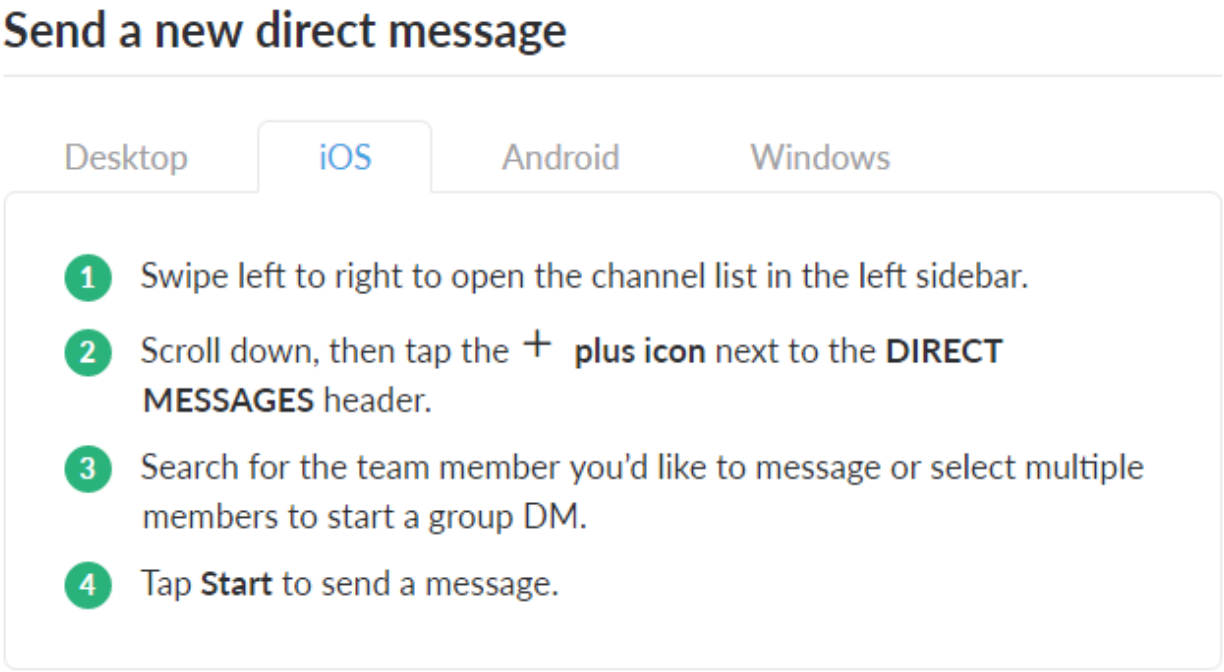
194. SLACK knowingly induces users to infringe the asserted claims by encouraging, aiding, and abetting the installation, configuration, deployment, use, and operation of the Accused Systems.

195. SLACK induces its users to directly infringe the '659 Patent by encouraging, directing, aiding, and abetting the use, deployment, installation, configuration, and operation of the Accused Systems by providing detailed, step-by-step instructions to users of the Accused Systems.

196. SLACK's step-by-step instructions direct users of the Accused Systems to perform the functions and carry out the operations described here.

197. For example, SLACK instructs end users how to send Group Direct Messages by selecting multiple members.

198. The following instructions are provided by SLACK through the online Help Center:



199. Since learning about the ’659 Patent, GroupChatter's infringement allegations, and the specific acts accused of infringing the ’659 Patent, SLACK has made no effort to modify its instructions or the Accused Systems to avoid infringement.

200. SLACK has not deactivated the functionality of the Accused Systems identified in GroupChatter’s Complaint as infringing the ’659 Patent.

201. SLACK has provided no instructions to users about how to avoid infringing the ’659 Patent.

202. SLACK’s knowledge of the ’659 Patent and GroupChatter's infringement allegations combined with its knowledge of the Accused Systems and how they are used to infringe the ’659 Patent, consistent with SLACK’s

instructions, demonstrate SLACK's specific intent to induce users to infringe the '659 Patent.

203. SLACK contributes to direct infringement by providing the Accused System software and software components to mobile device users enabling them to make a deterministic group messaging system through which they exchange group messages over communication networks.

204. With knowledge of the '659 Patent and GroupChatter's detailed infringement allegations, SLACK intends for the SLACK Accused System components to be combined with hardware (e.g., a mobile device or smart phone, laptop computer, tablet) including a processor, radio transceivers, and display and input devices to provide users the ability to view and create groups, send group messages, and receive and view responses to group messages.

205. The SLACK Accused System software components that provide the accused functionality and carry out the operative steps described by GroupChatter are designed and developed by SLACK for the purpose of providing the accused functionality. They have no other substantial use but to infringe the '659 Patent, and SLACK knows they are especially adapted for and made to infringe the '659 Patent.

206. Despite having knowledge of GroupChatter's infringement allegations

and the ’659 Patent, SLACK continues to provide applications and interfaces and has introduced new versions and products such as SLACK Enterprise Grid for use with mobile devices, smart phones, computers, laptops, and tablets, etc.

207. SLACK designed the Accused System software components, maintains and develops them, and intends they be used for infringing the ’659 Patent, consistent with SLACK’s instructions and the manner in which SLACK knows the Accused Systems will be used by end users and customers.

208. SLACK designed and developed the Accused Systems, including the particular software components and systems that carry out the infringing functions, to be implemented in a system for deterministic group messaging as recited in the asserted claims.

209. The primary purpose of the SLACK Accused System software components is to provide acknowledged group messaging over a wireless network by storing and providing recipient and group information, recipient and group identifiers, and group membership data, and enable wireless transmission of group messages, monitoring for responsive transmissions and storing of acknowledgement data relating to group members, which data may include indication of a response, when a message has been received, or when a response has been read by a recipient.

210. A further related purpose of the Accused System applications and related software is to enable determining a type of message to send to a recipient or group of recipients based upon stored message acknowledgement data and wirelessly transmitting the message.

211. A further related purpose of the Accused System software components is to enable a user to update group and recipient identifiers, group membership, and propagate such updated information to mobile terminals on the network that are running the SLACK application software.

212. These are the only substantial uses for the SLACK applications and related software, and they infringe the ’659 Patent.

213. The sole purpose of the SLACK Accused Systems and software components accused here is to infringe the ’659 Patent, and since this case was filed SLACK has made no effort to change or modify the software to avoid infringement.

214. SLACK’s knowledge of the ’659 Patent combined with its knowledge of how the SLACK Accused Systems are used demonstrate SLACK’s knowledge and intent that the SLACK application and related software will be combined with other hardware and software to infringe the ’659 Patent.

215. As a result of SLACK’s infringing conduct described in this Count

and throughout this complaint, GroupChatter has been damaged. Defendant is liable to GroupChatter in an amount that adequately compensates it for Defendant's infringement, which by law can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT 3
(INFRINGEMENT OF U.S. PATENT NO. 9,294,888)

216. GroupChatter incorporates paragraphs 1 through 215 herein by reference.

217. GroupChatter is the owner, by assignment, of U.S. Patent No. 9,294,888 (the "'888 Patent"), titled "METHOD AND APPARATUS FOR EFFICIENT AND DETERMINISTIC GROUP ALERTING."

218. A true and correct copy of the '888 Patent is attached as Exhibit C.

219. As the owner of the '888 Patent, GroupChatter holds all substantial rights in and under the '888 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

220. The United States Patent Office granted the '888 Patent on March 22, 2016.

221. The '888 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

222. SLACK is practicing one or more claims of the ’888 Patent, including at least claims 1, 2, 3, 4, 5, 10, 11, 12, 13, and 14 by making, importing, using, testing, configuring, monetizing, selling, offering to sell, and/or using the SLACK Accused System for operation as a deterministic group messaging system used by SLACK users to exchange group messages over wireless networks (e.g., cellular, Wi-Fi, WiMAX and wireless broadband).

223. SLACK has directly and indirectly infringed and continues to infringe the ’888 Patent by making, deploying, configuring, selling, offering to sell, testing, using, providing, importing, monetizing, and operating the SLACK Accused System to provide acknowledged group messaging to users and perform acknowledged group messaging as detailed in this Count and throughout this Complaint.

224. SLACK Accused System components (e.g., SLACK applications and related software) operate on laptop computers, smartphones, tablets, and other mobile devices that communicate using cellular and/or Wi-Fi networks.

225. SLACK provides users the ability to start group conversations and exchange messages among members of a group using mobile devices operating on wireless networks.

226. SLACK IDs are part of a user’s profile. SLACK uses this information

to organize a user's information within the SLACK infrastructure (e.g., on SLACK servers).

227. SLACK provides group information (e.g., group membership and recipient identifying data stored on the SLACK servers) to mobile devices running a SLACK client software application.

228. From within the SLACK application, a user selects the "Create a Channel or Private Channel" button to create that a SLACK user may name and invite others to join.

229. Once a group is created, its name or group identifier may change.

230. SLACK uses Group IDs and unique User IDs to store group information.

231. Group information is stored on SLACK servers.

232. SLACK provides group information including User IDs and Group IDs corresponding to SLACK users to mobile devices running a SLACK application.

233. SLACK transmits recipient identifying information via the SLACK infrastructure to SLACK endpoints.

234. SLACK application software is a network client that transmits to the SLACK infrastructure (e.g., a SLACK server) a request for wireless transmission

of a group message.

235. When a SLACK group message is initiated, the SLACK application and system effect transmission of the group message to SLACK users operating on mobile devices running a SLACK application.

236. In turn, mobile devices receiving the SLACK group message transmit a response.

237. In operation, the SLACK client application monitors group message information relayed by SLACK infrastructure (e.g., SLACK servers) for group message responses. The SLACK client application stores acknowledgement data and message status information for group members.

238. In operation, the SLACK client application monitors group message information relayed by SLACK infrastructure for group message responses.

239. In operation, the SLACK client application stores acknowledgement data and message status information for group members.

240. SLACK stores acknowledgement data including an indication of response for each recipient indicating that the group message was received by that recipient, that the group message was read by that recipient, and a reply was sent by that recipient.

241. SLACK displays to senders via a client application an indication that

a group message was "read" and displays any reply or replies to the sender's group message along with that sender's identifying information and timestamp.

242. SLACK recipients send reply messages conveying group information to the SLACK infrastructure indicating whether a group message was received and read.

243. The SLACK system messages endpoints based upon stored acknowledgement data.

244. SLACK transmits group messages and receives acknowledgement data via Wi-Fi, cellular, or WiMAX.

245. SLACK users may respond to group messages with emoticons, messages, or other read indicators sent from their mobile device.

246. When membership changes in a SLACK group, the Accused System updates membership data on the SLACK server and affected mobile devices.

247. The SLACK system generates acknowledgements to SLACK group messages.

248. SLACK encourages users, third party developers, and customers to use SLACK and its group messaging features.

249. Since November 22, 2016, SLACK has induced and contributed to direct infringement of the '888 Patent by users of the SLACK Accused Systems.

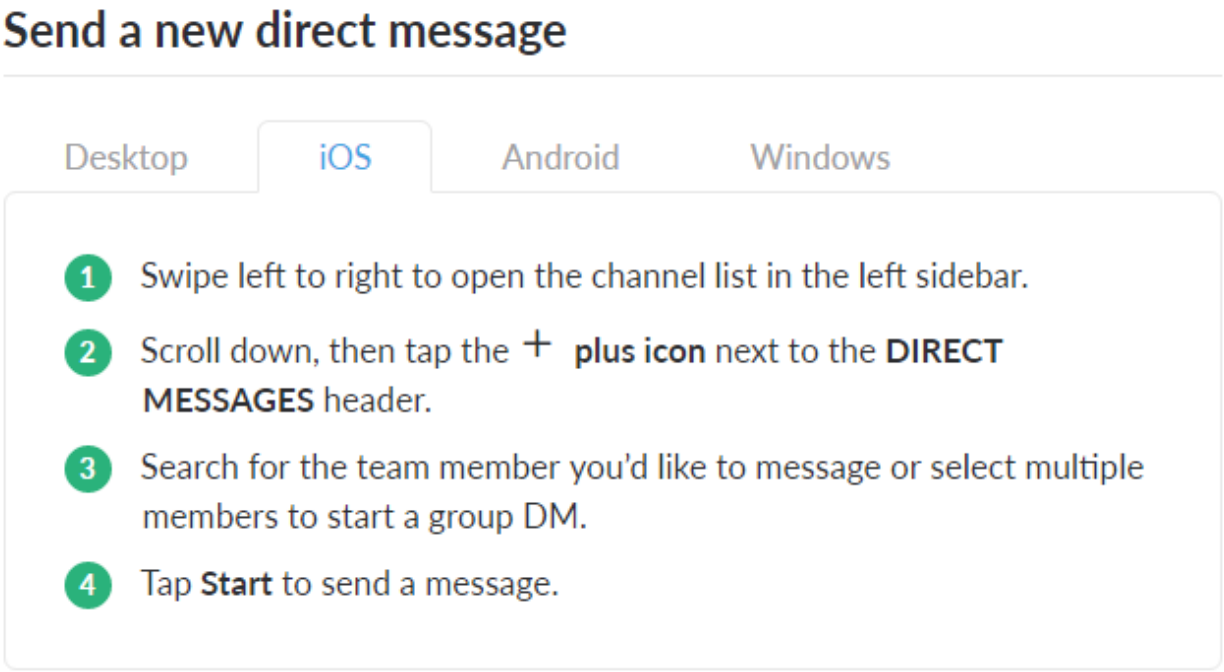
250. SLACK has known about the ’888 Patent and GroupChatter’s infringement allegations detailing the conduct by SLACK and its end users and customers that infringes the patent since November 22, 2016, when this case was filed. Despite having such knowledge, SLACK continues to knowingly induce users to infringe the asserted claims by encouraging, aiding, and abetting the installation, configuration, deployment, use, and operation of the Accused Systems.

251. SLACK induces its users to directly infringe the ’888 Patent by providing detailed, step-by-step instructions to users of the Accused Systems that reflect SLACK’s intent for users to infringe the ’888 Patent.

252. SLACK’s step-by-step instructions direct users of the Accused Systems to perform the functions and carry out the operations described here.

253. For example, SLACK instructs end users how to send Group Direct Messages by selecting multiple members.

254. The following instructions are provided by SLACK through the online Help Center:



255. Since learning about the ’888 Patent, GroupChatter's infringement allegations, and the specific acts accused of infringing the ’888 Patent, SLACK has made no effort to modify its instructions or the Accused Systems to avoid infringement.

256. SLACK has not deactivated the functionality of the Accused Systems identified in GroupChatter’s Complaint as infringing the ’888 Patent.

257. SLACK has provided no instructions to users about how to avoid infringing the ’888 Patent.

258. SLACK’s knowledge of the ’888 Patent and GroupChatter's infringement allegations combined with its knowledge of the Accused Systems and how they are used to infringe the ’888 Patent, consistent with SLACK’s

instructions, demonstrate SLACK's specific intent to induce users to infringe the '888 Patent.

259. SLACK contributes to direct infringement by providing the Accused System software and software components to mobile device users enabling them to make a deterministic group messaging system through which they exchange group messages over communication networks.

260. With knowledge of the '888 Patent and GroupChatter's detailed infringement allegations, SLACK intends for the SLACK Accused System components to be combined with hardware (e.g., a mobile device or smart phone, laptop computer, tablet) including a processor, radio transceivers, and display and input devices to provide users the ability to view and create groups, send group messages, receive and view responses to group messages, and send group messages via Wi-Fi, WiMAX, or cellular networks.

261. The SLACK Accused System software components that provide the accused functionality and carry out the operative steps described by GroupChatter are designed and developed by SLACK for the purpose of providing the accused functionality. They have no other substantial use but to infringe the '888 Patent, and SLACK knows they are especially adapted for and made to infringe the '888 Patent.

262. Despite having knowledge of GroupChatter's infringement allegations and the ’888 Patent, SLACK continues to provide applications and interfaces and has introduced new versions and products such as SLACK Enterprise Grid for use with mobile devices, smart phones, computers, laptops, and tablets, etc.

263. SLACK designed the Accused System software components, maintains and develops them, and intends they be used for infringing the ’888 Patent, consistent with SLACK’s instructions and the manner in which SLACK knows the Accused Systems will be used by end users and customers.

264. SLACK designed and developed the Accused Systems, including the particular software components and systems that carry out the infringing functions, to be implemented in a system for deterministic group messaging as recited in the asserted claims.

265. SLACK tests the Accused Systems to ensure operability on mobile devices and wireless networks.

266. The primary purpose of the SLACK Accused System software components is to provide acknowledged group messaging over a wireless network by storing and providing recipient and group information, recipient and group identifiers, and group membership data, and enable wireless transmission of group messages, monitoring for responsive transmissions and storing of

acknowledgement data relating to group members which data may include indication of a response, when a message has been received, or when a response has been read by a recipient.

267. A further related purpose of the Accused System applications and related software is to enable determining a type of message to send to a recipient or group of recipients based upon stored message acknowledgement data and wirelessly transmitting the message.

268. A further related purpose of the Accused System software components is to enable a user to update group and recipient identifiers, group membership, and propagate such updated information to mobile terminals on the network that are running the SLACK application software.

269. These are the only substantial uses for the SLACK applications and related software, and they infringe the ’888 Patent.

270. The sole purpose of the SLACK Accused Systems and software components accused here is to infringe the ’888 Patent, and since this case was filed SLACK has made no effort to change or modify the software to avoid infringement.

271. SLACK’s knowledge of the ’888 Patent combined with its knowledge of how the SLACK Accused Systems are used demonstrate SLACK’s knowledge

and intent that the SLACK application and related software will be combined with other hardware and software to infringe the ’888 Patent.

272. SLACK instructs and encourages end users of the SLACK platform and system to use the SLACK group messageing features with notice of the ’888 Patent and the conduct by SLACK and its end users and customers that infringes it.

273. GroupChatter has been damaged as a result of SLACK’s infringing conduct. SLACK is liable to GroupChatter in an amount that adequately compensates it for Defendant’s infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT 4
INFRINGEMENT OF U.S. PATENT NO. 7,945,249

274. GroupChatter incorporates paragraphs 1 through 273 herein by reference.

275. GroupChatter is the owner, by assignment, of U.S. Patent No. 7,945,249 (the “’249 Patent”), titled “NEXT GENERATION SOCIAL NETWORKING AND CONTENT RATING SYSTEM AND METHOD.”

276. A true and correct copy of the ’249 Patent is attached as Exhibit D.

277. As the owner of the ’249 Patent, GroupChatter holds all substantial rights in and under the ’249 Patent, including the right to grant sublicenses,

exclude others, and to enforce, sue, and recover damages for past and future infringement.

278. The United States Patent Office granted the '249 Patent on May 17, 2011.

279. The '249 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

280. SLACK has directly and indirectly infringed, and continues to infringe, the '249 Patent by practicing claims 1, 2, 3, 6, 7, 8, 9, 12, 13 and 14 of the '249 Patent (the '249 "Asserted Claims") by making, using, providing, configuring, selling, deploying, testing and monetizing the Accused Systems to provide a social network for mobile terminal users to view lists of users and their availability to communicate, post, view, and rate content, and notify users of posted content.

281. By operating and providing the Accused Systems, SLACK performs and encourages users to perform the claimed methods for socially networking a plurality of mobile terminal users.

282. SLACK provides the Accused Systems for use on mobile terminals that feature each element of the asserted apparatus claims when users configure them according to SLACK's instructions.

283. Using SLACK as instructed and intended, a mobile terminal users set up and view lists of contacts, view presence information indicating the availability of other users, establish communications with other users, view previously posted content by other users, receive pop-up notifications on a computer when other users publish new content (e.g. messages, pictures, documents), and interact with the computer to view and rate published content.

284. SLACK enables users to view posted content obtained by one or more of the other users of the mobile terminals.

285. SLACK publishes the following image highlighting the functionality in SLACK the enables a user to preview images and read documents on a mobile terminal:

286. SLACK enables users to interact with a computer to view and rate posted content and notifies users when new content is posted.

287. SLACK enables users to place group voice calls from the SLACK applications.

288. SLACK allows users to interact using instant group messages.

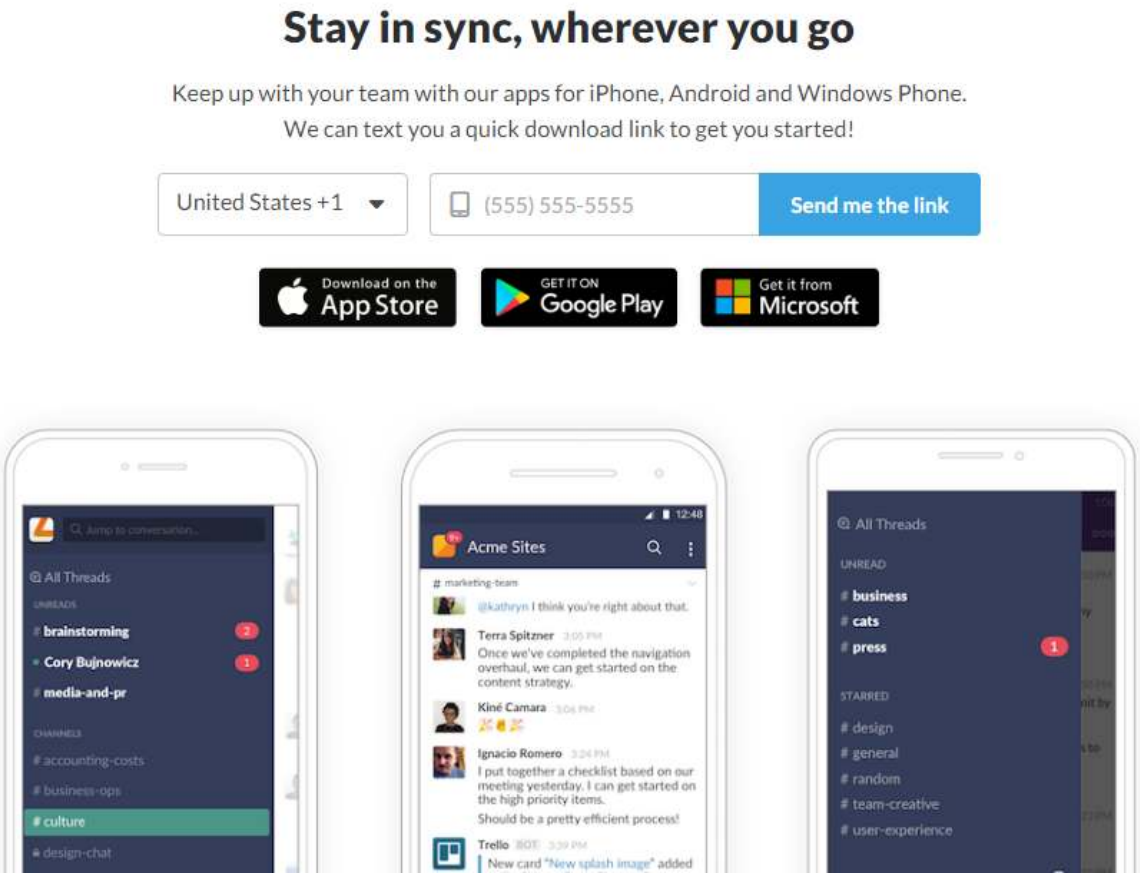
289. Claims 7 and 14 recite mobile terminals having a user interface, camera, and a processor implementing an application for setting up and viewing a personal list, viewing presence information of other users, establishing communications with other users, viewing posted content obtained by other users

and performing related actions as recited in the dependent claims.

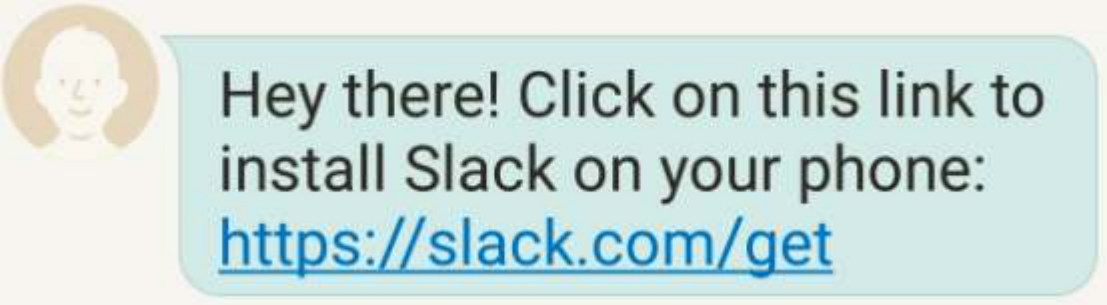
290. SLACK directly infringes claims 7, 14, and their asserted dependent claims by using, testing, installing, deploying, and activating the Accused Systems on mobile terminals that interact with the SLACK applications, services, and systems.

291. SLACK encourages users to install SLACK on their mobile terminals.

292. The following instruction from SLACK provides end users with a download link via SMS message to the user's mobile terminal:



293. This is an example of the SMS message sent from SLACK to a mobile terminal:



294. By clicking the download link on their smartphone, an end user is led to download sources and encouraged to download and install the Accused Systems on their mobile terminal.

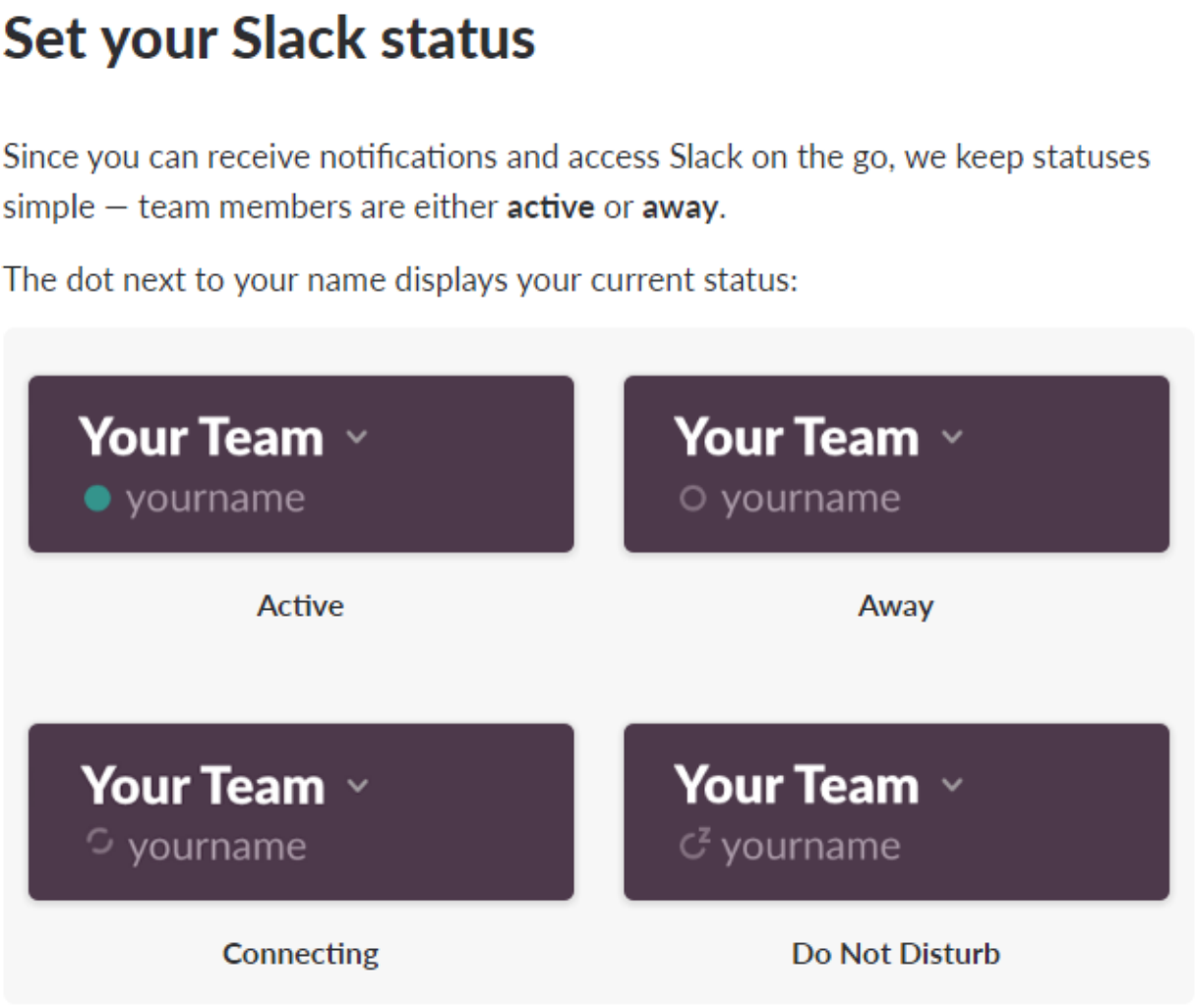
295. SLACK instructs users of the Accused Systems how to implement the SLACK applications, services, and systems for setting up and viewing a personal list, viewing presence information of other users, establishing communications with other users, viewing posted content obtained by other users and performing related actions as recited in the claims using mobile terminals (e.g., smartphones).

296. The Accused Systems enable end users to set up and view personal lists, view presence information, establish communications, view posted content obtained by other users, publish that a photo or video has been taken, and notify other users about the photo or video, and send the photo or video to a server that enables distribution.

297. SLACK was provided notice on November 22, 2016, when GroupChatter filed this suit, that the SLACK Accused Systems infringe the ’249 Patent when installed, configured, and used on mobile terminals as instructed and encouraged by SLACK.

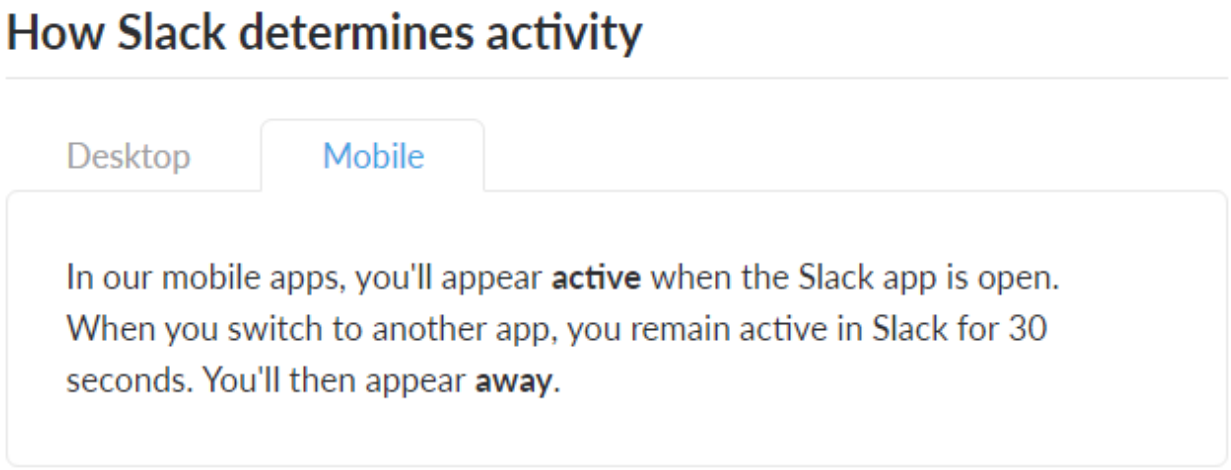
298. SLACK provides applications and interfaces for mobile terminals (e.g., phones, tablets, computers) and encourages end users to use the Accused Systems to infringe the asserted claims of the ’249 Patent.

299. The SLACK Help Center provides instructions to users how to set and change presence information:

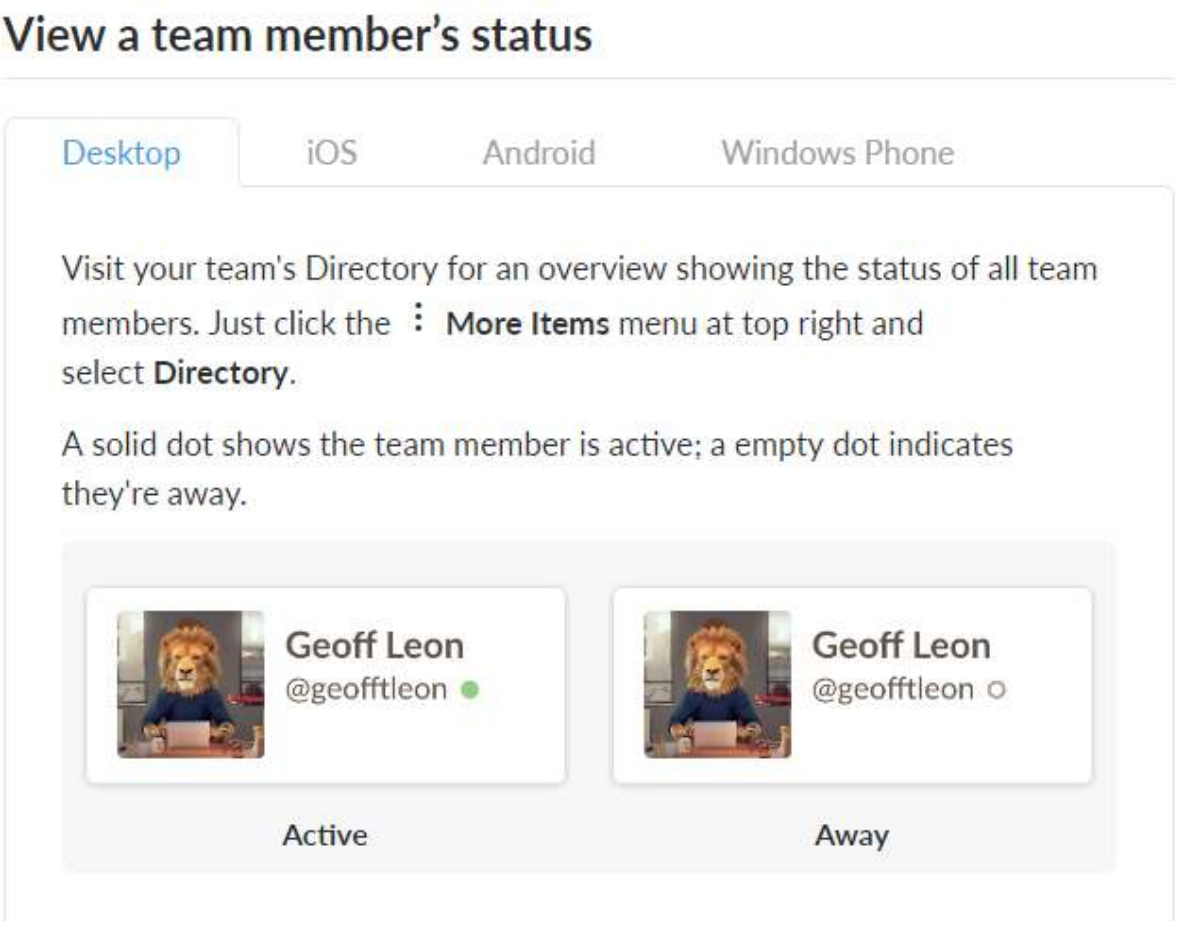


300. SLACK status provides information about the availability users of mobile terminals.

301. The following instructional information from the SLACK Help Center describes how SLACK determines activity of mobile terminal users:



302. The following instructional information from the SLACK Help Center describes how SLACK enables a user to view a team member's status:



303. In the SLACK Help Center, instructions show users how to upload and post content like photos and documents obtained by a user:

Upload files and create posts or snippets

You can upload files — like a photo, a document, or a PDF — in a few easy ways:

- Click the plus icon + on the left hand side of the message box.
- Drag and drop your file into a channel.
- Take a screengrab, then use Ctrl/Cmd + V to paste it in.

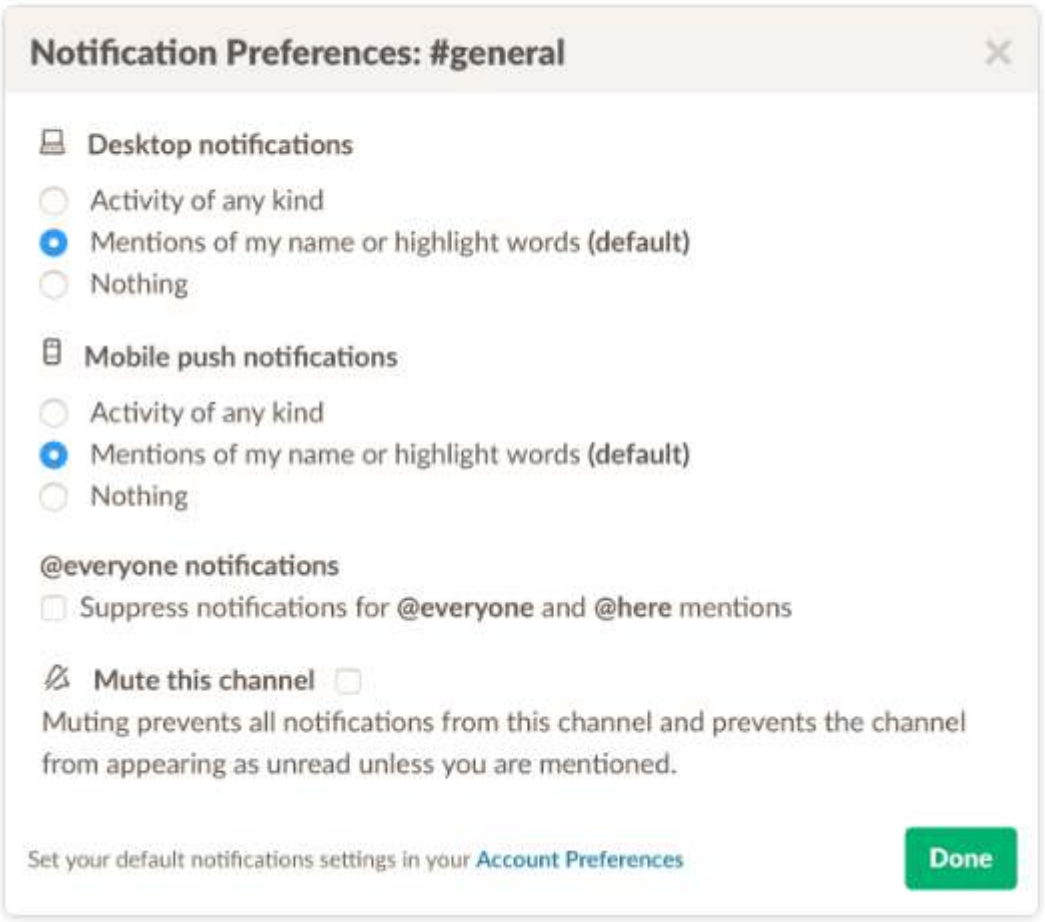
Excellent Tip: Give your files a good, sensible title when you upload them — it makes 'em easier to find later!

Posts and snippets are two types of files team members can create and share within Slack. To get started with either of these file types, click on the plus icon next to the input box.

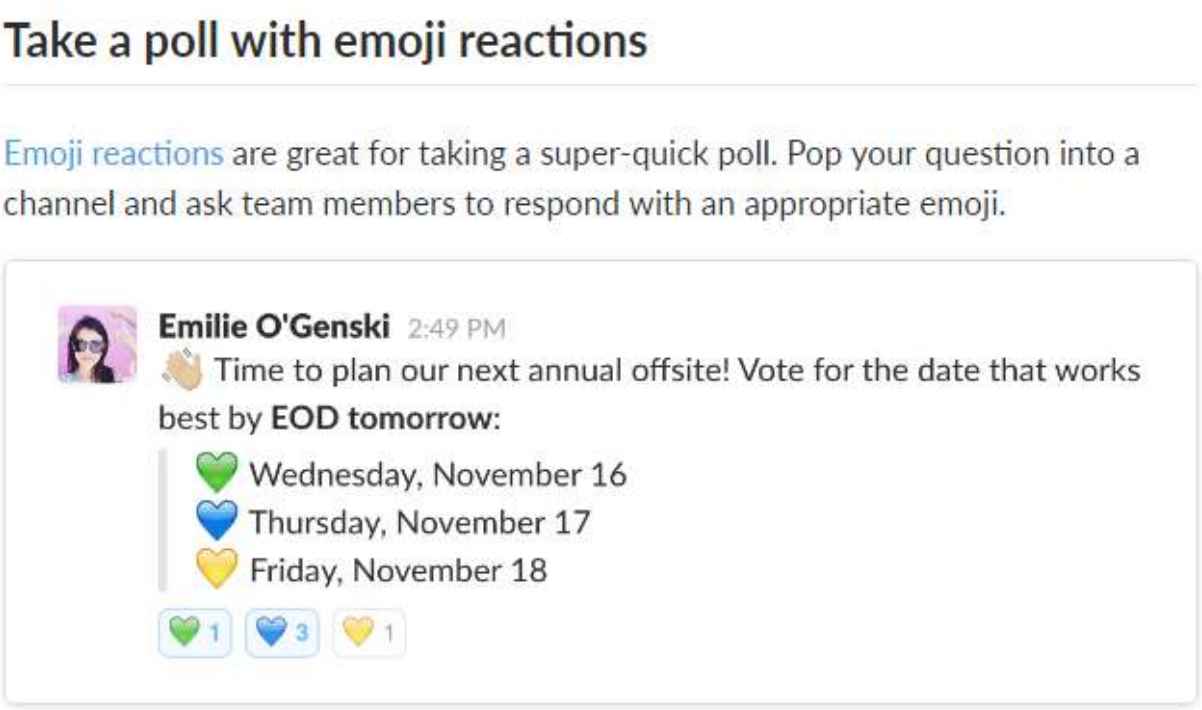
- Posts are good for sharing notes and longer pieces of writing with your team.
- Snippets are best for sharing code or recreating a preformatted block of text.

304. The following instruction from the SLACK Help Center instructs users how to set their notification preferences:

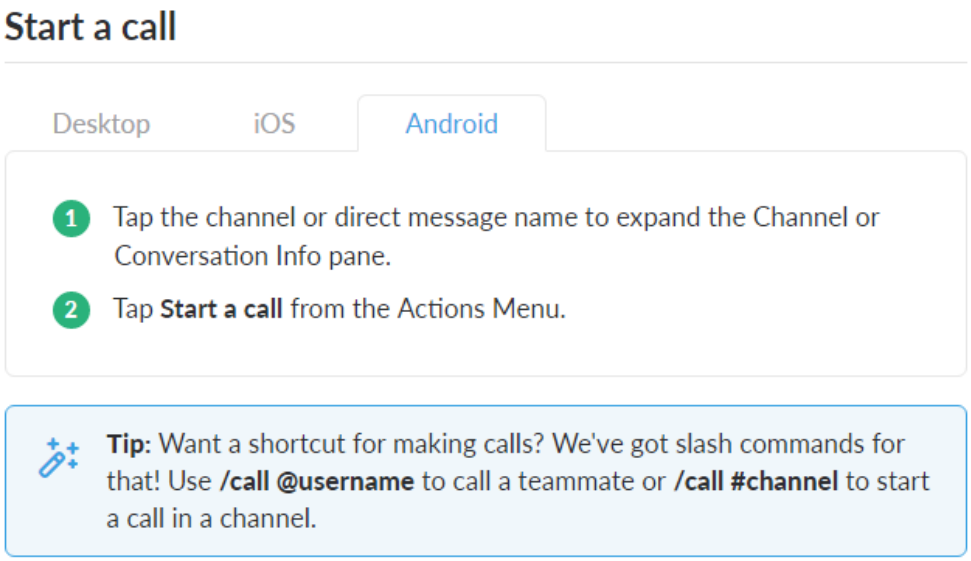
4 Select new desktop and mobile notification settings for the channel.



305. The following instruction from the SLACK Help Center instructs users how to take a poll among users who vote on posted content:



306. SLACK provides the following instruction in its Help Center to show users how to start a voice call from within the Accused System on an Android mobile terminal:



307. SLACK has known about the ’249 Patent and GroupChatter’s infringement allegations since November 22, 2016, when this case was filed.

308. In its original complaint, GroupChatter notified SLACK of the asserted claims of the ’249 Patent and the conduct by SLACK and its end users and customers that infringe them.

309. Since receiving GroupChatter’s original complaint in this action, SLACK introduced SLACK Enterprise Grid, a new product substantially similar in how it practices the asserted claims.

310. SLACK knowingly induces users to infringe the asserted claims by encouraging, aiding, and abetting the installation, configuration, deployment, use, and operation of the Accused Systems.

311. SLACK instructs and encourages end users of the SLACK Accused Systems to use them to perform the steps and make and use the claimed subject matter of the ’249 Patent.

312. SLACK provides step-by-step instructions to users of the Accused Systems.

313. SLACK’s instructions direct end users how to operate the Acccused Systems, as SLACK intends, and SLACK knows that its users will directly infringe the ’249 Patent by performing the functions and carrying out the operative

steps described here.

314. SLACK intends end users to install, configure, and operate the Accused Systems on mobile terminals and carry out the operative steps described here.

315. SLACK's knowledge of the '249 Patent since November 22, 2016, combined with its detailed instruction to users demonstrates SLACK's knowledge that the induced acts constitute infringement of the '249 Patent.

316. SLACK benefits financially, directly (from service revenue) and indirectly (from increased user base and aggregation of data), from usage of the Accused Systems.

317. SLACK contributes to end users' direct infringement of claims 7 and 14 (and their asserted dependents) of the '249 Patent by providing the Accused Systems, including particularly the SLACK mobile terminal application and related software, enabling end users to set up and view personal lists, view presence information, establish communications, view posted content obtained by other users, publish that a photo or video has been taken, and notify other users about the photo or video, and send the photo or video to a server that enables distribution. The SLACK application software implementing the claimed funcationality on the mobile terminal is a component of a patented apparatus and

constitutes a material part of the invention.

318. Since GroupChatter filed suit in November 2016, SLACK has known the SLACK application software is especially made or especially adapted for use in infringing the ’249 Patent. The SLACK application along with its relevant functionality is not a staple article or commodity of commerce suitable for substantial non-infringing use. Despite having such knowledge, SLACK continues to provide applications and interfaces for infringing mobile terminals (e.g., phones, tablets, computers) and continues to induce, direct, instruct, encourage, aid, and abet others to directly infringe the asserted claims of the ’249 Patent.

319. The SLACK application, including the particular software components provided by SLACK that provide the accused functionality and carry out the operations described here, has no substantial non-infringing use. SLACK designed the software components, maintains and develops them, and intends they be used, for infringing the ’249 Patent. The SLACK application software and related software components have no purpose other than infringement.

320. SLACK designed and developed the Accused Systems, including the SLACK mobile application and related software components to be implemented by a processor to enable a SLACK user to view lists of users and their availability to communicate and carry out the functionality recited in the asserted claims of the

'249 Patent.

321. The purpose of the SLACK application software and related software components is to deliver functionality to a user enabling her to set up and view a personal list which includes other users of other mobile terminals; view presence information which indicates availability of the other users of other mobile terminals; establish communications with one or more other users of other mobile terminals; and view posted content obtained by at least one of the other users.

322. A further purpose of the SLACK application software is to notify users of posted content such as a photo or video taken by a user and send the photo or video to a SLACK server for subsequent distribution to other users of other mobile terminals running SLACK upon their accepting a notification of the photo or video.

323. Since becoming aware of the '249 Patent, SLACK has made no effort to modify the Accused Systems in a way that would avoid infringement or deactivate infringing features.

324. Since becoming aware of the '249 Patent, SLACK has made no effort to instruct end users how to avoid infringement or to notify end users to stop performing the steps of the claimed methods. SLACK has made no effort to instruct end users to deploy, use, or configure the Accused Systems in a manner

that would avoid infringing the ’249 Patent.

325. SLACK’s knowledge of the ’249 Patent and GroupChatter’s infringement allegations combined with SLACK’s knowledge how the Accused Systems are deployed and used demonstrate SLACK’s knowledge and intent that the Accused Systems, including in particular the SLACK application and related software, will be combined with other hardware and software to infringe the ’249 Patent.

326. GroupChatter has been damaged as a result of SLACK’s infringement of the ’249 Patent. SLACK is liable to GroupChatter in an amount that adequately compensates it for their infringement, which amount by law can be no less than a reasonable royalty together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

NOTICE

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

328. GroupChatter instructs licensees to mark all licensed products sold, distributed, offered for sale, or made under license to the GroupChatter Patents and has undertaken reasonable efforts as required to comply with the notice requirements of 35 U.S.C. § 287.

NOTICE OF REQUIREMENT OF LITIGATION HOLD

329. Defendant is 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 Defendant knows, 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").

330. 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 Defendant's agents, resellers, or employees if Defendant's electronically stored information resides there.

331. Defendant is 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 Defendant's claims and/or defenses. To avoid such a result, Defendant's preservation duties include, but are not limited to, the requirement that Defendant immediately notify its agents and employees to halt and/or supervise the auto-delete functions of Defendant's electronic systems and refrain from deleting Potential Evidence, either manually or through a policy of periodic deletion.

JURY DEMAND

GroupChatter hereby demands a trial by jury on all claims, issues and

damages so triable.

PRAYER FOR RELIEF

GroupChatter prays for the following relief:

a. That Defendant be summoned to appear and answer;

b. That the Court enter an order declaring that Defendant has infringed the ’207 Patent, the ’659 Patent, the ’888 Patent and the ’249 Patent.

c. That the Court grant GroupChatter judgment against Defendant for all actual, consequential, special, punitive, increased, and/or statutory damages, 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

d. That GroupChatter be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: February 9, 2016

Respectfully submitted,

By: /s/*Daniel A. Kent*
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Georgia Bar Number 415110

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all attorneys of record.

This 9th day of February, 2017.

/s/Daniel A. Kent
Daniel A. Kent