

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

GROUPCHATTER, LLC,

Plaintiff,

v.

LAYER, INC.

Defendant.

CIVIL ACTION FILE

NO. _____

COMPLAINT AND JURY DEMAND

Plaintiff GroupChatter, LLC files this Complaint against Defendant Layer, Inc. (“Defendant” or “Layer”) for infringement of U.S. Patent Nos. 8,588,207; 9,014,659, and 9,294,888.

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. Defendant Layer, Inc. is a Delaware corporation headquartered at 655 4th Street, Second Floor, San Francisco, California 94107. Layer may be served through its registered agent, Incorporating Services, Ltd., 3500 S. DuPont Highway, Dover, Delaware 19901 (tel. 302-531-0855).

JURISDICTION AND VENUE

3. 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.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Defendants do business in this judicial district, have provided Layer software products and services to users in this district, committed acts of infringement in this judicial district, and have purposely transacted business in this judicial district involving the infringing products.

5. Defendants are 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 their substantial business in this State and judicial district, including (A) at least part of its infringing activities alleged herein; 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

6. Layer has infringed and continues to infringe U.S. Patent Nos. 8,588,207 (the "207 Patent"); 9,014,659 (the "659 Patent"), and 9,294,888 (the

“’888 Patent”) (collectively the “Asserted Patents”).

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

GroupChatter ’659, ’207, and ’888 Patents

8. The GroupChatter Asserted ’659, ’207, and ’888 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.

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

10. Broadly speaking, GroupChatter accuses Layer of infringement for providing, making, operating, testing, and using its Layer Messaging Platform (including infrastructure and software) that enables users to integrate deterministic group messaging in customer-facing applications and conduct and participate in

group messaging as recited in the Asserted Claims.

11. The inventors 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 the status of each group member. This left administrators lacking important data about the status of each group member.

12. 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 Asserted Patents how to build and deploy the network architecture to use it and achieve these benefits.

13. In the Asserted Claims of the '659, '207, and '888 Patents, endpoints are identified by information about the user or specific endpoint device and by groups that particular recipient belongs to. 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 network.

14. Through client/server interactions, a user is provided up-to-date group information that may include address information, status information pertaining to

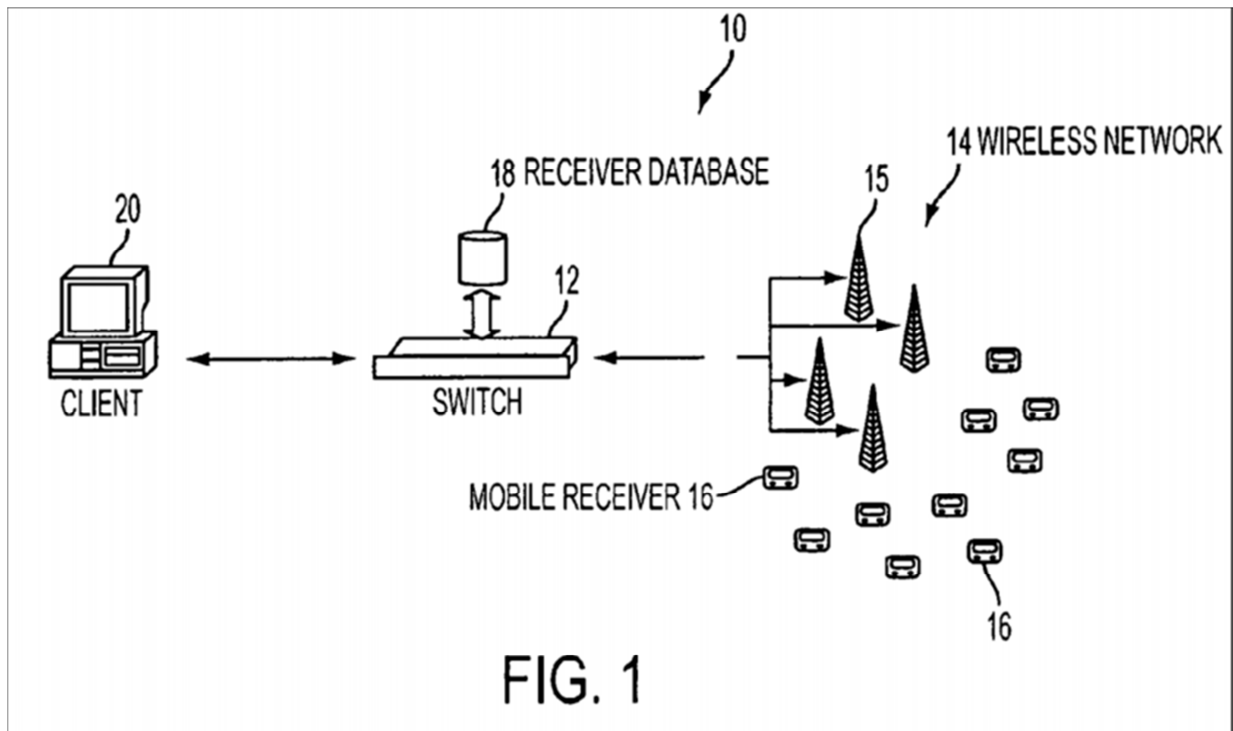
a message or response, overall group detail and status, or even specific information about endpoints within a group.

15. In operation, Layer stores recipient identifiers, one or more group identifiers for each recipient endpoint, and group membership data that identifies which recipients belong to specific groups. An endpoint may belong to multiple groups and thus may be associated with multiple group identifiers.

16. A Layer group message is initiated via a network client and wirelessly transmitted to endpoint devices (e.g., smartphones, tablets, laptop computers) located anywhere within the range of the wireless network infrastructure. Endpoints are configured to receive group messages and respond with status information, alphanumeric text entries, or other information based upon the message and endpoint device status.

17. Efficient group management and maintenance is an advantage of the claimed system and is demonstrated in operation of the claimed invention by reference to and communication with selected endpoints and groups of endpoints that each have a subset of the group information data stored locally.

18. FIG. 1 of the '207 Patent (reproduced below) depicts at a high-level aspects of an embodied network related to one or more claims:



19. 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.).

20. 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. 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.”

21. 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.”

22. Accordingly, the inventors 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).

23. The Asserted '659, '207, and '888 Patents require, among other things, a specific network architecture that may include at least: wireless network (e.g., a cellular or mobile data network) infrastructure (e.g., base stations, backhaul, transmitters, receivers, antennae, Layer servers, and central switch), and multiple network clients (e.g., smartphones running Layer application software and equipped with two-way wireless communication modules for communicating on the wireless network and accessing Layer services).

24. The subject matter of the system and method claims asserted against Layer are tied to the structural deployment described in the Asserted Patents and address shortcomings in group management and communication that the inventors experienced before their invention.

25. In operation, the Asserted Claims detail how a message originator who may lack knowledge of specific details regarding a particular endpoint group is provided group information to the network client. 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.

26. The claims recite a specific method for providing this information. The Asserted Claims of the '659, '207, and '888 Patents describe and recite the source of group and recipient endpoint information (e.g., Layer "Identities"), how and when it is transmitted to a network client, and how it may be displayed and updated at the network client.

27. In an example scenario 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. Using the invention for this feature, the commander is able to determine based upon the group messaging system information, a status of group members. Without this feature, an incident commander may have insufficient context to know whether enough personnel was being summoned, or whether key individuals had been mobilized. *See, e.g., '207 Patent: col. 2, lines 22-26*

28. By using the claimed addressing scheme described in the Asserted Patents, Layer and other infringers are able to communicate to ad hoc or dynamically organized groups of users.

29. Additional meaningful claim elements in the 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*”).

30. 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.

31. 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 concrete result: deterministic status information provided to a network client device for groups of endpoint recipients across a two-way wireless communication network.

32. Accordingly, the Asserted Claims of the ’659, ’207, and ’888 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.

33. Acknowledged group messaging may be performed in ways and across architectures that differ from the claimed subject matter.

34. While the advantages of the inventions likely will not be achieved in technological alternatives to the claimed subject matter, 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.

35. The 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.

36. 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.

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

38. 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 Asserted Patents.

39. 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).

40. 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.

41. By the novel combination of its two-way wireless network architecture, group management and maintenance scheme, and deterministic messaging functionality, the Asserted Patents present a specific, inventive solution

to the problem the inventors recognized with messaging networks at the time of their invention.

LAYER

42. Layer provides a messaging platform that enables developers to integrate group messaging in applications and enables users to conduct group messaging with end users and customers. The Layer platform is provided in kit form (branded “Layer Atlas”), client APIs, and platform APIs.

43. Layer provides the following description of its products and services:

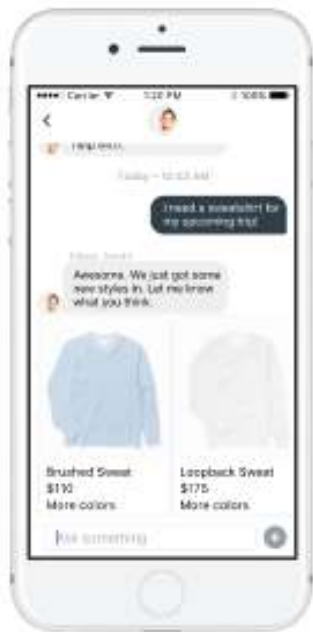
Technical Concepts Overview

Layer provides hosted infrastructure and services that allow developers to easily integrate messaging into native and web apps. Layer is designed for asynchronous, person-to-person messaging, along with APIs for bot integrations. Layer is fully managed and HIPAA-compliant, and powers a wide range of products across both person-to-person and business-to-consumer use cases.

44. Layer markets its products and services to businesses to enable business-to-consumer messaging:



45. Layer enables users to communicate seamlessly across mobile phones, tablets, and computers regardless of each device's operating system.



The Customer

Messaging is the native UX of mobile. Deliver a frictionless, delightful customer experience that converts.

Commerce that comes to you

Beyond phone and email, let your customers talk to you the way they want in 2017—through messaging.

Frictionless purchasing

Leverage rich cards to create a frictionless, mobile-native purchase experience for your customers.

Personal and personalized shopping

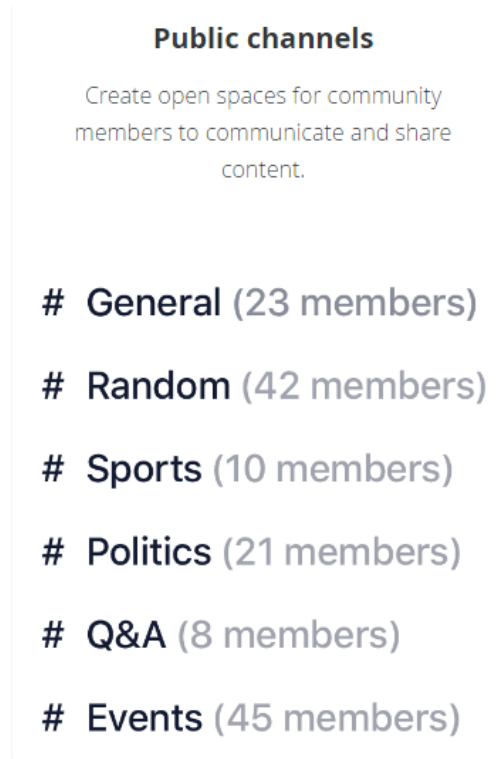
From a stylist that knows you to a bot that learns after every interaction, Layer makes commerce conversational again—the right way.

46. Through group messaging functionality in Layer, groups of users communicate deterministically, generating valuable engagement for Layer

customers.

47. Layer Software Development Kits (SDKs) for various operating systems provide customers with group messaging functionality.

48. The screenshot below is from the Layer website.



49. Layer provides direct messaging and group conversations with up to 25 participants.

50. Layer provides granular delivery and read receipts for each conversation participant.

51. Layer indicates when a user is typing a message.

52. Layer creates an identity object for every user ID registered with

Layer. Each identity object has a user_id field.

53. User profiles associated with a user_id in Layer may feature additional details such as name, email, and an URL for a profile picture.

54. Layer conversations contain a set of participants and an unlimited number of messages.

55. Layer messages also keep track of the sent/delivered/read state for each participant in the conversation.

56. A typical Layer architecture showing the network client, app server, and client application is shown below:

<https://layer.com/>



57. Layer SDKs or APIs are integrated into customer/user-facing applications to enable methods of alerting and communicating with a group of recipients over a wireless network.

58. Layer recognizes and relies on the value of group engagement through

group messaging and markets this benefit of its products and services.

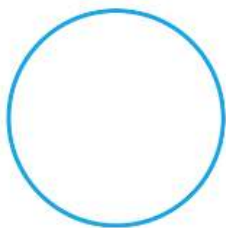
59. The following excerpt is from a marketing piece published on Layer's website:

An app for watch collectors would allow the small but exceedingly committed group of enthusiasts to share in their passion for watches. In such an app, communications features would allow users to exchange reviews, debate over minute mechanical and stylistic details in watches, discuss watch care and optimization. For app creators, these mega niches are highly engaged and monetizable. The interest within the mega-niche communities is extremely focused, therefore the content in such apps would be exceedingly consistent and on-topic. Bringing these like-minded people together, and allowing them to communicate in the context of their shared interest, provides great value and utility to an app's users.

60. Layer provides delivery and read receipts:

Delivery & Read Receipts

Knowing that a message has been delivered and read builds user trust and confidence in the service. Specifically in time-sensitive applications and marketplaces, the difference between a message that has been read or just delivered can be of crucial importance. When one party is waiting on another to respond, this extra information helps keep everyone on the same page. There are some situations, like a dating app, where being thoughtful about what kind of receipt information users are able to see about each other. It may be that showing the read status of messages in an application like that may create undue pressure to respond or anxiety around someone's lack of response.



Sending



Sent



Delivered



Seen

61. Layer provides typing and activity indicators:

Typing & Activity Indicators

Making the recipient aware of the fact that the sender is typing adds a real-time component and keeps users engaged in the conversation. A typing indicator sets an expectation and builds anticipation because the recipient knows a message is about to arrive. Some applications like Snapchat even send push notifications when someone is typing. This makes users come back to the conversation view even before a message arrives. It hastens the perceived speed of delivery and eventual reply, closing the conversation loop even faster.

62. Layer provides presence information about users:

Presence

Information about presence lets users know how quickly to expect a reply. When the other party is present in the conversation, users on average wait a bit longer to see if the typing indicator is going to appear. This translates into longer sessions with more engagement, and often results in a tighter loop of communication.

63. Layer recognizes the value of deterministic group messaging and provides “Message Read” and Delivery receipts.

- **Message Read and Delivery Receipts**

For one-on-one Conversations, or small group Conversations, it makes sense to show the current state of a given message. LayerKit keeps track of whether a Message has been sent, and if it has, which Participants in the Conversation have downloaded that Message (marked as **Delivered**). You can then choose to mark any Message as **Read** once it is actually displayed in the UI.

64. Layer provides in-app notifications to alert a user when new content is posted.

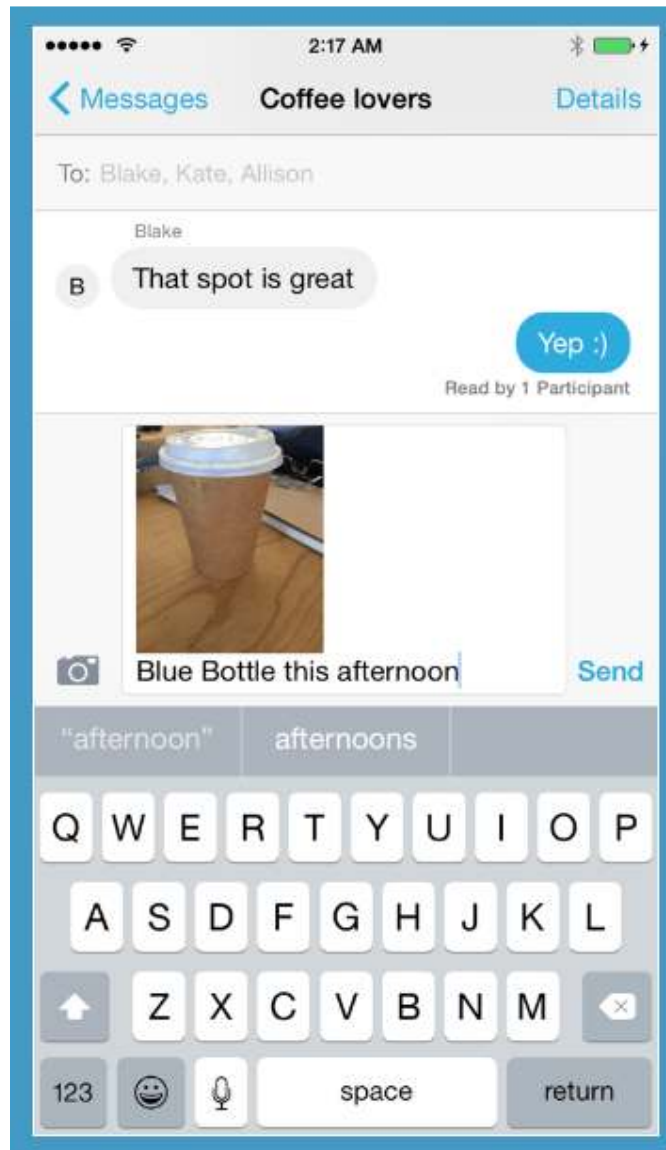
65. Layer provides group members with information about other group members.

66. Group member information is accessible on each group member’s

device.

67. Layer recipients of a group message send responses that update the sender's display to indicate if a message has been received or read.

68. In Layer's example of group messaging below, a read receipt indicator is shown along with group and recipient identifying information.



69. Layer users can exchange messages, share photos, multimedia content, videos, photographs, and chat, place voice calls, place video calls, group share, and receive notifications.

70. Layer servers monitor for responses from group members. “Layerkit keeps track of whether a Message has been sent, and if it has, which Participants in the Conversation have downloaded that Message (marked as **Delivered**).”

71. Layer stores acknowledgment information for each message indicating which group members have seen (or “read”) a group message. Up-to-date status information is provided to client application software.

72. Layer determines, based upon stored acknowledgment data, a type of message to send to a recipient such as resending a message if a delivered acknowledge is not received.

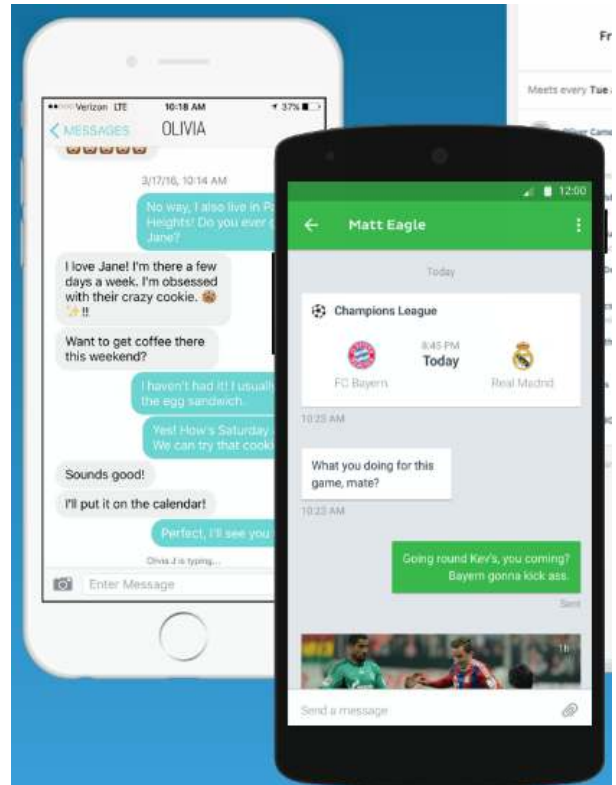
73. Layer event types reflect acknowledgment data.

Events

When configuring a webhook, you subscribe to the specific events that your service needs. Each event type corresponds to a specific action that can occur within your Layer application. The current set of available event types are:

Event	Triggers When
message.sent	A Message is sent.
message.delivered	A client acknowledges delivery of a Message.
message.read	A client marks a Message as read.
message.deleted	A client deletes a Message (Global deletion mode only).

74. Layer transmits messages to recipients over wireless networks such as cellular or 802.11 mobile data networks.



75. Layer infringes the GroupChatter Asserted Patents by making, using, monetizing, providing, deploying, and testing the Layer messaging platform including Layer infrastructure (e.g., server-based systems) and the various Layer APIs and SDKs that customers of Layer use to enable group messaging on phones, tablets, and computers. These infringing Layer components and Layer systems are the “Accused Systems.”

76. Layer indirectly infringes, with notice at least by this complaint, by

inducing and contributing to infringement by Layer customers that utilize the Layer products and services to provide group messaging and social networking-based communication. These implementers use the Layer software and servers to provide messaging and social networking engagement to foster their customer interactions and exchange information.

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

77. GroupChatter incorporates paragraphs 1 through 76 herein by reference.

78. 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.”

79. A true and correct copy of the ’207 Patent is attached as Exhibit B.

80. 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.

81. The United States Patent Office granted the ’207 Patent on November 19, 2013.

82. The ’207 Patent is valid, enforceable and was duly issued in full

compliance with Title 35 of the United States Code.

83. 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, monetizing, testing, offering for sale, selling, and/or importing the Accused Systems for operation as a deterministic group messaging system used by Layer users to exchange group messages over wireless networks (e.g., cellular, Wi-Fi, WiMAX, wireless broadband).

84. Layer has directly infringed and continue to infringe the '207 Patent by deploying, testing, using, providing, monetizing, and operating the Layer Accused Systems to provide acknowledged group messaging to users and perform acknowledged group messaging.

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

86. Layer user_ids are part of a user's profile. Layer uses this information to help users find other users and to organize a user's information within the Layer infrastructure (e.g., on Layer servers):

87. From within a Layer application, a user can add or remove conversation participants:

```
// Adds a participant to an existing conversation
// New participants will gain access to all previous messages in a conversation.
NSError *error = nil;
BOOL success = [conversation addParticipants:@[ @"USER_ID" ] error:&error];

// Removes a participant from an existing conversation
// Removed participants will only lose access to future content. They will retain access
// to the conversation and all preceding content.
NSError *error = nil;
BOOL success = [conversation removeParticipants:@[ @"USER_ID" ] error:&error];
```

88. Group information is stored on Layer servers:

89. In the context of the Asserted Claims, a Layer-integrated application may act as network client to transmit to the Layer infrastructure (e.g., a Layer server) a request for wireless transmission of a group message.

90. Layer transmits group information related to the group address, group membership, and/or recipient identifying information via the Layer infrastructure to a network client (e.g., Layer platform-integrated app).

91. The Layer Accused Systems broadcast group messages to members via wireless networks such as cellular or Wi-Fi networks on which network client devices are operating.

92. The Accused Systems receive acknowledgments from group members via the user's wireless network (e.g., Wi-Fi network or cellular network). For example, a message- initiating user will see when her message is delivered and when the recipient user sees it.

93. Layer tracks and updates a message's status to "Read" when

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

94. When membership changes in a Layer group, membership data on the Layer server infrastructure is updated along with affected users' mobile devices.

95. Layer instructs and encourages end users of the Layer Accused Systems to use the Layer group messaging features. Layer is on notice of the Asserted Patents and the conduct by Layer and its end users and customers that infringe them.

96. Layer's infringing conduct described in this Count has damaged GroupChatter. Layer 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

97. GroupChatter incorporates paragraphs 1 through 96 herein by reference.

98. 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."

99. A true and correct copy of the '659 Patent is attached as Exhibit C.

100. 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.

101. The United States Patent Office granted the '659 Patent on April 21, 2015.

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

103. Layer is practicing one or more claims of the '659 Patent, including at least claims 1, 2, 3, 4, 5, 7, 8, 10, 11, 12, 13, 14, 16, and 17, by making, using, offering for sale, monetizing, selling, and/or importing the Layer Accused Systems that provide a deterministic group messaging system to Layer application integrators and end users who exchange group messages over wireless networks (e.g., cellular, Wi-Fi, WiMAX, or wireless broadband).

104. Layer has directly infringed and continues to infringe the '659 Patent by deploying, testing, using, monetizing, and operating the Layer Accused Systems to provide acknowledged group messaging to users and perform acknowledged group messaging.

105. The Layer Accused Systems operate on computers, desktop computers, laptops, smartphones, tablets, and mobile devices and communicate using cellular and/or Wi-Fi networks. Such hardware having a Layer integrated application installed or running is included in the definition of Layer Accused Systems.

106. Layer Accused Systems provide users the ability to start group conversations and exchange messages among members of a group via mobile devices operating on wireless networks.

107. Layer stores on its servers data relating to recipients, groups created by users, and group membership information.

108. Layer user_ids are part of a user's profile along with other profile information users can define and add. Layer uses this information to help users find other users and to organize a user's information internally on the Layer infrastructure.

109. Layer integrated applications provide to mobile devices running group information such as group membership and recipient identifying data stored on the Layer server infrastructure.

110. From within a Layer application, a user can add or remove conversation participants:

```
// Adds a participant to an existing conversation
// New participants will gain access to all previous messages in a conversation.
NSError *error = nil;
BOOL success = [conversation addParticipants:@[ @"USER_ID" ] error:&error];

// Removes a participant from an existing conversation
// Removed participants will only lose access to future content. They will retain access
// to the conversation and all preceding content.
NSError *error = nil;
BOOL success = [conversation removeParticipants:@[ @"USER_ID" ] error:&error];
```

111. Group information is stored on Layer servers:

112. In the context of the Asserted Claims, a Layer-integrated application may act as network client to transmit to the Layer infrastructure (e.g., a Layer server) a request for wireless transmission of a group message.

113. Layer transmits group information related to the group address, group membership, and/or recipient identifying information via the Layer infrastructure to a network client (e.g., Layer platform-integrated app).

114. Layer applications transmit group messages wirelessly to mobile devices corresponding to each recipient in the selected group.

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

116. Layer applications store acknowledgment data for each group member in memory.

117. Enabling the Layer presence information functionality will make a user's online status visible to other users.

118. Layer displays read status indicators when other users have seen the user's messages and will display the status to other users when their messages have been seen.

119. Layer applications send messages to the Layer Accused System's network clients based on stored acknowledgment data.

120. Layer applications and infrastructure broadcasts group messages to users via the users' wireless networks (e.g., cellular or Wi-Fi networks).

121. Layer receives acknowledgment responses from group members via the wireless network used by a user's device.

122. Layer provides acknowledgment responses indicating to the network client who has seen the group message. For example, a message-initiating user will see when her message is delivered and when the recipient sees it.

123. Users may respond to group messages in Layer applications with content, photos, text messages, or read indicators sent from their mobile device.

124. When membership changes in a Layer group, the Layer application updates membership data on the Layer infrastructure and any user's device that may be affected by the change.

125. The Accused Layer Systems provide acknowledged group messaging.

126. Layer 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.

127. Layer stores group information on user devices running a Layer application.

128. When a group message is initiated, the Layer client application within the Layer Accused Systems causes wireless transmission of the group message to mobile devices corresponding to group recipients. In turn, mobile devices receiving the group message transmit a response.

129. In operation, a Layer client application monitors group message information relayed by Layer infrastructure (e.g., Layer servers) for group message responses. The client application stores acknowledgment data and message status information for each group member.

130. Layer instructs and encourages end users of the Layer Accused Systems to use the Layer group messaging features. Layer is on notice of the Asserted Patents and the conduct by Layer and its end users and customers that infringe them.

131. As a result of Layer's infringing conduct described in this Count,

GroupChatter has been damaged. Layer is liable to GroupChatter in an amount that adequately compensates it for Defendant 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**

132. GroupChatter incorporates paragraphs 1 through 131 herein by reference.

133. 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.”

134. A true and correct copy of the ’888 Patent is attached as Exhibit D.

135. 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.

136. The United States Patent Office granted the ’888 Patent on March 22, 2016.

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

138. Layer 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, testing, importing, deploying, using, and/or monetizing the Layer Accused Systems and subsystems that provide a deterministic group messaging system through which Layer users exchange group messages over wireless networks (e.g., cellular, Wi-Fi, WiMAX, and wireless broadband).

139. Layer has directly infringed and continues to infringe the '888 Patent by deploying, testing, deploying, importing, monetizing, using, or operating the Layer Accused Systems to provide acknowledged group messaging to users and perform acknowledged group messaging.

140. Layer Accused System components (e.g., Layer integrated apps) operate on desktop computers, smartphones, laptops, tablets, and mobile devices that communicate using cellular and/or Wi-Fi networks.

141. The Layer Accused System provides users the ability to start group conversations and exchange messages among members of a group via mobile devices operating on wireless networks.

142. Layer stores on server infrastructure data relating to recipients, groups created by users, and group membership information.

143. Layer `user_ids` are part of a user's profile along with other

information that users may define and add. Layer provides this information to help users find other available users. Layer collects and organizes user information internally on the Layer servers.

144. Layer provides group information (e.g., group membership and recipient identifying data stored on the Layer servers) to mobile devices running a Layer integrated application.

145. From within a Layer application, a user can add or remove conversation participants:

```
// Adds a participant to an existing conversation
// New participants will gain access to all previous messages in a conversation.
NSError *error = nil;
BOOL success = [conversation addParticipants:@[ @"USER_ID" ] error:&error];

// Removes a participant from an existing conversation
// Removed participants will only lose access to future content. They will retain access
// to the conversation and all preceding content.
NSError *error = nil;
BOOL success = [conversation removeParticipants:@[ @"USER_ID" ] error:&error];
```

146. Group information is stored on Layer servers:

147. In the context of the Asserted Claims, a Layer-integrated application may act as network client to transmit to the Layer infrastructure (e.g., a Layer server) a request for wireless transmission of a group message.

148. Layer transmits group information related to the group address, group membership, and/or recipient identifying information via the Layer infrastructure to a network client (e.g., Layer platform-integrated app).

149. Layer applications transmit group messages wirelessly to mobile devices corresponding to each recipient in the selected group.

150. Mobile devices running a Layer client application receive a group message and respond with an acknowledgment of receipt, an alphanumeric text reply, and/or indication the group message has been received but not read by the user.

151. Layer stores acknowledgment data in memory.

152. Layer sends messages to client applications within the Layer Accused Systems based upon stored acknowledgment data such as when a user is offline.

153. Layer Accused Systems broadcast group messages to members via wireless networks (e.g., cellular or Wi-Fi networks) on which network client devices are operating.

154. The Layer Accused Systems receive acknowledgment responses from group members via the wireless network being used by a Layer application user's device.

155. For example, a message-initiating user will see when her message is delivered and when the recipient user reads it.

156. Users send personal messages using the Layer Accused Systems.

157. Layer provides acknowledgment responses indicating to the network

client who has seen the group message and who among group members has not.

158. Users may respond to group messages in Layer integrated applications with text messages, content, photos, or read indicators sent from their mobile device.

159. When membership changes in a Layer messaging group, the Layer Accused Systems update membership data on the server systems along with affected users' mobile devices.

160. Layer provides acknowledged group messaging.

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

162. Layer stores group information on a user's mobile device(s).

163. When a group message is initiated, a user's client application within the Layer Accused System causes wireless transmission of a group message to mobile devices corresponding to group recipients. Mobile devices receiving the group message transmit a response.

164. In operation, a Layer client application monitors group message information relayed by Layer servers for group message responses and stores acknowledgment data comprising an indication that the group message was

received, a group message was read, or a reply was sent by the recipient.

165. Layer encourages its users and customers to use group messaging features and integrate them in applications.

166. Layer is on notice of GroupChatter's claims on the '888 Patent and the conduct by Layer and its end users that are accused of infringement.

167. Layer instructs and encourages end users of the Layer Accused Systems to use the Layer group messaging features. Layer is on notice of the Asserted Patents and the conduct by Layer and its end users and customers that infringe them.

168. GroupChatter has been damaged as a result of Layer's infringing conduct. Layer is liable to GroupChatter in an amount that adequately compensates it for Layer'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.

NOTICE

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

170. GroupChatter instructs its 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

171. Layer 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 Layer 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”).

172. 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 emails), 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 Layer's agents, resellers, or employees if Layer's electronically stored information resides there.

173. Layer 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 Layer's claims and/or defenses. To avoid such a result, Layer's preservation duties include, but are not limited to, the requirement that Layer immediately notify its agents and employees to halt and/or supervise the auto-delete functions of Layer'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 Layer be summoned to appear and answer;
- b. That the Court enter an order declaring that Layer has infringed the '888 Patent, the '207 Patent, and the '659 Patent;
- c. That the Court grant GroupChatter judgment against Layer 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;
- d. That Layer be found jointly and severally liable for all damages owed to GroupChatter; and
- e. That GroupChatter be granted such other and further relief as the Court may deem just and proper under the circumstances.

Respectfully submitted, this 31st day of March, 2017.

By: /s/Daniel A. Kent

Daniel A. Kent
Georgia Bar Number 415110
dankent@kentrisley.com
KENT & RISLEY LLC
5755 N Point Pkwy Ste 57
Alpharetta, GA 30022
Tel: (404) 585-4214
Fax: (404) 829-2412

Cabrach J. Connor (pro hac vice)
cconnor@taylordunham.com
Jennifer Tatum Lee (pro hac vice)
jtatum@taylordunham.com
TAYLOR DUNHAM AND RODRIGUEZ LLP
301 Congress Ave., Suite 1050
Austin, Texas 78701
512.473.2257 Telephone
512.478.4409 Facsimile

ATTORNEYS FOR PLAINTIFF