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

GROUPCHATTER, LLC, Plaintiff, v. PATH, INC., KAKAO CORPORATION, and PATH MOBILE INC. PTE. LTD., Defendants.	CIVIL ACTION FILE NO. _____

COMPLAINT AND JURY DEMAND

Plaintiff GroupChatter, LLC files this Complaint against Defendants Path, Inc., Kakao Corporation, and Path Mobile Inc. Pte. Ltd. (each a "Defendant" and collectively "Defendants," or "Kakao/Path") for infringement of U.S. Patent Nos. 7,945,249; 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. 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 Path, Inc. is a Delaware company with a principal place of business located at 301 Howard Street, Suite 2200, San Francisco, California 94105. Path may be served through its registered agent for service of process: CSC-Lawyers Incorporating Service, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833.

4. Defendant Kakao Corporation is a foreign company with its headquarters at 242, Cheomdan-ro, Jeju-si, Jeju-do, Korea.

5. Korea acceded to the Hague Convention, so Kakao may be served pursuant to Fed. R. Civ. P 4(f) through the Korean Central Authority: National Court Administration, Attn.: Director of International Affairs, 967, Seocho-dong, Seocho-gu, Seoul 137-750.

6. Defendant Path Mobile Inc. Pte. Ltd. is a foreign company with a principal place of business at 22 Malacca Street, Singapore, 048980 Singapore.

7. Path Mobile Inc. Pte. Ltd. may be pursuant to Fed. R. Civ. P. 4(f) and the Hague Convention.

ABOUT THE DEFENDANTS

8. Since 2010, Path, Inc. ("Path") has operated the Path social networking system and Path Talk messaging application for sharing multimedia content and messaging mobile devices.

9. Path operates an interactive website, https://path.com/, through which users in Georgia and throughout the United States can send and receive group messages, upload and view user-generated content, provide location information to other users, and interact with users by rating posted content.

10. Kakao Corporation ("Kakao") is a publicly traded Korean conglomerate responsible for developing, marketing, distributing, and selling software applications for mobile devices and computers including KakaoTalk, KakaoGroup, and KakaoStory.

11. Kakao purchased Path and Path Talk in May 2015, and established Path Mobile Inc. Pte. Ltd. in August 2015 to operate social networking services Path and Path Talk.

12. Path Mobile Inc. Pte. Ltd. is a Kakao subsidiary.

13. Since buying Path, Kakao has integrated the Path and Path Talk services with Kakao applications.

14. Kakao and Path distribute the Path and Kakao applications to Georgia residents.

15. In normal operation of the Path and Kakao applications, Georgia residents systematically interact with Kakao/Path servers and infrastructure to exchange messages, post content, interact with users, exchange location-based content and information, and communicate.

16. Kakao/Path seek to engage in business transactions and contract with Georgia residents. Users enter into contracts with Kakao/Path governing the terms of service, license to use Kakao/Path applications, and the privacy policy between them.

17. Kakao/Path operate interactive websites to attract Georgia users to interact with the Kakao/Path platforms, make purchases, view advertising, and use the Kakao and Path applications.

18. Kakao/Path derives revenue from Georgia residents directly from in-app or online purchases through the Kakao and Path interactive websites and indirectly through advertising directed to Kakao/Path application users.

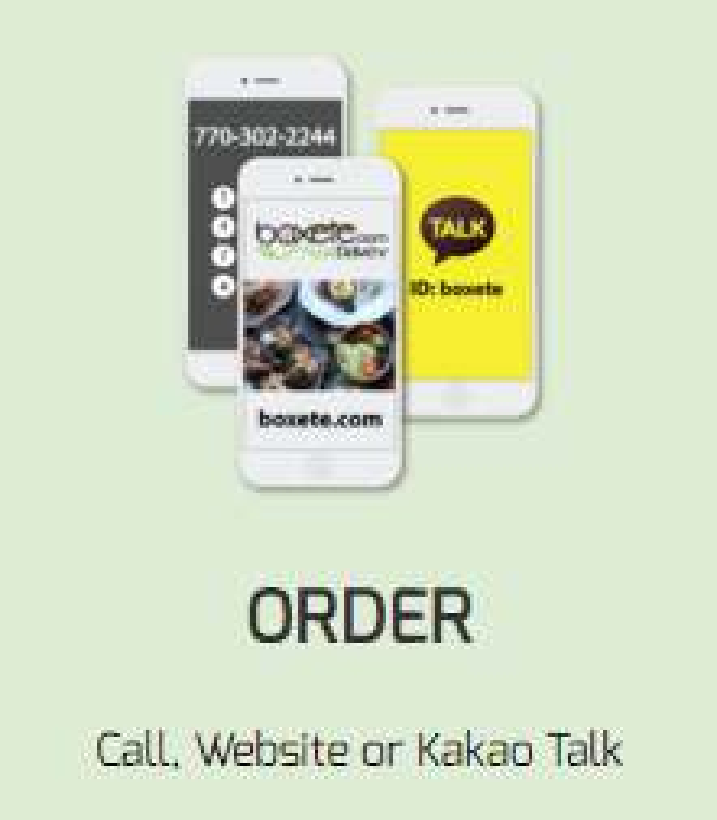
JURISDICTION AND VENUE

19. 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.

20. 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 downloads of the Kakao and Path applications to users in this district, committed acts of infringement in this judicial district, and have purposely transacted business in this judicial district involving the accused products.

21. Path and Kakao offer products and services including those accused of infringing GroupChatter's patents to customers in Georgia and in this judicial district and derive revenue from users in Georgia.

22. Businesses in Georgia including in this judicial district use Kakao applications to communicate with customers. For example, Boxete accepts orders for delivery through KakaoTalk.



23. 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

24. Kakao has infringed and continues to infringe U.S. Patent Nos. 7,945,249 (the "'249 Patent"); 8,588,207 (the "'207 Patent"); 9,014,659 (the "'659

Patent"), and 9,294,888 (the "'888 Patent").

25. Path has infringed and continues to infringe U.S. Patent Nos. 7,945,249 (the "'249 Patent"); 8,588,207 (the "'207 Patent"); 9,014,659 (the "'659 Patent"), and 9,294,888 (the "'888 Patent"). The patents Path and Kakao infringe may be referred to collectively as the "Asserted Patents" and Defendants' infringing acts may be attributed to "Kakao/Path" to reflect their relationship vis-à-vis the Path Accused Systems.

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

27. The '249 Patent 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.

28. Broadly speaking, GroupChatter accuses Path/Kakao of infringing the '207, '659, and '888 Asserted Patents by providing, deploying, monetizing, promoting, operating, testing, and using the Path/Kakao ecosystem (including the infrastructure and software such as the Path and Kakao mobile and desktop apps)

that enables users to conduct and participate, within a social network, in deterministic, acknowledged group messaging as recited in the Asserted Claims.

29. Broadly speaking, GroupChatter accuses Path/Kakao of infringing the '249 Patent by providing Path and Kakao applications to enable end users to build a personal list of other users (i.e., "friends"), exchange information about users' availability and presence, and interact with users to communicate, post and view content, and exchange comments and rate posted content.

30. GroupChatter contends Path/Kakao indirectly infringes the GroupChatter Asserted Claims, since receiving notice by this complaint, by encouraging, directing, aiding and abetting end users to use the Path/Kakao platform and services to practice the claimed methods and use the claimed systems. Path/Kakao 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.

GroupChatter '659, '207, and '888 Patents

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

32. These 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.

33. "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, PDUs, pagers, and, in the 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.

34. The inventors, James Dabbs and Brian Claise, 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 recipients, response status from users, and other valuable state information concerning messages and message responses of group members.

35. 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 '888, '659, and '207 Patents how to build and deploy the network architecture to use it and achieve these benefits.

36. In the Asserted Claims of the '659, '207, and '888 Patents, grouped endpoints/users are identified by information about the user or specific endpoint device, which may include names or network addresses(es), and by groups that particular recipient device belongs to.

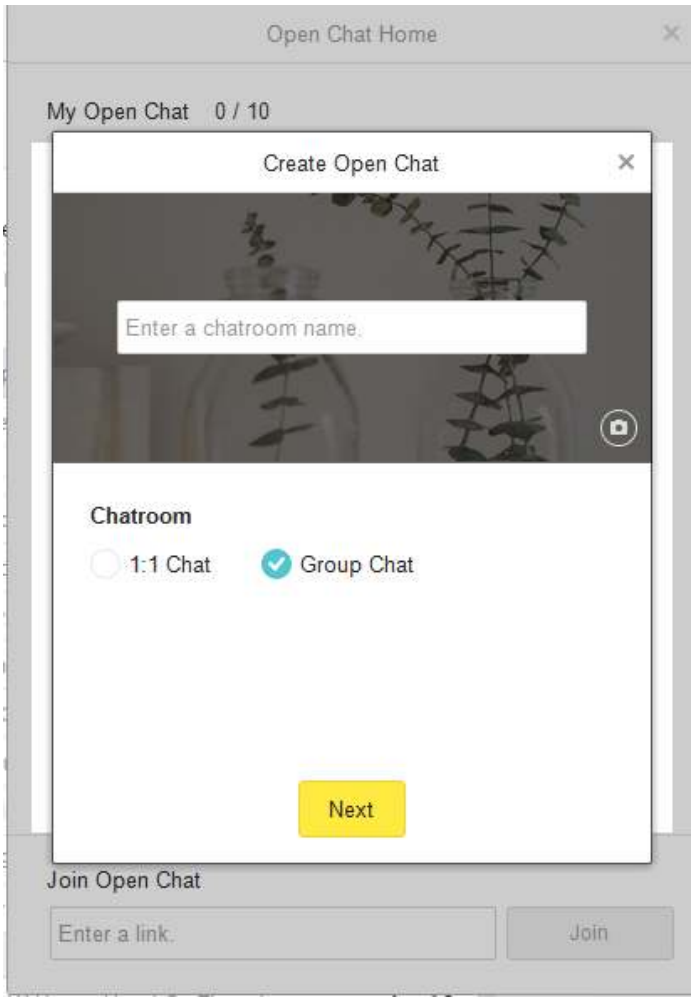
37. In addition to the two-way wireless architecture of the radio network, a client/server-based architecture is provided for communication between a network client and the two-way wireless messaging network.

38. 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.

39. KakaoTalk, a Kakao application, is a messaging application for iPhone, Android, Windows PC and Mac that enables users to send and receive messages as well as photos, videos, voice messages, location, contact information, and URL links in group chats.

40. Kakao's Group Chat functionality that enables users to communicate

deterministically with a group of their "friends":



41. In operation, the Path/Kakao 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. An endpoint may belong to multiple groups and thus may be associated with multiple group identifiers.

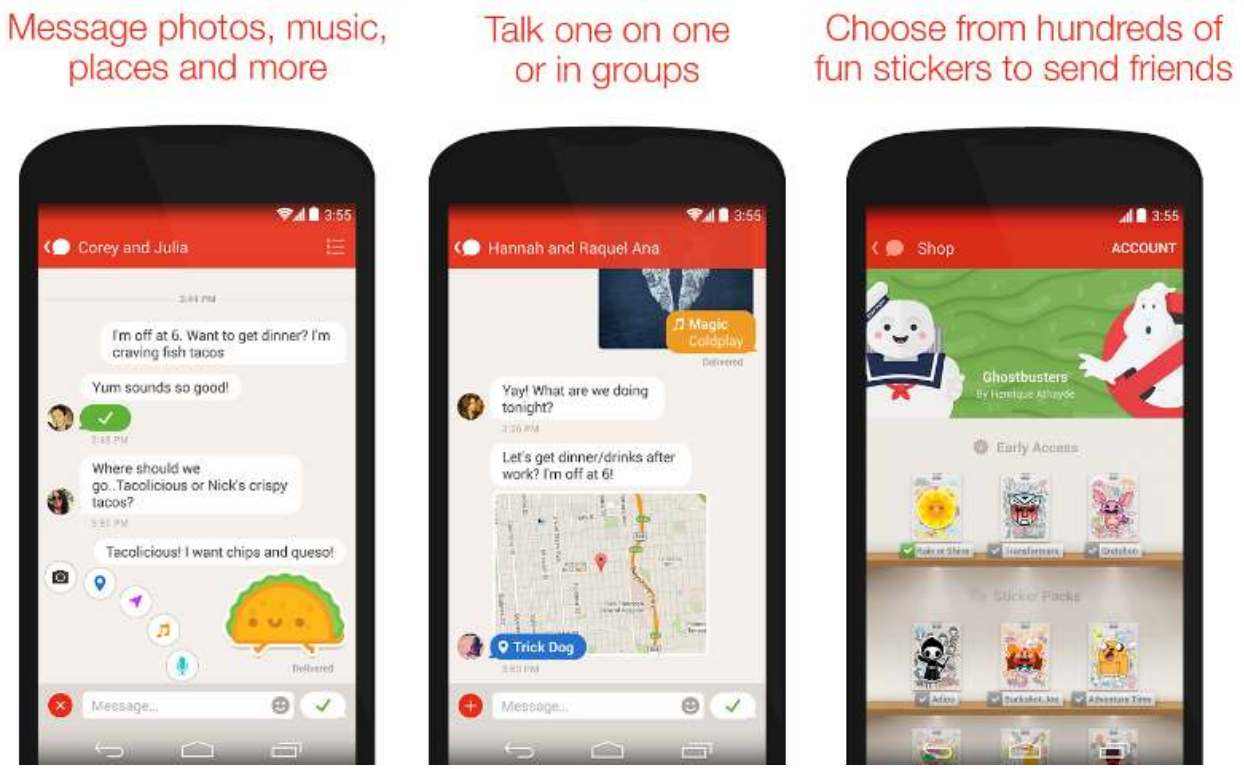
42. The screenshot below shows an example of group messaging using

KakaoTalk:

43. In Path/Kakao, a group message is initiated via a network client and may be wirelessly transmitted to endpoint devices located anywhere within the range of the wireless network infrastructure.

44. Path/Kakao endpoints (recipient devices) are configured to receive a 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.

45. In the screenshot below, a group of Path users interact and exchange multimedia and location information:



46. 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.

47. 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."*

48. 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 September 11, 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."*

49. 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).

50. 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, Path/Kakao servers, and central switch), and multiple network clients (e.g., smartphones running Path/Kakao application software and equipped with two-way wireless communication modules for communicating on the wireless network).

51. FIG. 1 of the ’207 Patent (reproduced below) depicts an exemplary architecture and high level aspects of an embodied network related to one or more claims:

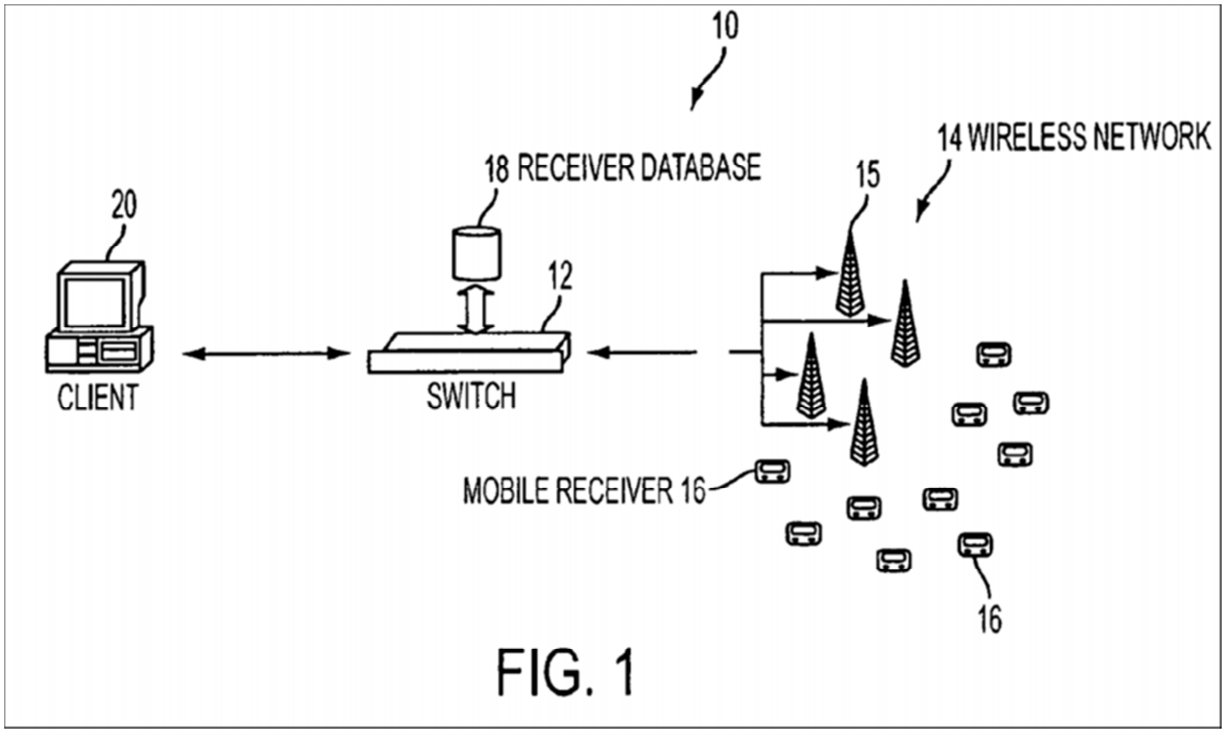


FIG. 1

52. 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.).

53. The subject matter of the system and method claims asserted against Path/Kakao 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.

54. 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. 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.

55. 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, how and when it is transmitted to a network client, and how it may be displayed and updated at the network client.

56. 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. 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 were being summoned, or whether key individuals had been mobilized. *See* '207 Patent: col. 2, lines 22-26.

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

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

59. 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.

60. 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.

61. 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. 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.

62. The operations, function, and results of the subject matter of the Path/Kakao systems cannot be carried out and achieved by a human or generic computer or by using a generic two-way wireless radio network.

63. 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.

64. 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).

65. 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.

66. 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.

GroupChatter '249 Patent

67. 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.

68. 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.

69. 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.*

70. 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.

71. 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.

72. 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.

73. 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.

74. 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.

75. 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.

76. 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.

77. 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.

78. 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.

79. 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."

80. 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.

81. 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).

82. 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.

83. 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.

84. The ’249 patent describes exemplary hardware/software environments in its FIG. 1, reproduced below:

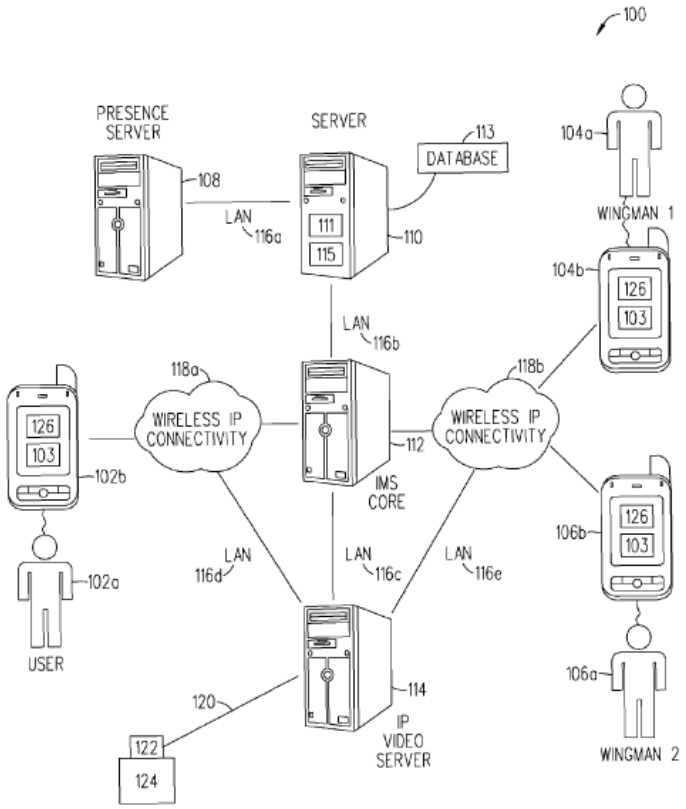


FIG. 1

85. In 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).

86. 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.

87. 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.

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

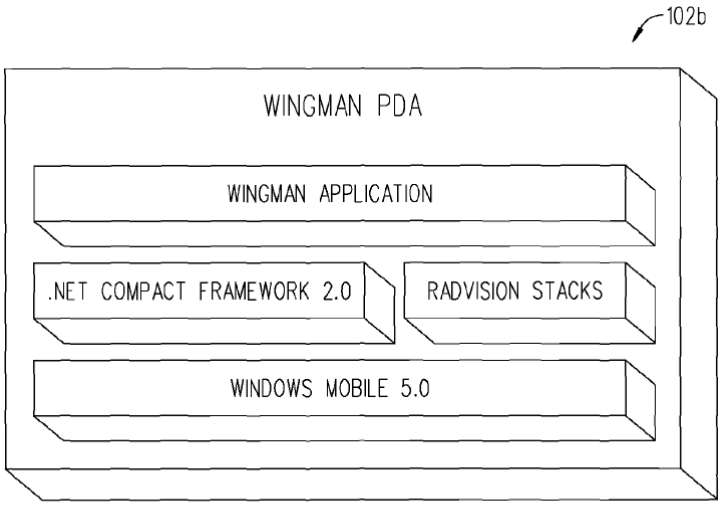


FIG. 20B

89. 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:

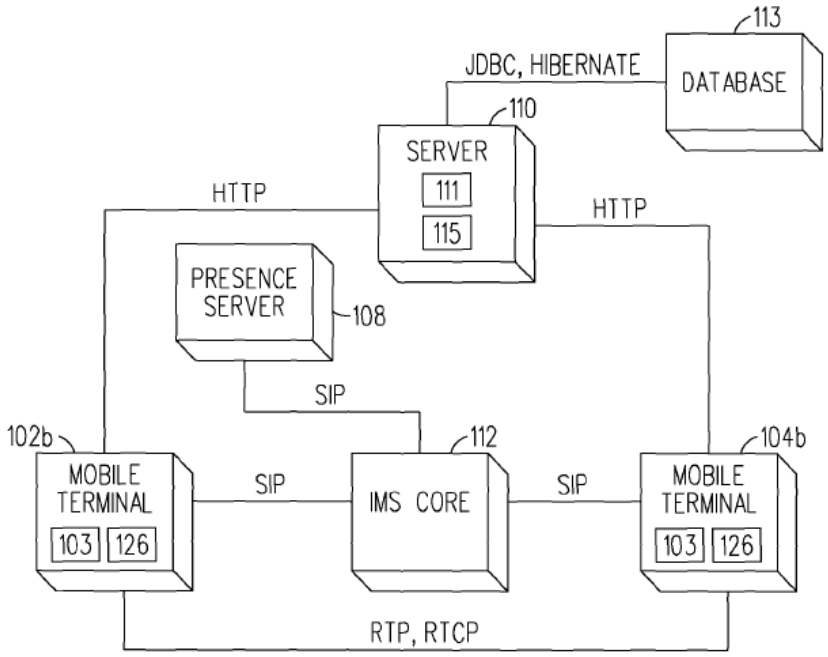


FIG. 19

90. 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.

91. 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.

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

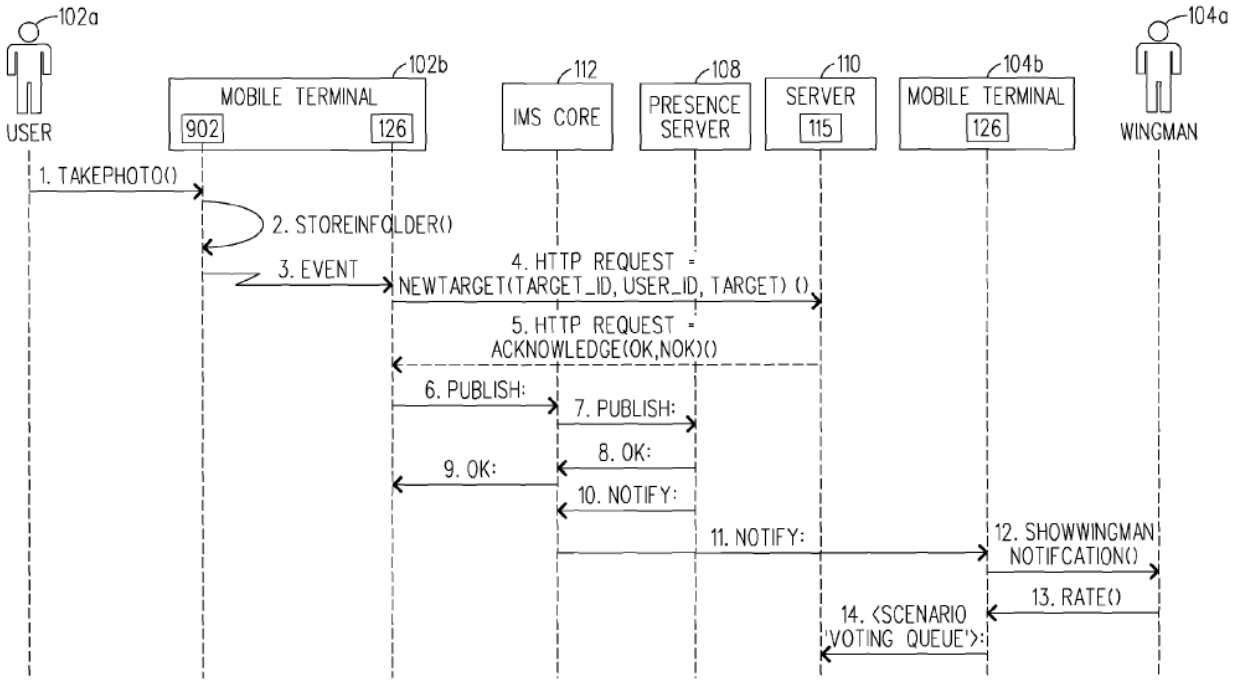


FIG. 9

93. 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.

94. 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.

95. 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.

96. 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.

97. 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.

98. 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).

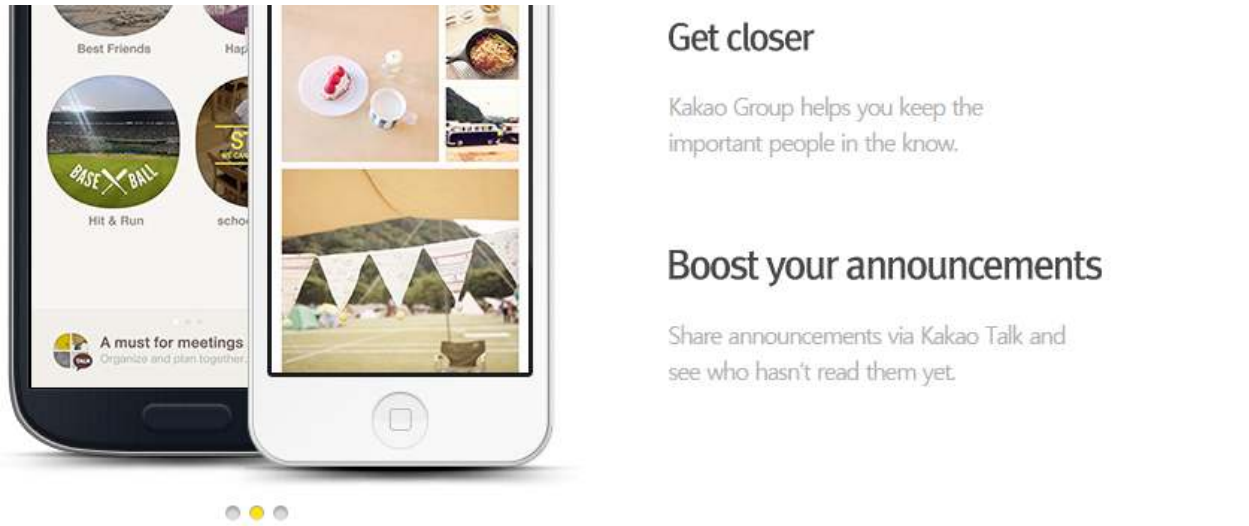
99. Other inventions claimed in the ’249 Patent are mobile terminals featuring a content capturing camera and user interface that enables a user to view presence information, establish communications with other mobile terminals, and view pop-up notifications when new content is available, which the mobile 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.

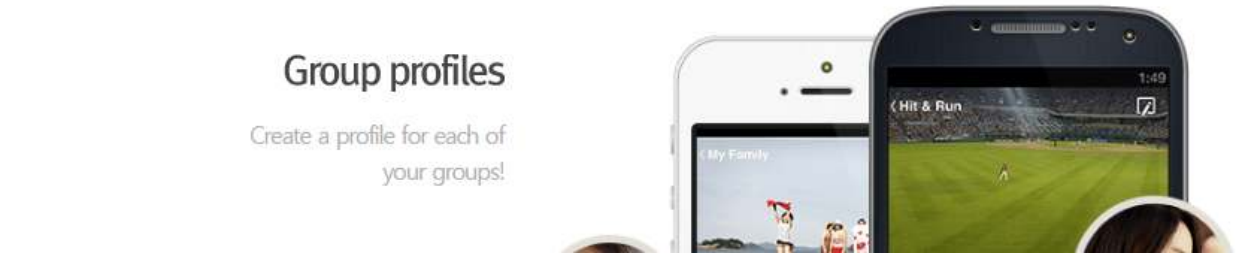
KAKAO

100. Kakao provides the Kakao ecosystem including KakaoTalk, KakaoStory, and KakaoGroup that enables users to communicate seamlessly across mobile phones, tablets, and computers regardless of each device’s operating system.

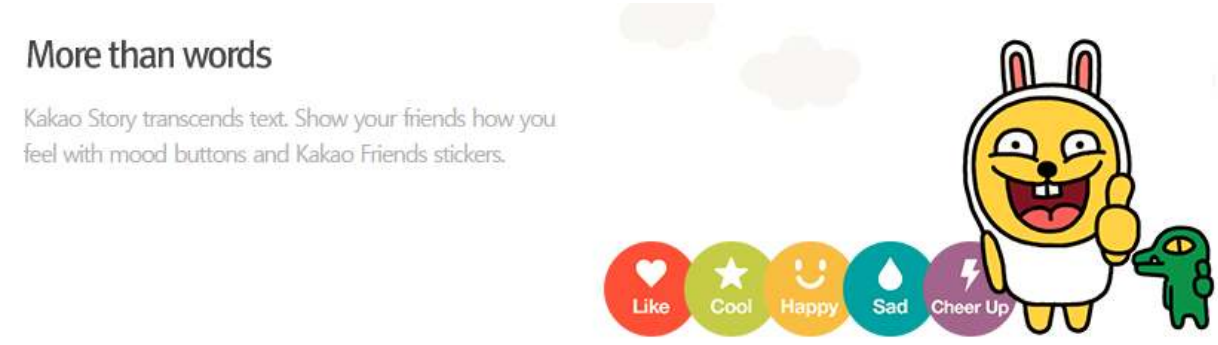
101. KakaoGroup enables users to communicate with groups of friends.

102. KakaoGroup enables users to share content via KakaoTalk, create group profiles and see who hasn't read them yet.





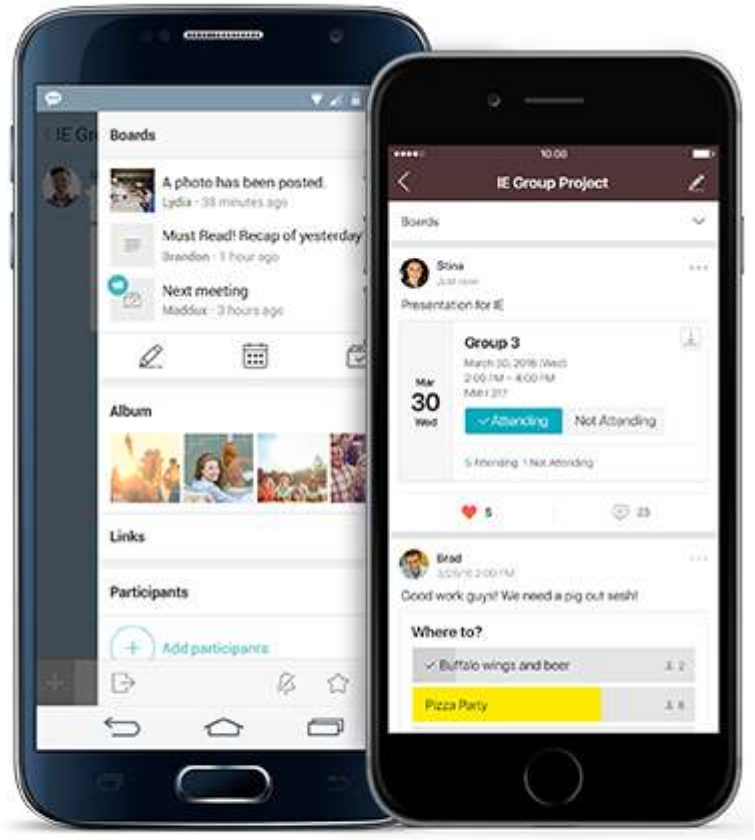
103. KakaoStory enables users to post content and interact with other users about their posted content, reacting with mood buttons to rate content.



104. KakaoTalk enables users to exchange group messages, photos, contact

information, voice notes, location, and receive notifications about who has received, read, and rated content.

105. KakaoTalk provides users the ability to poll friends who can vote on posted content.

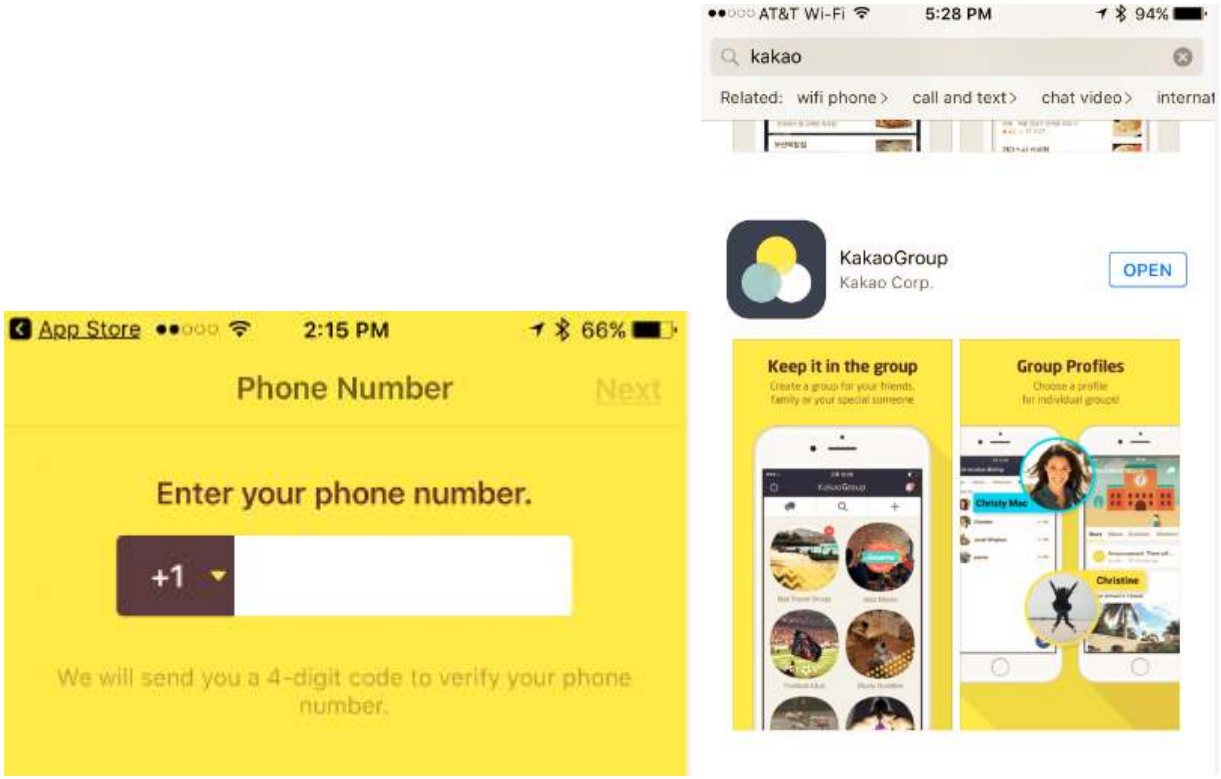


106. KakaoTalk provides video and voice call functionality from within the Kakao ecosystem and applications.

107. KakaoTalk provides group messaging with an unlimited number of other users.

108. Kakao identifies "Group Chat" as a key feature in KakaoTalk.

109. Kakao users download and install the Kakao application software and may install a copy of the software on each of their devices.



110. Once installed, Kakao software accesses a user's contacts and provides a notification to the user identifying the user's contacts that also use Kakao.

111. The Kakao ecosystem permits the users to communicate with other users in various ways.

112. Kakao users can exchange messages, share photos, share "stickers," videos, chat, place voice calls, place video calls, comment on posted content, and receive notifications when a user posts new content, changes their profile content, or responds to group messages or posted content.

113. Kakao users can join groups, follow users and participate in group

chats.

114. To communicate using the Kakao ecosystem, Kakao users must use the Kakao application software provided by Kakao.

115. Kakao software is available for download via links on the Kakao website and from app stores operated by Apple, Google, and Microsoft.

116. The Kakao software is available for various hardware including Apple devices (e.g., iPods, iPhones, and iPads running each iOS version), Android-based devices (e.g., cell phones, tablets, and computers running each Android version), Blackberry OS, and Microsoft Windows based devices (e.g., cell phones, tablets, and computers running each Windows version).

117. Using Defendant's Kakao application software, these devices operate over cellular connections (e.g., 3G,4G, LTE) or Wi-Fi connections to provide seamless communication among Kakao users.

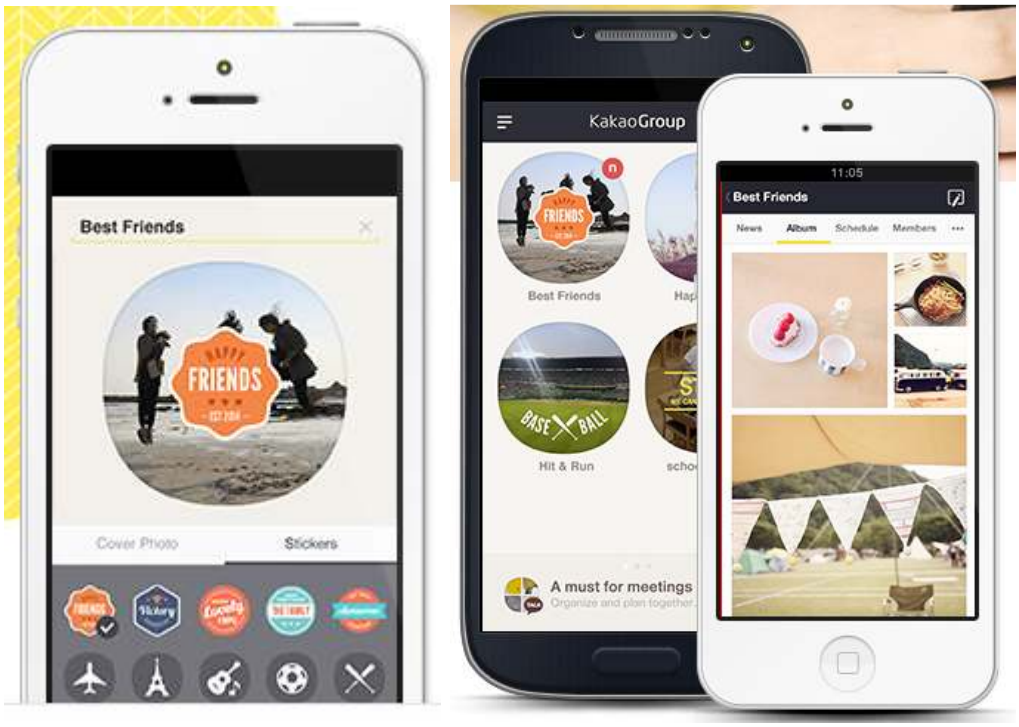
118. Viewing Posted Content – Using a Kakao app, a user is able to post content (e.g. chat messages, stickers, pictures, videos, etc.) to an ongoing group chat between another Kakao user or group of Kakao users. Users in that thread may then view the posted content, respond to that content, and post their own content.

119. Communicating and Sending Messages - Kakao users communicate

with friends, fellow users, and group members in a variety of formats including through chats, message feedback, pictures, videos, stickers, calls, video calls, photos, mood buttons, sharing locations, and drawings.

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

121. Groups – Kakao "Groups" permits users to communicate with (e.g., broadcast a group message to) defined groups of users (e.g., for family, teammates or coworkers).

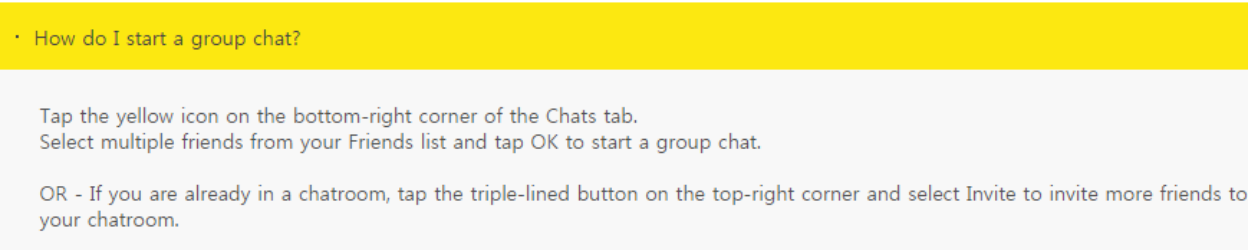


122. Kakao group conversations allow users to communicate with fellow

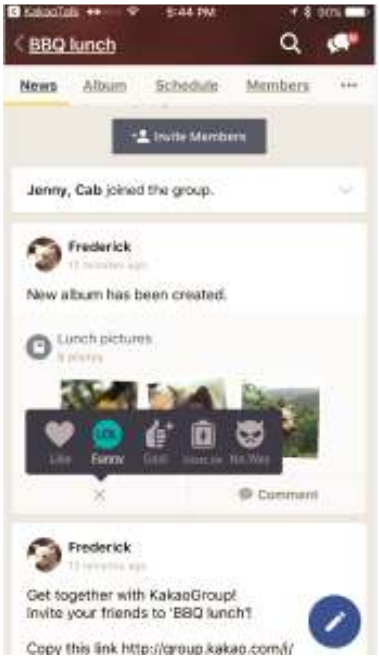
group members by sending, for example, text messages, stickers, photos, videos, photos, location information, or documents.

123. Kakao provides instructions to users in Georgia and throughout the United States via Kakao help pages on the Kakao website.

124. Kakao instructs users how to start group chats:



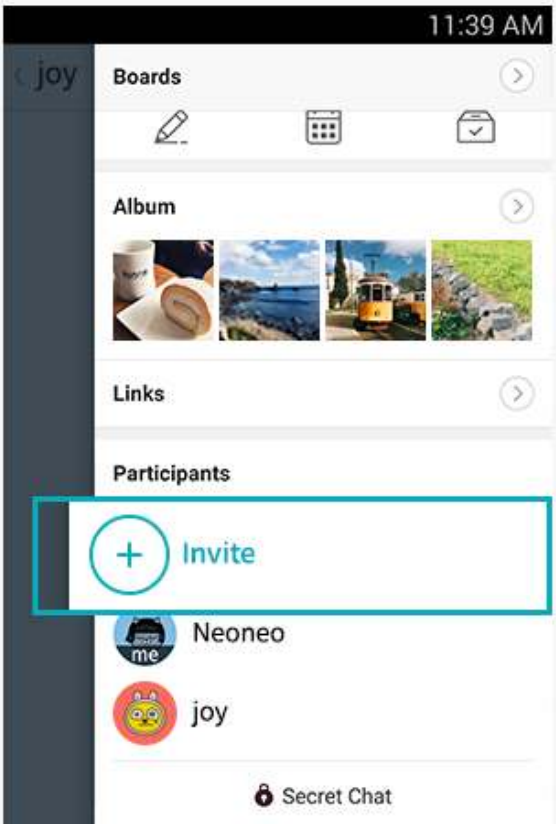
125. Recipients are identified in the Kakao ecosystem by KakaoTalk IDs, an identification username used in place of a phone number.



126. Kakao instructs users how to invite friends to group chats:

· How do I invite a friend to a chatroom?

In a chatroom, tap the triple-lined menu on the top-right corner, tap "+ Invite" and select a friend.

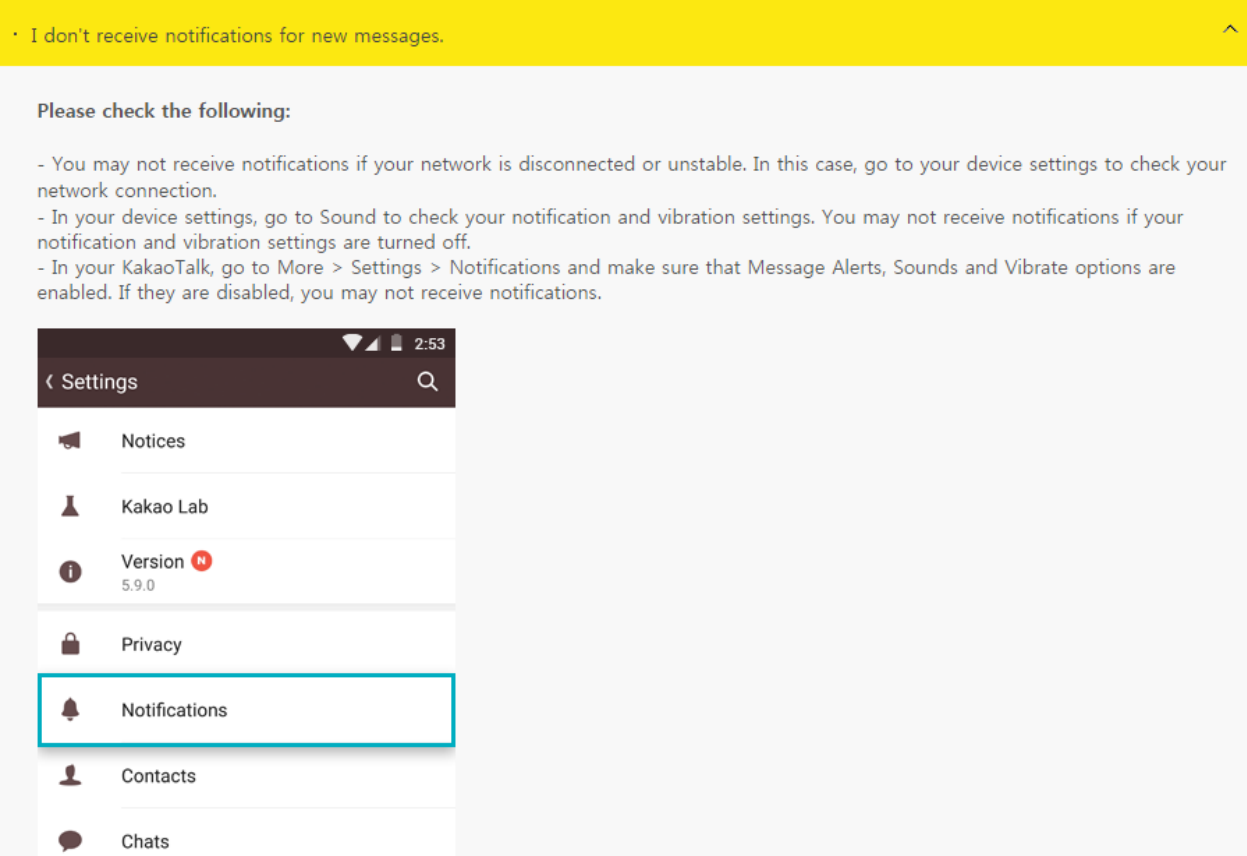


127. In normal operation, a number next to a message or content timestamp indicates the number of friends who have not yet read a message. The number will disappear when all friends have checked the message.

· What does the number next to the timestamp mean?

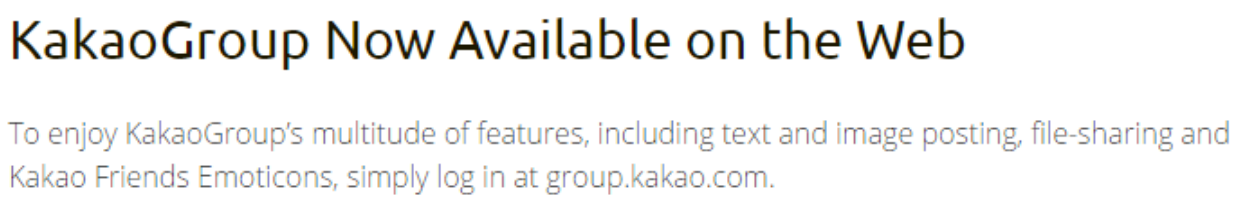
This number indicates the number of friends who have not yet read a message. The number will disappear when all of your friends have checked the message.

128. Kakao instructs users how to ensure that they will receive notifications of posted content by other users.

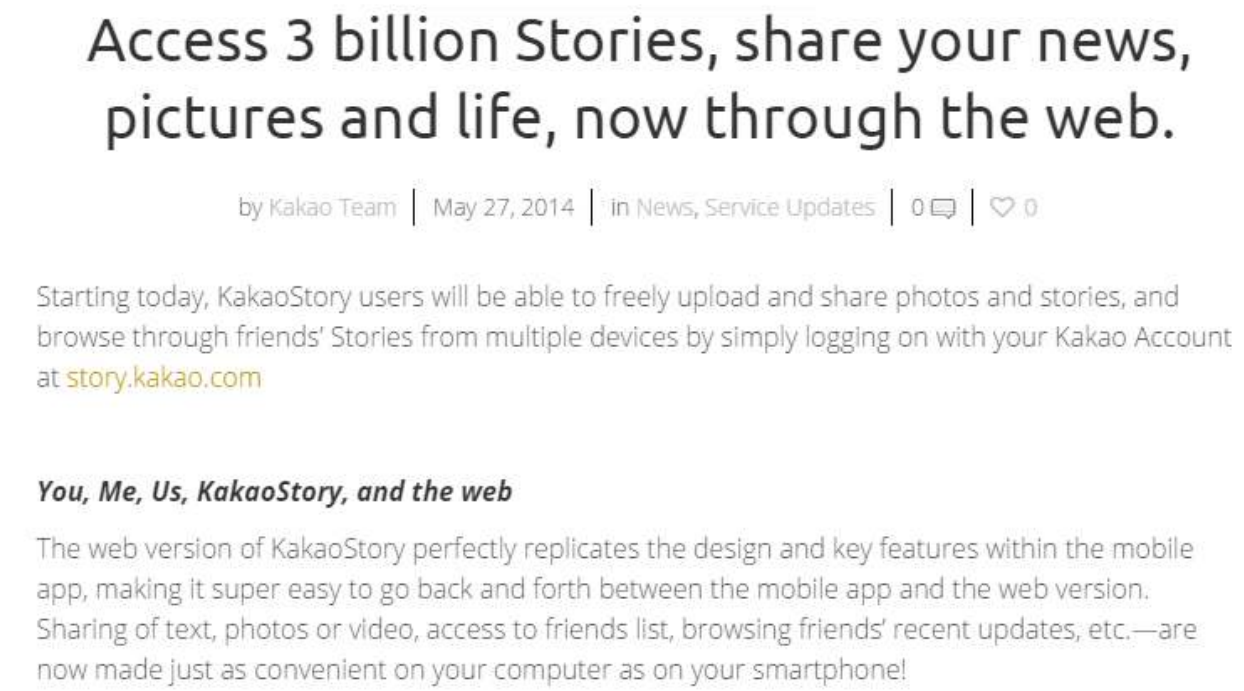


129. According to Kakao (https://blog.kakaocorp.com/?p=1575), when a user's friend updates their profile status message, photo, or cover photo, a red dot appears next to their identifier on the user's friend list. The red dot disappears after the user views the new posted content.

130. The KakaoGroup service is available to users via web browser:



131. The KakaoStory service is available to users via web browser:

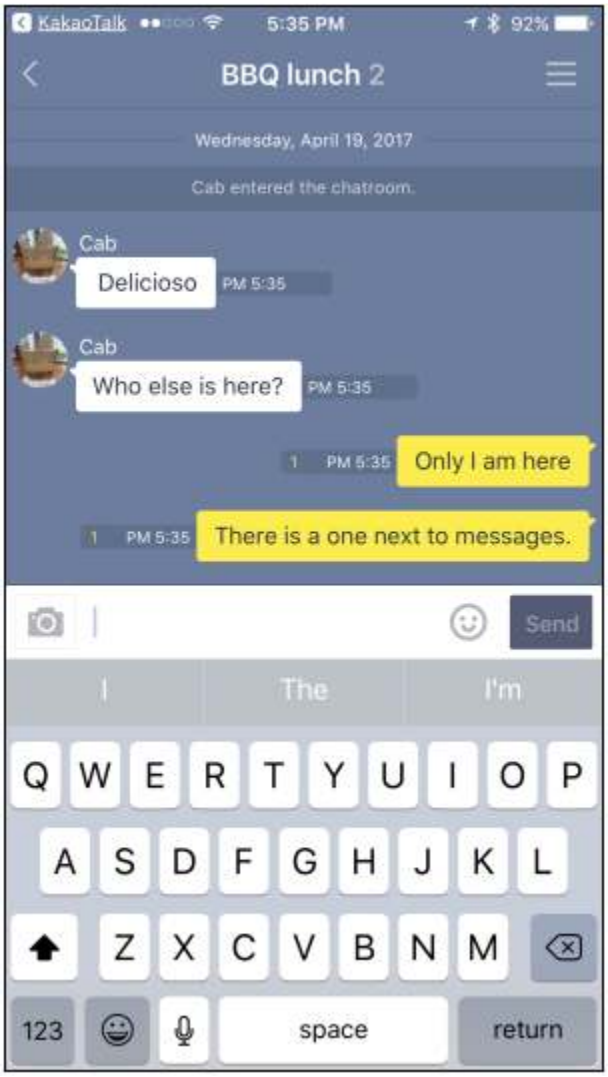


132. Pop-up alerts in Kakao applications alert users to new content posted by friends.

133. In the Kakao Notification Center, a user can view the list of comments/likes on her post, get notifications for friends' birthdays and important notices.

134. Acknowledging, responding to, and Rating Content – Through group and individual chats, profiles, and stories, Kakao enables users to view and rate

new personal content provided by other users. For example, a user may provide feedback to posted content by clicking a heart or other mood button to indicate a reaction to the posted content.



135. Notifications – Kakao provides various notifications to users regarding posts, responses, and acknowledgments.

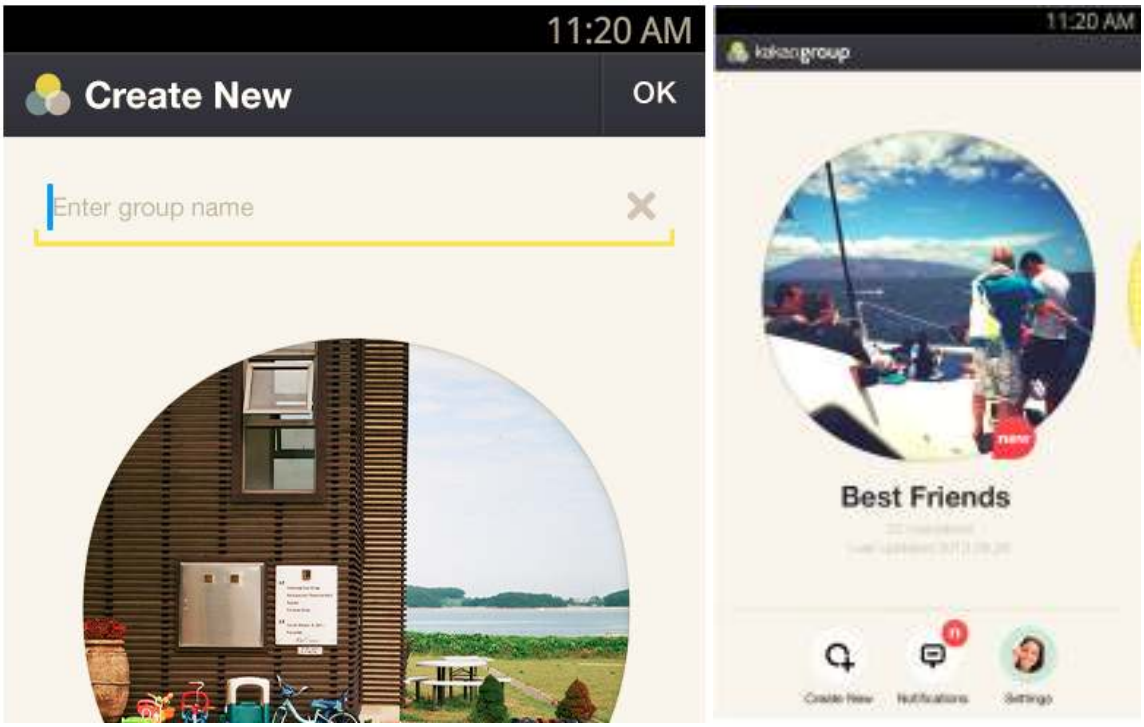
136. Kakao users receive text and graphic notifications from their browser

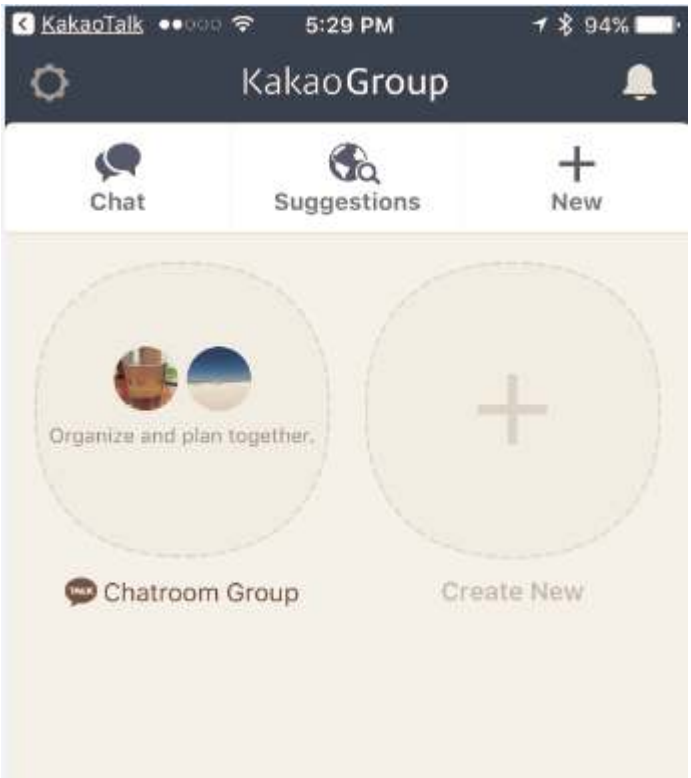
or app (i.e., a network client) to alert them of any relevant posts, messages, calls, and other content. Kakao also provides real-time presence notifications and the read status for group and individual messages.

137. Kakao realizes substantial value from the group messaging feature of the Kakao application and platform.

138. KakaoGroup is integrated with KakaoTalk.

139. Kakao enables users to create and name groups of users to communicate with via KakaoGroup.





140. By using the claimed subject matter of the ’249 Patent, Kakao is able

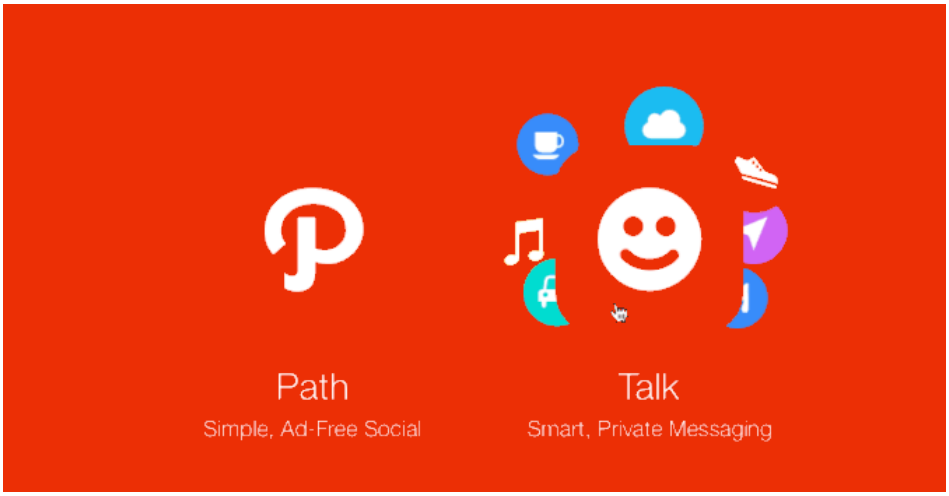
to provide real-time engagement and content distribution between businesses and individual users, a platform for access to other Kakao services such as gifting, banking, and sticker sales, and improve user engagement and subscriptions.

141. Kakao's continued promotion, support, and instruction to users about its deterministic group messaging features and content-sharing and rating functionality constitutes constitute indirect infringement since the filing of this Complaint.

142. Kakao infringes the GroupChatter Asserted Patents by making, using, monetizing, providing, promoting, deploying, and testing the Kakao ecosystem including Kakao infrastructure (e.g., server-based systems), Kakao.com, KakaoGroup, KakaoTalk, KakaoStory, and the various Kakao apps that users install on phones, tablets, and computers. These infringing Kakao components and Kakao systems are "Accused Systems."

PATH

143. Path provides the Path and Path Talk (collectively, "Path") social networking and messaging application and platform.



144. Path applications enable users to communicate seamlessly across mobile phones, tablets, and computers regardless of each device's operating system.

What is Path?

Last Updated: Mar 08, 2017 03:19PM SGT

Path is a quality, private social network available for mobile devices.

Simple Privacy: You're in control of your privacy on Path with our easy-to-understand privacy controls.

Share Moments: Post music, thoughts, check-ins, and high quality photos and video to your Path timeline to share with your Path friends. Find out more

Timeline Search: Instantly revisit a lifetime of moments by searching for friend's names, birthdays, place names, cities, holidays, seasons, and weather. Find out more

Better than Likes: Use Path emotions to better express your feelings towards a friend's post on Path—smile, frown, laugh, gasp, or love. Find out more

Inner Circle: If you find yourself with too many friends on Path, get back to simpler times by setting up an Inner Circle of friends or family on Path. Find out more

Private Moments: Even your most private moments are safe on Path. Post a moment private to just yourself, or with a group of people you choose. Find out more

Share to Facebook, Twitter, Wordpress and more: Send any one of your Path moments to other social networks conveniently from one app. Find out more

You can **download Path for free** on any of these mobile devices:
iPhone & iPad
Android

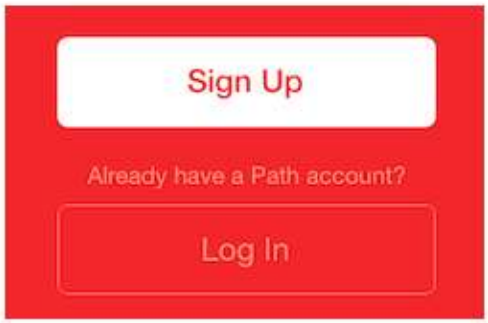
Path is not currently available on desktop computers or web browsers.

145. Path users download and install the Path application software and may install a copy of the software on each of their devices.

The easiest way to sign up for Path is by downloading the app and following the steps when you first launch it.

You can download Path for free on any of these mobile devices:
iPhone & iPad
Android
Windows Phone 8 & 8.1
Amazon Kindle Fire

Once you have downloaded it and installation is complete, open the Path app.



146. Path enables user interaction in various ways.

147. Path users can exchange messages, share photos, share stickers, videos, chat, status and presence information, and receive notifications.

148. Path also offers group chat functions, through which users can create or join groups to exchange messages and share images, files and videos with multiple users in the group.

149. Path users can join groups, follow and participate in group discussions, and communicate with other Path users organized in groups.

150. Path is available on multiple platforms and operating systems.

151. Such Apps provide additional functionality for deterministic alerting of groups of Path users.

152. To communicate using Path applications, users download and install Path application software provided by Defendant.

153. Path application software is available via web browser and from app stores operated by Apple, Google and Microsoft.

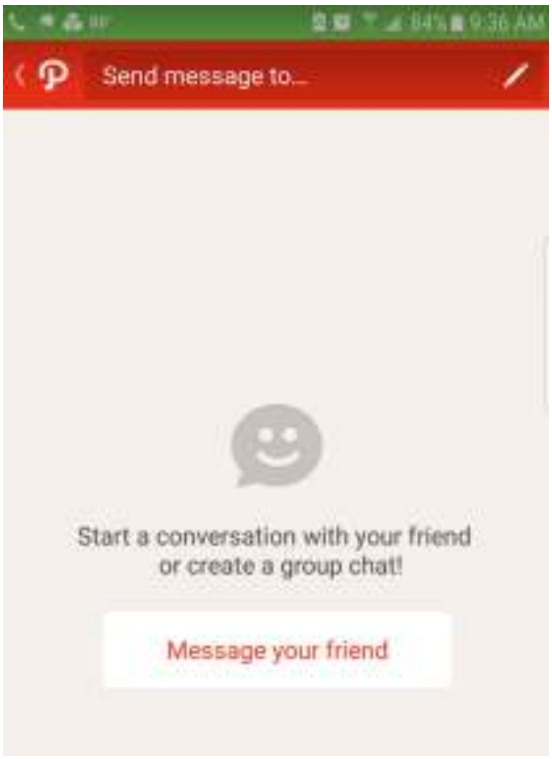
154. Using Path's application software, devices operate over cellular connection (e.g., 3G, 4G, LTE) or Wi-Fi connection to provide communication among Path users.

155. Path users post content (e.g. chat messages, videos, pictures, documents etc.) to an ongoing thread between another Path user or group of users. Users in that thread may then view the posted content, respond to that content, rate

the content and post their own content.

156. According to Path, Android, iOS, and Windows devices are supported devices.

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



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

Find & invite friends on Path

Last Updated: Jul 26, 2014 02:21AM SGT

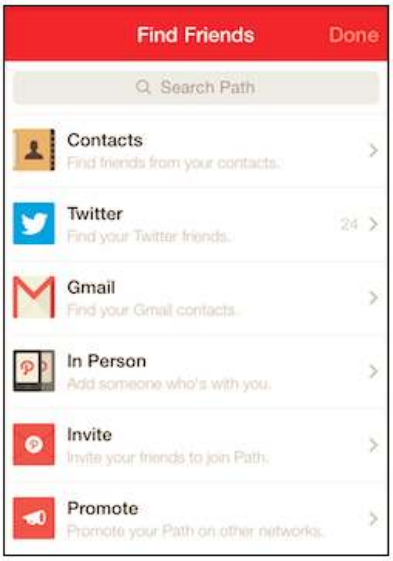
During the sign up process, you'll be prompted to find people you already know on Path from your Contacts, Twitter, and/or Gmail.

After sign up, you can then add more people, or invite others to Path.

Find & Invite Friends on iPhone, iPad & Android devices

To start finding and inviting friends on iPhone & iPad, tap **Friends** in the bottom bar, then tap the ✚ in the top right corner.

To start finding and inviting friends on Android, tap the **menu icon** on the top right, then tap the **Add** button beside "Friends".



159. Path enables users to communicate via group messages to specific sets of people (e.g., for teammates or coworkers). The screen shot below from Path's instructions instructs users how to respond to posted content.

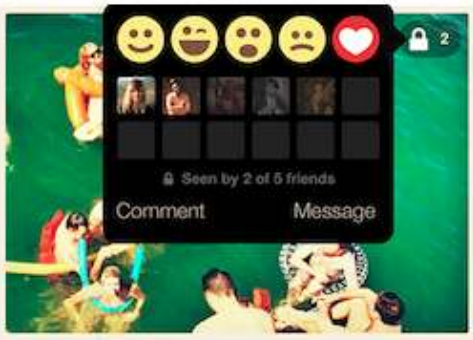
Respond to a friend's moment on Path

Last Updated: Jun 20, 2014 10:46PM SGT

To respond to a friend's moment, tap the smiley-face, star, or lock icon to the top right of your friend's moment.

A box will appear with:

- A row of **emotions**
- Thumbnails of those who have already emoted on or seen the moment.
- **Comment** and **Message** buttons.



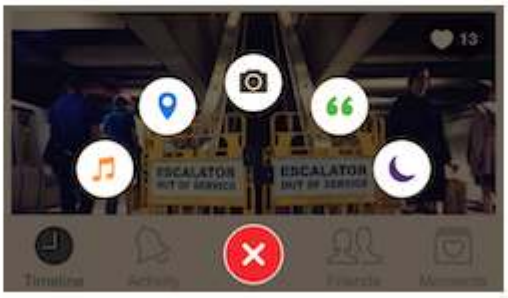
Tap to an **emote icon** to emote (smile, laugh, gasp, frown, or love) on the moment.

Tap **Comment** to add a comment on your friend's moment, including stickers.

Tap **Message** to open Path Talk so you can find and message your friend there instead.

160. Moment types in Path refer to different types of posted content users can share with friends.

To share a moment, tap the red ✚ Composer Button in the bottom center of your Timeline to reveal your different moment posting options.

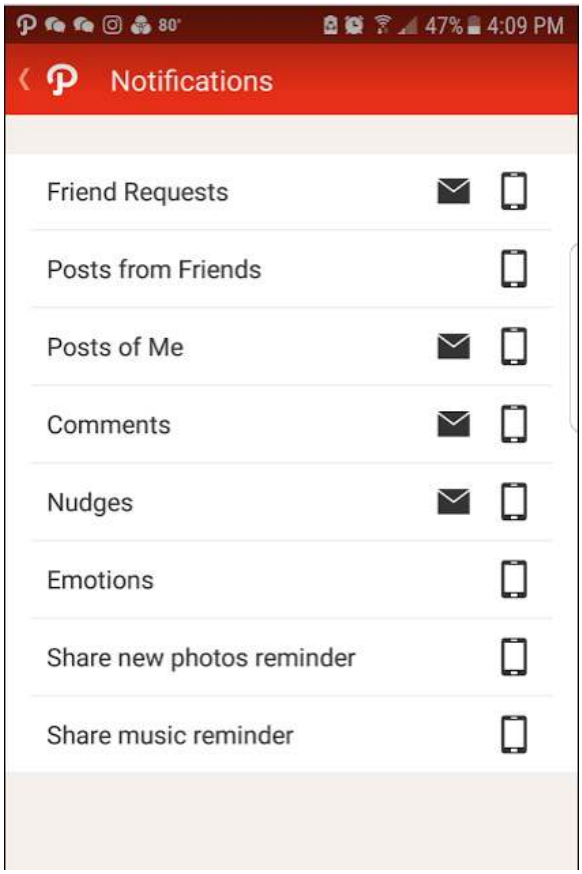


161. Paths are dedicated spaces that allow users to share emoticons, files,

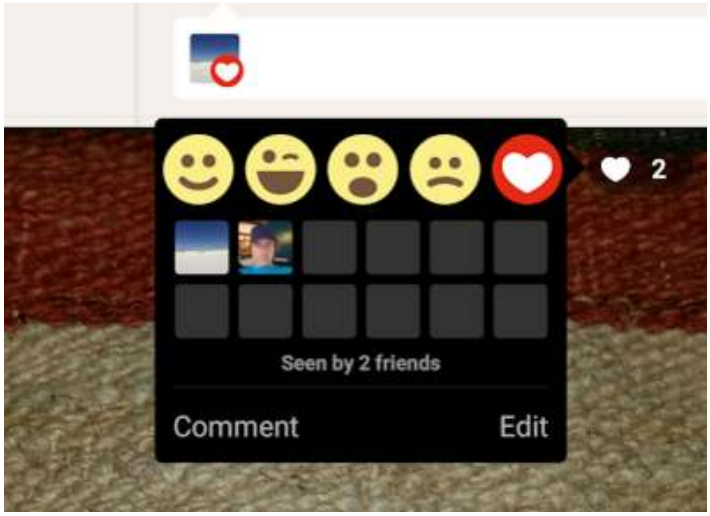
photos, voice calls, videos and message other group members:

162. Path enables users to view, like, and comment on content posted by other users.

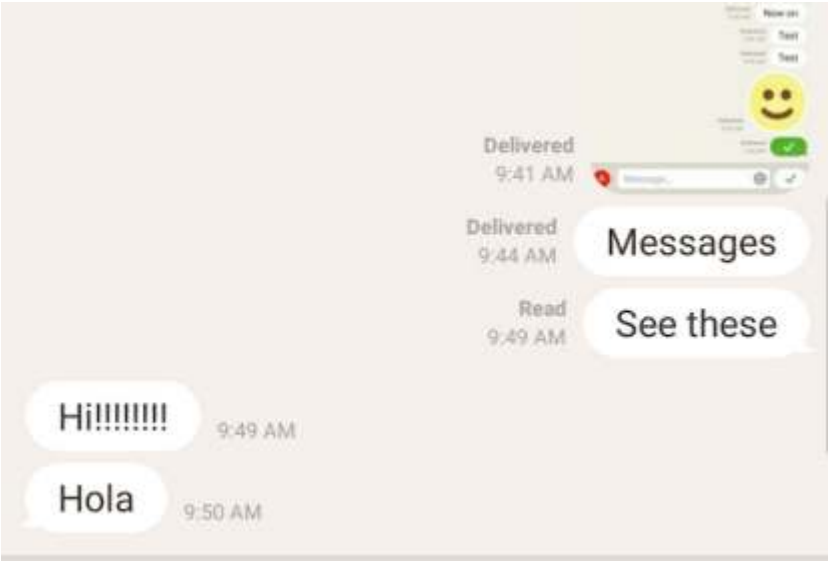
163. Path provides various notifications to users regarding posts, responses, and acknowledgments.



164. Users who see the post can post their replies or respond with reaction buttons or their own posted content to acknowledge the post in a variety of ways.

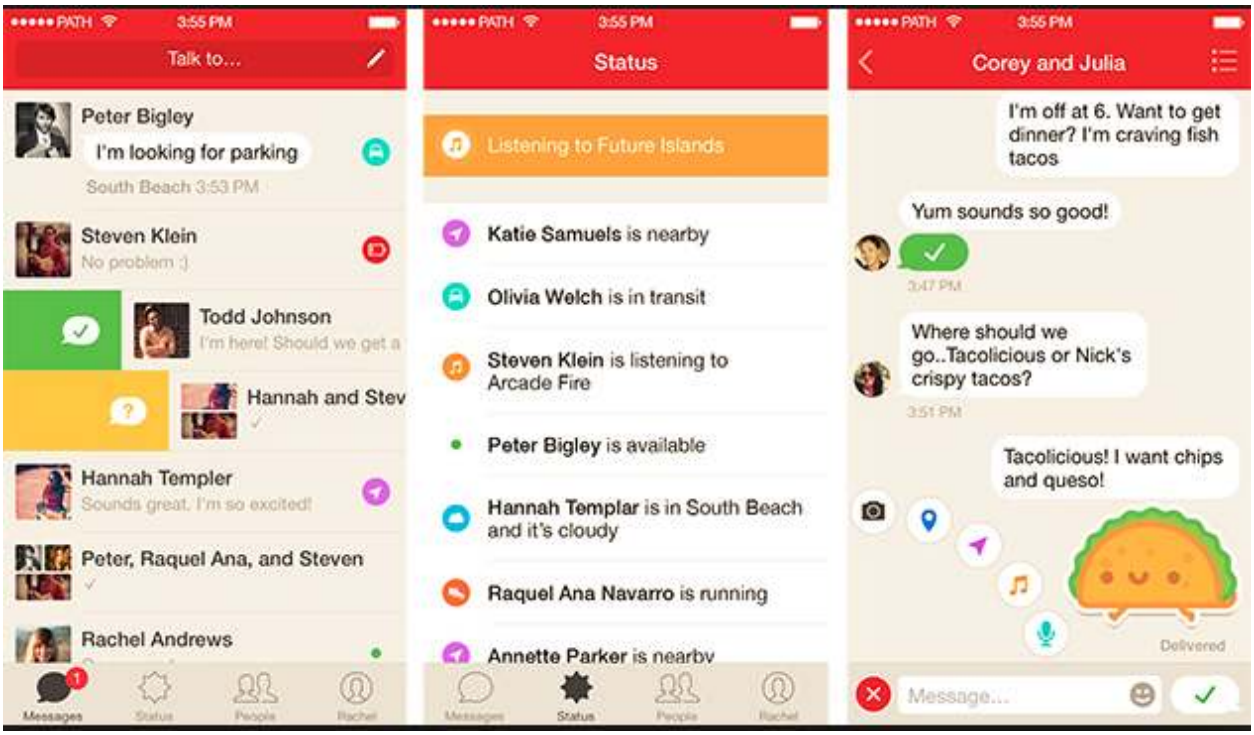


165. Path provides and stores acknowledgement data indicating whether a message or post has been delivered and whether it has been read by other users in the group. User responses appear on the posting user's screen with timestamp data.



166. Path users receive text and graphical notifications to alert them of any relevant posts, messages, calls, and other content. Path also provides real-time read status for group and individual messages.

167. Path provides presence information so that the user can see who is online:



168. The Ambient Status function in Path conveys a user's real-time status and presence information.

What do the different colored dots mean beside my friends?

The green dot indicates a friend recently had Path Talk active. If you tap their name, you should be able to see how long ago that was.

The light and dark blue dots indicate a user is sharing their location. If the dot is light blue, it is daytime where they are - if dark blue, it's nighttime where they are.

If a dot is "pulsing", then the person's status was recently updated.

Who can see my Status?

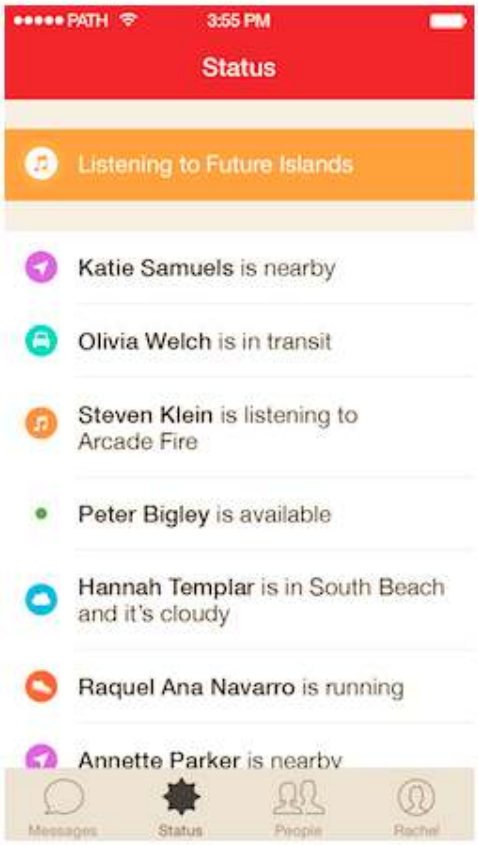
Your current status appears at the top of your Status List. It will continue to update until you log out of Path Talk.

Your Status can only be seen by other Path Talk users if they are in your People List and you are in their People List.

If you can see someone's Status, then they can see yours. If you wish to stop anyone from seeing your Status, simply remove them from your People List.

169. Users can tailor the status and presence information provided to other Path users:

You can view an individual's status at the top of a messaging thread with them, or in your go to your Status List for a quick view of the recent status of all your friends. Each Status is live and in the moment - when you have a new status, it will replace the old one.



170. Path realizes substantial value from the group messaging features of the Path applications and platform.

171. Path infringes the GroupChatter Asserted Patents by making, using, selling, configuring, deploying, providing, monetizing, and testing the Path applications, services, online collaboration tools and platform including Path

infrastructure (e.g., Path servers and server-based systems) and enabled devices and mobile terminals, and the various Path application software that users install on phones, tablets, and other devices or access through the Path website. Path applications include Path and Path Talk. These infringing Path components and systems are "Accused Systems."

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

172. GroupChatter incorporates paragraphs 1 through 170 herein by reference.

173. 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."

174. A true and correct copy of the '249 Patent is attached as Exhibit A.

175. 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.

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

177. The '249 Patent is valid, enforceable and was duly issued in full

compliance with Title 35 of the United States Code.

178. Kakao has directly infringed, and continues to infringe, the '249 Patent by practicing one or more claims of the '249 Patent, including at least claims 1, 2, 6, 7, 8, and 12 (the '249 "Kakao Asserted Claims") by making, using, providing, deploying, testing and monetizing the Kakao Story Accused Systems to provide a social network for mobile terminal users to view lists of users and their availability to communicate and presence information.

179. Path has directly infringed, and continues to infringe, the '249 Patent by practicing one or more claims of the '249 Patent, including at least claims 1, 2, 6, 7, 8, and 12 (the '249 "Path Asserted Claims") by making, using, providing, deploying, testing and monetizing the Path Accused Systems for providing a social network for mobile terminal users to view lists of users and their presence information and availability to communicate.

180. Defendants, by operating and providing the Accused Systems, perform methods for socially networking a plurality of mobile terminal users. Using the Accused Systems as instructed and intended, a mobile terminal user can setup 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), and interact with the television/computer to view and rate the published content.

181. Claim 7 recites 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 claims.

182. Kakao/Path directly infringe claim 7 and asserted dependent claims when it uses, tests, and activates or makes this functionality using mobile terminals to interact with Kakao and Path infrastructure and software applications.

183. Defendants instruct users how to implement the 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 claims using mobile terminals (e.g., smartphones).

184. Kakao/Path provide applications enabling end users to setup 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.

185. End users of Kakao and Path Accused Systems directly infringe claim 7 and their asserted dependent claims by using mobile terminals (e.g., smartphones) covered by these claims.

186. Kakao and Path contribute to users' direct infringement of claim 7 and asserted dependents of the '249 Patent by providing the Kakao and Path applications enabling end users to setup 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 application is a component of a patented apparatus and constitutes a material part of the invention.

187. Since receipt of GroupChatter's Complaint, Kakao/Path have known the Accused Systems are especially made or especially adapted for use in infringing the '249 Patent. The Kakao and Path applications along with the relevant functionality are not a staple article or commodity of commerce suitable for substantial non-infringing use. With such knowledge, if Defendants continue to provide application software and interfaces for infringing mobile terminals (e.g., phones, tablets, computers) and induce, deploy, encourage, aid, and abet others to

directly infringe the asserted claims of the '249 Patent, they are liable to GroupChatter for post-complaint conduct.

188. The Kakao/Path applications, including the particular software components provided by Kakao and Path that provide the accused functionality and carry out the operations described here, have no substantial non-infringing use. Kakao and Path designed the software components, maintain and develop them, and intend they be used, for infringing the '249 Patent. The application software components have no purpose other than infringement.

189. Kakao designed and developed Kakao applications including their associated subsystems, to be implemented by a processor to enable a Kakao user to view content and lists of users and their availability to communicate.

190. Path designed and developed the Path applications including their associated subsystems, to be implemented by a processor to enable a Path user to view content and lists of users and their availability to communicate.

191. Kakao has maintained and further developed the Path Accused Systems since 2015.

192. The purpose of the application software is to deliver functionality to a user enabling her to setup 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.

193. A further purpose of the application software is to publish that a photo or video has been taken by a user and send the photo or video to a Kakao/Path server for subsequent distribution to other users of other mobile terminals upon their accepting a notification of the photo or video.

194. Since it became aware of the '249 Patent, if Kakao/Path makes no effort to modify the accused products in a way that would avoid infringement or deactivate infringing features, Defendants are liable to GroupChatter for indirect infringement.

195. Defendants' analysis and knowledge of the '249 Patent combined with its knowledge of how the applications are used and their ongoing activity demonstrates knowledge and intent that the application will be combined with other hardware and software to infringe the '249 Patent.

196. Defendants are on notice that GroupChatter contends that the Kakao/Path applications are especially made or especially adapted for use in infringing the '249 Patent and how these applications allegedly infringe the asserted claims of the '249 Patent.

197. Defendants' knowledge of the '249 Patent and GroupChatter's infringement allegations combined with its knowledge of the Accused Systems and how they are used to infringe the '249 Patent, consistent with Kakao/Path's instructions, demonstrate specific intent to induce Kakao users to infringe the '249 Patent since filing of this Complaint.

198. Defendants have detailed knowledge about the specific functionality in the Accused Systems that GroupChatter has identified as infringing the asserted claims of the '249 Patent.

199. The Kakao/Path apps along with their relevant functionality are not a staple article or commodity of commerce suitable for substantial non-infringing use.

200. Kakao/Path provides applications and interfaces for mobile terminals (e.g., phones, tablets, computers) and encourages end users to use the Accused Systems in ways that infringe the '249 Patent.

201. GroupChatter has been damaged as a result of Defendants' infringing conduct described in Count 1. Defendants are 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.

COUNT 2
INFRINGEMENT OF U.S. PATENT NO. 8,588,207

202. GroupChatter incorporates paragraphs 1 through 200 herein by reference.

203. 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."

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

205. 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.

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

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

208. Kakao and Path practice one or more claims of the '207 Patent, including at least claims 1, 2, 3, 5, 6, 8, 9, and 11 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 Kakao/Path users to

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

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

210. 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.

211. Kakao/Path IDs are part of a user's profile. Defendants use this information to help users find other Kakao/Path users and to organize a user's information within the Kakao/Path infrastructure (e.g., on Kakao and Path servers):

212. From within the Kakao and Path apps, a user creates a new group and selects members identified by IDs and may identify the group by identifier such as a group name or list of user members.

213. Group information is stored on Kakao/Path servers.

214. In the context of the Asserted Claims, the Kakao/Path apps may act as network client to transmit to the Kakao/Path infrastructure (e.g., a Kakao or Path server) a request for wireless transmission of a group message.

215. Kakao/Path transmits group information related to the group address, group membership, and/or recipient identifying information via the Kakao/Path infrastructure to a network client (e.g., Kakao or Path app).

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

217. The Accused Systems receive acknowledgements 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.

218. The Accused Systems track and update a message's status from "Delivered" to "Read" when appropriate. Users may respond to group messages with emoticons, messages, or read indicators sent from their mobile device.

219. When membership changes in a Kakao or Path group, membership data on the server system is updated along with affected users' mobile devices.

220. Defendants are on notice that the Kakao/Path applications are especially made or especially adapted for use in infringing the '207 Patent and how these applications infringe the asserted claims of the '207 Patent.

221. Defendants' knowledge of the '207 Patent and GroupChatter's

infringement allegations combined with their knowledge of the Accused Systems and how they are used to infringe the '207 Patent, consistent with Defendants' instructions, demonstrate the requisite specific intent to induce users to infringe the '207 Patent.

222. Defendants contribute to direct infringement by providing the Accused Systems including application software and software components to end users of the Kakao/Path accused products enabling them to make a deterministic group messaging system through which they exchange group messages over communication networks.

223. Defendants expect and intend for these Kakao/Path products and 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.

224. The Kakao/Path accused product software components that provide the accused functionality and carry out the operative steps described here are designed and developed by Defendants for the purpose of providing the accused functionality described here. They have no other substantial use but to infringe the '207 Patent, and Defendants know they are especially adapted for and made to

infringe the ’207 Patent.

225. With knowledge of GroupChatter’s infringement allegations and the ’207 Patent, Defendants’ continued provision of the Accused Systems, applications and interfaces for use with mobile devices, smart phones, computers, laptops, and tablets, etc. demonstrates the requisite intent to indirectly infringe.

226. Defendants designed the software components, and continue to maintain and develop them (and intend for them to be used) for infringing the ’207 Patent, consistent with their instructions and the manner in which Defendants know the Accused Products will be used by Kakao and Path users.

227. Defendants 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 claimed in the asserted claims.

228. The primary purpose of the Kakao and Path accused product 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 store 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.

229. A further related purpose of the Kakao and Path accused product software components is to enable a user to update group and recipient identifiers, group membership, and propagate such updated information to mobile devices on the network.

230. The sole purpose of the Accused Systems is to infringe the '207 Patent, and Defendants post-filing conduct (e.g., efforts to change or modify the software to avoid infringement) may demonstrate liability for indirect infringement.

231. Defendants' knowledge of the '207 Patent combined with its knowledge of how the applications are used demonstrate the requisite knowledge and intent that the application will be combined with other hardware and software to infringe the '207 Patent.

232. Kakao/Path has detailed knowledge about its specific conduct that infringes the '207 Patent and has had such knowledge since receipt of GroupChatter's

233. Defendants' infringing conduct described in this Count has damaged GroupChatter. Defendants are 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 3
INFRINGEMENT OF U.S. PATENT NO. 9,014,659

234. GroupChatter incorporates paragraphs 1 through 223 herein by reference.

235. 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."

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

237. 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.

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

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

240. Defendants are practicing one or more claims of the '659 Patent,

including at least claims 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, and 17 by making, using, offering for sale, monetizing, selling, and/or importing the Accused Systems that provide a deterministic group messaging system to Kakao and Path users who exchange group messages over wireless networks (e.g., cellular, Wi-Fi, WiMAX, or wireless broadband).

241. Defendants have directly infringed and continue to infringe the '659 Patent by deploying, testing, using, monetizing, and operating the Accused Systems to provide acknowledged group messaging to users and perform acknowledged group messaging.

242. Defendants indirectly infringe, since the filing of this Complaint, the '659 Patent by contributing to and inducing infringement by end users.

243. The Accused Systems operate on computers and laptops via web browser and on smartphones, tablets, and mobile devices and communicate using cellular and/or Wi-Fi networks. Such hardware having the Kakao/Path apps installed are included in the definition of "Accused Systems."

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

245. Kakao/Path stores on its servers data relating to recipients, groups

created by users, and group membership information.

246. Kakao/Path IDs are part of a user's profile. Defendants use this information to help users find other users and to organize a user's information internally on the Kakao/Path servers.

247. Defendants provide to mobile devices running Kakao and Path software application(s) group information such as group membership and recipient identifying data stored on the Kakao/Path server infrastructure.

248. A user creates a group having a group identifier or group name and including group members members having recipient identifiers.

249. Kakao/Path transmits Group messages wirelessly to mobile devices corresponding to each recipient in the selected group.

250. Mobile devices running a Kakao or Path app or accessing the Kakao/Path System via a 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.

251. Kakao/Path Accused Systems store acknowledgement data for each group member in memory.

252. Enabling status option will make a user's online status visible to other users, and disabling the option will hide a user's online status and the status of

other users.

253. Kakao/Path statuses let a user's contacts know when the user is available.

254. The "read" status indicates when other users have seen the user's messages, and in KakaoTalk, a yellow number indicates how many group members have not yet seen the message.

255. Kakao/Path sends messages to the Accused System's network clients based on stored acknowledgement data.

256. In operation, Accused Systems broadcast group messages to users via the users' wireless networks (e.g., cellular or Wi-Fi networks).

257. Depending on a recipient's action, the Accused System receives acknowledgement responses from group members via the wireless network used

by a user's device.

258. The Accused Systems provide acknowledgement responses indicating to the network client who has seen a group message or that recipients have not yet seen the message. For example, a message-initiating user will see when her message is delivered and when the recipient sees it.

259. Users may respond to group messages in the Accused Systems with stickers, emoticons, messages, or response/read indicators sent from their mobile device.

260. When membership changes in a Kakao/Path group, Defendant updates membership data on the Kakao/Path infrastructure (e.g., Kakao/Path servers) and any user's device (e.g., phone or computer) that may be affected by the change.

261. Updated profile and group information is communicated to user devices in connection with the periodic and systematic check-in communications the client software applications carry out to communicate with the Kakao/Path server infrastructure.

262. The Accused Systems provide acknowledged group messaging.

263. Kakao/Path 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.

264. Kakao/Path stores group information on user devices having the Kakao or Path application installed.

265. When a user initiates a group message, the client application within the 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.

266. In operation, the Kakao and Path client applications in the Accused Systems monitors group message information relayed by Kakao/Path infrastructure (e.g., servers) for group message responses. Kakao and Path client applications store acknowledgement data and message status information for each group member.

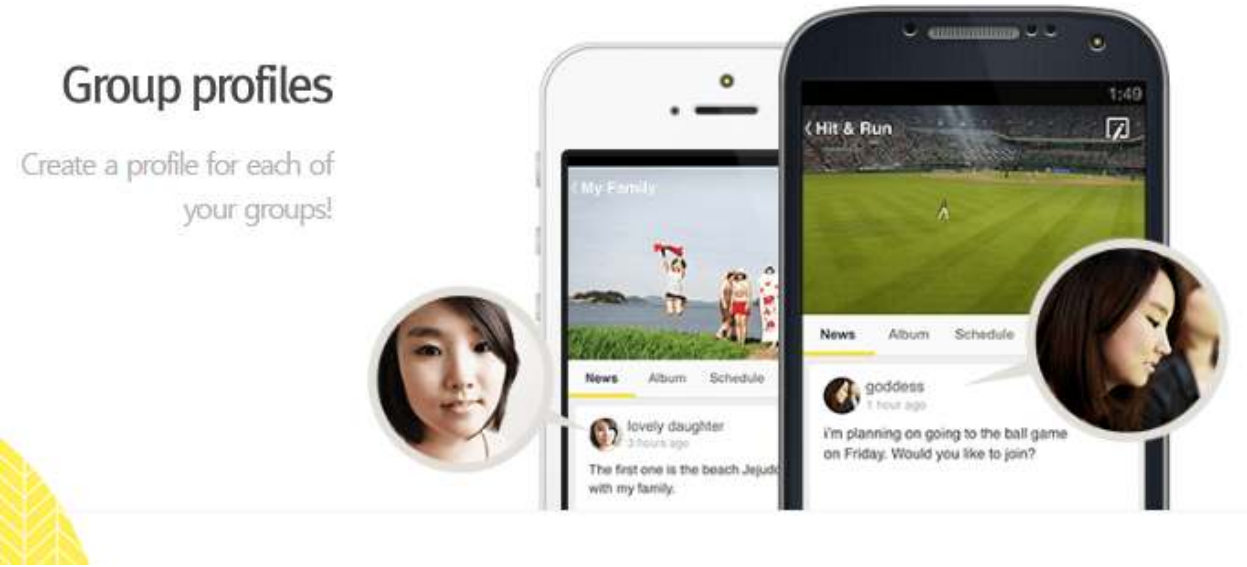
267. Kakao and Path software apps operate on smartphones, tablets, and other mobile devices and may communicate using cellular and/or Wi-Fi networks.

268. Kakao/Path provides users the ability to start group conversations and exchange messages among members of a group via mobile devices operating on wireless networks.

269. Kakao/Path stores on its servers data relating to recipients, groups created by users, and group membership information.

270. Kakao/Path Usernames and User IDs are part of a user's public

profile. Defendants use this information to help people find users and to organize a user's information internally on the Kakao/Path servers. Users may also create profiles for groups of users.



271. Group information such as group membership and recipient identifying data stored on the Kakao/Path servers is provided to mobile devices running the Kakao and Path client applications.

272. Defendants instruct and encourage end users of the Accused Systems to use the group messaging features in the Kakao and Path apps.

273. Defendants are on notice of the Asserted Patents and the conduct by Kakao and Path end users and customers that infringes them.

274. Defendants are on notice that the Kakao and Path applications are especially made or especially adapted for use in infringing the '659 Patent and how

these applications infringe the asserted claims of the ’659 Patent.

275. Defendants have detailed knowledge by this Complaint about the specific conduct that GroupChatter contends infringes the ’659 Patent.

276. Defendants knowingly induce others, namely Kakao and Path end users, to infringe the ’659 asserted claims by encouraging, aiding, and abetting the use, deployment, installation, configuration, and operation of the Kakao and Path applications and the Kakao and Path platforms.

277. Defendants’ continued sales, deployment, testing, use, and encouragement of end users’ infringing uses and conduct demonstrates the requisite knowledge and intent for liability to GroupChatter for indirect infringement.

278. Defendants induce end users to directly infringe the ’659 Patent by encouraging, aiding, and abetting the use, deployment, installation, configuration and operation of the Kakao/Path Accused Systems by providing instructions, online help topics, and accused products by providing detailed, step-by-step instructions to Kakao users through online tutorials, blog posts, and user guides.

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

280. If Defendants fail to revise and modify their instructions or the

Accused Systems to avoid infringement (e.g., by deactivating infringing features) following receipt of this Complaint, their conduct will demonstrate knowledge and intent to indirectly infringe the ’659 Patent.

281. Defendants’ knowledge of the ’659 Patent and GroupChatter's infringement allegations in this Complaint coupled with their knowledge of the Accused Systems and how they are used to infringe the ’659 Patent, consistent with their instructions to end users, will demonstrate Defendants’ specific intent to induce end users and customers to infringe the ’659 Patent if efforts are not undertaken to avoid infringement.

282. Defendants contribute to direct infringement by providing the accused product software and software components to mobile device users enabling Kakao/Path users to make a deterministic group messaging system through which they exchange group messages over communication networks.

283. Defendants know and intend for users to combine accused product components and software applications 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 determine a type of message to send based upon acknowledgement data.

284. The Kakao/Path accused product software components that provide the accused functionality and carry out the operative steps described here are designed and developed by Defendants for the purpose of providing the accused functionality described here. They have no other substantial use but to infringe the '659 Patent, and Defendants know they are especially adapted for and made to infringe the '659 Patent.

285. Defendants designed the software components and apps, maintain and develop them, and intend they be used, for infringing the '659 Patent, consistent with their instructions and the manner in which Defendants know the accused products will be used by end users.

286. Defendants designed and developed the Kakao/Path 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 claimed in the asserted claims.

287. The primary purpose of the Kakao/Path accused product 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 store 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.

288. A further related purpose of the Kakao/Path accused product software components 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.

289. A further related purpose of the Kakao/Path accused product software components is to enable a user to update group and recipient identifiers, group membership, and propagate such updated information to mobile devices on the network.

290. These are the only substantial uses for the Kakao/Path accused product software components, and they infringe the ’659 Patent.

291. Defendants’ knowledge of the ’659 Patent, since this Complaint, combined with its knowledge of how the application is used demonstrates Defendants’ knowledge and intent that the Kakao and Path apps will be combined with other hardware and software to infringe the ’659 Patent.

292. Kakao continues to support software modules and components of the Kakao applications that enable the functionality accused of infringing the ’659

Patent.

293. Defendants promote the ability to quickly and easily send videos and pictures to group message recipients.

294. As a result of Defendants' infringing conduct described in this Count, GroupChatter has been damaged. Defendants are 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 4
INFRINGEMENT OF U.S. PATENT NO. 9,294,888

295. GroupChatter incorporates paragraphs 1 through 293 herein by reference.

296. 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."

297. A true and correct copy of the '888 Patent is attached as Exhibit D.

298. 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.

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

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

301. Defendants have been and/or are practicing one or more claims of the ’888 Patent, including at least claims 1, 2, 3, 4, 5, 7, 10, 11, 12, 13, 14, and 16 by making, testing, importing, deploying, configuring, using, and/or monetizing the Path Accused System and subsystems that provide a deterministic group messaging system through which Path users exchange group messages over wireless networks (e.g., cellular, Wi-Fi, WiMAX, and wireless broadband).

302. Kakao/Path has directly infringed and continues to infringe the ’888 Patent by deploying, testing, deploying, importing, configuring, monetizing, using, or operating the Path Accused Systems (including Path and Path Talk apps and Path infrastructure) to provide acknowledged group messaging to users and perform acknowledged group messaging.

303. Kakao/Path has indirectly infringed the '888 Patent by contributing to and inducing infringement by end users of the Path apps since this Complaint.

304. Accused System components (e.g., Path and Path Talk apps) operate on smartphones, laptops, tablets, and mobile devices that communicate using

cellular and/or Wi-Fi networks.

305. The Path 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.

306. Kakao/Path stores on Path infrastructure (e.g., servers) data relating to recipients, groups created by users, and group membership information.

307. The Path privacy policy lists information stored by Path including user ID, profile picture, gender, birth year, month, and day. Path may also collect information about a user's contacts from the user's mobile address book including names, phone numbers, email addresses, and social media handles.

308. This is an excerpt from the Path privacy policy:

Information You Provide

- Registration and Profile Information. When you register for an account, we will ask for your name, email address, a password, and a telephone number. You may also provide additional information such as a user ID, profile picture, gender, and birth year, month and day.
- Contacts. With your permission, we may collect from your mobile address book contacts, including names, telephone numbers, email addresses, and social media handles, if available.
- Information You Post. We collect information or other content that you may post using our Services (such as text, photos, videos, locations, friends you are with, and music you are listening to) or actions that you take using our Services (such as commenting on friends' content, changing your profile picture, or connecting to third-party apps). We collect this information whether you post it directly to our Services or via a third-party service. When you post things like photos or videos on our Services, we may receive additional related data (or metadata), such as the time, date, and place you took the photo or video.
- Other Services. We receive information when you choose to connect social media or other third party accounts and applications with your account, including a token to authenticate your identity between these accounts.
- Communications. We receive the messages you send to and receive from other users of our Services. We also will receive any communications between you and Path relating to our Services.
- Payment Information. We do not collect credit card information. Purchases for virtual goods or upgrades to our premium services are handled by third party app stores such as Apple's App Store and Google Play, among others. We are not responsible for the policies and practices of such app stores.

309. Path IDs are part of a user's profile. Defendant provides this information to help users find other available Path users. Path collects and organizes user information internally on the Path servers.

310. Path provides group information (e.g., group membership and recipient identifying data stored on the Path servers) to mobile devices running the Path or Path Talk client applications within the Accused Systems.

311. A user creates a group and provides a group identifier or name of the group that includes members having recipient identifiers.

312. Path wirelessly transmits group messages to mobile devices

corresponding to each recipient in the selected group.

313. Mobile devices running a Path client application 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.

314. Path stores acknowledgement data (e.g., confirmation of delivery, a read receipt, or indication a reply was sent) in memory.

315. Path sends messages to client applications within the Path Accused Systems based upon stored acknowledgement data.

316. The Path Accused System broadcasts group messages to members via wireless networks (e.g., cellular or Wi-Fi networks) on which network client devices are operating.

317. The Path Accused Systems receive acknowledgement responses from group members via the wireless network being used by the respective Path user's device.

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

319. Users send personal messages using the Path Accused Systems.

320. Path provides users the ability to start group conversations and

exchange messages among members of a group via mobile devices operating on wireless networks.

321. Kakao/Path stores on its servers data relating to recipients, groups created by users, and group membership information.

322. Path usernames and user IDs are part of a user's public profile. Path uses this information to help people find users and to organize a user's information internally on the Path servers.

323. Group information such as group membership and recipient identifying data stored on the Path servers is provided to mobile devices running Path or Path Talk.

324. Path provides acknowledgement responses indicating to the network client who has seen the group message and who among group members has been delivered (but not yet read) the group message.

325. Users may respond to group messages in Path with stickers, messages, or read indicators sent from their mobile device.

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

327. Path provides acknowledged group messaging.

328. Path 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.

329. Path client application software stores group information on a user's mobile device(s).

330. When a group message is initiated, a user's client application within

the Path 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.

331. In operation, a Path client application monitors group message information relayed by Path servers for group message responses and stores acknowledgement data comprising an indication that the group message was delivered, a group message was read, or a reply was sent by the recipient.

332. Kakao/Path encourages its users and customers to use the Path group chat features in Path and Path Talk.

333. By this Complaint, Defendants are on notice of GroupChatter's'888 Patent and the conduct by Defendants and their end users that GroupChatter alleges infringes the asserted claims of the '888 Patent.

334. Kakao/Path is on notice that the Path applications are especially made or especially adapted for use in infringing the '888 Patent and how these applications infringe the asserted claims of the '888 Patent.

335. Kakao/Path knowingly induces others, namely Path users, to infringe the '888 asserted claims by encouraging, aiding, and abetting the use, configuration, deployment, installation, and operation of the Path Accused Systems.

336. By this Complaint, Kakao/Path has notice of its infringing conduct. Continuing to sell, deploy, test, use, and encourage, aid, and abet others to directly infringe the asserted claims of the ’888 Patent shows the requisite intent and knowledge to support liability for indirect infringement.

337. Kakao/Path induces its users to directly infringe the ’888 Patent by encouraging, aiding, and abetting the use, deployment, installation, and operation of the Path accused products by providing detailed, step-by-step instructions to end users through online tutorials, blog posts, and user guides.

338. Kakao/Path’s step-by-step instructions direct users of the Path accused products to perform the functions and carry out the operations described here.

339. Kakao/Path’s failure to undertake efforts to modify Path instructions or the Path accused products (e.g., by deactivating infringing features) to avoid infringement will support indirect infringement liability.

340. Kakao/Path’s knowledge of the ’888 Patent and GroupChatter's infringement allegations against the Path accused products combined with its knowledge of the Path accused products and how they are used to infringe the ’888 Patent, consistent with Kakao/Path’s instructions, demonstrate a specific intent to induce end users to infringe the ’888 Patent.

341. Kakao/Path contributes to direct infringement by providing the

accused Path product software and software components to users of the Path accused products enabling Path and Path Talk users to make a deterministic group messaging system through which they exchange group messages over communication networks.

342. Kakao/Path knows and intends for these Path accused product 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.

343. The Path accused product software components that provide the accused functionality and carry out the operative steps described here are designed and developed by Kakao/Path for the purpose of providing the accused functionality described here. They have no other substantial use but to infringe the ’888 Patent, and Kakao/Path knows they are especially adapted for and made to infringe the ’888 Patent.

344. With knowledge of GroupChatter's infringement allegations and the ’888 Patent, if Kakao/Path continues to provide applications and interfaces for use with mobile devices, smart phones, computers, laptops, and tablets, etc.,

Kakao/Path will be liable for indirect infringement damages.

345. Kakao/Path designed and developed the Path accused products, including the particular software components and systems that carry out the infringing functions, to be implemented in a system for deterministic group messaging as claimed in the asserted claims.

346. Kakao/Path designed the software components, maintains and develops them, and intends they be used, for infringing the ’888 Patent, consistent with Kakao/Path’s instructions and the manner in which Kakao/Path knows the accused products will be used by end users of the Path and Path Talk apps.

347. Kakao/Path designed and developed the software components to be used in accordance with Kakao/Path’s instructions and in combination with wireless communication networks.

348. Kakao/Path tests the accused products to ensure operability on mobile devices and networks.

349. The primary purpose of the accused product 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 store 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.

350. A further related purpose of the accused product software components 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.

351. A further related purpose of the accused product software components is to enable a user to update group and recipient identifiers, group membership, and propagate such updated information to mobile devices on the network.

352. These are the only substantial uses for the Path accused product software components, and they infringe the ’888 Patent.

353. Kakao/Path’s knowledge of the ’888 Patent combined with its knowledge of how the Path applications are used will demonstrate the requisite knowledge and intent that the applications will be combined with other hardware and software to infringe the ’888 Patent unless Kakao/Path ceases infringement upon receipt of this Complaint.

354. GroupChatter has been damaged as a result of Kakao/Path’s infringing conduct. Defendants are 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.

NOTICE

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

356. 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

357. Defendants are hereby notified it is legally obligated to locate, preserve, and maintain all records, notes, drawings, documents, data, communications, materials, electronic recordings, audio/video/photographic recordings, and digital files, including edited and unedited or "raw" source material, and other information and tangible things that Defendants know, or reasonably should know, may be relevant to actual or potential claims, counterclaims, defenses, and/or damages by any party or potential party in this lawsuit, whether created or residing in hard copy form or in the form of electronically stored information (hereafter collectively referred to as "Potential

Evidence").

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

359. Defendants are hereby further notified and forewarned that any

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

JURY DEMAND

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

PRAYER FOR RELIEF

361. GroupChatter prays for the following relief:

a. That Defendants be summoned to appear and answer;

b. That the Court enter an order declaring that Defendants have infringed the '249 Patent, the '888 Patent, the '207 Patent, and the '659 Patent.

c. That the Court grant GroupChatter judgment against Defendants 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 Defendants 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 21st day of April, 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