

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MOZLY TECH LLC,

Plaintiff,

vs.

TALKDESK, INC.

Defendant.

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Case No:

PATENT CASE

**COMPLAINT**

Plaintiff Mozly Tech LLC (“Plaintiff” or “Mozly”) files this Complaint against TalkDesk, Inc. (“Defendant” or “TalkDesk”) for infringement of United States Patent No. 7,367,044 (hereinafter “the ‘044 Patent”).

**PARTIES AND JURISDICTION**

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its office address at 3400 Silverstone Dr., Suite 191-G, Plano, Texas 75023.

4. On information and belief, Defendant is a Delaware corporation with an office address of 655 West Evelyn, Suite 2, Mountain View, California 94041.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this

District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

**VENUE**

7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this district.

**COUNT I**  
**(INFRINGEMENT OF UNITED STATES PATENT NO. 7,367,044)**

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '044 Patent with sole rights to enforce the '044 Patent and sue infringers.

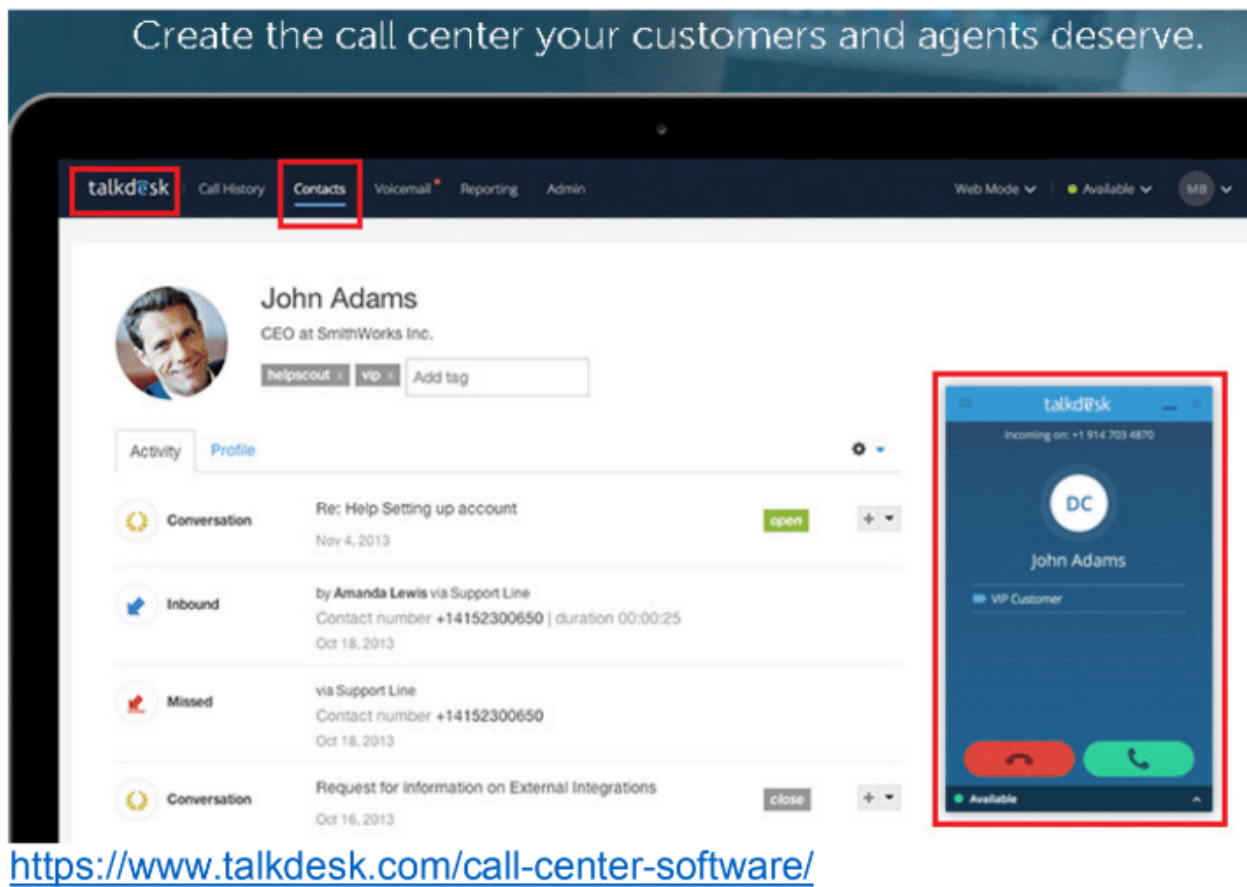
11. A copy of the '044 Patent, titled "System and Method for Network Operation," is attached hereto as Exhibit A.

12. The '044 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '044 patent by making, using, importing, selling, and/or offering for sale a contact management tool, which is covered by at least Claim 1 of the '044 patent. Defendant has infringed and continues to infringe the '044 patent directly in violation of 35 U.S.C. § 271.

14. Defendant sells, offers to sell, and/or uses contact management tools including,

without limitation, the Talkdesk software, application, and/or system, and any similar products (“Product”), which infringe at least Claim 1 of the ‘044 Patent. The Product allows for the creation and maintenance of contact information, such as contact phone numbers, for example, for users having accounts. The users are associated with the contact information via user accounts. A user account can be associated with a new telephone so that the new telephone can dial the phone numbers for the contacts. Various of these elements are illustrated below in the public information (screen shots):



# Make and Receive Calls

Use advanced call center software features from within your computer's browser.



## Call Recording >

Record inbound and outbound calls, pause/resume live call recordings and listen to past call recordings at any time to ensure compliance with quality standards.



## Call Control >

Provide a seamless and professional experience with call center software call control features such as hold, mute, blind and warm transfers and call conferencing.



## Call Queues >

Enhance your callers' call queue waiting experiences with features such as queue callback, queue to voicemail and custom music and messages.



## Click-to-Call >

Place calls directly from your favorite helpdesk, CRM, e-commerce platform or website.



## International Numbers >

Acquire local and toll-free phone numbers from multiple countries or port your existing phone numbers to optimize your global business.



## Call Disposition Codes and Notes >

Add call summary notes and disposition codes to your call log and integrated CRM to ensure that relevant customer information is retained.

<https://www.talkdesk.com/call-center-software-features/>



## Contact History >

Automatically display customer interaction history in your browser, including previous calls, emails, chats and cases, so agents are well informed before every call connects.



## Automated Workflows >

Set up simple workflows to automate tasks and improve productivity. For example, when a call ends, the recording and data could populate into your CRM.



## Create a Ticket from Talkdesk >

Create tickets, cases, events, conversations and more in your integrated business tool without leaving the Talkdesk interface to streamline your workflow.



## Contact Lists >

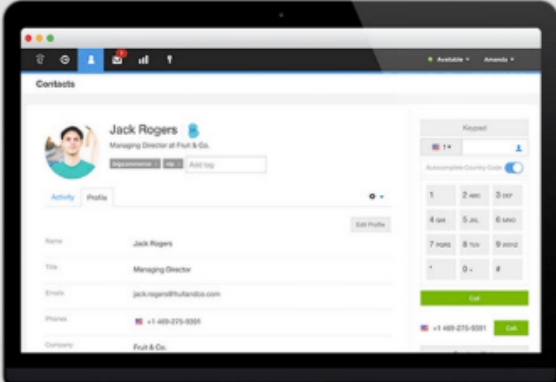
Compile contact lists from your integrated CRM, Helpdesk or CSV file to enrich your database and streamline outbound campaigns.



## Data Import & Sync >

Connect Talkdesk with your CRM or helpdesk to continually synchronize contact information across all of your systems.

<https://www.talkdesk.com/call-center-software-features/>



**Contact Tags**

Assign unique tags to your contacts to easily sort and search by tag, compile lists based on tags and quickly identify each contact by his/her tag.

[FREE DEMO](#)

<https://www.talkdesk.com/call-center-software-features/contact-tags>

The logo for Talkdesk, featuring the word "talkdesk" in a lowercase, sans-serif font. The "e" is stylized with a blue accent above it.

Your Account Name

Your account name	.mytalkdesk.com
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Log into your Talkdesk account using your company's subdomain (example: yourcompany.mytalkdesk.com). If you don't remember the subdomain [send us an email](#).

Login

[https://www.mytalkdesk.com/users/sign\\_in](https://www.mytalkdesk.com/users/sign_in)

15. The network includes a number of client telephones that use contact information stored on the Product. The contact information includes telephone numbers.

16. On information and belief the network includes one or more servers (e.g., a cloud server) on which user accounts are hosted. For example, the Product stores accounts associated with users of the Product.

17. The network also provides for communication (e.g., VOIP call data) between the server and client telephones. For example, a mobile application provided by Defendant permits communication between the server and client telephones via Internet or LTE services.

18. For each user account, the Product maintains contact information for the

associated user. For example, the Product maintains a user profile for a given user account and the user profile includes the user's personal information such as name and contact information.

19. The Product maintains a contact list of telephone numbers that a given user has selected. The contact list can be accessed and dialed by the user's client telephone.

20. The Product can associate a user account with a new telephone so that the new telephone can dial the contact telephone numbers for that particular user account. For example, when a user has a new telephone, the user account is associated with the new telephone by way of the user logging in to the Product's application.

21. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

22. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

23. Plaintiff is in compliance with 35 U.S.C. § 287.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 7,367,044 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in

accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: October 19, 2017

Respectfully submitted,

*/s/Stamatios Stamoulis*

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