

including those accused herein of infringement, to customers and/or potential customers located in Texas and in the judicial Eastern District of Texas. Among other things, Defendant engages in marketing activities that promote the use of the RingCentral Glip system. Defendant may be served with process through its registered agent: The Corporation Trust Company, 1209 Orange Street, City of Wilmington, County of New Castle, Delaware 19801. Defendant may also be served with process through its registered agent in California: Incomp Services, Inc., 5716 Corsa Ave Ste 110, Westlake Village, CA 91362-7354.

JURISDICTION AND VENUE

5. Uniloc brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 et seq. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(d) and 1400(b). Upon information and belief, Defendant has committed acts of infringement in this judicial district, and/or have purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Texas. Upon information and belief, RingCentral is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products and/or services in Texas and this judicial district.

7. Upon information and belief, Defendant has physical places in this District through which it not only regularly conducts business, but also has an established place of business. These places are places of Defendant because Defendants obtain the benefit of such locations in this District.

RingCentral Employees and Agents in the EDTX and NDTX

8. RingCentral has employees that work in the Eastern District of Texas (EDTX) and the Northern District of Texas (NDTX).

9. A search of LinkedIn shows thirteen RingCentral employees identifying themselves as located in the Dallas/Fort Worth area. These people have executive titles such as SVP Global Services and Solution Engineers (Derrel James); Vice President, Enterprise Sales - US South (Joe Jacob); Senior Enterprise Account Executive (Chris Hutson); Director National Partners (Mark Nieder); and Director Carrier Accounts, AT&T (Don Dingwall).

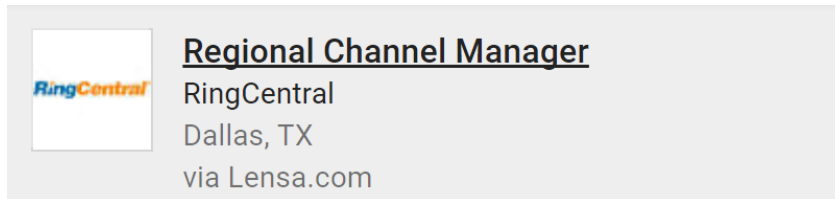
10. A narrowed LinkedIn search from the preceding paragraph shows that of the thirteen RingCentral employees, at least the Director Carrier Accounts, AT&T (Don Dingwall – Plano); the Director National Partners (Mark Nieder – Plano); and Senior Enterprise Account Executive (Chris Hutson - Frisco) specifically identify themselves as located in the EDTX. The remainder are believed to either be in the EDTX or the NDTX.

11. Upon information and belief, these EDTX and NDTX RingCentral employees maintain inventory, marketing materials, and other support materials in the EDTX or the NDTX for support of customers and prospective customers who are also located in the EDTX and NDTX.

12. As non-limiting examples of the preceding paragraph, these EDTX and NDTX RingCentral employees have marketing brochures, phones, and other physical items to provide customers and prospective customers who are also located in the EDTX and the NDTX.

13. Upon information and belief, these EDTX and NDTX employees are maintained geographically in the regional area (as a benefit to their employer, RingCentral, as opposed to a convenience for the employees).

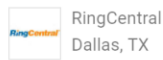
14. Upon information and belief, RingCentral job requirements, that a prospective Regional Channel Manager for Dallas, TX geographically live in or near the area, as opposed to residing in Seattle, Washington, or New York.



The screenshot shows a job listing for a "Regional Channel Manager" at RingCentral in Dallas, TX. The RingCentral logo is on the left. The text reads: "Regional Channel Manager", "RingCentral", "Dallas, TX", and "via Lensa.com".

Regional Channel Manager

SHARE



VIEW ON LENSA.COM

Over 1 month ago Full-time

Responsibilities Develop business plans and drive lead generation / marketing campaigns with Resellers Conduct regular business review and planning meetings with top and emerging Resellers in assigned region Assist new Resellers with prospecting, sales meetings and closing new RingCentral opportunities Provide day-to-day support for RingCentral Channel Partners to help them sell, implement and support RingCentral s services. Answer partner questions via e-mail and telephone Assist partners with quotes and proposals for RingCentral services Work with internal cross-functional teams to assist with partner implementation, support and escalations Assist with launching and set up of new sales agent and reseller partners Assist with ongoing Reseller training, marketing, and overall enablement programs Work cross-functionally with other team members to deliver on company goals Drive requirements and help develop sales tools and materials for the Channel Serve as internal channel advocate to ensure partner and customer satisfaction Participation in industry events such as trade shows and seminars

Source: Ring Central's Job Posting on Lensa.com

15. In addition to at least the thirteen employees located in the EDTX and NDTX, a portion of RingCentral's 4,000 sales agents are selectively located in the EDTX and the NDTX.

16. As part of its sale force of 4,000 agents, RingCentral has agents referred to as "partners" located in the EDTX and the NDTX. For such EDTX and/or NDTX partners, RingCentral indicates that it "continue[s] to make significant investments in enablement, training, programs, and support to ensure the success of master agents, referral, and channel partners."¹

¹ <https://www.ringcentral.com/partner/overview.html#program-1>

More specifically, RingCentral informs such partners that “RingCentral is committed to your success and provides you with comprehensive, no-cost, ongoing training and certifications.” *Id.*

17. In addition to providing these EDTX and/or NDTX partners training, programs, and support, RingCentral provides such partners advertising materials and allows such partners to use RingCentral’s name in marketing.

18. RingCentral provides a specialized portal to communicate with its partners, including those partners in EDTX and/or NDTX at <https://partners.ringcentral.com>.

19. RingCentral refers to each such partner as an “agent” on its website² and has an “agent form” Application process through which one applies to be a RingCentral Partner.³ One of the RingCentral regions identified as Dallas, TX. *Id.*

20. RingCentral refers to partners having an elite status as “Master Agents.”⁴

21. In 2016, RingCentral launched a program called Channel Harmony to further foster its relationship with partners or agents. In marketing materials associated with Channel Harmony, RingCentral explains that “Partners are connected with a vertical- and segment-specialized RingCentral subject-matter expert, the deal is closed (working together, by themselves, or heck—we’ll do the work for the partner), and the partner still gets 100% commissions.”

22. Example “partners” located in the EDTX include CatchSolutions⁵ and Pegasus Technology Solutions.⁶ Both are located in Plano, TX.

² <https://www.ringcentral.com/partner/agent.html>

³ <https://www.ringcentral.com/partner/agentform.html>

⁴ <https://www.ringcentral.com/whyringcentral/company/pressreleases/pressreleases-2016/ringcentral-bolsters-channel-partner-program-through-new-master-.html>

⁵ <https://www.catchsp.com/ringcentral/>

⁶ <https://pegasustechsolutions.com/partners/>

23. A job posting for a regional channel manager in Dallas, TX explains additional support RingCentral provides such partners. The following is provided as responsibilities:⁷

- Develop business plans and drive lead generation / marketing campaigns with Resellers
- Conduct regular business review and planning meetings with top and emerging Resellers in assigned region
- Assist new Resellers with prospecting, sales meetings and closing new RingCentral opportunities
- Provide day-to-day support for RingCentral Channel Partners to help them sell, implement and support RingCentral s services.
- Answer partner questions via e-mail and telephone
- Assist partners with quotes and proposals for RingCentral services
- Work with internal cross-functional teams to assist with partner implementation, support and escalations
- Assist with launching and set up of new sales agent and reseller partners
- Assist with ongoing Reseller training, marketing, and overall enablement programs

24. RingCentral not only has employees working in the EDTX and the NDTX, but also recruits individuals to work in the EDTX and NDTX.

RingCentral Training in the EDTX and NDTX

25. RingCentral also hosts its RingCentral Academy in the EDTX and NDTX.

26. The following is an example Academy program put on by the Regional RingCentral Channel Team held in the EDTX in Denton County.⁸

⁷ <https://lensa.com/regional-channel-manager-jobs/dallas/jd/e5776342f833c8ce5bc15eb6b9586f94>

⁸ Source: https://go.ringcentral.com/DallasPartnerAcademyProgram17_RegistrationPage_Final.html

Join us in Dallas for RingCentral Academy

Mark your calendar to join the RingCentral Channel team and your peers for networking and thought-provoking content. Learn how RingCentral enables partners to earn maximum revenue with Channel Harmony's sales collaboration—all while enjoying great food and drinks. Plus, the first 20 guests to arrive will receive a bottle of Witherspoon Whiskey!

I'm attending!

First Name Last Name

Company Name

Email Address Phone Number

Reserve your spot

Event Details

WHEN
September 14, 2017

WHERE
Witherspoon Distillery
225 S. Charles Street
Lewisville, TX 75057

Event Agenda

3:00 p.m. Sales Collaboration with RingCentral's Channel Harmony
5:00 p.m. Whiskey, BBQ, and Networking

27. The following is an example training seminary held in the NDTX in Dallas County.⁹

Join us in Dallas for RingCentral Academy

This educational and interactive workshop will cover topics to help you position and win more deals with RingCentral. Learn how mid-market and enterprise businesses are using UCaaS solutions today and how you can participate in this multi-billion dollar market. Join us for a free lunch too!

I'm interested!

First Name Last Name

Company Name

Email Address Phone Number

Reserve your spot

Event Details

WHEN
June 23rd, 2016
12:00-4:00 p.m. C.T

WHERE
Renaissance Hotel, Dallas
2222 North Stemmons Freeway, Dallas, TX

Event Agenda

12:00 pm Meet & Greet | Grab lunch
12:30 pm Why RingCentral
1:00 pm Partner Portal & Quotes
2:00 pm Global Office
2:30 pm Contact Center
3:00 pm Competitive Landscape
3:30 pm Conclusion

⁹ Source: https://go.ringcentral.com/2016.06PartnerAcademy-Dallas_PartnerAcademyApril16.html

RingCentral Physical Presence in the EDTX and NDTX

28. RingCentral provides telephone services to residents of the EDTX and the NDTX.

29. RingCentral uses the networks of Level 3 Communications, Inc. (via its acquisition by CenturyLink, Inc), Bandwidth.com, Inc. and the services of its wholly-owned subsidiary RCLEC, Inc. to deliver its telephone services to such EDTX and NDTX residents.

30. RCLEC, Inc. is registered with the State of Texas as a Competitive Local Exchange Carrier.¹⁰

31. RingCentral also has physical equipment communication located in the EDTX and the NDTX.

32. RingCentral's communication platforms rely on a behind-the-scenes network infrastructure designed to allow quick communications between participants. To enable such infrastructure in the central part of the U.S, RingCentral's network infrastructure includes servers located in the EDTX and the NDTX.

33. As a first non-limiting example, RingCentral has servers at the following IP addresses: 54.230.120.97, 54.230.120.197, 52.85.203.64, all of which resolve to servers located in the EDTX or the NDTX or both.

34. As a second non-limiting example, RingCentral also has servers at the following IP addresses: 52.6.102.15, 34.236.77.72, 52.21.155.139, 52.86.37.220, and 52.73.95.207. which are believed to be serviced by servers located in the EDTX or the NDTX or both.

35. RingCentral also distributes mobile applications to residents in this judicial district through servers located in Tyler, Texas; Sherman, TX and Texarkana, Texas - all located

¹⁰ Source:

https://www.puc.texas.gov/industry/communications/directories/clec/report_clec.aspx?ID=CLS QL01DB1245609300001

in the EDTX. RingCentral distributes such applications through the Google Play store where Google acts as an agent “solely on [RingCentral’s] behalf” - or as RingCentral’s agent.

36. RingCentral also places its network infrastructure at the Equinix Dallas (DA3) server facility in Dallas, TX (the NDTX) to peer with other networks.

37. RingCentral has a return center site in the NDTX at 13988 Diplomat Drive, Dallas, TX 75234.¹¹

Shipping Instructions

1. Write your Authorization Code given to you by the RingCentral Support agent on the outside of the brown shipping box as “**RMA – XXXXXXX**” (**Do not write on the Polycom/Linksys box**).
2. Complete this form (all six fields required) and return it with the equipment.
3. Ship the device to:
RingCentral RMAs
13988 Diplomat Drive - Suite 180
Dallas, TX 75234
4. Return the device in the original box.
5. Make sure all parts (e.g. Ethernet cable, power supply, etc.) are returned, or, you will be subject to a \$30 restocking fee.

38. RingCentral’s website further describes a “RingCentral Contact Center” site in Dallas, TX.¹²

¹¹ Source: http://akamai.ringcentral.com/knowledgebase/images/article_771/RC_EquipmentReturnForm_2010.pdf

¹² https://success.ringcentral.com/articles/en_US/RC_Knowledge_Article/9403

39. RingCentral provides local telephone numbers to its NDTX and EDT customers. RingCentral requires that phones be obtained from RingCentral or a RingCentral agent. However, RingCentral has leasing agreements for such phones where RingCentral maintains ownership.

40. RingCentral will also send a team out to its EDTX and NDTX customers' facility to install and service equipment.

41. CraftLogic is one example EDTX customer profiled on RingCentral's website – among 73 profiled customers.¹³

Glip Acquisition

42. Glip was founded in Boca Raton, Florida in 2012. Glip was co-founded by Peter Pezaris, Claudio Pinkus and David Hersh.

43. Glip is a persistent workstream collaboration platform which adds team messaging, document sharing, task and event management, and other collaboration functionality to the RingCentral platform.

44. RingCentral acquired Glip in 2015.

45. Mr. Pezaris and his research team joined RingCentral after the acquisition. Peter Pezaris, Claudio Pinkus and David Hersh are all presently located in the Greater New York City area. The Glip research team is believed to be located in Florida.

46. Defendant is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and judicial district, including: (A) at least part of its past infringing activities, (B) regularly doing or soliciting business in Texas, and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

¹³ <https://www.ringcentral.com/whyringcentral/casestudies/craftlogic.html>

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 8,571,194)

47. Uniloc incorporates by reference the above paragraphs.

48. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 8,571,194 (“the ‘194 Patent”), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL issued to inventor Tod Turner on October 29, 2013. A true and correct copy of the ‘194 Patent is attached as Exhibit A hereto.

49. The ‘194 Patent spent over three years being examined at the United States Patent and Trademark Office. During examination of the ‘194 Patent, trained United States Patent Examiners considered at least twenty-six (26) references before determining that the inventions claimed in the ‘194 Patent deserved patent protection. Such references include, for example, various references from Microsoft Corporation, International Business Machines Corporation, Nortel Networks Limited, and Bell Canada.

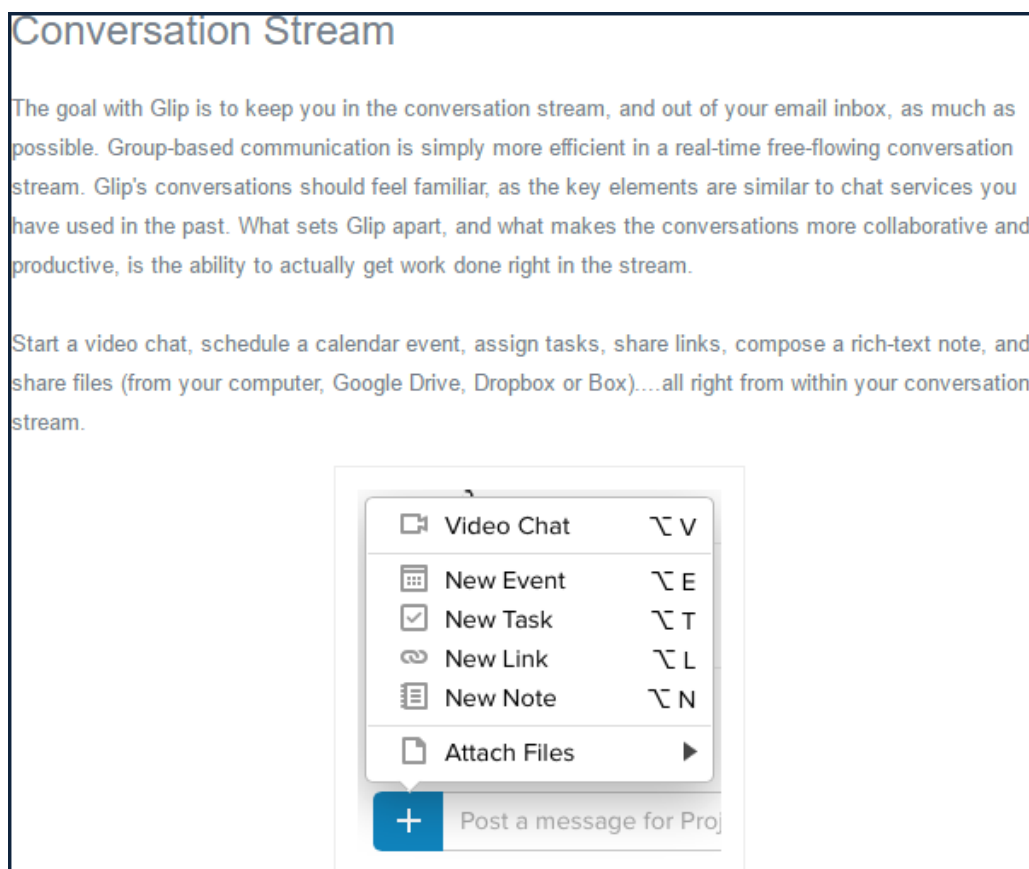
50. Since then, the ‘194 Patent has been referenced by a patent application filed by Samsung Electronics Co., Ltd.

51. Uniloc USA is the exclusive licensee of the ‘194 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

52. Defendant has marketed and currently markets a voice and messaging system under the name “Glip” and “RingCentral Glip.” The Glip system can be accessed through a browser using a web app (<https://app.glip.com/>) or through an app downloaded to Mac, Windows, Android, or iOS devices.

53. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Glip voice and messaging system.

54. Glip allows individuals in an instant message system to initiate a conference call. The below documentation from Glip's website explains how one can start a conference call from an instant message system, including Glip's collaborative system, which at its base has a chatting function that is part of what Defendant calls the conversation stream.




Source: <https://help.glip.com/hc/en-us/articles/202290130-Interface-Overview>

55. The following illustrations from Defendant shows that one can instantly start a conference call in Glip in multiple ways. One way, as shown below, is a clicking of a camera icon in the top of the conversation.

Start or join a meeting instantly

We at Glip are passionate about the art of unbroken workflow—seamless movement from one work activity to the next. Going from chat, to scheduling a meeting, to video conferencing, should be instant & reliable. With Zoom in Glip, anyone can quickly start an online meeting right from their conversations.



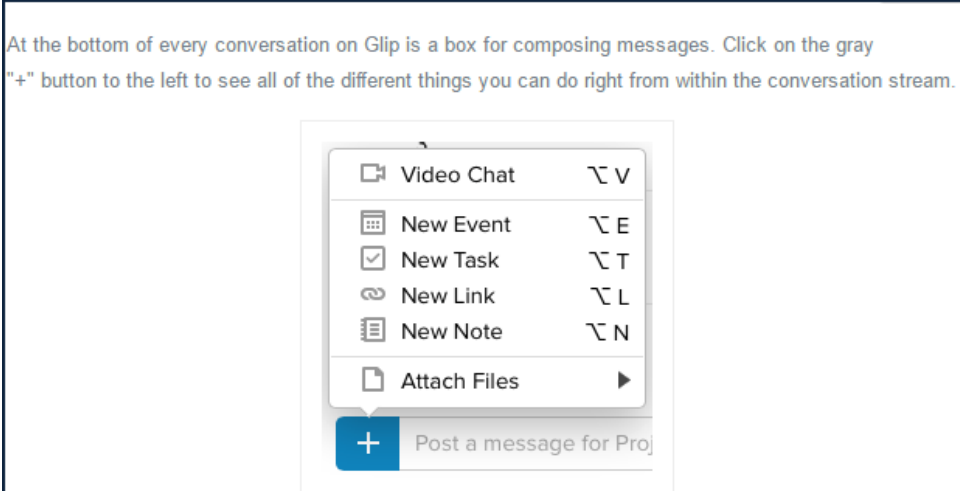
The screenshot shows a chat window for 'Jeff'. At the top, there is a text input field with a '+' button on the left. Below the input field, a message from 'Patrick' is shown with a file upload icon and a thumbnail image of a dog. On the right side of the chat, there are icons for video chat and settings. A green arrow points to the video chat icon.

So go ahead, click that little camera icon at the top of any conversation to immediately start a live video chat—with up to 100 people! The old ways of having to send invitations, share access codes, enter pins and battle sketchy connections are long gone.

Source: <https://blog.glip.com/zoom-in-glip-empower-your-team-face-to-face-d7ce9c38243c#.5fgq2ft6o>

56. Another way, as shown below, is through a selection of a “+” button and then selecting Video Chat.

At the bottom of every conversation on Glip is a box for composing messages. Click on the gray “+” button to the left to see all of the different things you can do right from within the conversation stream.



The screenshot shows a dropdown menu with the following options:


- Video Chat
- New Event
- New Task
- New Link
- New Note
- Attach Files

Below the menu is a blue button with a white “+” icon and the text “Post a message for Proj”.

Source: <https://help.glip.com/hc/en-us/articles/202243124-Composing-Messages>

Video Chat

Select Video Chat (or click the Video Chat button in the header of any conversation) to start a video chat with all of the people in the current conversation (up to 200 people). Need some face time with the Marketing team? Just go to that team's conversation, start a video chat, and everyone on the team will be able to join. Video chat on Glip is handled by a separate application called RingCentral/Office@Hand Meetings that will automatically be installed the first time you initiate or join a video chat.



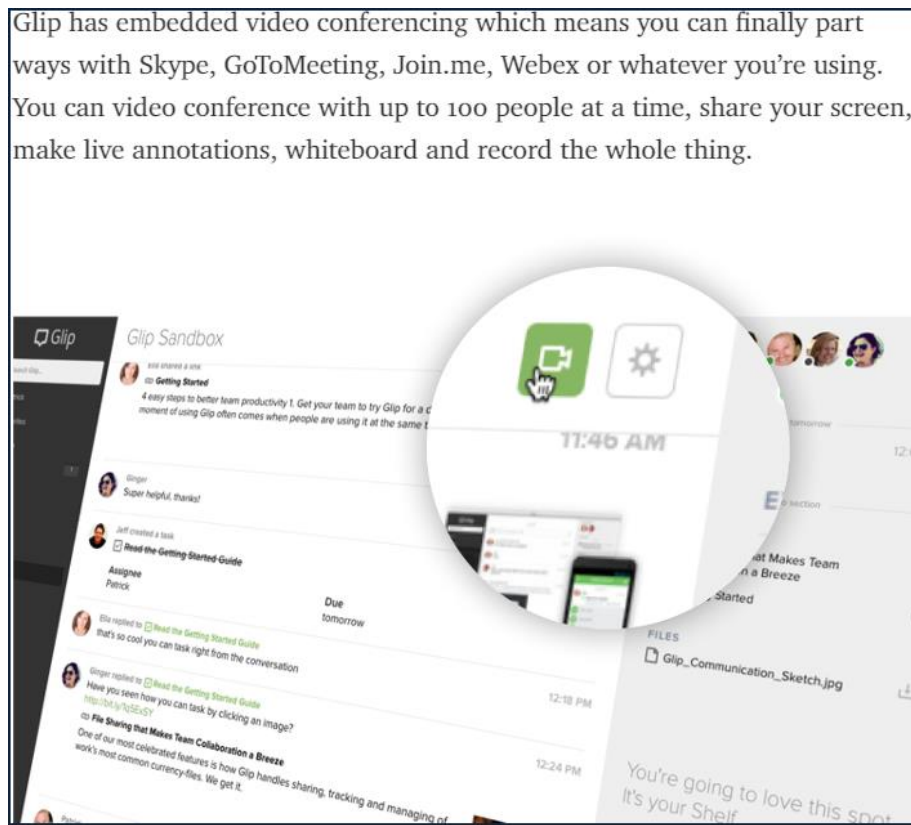
Buttons along the bottom allow you to configure your audio and video settings, or share your computer's screen with the other participants.

Source: <https://help.glip.com/hc/en-us/articles/202243124-Composing-Messages>.

57. Upon clicking either of the referenced icons in the two preceding paragraphs, a conference is established.

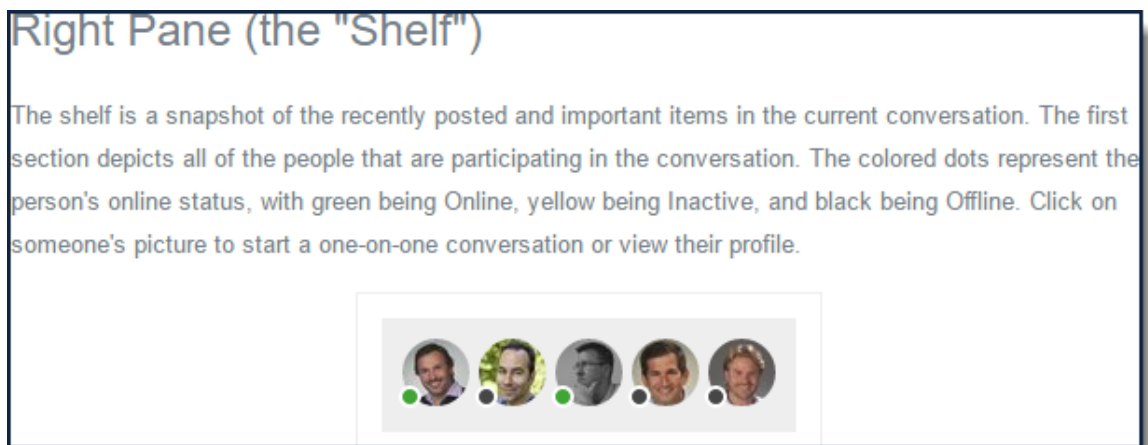


Source: <https://blog.glip.com/zoom-in-glip-empower-your-team-face-to-face-d7ce9c38243c#.5fgq2ft6o>



Source: <https://blog.glip.com/glip-vs-basecamp-why-make-the-switch-5b93c294d181>

58. The following illustration from Defendant shows User's online status are reported on a "Shelf."



Source: <https://help.glip.com/hc/en-us/articles/202290130-Interface-Overview>

59. Defendant has directly infringed, and continues to directly infringe Claim 16 of the '194 Patent in this judicial district and elsewhere in Texas, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling their voice and messaging system during the pendency of the '194 Patent which inter alia comprises instructions for displaying an instant message chat window, exchanging instant messages between two or more parties, displaying an indication of whether parties are connected to said instant message session, and automatically initiating an audio/video call between the participants.

60. In addition, should Defendant's voice and messaging system be found to not literally infringe Claim 16 of the '194 Patent, Defendant's accused system would nevertheless infringe Claim 16 of the '194 Patent under the doctrine of equivalents. More specifically, the accused voice and messaging system performs substantially the same function (contains instructions for implementing an IM to voice/video call capability), in substantially the same way (comprising computer readable instructions contained in or loaded into non-transitory memory) to

yield substantially the same result (effecting an instant message to voice/video call). Defendant would thus be liable for direct infringement under the doctrine of equivalents.

61. Defendant has indirectly infringed and continues to indirectly infringe Claim 16 of the '194 Patent in this judicial district and elsewhere in the Texas by, among other things, actively inducing the using, offering for sale, selling, and/or importation of Defendant's messaging software. Defendant's customers who use such software in accordance with Defendant's instructions directly infringe Claim 16 of the '194 Patent in violation of 35 U.S.C. § 271.

62. Defendant instructs its customers in the use of the messaging software through Internet demonstrations, training videos, brochures and administration, maintenance, installation and/or user guides, such as those located at the following:

- a. <https://help.glip.com/>
- b. <https://blog.glip.com/>

Defendant is thereby liable for infringement of the '194 Patent pursuant to 35 U.S.C. § 271(b).

63. Defendant has indirectly infringed and continues to indirectly infringe Claim 16 of the '194 Patent by among other things, contributing to the direct infringement by others, including without limitation users of their messaging software, by making, using, offering to sell, or selling, in Texas, and/or importing a component of a patented machine, manufacture, or combination, or an apparatus for use in the practicing a patent process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringement of the '194 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

64. For example, the Defendant's messaging software module that allows users to initiate a call from an instant message window is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such software

module is a material part of the invention and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Thus, Defendant is liable for infringement pursuant to 35 U.S.C. § 271(c).

65. Defendant will have been on notice of the ‘194 Patent since, at the latest, the service of this complaint. By the time of trial, Defendant will thus have known and intended (since receiving such notice) that their continued actions would actively induce and contribute to actual infringement of Claim 16 of the ‘194 Patent.

66. Defendant may have infringed the ‘194 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of their voice and messaging system. Uniloc reserves the right to discover and pursue all such additional infringing software.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 7,804,948)

67. Uniloc incorporates the preceding paragraphs herein by reference.

68. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 7,804,948 (“the ‘948 Patent”), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL, issued to inventor Tod Turner on September 28, 2010. A true and correct copy of the ‘948 Patent is attached as Exhibit B hereto.

69. The ‘948 Patent spent almost six years being examined at the United States Patent and Trademark Office. During examination of the ‘948 Patent, trained United States Patent Examiners considered at least twelve (12) references before determining that the inventions claimed in the ‘948 Patent deserved patent protection. Such references include, for example, various references from International Business Machines Corporation and Nortel Networks.

70. Since then, the '948 Patent has been referenced by eighteen (18) other patents and patent applications, including those filed by AT&T and IBM.

71. Uniloc USA is the exclusive licensee of the '948 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

72. Defendant has directly infringed, and continues to directly infringe Claims 3, 4, 34, and 35 of the '948 Patent in this judicial district and elsewhere in Texas, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling their voice and messaging system during the pendency of the '948 Patent, which *inter alia* comprises instructions for establishing a communications connection between the network access device and a conference call server; displaying potential targets then being connected to an instant messaging service; generating a conference call request responsively to a single request; and automatically establishing a conference call connection.

73. In addition, should Defendant's voice and messaging system be found to not literally infringe Claims 3, 4, 34, and 35 of the '948 Patent, Defendant's accused products would nevertheless infringe Claims 3, 4, 34, and 35 of the '948 Patent. More specifically, the accused voice and messaging system performs substantially the same function (implementing an IM to voice/video call capability) in substantially the same way (through instructions) to yield substantially the same result (effecting an instant message to voice/video call). Defendant would thus be liable for direct infringement under the doctrine of equivalents.

74. Defendant has indirectly infringed and continue to indirectly infringe Claims 3, 4, 34, and 35 of the '948 Patent in this judicial district and elsewhere in Texas by, among other things, actively inducing the using, offering for sale, selling, and/or importation of Defendant's messaging

software. Defendant's customers who use such devices and software in accordance with Defendant's instructions directly infringe Claims 3, 4, 34, and 35 of the '948 Patent in violation of 35 U.S.C. § 271.

75. Defendant instructs its customers in the use of its voice and messaging system through Internet demonstrations, training videos, brochures and administration, maintenance, installation and/or user guides, such as those located at the following:

- a. <https://help.glip.com/>
- b. <https://blog.glip.com/>

Defendant is thereby liable for infringement of the '194 Patent pursuant to 35 U.S.C. § 271(b).

76. Defendant has indirectly infringed and continues to indirectly infringe Claims 3, 4, 34, and 35 of the '948 Patent by among other things, contributing to the direct infringement by others, including without limitation users of its messaging software, by making, using, offering to sell, or selling, in the United States, and/or importing a component of a patented machine, manufacture, or combination, or an apparatus for use in the practicing a patent process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringement of the '948 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

77. For example, the Defendant's messaging software module that allows users to initiate a call from an instant message window is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such software module is a material part of the invention and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Thus, Defendant is liable for infringement pursuant to 35 U.S.C. § 271(c).

78. Defendant will have been on notice of the '948 Patent since, at the latest, the service of this complaint. By the time of trial, Defendant will thus have known and intended (since receiving such notice) that its continued actions would actively induce and contribute to actual infringement of Claims 3, 4, 34, and 35 of the '948 Patent.

79. Defendant may have infringed the '948 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of their voice and messaging system. Uniloc reserves the right to discover and pursue all such additional infringing software.

COUNT III

(INFRINGEMENT OF U.S. PATENT NO. 7,853,000)

80. Uniloc incorporates by reference the above paragraphs.

81. Uniloc Luxembourg is the owner, by assignment, of 7,853,000 ("the '000 Patent"), entitled SYSTEM AND METHOD FOR INITIATING A CONFERENCE CALL, issued to inventor Tod Turner on December 14, 2010. A true and correct copy of the '000 Patent is attached as Exhibit C hereto.

82. The '000 Patent was examined at the United States Patent and Trademark Office for nearly a year. During examination of the '000 Patent, trained United States Patent Examiners considered at least five (5) references before determining that the inventions claimed in the '000 Patent deserved patent protection. Such references include, for example, various references from Comverse Ltd., and Lightbridge, Inc.

83. Since then, the '000 Patent has been cited by five (5) patents and patent applications.

84. Uniloc USA is the exclusive licensee of the '000 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

85. Defendant has directly infringed, and continues to directly infringe Claims 3 and 4 of the '000 Patent in this judicial district and elsewhere in Texas, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling their voice and messaging system during the pendency of the '000 Patent which *inter alia* comprises instructions for indicating a plurality of potential targets then being connected to an instant messaging service and participating in a given instant messaging session with a conference call requester and generating a conference call request responsively to a single request by the conference call requester where a conference call is automatically established.

86. In addition, should Defendant's voice and messaging system be found to not literally infringe Claims 3 and 4 of the '000 Patent, Defendant's accused products would nevertheless infringe Claims 3 and 4 of the '000 Patent under the doctrine of equivalents. More specifically, the accused voice and messaging system performs substantially the same function (implementing an IM to voice/video call capability), in substantially the same way (through instructions) to yield substantially the same result (effecting an instant message to voice/video call). Defendant would thus be liable for direct infringement under the doctrine of equivalents.

87. Defendant has indirectly infringed and continue to indirectly infringe Claims 3 and 4 of the '000 Patent in this judicial district and elsewhere in Texas by, among other things, actively inducing the using, offering for sale, selling, and/or importation of Defendant's messaging software. Defendant's customers who use such devices and software in accordance with

Defendant's instructions directly infringe Claims 3 and 4 of the '000 Patent in violation of 35 U.S.C. § 271.

88. Defendant instructs their customers in the use of their messaging software through Internet demonstrations, training videos, brochures and administration, maintenance, installation and/or user guides, such as those located at the following:

- a. <https://help.glip.com/>
- b. <https://blog.glip.com/>

Defendant is thereby liable for infringement of the '000 Patent pursuant to 35 U.S.C. § 271(b).

89. Defendant has indirectly infringed and continues to indirectly infringe Claims 3 and 4 of the '000 Patent by among other things, contributing to the direct infringement by others, including without limitation users of their messaging software, by making, using, offering to sell, or selling, in Texas, and/or importing a component of a patented machine, manufacture, or combination, or an apparatus for use in the practicing a patent process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in infringement of the '000 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

90. For example, the Defendant's messaging software module that allows users to initiate a call from an instant message window is a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such software module is a material part of the invention and upon information and belief is not a staple article or commodity of commerce suitable for substantial non-infringing use. Thus, Defendant is liable for infringement pursuant to 35 U.S.C. § 271(c).

91. Defendant will have been on notice of the '000 Patent since, at the latest, the service of this complaint upon them. By the time of trial, Defendant will have known and intended

(since receiving such notice) that its continued actions would actively induce, and contribute to, the infringement of Claims 3 and 4 of the '000 Patent.

92. Defendant may have infringed the '000 Patent through other software utilizing the same or reasonably similar functionality, including other versions of voice and messaging system. Uniloc reserves the right to discover and pursue all such additional infringing software/devices.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Defendant as follows:

- (A) that Defendant has infringed the '194 Patent, the '948 Patent and the '000 Patent;
- (B) awarding Uniloc its damages suffered as a result of Defendant's infringement of the '194 Patent, the '948 Patent and the '000 Patent pursuant to 35 U.S.C. § 284;
- (C) enjoining Defendant, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing the '194 Patent, the '948 Patent and the '000 Patent pursuant to 35 U.S.C. § 283;
- (D) awarding Uniloc its costs, attorneys' fees, expenses, and interest; and
- (E) granting Uniloc such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: October 24, 2017

Respectfully submitted,

/s/ Ryan S. Loveless

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CERTIFICATE OF SERVICE

I certify that on October 24, 2017 the foregoing document was served upon all counsel of record via the court's electronic filing system in accordance with the Federal Rules of Civil Procedure.

/s/ Ryan S. Loveless

Ryan S. Loveless