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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

VOIP-PAL.COM, INC., a Nevada corporation,

Plaintiff,

v.

CASE NO.: 2:18-cv-01076

AMAZON.COM, INC., a Delaware
corporation; AMAZON TECHNOLOGIES,
INC., a Nevada corporation; and AMAZON
LAB126,

Defendants.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff VoIP-Pal.com, Inc. (“VoIP-Pal”), for its Complaint against Defendants Amazon.com, Inc. (“Amazon Inc.”), Amazon Technologies, Inc. (“Amazon Technologies”) and Amazon Lab126 (“Amazon Lab126” and together with Amazon Inc. and Amazon Technologies collectively referred to as the “Defendants”) hereby alleges as follows:

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PARTIES

1. Plaintiff VoIP-Pal is a Nevada corporation with its principal place of business located at 10900 NE 4th Street, Suite 2300, Bellevue, Washington 98004.

2. Defendant Amazon.com, Inc. is a Delaware corporation with its principal place of business at 410 Terry Avenue N, Seattle, Washington 98109-5210. On information and belief, Amazon Inc. regularly conducts and transacts business in the District of Nevada and throughout the United States, and, as set forth below, has committed and continues to commit, tortious acts of patent infringement within the District of Nevada.

3. Defendant Amazon Technologies, Inc. is a Nevada corporation with its principal place of business at 410 Terry Avenue N, Seattle, Washington 98109-5210. On information and belief, Amazon Technologies regularly conducts and transacts business in the District of Nevada and throughout the United States, and, as set forth below, has committed and continues to commit, tortious acts of patent infringement within the District of Nevada.

4. Defendant Amazon Lab126 is a business entity with its principal place of business at 1100 Enterprise Way, Sunnyvale, California 94089. On information and belief, Amazon Lab126 regularly conducts and transacts business in the District of Nevada and throughout the United States, and, as set forth below, has committed and continues to commit, tortious acts of patent infringement within the District of Nevada.

NATURE OF THE ACTION

5. This is a civil action for infringement of United States Patent No. 9,537,762 (the “ ‘762 Patent”), United States Patent No. 9,813,330 (the “ ‘330 Patent”), United States Patent No. 9,826,002 (the “ ‘002 Patent”), and United States Patent No. 9,948,549 (the “ ‘549 Patent” and together with the ‘762 Patent, the ‘330 Patent and the ‘002 Patent, the “Patents-in-Suit”) under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

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JURISDICTION AND VENUE

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2 6. This Court has jurisdiction over the subject matter of this action pursuant to 28
3 U.S.C. §§ 1331 and 1338(a).

4
5 7. This Court has personal jurisdiction over Defendants because, among other things,
6 Defendants have committed, aided, abetted, contributed to, and/or participated in the commission
7 of patent infringement in this judicial district and elsewhere that led to foreseeable harm and
8 injury to VoIP-Pal.

9 8. This Court also has personal jurisdiction over Defendants because, among other
10 things, Defendants have established minimum contacts within the forum such that the exercise of
11 jurisdiction over Defendants will not offend traditional notions of fair play and substantial justice.
12 Moreover, Defendants have placed products and provided services that practice the claimed
13 inventions of the Patents-in-Suit into the stream of commerce with the reasonable expectation
14 and/or knowledge that purchasers and users of such products and services were located within
15 this District. Defendants have sold, advertised, marketed, distributed and made available products
16 and services in this District that practice the claimed inventions of the Patents-in-Suit. Further,
17 upon information and belief, Defendants have induced and/or are inducing third parties to make,
18 use, sell, offer for sale, import and/or distribute products and services that practice the claimed
19 inventions of the Patents-in-Suit.
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21
22 9. Upon information and belief, Defendants have engaged in actions constituting patent
23 infringement of the Patents-in-Suit collectively and jointly with respect to or arising out of the
24 same transaction, occurrence, or series of transactions or occurrences relating to the making,
25 using, importing into the United States, offering for sale, or selling of the same accused products,
26 systems, processes and/or Accused Instrumentalities as described herein. Moreover, upon
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1 information and belief, there are questions of fact common to all Defendants that will arise in the
2 action.

3 10. Venue is proper in this district pursuant to 28 U.S.C. § 1400(b).

4 **BACKGROUND OF THE TECHNOLOGY AND THE PATENTS-IN-SUIT**

5 11. United States Patent No. 9,537,762 (the “762 Patent”) entitled “Producing
6 Routing Messages For Voice Over IP Communications” was duly and legally issued by the
7 United States Patent and Trademark Office on January 3, 2017. A copy of the ‘762 Patent is
8 attached hereto as Exhibit 1.

9
10 12. United States Patent No. 9,813,330 (the “330 Patent”) entitled “Producing
11 Routing Messages For Voice Over IP Communications” was duly and legally issued by the
12 United States Patent and Trademark Office on November 7, 2017. A copy of the ‘330 Patent is
13 attached hereto as Exhibit 2.

14
15 13. United States Patent No. 9,826,002 (the “002 Patent”) entitled “Producing
16 Routing Messages For Voice Over IP Communications” was duly and legally issued by the
17 United States Patent and Trademark Office November 21, 2017. A copy of the ‘762 Patent is
18 attached hereto as Exhibit 3.

19
20 14. United States Patent No. 9,948,549 (the “549 Patent”) entitled “Producing
21 Routing Messages For Voice Over IP Communications” was duly and legally issued by the
22 United States Patent and Trademark Office on April 17, 2008. A copy of the ‘549 Patent is
23 attached hereto as Exhibit 4.

24 15. The ‘762 Patent, ‘330 Patent, ‘002 Patent and ‘549 Patent are collectively referred
25 to herein as the “Patents-In-Suit”.

26 16. The inventions of the Patents-In-Suit originated from breakthrough work and
27 development in the internet protocol communications field.
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1 17. Internet protocol (IP) communications commonly involve personal computers
2 (PCs), phones, and other devices, sending and receiving various types of communication in
3 various formats (e.g., audio, video, text, and other data formats), for example, over local and wide
4 area networks between client and server devices.

5 18. Furthermore, IP communication systems and methods may involve
6 communication within or between IP networks, and between an IP network and external
7 networks, such as the public switched telephone network (PSTN) including cellular networks for
8 mobile devices.

9 19. Processing and routing such communications preferably requires resilience,
10 reliability, high availability and flexibility in routing the communications within and between
11 networks.

12 20. VoIP-Pal has provided significant improvements to communications technology
13 by the invention of novel methods, processes and apparatuses that facilitate communications
14 between internet protocol based systems and networks, such as internally controlled systems and
15 external networks (e.g., between private networks and public networks), including the
16 classification and routing thereof.

17 21. The Patents-In-Suit represent fundamental advancements to the art of internet
18 protocol (IP) based communication, including improved functioning, routing and reliability for
19 communications over the internet.

20 22. For example, claim 1 of the '762 Patent recites:

21 A method of routing communications in a system in which a first
22 participant identifier is associated with a first participant registered with the
23 system and wherein a second participant identifier is associated with a second
24 participant, the first participant being associated with a first participant device
25 operable to establish a communication using the system to a second participant
26 device associated with the second participant, the system comprising at least one
27 processor operably configured to execute program code stored in at least one
28 memory, the method comprising:

1
2 in response to the first participant device initiating the communication to
3 the second participant device, receiving the first participant identifier and the
4 second participant identifier from the first participant device;

5 using the first participant identifier to locate, via the at least one processor,
6 a first participant profile from among a plurality of participant profiles that are
7 stored in a database, the first participant profile comprising one or more attributes
8 associated with the first participant;

9 processing the second participant identifier, via the at least one processor,
10 based on at least one of the one or more attributes from the first participant
11 profile, to produce a new second participant identifier;

12 classifying the communication, via the at least one processor, using the
13 new second participant identifier, as a first network communication if a first
14 network classification criterion is met and as a second network communication if
15 a second network classification criterion is met;

16 when the first network classification criterion is met, producing, via the at
17 least one processor, a first network routing message, the first network routing
18 message identifying an address in the system, the address being associated with
19 the second participant device;

20 and when the second network classification criterion is met, producing, via
21 the at least one processor, a second network routing message, the second network
22 routing message identifying an address associated with a gateway to a network
23 external to the system, wherein the second network classification criterion is met
24 if the second participant is not registered with the system.

25 23. For example, claim 1 of the '330 Patent recites:

26 A method for routing a communication in a communication system
27 between an Internet-connected first participant device associated with a first
28 participant and a second participant device associated with a second participant,
the method comprising:

in response to initiation of the communication by the first participant
device, receiving, by a controller comprising at least one processor, over an
Internet protocol (IP) network a first participant identifier and a second participant
identifier;

causing the at least one processor to access at least one database
comprising user profiles using the first participant identifier, each user profile
comprising a respective plurality of attributes for a respective user, to locate a
user profile for the first participant including a plurality of first participant
attributes;

1 comparing at least a portion of the second participant identifier, using the
2 at least one processor, with at least one of the plurality of first participant
attributes obtained from the user profile for the first participant;

3 causing the at least one processor to access the at least one database to
4 search for a user profile for the second participant;

5 classifying the communication, based on the comparing, as a system
6 communication or an external network communication, using the at least one
processor;

7 when the communication is classified as a system communication,
8 producing a system routing message identifying an Internet address of a
communication system node associated with the second participant device based
9 on the user profile for the second participant, using the at least one processor,
wherein the system routing message causes the communication to be established
10 to the second participant device; and

11 when the communication is classified as an external network
12 communication, producing an external network routing message identifying an
Internet address associated with a gateway to an external network, using the at
13 least one processor, wherein the external network routing message causes the
communication to the second participant device to be established using the
14 gateway to the external network.

15 24. For example, claim 1 of the '002 Patent recites:

16 A method of routing a communication in a communication system
17 between an Internet-connected first participant device associated with a first
participant and a second participant device associated with a second participant,
18 the method comprising:

19 in response to initiation of the communication by the first participant
20 device, receiving, by a controller comprising at least one processor, over an
Internet protocol (IP) network a first participant identifier and a second participant
21 identifier, the second participant identifier being associated with the second
22 participant device;

23 causing the at least one processor to access a database comprising user
24 profiles, using the first participant identifier, each user profile associating a
respective plurality of attributes with a respective user, to locate a plurality of first
25 participant attributes;

26 processing the second participant identifier, using the at least one
processor, based on at least one of the plurality of first participant attributes
27 obtained from a user profile for the first participant, to produce a new second
participant identifier;

1 classifying the communication, based on the new second participant
2 identifier, as a system communication or an external network communication,
3 using the at least one processor;

4 when the communication is classified as a system communication,
5 producing a system routing message identifying an Internet address associated
6 with the second participant device, using the at least one processor, wherein the
7 system routing message causes the communication to be established to the second
8 participant device; and

9 when the communication is classified as an external network
10 communication, producing an external network routing message identifying an
11 Internet address associated with a gateway to an external network, using the at
12 least one processor, wherein the external network routing message causes the
13 communication to the second participant device to be established using the
14 gateway to the external network.

15 25. For example, claim 1of the ‘549 Patent recites:

16 A method of routing a communication in a communication system
17 between an Internet-connected first participant device associated with a first
18 participant and a second participant device associated with a second participant,
19 the method comprising:

20 causing at least one processor to access at least one memory storing a first
21 participant profile identifying at least one first participant attribute;

22 receiving, by the at least one processor, a second participant identifier
23 inputted by the first participant using the first participant device to initiate a
24 communication, the second participant identifier being associated with the second
25 participant device;

26 processing the second participant identifier, based on the at least one first
27 participant attribute obtained from the first participant profile, to produce a new
28 second participant identifier;

 classifying the communication as a system communication or an external
network communication;

 when the communication is classified as a system communication,
producing a system routing message, based on the new second participant
identifier, that identifies an Internet Protocol (IP) address of a network element
through which the communication is to be routed thereby causing the
communication to be established to the second participant device; and

 when the communication is classified as an external network
communication, producing an external network routing message, based on the
new second participant identifier, that identifies an address associated with a

1 gateway to an external network thereby causing the communication to the second
2 participant device to be established by use of the gateway to the external network.

3 26. VoIP-Pal is the sole owner and assignee of the entire right, title and interest in the
4 '762 Patent, the '330 Patent, the '002 Patent and the '549 Patent and has the right to sue and
5 recover damages for any current or past infringement of the '762 Patent, the '330 Patent, the '002
6 Patent and the '549 Patent.

7 **OVERVIEW OF THE ACCUSED INSTRUMENTALITIES**

8 27. Each of the instrumentalities described herein made, used, sold and/or offered for
9 sale by Defendants comprises systems and devices relating to and supporting communications,
10 including calling and messaging, using devices, computers, servers, systems and methods used
11 by, operated by and performed by Defendants (the "Amazon Alexa Calling and Messaging
12 System"). *See, e.g.,* Amazon product description entitled "Alexa Calling & Messaging"
13 (<https://www.amazon.com/b?node=16713667011>).
14

15 28. Amazon Alexa and Alexa For Business devices that support the Amazon Alexa
16 Calling and Messaging System include at least the Amazon Echo, Echo Plus, Echo Dot, Echo
17 Spot, Echo Show, Echo Connect, Amazon Tap, 4th Generation and later Amazon Fire devices
18 with Alexa support, Android mobile phones and tablets with the Alexa app and software version
19 5.0 or higher, and Apple iOS mobile phones and tablets with the Alexa app and software version
20 9.0 or higher (collectively, "Amazon Alexa Calling Devices").
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22 29. The Amazon Alexa Calling and Messaging System allows Amazon Alexa Calling
23 Devices to initiate a call or a voice message between a first participant, and a second participant,
24 using its system. The second participant may be an Amazon Alexa Calling and Messaging
25 System subscriber or a non-subscriber. A profile that includes attributes is used as part of the
26 process that classifies a call or message. On information and belief, Defendants also provide third
27 parties with software development kits (SDK), application programming interface (API), code
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1 samples, hardware reference designs and/or other technical information to facilitate the third
2 parties using the Amazon Alexa Calling and Messaging System or integrating Alexa-related
3 technologies into their own network products (e.g., *see* “Alexa Voice Service” and “Alexa-
4 Enabled Product” documentation at <https://developer.amazon.com/alexa-voice-service>). On
5 information and belief, Defendants promote and license the Amazon Alexa Platform to third
6 parties for use in the third parties’ products on terms which support and enhance the Amazon
7 Alexa Calling and Messaging System (e.g., *see*
8 <https://developer.amazon.com/support/legal/alexa/alexa-voice-service/terms-and-agreements>),
9 leading some third parties to integrate or apply Alexa communication features in their products
10 (e.g., *see* article dated April 21, 2018 entitled “Voice Calls Are Coming to Third-Party Alexa
11 Gadgets” at <https://www.tomsguide.com/us/-alexa-gadgets-voice-calls,news-27036.html>).

12 COUNT I

13 **Infringement Of The ‘762 Patent**

14 **(against all Defendants)**

15 30. Paragraphs 1 through 29 are incorporated by reference as if fully stated herein.

16 31. Defendants, either alone or in conjunction with others, have infringed and
17 continue to infringe, both directly and indirectly, one or more claims of the ‘762 Patent, including
18 at least exemplary claim 1, under 35 U.S.C. § 271, either literally and/or under the doctrine of
19 equivalents, by making, using, offering to sell, selling and/or importing into the United States at
20 least certain methods, apparatuses, products and services used for communication, including,
21 without limitation, the Amazon Alexa Calling and Messaging System, the Amazon Alexa Calling
22 Devices, Amazon Alexa software and/or methods employed thereby (collectively, “the ‘762
23 Accused Instrumentalities”).

24 32. For example, Defendants infringe exemplary claim 1 of the ‘762 Patent by
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1 making, using, offering to sell, selling and/or importing into the United States at least the '762
2 Accused Instrumentalities, which '762 Accused Instrumentalities provide, use and/or comprise a
3 method for routing communications in a system:

- 4 • in which a first participant identifier is associated with a first participant
5 registered with the system and wherein a second participant identifier is
6 associated with a second participant (e.g., The Amazon Alexa Calling and
7 Messaging System is a system that allows Amazon Alexa Calling Devices
8 to place calls and send voice and text messages to other users. In order to
9 send communications, the Amazon Alexa Calling Device must be
10 registered), the first participant being associated with a first participant
11 device operable to establish a communication using the system to a second
12 participant device associated with the second participant, the system
13 comprising at least one processor operably configured to execute program
14 code stored in at least one memory, the method comprising (e.g., Amazon
15 Alexa Calling and Messaging allows calling and messaging to registered
16 devices anywhere in the world, and to devices on the PSTN within the
17 United States, Canada and Mexico for voice calls and over SMS to any
18 destination with an associated cellular device. The Amazon Alexa Calling
19 and Messaging system performs a method of routing communications in a
20 system comprising an Amazon Server network. The first participant has a
21 registered and subscribed Amazon Alexa Calling Device. A second
22 participant device may be a registered and subscribed Amazon Alexa
23 Calling Device, or it may be a telephone accessible over the PSTN
24 including cellular devices. Amazon Alexa Calling and Messaging allows
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1 Amazon Alexa Calling Devices to make calls and send messages
2 including text, audio, video and images to other users (i.e., second
3 participants). The Amazon Alexa Calling and Messaging System
4 comprises at least one processor, for example, in one or more Amazon
5 Servers, that, on information and belief, are operably configured to
6 execute program code stored in a memory):

- 7
- 8 • in response to the first participant device initiating the communication to
9 the second participant device, receiving the first participant identifier and
10 the second participant identifier from the first participant device (e.g., a
11 call or message is initiated by the user of the Amazon Alexa Calling
12 Device (i.e., the first participant) entering information identifying the
13 receiver/recipient (i.e., the second participant identifier), which may
14 include an Amazon Alexa Calling Device identifier (ID) or other ID of the
15 second participant, such as a phone number. The Amazon Alexa Calling
16 and Messaging System receives a first participant ID and a second
17 participant ID in response to initiation of a call or message by the first
18 participant device, which is an Amazon Alexa Calling and Messaging
19 subscriber device. The Amazon Alexa Calling and Messaging System may
20 include one or more Amazon Servers, which comprise at least one
21 processor.);
 - 22 • using the first participant identifier to locate, via the at least one processor,
23 a first participant profile from among a plurality of participant profiles that
24 are stored in a database, the first participant profile comprising one or
25 more attributes associated with the first participant (e.g., one or more
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1 Amazon Servers locate(s) a first participant profile using the first
2 participant ID from a database storing a plurality of participant profiles.
3 The first participant profile contains a plurality of attributes associated
4 with the first participant. A profile including attributes includes
5 information used in the classification of a call or message, such as settings
6 stored within the Amazon Alexa Calling and Messaging System, and/or
7 information obtained regarding the connection of the caller device to the
8 network, such as the specific user's Amazon Alexa Calling Device. Other
9 attributes associated with the caller may include the caller's contact list
10 obtained from the caller's Amazon Alexa Calling Device app that is used
11 to initially enable Alexa Calling and Messaging, or the caller's address
12 book as set up by an administrator.);

- 13 • processing the second participant identifier, via the at least one processor,
14 based on at least one of the one or more attributes from the first participant
15 profile, to produce a new second participant identifier (e.g., the Amazon
16 Alexa Calling and Messaging System processes the receiver ID via the at
17 least one processor based on at least one of the one or more attributes from
18 the sender profile, to produce a new receiver ID. For example, if the
19 second participant identifier is the name of the second participant, and the
20 first participant's attributes do not indicate that the second participant is an
21 Amazon Alexa Calling and Messaging System subscriber, then, the new
22 second participant identifier may be a phone number associated with the
23 second participant. Alternatively, if the second participant identifier
24 identifies an Amazon Alexa Calling and Messaging System subscriber,
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1 then the new second participant identifier may be the user's internal
2 Amazon Alexa Calling Device identifier. Also, the processing of a new
3 second participant identifier may be based on the second participant's
4 device not being blocked. Another example of the first participant's
5 attributes being used to determine a new second participant identifier may
6 involve the use of the first participant's attributes to interpret the second
7 participant's identifier. For example, if the first participant's attributes
8 indicate that the second participant has an international phone number
9 outside of the US, Canada or Mexico, the new second participant identifier
10 may be processed as a "Blocked Number".);

- 11 • classifying the communication, via the at least one processor, using the
12 new second participant identifier, as a first network communication if a
13 first network classification criterion is met and as a second network
14 communication if a second network classification criterion is met (e.g., the
15 Amazon Alexa Calling and Messaging System allows calls to be made and
16 voice and text messages to be sent either within the Amazon Alexa Calling
17 and Messaging System or as a second network communication, for
18 example, using an external network such as the PSTN. The Amazon Alexa
19 Calling and Messaging System classifies the communication with the at
20 least one processor using the new second participant identifier as either an
21 Amazon Alexa Calling and Messaging System call or a second network
22 communication, based on a first network classification criterion or a
23 second network classification criterion. For example, the Amazon Alexa
24 Calling and Messaging System classifies the call using the Amazon
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1 Server(s) as a first network communication when the processing to
2 produce the new second participant identifier indicates that at least the
3 second participant device is an Amazon Alexa Calling Device, and
4 classifies it as a PSTN call (i.e., a “second network communication”)
5 when the receiver device is not an Amazon Alexa Calling Device.);

- 6
- 7 • when the first network classification criterion is met, producing, via the at
8 least one processor, a first network routing message, the first network
9 routing message identifying an address in the system, the address being
10 associated with the second participant device (e.g., when the
11 communication is classified as a first network or system communication, a
12 network routing message is produced, using the at least one processor in
13 the Amazon Alexa Calling and Messaging System, identifying an address
14 in the Amazon Alexa Calling and Messaging System associated with the
15 second participant device.);
- 16
- 17 • and when the second network classification criterion is met, producing, via
18 the at least one processor, a second network routing message, the second
19 network routing message identifying an address associated with a gateway
20 to a network external to the system, wherein the second network
21 classification criterion is met if the second participant is not registered
22 with the system (e.g., when the communication is classified as an second
23 network or external communication, a second network routing message is
24 produced using the at least one processor in the Amazon Alexa Calling
25 and Messaging System, identifying an address outside of the Amazon
26 Alexa Calling and Messaging System (e.g., a telephone number for the
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1 second participant device, or alternatively, an address of a gateway to the
2 PSTN). The identified address outside of the Amazon Alexa Calling and
3 Messaging System is an address associated with a gateway to a network
4 outside of the Amazon Alexa Calling and Messaging System, e.g., the
5 PSTN telephone network. In the case of a voice message to an external
6 device, a cellular phone associated with the first participant is used to send
7 an SMS message containing the transcribed message and a link to the
8 audio message over a cellular network.).
9

10 33. On information and belief, Defendants have had knowledge of the ‘762 Patent
11 since at least April 12, 2018 when VoIP-Pal issued a press release announcing the issuance of the
12 ‘762 Patent, and also by written correspondence dated June 11, 2018, identifying and enclosing
13 the Patents-in-Suit.
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15 34. Despite knowledge and notice of the ‘762 Patent and their infringement of that
16 patent, Defendants have continued to make, use, sell and offer to sell the ‘762 Accused
17 Instrumentalities in the United States. Accordingly, Defendants’ infringement has been and
18 continues to be willful.
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20 35. Defendants have induced infringement, and continue to induce infringement, of
21 one or more claims of the ‘762 Patent under 35 U.S.C. § 271(b). Defendants actively, knowingly,
22 and intentionally induced, and continue to actively, knowingly and intentionally induce
23 infringement of the ‘762 Patent by selling or otherwise making available and/or supplying the
24 ‘762 Accused Instrumentalities; with the knowledge and intent that third parties will use the ‘762
25 Accused Instrumentalities supplied by Defendants to infringe the ‘762 Patent; and with the
26 knowledge and intent to encourage and facilitate third party infringement through the
27 dissemination or application of the ‘762 Accused Instrumentalities and/or the creation and
28

1 dissemination of promotional and marketing materials, supporting materials, instructions, product
2 manuals, and/or technical information related to the '762 Accused Instrumentalities.

3 36. Defendants specifically intended and were aware that the ordinary and customary
4 use of the '762 Accused Instrumentalities would infringe the '762 Patent. For example,
5 Defendants sell, use, make available and provide the '762 Accused Instrumentalities, which when
6 used in their ordinary and customary manner intended by Defendants, infringe one or more
7 claims of the '762 Patent, including at least exemplary claim 1. Upon information and belief,
8 Defendants further provide product manuals, software development kits (SDK), application
9 programming interfaces (API), code samples, hardware reference designs and other technical
10 information that cause Defendants' customers and other third parties to use and to operate the
11 '762 Accused Instrumentalities for their ordinary and customary use. Defendants' customers and
12 other third parties have directly infringed the '762 Patent, including at least exemplary claim 1,
13 through the normal and customary use of the '762 Accused Instrumentalities. By providing
14 instruction and training to customers and other third parties on how to use the '762 Accused
15 Instrumentalities in an infringing manner, Defendants specifically intended to induce
16 infringement of the '762 Patent, including at least exemplary claim 1. Defendants accordingly
17 have induced and continue to induce Defendants' customers, third parties and other users of the
18 '762 Accused Instrumentalities in their ordinary and customary way to infringe the '762 Patent,
19 knowing, or at least being willfully blind to the fact, that such use constitutes infringement of the
20 '762 Patent.
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24 37. VoIP-Pal has been and continues to be damaged by Defendants' infringement of
25 the '762 Patent.

26 38. Defendants' conduct in infringing the '762 Patent renders this case exceptional
27 within the meaning of 35 U.S.C. § 285.
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COUNT II

Infringement Of The ‘330 Patent

(against all Defendants)

39. Paragraphs 1 through 38 are incorporated by reference as if fully stated herein.

40. Defendants, either alone or in conjunction with others, have infringed and continue to infringe, both directly and indirectly, one or more claims of the ‘330 Patent, including at least exemplary claim 1, under 35 U.S.C. § 271, either literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States at least certain methods, apparatuses, products and services used for communication, including, without limitation, the Amazon Alexa Calling and Messaging System, the Amazon Alexa Calling Devices, Amazon Alexa software and/or methods employed thereby (collectively, “the ‘330 Accused Instrumentalities”).

41. For example, Defendants infringe exemplary claim 1 of the ‘330 Patent by making, using, offering to sell, selling and/or importing into the United States at least the ‘330 Accused Instrumentalities, which ‘330 Accused Instrumentalities comprise a method for routing a communication in a system:

- between an Internet-connected first participant device associated with a first participant and a second participant device associated with a second participant, the method comprising (e.g., The Amazon Alexa Calling and Messaging System comprises at least one or more Amazon Servers. The Amazon Alexa Calling and Messaging System allows Amazon Alexa Calling Devices to place audio and video calls and to send voice and text messages to other Amazon Alexa Calling Devices and to other users. The Amazon Alexa Calling and Messaging System performs a method of

1 routing communications in a communication system comprising the
2 Amazon Server(s). A first participant device is connected to the Internet
3 and associated with a first participant. A second participant device is
4 associated with a second participant.):

- 5
- 6 • in response to initiation of the communication by the first participant
7 device, receiving, by a controller comprising at least one processor, over
8 an Internet protocol (IP) network a first participant identifier and a second
9 participant identifier (e.g., a call or message is initiated by the user of the
10 Amazon Alexa Calling Device (i.e., the first participant) entering
11 information identifying the receiver (i.e., the second participant identifier),
12 which may include an Amazon Alexa Calling Device identifier (ID) or
13 other ID of the second participant, such as the phone number. The
14 Amazon Alexa Calling and Messaging System receives a first participant
15 ID and a second participant ID over an IP network in response to initiation
16 of the call or message by the first participant device, which is an Amazon
17 Alexa Calling and Messaging subscriber device. The Amazon Alexa
18 Calling and Messaging System comprises one or more Amazon Servers,
19 constituting a controller, which comprise at least one processor.);
- 20
- 21
- 22 • causing the at least one processor to access at least one database
23 comprising user profiles using the first participant identifier, each user
24 profile comprising a respective plurality of attributes for a respective user,
25 to locate a user profile for the first participant including a plurality of first
26 participant attributes (e.g., one or more Amazon Servers locate(s) a first
27 participant profile using the first participant ID from a database storing
28

1 user profiles. The first participant profile contains a plurality of attributes
2 associated with the first participant. A profile including attributes includes
3 information used in the classification of a call or message, such as settings
4 stored within the Amazon Alexa Calling and Messaging System, and/or
5 information obtained regarding the connection of the caller device to the
6 network, such as the specific user's Amazon Alexa Calling Device. Other
7 attributes associated with the caller may include the caller's contact list
8 obtained from the caller's Amazon Alexa Calling Device app that is used
9 to initially enable Alexa Calling and Messaging, or the caller's address
10 book as set up by an administrator.);

- 11
- 12
- 13 • comparing at least a portion of the second participant identifier, using the
14 at least one processor, with at least one of the plurality of first participant
15 attributes obtained from the user profile for the first participant (e.g., the
16 Amazon Alexa Calling and Messaging System compares at least one of
17 the attributes of the sender profile, for example, the first participant's
18 contact list contents (which it has access to) or the first participant's
19 address book, to at least a portion of the second participant identifier, for
20 example, a name that represents the second participant identifier.);
- 21
- 22 • causing the at least one processor to access the at least one database to
23 search for a user profile for the second participant (e.g., a database of
24 Amazon Alexa Calling and Messaging System subscribers is searched to
25 determine whether or not the second participant is a subscriber having a
26 user profile in the system.);
- 27
- 28 • classifying the communication, based on the comparing, as a system

1 communication or an external network communication, using the at least
2 one processor (e.g., the Amazon Alexa Calling and Messaging System
3 classifies the communication using the at least one processor, based on the
4 comparing step, as either an Amazon Alexa Calling and Messaging
5 System communication or a PSTN communication.);

- 6
7 • when the communication is classified as a system communication,
8 producing a system routing message identifying an Internet address of a
9 communication system node associated with the second participant device
10 based on the user profile for the second participant, using the at least one
11 processor, wherein the system routing message causes the communication
12 to be established to the second participant device (e.g., if the
13 communication is classified as a system communication, a network
14 routing message is produced, using the at least one processor, identifying
15 an address in the Amazon Alexa Calling and Messaging System associated
16 with the second participant's device. Unless otherwise blocked, the
17 system routing message causes the Amazon Alexa Calling and Messaging
18 System to establish a communication to the second participant device. In
19 the case of a call, the second participant device is notified of an incoming
20 call. In the case of a voice message, the second participant device is
21 notified of a message.); and

- 22
23
24 • when the communication is classified as an external network
25 communication, producing an external network routing message
26 identifying an Internet address associated with a gateway to an external
27 network, using the at least one processor, wherein the external network
28

1 routing message causes the communication to the second participant
2 device to be established using the gateway to the external network (e.g., if
3 the communication is classified as an external communication, an external
4 network routing message is produced that identifies an Internet address
5 associated with a gateway to the PSTN. Unless otherwise blocked, the
6 system routing message causes the Amazon Alexa Calling and Messaging
7 System to determine a gateway to the PSTN and to establish a
8 communication to the second participant device. In the case of a voice
9 message to an external device, a cellular phone associated with the first
10 participant is used to send an SMS message containing the transcribed
11 message and a link to the audio message over a cellular network.).
12

13
14 42. On information and belief, Defendants have had knowledge of the ‘330 Patent
15 since at least April 12, 2018 when VoIP-Pal issued a press release announcing the issuance of the
16 ‘330 Patent, and also by written correspondence dated June 11, 2018, identifying and enclosing
17 the Patents-in-Suit.

18 43. Despite its knowledge and notice of the ‘330 Patent and its infringement of that
19 patent, Defendants have continued to make, use, sell and offer to sell the ‘330 Accused
20 Instrumentalities in the United States. Accordingly, Defendants’ infringement has been and
21 continues to be willful.
22

23 44. Defendants have induced infringement, and continue to induce infringement, of
24 one or more claims of the ‘330 Patent under 35 U.S.C. § 271(b). Defendants actively, knowingly,
25 and intentionally induced, and continue to actively, knowingly and intentionally induce
26 infringement of the ‘330 Patent by selling or otherwise making available and/or supplying the
27 ‘330 Accused Instrumentalities; with the knowledge and intent that third parties will use the ‘330
28

1 Accused Instrumentalities supplied by Defendants to infringe the ‘330 Patent; and with the
2 knowledge and intent to encourage and facilitate third party infringement through the
3 dissemination or application of the ‘330 Accused Instrumentalities and/or the creation and
4 dissemination of promotional and marketing materials, supporting materials, instructions, product
5 manuals, and/or technical information related to the ‘330 Accused Instrumentalities.
6

7 45. Defendants specifically intended and were aware that the ordinary and customary
8 use of the ‘330 Accused Instrumentalities would infringe the ‘330 Patent. For example,
9 Defendants sell, use, make available and provide the ‘330 Accused Instrumentalities, which when
10 used in their ordinary and customary manner intended by Defendants, infringe one or more
11 claims of the ‘330 Patent, including at least exemplary claim 1. Upon information and belief,
12 Defendants further provide product manuals, software development kits (SDK), application
13 programming interfaces (API), code samples, hardware reference designs and other technical
14 information that cause Defendants’ customers and other third parties to use and to operate the
15 ‘330 Accused Instrumentalities for their ordinary and customary use. Defendants’ customers and
16 other third parties have directly infringed the ‘330 Patent, including at least exemplary claim 1,
17 through the normal and customary use of the ‘330 Accused Instrumentalities. By providing
18 instruction and training to customers and other third parties on how to use the ‘330 Accused
19 Instrumentalities in an infringing manner, Defendants specifically intended to induce
20 infringement of the ‘330 Patent, including at least exemplary claim 1. Defendants accordingly
21 have induced and continue to induce Defendants’ customers, third parties and other users of the
22 ‘330 Accused Instrumentalities in their ordinary and customary way to infringe the ‘330 Patent,
23 knowing, or at least being willfully blind to the fact, that such use constitutes infringement of the
24 ‘330 Patent.
25
26

27 46. VoIP-Pal has been and continues to be damaged by Defendants’ infringement of
28

1 the '330 Patent.

2 47. Defendants' conduct in infringing the '330 Patent renders this case exceptional
3 within the meaning of 35 U.S.C. § 285.

4 **COUNT III**

5 **Infringement Of The '002 Patent**

6 **(against all Defendants)**

7 48. Paragraphs 1 through 47 are incorporated by reference as if fully stated herein.

8 49. Defendants, either alone or in conjunction with others, have infringed and
9 continue to infringe, both directly and indirectly, one or more claims of the '002 Patent, including
10 at least exemplary claim 1, under 35 U.S.C. § 271, either literally and/or under the doctrine of
11 equivalents, by making, using, offering to sell, selling and/or importing into the United States at
12 least certain methods, apparatuses, products and services used for communication, including,
13 without limitation, the Amazon Alexa Calling and Messaging System, Amazon Alexa Calling
14 Devices, Amazon Alexa software and/or methods employed thereby (collectively, "the '002
15 Accused Instrumentalities").
16
17

18 50. For example, Defendants infringe exemplary claim 1 of the '002 Patent by
19 making, using, offering to sell, selling and/or importing into the United States at least the '002
20 Accused Instrumentalities, which '002 Accused Instrumentalities comprise a method for routing a
21 communication in a system:
22

- 23 • between an Internet-connected first participant device associated with a
24 first participant and a second participant device associated with a second
25 participant, the method comprising (e.g., The Amazon Alexa Calling and
26 Messaging System is a system that allows Amazon Alexa Calling Devices
27 to place calls and send voice and text messages to other users. Amazon
28

1 Alexa Calling and Messaging allows calling and messaging to registered
2 devices anywhere in the world, and to devices on the PSTN within the
3 United States, Canada and Mexico for voice calls and over SMS to any
4 destination with an associated cellular device. The Amazon Alexa Calling
5 and Messaging system performs a method of routing communications in a
6 system comprising an Amazon Server network. The first participant has a
7 registered and subscribed Amazon Alexa Calling Device. A second
8 participant device may be a registered and subscribed Amazon Alexa
9 Calling Device, or it may be a telephone accessible over the PSTN
10 including cellular devices. Amazon Alexa Calling and Messaging allows
11 Amazon Alexa Calling Devices to make calls and send messages
12 including text, audio, video and images to other users (i.e., second
13 participants).):

- 14 • in response to initiation of the communication by the first participant
15 device, receiving, by a controller comprising at least one processor, over
16 an Internet protocol (IP) network a first participant identifier and a second
17 participant identifier, the second participant identifier being associated
18 with the second participant device (e.g., A call or message is initiated by
19 the user of the Amazon Alexa Calling Device (i.e., the first participant)
20 entering information identifying the receiver (i.e., the second participant
21 identifier), which may include an Amazon Alexa Calling Device identifier
22 (ID) or other ID of the second participant, such as a phone number. The
23 Amazon Alexa Calling and Messaging System receives a first participant
24 ID and a second participant ID over an IP network in response to initiation
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1 of a call or message by the first participant device, which is an Amazon
2 Alexa Calling and Messaging subscriber device. The Amazon Alexa
3 Calling and Messaging System may include one or more Amazon Servers,
4 constituting a controller comprising at least one processor.);

- 5 • causing the at least one processor to access a database comprising user
6 profiles, using the first participant identifier, each user profile associating
7 a respective plurality of attributes with a respective user, to locate a
8 plurality of first participant attributes (e.g., One or more Amazon Servers
9 locate(s) a first participant profile, using the first participant ID, from a
10 database storing user profiles. The first participant profile associates a
11 plurality of attributes with the first participant. The profile includes
12 information used in the classification of a call or message, such as settings
13 stored within the Amazon Alexa Calling and Messaging System, and/or
14 information obtained regarding the connection of the caller device to the
15 network, such as the specific user's Amazon Alexa Calling Device. Other
16 attributes associated with the caller may include the caller's contact list
17 obtained from the caller's Amazon Alexa Calling Device app that is used
18 to initially enable Alexa Calling and Messaging, or the caller's address
19 book as set up by an administrator.);
- 20 • processing the second participant identifier, using the at least one
21 processor, based on at least one of the plurality of first participant
22 attributes obtained from a user profile for the first participant, to produce a
23 new second participant identifier (e.g., The Amazon Alexa Calling and
24 Messaging System processes the receiver ID, using the at least one
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1 processor, based on at least one of the one or more attributes from the
2 caller/sender profile, to produce a new receiver ID. For example, if the
3 second participant identifier is the name of the second participant, and the
4 first participant's attributes do not indicate that the second participant is an
5 Amazon Alexa Calling and Messaging System subscriber, then, the new
6 second participant identifier may be the second participant's phone
7 number. Alternatively, if the second participant identifier identifies an
8 Amazon Alexa Calling and Messaging System subscriber, then the new
9 second participant identifier may be the user's internal Amazon Alexa
10 Calling Device identifier. Also, the processing of a new second
11 participant identifier may be based on access to the second participant's
12 device not being blocked. Another example of the first participant's
13 attributes being used to determine a new second participant identifier may
14 involve the use of the first participant's attributes to interpret the second
15 participant's identifier. For example, if the first participant's attributes
16 indicate that the second participant has an international phone number
17 outside of the US, Canada or Mexico, the new second participant identifier
18 may be processed as a "Blocked Number". Additionally, in the case of a
19 voice message to the PSTN, if there is no associated cellular device
20 configured to send SMS messages, the sending of the message will fail.);

- 24 • classifying the communication, based on the new second participant
25 identifier, as a system communication or an external network
26 communication, using the at least one processor (e.g., The Amazon Alexa
27 Calling and Messaging System allows calls to be made and voice
28

1 messages to be sent either within the Amazon Alexa Calling and
2 Messaging System or as an external network communication. The
3 Amazon Alexa Calling and Messaging System classifies the
4 communication, using the at least one processor, based on the new second
5 participant identifier as either an Amazon Alexa Calling and Messaging
6 System call or an external network communication. The Amazon Alexa
7 Calling and Messaging System classifies the call using the Amazon
8 Server(s) as a system communication, such as when the processing to
9 produce the new second participant identifier indicates that at least the
10 second participant device is an Amazon Alexa Calling Device, or
11 classifies it as an external network communication (e.g., PSTN call), such
12 as when the processing to produce the new second participant identifier
13 indicates that the second participant device is not an Amazon Alexa
14 Calling Device.);

- 15 • when the communication is classified as a system communication,
16 producing a system routing message identifying an Internet address
17 associated with the second participant device, using the at least one
18 processor, wherein the system routing message causes the communication
19 to be established to the second participant device (e.g., when the
20 communication is classified as a system communication, a network
21 routing message is produced, using at least one processor in one or more
22 Amazon Server(s) of the Amazon Alexa Calling and Messaging System,
23 identifying an address in the Amazon Alexa Calling and Messaging
24 System associated with the second participant device. In the case of a call,
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1 the second participant device is notified of an incoming call. In the case
2 of a voice message, the second participant device is notified of a
3 message.); and

- 4 • when the communication is classified as an external network
5 communication, producing an external network routing message
6 identifying an Internet address associated with a gateway to an external
7 network, using the at least one processor, wherein the external network
8 routing message causes the communication to the second participant
9 device to be established using the gateway to the external network (e.g.,
10 when the communication is classified as an external communication, an
11 external network routing message is produced, using the at least one
12 processor in the Amazon Alexa Calling and Messaging System,
13 identifying an address outside of the Amazon Alexa Calling and
14 Messaging System (e.g., a telephone number for the second participant
15 device, or alternatively, an address of a gateway to the PSTN). The
16 identified address outside of the Amazon Alexa Calling and Messaging
17 System is an address associated with a gateway to a network outside of the
18 Amazon Alexa Calling and Messaging System, e.g., the PSTN telephone
19 network. In the case of a voice or audio message to an external device, a
20 cellular phone associated with the first participant is used to send an SMS
21 message containing the transcribed message and a link to the voice or
22 audio message, over a cellular network.).

23
24
25
26 51. On information and belief, Defendants have had knowledge of the '002 Patent
27 since at least April 12, 2018 when VoIP-Pal issued a press release announcing the issuance of the
28

1 '002 Patent, and also by written correspondence dated June 11, 2018, identifying and enclosing
2 the Patents-in-Suit.

3 52. Despite its knowledge and notice of the '002 Patent and its infringement of that
4 patent, Defendants have continued to make, use, sell and offer to sell the '002 Accused
5 Instrumentalities in the United States. Accordingly, Defendants' infringement has been and
6 continues to be willful.

7
8 53. Defendants have induced infringement, and continue to induce infringement, of
9 one or more claims of the '002 Patent under 35 U.S.C. § 271(b). Defendants actively, knowingly,
10 and intentionally induced, and continue to actively, knowingly and intentionally induce
11 infringement of the '002 Patent by selling or otherwise making available and/or supplying the
12 '002 Accused Instrumentalities; with the knowledge and intent that third parties will use the '002
13 Accused Instrumentalities supplied by Defendants to infringe the '002 Patent; and with the
14 knowledge and intent to encourage and facilitate third party infringement through the
15 dissemination or application of the '002 Accused Instrumentalities and/or the creation and
16 dissemination of promotional and marketing materials, supporting materials, instructions, product
17 manuals, and/or technical information related to the '002 Accused Instrumentalities.

18
19 54. Defendants specifically intended and were aware that the ordinary and customary
20 use of the '002 Accused Instrumentalities would infringe the '002 Patent. For example,
21 Defendants sell, use, make available and provide the '002 Accused Instrumentalities, which when
22 used in their ordinary and customary manner intended by Defendants, infringe one or more
23 claims of the '002 Patent, including at least exemplary claim 1. Upon information and belief,
24 Defendants further provide product manuals, software development kits (SDK), application
25 programming interfaces (API), code samples, hardware reference designs and other technical
26 information that cause Defendants' customers and other third parties to use and to operate the
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1 '002 Accused Instrumentalities for their ordinary and customary use. Defendants' customers and
2 other third parties have directly infringed the '002 Patent, including at least exemplary claim 1,
3 through the normal and customary use of the '002 Accused Instrumentalities. By providing
4 instruction and training to customers and other third parties on how to use the '002 Accused
5 Instrumentalities in an infringing manner, Defendants specifically intended to induce
6 infringement of the '002 Patent, including at least exemplary claim 1. Defendants accordingly
7 have induced and continue to induce Defendants' customers, third parties and other users of the
8 '002 Accused Instrumentalities in their ordinary and customary way to infringe the '002 Patent,
9 knowing, or at least being willfully blind to the fact, that such use constitutes infringement of the
10 '002 Patent.
11

12 55. VoIP-Pal has been and continues to be damaged by Defendants' infringement of
13 the '002 Patent.
14

15 56. Defendants' conduct in infringing the '002 Patent renders this case exceptional
16 within the meaning of 35 U.S.C. § 285.
17

COUNT IV

Infringement Of The '549 Patent

(against all Defendants)

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19
20 57. Paragraphs 1 through 56 are incorporated by reference as if fully stated herein.
21

22 58. Defendants, either alone or in conjunction with others, have infringed and
23 continue to infringe, both directly and indirectly, one or more claims of the '549 Patent, including
24 at least exemplary claim 1, under 35 U.S.C. § 271, either literally and/or under the doctrine of
25 equivalents, by making, using, offering to sell, selling and/or importing into the United States at
26 least certain methods, apparatuses, products and services used for communication, including,
27 without limitation, the Amazon Alexa Calling and Messaging System, Amazon Alexa Calling
28

1 Devices, Amazon Alexa software and/or methods employed thereby (collectively, “the ‘549
2 Accused Instrumentalities”).

3 59. For example, Defendants infringe exemplary claim 1 of the ‘549 Patent by
4 making, using, offering to sell, selling and/or importing into the United States at least the ‘549
5 Accused Instrumentalities, which ‘549 Accused Instrumentalities comprise a method for routing a
6 communication in a system:
7

- 8 • between an Internet-connected first participant device associated with a
9 first participant and a second participant device associated with a second
10 participant, the method comprising (e.g., The Amazon Alexa Calling and
11 Messaging System is a system that allows Amazon Alexa Calling Devices
12 to place calls and send voice and text messages to other users. Amazon
13 Alexa Calling and Messaging allows calling and messaging to registered
14 devices anywhere in the world, and to devices on the PSTN within the
15 United States, Canada and Mexico for voice calls and over SMS to any
16 destination with an associated cellular device. The Amazon Alexa Calling
17 and Messaging system performs a method of routing communications in a
18 system comprising the Amazon Server network. The first participant may
19 be a registered and subscribed Amazon Alexa Calling Device. A second
20 participant device may be a registered and subscribed Amazon Alexa
21 Calling Device, or it may be a telephone accessible over the PSTN
22 including cellular devices. Amazon Alexa Calling and Messaging allows
23 Amazon Alexa Calling Devices to make calls and send messages
24 including text, audio, video and images to other users (i.e., second
25 participants).):
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- 1 • causing at least one processor to access at least one memory storing a first
2 participant profile identifying at least one first participant attribute (e.g.,
3 one or more Amazon Servers access at least one memory storing a first
4 participant profile. The first participant profile identifies at least one first
5 participant attribute. A first participant profile or attribute includes
6 information used in processing the second participant identifier or in the
7 classification of a call or message, such as settings stored within the
8 Amazon Alexa Calling and Messaging System, and/or information
9 obtained regarding the connection of the caller device to the network, such
10 as the specific user's Amazon Alexa Calling Device. Other attributes
11 associated with the caller may include the caller's contact list obtained
12 from the caller's Amazon Alexa Calling Device app that is used to initially
13 enable Alexa Calling and Messaging, or the caller's address book as set up
14 by an administrator.);
- 15 • receiving, by the at least one processor, a second participant identifier
16 inputted by the first participant using the first participant device to initiate
17 a communication, the second participant identifier being associated with
18 the second participant device (e.g., The Amazon Alexa Calling and
19 Messaging System receives a second participant ID upon initiation of a
20 call or message by the first participant device, which is an Amazon Alexa
21 Calling and Messaging subscriber device. The second participant
22 identifier is associated with the called party's device.);
- 23 • processing the second participant identifier, based on the at least one first
24 participant attribute obtained from the first participant profile, to produce a
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1 new second participant identifier (e.g., The Amazon Alexa Calling and
2 Messaging System processes the second participant ID based on at least
3 one attribute from the caller/sender profile, to produce a new
4 receiver/recipient ID. For example, if the second participant identifier is
5 the name of the second participant, and processing of the second
6 participant identifier based on the first participant's attributes indicates
7 that the second participant is not an Amazon Alexa Calling and Messaging
8 System subscriber, then, the new second participant identifier will be its
9 phone number. Alternatively, if processing of the second participant
10 identifier identifies an Amazon Alexa Calling and Messaging System
11 subscriber, then the new second participant identifier may be the user's
12 internal Amazon Alexa Calling Device identifier. Also, the processing of
13 a new second participant identifier may be based on the second
14 participant's device not being blocked. Another example of the first
15 participant's attributes being used to determine a new second participant
16 identifier may involve the use of the first participant's attributes to
17 interpret the second participant's identifier. For example, if processing
18 based on a first participant attribute indicates that the second participant
19 has an international phone number outside of the US, Canada or Mexico,
20 the new second participant identifier may be processed as a "Blocked
21 Number". Additionally, in the case of a voice message to the PSTN, if
22 there is no associated cellular device configured to send SMS messages,
23 the sending of the message will fail.);

- 24 • classifying the communication as a system communication or an external

1 network communication (e.g., The Amazon Alexa Calling and Messaging
2 System allows calls to be made and voice messages to be sent within the
3 Amazon Alexa Calling and Messaging System or as an external network
4 communication. The Amazon Alexa Calling and Messaging System
5 classifies the communication as an Amazon Alexa Calling and Messaging
6 System call or an external network communication. For example, the
7 Amazon Alexa Calling and Messaging System classifies the call using the
8 Amazon Server(s) as a system communication when the second
9 participant device is an Amazon Alexa Calling Device, and classifies it as
10 a PSTN call (i.e., an “external network communication”) when the
11 receiver/recipient device is not an Amazon Alexa Calling Device.);

- 12
- 13
- 14 • when the communication is classified as a system communication,
15 producing a system routing message, based on the new second participant
16 identifier, that identifies an Internet Protocol (IP) address of a network
17 element through which the communication is to be routed thereby causing
18 the communication to be established to the second participant device (e.g.,
19 when the communication is classified as a system communication, a
20 system routing message is produced identifying an IP address of a network
21 element in the Amazon Alexa Calling and Messaging System through
22 which routing occurs to the second participant device. In the case of a
23 call, the second participant device is notified of an incoming call. In the
24 case of a voice message, the second participant device is notified of a
25 message.); and
- 26
- 27 • when the communication is classified as an external network
- 28

1 communication, producing an external network routing message, based on
2 the new second participant identifier, that identifies an address associated
3 with a gateway to an external network thereby causing the communication
4 to the second participant device to be established by use of the gateway to
5 the external network (e.g., when the communication is classified as an
6 external network communication, an external network routing message is
7 produced identifying an address outside of the Amazon Alexa Calling and
8 Messaging System (e.g., a telephone number for the second participant
9 device, or alternatively, an address of a gateway to the PSTN). The
10 identified address outside of the Amazon Alexa Calling and Messaging
11 System is an address associated with a gateway to a network outside of the
12 Amazon Alexa Calling and Messaging System, e.g., the PSTN telephone
13 network. In the case of a voice message to an external device, a cellular
14 phone associated with the first participant is used to send an SMS message
15 containing the transcribed message and a link to the audio message over a
16 cellular network.).

17
18
19 60. On information and belief, Defendants have had knowledge of the '549 Patent
20 since at least April 12, 2018 when VoIP-Pal issued a press release announcing the forthcoming
21 issuance of the '549 Patent, and also by written correspondence dated June 11, 2018, identifying
22 and enclosing the Patents-in-Suit.

23
24 61. Despite its knowledge and notice of the '549 Patent and its infringement of that
25 patent, Defendants have continued to make, use, sell and offer to sell the '549 Accused
26 Instrumentalities in the United States. Accordingly, Defendants' infringement has been and
27 continues to be willful.
28

1 62. Defendants have induced infringement, and continue to induce infringement, of
2 one or more claims of the '549 Patent under 35 U.S.C. § 271(b). Defendants actively, knowingly,
3 and intentionally induced, and continue to actively, knowingly and intentionally induce
4 infringement of the '549 Patent by selling or otherwise making available and/or supplying the
5 '549 Accused Instrumentalities; with the knowledge and intent that third parties will use the '549
6 Accused Instrumentalities supplied by Defendants to infringe the '549 Patent; and with the
7 knowledge and intent to encourage and facilitate third party infringement through the
8 dissemination or application of the '549 Accused Instrumentalities and/or the creation and
9 dissemination of promotional and marketing materials, supporting materials, instructions, product
10 manuals, and/or technical information related to the '549 Accused Instrumentalities.

11 63. Defendants specifically intended and were aware that the ordinary and customary
12 use of the '549 Accused Instrumentalities would infringe the '549 Patent. For example,
13 Defendants sell, use, make available and provide the '549 Accused Instrumentalities, which when
14 used in their ordinary and customary manner intended by Defendants, infringe one or more
15 claims of the '549 Patent, including at least exemplary claim 1. Upon information and belief,
16 Defendants further provide product manuals, software development kits (SDK), application
17 programming interfaces (API), code samples, hardware reference designs and other technical
18 information that cause Defendants' customers and other third parties to use and to operate the
19 '549 Accused Instrumentalities for their ordinary and customary use. Defendants' customers and
20 other third parties have directly infringed the '549 Patent, including at least exemplary claim 1,
21 through the normal and customary use of the '549 Accused Instrumentalities. By providing
22 instruction and training to customers and other third parties on how to use the '549 Accused
23 Instrumentalities in an infringing manner, Defendants specifically intended to induce
24 infringement of the '549 Patent, including at least exemplary claim 1. Defendants accordingly
25
26
27
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1 have induced and continue to induce Defendants' customers, third parties and other users of the
2 '549 Accused Instrumentalities in their ordinary and customary way to infringe the '549 Patent,
3 knowing, or at least being willfully blind to the fact, that such use constitutes infringement of the
4 '549 Patent.

5
6 64. VoIP-Pal has been and continues to be damaged by Defendants' infringement of
7 the '549 Patent.

8 65. Defendants' conduct in infringing the '549 Patent renders this case exceptional
9 within the meaning of 35 U.S.C. § 285.

10 **PRAYER FOR RELIEF**

11 66. WHEREFORE, VoIP-Pal respectfully requests that this Court enter judgment
12 against Defendants as follows:

13 A. That Defendants have infringed the Patents-In-Suit;

14 B. That VoIP-Pal be awarded damages adequate to compensate VoIP-Pal for
15 Defendants' past infringement and any continuing and future infringement up until the date such
16 judgment is entered, including pre- and post-judgment interests, costs, disbursements as justified
17 under 35 U.S.C. § 284;

18 C. That any award of damages be enhanced under 35 U.S.C. § 284 as a result of
19 Defendants' willful infringement;

20 D. That this case be declared an exceptional case within the meaning of 35 U.S.C. §
21 285 and that VoIP-Pal be awarded reasonable attorney fees;

22 E. A judgment requiring that VoIP-Pal be awarded a compulsory ongoing licensing
23 fee or reasonable royalty; and

24 F. That VoIP-Pal be awarded such other and further relief at law or equity as this
25 Court deems just and proper.
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DEMAND FOR JURY TRIAL

Plaintiff VoIP-Pal demands a trial by jury on all claims and issues so triable.

DATED this 15th day of June, 2018.

ALVERSON, TAYLOR,
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