IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Tenaha Licensing LLC, Plaintiff, v. **Athoc, Inc.,** Defendant.	Case No. _____ Patent Case Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Tenaha Licensing LLC ("Tenaha"), through its attorney, Isaac Rabicoff, complains against Athoc, Inc. ("Athoc") and alleges the following:

PARTIES

1. Plaintiff Tenaha Licensing LLC is a limited liability company organized and existing under the laws of Texas with its principal place of business at 3000 Custer Road, Suite 270-7027, Plano, TX 75075.

2. Defendant Athoc, Inc. is a corporation organized and existing under the laws of Delaware with its principal place of business at 2988 Campus Drive, Suite 100 San Mateo, CA 94403.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Athoc because it has engaged in systematic and continuous business activities in the District of Delaware. Specifically, Athoc provides its full range of services to residents in this District. As described below, Athoc has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Athoc is incorporated in Delaware. In addition, Tenaha has suffered harm in this District.

PATENT-IN-SUIT

7. Tenaha is the assignee of all right, title, and interest in United States Patent No. 8,238,869 (the "'869 Patent" or "Patent-in-Suit"), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Tenaha possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Athoc.

8. On August 7, 2012, the United States Patent and Trademark Office issued the '869 Patent. The '869 Patent is titled "Lifesaver Personal Alert and Notification Device." The application leading to the '869 Patent was filed on July 19, 2010 and is a national stage entry of PCT/US2006/023972, which was filed on June 20, 2006, which claims priority from provisional application number 60/693,541, which was filed on June 23, 2005. A true and correct copy of the '869 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '869 Patent is valid and enforceable.

10. The '869 Patent describes a need for improved systems and methods to provide alerts and notifications of emergencies to members of the general public. Ex. A, 1:58–62.

11. The ’869 Patent describes systems, devices, and methods of transmitting emergency and non-emergency notifications to a plurality of users via a combination of wide area and low-range transmissions. Ex. A, 1:65–2:12.

12. The ’869 Patent does not take a broad and simplistic method or process and apply it to a general-purpose computer. Instead, the methods and processes described in the ’869 Patent specifically establish the process of utilizing various transmission devices such as siren towers, radios, telephones, pagers, and television sets. Ex. A, 2:27–29.

COUNT I: INFRINGEMENT OF THE ’869 PATENT

13. Tenaha incorporates the above paragraphs herein by reference.

14. **Direct Infringement.** Athoc has been and continues to directly infringe at least claim 15 of the ’869 Patent in this District and elsewhere in the United States by performing the steps of “providing emergency and non-emergency event notification to a plurality of users.” For example, Athoc sells the Athoc Unified Communication (the “Athoc product”), to provide emergency and non-emergency notifications to users. The Athoc product allows operators to send customized messages to target users in mass. Upon information and belief, Athoc directly infringes both by using and internally testing the Athoc product. *See* Figures 1; available at https://www.athoc.com/products/unified-mass-notification.html.

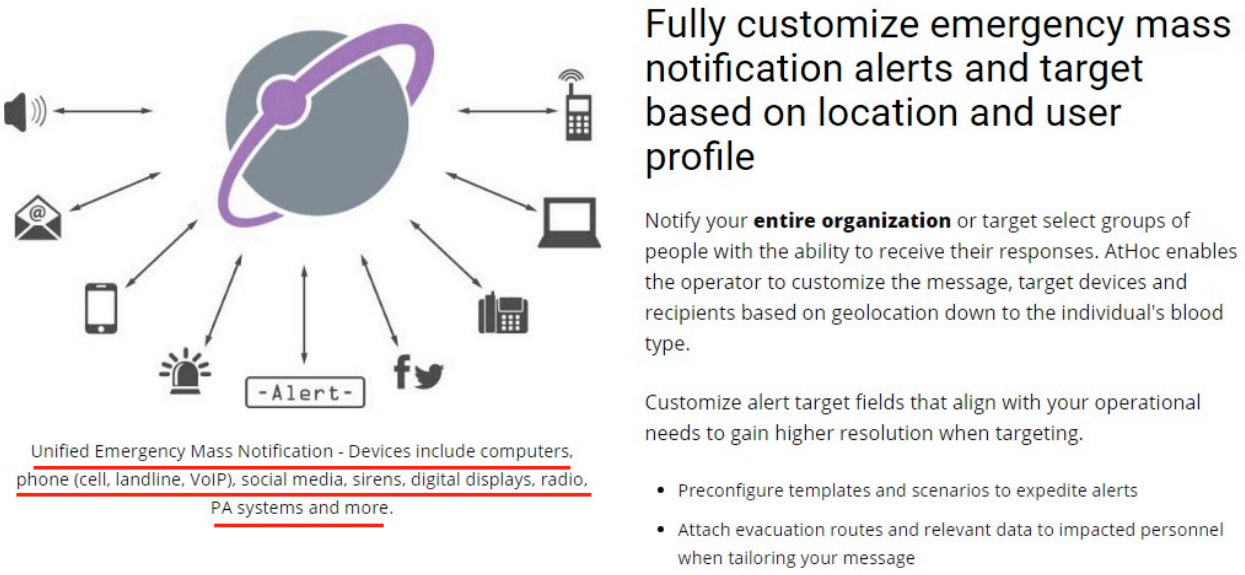


Figure 1. The Athoc Unified Communication system provides emergency and non-emergency event notification (e.g., emergency weather condition notification, general non-emergency notification such as power outrage, roll call, etc.) to a plurality of users.

15. The Athoc product satisfies claim element 15(a): "using a low-range transceiver to automatically relay within a wide area notification area a first emergency notification signal from a wide area notification device, and to further provide an audible and/or visible alert notification to the first emergency notification signal." For example, the Athoc product operates by using a low-range transceiver (e.g., a Radio Interface which includes an AtHoc IP Integration Module and/or an LMR Base Station) to automatically relay within a wide area notification area a first emergency notification signal (e.g., an emergency notification relating to a weather condition, or any other emergency alert) from a wide area notification device (e.g., the Athoc IWSAlerts Unified Notification Server), and to further provide an audible and/or visible alert notification (e.g., a notification on a user on radio through a push-to-talk call or a voice message) in response to the first emergency notification signal. *See* Figures 1–4; available at https://www.athoc.com/resource-files/download-file.html?path=whitepapers%252Fwp-athoc-mobile-radio-integration_26sept16.pdf.

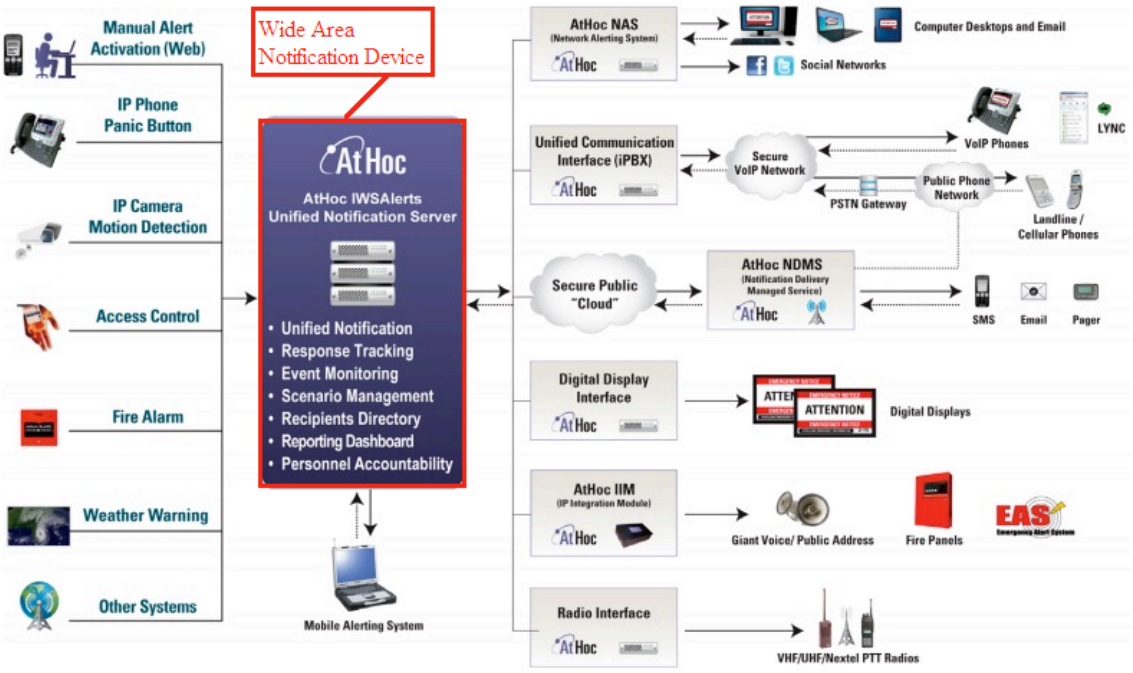


Figure 2. The Athoc Product receives an alert from a wide-area notification device such as the Athoc IWS Alerts United Notifications Server.

AtHoc IWSAlerts Version

The supported integration requires AtHoc IWSAlerts v6.1.8.40 or later.

Control of the Land Mobile Radio System

The voice message is transmitted by an Intermediate Radio (IR) of the same (or compatible) brand/model that the radio net participants use. This radio set is directly and locally controlled by an IIM-LMR unit that communicates with AtHoc IWSAlerts server via the network.

AtHoc IWSAlerts Integration

For simple radio systems, the IR will key into the channel and start broadcasting the voice as soon as requested by AtHoc IWSAlerts server.

Radio networks that are used for two-way communications, where AtHoc IWSAlerts transmission should wait for a clear channel before transmission starts, monitors the channel activity and starts transmission only when the channel is clear or after a pre-configured "wait" time, about 60 seconds.

In trunking radio systems the IR requests a "clear to transmit" (channel request) from the radio network controller, and start the voice transmission when the request is granted. The IR is pre-tuned to the designated channel.

Note: Support of trunking radio networks or radio systems which were not already tested by AtHoc depends upon verification that specific radio systems are supported, and may require additional professional services.

Figure 3. The Athoc Product transmits the wide-area notification to low-range transceivers.

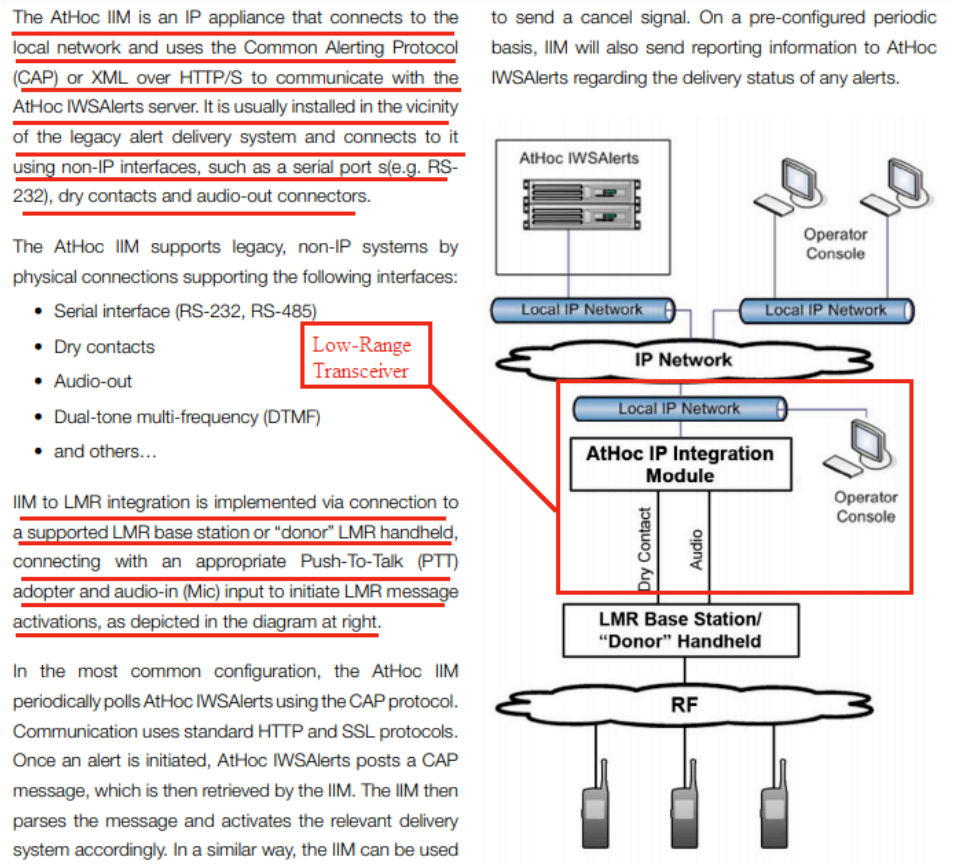


Figure 4. The Athoc Product receives an alert from a wide-area notification system, such as the Athoc IWS Alerts United Notifications Server, then transmits it through a local IP Netowrk via low-range transmission such as through the Athoc IP Integration Module.

16. The Athoc product satisfies claim element 15(b): "manually, and independently from the first emergency notification signal, providing a second non-emergency notification signal to at least one of the plurality of users using the low-range transceiver, wherein the non-emergency notification signal is a user-specific and event-specific notification signal that is transmitted by an operator of the low-range transceiver to a wireless transmitter that is worn by a user, wherein the user is a person other than the operator." For example, the Athoc product may provide a second non-emergency notification signal manually and independently from the first emergency notification signal (e.g., a system update or a general non-emergency notification such as power outrage, roll call, etc.) to its users using the low-range transceiver (e.g., a Radio

Interface which includes an Athoc IP Integration Module and/or an LMR Base Station), wherein the non-emergency notification signal is a user-specific and event-specific notification signal that is transmitted by an operator of the low-range transceiver (e.g., the Athoc Radio Interface which can be controlled by a Administrator) to a wireless transmitter that is worn by a user (e.g., a mobile radio can be carried in a pocket, clipped on clothing, or carried in a small bag). *See* Figures 5–7; https://www.blackberry.com/content/dam/blackberry-com/Documents/pdf/athoc/br-athoc-alert.pdf.

Figure 5. The Athoc product may transmit a non-emergency notification after an emergency notification to its users.

AtHoc can manage the emergency notification process across your entire enterprise. Using a web-based console, operators from any location in the organization can activate alerts to virtually any device, track responses and view accountability reports. Automatic notifications can be triggered by physical sensors and data feeds. Notification processes can be defined to support both enterprise- wide and individual department needs.

Unify Notifications to All Devices

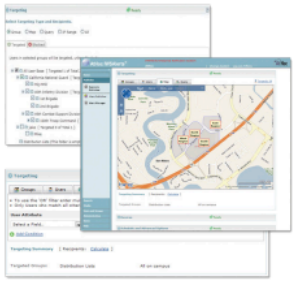
Through a single unified interface, AtHoc allows you to quickly communicate a consistent message across multiple channels and delivery devices (customizable messaging per device) – all integrated using the IP network. The information is sent via

- Indoor and outdoor speakers – Audio notifications to outdoor sirens and indoor public address (PA) systems
- Cable TV and display boards – Text, image or video alerts sent to digital displays
- Radio broadcasts – Audio broadcasts to local radio stations
- Land mobile radios (LMRs) – Alerts to security forces' handheld LMRs
- Building safety/fire protection – Integration with existing fire alarm systems
- XML feeds – Output standard XML feeds (RSS, Atom and others) integrating with other systems and websites

Figure 6. The Athoc product transmits the non-emergency notification via low-range to a plurality of devices such as users' portable radios.

Target Personnel by Organization, Geography or Individual Names

AtHoc can target people based on organizational structure, distribution lists, physical location, individual name or dynamic database query. Personal and mass notification devices (such as sirens and display boards) can be targeted using visual geographic maps, allowing operators to select the buildings, regions or zones to be notified. Dynamic targeting can be accomplished by using a combination of attributes such as individual, role, location or IP address. During the publishing flow, an operator can issue a follow-up alert to users based on the notification response (e.g., targeting those who did not respond to the initial alert) or block or remove individual recipients by name from a targeted distribution list set for notifications.



Quickly target personnel by organizational hierarchy, geographical maps, named individuals, distribution lists or dynamic queries

Figure 7. The Athoc product can target specific users and devices.

17. **Induced Infringement.** Athoc has also actively induced, and continues to induce, the infringement of at least claim 15 of the '869 Patent by actively inducing its customers,

including merchants and end-users, to use the Athoc product in an infringing manner as described above. Upon information and belief, Athoc has specifically intended that its customers use the Athoc product that infringes at least claim 15 of the '869 Patent by, at a minimum, providing access to, support for, training and instructions for its website to its customers to enable them to infringe at least claim 15 of the '869 Patent, as described above. Even where performance of the steps required to infringe at least claim 15 of the '869 Patent is accomplished by Athoc and an Athoc customer jointly, Athoc is responsible for the actions that cause each of the steps of at least claim 15 of the '869 Patent to be performed.

18. Tenaha is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

JURY DEMAND

19. Under Rule 38(b) of the Federal Rules of Civil Procedure, Tenaha respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Tenaha asks this Court to enter judgment against Athoc, granting the following relief:

A. A declaration that Athoc has infringed the Patents-in-Suit;

B. An award of damages to compensate Tenaha for Athoc's direct infringement of the Patents-in-Suit;

C. An award of damages, including trebling of all damages, sufficient to remedy Athoc's infringement of the Patents-in-Suit under 35 U.S.C. § 284;

D. A declaration that this case is exceptional, and an award to Tenaha of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;

E. An award of prejudgment and post-judgment interest; and

F. Such other relief as this Court or jury may deem proper and just.

Dated: August 29, 2018

Respectfully submitted,

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