**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TECHNO LICENSING LLC,	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
ZEBRA TECHNOLOGIES CORPORATION	§	
	§	
Defendant.	§	
_____	§	

COMPLAINT

Plaintiff Techno Licensing LLC ("Plaintiff" or "Techno") files this Complaint against

Zebra Technologies Corporation ("Defendant" or "Zebra") for infringement of United States

Patent No. 7,797,011 (hereinafter "the '011 Patent").

PARTIES AND JURISDICTION

1.   This is an action for patent infringement under Title 35 of the United States Code.

Plaintiff is seeking injunctive relief as well as damages.

2.   Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal

Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under

the United States patent statutes.

3.   Plaintiff is a Texas limited liability company with its office address at 3411 Preston

Rd., Suite C, Frisco, Texas 75034.

4.   On information and belief, Defendant is a Delaware corporation with a principal

address of 3 Overlook Point, Lincolnshire, Illinois 60069.

5.   On information and belief, this Court has personal jurisdiction over Defendant

because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

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

VENUE

7.   Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendant has its principal place of business in this Judicial District and has an office at 820 W. Jackson Blvd., Suite 700, Chicago, IL 60607 USA.

COUNT I
(INFRINGEMENT OF '011 PATENT)

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

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

10.   Plaintiff is the owner by assignment of the '011 Patent with sole rights to enforce the '011 Patent and sue infringers.

11.   A copy of the '011 Patent, titled "Communication Method and Communication Equipment in the PoC Service," is attached hereto as Exhibit A.

12.   The '011 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13.   On information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, 3, 4, and 5 of the '011 Patent by making, using, importing, selling, and/or offering devices, platforms, systems, and/or methods for controlling a communication relay, which are covered by at least Claims 1, 3, 4, and 5 of the '011 Patent.

Defendant has infringed and continues to infringe the '011 patent directly in violation of 35 U.S.C. § 271.

14.   Defendant sells, offers to sell, and/or uses (including by at least testing) push-to-talk (PTT) over cellular (PoC) platforms including, without limitation, Zebra PTT Pro (a push to talk app for mobile devices), and any similar products ("Product"), which infringe at least Claims 1, 3, 4 and 5 of the '011 Patent. The Product includes a plurality of communication devices that can operate in a half-duplex session. A user of a device that does not "have the floor" can perform key operation and transmit that key operation to a user of a device that does "have the floor."

15.   In at least internal testing and usage, the Product implements a communication method of controlling a communication relay (e.g., Zebra dispatch server controls communication relay between devices) between a plurality of equipment (e.g., Zebra's PTT Pro enabled handsets) in a PoC service (e.g., Zebra's Push-to-Talk application for iOS/Android devices communicated over cellular network such as 3G, LTE) which attains a half-duplex talk session (e.g., touch and hold the on-Screen PTT button to take the floor and speak during a call) using a packet communication (e.g., PTT can be used over a cellular data network or Wi-Fi connection) between the plurality of equipment (e.g., Zebra's PTT enabled handsets) wherein each equipment comprises a talking key (e.g., a PTT button) and at least one operation information transmitting key (e.g., a message, alert and location icons). As shown, the Product controls a communication relay (e.g., Zebra dispatch server controls communication relay between devices) between a plurality of equipment (e.g., Zebra's PTT enabled handsets) in a PoC service (e.g., Zebra's Push-to-Talk application for iOS/Android devices) which attains a half-duplex talk session (e.g., PTT communications) using packet communication (e.g., PTT can be used over a cellular data network or Wi-Fi connection). As shown, a Zebra PTT Pro enabled device includes a software-based push

to talk key that allows a user to initiate a PTT call. Additionally, the device will include software-based keys that allow a user to send a personal alert, text message, geolocation, and photo to another user (e.g., the operation information transmitting key). These elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

https://itunes.apple.com/us/app/zebra-ptt-pro/id1017863689?mt=8

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PTT Pro Overview

The Zebra PTT Pro solution provides a reliable full featured, instant communication service leveraging 3G, LTE, and WiFi networks that includes three core areas of operation:

- Push to Talk (PTT) Voice
- Secure Group Messaging (Text and Images)
- Location tracking and Mapping.

Zebra PTT Pro for iOS supports the following:

- iOS 8.0 or later
- iPhone, iPad, and iPod touch.

Data Usage (Cellular Networks)

Zebra PTT Pro is a VoIP application that, for cellular connections, requires a data plan. As compared with other video and image communication applications, Zebra PTT Pro requires minimal data. It uses a variable rate Voice CODEC technology so improved voice quality is delivered to users with better data service. Zebra PTT Pro data can be estimated as follows, but note that the results may vary:

Monthly system overhead: 6MB

Active PTT talk time (when voice is broadcast on a PTT call):

- Smartphone connected via 3G: 6MB per hour
- Smartphone connected via 4G: 8MB per hour

https://www.zebra.com/content/dam/zebra_new_ia/en-us/manuals/mobile-computers/wfc-pttpro-ios-ug-en.pdf

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- Push to Talk (PTT) Voice
- Secure Group Messaging (Text and Images)
- Location tracking and Mapping

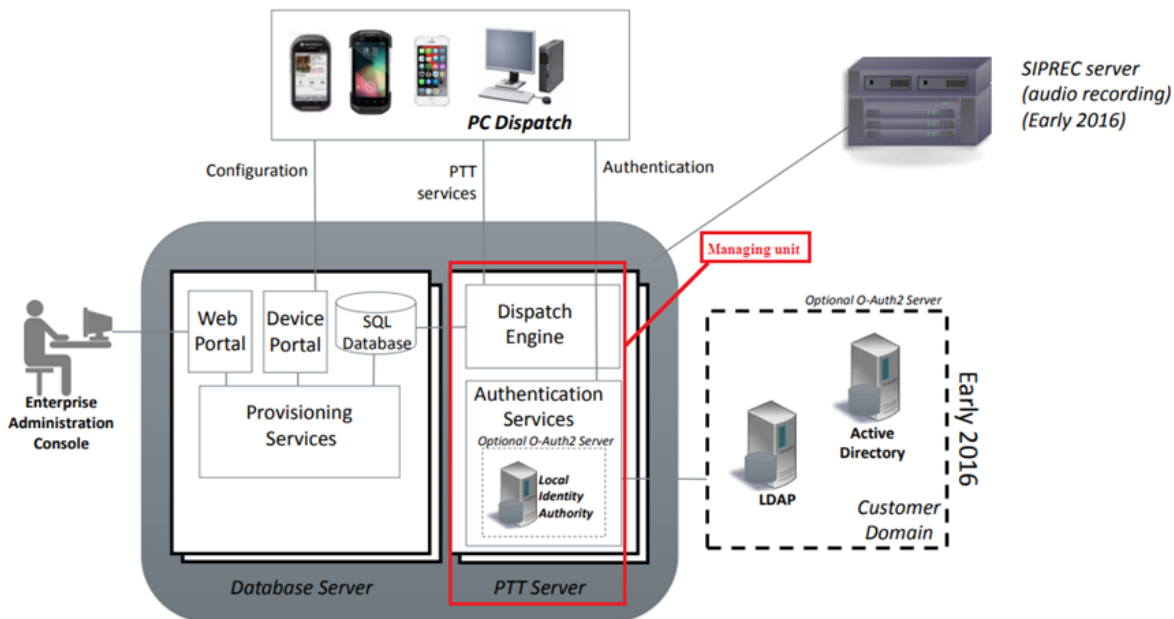The Zebra PTT Pro platform includes support for the following device types and peripherals:

- Consumer Smartphone devices
- Enterprise Mobile devices
- PC-based dispatch clients

Zebra PTT Pro offers a dispatch client which can be installed on a Windows PC. Zebra PTT Pro Dispatch allows dispatchers, supervisors, and office personnel to communicate with their mobile workforce and see where individual enterprise users are located. It also supports Live Location Tracking, and includes all modes of Zebra PTT Pro communications.
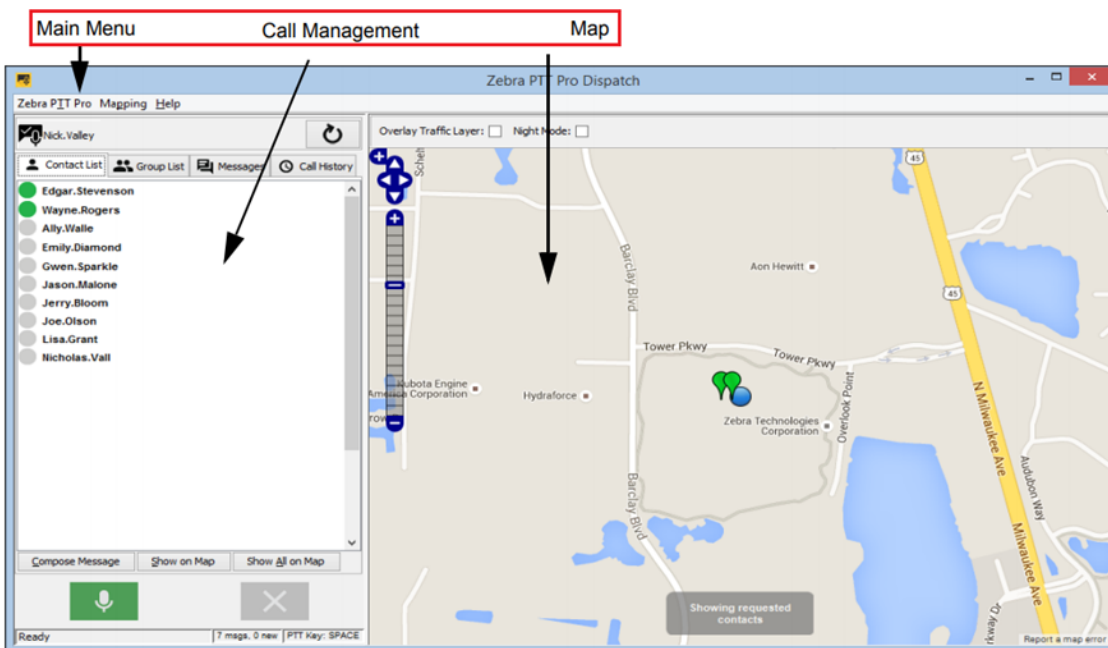
Zebra PTT Pro communications include

- Both one-to-one (1:1) and one-to-many (group) dispatch voice calls
- Both one-to-one (1:1) and one-to-many (group) messaging
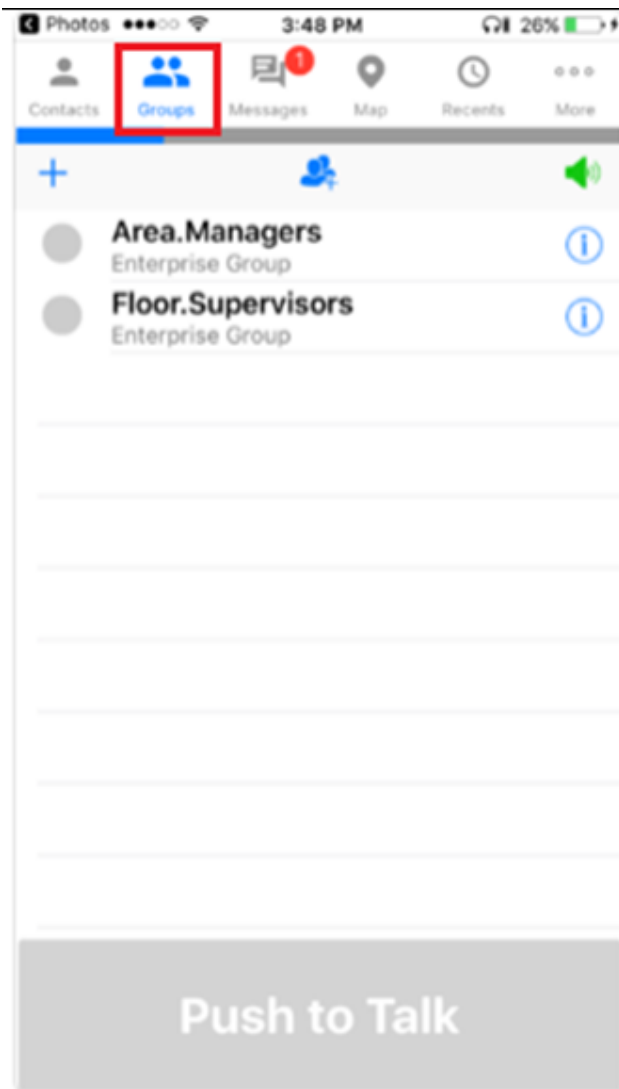- Alert calls

https://www.zebra.com/content/dam/zebra_new_ia/en-us/manuals/mobile-computers/wfc-pttpro-dispatch-ug-en.pdf

http://launchpad.zebra.com/apac_appforum2015/Day_2_EN/10_PTT_Pro_Overview.pdf

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https://itunes.apple.com/us/app/zebra-ptt-pro/id1017863689?mt=8

https://www.zebra.com/content/dam/zebra_new_ia/en-us/manuals/mobile-computers/wfc-pttpro-ios-ug-en.pdf

Zebra PTT Pro supports the Talker Override/Preemption feature with group types Enterprise Open, Enterprise Closed, and Dispatch.

During a call, a user with Talker Override can press the PTT button to speak while a user without Talker Override is speaking, interrupting the speaking user. Multiple Talker Override users requesting to speak are managed on a first-come first-serve basis.

Users can be assigned Talker Override capability when they are added as members to a group in the Zebra PTT Pro Management Portal.

The Broadcast Group supports a preemption feature. Whenever a Broadcast call is made, it will preempt every other call the members of the Broadcast Group are currently participating in. Once the user has heard the broadcast message, the user can make other PTT calls again.

Note that Talker Override/Preemption is not related to Call Override. Talker Override relates to interactions during a call, while Call Override relates to interactions between calls.

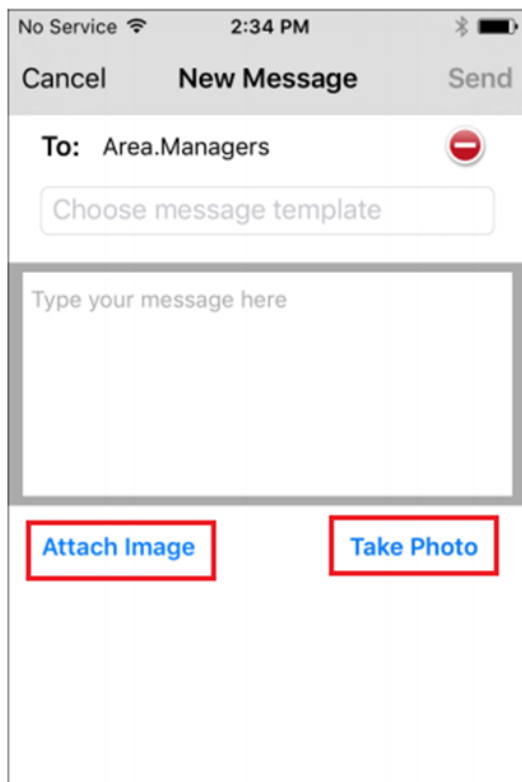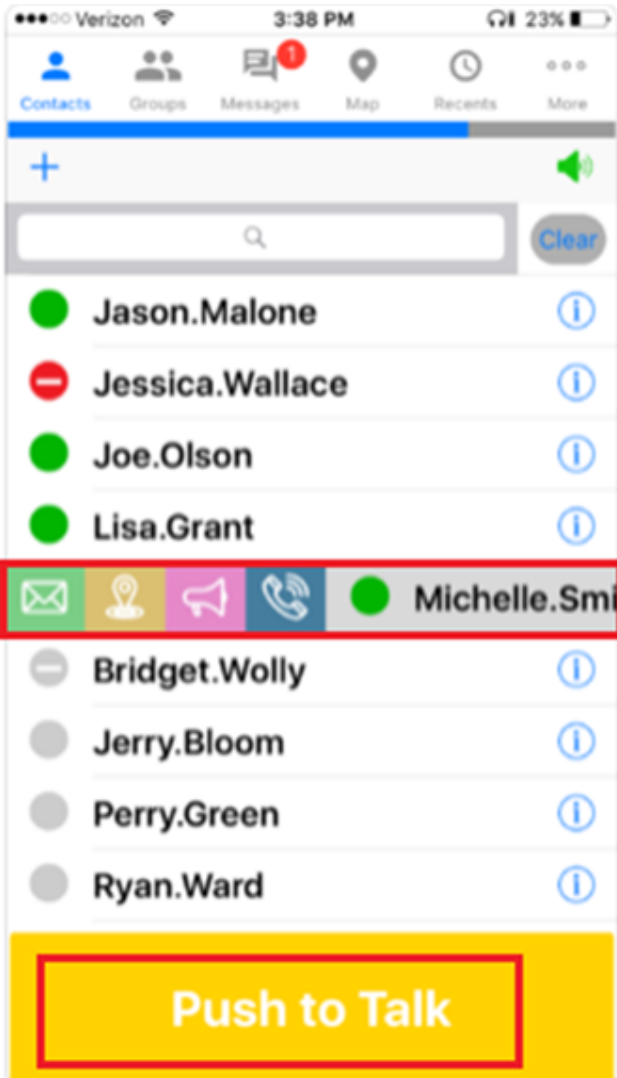https://www.zebra.com/content/dam/zebra_new_ia/en-us/manuals/mobile-computers/wfc-pttpro-ios-ug-en.pdf

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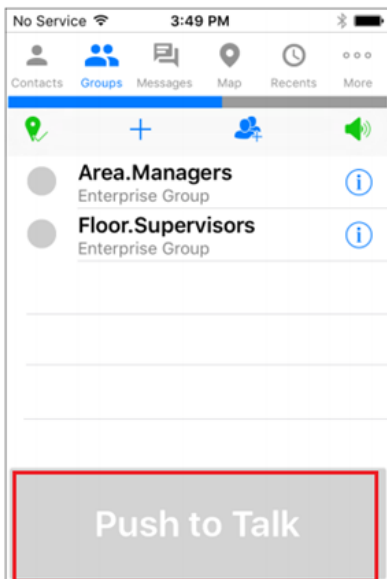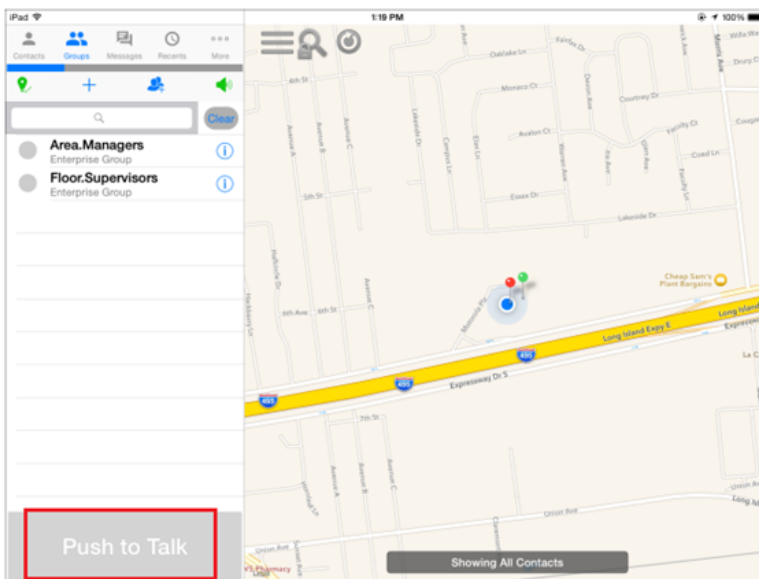
Action Icons

Contacts/Groups/Recents

- ✉ Swipe right on contact or group to send message.

- 📍 Swipe right on contact or group to show on map.

- 📢 Swipe right on contact to make an alert call.

- 📞 Swipe right on contact to make a call.

- 🚫 Swipe left on contact or group to block calls.

- 🗑 Swipe left on contact or group to delete.

https://www.zebra.com/content/dam/zebra_new_ia/en-us/manuals/mobile-computers/wfc-pttpro-ios-ug-en.pdf

     16.   In at least testing and usage, the Product manages (e.g., management of the system is done via an integrated dispatch console) the equipment (e.g., Zebra's PTT enabled handsets) connected to the server (e.g., Zebra PTT Pro dispatch server) wherein one of the plurality of equipment (e.g., Zebra's PTT enabled handsets) has taken "the floor" (e.g., during a PTT call session, only one device can take the floor at one time) in the half duplex talk session (e.g., a half-duplex PTT call). As shown, the integrated dispatch console monitors communication between Zebra PTT Pro handsets over cellular network. These elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

The Zebra PTT Pro solution provides a reliable full featured, instant communication service leveraging 3G, LTE, and Wi-Fi networks that includes three core areas of operation:

- Push to Talk (PTT) Voice
- Secure Group Messaging (Text and Images)
- Location tracking and Mapping

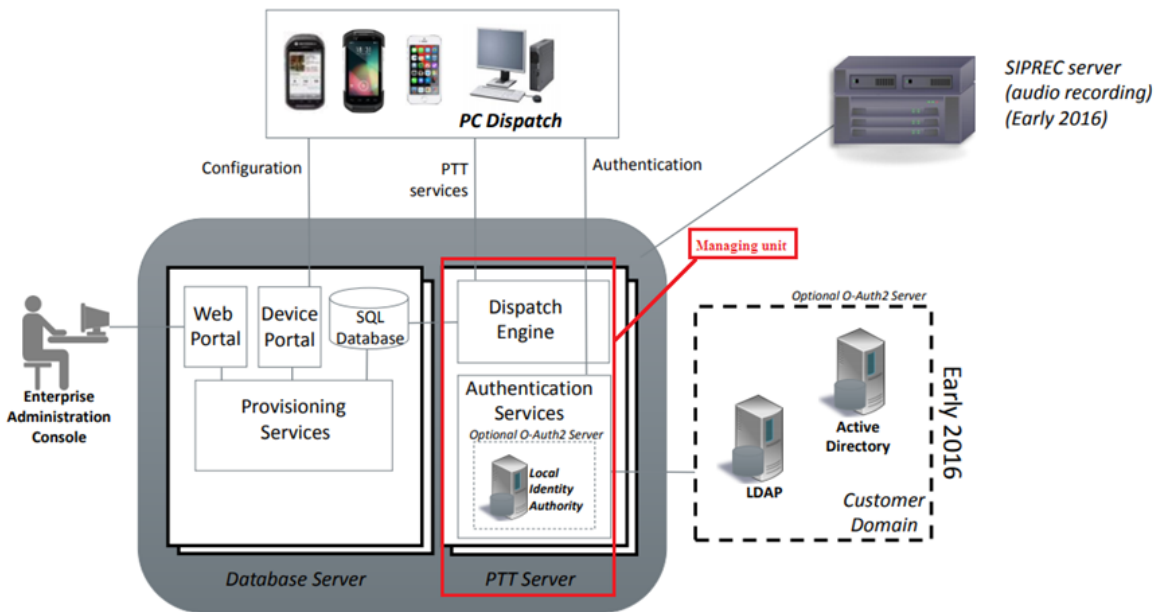The Zebra PTT Pro platform includes support for the following device types and peripherals:

- Consumer Smartphone devices
- Enterprise Mobile devices
- PC-based dispatch clients

Zebra PTT Pro offers a dispatch client which can be installed on a Windows PC. Zebra PTT Pro Dispatch allows dispatchers, supervisors, and office personnel to communicate with their mobile workforce and see where individual enterprise users are located. It also supports Live Location Tracking, and includes all modes of Zebra PTT Pro communications.
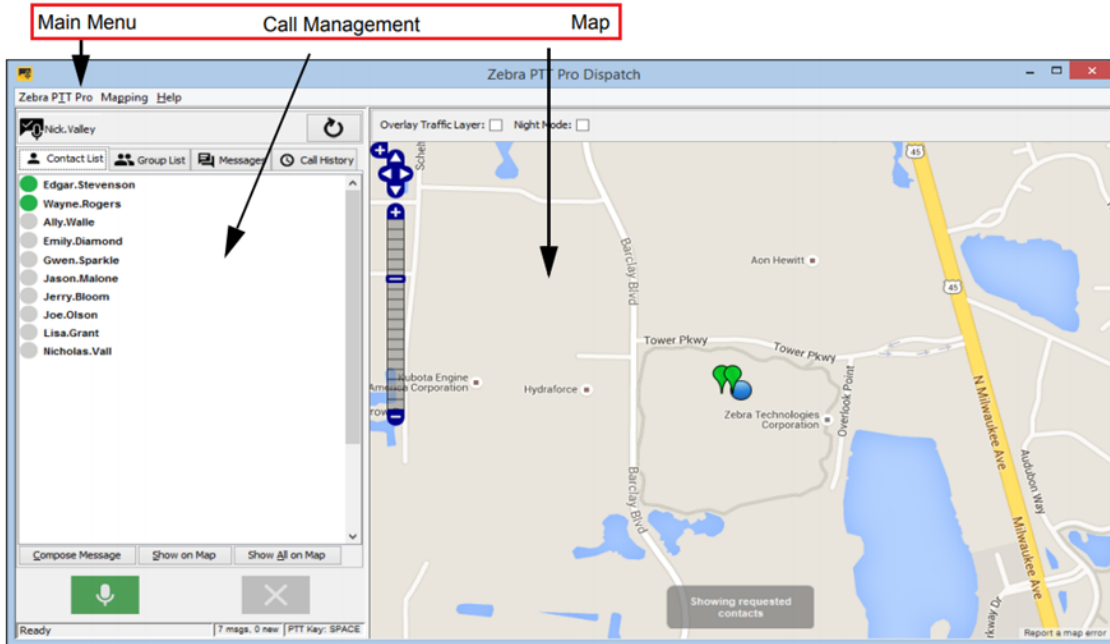
Zebra PTT Pro communications include

- Both one-to-one (1:1) and one-to-many (group) dispatch voice calls
- Both one-to-one (1:1) and one-to-many (group) messaging
- Alert calls

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http://launchpad.zebra.com/apac_appforum2015/Day_2_EN/10_PTT_Pro_Overview.pdf

https://www.zebra.com/content/dam/zebra_new_ia/en-us/manuals/mobile-computers/wfc-pttpro-dispatch-ug-en.pdf

Figure 3-1 *1:1 PTT Call - Select Contact*

4. Press and hold the **Push To Talk** button.

5. Upon hearing the grant tone, begin speaking.

6. Release the **Push To Talk** button when finished.

https://www.zebra.com/content/dam/zebra_new_ia/en-us/manuals/mobile-computers/wfc-pttpro-ios-ug-en.pdf

- **Ring on Incoming Call** - Rings when receiving a Zebra PTT Pro call.
- **Vibrate on Incoming Call** - Vibrates when receiving a Zebra PTT Pro call.
- **Tone Gain** - Sets the relative gain to play tones.
- **Play Grant Tone** - Plays a tone when you are granted permission to speak.
- **Play Taken Tone** - Plays a tone when another user is granted permission to speak.
- **Play Idle Tone** - Plays a tone when the floor is available for you to speak.
- **Play Deny Tone** - Plays a tone when you are denied permission to speak because another user is speaking.

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17.   In at least testing and usage, the Product acquires, as an operation information, a key operation of the operation information transmitting key (e.g., corresponding data is sent to the Zebra PTT Pro server when a user utilizes a software based key to send a text, photo, geolocation, personal alert, or voice recording to another user) of at least one of the plurality of equipment (e.g., Zebra's PTT Pro enabled handsets) that has not taken the floor in the half duplex talk session (e.g., a user device that does not yet hold the floor can nonetheless utilize the software keys to send text, photos, geolocations, personal alerts, or voice recordings) while said one of the plurality of equipment has "the floor" in the half duplex talk session (e.g., a recipient of the text, photo, geolocation, etc., will receive said information even if they currently have the floor in a PTT session). As shown, the push to talk app interface contains various software keys that allow a user to send text message, photos, geolocations, personal alerts, and voice recordings, during a half-duplex transmission (e.g., a PPT call). A user that has not taken the floor can send a message to a user that has the floor and said user who has the floor will receive said message. As illustrated, as user cannot simultaneously hold the PTT button to take the floor while typing and sending a message at the same time. These elements are illustrated in the screen shots provided in connection with other allegations herein.

18.   In at least testing and usage, the Product transmits the acquired operation

information (e.g., the user's selection of a specific operation (e.g., to send a text, photo, geolocation, etc.) and any data corresponding to said operation (e.g., the text, photo and geolocation themselves)) to the equipment (e.g., Zebra's PTT Pro handsets) which are managed by a managing unit (e.g., Zebra integrated dispatch console). As shown, the integrated dispatch console provides customers with a powerful PTT call management solution integrated with the PTT Pro real-time group communications solution. These elements are illustrated in the screen shots provided in connection with other allegations herein.

19.   In at least testing and usage, the Product displays the operation information on a screen (e.g., sent text messages, photo, geolocations and voice recordings will be shown in the application interface of receiving devices) of said one of the plurality of equipment (e.g., Zebra's PTT pro enabled handsets) that has "the floor" (e.g., who currently has the floor of a PTT conversation will nonetheless receive any text messages, photos, geolocations, or voice recordings sent via the application interface) and/or on a screen of at least another one of the plurality of equipment that has not taken "the floor" (e.g., other users in a group that will receive the sent messages, photo, geolocations, etc., who do not currently hold the floor in a PTT call). These elements are illustrated in the screen shots provided in connection with other allegations herein.

20.   Regarding Claim 3, in at least testing and usage, the Product utilizes equipment (e.g., Zebra's PTT Pro enabled handsets) for conducting a half-duplex talk session (e.g., PTT calls are half-duplexed wherein there is one caller and one receiver at all times) using a packet communication (e.g., IP-based PoC transmits voice as data packets) with other equipment (e.g., Zebra's PTT Pro enabled handsets) via a server (e.g., Zebra PTT Pro server) into which the communication method (e.g., Zebra's Push-to-Talk mobile application) according to claim 1 is loaded. As shown, the Product controls a communication relay (e.g., Zebra dispatch server

controls communication relay between devices) between a plurality of equipment (e.g., Zebra's

PTT Pro enabled handsets) in a PoC service (e.g., Push-to-talk over cellular) which attains a half-

duplex talk session (e.g., PTT communications) using packet communication (e.g., communication

over an IP network). In at least testing and usage, the Product utilizes a transmitting unit (e.g.,

hardware and software that relays user selections in the application interface) that transmits key

operations of said communication equipment to the server as operation information (e.g.,

corresponding data is sent to Zebra PTT Pro server when a user utilizes a software based key to

send a text, photo, geolocation, personal alert, or voice recording to another user). As shown, the

push to talk app interface contains various software-based keys that allow a user to send text

message, photos, geolocations, personal alerts, and voice recordings, during a half-duplex

transmission (e.g., a PPT call). In at least testing and usage, the Product utilizes a receiving unit

that receives the operation information (e.g., the recipient device will display an image, location,

etc., that corresponds to a sender's selection of a particular service) transmitted from the server

(e.g., via the Zebra PTT Pro dispatch server) the operation information indicating the key operation

of respective equipment (e.g., corresponding data is received on recipient device from the Zebra

PTT Pro server per a sender's utilization of software based keys to send a text, photo, geolocation,

personal alert, or voice recording). As shown, a recipient device will display an image, location,

etc., sent by a sending device. These elements are illustrated in the screen shots below and those

provided in connection with other allegations herein. These elements are further illustrated by the
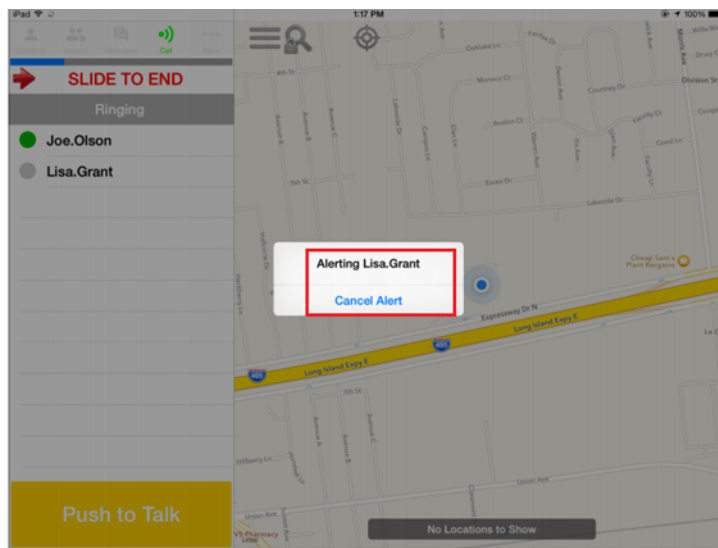
allegations above in connection with Claim 1.
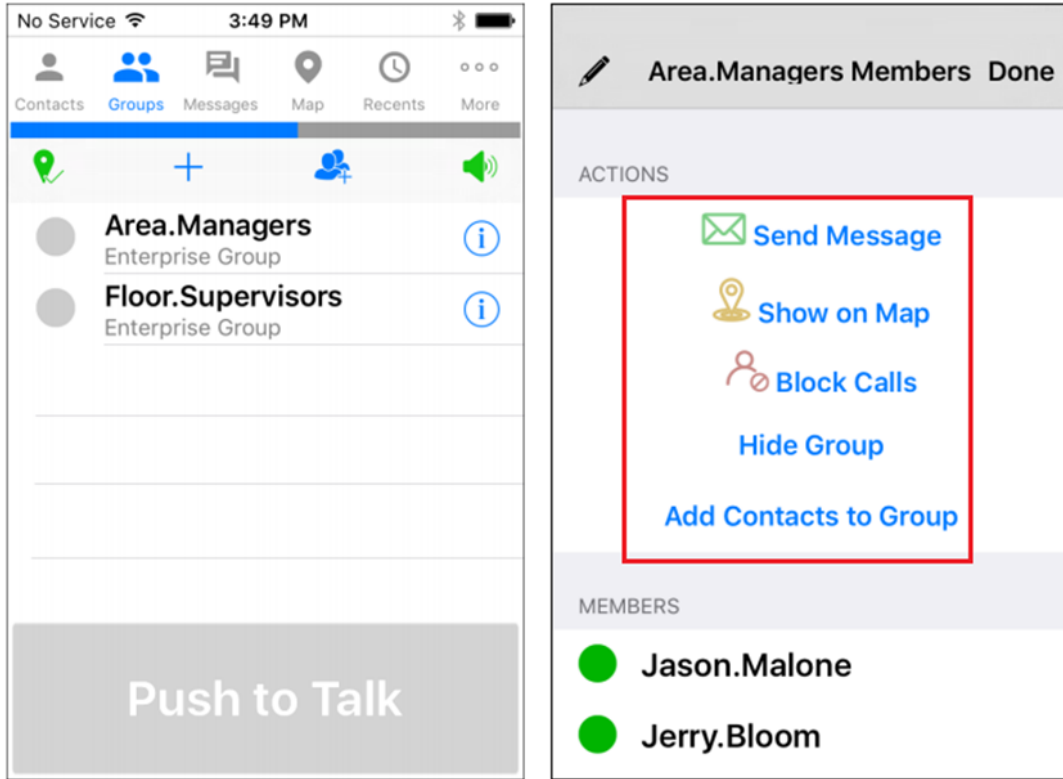
https://www.zebra.com/content/dam/zebra_new_ia/en-us/manuals/mobile-computers/wfc-pttpro-ios-ug-en.pdf
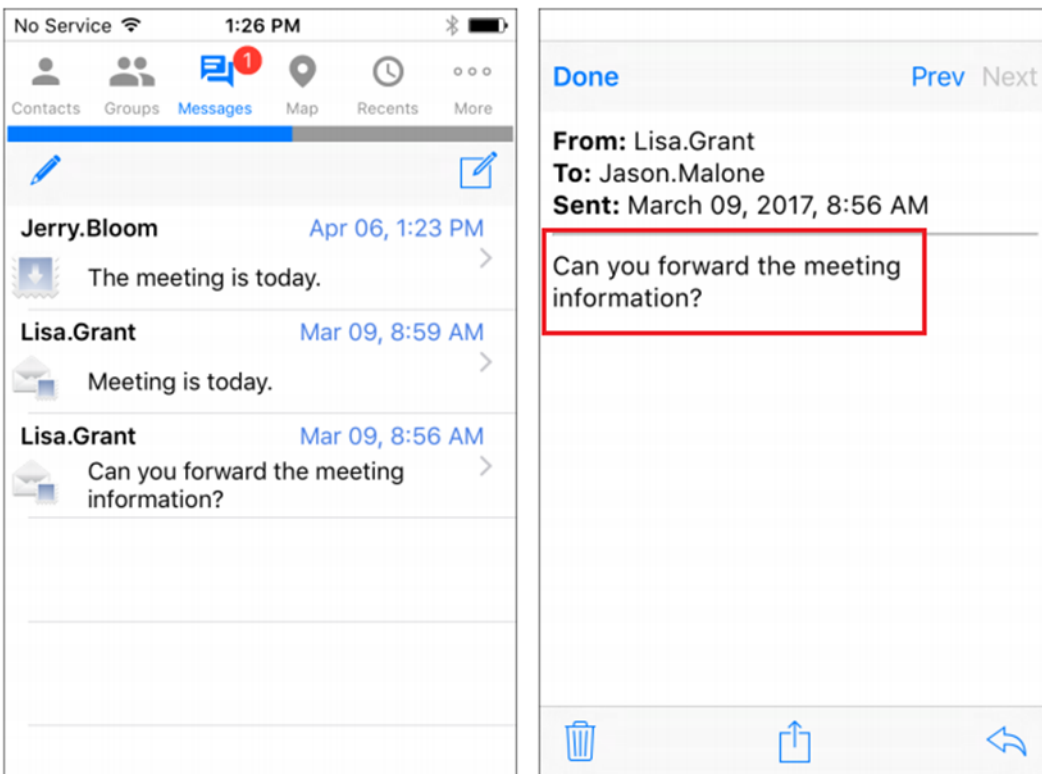
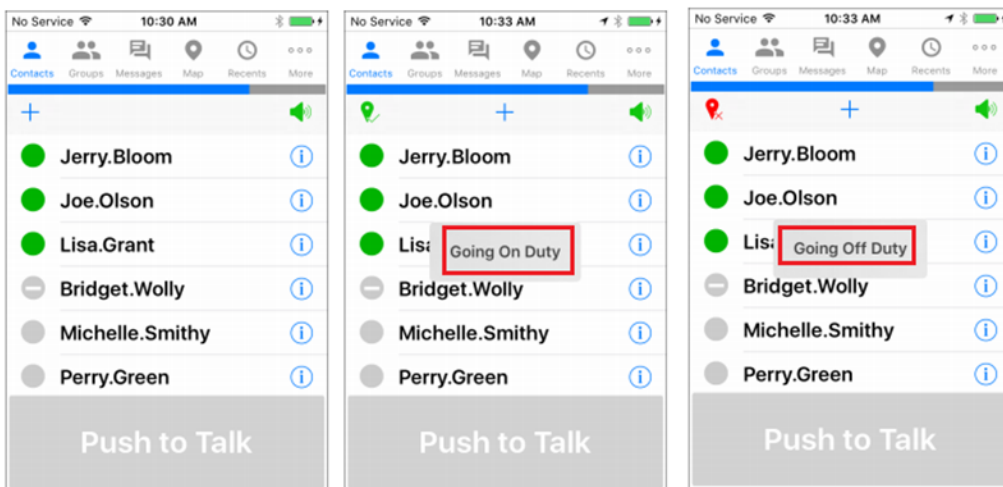https://www.zebra.com/content/dam/zebra_new_ia/en-us/manuals/mobile-computers/wfc-pttpro-ios-ug-en.pdf
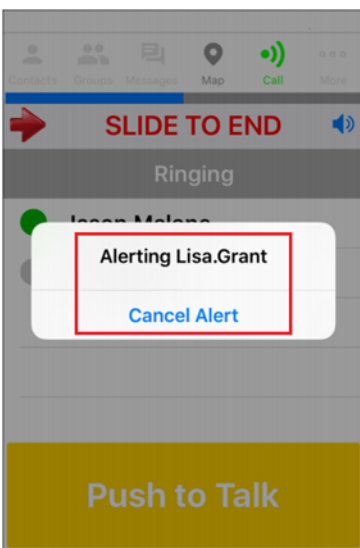
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- **User Controlled** - If the administrator has set the device's location setting to **Allow Location Disable** to OFF, the user has the ability to enable/disable sending location information to the server.

- **Duty Mode** - The concept of Duty mode is designed for those going On and Off duty. When the user is Off duty, they are indicating they are still available for a PTT call and messaging, but they are off duty and no location information is being sent to the server. If a user engages in a PTT call while Off duty, the user is reset back to On duty.

  If the Server **Force Duty Mode** is set to off, then the user does not have the ability to set the Off Duty mode. If the **Force Duty Mode** is set to on, then the user has the ability to go on and off duty.

  If you turn both Duty Mode and Location on in the Zebra PTT Pro Management Portal, Duty Mode takes priority and will display. You will not see the Enable/Disable Location option.

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- In call locations update every two seconds.
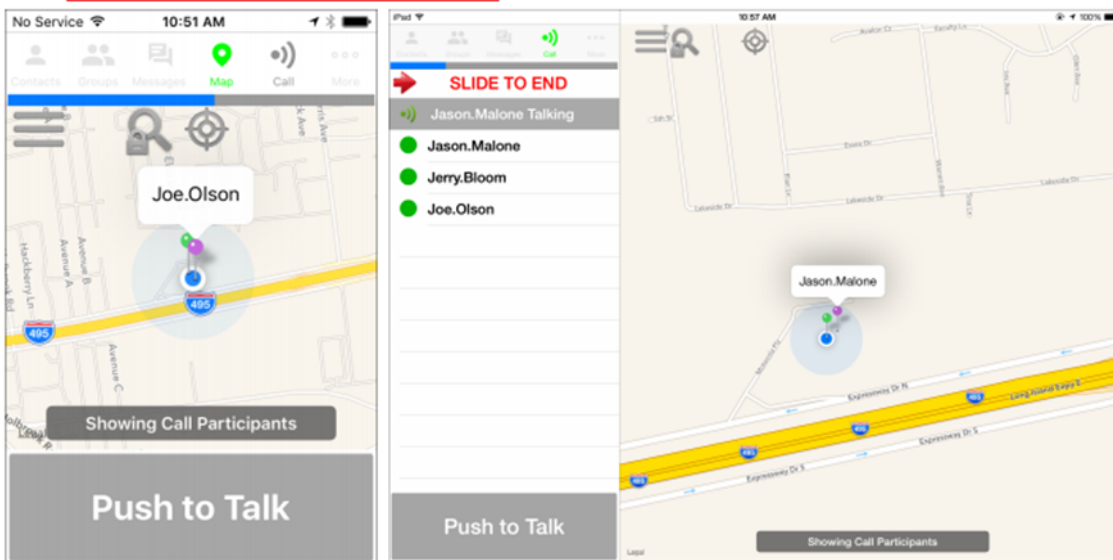
https://www.zebra.com/content/dam/zebra_new_ia/en-us/manuals/mobile-computers/wfc-pttpro-ios-ug-en.pdf

    21.   Regarding Claim 4, in at least testing and usage, the Product transmits the acquired

operation information (e.g., the user's selection of a specific operation (e.g., to send a text, photo, geolocation, etc.) and any data corresponding to said operation (e.g., the text, photo and geolocation themselves)) to all of the equipment (e.g., Zebra PTT Pro enabled handsets communicating in a group) which are managed by a managing unit (e.g., Zebra integrated dispatch console). As shown below, a user can send an image, location, or text message, to all members of a particular communication group. These elements are illustrated in the screen shots provided in connection with other allegations herein and are further illustrated by the allegations above in connection with Claims 1 and 3.

22.   Regarding Claim 5, in at least testing and usage, the Product displays the operation information on each screen (e.g., sent text messages, photo, geolocations and voice recordings will be shown in the application interface of receiving devices) of said all of the equipment (e.g., all Zebra's PTT Pro enabled handset devices communicating in a group) to share the operation information among said all of the equipment (e.g., information regarding sent text messages, photo, geolocations and voice recordings will be shown in the application interface of all receiving devices communicating in a group). As shown, a user can send an image, location, or text message, to all members of a particular communication group. These elements are illustrated in the screen shots provided in connection with other allegations herein and are further discussed in connection with claims 1, 3, and 4.

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

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

25.   Plaintiff complies with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

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

(b)   Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 7,797,011 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c)   Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

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

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

Dated: September 25, 2018   Respectfully submitted,

/s/ Kenneth Matuszewski
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Isaac Rabicoff
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Chicago, IL 60603
(773) 669-4590
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isaac@rabilaw.com

ATTORNEYS FOR PLAINTIFF