**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TECHNO LICENSING LLC,	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
NEC CORPORATION OF AMERICA	§	
	§	
Defendant.	§	
_____	§	

COMPLAINT

Plaintiff Techno Licensing LLC ("Plaintiff" or "Techno") files this Complaint against NEC Corporation of America ("Defendant" or "NEC") 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 Nevada corporation with a principal address of 3929 W John Carpenter Freeway, Irving, Texas 75063. On information and belief, Defendant may be served with process through its agent, National Registered Agents, Inc. at

1999 Bryan Street, Ste 900, Dallas, Texas 75201.

5.   On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

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

VENUE

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

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 7,797,011)

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, NEC PTT (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."
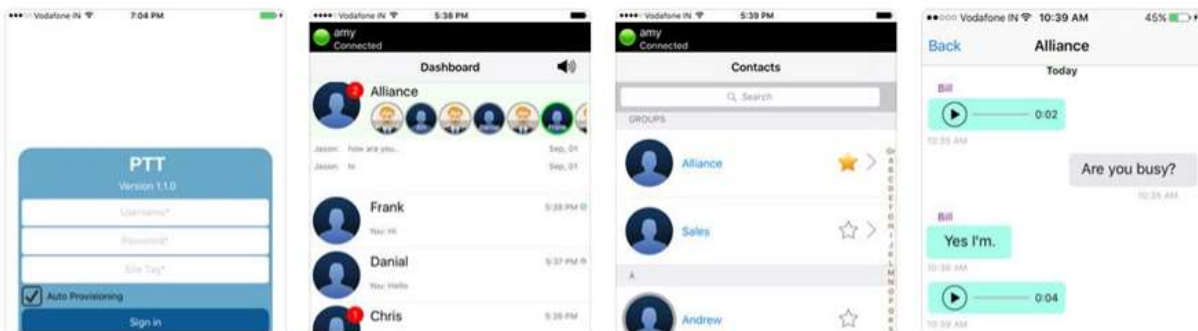
15.   In at least internal testing and usage, the Product implements a method of controlling a communication relay (e.g., bizRTC server controls communication relay between devices) between a plurality of equipments (e.g., NEC PTT enabled handsets) in a PoC service (e.g., NEC's Push-to-Talk Application 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 equipments wherein each equipment comprises a talking key (e.g., a PTT button) and at least one operation information transmitting key (e.g., a key for messaging). These elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein. As shown below, the accused system controls a communication relay (e.g., bizRTC server controls communication relay between devices) between a plurality of equipments (e.g., NEC PTT enabled Handsets) in a PoC service (e.g., NEC'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). An NEC PTT enabled device includes a software-based push to talk key that allows a user to initiate a PTT call. Additionally, the device includes software-based keys that allow a user to send a personal alert, text message to another user (e.g., the operation information transmitting key).

https://itunes.apple.com/us/app/nec-ptt/id1275563318?mt=8

Businesses have many ways to communicate for operational effectiveness, cost savings and customer care. Walkie-talkies were a nearly answer of group communication; which got replaced with advances in technology that included instant messaging, text messaging, unified communications, and collaboration applications as ways to perform group communications. Businesses moved away from PTT to reduce cost by using infrastructure for mobile communications and giving voice, instant messaging, and video capabilities to mobile professionals. However, truly mobile professionals require easy to use, ubiquitous technology that can continue to drive operational efficiency to complement voice, video, and messaging technologies. Also the technology for PTT needs to use the same infrastructure as other applications.

https://appadvice.com/app/nec-ptt/1275563318

There are two different deployments for NEC PPT deployment:
1. Cloud deployment where the bizRTC server hosts web Socket secure communication for your company that also connects to your on premise PBX or cloud phone system server.
2. On premise deployment in your local network that allows secure connectivity from anywhere with easy traversal through firewalls and SBCs as well as end to end secure transport.

If you choose to install on premise, then virtualized PTT back-end software on servers in the corporate network is installed by bizRTC online deployment personnel. This software can run on either physical hardware or a virtual machine configuration. After the software is installed, an administrator will add people, groups, roles and departments creating organization groups based on business communication needs.

The software for clients is available for free on the corresponding stores and runs on multiple mobile and desktop devices.
The user can be configured with over-the-air activation link that supplies username, password and other configuration as well as any roles and policies for the user. Once the user logs in after either clicking on configuration link or supplying login/password for the bizRTC auto-configuration server they have instant access to their talk groups.
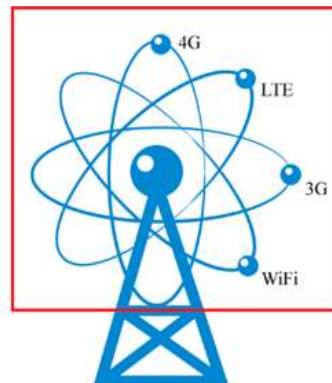
https://itunes.apple.com/us/app/nec-ptt/id1275563318?mt=8

Push To Talk

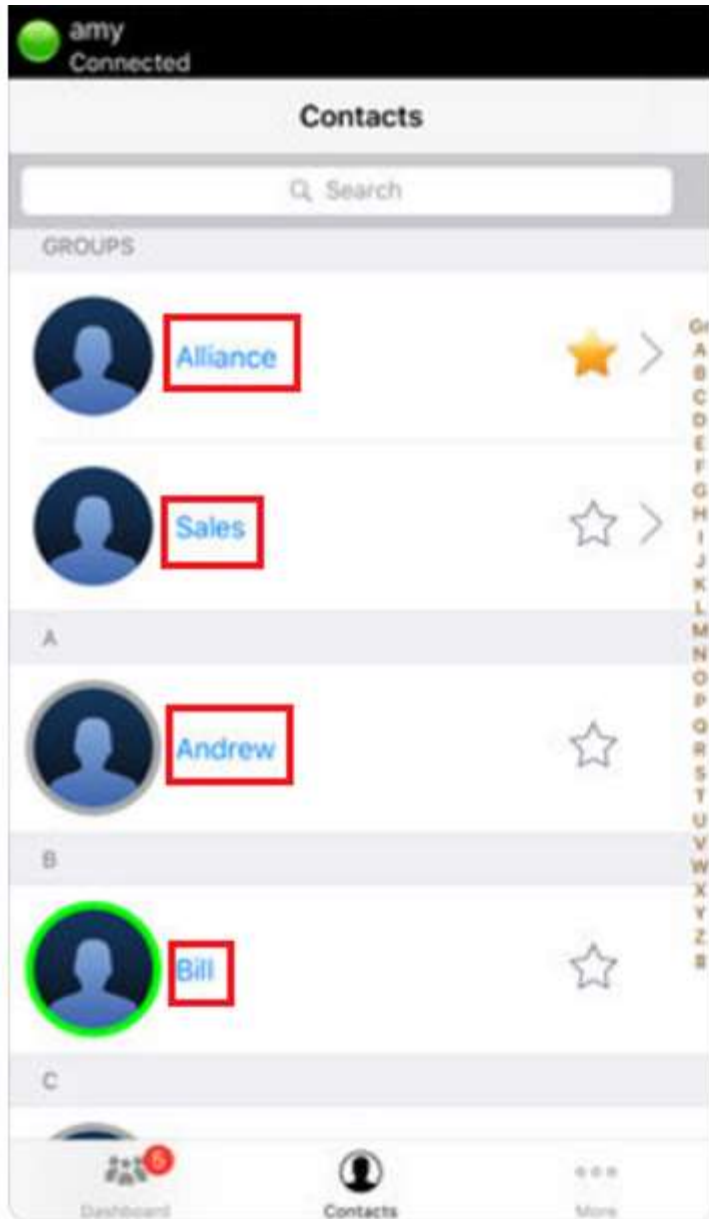Secure Messaging

Real Time Communication

Features

http://www.bizrtc.com/bizrtc/

- Voice/Text group conversations
- One to one private talk/messaging
- Active channel send/receive
- Multiple channel monitoring
- Interleaving text support with text alert

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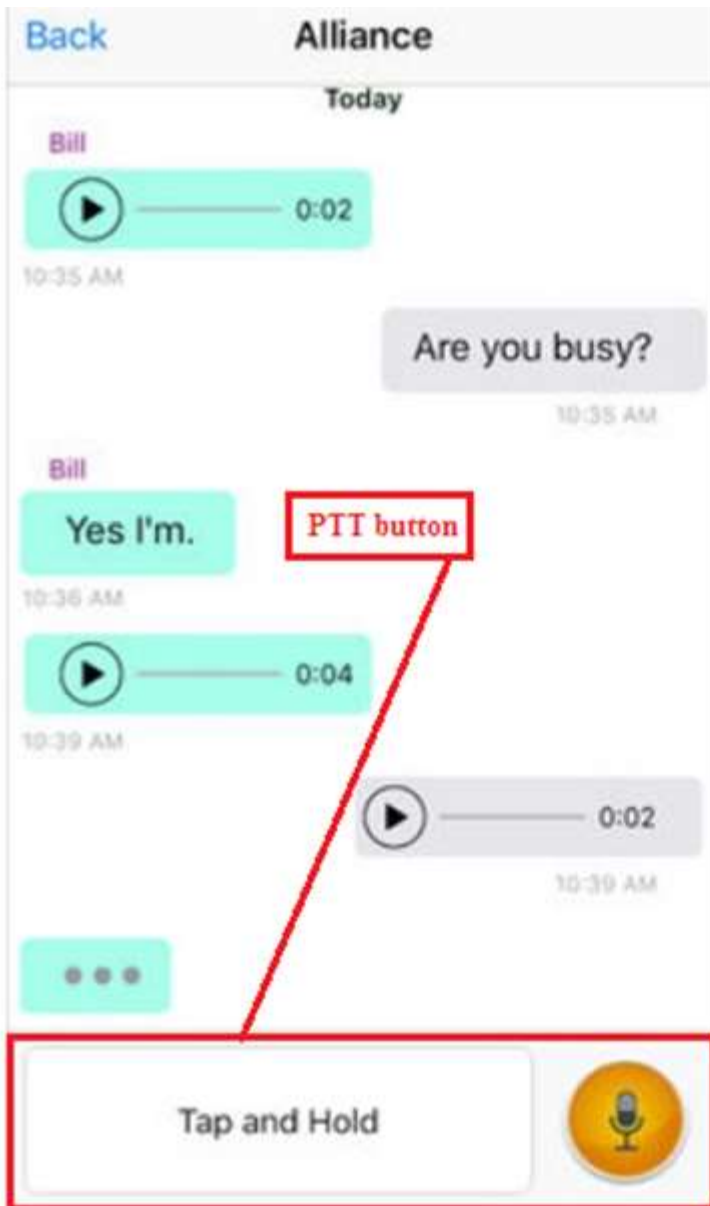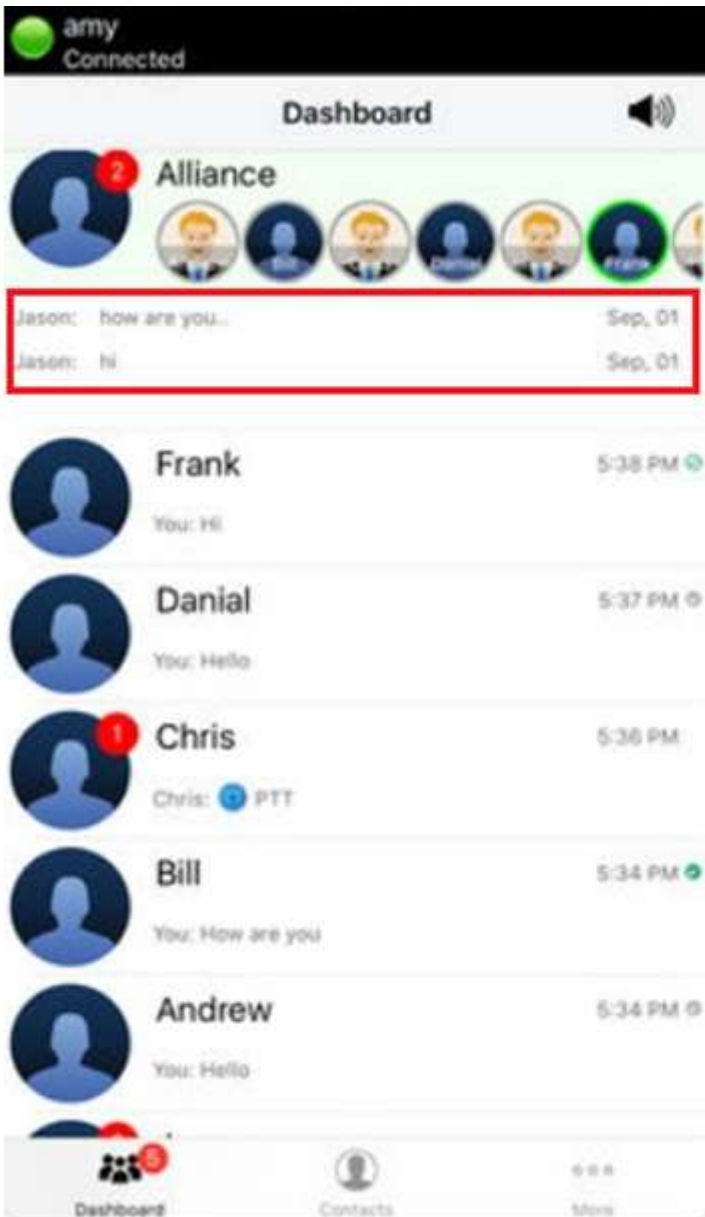https://itunes.apple.com/us/app/nec-ptt/id1275563318?mt=8

Feature list
- Push to talk from Wired-headset.
- Integration with cellular call and NEC uMobility Call
- Auto Provisioning
- Activate channel support
- Push to talk Audio route support
- Push to talk in lock screen
- Emoji Unicode chat support
- Person wise chat color.
- Multi-tenant support.
- Message notification support
- Presence of member(s)
- One to one and Group chat
- Message read & delivery receipt
- Push to talk – one to one & group
- Push to talk – mute / unmute for active group

https://itunes.apple.com/us/app/nec-ptt/id1275563318?mt=8

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16.   In at least testing and usage, the Product manages (e.g., management of the system is done via bizRTC software) the equipments (e.g., NEC's PTT enabled handsets) connected to the server (e.g., bizRTC server) wherein one of the plurality of equipments 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 bizRTC

software monitors communication between NEC PTT 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.

Businesses have many ways to communicate for operational effectiveness, cost savings and customer care. Walkie-talkies were a nearly answer of group communication; which got replaced with advances in technology that included instant messaging, text messaging, unified communications, and collaboration applications as ways to perform group communications. Businesses moved away from PTT to reduce cost by using infrastructure for mobile communications and giving voice, instant messaging, and video capabilities to mobile professionals. However, truly mobile professionals require easy to use, ubiquitous technology that can continue to drive operational efficiency to complement voice, video, and messaging technologies. Also the technology for PTT needs to use the same infrastructure as other applications.

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If you choose to install on premise, then virtualized PTT back-end software on servers in the corporate network is installed by bizRTC online deployment personnel. This software can run on either physical hardware or a virtual machine configuration. After the software is installed, an administrator will add people, groups, roles and departments creating organization groups based on business communication needs.

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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 bizRTC server when a user utilizes a software based key to send a text messaging to another user) of at least one of the plurality of equipments 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) while said one of the plurality of equipments has "the floor" in the half duplex talk session (e.g., a recipient of the text will receive said information even if they

currently have the floor in a PTT session).   The push to talk app interface contains various software keys that allow a user to send text message during a half-duplex transmission (e.g., a PPT call). These elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein. A user that has not taken the floor can send a message to a user that has the floor and the user who has the floor will receive the message. As illustrated, a user cannot simultaneously hold the PTT button to take the floor while typing and sending a message at the same time.
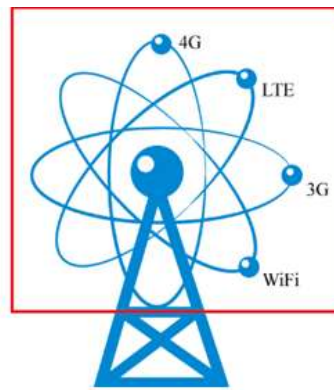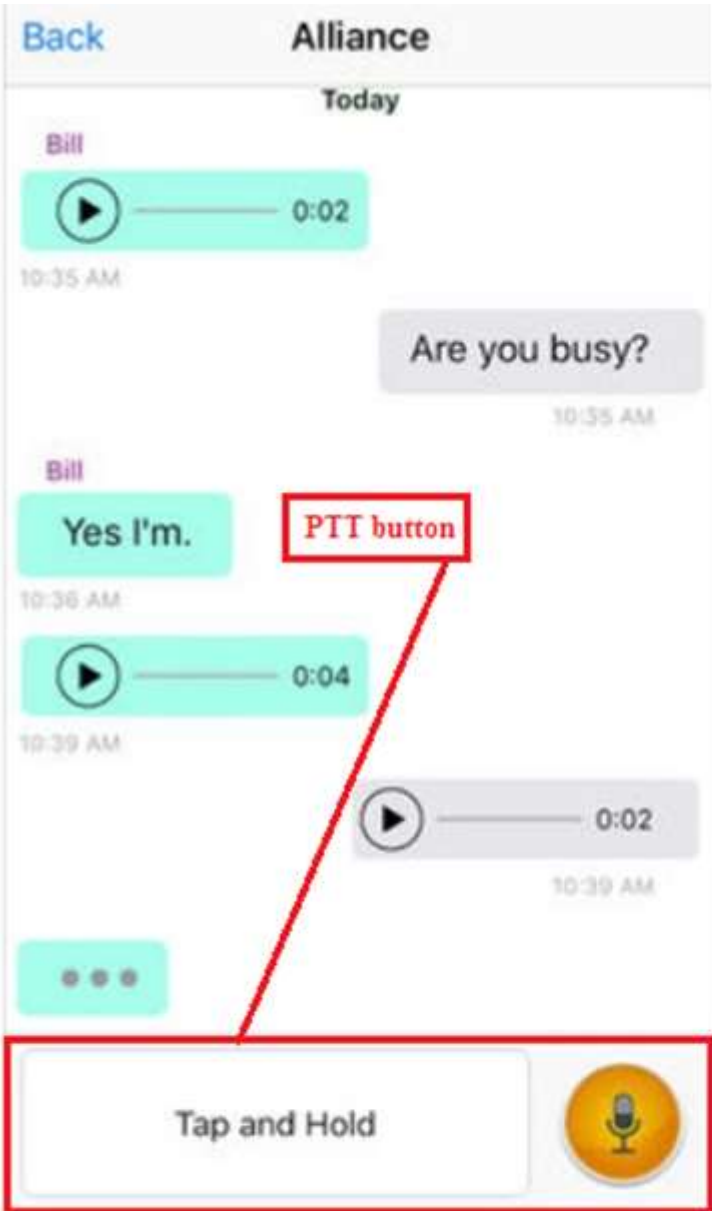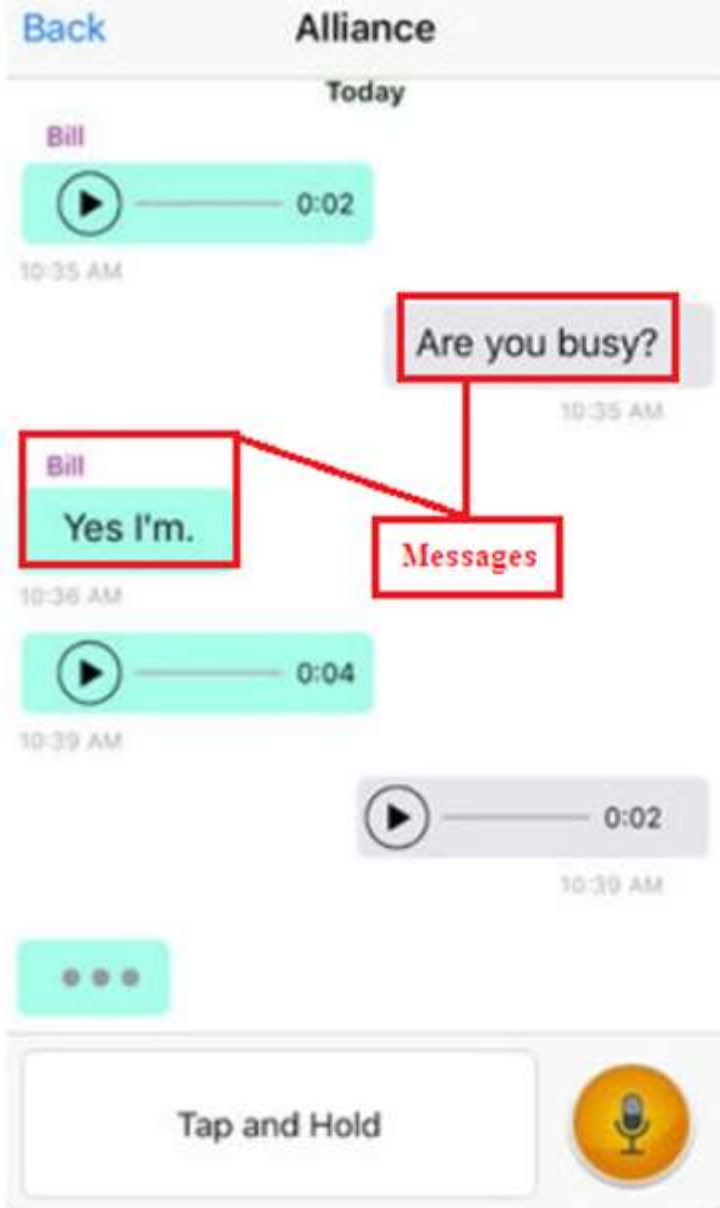

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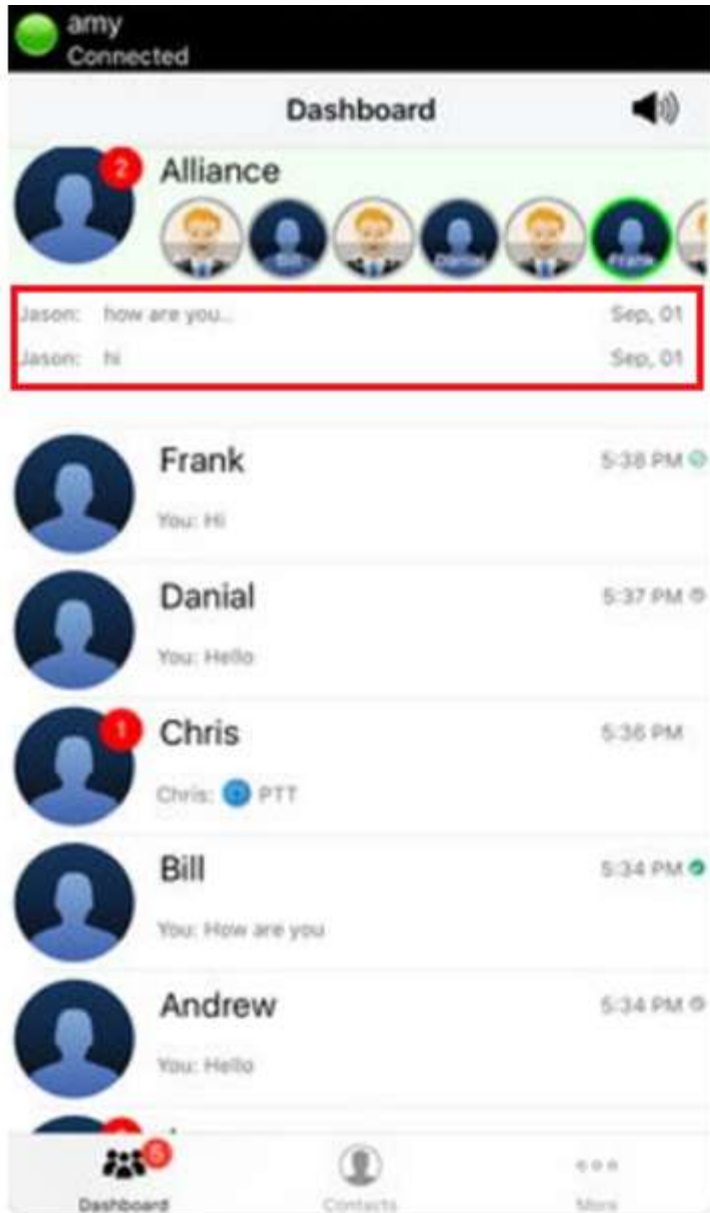
18.   In at least testing and usage, the Product transmits the acquired operation information (e.g., the user's selection of a specific operation (e.g., to send a text message) and any data corresponding to said operation (e.g., the text messaging)) to the equipments (e.g., NEC's PTT Handsets) which are managed by a managing unit (e.g., bizRTC server). As shown, the Integrated bizRTC software provides customers with a powerful PTT call management

solution integrated with the PTT 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 will be shown in the application interface of receiving devices) of said one of the plurality of equipment (e.g., NEC's PTT enabled handsets) that has "the floor" (e.g., who currently has the floor of a PTT conversation will nonetheless receive any text messages 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 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., NEC's PTT 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 equipments (e.g., NEC's PTT enabled handsets) via a server (e.g., bizRTC server) into which the communication method (e.g., NECs Push-to-Talk mobile application) according to claim 1 is loaded. As shown, the Product controls a communication relay (e.g., integrated bizRTC server controls communication relay between devices) between a plurality of equipments in a PoC service which attains a half-duplex talk session 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 bizRTC server when a user utilizes a software based key to send a text message to

another user). In at least testing and usage, the Product utilizes a receiving unit that receives the operation information (e.g., the recipient device will display a text message that corresponds to a sender's selection of a particular service) transmitted from the server (e.g., via the bizRTC server) the operation information indicating the key operation of respective equipment (e.g., corresponding data is received on recipient device from the bizRTC server per a sender's utilization of software based keys to send a text message). As shown, a recipient device will display a text message sent by a sending device. The push to talk app interface contains various software-based keys that allow a user to send text message during a half-duplex transmission. These elements are illustrated in the screen shots provided in connection with other allegations herein. These elements are further illustrated by the allegations above in connection with Claim 1.

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 message) and any data corresponding to said operation (e.g., the text message)) to all of the equipments (e.g., PTT enabled handsets communicating in a group) which are managed by a managing unit (e.g., bizRTC software console). 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 will be shown in the application interface of receiving devices) of said all of the equipment (e.g., all NEC's PTT enabled handset devices communicating in a group) to share the operation information among said all of the equipments (e.g., information regarding sent text messages will be shown in the application

interface of all receiving devices communicating in a group). As shown, a user can send a 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 is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

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

(b)   Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 7,797,011 (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/ Jay Johnson
                                             JAY JOHNSON
                                             State Bar No. 24067322
                                             D. BRADLEY KIZZIA
                                             State Bar No. 11547550
                                             KIZZIA JOHNSON, PLLC
                                             1910 Pacific Ave., Suite 13000
                                             Dallas, Texas 75201
                                             (214) 451-0164
                                             Fax: (214) 451-0165
                                             jay@kjpllc.com
                                             bkizzia@kjpllc.com

                                             ATTORNEYS FOR PLAINTIFF

EXHIBIT A