**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF TEXAS**
**TYLER DIVISION**

| | | |
|---|---|---|
| **GROUPCHATTER, LLC,** | § | |
| | § | |
| **Plaintiff,** | § | |
| | § | **CIV. A. NO. 18-cv-590** |
| **v.** | § | |
| | § | |
| **AT&T MOBILITY, LLC AND AT&T SERVICES, INC.,** | § | **JURY TRIAL REQUESTED** |
| | § | |
| | § | |
| **Defendants.** | § | |

**GROUPCHATTER LLC'S ORIGINAL COMPLAINT**
**FOR PATENT INFRINGEMENT**

Plaintiff GroupChatter, LLC files this Original Complaint against Defendants AT&T Mobility, LLC and AT&T Services, Inc. ("Defendants" or "AT&T"), for infringement of U.S. Patent Nos. 7,945,249, 7,969,959, 8,199,740, 8,588,207, 9,294,888, 9,615,239, 9,699,637, and 10,070,298.

## THE PARTIES

1. Plaintiff GroupChatter, LLC ("GroupChatter") is a Texas limited liability company with its headquarters and principal place of business at 1400 Preston Road, Suite 475, Plano, Texas 75093.

2. AT&T Mobility LLC is a Delaware limited liability company with a principal place of business at 5601 Legacy Drive, Building A4, Plano, Collin

County, Texas 75024.

3. AT&T Mobility LLC is registered to do business in Texas and may be served through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

4. AT&T Mobility markets in this district mobile phones and related wireless services including AT&T Business Messenger, AT&T Advanced Messaging, AT&T Messages, AT&T Messages and Advanced Messaging for Tablet, and AT&T Global Messaging Suite through its website (www.AT&T.com), authorized retailers, and AT&T locations such as the AT&T store located at 4757 S. Broadway Ave, Tyler, Texas 75703.

5. AT&T Services, Inc. is a Delaware corporation with a principal place of business in Dallas, Texas. AT&T Services, Inc. can be served through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

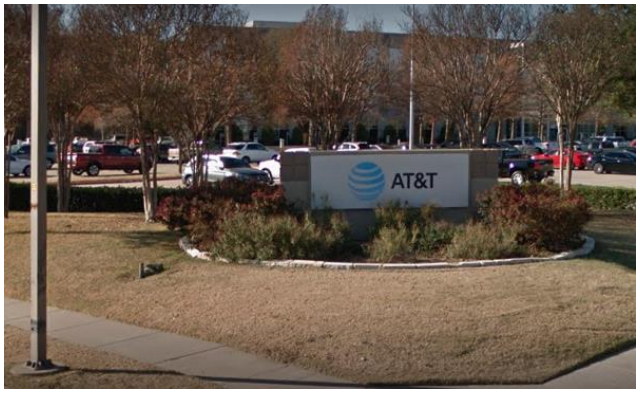
6. AT&T Services developed AT&T Business Messenger, AT&T Advanced Messaging, AT&T Messages, AT&T Messages and Advanced Messaging for Tablet, and AT&T Global Messaging Suite application software and provides services and application downloads to end users and customers in this district and throughout the United States.

## JURISDICTION AND VENUE

7. GroupChatter brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 21, and 284-285, among others. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). Defendants each have a regular and established place of business in this judicial district (located within Collin County), do business in this judicial district, have provided downloads of the AT&T products to users in this district, have committed acts of infringement in this judicial district, and have purposefully transacted business in this judicial district involving the accused products.

9. Defendants maintain an established place of business at the AT&T Plano Campus where they conduct software development, network infrastructure design, deployment, and maintenance, and marketing activities.



(Posted to Google by User **Mariana Maldonado Hernández** on or about March 2017) *See* https://plus.google.com/photos/photo/103479557976069382025/6412010728902781506.

## ASSERTED GROUPCHATTER PATENTS

10. AT&T has infringed and continues to infringe the following GroupChatter patents (the "Asserted Patents"):

- U.S. Patent No. 7,945,249 (Exhibit A, the "'249 Patent");
- U.S. Patent No. 7,969,959 (Exhibit B, the "'959 Patent");

- U.S. Patent No. 8,199,740 (Exhibit C, the "'740 Patent");
- U.S. Patent No. 8,588,207 (Exhibit D, the "'207 Patent");
- U.S. Patent No. 9,294,888 (Exhibit E, the "'888 Patent");
- U.S. Patent No, 9,615,239 (Exhibit F, the "'239 Patent");
- U.S. Patent No. 9,699,637 (Exhibit G, the "'637 Patent"); and
- U.S. Patent No 10,070,298 (Exhibit H, the "'298 Patent").

**GroupChatter Deterministic Messaging Patents**

11. The '959, '740, '207, '888, '239, '637, and '298 Patents (the "Deterministic Messaging Patents") relate to methods, apparatuses, and systems for providing acknowledged, deterministic mass messaging over a two-way wireless network.

12. The Deterministic Messaging Patents describe two-way communication systems and methods featuring acknowledged group messaging enabled within the claimed network architecture and addressing scheme.

13. "Deterministic" group messaging refers to one of the advantages delivered by the inventions. Using the claimed system offers the potential benefit of providing timely updates for and from endpoints within a group. In operation, these endpoints (e.g., smartphones, pagers, utility meters, transponders, etc.) send responses to group messages and thereby provide data from which to determine the

status of each endpoint.

14. Broadly speaking, GroupChatter accuses AT&T of infringing the Asserted Patents by providing, deploying, monetizing, promoting, operating, testing, and using the AT&T messaging systems (e.g., infrastructure and software) that allows users to conduct and participate, within a social network, in deterministic, acknowledged group messaging as recited in the asserted claims.

15. The inventors, James Dabbs and Brian Claise, noted in the patent specification that certain communication networks, even those with endpoint devices capable of acknowledging group messages, failed to provide the valuable advantage of deterministic communication because they provided no way to maintain status of group members. Administrators lacked important data about the status of recipients, response status from users, and other valuable state information concerning messages and message responses.

16. To solve this problem and other shortcomings of prior two-way wireless messaging networks, the inventors conceived a novel combination for maintaining group management information and organization for use on a wireless network. They describe in the Deterministic Messaging Patents how to build and deploy the network architecture, how to use it, and how to achieve these benefits.

17. In the asserted claims of the Deterministic Messaging Patents,

endpoints are identified by information about the user or specific endpoint device, which may include names or network addresses(es), and by groups to which that particular recipient device belongs.

18. In addition to the two-way wireless architecture of the radio network, a client/server-based architecture is provided for communication between a network client and the two-way wireless network.

19. FIG. 1 of the ’207 Patent (reproduced below) depicts an exemplary architecture and high-level aspects of an embodied network related to one or more claims:

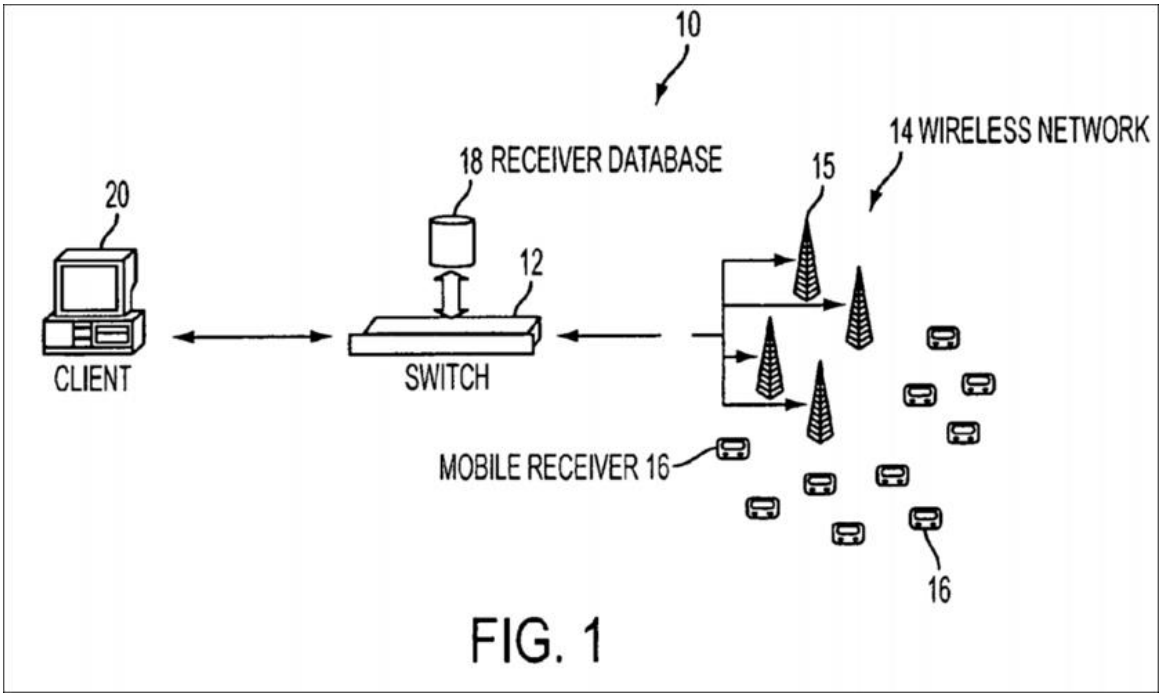



FIG. 1

20. As shown, exemplary structural elements for an embodied system include: (1) a network client 20; (2) a network switch or server 12 coupled to a

receiver database 18; (3) a wireless network 14; and (4) a plurality of mobile receivers 16 (e.g., smartphones, meters, etc.).

21. Through client/server interactions, a user is provided up-to-date group information that may include address information, status information pertaining to a message or response, overall group detail and status, or even specific information about endpoints within a group.

22. In operation, AT&T stores recipient identifiers, one or more group identifiers for each recipient endpoint, and group membership data that identifies which recipients belong to specific groups. An endpoint may belong to multiple groups and thus may be associated with multiple group identifiers.

23. In the AT&T Accused Systems (AT&T Business Messenger, AT&T Advanced Messaging, AT&T Messages, AT&T Messages and Advanced Messaging, AT&T Messages and Advanced Messaging for Tablet, and AT&T Global Smart Messaging Suite) (the AT&T Accused Systems may also be referred to as the "Accused AT&T Systems," "Accused Messaging Systems," or the like), a group message is initiated via a network client and wirelessly transmitted to endpoint devices located anywhere within the range of the wireless network infrastructure.

24. AT&T messaging endpoints (recipient devices) are configured to receive a group messages and respond with status information, alphanumeric text

entries, or other information based upon the message and endpoint device status.

25. Efficient group management and maintenance is an advantage of the claimed system and is demonstrated in operation of the claimed invention by reference to and communication with selected endpoints and groups of endpoints that each have a subset of the group information data stored locally.

26. As background, the inventors conceived the subject matter of the patents-in-suit in part to address issues in communication networks of the day. For example, some radios and associated wireless networks used by emergency responders were unable to handle the heavy network traffic that circumstances unfortunately required. '207 Patent, col. 1; lines 40-49. The "Background of the Invention" states:

> *[D]uring the events of Sep. 11, 2001, radio channels became oversaturated, and interoperability problems among jurisdictions and agencies persisted throughout the entire response process. Otherwise compatible portable radios were preprogrammed in a manner that precluded interoperability. Cellular telephone systems and even the public switched telephone network (PSTN) became congested and unusable.*

27. Older pager systems proved more reliable than cell phone networks during the September 11 tragedy. But while pager-based systems had the potential to be relatively robust in emergency circumstances, such systems of the time were

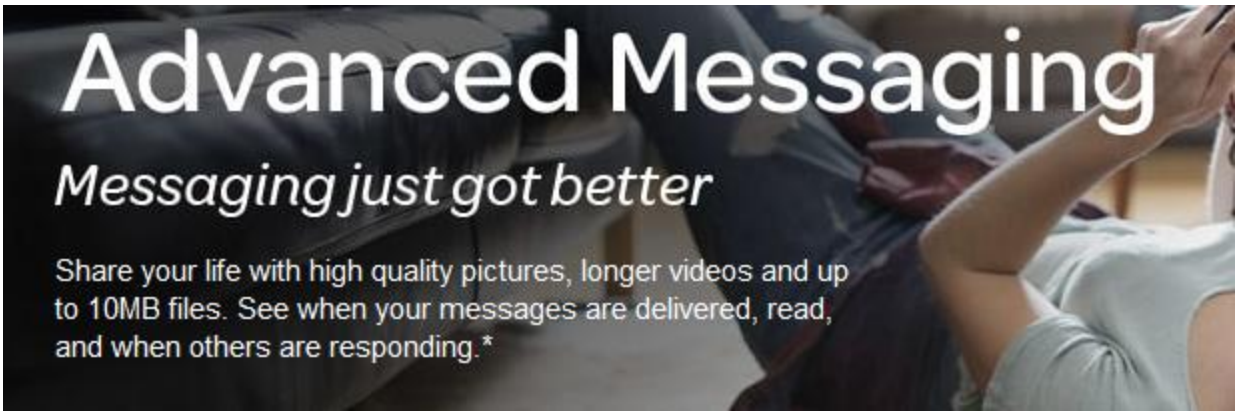
unable to efficiently process group messages (i.e., messages to groups of recipients) and track the individual responses to know which members of the group had responded. The Background of the Invention section of the specification states:

> *[N]one of these systems provide a network interface sufficient to support acknowledged group messaging. Requiring that the message originator individually alert each recipient adds considerable setup delay when alerting large groups.*

28. Accordingly, the inventors conceived the invention(s) to address these problems. The result was a novel system that efficiently used limited bandwidth and network resources to effectively communicate with selected endpoint groups whose membership may be dynamically created and adjusted. Even in these conditions, the inventors sought to provide effective group management and improved network efficiency, operability, and reliability (based on the challenges of the time).

29. AT&T touts these benefits in the Accused AT&T Messaging Systems.

30. For example, AT&T provides the following description of features of Advanced Messaging:




31. AT&T publishes the following description of the group notification and response feature of AT&T Business Messaging:

## Group notification and response

### What is it?

AT&T Business Messaging is a highly secure group notification and messaging solution that works seamlessly with most business notification applications for enhanced wireless notification and response.

This is business the way you want it; messaging that is familiar yet powerful.

Messaging that acts the same way as your personal messaging (real-time confirmations that your message has been viewed, and that the recipient is responding) with the structure you need: push notifications, broadcast messages and customization.

32. The Deterministic Messaging Patents require, among other things, a specific network architecture that may include at least: wireless network (e.g., a cellular network) infrastructure (e.g., base stations, backhaul, transmitters, receivers,

antennae, AT&T servers, and central switch), and multiple network clients (e.g., smartphones or tablets running AT&T messaging application software and equipped with two-way wireless communication modules for communicating on the wireless network).

33. The subject matter of the system and method claims asserted against AT&T are tied to the structural deployment described in the Deterministic Messaging Patents and address shortcomings in group management and communication that the inventors experienced before their invention.

34. In operation, the claims of the Deterministic Messaging Patents detail how a message originator, who may lack knowledge of specific details regarding a particular endpoint group, is provided group information via the network client. Such information may include membership information for each group, the number of recipient endpoints sharing a group identifier, or an identifier shared by certain recipient endpoints within a group.

35. The claims of the Deterministic Messaging Patents recite a specific method for providing this information. They describe and recite the source of group and recipient endpoint information, how and when it is transmitted to a network client, and how it may be displayed and updated at the network client.

36. In an example scenario where an incident commander is seeking

assistance over a pager network, a notification feature can provide the commander (i.e., the message originator) details about the number, identities, and statuses of group members. Using the invention for this feature, the commander is able to determine based upon the group messaging system information, a status of group members. Without this feature, an incident commander may have insufficient context to know whether enough personnel were being summoned, or whether key individuals had been mobilized.

37. By using the claimed addressing scheme described in the Deterministic Messaging Patents, AT&T and other infringers are able to communicate to *ad hoc* or dynamically organized groups of users.

38. Additional meaningful claim elements in the Asserted Claims include: (1) providing recipient identifier and group identifier information for each group to which a recipient is a member; and (2) storing acknowledgement data for each group member that lists them and indicates their response (e.g., "*…storing acknowledgement data in the memory device for each of the group members, the acknowledgement data comprising a listing of each of the group members and an indication of response for each of the group members*"). In previous systems, referring again to the incident commander's scenario for example, after a volunteer group was alerted by pager, the incident commander would not know who was going

to respond until personnel began to arrive on scene. In contrast, with the claimed "deterministic" group messaging systems, incident commanders (or group administrators) are updated in response to the group messages dispatched. Responses are linked to endpoint recipients within the group context, an advantage and novel advancement achieved by the inventive group management scheme. In this way, the inventive systems and methods provide a valuable concrete result: deterministic status information provided to a network client device for groups of endpoint recipients across a two-way wireless communication network.

39. Accordingly, the asserted claims of the Deterministic Messaging Patents are directed to a specific two-way wireless architecture appended with a group management and maintenance system based upon group and recipient identifiers for identifying and selectively communicating with endpoint recipients across the network.

40. Acknowledged group messaging may be performed in ways and across architectures that differ from the claimed subject matter. While the advantages of the inventions likely will not be achieved, two-way messaging with selective groups of endpoints and management of such groups may be performed using other methods such as frequency division across the geographical region or focused transmission, encryption, or having multiple radios in the network infrastructure for

communicating with predetermined groups based upon location.

41. The Asserted Claims provide structure and limit the invention to particular and novel ways of deterministically messaging selective groups of recipients on a two-way wireless communication network. These structural limitations describing architecture, integrated computer-based operations necessary to practice the patent claims (e.g., database tables, communication between network client and server/switch), wireless network protocol capable of communicating with groups, and endpoints that can receive and interpret those signals provide meaningful structural limitations that one of skill in the art would recognize as distinctions between network types.

42. The operations, function, and results of the subject matter of the Asserted Patents, like the operations, function, and results of the Accused AT&T Messaging Systems, cannot be carried out and achieved by a human or generic computer or by using a generic two-way wireless radio network.

43. Generic computer networks or wireless two-way radio networks do not perform "group communication and response tracking" or "group management and maintenance" as those general concepts are claimed in the Deterministic Messaging Patents.

44. Some of the major advantages of the claimed systems and advances

over the prior art are discussed in the specification (centralized management and administration of groups and recipients' relationships with groups, effectively communicating with multiple endpoints in groups, and tracking status across a network by group). One skilled in the art at the time of the inventions would further recognize additional advantages including management of groups across a dispersed area or networks, tracking status information of recipient groups including whether individual group members have received or read a group message and monitoring this information at a dispatch center or messaging portal.

45. By the novel combination of its two-way wireless network architecture, group management and maintenance scheme, and deterministic messaging functionality, the Deterministic Messaging Patents present a specific, inventive solution to the problem the inventors recognized with messaging networks at the time of their invention.

46. At the time of the invention, two-way wireless infrastructure and endpoint client software was not conventionally configured to support data structures capable of expressing one-to-many relationships, message acknowledgement and status indicators, group identification, and deterministic group messaging.

47. In view of the above, a person of ordinary skill in the art at the time of

the inventions of the subject matter claimed in the Deterministic Messaging Patents understood that prior-art wireless communication networks presented problems (e.g., lack of group addressing capabilities, group messaging acknowledgements and status indicators, and data structures to support deterministic messaging data and group identifier information) that precluded effective deterministic messaging.

48. The particular combinations of claim elements recited in the claims of the Deterministic Messaging Patents were not well-understood, routine, or conventional to a skilled artisan in the relevant field at the time of the inventions.

**GroupChatter '249 Patent**

49. GroupChatter's '249 Patent addressed and solved problems that arose, and are necessarily rooted, in prior-art mobile socialization platforms and in prior art media publication platforms. The '249 Patent describes socially networking a plurality of mobile terminal users in order to share published personal content among users and provide notifications and acknowledgements about published content.

50. The claimed subject matter of the '249 Patent facilitates a social networking system that works seamlessly across both fixed networks (e.g., a local area network) and mobile networks (cellular networks). *See* '249 Patent, Abstract.

51. The inventors of the GroupChatter Asserted '249 Patent (Bobby Fanelli, William Dyer, David Girard, and Roberto Quintana) leveraged an IP mobile

network and a fixed network to provide real-time or near real-time communication and content sharing among mobile terminal users.

52. At the time of invention, the feature set available on a fixed network (e.g., accessed by a desktop computer) was different from features now commonly accessed with mobile devices. For example, a YouTube user could post videos to the Internet; however, his friends could only access the content from a fixed network. *See* '249 patent, col. 1, lines 24-35. Such access to a friend's posted content was not easily provided over cellular networks. Instead, mobile handset users communicated with each other primarily using only voice calls and text messages. In some cases, a mobile handset user could provide location information to his friends, but at the time of the invention, such services required manual registration with a provider's website. In any event, such services that existed at the time of the invention did not allow users to share their user-generated content (e.g., photos, video) over mobile networks (*see* '249 Patent, col. 1, lines 33 - 41) as contemplated in the '249 Patent.

53. Within this technological landscape, the inventors recognized a need for better social networking technology. The inventors leveraged an IP mobile network and a fixed network to provide what was, at the time, a next generation social networking experience that included real-time communication and content sharing to users of mobile terminals. As recited in the claims and described in the

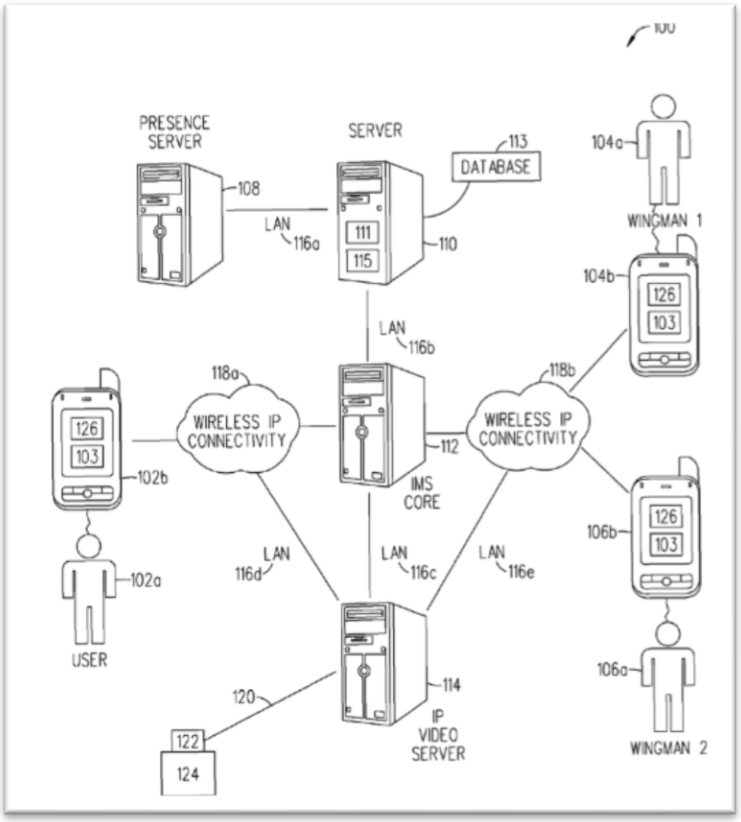
patent specification, the ’249 Patent invention enables a complex feature set, where users receive friend updates (regarding posts, messages, etc.) in real time on both mobile and fixed networks.

54. Claim 1 of the ‘249 Patent recites a method for socially networking including enabling a mobile terminal users to: (1) set up and view a personal list of other mobile terminal users; (2) view presence information indicating selected other mobile terminal users; (3) establish communications with one or more of the other users; (4) view posted content obtained by other mobile terminal users; (5) receive a pop-up notification on a television/computer when other users publish new personal content; and (6) interact with the television/computer to view and rate the new personal content.

55. Claim 13 of the ’249 Patent recites a method for socially networking a plurality of users of mobile terminals by enabling a mobile device users to (1) setup and view a personal list of selected other mobile terminal users; (2) view presence information indicating availability of the other users of the other mobile terminals; (3) establish communications with one or more of the other users and view posted content obtained by one or more of them; (4) indicate the taking of a photo or video and notify other users about the photo or video; and (5) distribute the photo or video to the other users.

56. As the ’249 Patent describes, performing these methods requires complex back-end servers, subsystems, programming, and mobile terminals to provide users real-time access to information (e.g., the location, presence, status and preferences for their friends).

57. The claimed invention, necessarily rooted in computer and communication technologies, improves the functioning of these systems using complex schemes for communicating between and across mobile and fixed platforms. The ’249 patent describes example hardware/software environments in its FIG. 1, reproduced below:



58. In the above figure (FIG. 1 from the ’249 Patent), the social networking system (item 100) includes mobile users (items 102a, 104a, and 106a) that carry mobile terminals (items 102b, 104b, and 106b). The system includes a presence server (item 108), an application server (item 110), and a database (item 113). The system further includes an IMS core (item 112) and a streaming video server (item 114). As shown, the presence server (108) is coupled via LAN (116a) to the server 110, which is coupled via LAN (item 116b) to the IMS core (112), which in turn is coupled via mobile networks (118a and 118b) to enable wireless IP connectivity to the mobile terminals through wireless technologies including CDMA, Wi-Fi, WiMAX, GPRS, and UMTS. (See ’249 Patent, col. 3, lines 20 – 30). In addition, the IMS core (item 112) is coupled to the streaming video server (item 114), which is coupled to mobile networks (items 118a and 118b). The video server (item 114) is also coupled via a network connection to a set-top box (item 122) and a television/computer (item 124).

59. In operation, the overall system leverages the IP (e.g., IMS) mobile network (items 112, 118a, and 118e) and a fixed network (items 108, 110, and 114) to provide a next generation social network experience to the users (e.g., items 102a, 104a, and 106a). The mobile terminals (items 102b, 104b, and 106b) implement a standalone application (item 126) which enables their users to perform a variety of

steps recited in the claims.

60. In an example scenario, a user wishes to know whether a friend is present on the network. Accordingly, the user first logs into his mobile application and registers with a remote server (’249 Patent, col. 4, lines 14 - 28). In an embodiment described in the ’249 Patent, logging in and registering requires several preconditions including: (1) the IMS core (an IMS proxy platform) is running; (2) the mobile terminal has an IP connection to the IMS proxy platform; (3) the user has not yet registered with the remote server; (4) the mobile terminal is not running the mobile application.

61. After logging in and registering, the ’249 patent contemplates several potential actions by the mobile terminal user including: (1) establishing a voice call (’249 patent, col. 5, line 25 – col. 6, line 24); (2) participating in an Instant Messaging (IM) session (’249 patent, col. 6, line 25 - col. 7, line 24); (3) establishing a voting queue (’249 patent, col. 7, line 25 – col. 8, line 55); (4) participating in a scorekeeper scenario (e.g., for scoring photographs) (’249 Patent, col. 8 line 57 – col. 9 , line 48); and (5) viewing a map of associates (’249 patent, col. 9, line 49 - line 41). This functionality and the other aspects of the ’249 patent claims were not known at the time of the invention.

62. In addition to the specialized network components required, the ’249

Patent requires specialized mobile components. For example, one embodiment specifies a mobile terminal (e.g. phone) with a user interface (e.g., operating system), a camera, and an application that enables the user to: (1) set up and view friend lists; (2) monitor presence information of friends; (3) establish electronic communications with other mobile terminal users; and (4) view content obtained and posted by other mobile terminal users. *See* '249 Patent col. 1, line 63 - col. 2 line 6. The mobile terminals are specially programmed (via an application) to communicate through mobile networks with servers that, in turn, communicate to update users via their computers/televisions. In this way, groups of users are updated in real time across multiple platforms, and each device is synchronized with the most relevant and current data.

63. The particular combinations of claim elements and steps recited in the '249 Patent claims were not well-understood, routine, or conventional to a skilled artisan in the relevant field at the time of the inventions.

**AT&T**

64. AT&T developed, publishes, markets, sells, offers for sale, uses, makes, and monetizes the AT&T Accused Messaging Systems, which are, generally, AT&T group messaging systems marketed and branded as AT&T Business Messenger, Business Notification Center, AT&T Advanced Messaging, AT&T

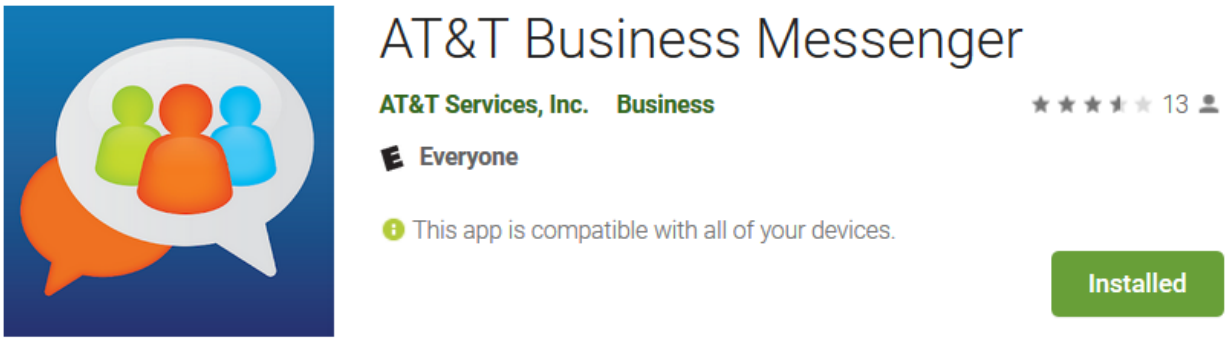
Messages, AT&T Messages and Advanced Messaging for Tablet, AT&T Messaging Toolkit, and AT&T Global Smart Messaging Suite.

**AT&T Business Messenger**

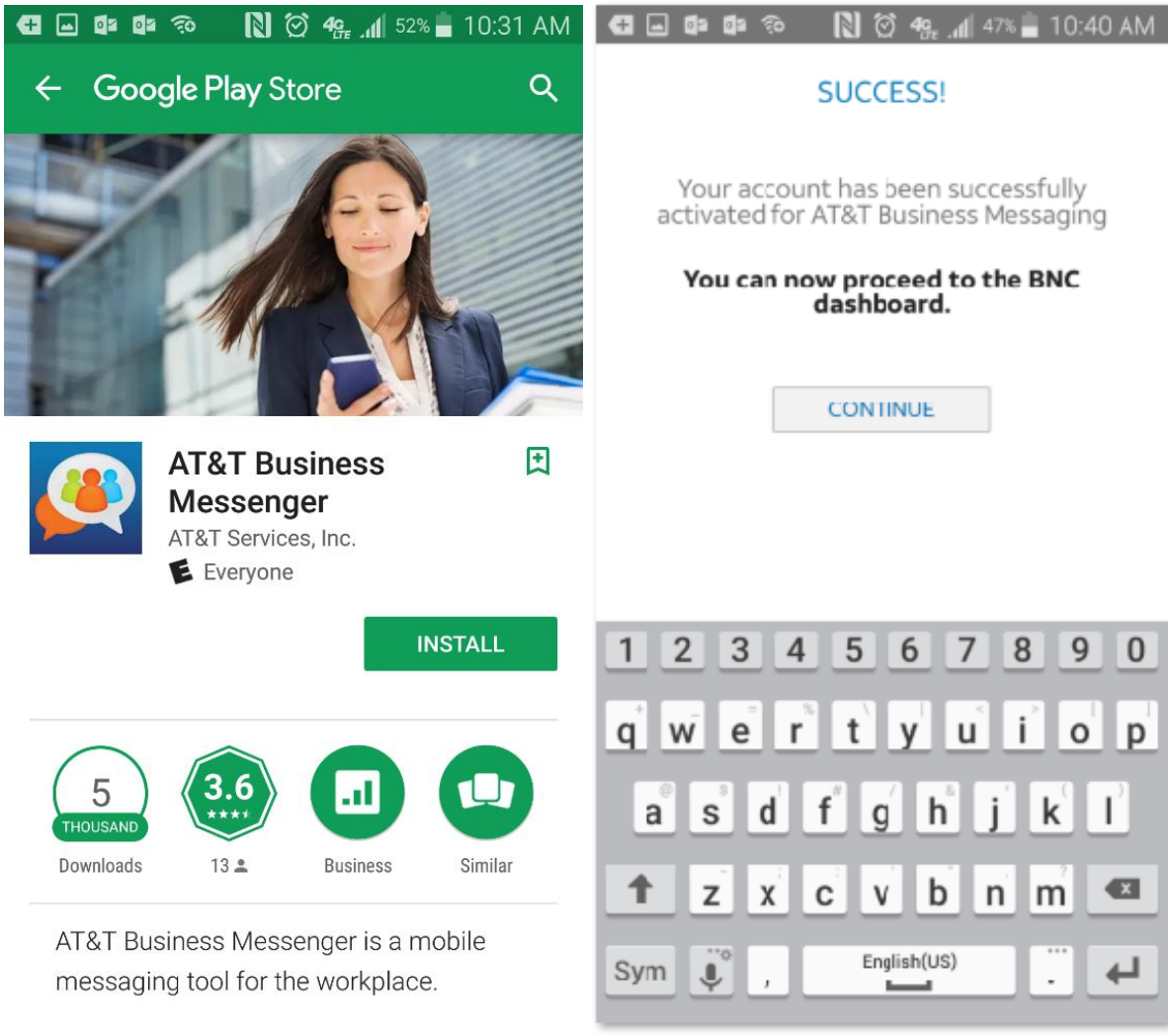
65. AT&T provides the AT&T Business Messenger service, a mobile messaging tool for the workplace that allows users to set up and participate in group chat and broadcast messages to coworkers to enhance productivity.

66. AT&T advertises AT&T Business Messenger as an add-on feature available to subscribers for $9.99 per month.

67. AT&T publishes for download the AT&T Business Messenger application software.




68. AT&T markets and sells the Business Messenger service to corporate or business wireless subscribers.




69. Features of AT&T Business Messenger include the ability to broadcast messages to up to 20,000 recipients, create groups, and exchange messages with group members.

70. AT&T highlights the "message delivery confirmation" feature of Business Messenger in its description of the application and service on the Google Play site:

AT&T Business Messenger is a mobile messaging tool for the workplace. Business Messaging allows you to do one-to-one chat, group chat and even broadcast messages to coworkers enhancing productivity and making your business communications easier.

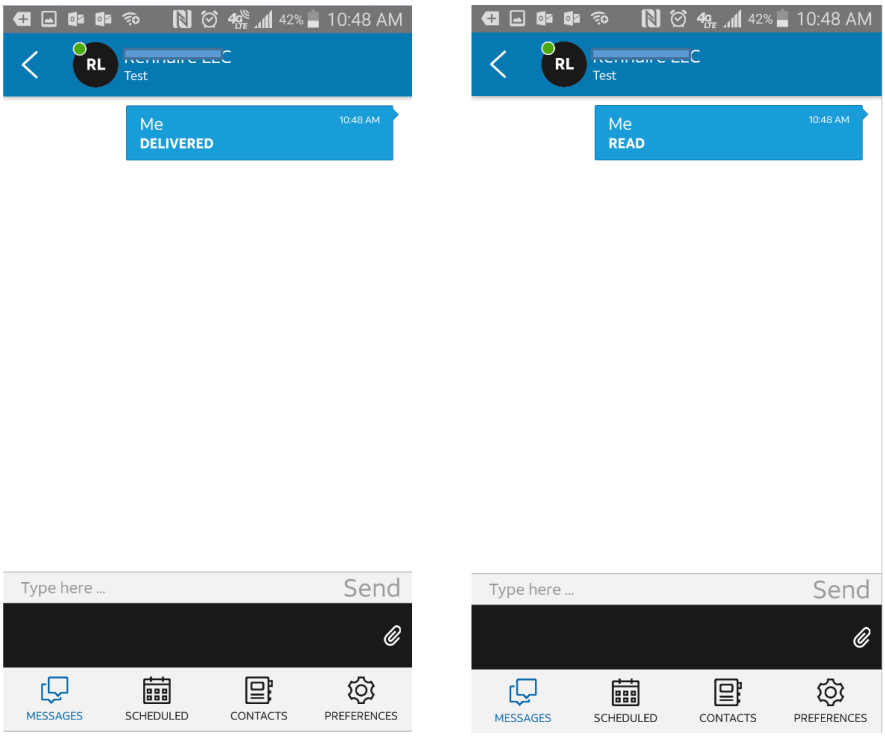
Features Include:

- Broadcast messages to 20,000 recipients
- Create groups messages on the fly with the coworkers
- One-to-one chat
- Message delivery confirmation
- Integration from other protocols supported by AT&T Business Messaging (SMTP, SNPP, WCTP, TAP)
- SMS fallback

Only Available for AT&T Subscribers in the U.S.

https://play.google.com/store/apps/details?id=com.AT&T.businessmessaging.

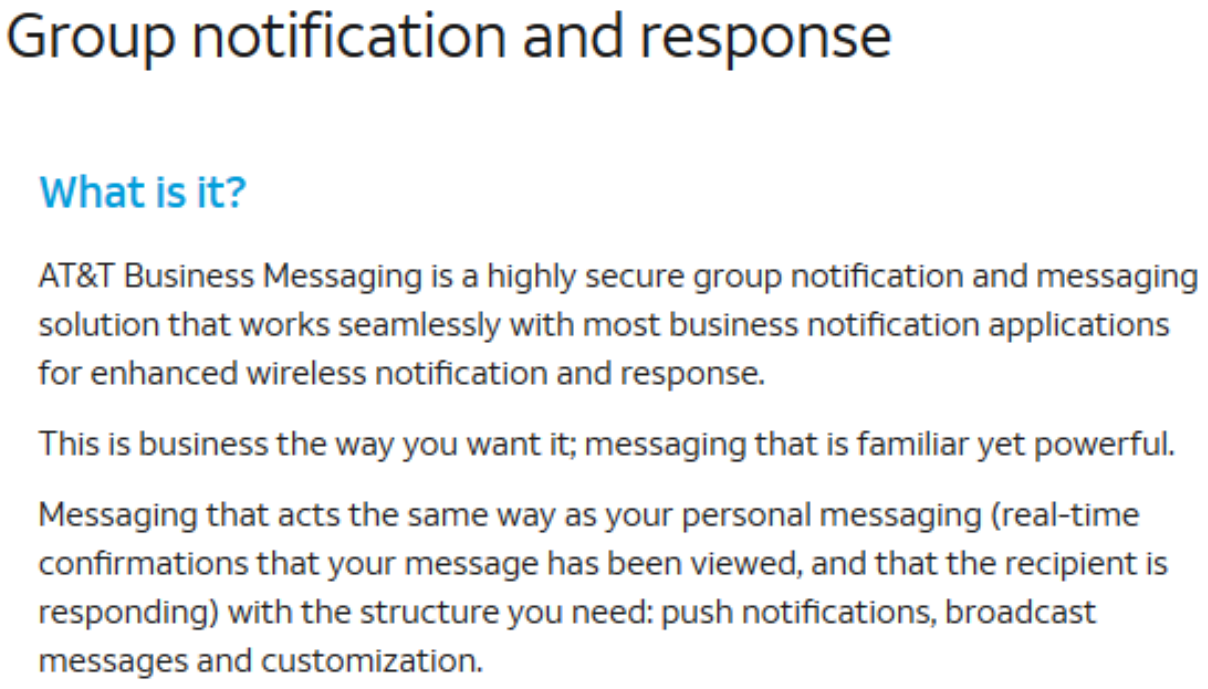
71. AT&T Business Messenger provides acknowledgements when a message is "delivered" or "read."



72. AT&T published a video overview of Business Messaging (also referred to as "AT&T Business Messenger") on its website that cites "ER's on backup generators" as an example of an application for the service.

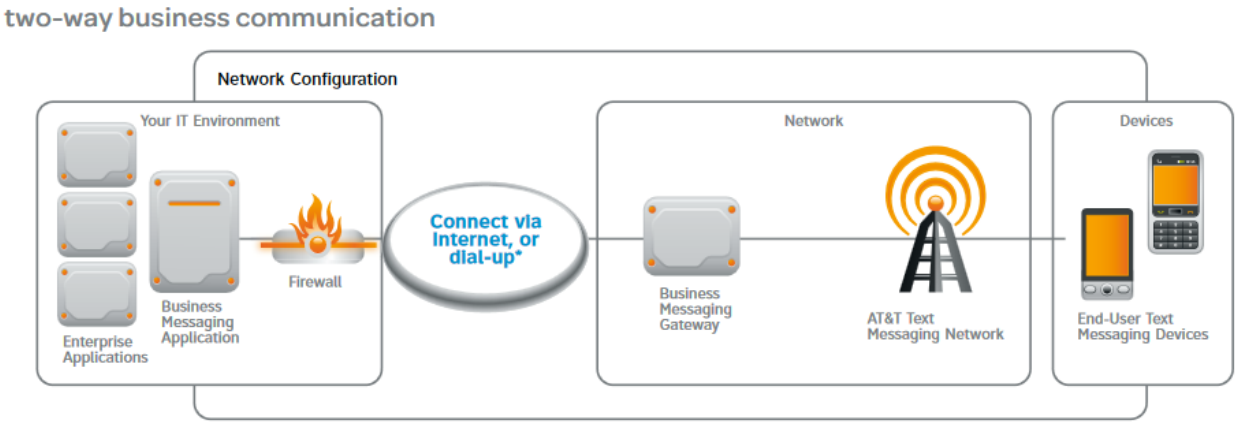

https://www.business.AT&T.com/solutions/Family/mobility-services/mobile-messaging/

73. AT&T describes the group notification and response feature of Business Messenger on its website:




74. The AT&T Business Messenger feature includes access to the AT&T Business Messaging Gateway ("Gateway"), transmission of mobile originated ("MO") and mobile terminated ("MT") messages using supported protocols between the Gateway and subscribed devices ("Messages").

75. AT&T publishes the picture below describing AT&T Business Messenger Network Configuration:



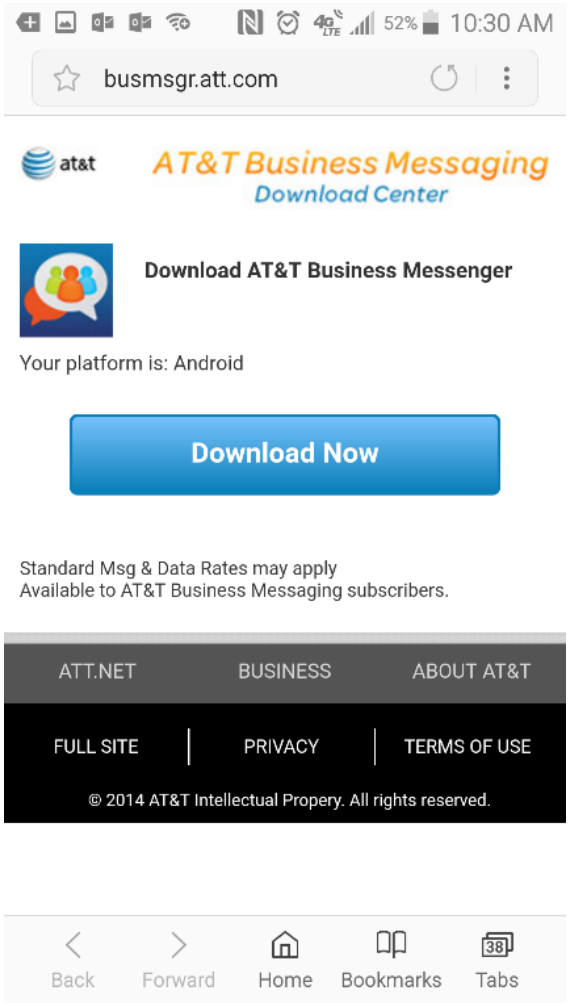

76. According to AT&T, "[t]he most common way of deploying Business Messaging is by adding an individual feature to each AT&T recipient's account. This allows the recipient to receive messages sent via the Business Messaging gateway (using SNPP, WCTP, SMTP or TAP) or messages sent via the AT&T Business Notification Center website."

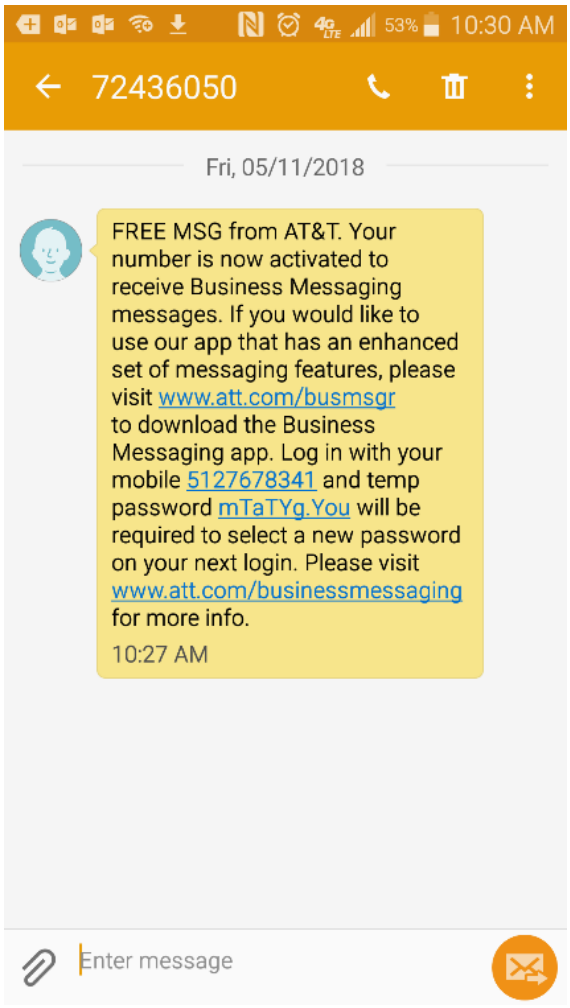
77. The AT&T Business Notification Center provides group management and messaging functionality, delivery log access to view and manage group message acknowledgements, and contact management functionality.

> AT&T Business Messaging
>
> Learn how to use your AT&T Business Messaging service. Receive tips on how to log in to the AT&T Business Notification Center website to build lists and send messages, or integrate with notification applications. Use our step by step walk-throughs to learn how to create, edit, import, and export both contacts and groups.

78. AT&T instructs subscribers of the Business Messenger feature to

download and install Business Messenger application software on the subscriber's mobile device.




79. AT&T provides subscribers access to the AT&T Business Notification Center web site.

80. Users of the Business Notification Center ("BNC") are encouraged by AT&T to enter information about other subscribers the user wishes to communicate

with into the BNC address book and create group distribution lists.

Managing Groups in the Business Notification Center with AT&T Business Messaging

Create a group
Edit a group
Add a contact to a group
Delete a contact from a group
Delete a group
Importing contacts or groups

Creating a New Group

1. On the Groups screen, click **+ New Group**.
   On the Groups screen, click + New Group.
   The New Group screen opens.
2. Select the contacts to add to the group by entering the names in the Search to add contacts field.
   Select the contacts to add to the group by entering the names in the Search to add contacts field.

81. Business Messenger users set their status so other users can view presence information about the user.

**Table 4. User Profile Screen Icons**

| Item | Description |
|---|---|
| Available<br>Working on some cool stuff today. | **Presence**<br>Indicates the current availability of the contact. See *Setting Current User Status (Presence)* (page 123). |
| Call | Call the contact using the mobile number in the user profile. This option is only available on the handset. |
| Message | Send a message to the contact using the application. |

82. Subscriber devices running Business Messenger operate over cellular connections (e.g., 3G, 4G, LTE), paging networks or Wi-Fi connections to provide

"cross-platform" communication among AT&T Business Messenger users.

83. Viewing Posted Content – In normal operation of AT&T Business Messenger, a user is able to post content (e.g. messages, etc.) to an ongoing thread with another AT&T Business Messenger user or with a group of AT&T Business Messenger users. Users in that thread may then view the posted content, respond to that content, and post their own content.

84. Communicating and Sending Messages –AT&T Business Messenger users communicate with fellow users, employees and colleagues, and group members in a variety of formats.

85. AT&T Business Messenger provides users the ability to connect with specific sets of users (e.g., doctors) to share updates, photos, videos, test results and messages.

86. Groups –AT&T Business Messenger enables users to communicate with (e.g., broadcast a group message to) defined groups of users (e.g., fellow doctors).

87. AT&T Business Messenger Group Conversations allow users to communicate with fellow group members by sending, for example, messages, photos, videos or test results.

88. In normal operation of AT&T Business Messenger, users view and

respond to content provided by other users.

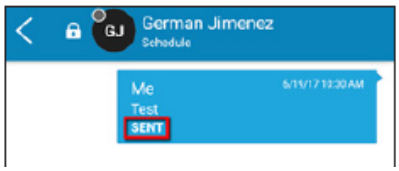
89. AT&T Business Messenger provides message status notifications.

90. The following description of the Business Messenger Message Status feature appears in the User Guide:

AT&T Business Messaging

## Understanding the Message Status

The status of each message appears at the top of the conversation bubble. The timestamp for the message also appears at the top of the conversation bubble. The date and time only appear in messages that were sent prior to the current date; otherwise, only the time appears.




91. The table below describes each available message status in Business Messenger:

| Status | Description |
|---|---|
| Sent | Indicates that the message was sent successfully. |
| Failed to send | Indicates that the message failed in sending. |
| Delivered | Indicates that the message was successfully delivered to the recipient(s). |
| Read | Indicates that the message has been read by the recipient(s). |

92. Business Messenger provides delivery log status.

Table 2. Delivery Log Status

| Status | Description |
|---|---|
| Failed | Indicates that the message failed because the recipient is not a provisioned user of AT&T Business Messenger. This applies when the message is sent to only one recipient. |
| Not Delivered | Indicates that the message has been sent but the system is awaiting a delivery acknowledgment. |
| Non-secure | Indicates that the secure message was not delivered because the recipient was a non-secure user. Non-secure users are any recipients who have not been provisioned for secure messaging. |
| Delivered | Indicates that the message was sent and a delivery acknowledgment has been received. |
| Unprovisioned | Indicates that the message was not sent because the recipient is not an AT&T Business Messenger customer. |

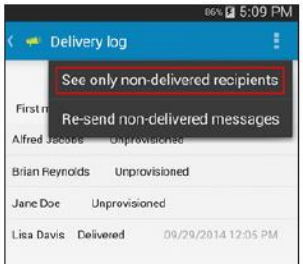
93. From the Delivery Log screen, Business Messenger users can view a list of intended recipients for which the system has sent the message and is awaiting a delivery acknowledgement.

94. AT&T publishes the following instructions in the Business Messenger User Guide:

AT&T Business Messaging

*Viewing All Non-Delivered Recipients*

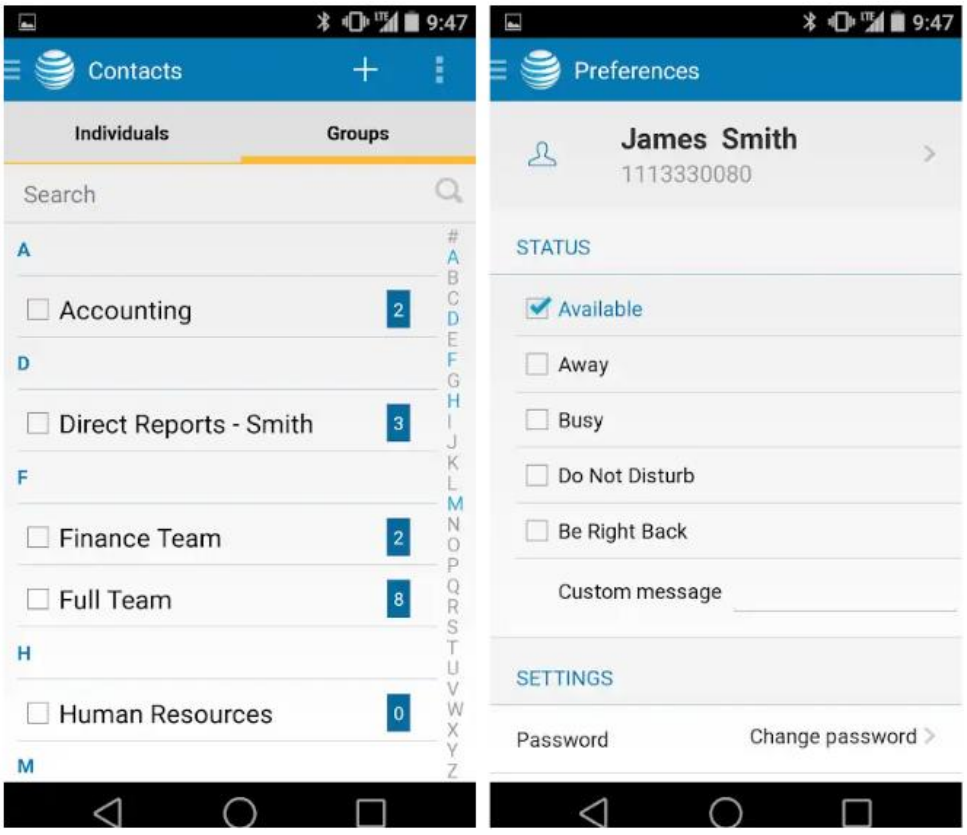
1. On the Delivery Log screen, tap **Menu**. The location of the menu button varies by device.
2. Tap **See only non-delivered recipients**. The list is filtered to display a list of all recipients who did not receive the message.



95. Users receive notifications from their browser or network client application alerting them of any relevant messages or content.

96. AT&T realizes substantial value from the group messaging features of the Business Messenger application and platform.

97. Users configure a "status" flag regarding their capability to receive group messages.




98. In normal operation of Business Messenger, a user can see which group members have received, viewed, and read a group message and the time when each user viewed the group message.

99. AT&T Business Messenger features "preconfigured responses" (such as "Yes") and "one touch access to standard replies" that facilitate quick approval of shared content. *See* https://www.youtube.com/watch?v=7CgxE5eJHkA.

100. Accused AT&T Messaging Systems feature "voting" functionality for group messages and responses. See https://www.youtube.com/watch?v+nh131vTdDDE.

101. Business Messenger features group messages that contain symbols instructing recipients to take certain actions such as downloading a picture or video.

102. The following instructions are included in AT&T's Business Messenger User Manual:

Attachments in messages appear with the symbol shown below. Tap this symbol to download the attachment and view the picture or video.

**Figure 35. Download Attachment Icon**

9. Tap **Send**.

103. Users of Business Messenger send broadcast messages to groups of recipients.

104. Business Messenger accommodates up to 20,000 recipients of broadcast group messages.

AT&T Business Messaging

***Sending a Broadcast Message***

Any responses to broadcast messages will be sent only to the originator, not to all of the recipients. Broadcast messages are indicated in the Messages list by the icon below.

**Figure 39. Broadcast Message Icon**

1. Tap the **Compose** button. The New Message screen opens.
2. Enter the recipients of the message. Broadcast messages can be sent to up to 20,000 recipients.
3. Enter the subject.
4. Select the **Secure Conversation** option as needed to send a secure or non-secure message.

105. The screenshot below is from the Business Messenger User Guide:

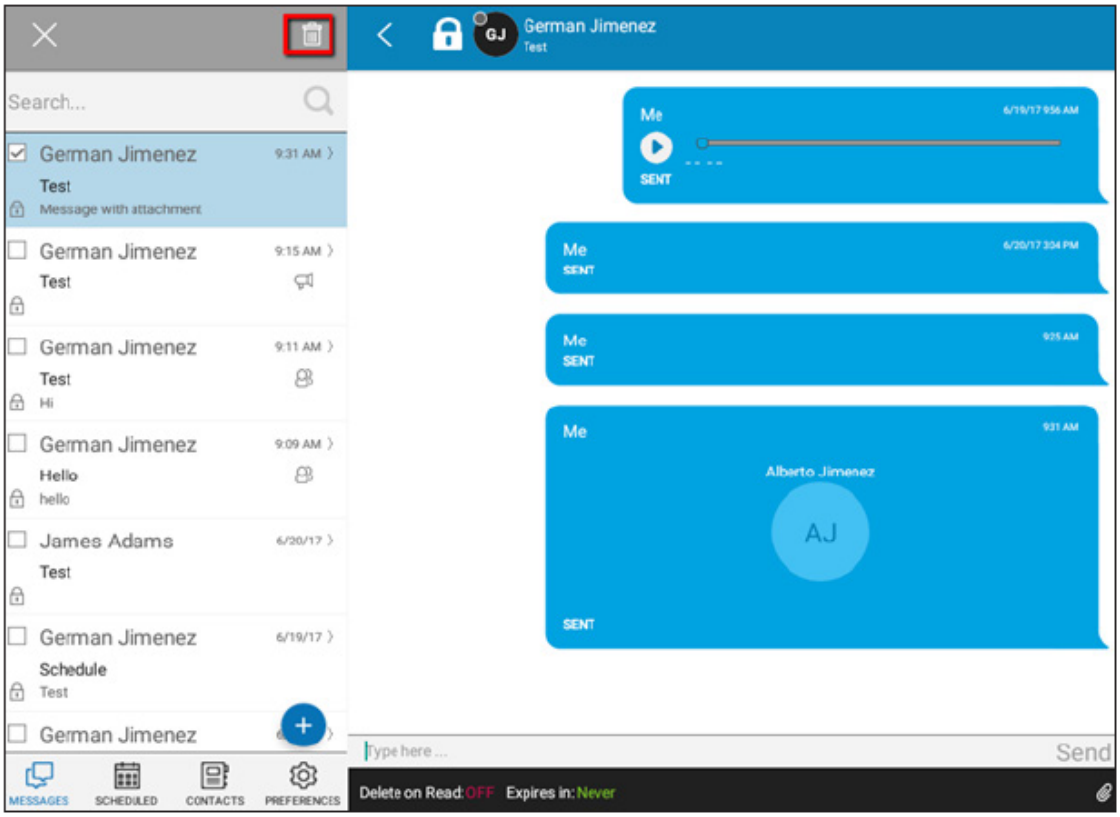
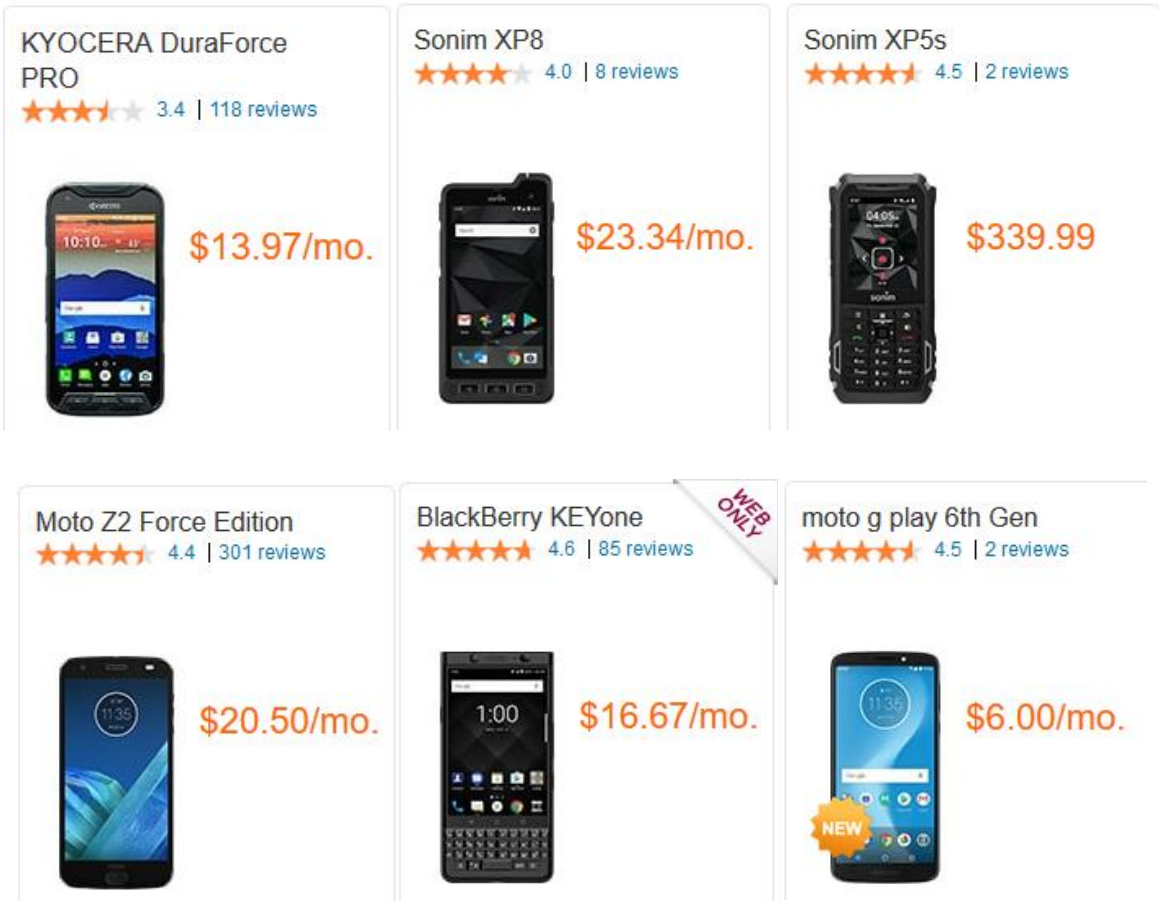



Figure 76. Delete a Conversation (Tablet)

## AT&T Messages and Advanced Messaging

106. AT&T provides AT&T Messages and Advanced Messaging (collectively, "AT&T AM") on compatible mobile devices including at least the following:




107. AT&T describes on its website several features of Advanced Messaging including the "Delivery & read receipt" and "Typing notification"

**Features**

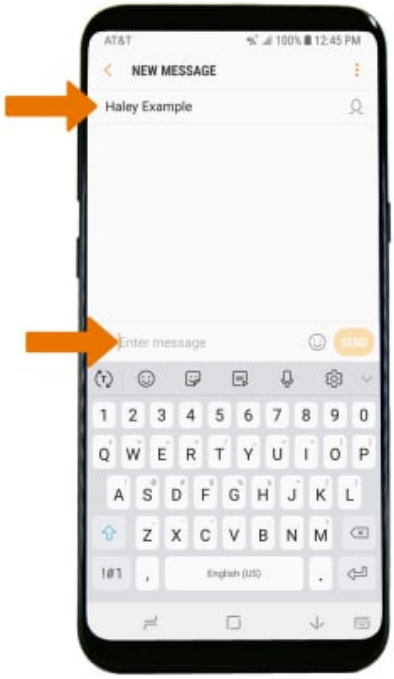
Advanced Messaging offers the following:

- **Up to 10MB file transfer:** Send high-quality pictures and longer videos.
- **Delivery & read receipt:** See when your messages have been delivered and read.
- **Typing notification:** Know when the person you're messaging with is typing a response.
- **Chatbots:** Interact directly with your favorite brands through the use of intelligent software-driven robots that communicate with you.
- **Digital content:** Enhance your messages with stickers, GIFs or animated pictures and emojis, and more through digital content providers and stores.

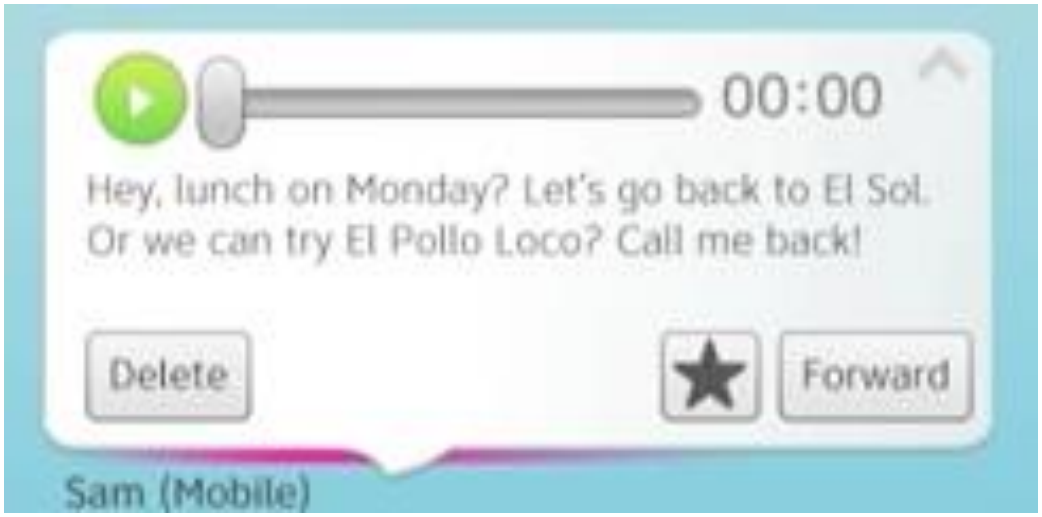
https://www.AT&T.com/esupport/article.html#!/wireless/KM1062086.

108. Advanced Messaging features group messaging functionality.

Enter the desired **contact,** then select the **Enter message field.**
**Note:** To add additional recipients and create a Group Message, enter or select the **additional contact(s)**, then select the **Enter message field**. To remove recipients, select the **Minus icon** to delete desired contacts.




109. AT&T AM enables end users to rate content (such as by "favoriting" it using the star icon depicted below) that has been shared with them.




*See also* https://forums.AT&T.com/t5/Android/Android-AT-amp-T-Messages-

App-not-receiving-syncing-messages/td-p/5211846

110. AT&T AM supports group messaging and contact lists.

111. AT&T AM supports blocked and unblocked contacts on contact lists.

112. AT&T AM enables end users to ascertain whether message recipients are available, such as when a read receipt has not been timely provided.

113. AT&T AM enables end users to share high-resolution photos and large video files up to ten megabytes in size.

114. AT&T AM enables end users to communicate with other AT&T AM end users, including through voice calls (telephone calls).

115. AT&T AM enables end users to post content that is synced to the cloud and across devices using AT&T Messages Backup & Sync functionality. *See* https://www.AT&T.com/features/backup-sync.html.

116. AT&T AM provides push notifications to end users of AT&T AM upon the posting of new content that has been made available to such end users (for example, when a photograph is sent to a group of AT&T AM end users in a group message).

117. AT&T AM notifications are displayed to the user along with shared content, group messages, and presence and status information.

118. AT&T AM features read receipts substantially similar to the

functionality in AT&T Business Messenger.

**COUNT I**
**INFRINGEMENT OF U.S. PATENT NO. 7,945,249**

119. GroupChatter incorporates the preceding paragraphs by reference as if set forth herein.

120. GroupChatter is the owner, by assignment, of U.S. Patent No. 7,945,249 (the "'249 Patent"), titled "Next Generation Social Networking and Content Rating System and Method."

121. As the owner of the '249 Patent, GroupChatter holds all substantial rights in and under the '249 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

122. The United States Patent Office granted the '249 Patent on May 17, 2011.

123. The '249 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

124. AT&T has directly infringed, and continues to infringe, the '249 Patent by practicing one or more claims of the '249 Patent, including at least claims 1, 2, 6, 7, 8, 12, and 13 by making, using, offering for sale, monetizing, selling, providing, deploying, operating, testing and/or importing the AT&T Accused Systems to provide a social network for mobile terminal users to view lists of users and their

availability to communicate and presence information.

125. By operating and providing the Accused Messaging Systems including on mobile terminals preloaded with Accused Messaging Systems application software, AT&T sells, offers to sell, imports, uses, and/or makes mobile terminals and performs methods for socially networking a plurality of mobile terminal users.

126. Using the Accused Messaging Systems as instructed and intended, a mobile terminal user can setup and view lists of contacts, view presence information indicating the availability of other users, establish communications with other users, view previously posted content obtained by other users, receive pop-up notifications on a television/computer when other users publish new content (e.g. messages), and interact with the television/computer to view and rate the published content.

127. Claim 13 recites a method for socially networking a plurality of users of mobile terminals comprising the steps of enabling a first user of a mobile terminal to setup and view a personal list including selected other mobile terminal users, enabling the user to view presence information indicating availability of other users, enabling the user to establish communication with other mobile terminal users, enabling the user to view posted content obtained by one or more other mobile terminal users, enabling publishing that the user has taken a photo or video, and notifying other mobile terminal users about the photo or video, and distributing the

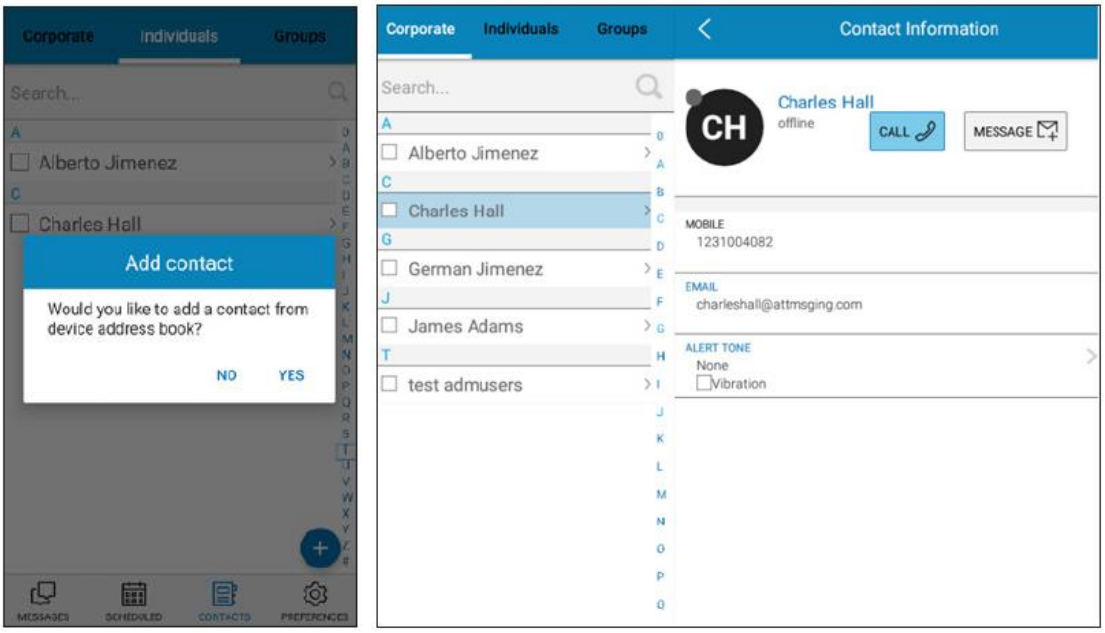
photo or video to other users.

128. AT&T directly infringes claim 13 and asserted dependent claims when it uses, tests, and activates or makes this functionality using mobile terminals to interact with AT&T Messaging System infrastructure and software applications.

129. AT&T instructs users how to implement, configure, and use Messaging System application software for setting up and viewing a personal list, viewing presence information of other users, establishing communications with other users, viewing posted content obtained by other users and performing related actions as recited in the claims using mobile terminals (e.g., smartphones).

130. AT&T instructs end users how to create and manage user groups in private, public, or shared public groups and add contacts to them.

131. AT&T provides a first user with a Contacts list of up to 20,000 other users.




132. AT&T provides Messaging System applications enabling end users to setup and view personal lists, view presence information, establish communications, view posted content obtained by other users, publish that a photo or video has been taken, and notify other users about the photo or video, and send the photo or video to a server that enables distribution.

133. AT&T provides user profiles including presence information:

| Item | Description |
|---|---|
| Available<br>Working on some cool stuff today. | **Presence**<br>Indicates the current availability of the contact. See *Setting Current User Status (Presence)* (page 123). |
| Call | Call the contact using the mobile number in the user profile. This option is only available on the handset. |
| Message | Send a message to the contact using the application. |

134. End users of Accused Messaging Systems directly infringe claim 13

and its asserted dependent claims by using Messaging System application software installed on mobile terminals (e.g., smartphones) covered by these claims.

135. AT&T contributes to users' direct infringement of claim 13 and asserted dependent claims of the '249 Patent by providing the Accused Messaging Systems applications enabling end users to setup and view personal lists, view presence information, establish communications, view posted content obtained by other users, publish that a photo or video has been taken, and notify other users about the photo or video, and send the photo or video to a server that enables distribution. The Accused Messaging Systems application is a component of a patented apparatus and constitutes a material part of the invention.

136. In October 2014, AT&T added attachment capabilities for files, photos, and videos so users can view posted content obtained by other users.

## What's New

| Date | Notes |
|---|---|
| August 2014 | Original issue |
| October 2014 | Added attachment capabilities for files, photos, and videos.<br><br>Added support for tablets. |

137. Other uses are notified when a photo or video is posted via notifications of updates to a conversation or by SMS. Users are prompted to upgrade to the AT&T Business Messenger application or register for the BNC Web portal to view the

posted content.

3. Tap the **Attachment** button to add a photograph or video to the message.

**Figure 57. Attachment Button**

4. Select one of the available options to take a photo or video or select **Gallery** to add an existing photo or video and then follow the onscreen instructions as appropriate for your device. You can also tab on **Other** to send files, share contacts, locations, files or any file from the cloud.

5. (optional) Add text to use as a caption to your attachment.

**Note:** SMS users will not receive attachments, but they will receive a text message that prompts them to upgrade to the application or register for the BNC Web portal to view attachments.

138. As of receipt of GroupChatter's Complaint, AT&T is on notice of how the Accused Messaging Systems are especially made or especially adapted for use in infringing the '249 Patent. Accused Messaging Systems application software along with the relevant functionality are not a staple article or commodity of commerce suitable for substantial non-infringing use. With such knowledge, if AT&T continues to provide application software and interfaces for infringing mobile terminals (e.g., phones, tablets, computers) and induce, deploy, encourage, aid, and abet others to directly infringe the asserted claims of the '249 Patent, AT&T is liable to GroupChatter for post-complaint conduct.

139. The Accused Messaging Systems applications, including the particular software components provided by AT&T that provide the accused functionality and

carry out the operations described here, have no substantial non-infringing use. AT&T designed the software components, maintain and develop them, and intend they be used, for infringing the '249 Patent. The application software components have no purpose other than infringement.

140. AT&T designed and developed the Accused Messaging Systems, including AT&T Business Messenger, Advanced Messaging, and other AT&T messaging suite applications including their associated subsystems, to be implemented by a processor to enable an Accused Messaging Systems user to view content and lists of users and their availability to communicate.

141. AT&T designed and developed the Accused Messaging Systems applications including their associated subsystems, to be implemented by a processor to enable an AT&T Messaging System subscriber to view content and lists of users and their availability to communicate.

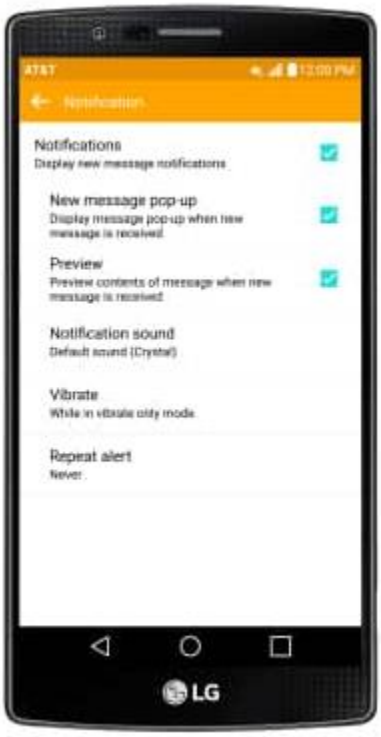
142. AT&T has maintained and further developed the Accused Messaging Systems since 2015.

143. The purpose of the Accused Messaging Systems application software is to deliver functionality enabling a user enabling to setup and view a personal list which includes other users of other mobile terminals; view presence information which indicates availability of the other users of other mobile terminals; establish

communications with one or more other users of other mobile terminals; and view posted content obtained by at least one of the other users.

144. A further purpose of the Accused Messaging Systems application software is to publish that a photo or video has been taken by a user and send the photo or video to an Accused Messaging Systems subscriber for subsequent distribution to other users of other mobile terminals upon their accepting a notification of the photo or video.

145. AT&T Advanced Messaging, for example, provides pop-up notification when a photo or video is posted by another user.




146. Since becoming aware of the ’249 Patent, if AT&T makes no effort to

modify the Accused Messaging System in a way that would avoid infringement or deactivate infringing features, AT&T is liable to GroupChatter for indirect infringement, including active inducement.

147. AT&T's analysis and knowledge of the '249 Patent combined with its knowledge of how the applications are used and their ongoing activity demonstrates knowledge and intent that the application will be combined with other hardware and software to infringe the '249 Patent.

148. AT&T is on notice that GroupChatter contends that the Accused Messaging Systems applications are especially made or especially adapted for use in infringing the '249 Patent and how these applications allegedly infringe the asserted claims of the '249 Patent.

149. AT&T's knowledge of the '249 Patent and GroupChatter's infringement allegations combined with its knowledge of the Accused Messaging Systems and how they are used to infringe the '249 Patent, consistent with AT&T's instructions, demonstrate specific intent to induce users to infringe the '249 Patent since filing of this Complaint.

150. AT&T has detailed knowledge about the specific functionality in the Accused Messaging Systems that GroupChatter has identified as infringing the asserted claims of the '249 Patent.

151. The Accused Messaging Systems application software and infrastructure along with their relevant functionality are not a staple article or commodity of commerce suitable for substantial non-infringing use.

152. AT&T provides applications and interfaces for mobile terminals (e.g., phones, tablets, computers) and encourages end users to use the Accused Messaging Systems in ways that infringe the '249 Patent.

153. GroupChatter has been damaged as a result of AT&T's infringing conduct described in this count. AT&T is liable to GroupChatter in an amount that adequately compensates it for its infringement, which amount, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**COUNT 2**
**INFRINGEMENT OF U.S. PATENT NO. 7,969,959**

154. GroupChatter incorporates the preceding paragraphs herein by reference.

155. GroupChatter is the owner, by assignment, of U.S. Patent No. 7,969,959 (the "'959 Patent"), titled "Method and Apparatus for Efficient and Deterministic Group Alerting."

156. As the owner of the '959 Patent, GroupChatter holds all substantial rights in and under the '959 Patent, including the right to grant sublicenses, exclude

others, and to enforce, sue, and recover damages for past and future infringement.

157. The United States Patent Office granted the '959 Patent on June 28, 2011.

158. The '959 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

159. AT&T is practicing one or more claims of the '959 Patent, including at least claims 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 21, 26, 27 and 30, by making, using, offering for sale, monetizing, selling, providing, deploying, operating, testing, and/or importing the Accused Systems that provide a deterministic group messaging system to Accused Messaging Systems users who exchange group messages over wireless networks (e.g., cellular, Wi-Fi, WiMAX, LTE, or wireless broadband).

160. AT&T has directly infringed and continues to infringe the '959 Patent by making, using, offering for sale, monetizing, selling, providing, deploying, operating, testing, and/or importing the Accused Systems to provide acknowledged group messaging to users and perform acknowledged group messaging.

161. AT&T knowingly induces others, namely AT&T customers of the Accused Messaging Systems, to infringe the asserted claims by encouraging, aiding, and abetting the use, deployment, configuration, installation, and operation of the Accused Messaging Systems.

162. Hardware and software in the Accused Messaging Systems for performing deterministic group communication is dedicated to that function and has no other use of any significance.

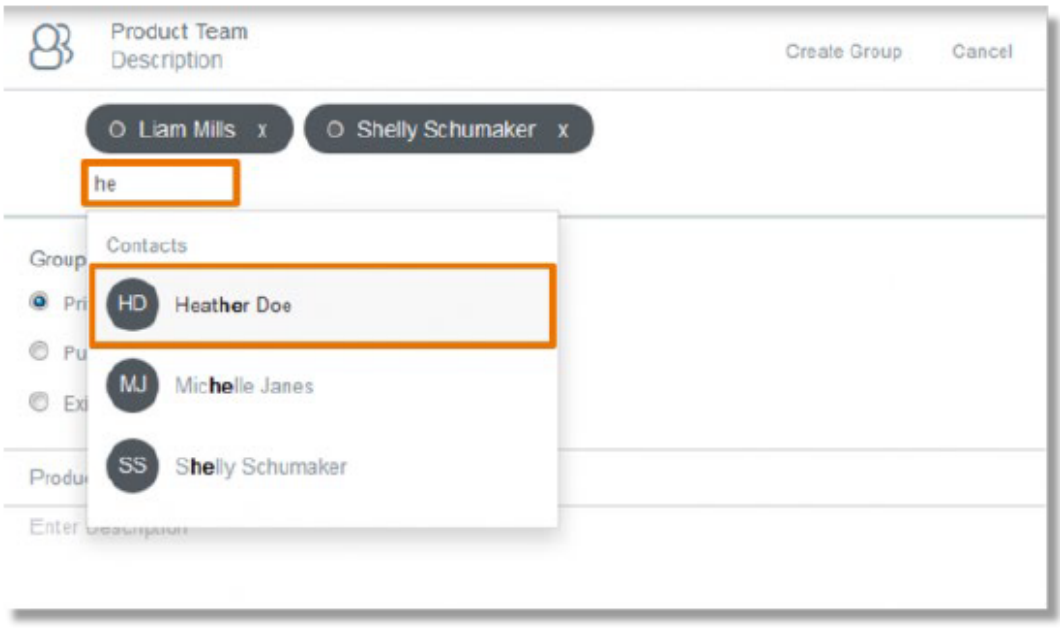
163. Accused Messaging Systems enable users to start group conversations and exchange messages among members of a group via mobile devices operating on wireless networks.

164. AT&T stores on its servers data relating to recipients, groups created by users, and group membership information.

165. In the Accused Messaging Systems, IDs are part of a user's profile. Defendants store this information and use it to help Accused Messaging Systems users find other users and to organize a user's information internally on the Accused Messaging Systems servers.

166. Accused Messaging Systems users find other Accused Messaging Systems users in a similar manner and Defendants similarly organize a user's information internally on Accused Messaging Systems servers in order to facilitate group communications, cloud-based backup/storage of messages and content, and read receipt functionality.

167. AT&T stores group addresses that are shared among multiple devices.




168. Accused Messaging System components operate on desktop computers, smartphones, laptops, tablets, and mobile devices that communicate using paging, cellular, LTE, and/or Wi-Fi networks.

169. Accused Messaging Systems users send a message to a group of recipients via a web interface. These messages are then wirelessly transmitted to the recipients' devices.

170. Accused Messaging Systems servers transmit group information to the network client.

171. Accused Messaging Systems client devices receive group message broadcasts via a wireless network.

172. In LTE, for example, the Accused Messaging Systems may use

broadcast or multicast mode as described below in an excerpt from the LTE technical specification.

# 4 MBMS Architecture

## 4.1 Overview

MBMS is a point-to-multipoint service in which data is transmitted from a single source entity to multiple recipients. Transmitting the same data to multiple recipients allows network resources to be shared.

The MBMS bearer service offers two modes:

- Broadcast Mode;
- Multicast Mode.

Broadcast Mode is supported for EPS and GPRS, and Multicast Mode is supported for GPRS. MBMS for EPS supports E-UTRAN and UTRAN. MBMS for GPRS supports UTRAN and GERAN.

MBMS architecture enables the efficient usage of radio-network and core-network resources, with an emphasis on radio interface efficiency.

MBMS is realised by the addition of a number of new capabilities to existing functional entities of the 3GPP architecture and by addition of a number of new functional entities.

The existing PS Domain functional entities (GGSN, SGSN, MME, E-UTRAN, UTRAN, GERAN and UE) are enhanced to provide the MBMS Bearer Service. In the EPS a functional entity MBMS GW exists at the edge between the CN and the BM-SC. In the bearer plane, this service provides delivery of IP Multicast datagrams from the Gi and SGi-mb reference points to UEs with a specified Quality of Service. In the control plane, this service provides mechanisms for:

- managing the MBMS bearer service activation status of UEs (in the case of multicast mode);
- outsourcing authorisation decisions to the MBMS User Service (i.e. to the BM-SC) (in the case of multicast mode);
- providing control of session initiation/modification/termination by the MBMS User Service and managing bearer resources for the distribution of MBMS data (in the case or multicast and broadcast modes).

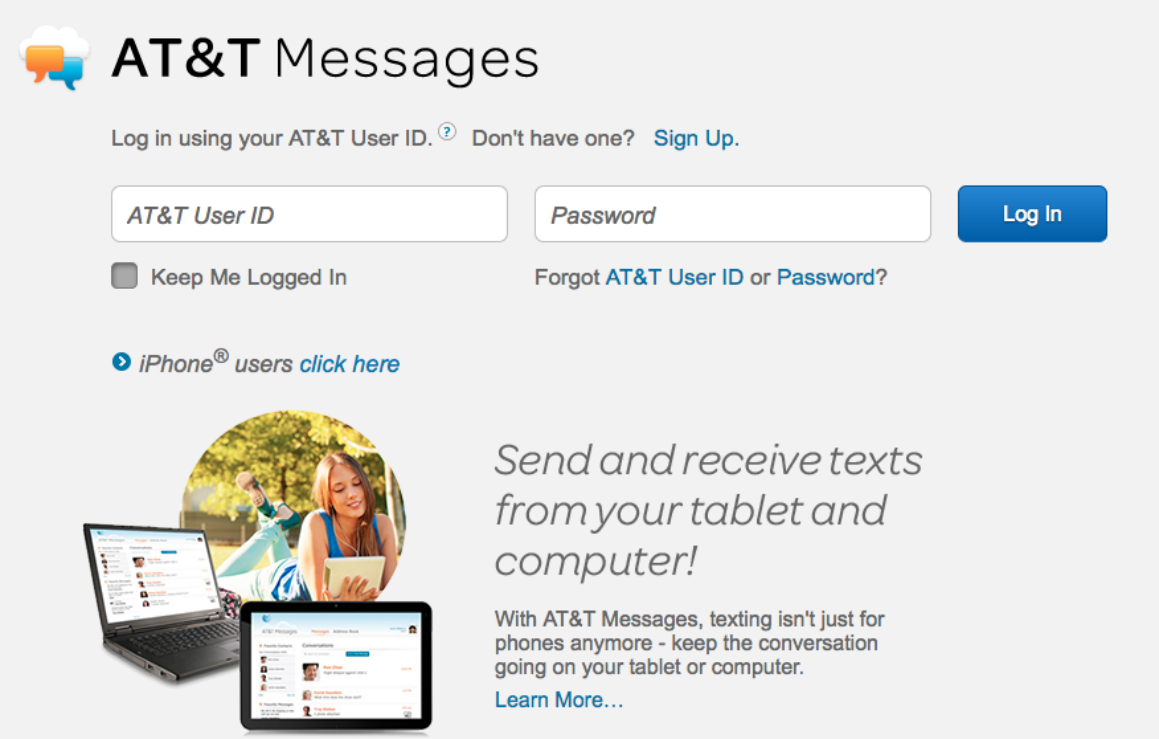
A particular instance of the MBMS Bearer Service is identified by an IP Multicast Address and an APN Network Identifier. A TMGI also can be used to identify one MBMS Bearer Service inside one PLMN.

173. AT&T provides to mobile devices running Accused Messaging Systems application software group information such as group membership and recipient identifying data stored on the Accused Messaging Systems server infrastructure.

174. AT&T transmits group messages wirelessly to Accused Messaging Systems mobile devices corresponding to each recipient in the selected group.

175. Mobile devices running Accused Messaging Systems application software or accessing the Accused Messaging Systems via a web browser receive a group message and respond with acknowledgement of receipt, an alphanumeric text reply, and/or indication the group message has been received but not read by the user.

176. Mobile devices running Accused Messaging Systems application software or accessing the Accused Messaging Systems via a web browser receive a group message and respond with acknowledgement of receipt, an alphanumeric text reply, and/or indication the group message has been received but not read by the user.




177. AT&T stores in memory acknowledgement data for each group member.

178. The Accused Messaging Systems "Seen" status displays the "seen" status when other users have seen the user's messages and will display the "seen" status to other users when their messages have been seen.

179. AT&T sends messages to Accused Messaging Systems network clients based on stored acknowledgement data.

180. The Accused Messaging Systems broadcasts group messages to users via the users' wireless networks (e.g., paging, cellular or Wi-Fi networks).

181. The Accused Messaging Systems receive acknowledgement responses

from group members via the wireless network used by a user's device.

182. The Accused Messaging Systems provide acknowledgement responses indicating to the network client who has seen the group message. For example, a message-initiating user will see when her message is delivered and when the recipient sees it.

183. Acknowledgement responses contain recipient identifiers and indications that the group message was successfully received.

184. AT&T provides status information in the responses to convey status of multiple recipients in the group.

185. Users may respond to group messages with messages, or read indicators sent from their mobile device.

186. A sender of a group message is provided with status notifications.

187. When group membership changes, Accused Messaging Systems update membership data on the Messaging System infrastructure (e.g., AT&T servers) and user devices (e.g., phone or computer).

188. Accused Messaging Systems provide acknowledged group messaging.

189. Accused Messaging Systems servers store recipient identifiers for each group member, a group identifier corresponding to recipient groups, and information about membership of recipients in the recipient groups.

190. Accused Messaging Systems store group information on user devices.

191. When a group message is initiated, the Accused Messaging Systems client applications cause wireless transmission of the group message to mobile devices corresponding to group recipients. In turn, mobile devices receiving the group message transmit a response.

192. In normal operation, an Accused Messaging Systems client application in the Accused Messaging Systems monitors group message information relayed by AT&T infrastructure (e.g., servers) for group message responses. The client application stores acknowledgement data and message status information for each group member.

193. Previous group messages and acknowledgement information are stored for each message.

194. Acknowledgement responses contain device identifiers, allowing a determination of which devices did not receive the message sent to the group.

195. Accused Messaging Systems messages provide users multiple choice options for responding to the message on a device.

196. Accused Messaging Systems users accept, decline, reply or call back in response to incoming call notifications.

197. AT&T instructs and encourages end users of the Accused Messaging

Systems to use the group message features.

198. AT&T is on notice of GroupChatter's '959 Patent and the conduct by AT&T, end users, and customers that infringes them.

199. AT&T is on notice that the Accused Messaging Systems and applications are especially made or especially adapted for use in infringing the '959 Patent and how these applications infringe the asserted claims of the '959 Patent.

200. AT&T has detailed knowledge about its specific conduct that GroupChatter contends infringes the '959 Patent.

201. As a result of AT&T's infringing conduct described in this Count, GroupChatter has been damaged. Defendants are liable to GroupChatter in an amount that adequately compensates it for Defendants' infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

## COUNT 3
## INFRINGEMENT OF U.S. PATENT NO. 8,199,740

202. GroupChatter incorporates the preceding paragraphs herein by reference.

203. GroupChatter is the owner, by assignment, of U.S. Patent No. 8,199,740 (the "'740 Patent"), titled "Method and Apparatus for Efficient and Deterministic Group Alerting."

204. As the owner of the ’740 Patent, GroupChatter holds all substantial rights in and under the ’740 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

205. The United States Patent Office granted the ’740 Patent on June 12, 2012.

206. The ’740 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

207. Defendants are practicing one or more claims of the ’740 Patent, including at least claims 1, 2, 3, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 20, and 21 by making, using, offering for sale, monetizing, selling, providing, demonstrating, deploying, operating, testing, and/or importing the AT&T Accused Messaging Systems and subsystems that provide deterministic group messaging systems including AT&T Business Messenger and AT&T Advanced Messaging through which users exchange group messages over wireless networks (e.g., cellular, paging, Wi-Fi, WiMAX, LTE, and wireless broadband).

208. AT&T has directly infringed and continues to infringe the ’740 Patent by making, using, offering for sale, monetizing, selling, providing, deploying, operating, testing, and/or importing the Accused Messaging Systems to provide acknowledged group messaging to users and perform acknowledged group

messaging.

209. AT&T knowingly induces others, namely AT&T customers of the Accused Messaging Systems, to infringe the asserted claims by encouraging, aiding, and abetting the use, deployment, configuration, installation, and operation of the Accused Messaging Systems.

210. Hardware and software in the Accused Messaging Systems for performing deterministic group communication is dedicated to that function and has no other substantial use of any significance.

211. Components of the Accused Messaging Systems operate on desktop computers, smartphones, laptops, tablets, and mobile devices that communicate using paging, cellular, LTE, and/or Wi-Fi networks.

212. The Accused Systems provide users the ability to start group conversations and exchange messages among members of a group via mobile devices operating on wireless networks.

213. In normal operation of the Accused Messaging Systems, AT&T stores on AT&T infrastructure (e.g., servers) and on mobile devices data relating to recipients, groups created by users, and group membership information.

214. In the Accused Messaging Systems, AT&T stores data comprising of recipient identifiers and group identifiers corresponding to groups of selected

recipients.

215. In the Accused Messaging Systems, IDs are part of a user's profile. Defendants provide this information to help users find other available AT&T Messaging System users. AT&T collects, organizes, and stores user information on AT&T servers.

216. AT&T provides group information (e.g., group membership and recipient identifying data stored on the AT&T servers) to mobile devices running the AT&T client application software.

217. In the Accused Messaging Systems, users can create a group of people to whom the user can transmit group messages, edit group membership, delete and add users to a group, and add or delete entire groups of users.

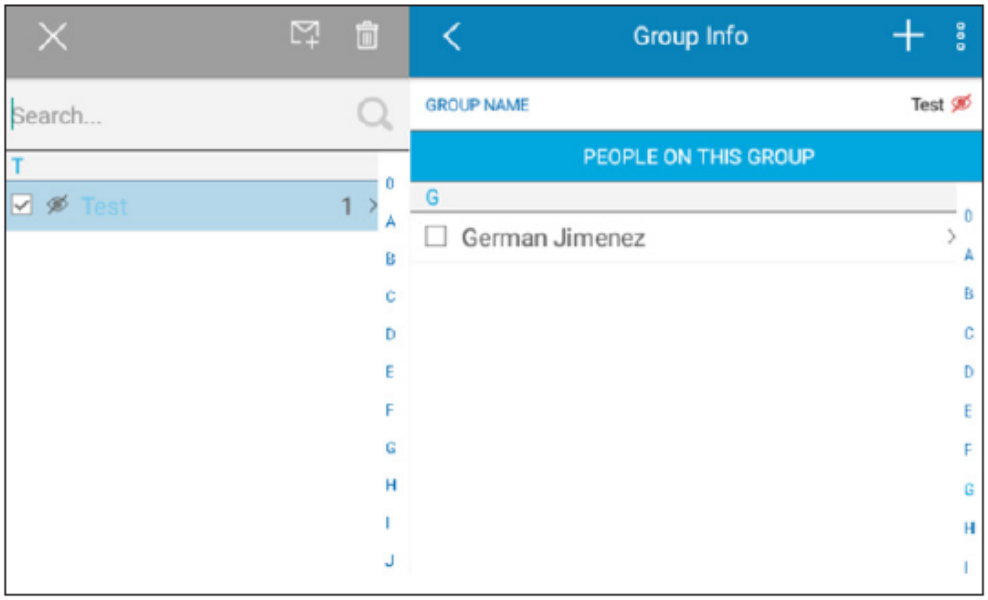



Figure 116 - Group Info Screen (Tablet)

218. Group information is stored on AT&T Messaging System servers.

219. In the context of the Asserted Claims, an Accused Messaging Systems application software may act as network client to transmit to the AT&T Messaging System infrastructure (e.g., AT&T messaging servers) a request for wireless transmission of a group message.

220. As part of, and in normal operation, the Accused Messaging Systems and AT&T mobile devices transmit and receive group messages via a wireless network.

221. A user can create a group having a group identifier and include members having recipient identifiers.

222. AT&T wirelessly transmits group messages to mobile devices corresponding to each recipient in the selected group.

223. AT&T mobile devices running AT&T Messaging System client application software receive a group message and respond with acknowledgement of receipt, an alphanumeric text reply, and/or indication the group message has been received but not read by the user.

224. AT&T stores acknowledgement data (e.g., confirmation of receipt, a read receipt, or indication a reply was sent) in memory.

225. AT&T servers monitor for responses from the group members.

226. AT&T sends messages to client application software based on stored acknowledgement data.

227. The table below accurately describes the Delivery Log Status in AT&T Business Messenger;

**Table 2. Delivery Log Status**

| Status | Description |
|---|---|
| Failed | Indicates that the message failed because the recipient is not a provisioned user of AT&T Business Messenger. This applies when the message is sent to only one recipient. |
| Not Delivered | Indicates that the message has been sent but the system is awaiting a delivery acknowledgment. |
| Non-secure | Indicates that the secure message was not delivered because the recipient was a non-secure user. Non-secure users are any recipients who have not been provisioned for secure messaging. |
| Delivered | Indicates that the message was sent and a delivery acknowledgment has been received. |
| Unprovisioned | Indicates that the message was not sent because the recipient is not an AT&T Business Messenger customer. |

228. The Accused Messaging Systems broadcast group messages to group members via a wireless network such as cellular, Wi-Fi, or LTE.

229. The instructions below describe how to send a broadcast message using AT&T Business Messaging:

### *Sending a Broadcast Message*

Any responses to broadcast messages will be sent only to the originator, not to all of the recipients. Broadcast messages are indicated in the Messages list by the icon below.

**Figure 39. Broadcast Message Icon**

1. Tap the **Compose** button. The New Message screen opens.
2. Enter the recipients of the message. Broadcast messages can be sent to up to 20,000 recipients.
3. Enter the subject.
4. Select the **Secure Conversation** option as needed to send a secure or non-secure message.

230. Accused Messaging Systems receive acknowledgement responses from group members via the wireless network.

231. For example, a message-initiating user will see when her message is delivered and when the recipient user sees it.

232. The table below accurately describes message status in AT&T Business Messenger:

**Table 3. Message Status**

| Status | Description |
|---|---|
| Sent | Indicates that the message was sent successfully. |
| Failed to send | Indicates that the message failed in sending. |
| Delivered | Indicates that the message was successfully delivered to the recipient(s). |
| Read | Indicates that the message has been read by the recipient(s). |

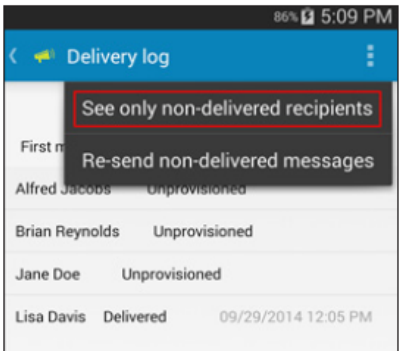
233. AT&T Business Messenger provides acknowledgement responses

indicating to the network client who has seen the group message and who among group members has not.

234. The instructions below accurately describe how to view Delivery Log information:

***Viewing All Non-Delivered Recipients***

1. On the Delivery Log screen, tap **Menu**. The location of the menu button varies by device.
2. Tap **See only non-delivered recipients**. The list is filtered to display a list of all recipients who did not receive the message.




235. Users may respond to group messages with messages or read indicators sent from a mobile device.

236. When membership changes in a group, membership data on the AT&T server systems is updated and synchronized with mobile devices.

237. The Accused Messaging Systems provide acknowledged group messaging.

238. In normal operation of the Accused Messaging Systems, client application software monitors group message information relayed by AT&T servers

for group message responses and stores acknowledgement data comprising an indication that the group message was received, a group message was read, or a reply was sent by the recipient.

239. The description below accurately describes functionality of AT&T Advanced Messaging:

## Advanced Messaging

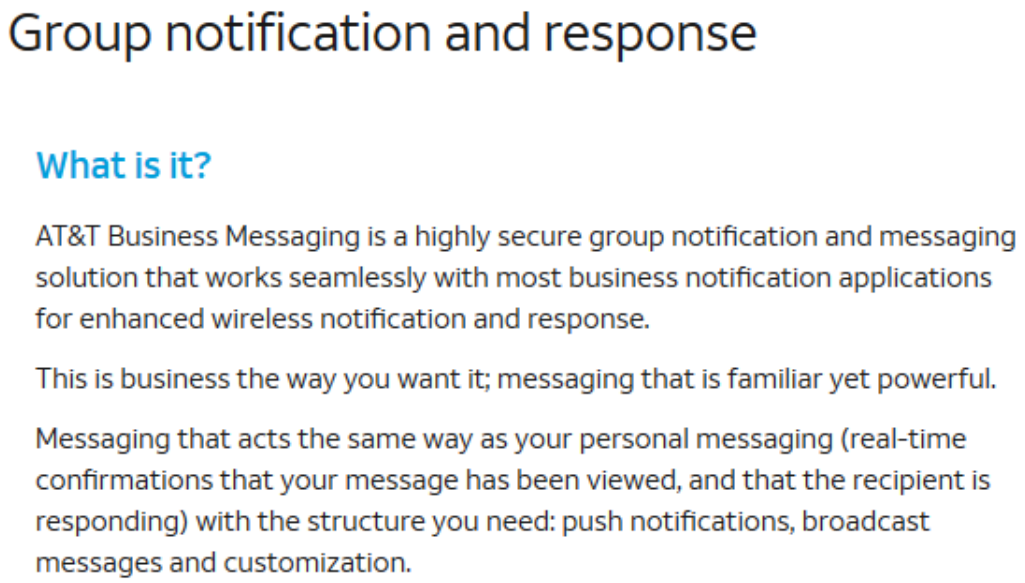
**Advanced Messaging**[1] offers an enhanced experience for text and multimedia. You can send files up to 10MB. If a file is too large, Advanced Messaging will attempt to compress it under 10MB or notify you that the file can't be sent.

**Features**
Advanced Messaging offers the following:

- **Up to 10MB file transfer:** Send high-quality pictures and longer videos.
- **Delivery & read receipt:** See when your messages have been delivered and read.
- **Typing notification:** Know when the person you're messaging with is typing a response.
- **Chatbots:** Interact directly with your favorite brands through the use of intelligent software-driven robots that communicate with you.
- **Digital content:** Enhance your messages with stickers, GIFs or animated pictures and emojis, and more through digital content providers and stores.

240. AT&T encourages its users and customers to use the group message functionality of the Accused Messaging Systems.

241. The description below accurately describes the AT&T Business Messenger Group Notification and Response functionality:




242. AT&T is on notice of GroupChatter's '740 Patent and the conduct by AT&T and its end users that GroupChatter alleges infringes the '740 Patent.

243. AT&T is on notice that the Accused Messaging Systems client application software and AT&T messaging infrastructure are especially made or especially adapted for use in infringing the '740 Patent and how these applications and products infringe the asserted claims of the '740 Patent.

244. GroupChatter has been damaged as a result of AT&T's infringing conduct.

245. AT&T is liable to GroupChatter in an amount that adequately compensates it for Defendants' infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

## COUNT 4
## INFRINGEMENT OF U.S. PATENT NO. 8,588,207

246. GroupChatter incorporates the preceding paragraphs herein by reference.

247. GroupChatter is the owner, by assignment, of U.S. Patent No. 8,588,207 (the "'207 Patent"), titled "Method and Apparatus for Efficient and Deterministic Group Alerting."

248. As the owner of the '207 Patent, GroupChatter holds all substantial rights in and under the '207 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

249. The United States Patent Office granted the '207 Patent on November 19, 2013.

250. The '207 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

251. AT&T practices one or more claims of the '207 Patent, including at least claims 1, 2, 3, 5, 6, 8, 9, 11, and 12, by making, using, monetizing, testing, offering for sale, selling, and/or importing the Accused Messaging Systems for operation as a deterministic group messaging system used by users to exchange group messages over wireless networks (e.g., cellular, Wi-Fi, WiMAX, LTE, wireless broadband).

252. AT&T has directly infringed and continue to infringe the ’207 Patent by deploying, testing, using, providing, monetizing, making, selling, offering for sale, demonstrating, and operating the Accused Systems to provide acknowledged group messaging to users and perform acknowledged group messaging.

253. AT&T knowingly induces others, namely AT&T customers of the Accused Messaging Systems, to infringe the asserted claims by encouraging, aiding, and abetting the use, deployment, configuration, installation, and operation of the Accused Messaging Systems.

254. Hardware and software in the Accused Messaging Systems for performing deterministic group communication is dedicated to that function and has no other use of any significance.

255. Components of the Accused Messaging Systems operate on desktop computers, smartphones, laptops, tablets, and mobile devices that communicate using paging, cellular, LTE, and/or Wi-Fi networks.

256. The Accused Messaging Systems provide users the ability to start group conversations and exchange messages among members of a group using mobile devices operating on AT&T’s wireless network.

257. AT&T Business Messenger provides a Group Tab for creating and configuring groups:

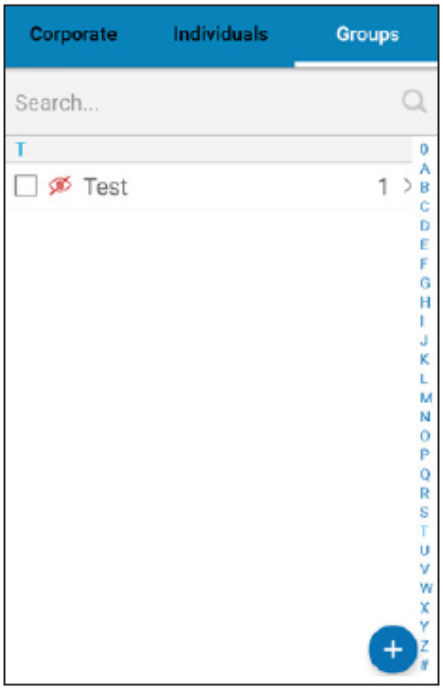



Figure 95. Groups Tab (Handset)

258. In the Accused Messaging Systems, IDs are part of a user's profile. Defendants provide this information to help users find other available AT&T Messaging System users. AT&T collects, organizes, and stores user information on AT&T servers.

259. In the Accused Messaging Systems, users can create a group of people to whom the user can transmit group messages, edit group membership, delete and add users to a group, and add or delete entire groups of users.

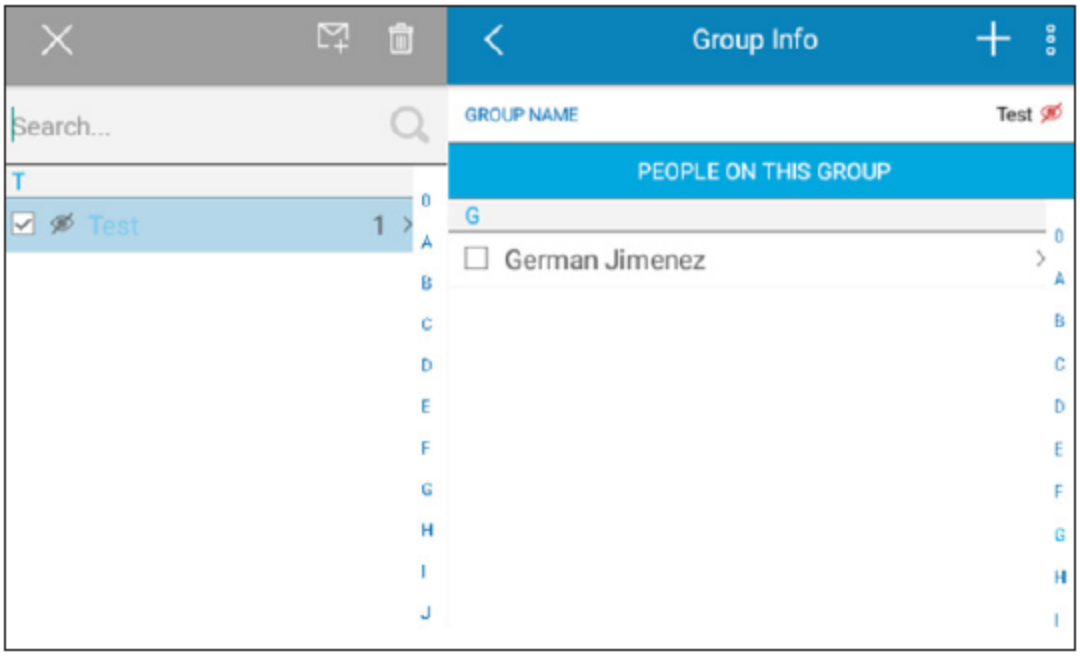



Figure 116 Group Info Screen (Tablet)

260. Group information is stored on AT&T Messaging System servers.

261. In the context of the Asserted Claims, an Accused Messaging Systems application software may act as network client to transmit to the AT&T Messaging System infrastructure (e.g., AT&T messaging servers) a request for wireless transmission of a group message.

262. In operation, the Accused Messaging Systems transmit group information related to the group address, group membership, and/or recipient identifying information via the AT&T messaging infrastructure to a network client (e.g., Accused Messaging System application).

263. The Accused Systems broadcast group messages to members via

wireless networks such as cellular, LTE, or Wi-Fi networks on which network client devices are operating.

264. AT&T provides the following description of the Business Messenger broadcast functionality:

> Messaging that acts the same way as your personal messaging (real-time confirmations that your message has been viewed, and that the recipient is responding) with the structure you need: push notifications, broadcast messages and customization.

265. The Accused Messaging Systems receive acknowledgements from group members via the user's wireless network (e.g., Wi-Fi, LTE, broadband network, or cellular network). For example, a message-initiating user will see when her message is delivered and when the recipient user sees it.

266. In normal operation of the Accused Messaging Systems, AT&T stores on AT&T infrastructure (e.g., servers) and on mobile devices data relating to recipients, groups created by users, and group membership information.

267. In the Accused Messaging Systems, AT&T stores data comprising of recipient identifiers and group identifiers corresponding to groups of selected recipients.

268. AT&T provides group information (e.g., group membership and recipient identifying data stored on the AT&T servers) to mobile devices running

the Accused Messaging Systems client application software.

269. As part of, and in normal operation, the Accused Messaging Systems and AT&T mobile devices transmit and receive group messages via a wireless network.

270. A user can create a group having a group identifier and include members having recipient identifiers.

271. AT&T wirelessly transmits group messages to mobile devices corresponding to each recipient in the selected group.

272. AT&T mobile devices running AT&T Messaging System client application software receive a group message and respond with acknowledgement of receipt, an alphanumeric text reply, and/or indication of no response when that group member has not yet responded to the group message, and an indication of response when a response sent by the mobile device has been received.

273. AT&T stores acknowledgement data (e.g., confirmation of receipt, a read receipt, or indication a reply was sent) in memory.

274. AT&T servers monitor for responses from the group members.

275. AT&T sends messages to client application software based on stored acknowledgement data.

276. The table below accurately describes the Delivery Log Status in AT&T

Business Messenger:

**Table 2. Delivery Log Status**

| Status | Description |
|---|---|
| Failed | Indicates that the message failed because the recipient is not a provisioned user of AT&T Business Messenger. This applies when the message is sent to only one recipient. |
| Not Delivered | Indicates that the message has been sent but the system is awaiting a delivery acknowledgment. |
| Non-secure | Indicates that the secure message was not delivered because the recipient was a non-secure user. Non-secure users are any recipients who have not been provisioned for secure messaging. |
| Delivered | Indicates that the message was sent and a delivery acknowledgment has been received. |
| Unprovisioned | Indicates that the message was not sent because the recipient is not an AT&T Business Messenger customer. |

277. The Accused Messaging Systems broadcast group messages to group members via a wireless network such as cellular, Wi-Fi, or LTE.

278. The instructions below describe how to send a broadcast message using AT&T Business Messaging:

### *Sending a Broadcast Message*

Any responses to broadcast messages will be sent only to the originator, not to all of the recipients. Broadcast messages are indicated in the Messages list by the icon below.

**Figure 39. Broadcast Message Icon**

1. Tap the **Compose** button. The New Message screen opens.
2. Enter the recipients of the message. Broadcast messages can be sent to up to 20,000 recipients.
3. Enter the subject.
4. Select the **Secure Conversation** option as needed to send a secure or non-secure message.

279. Accused Messaging Systems receive acknowledgement responses from group members via the wireless network.

280. For example, a message-initiating user will see when her message is delivered and when the recipient user sees it.

281. The table below accurately describes message status in AT&T Business Messenger:

**Table 3. Message Status**

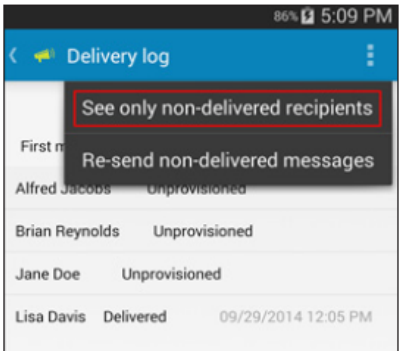
| Status | Description |
|---|---|
| Sent | Indicates that the message was sent successfully. |
| Failed to send | Indicates that the message failed in sending. |
| Delivered | Indicates that the message was successfully delivered to the recipient(s). |
| Read | Indicates that the message has been read by the recipient(s). |

282. AT&T Business Messenger provides acknowledgement responses indicating to the network client who has seen the group message and who among group members has not.

283. The instructions below accurately describe how to view Delivery Log information:

### *Viewing All Non-Delivered Recipients*

1. On the Delivery Log screen, tap **Menu**. The location of the menu button varies by device.
2. Tap **See only non-delivered recipients**. The list is filtered to display a list of all recipients who did not receive the message.




284. Users may respond to group messages with messages or read indicators sent from a mobile device.

285. When membership changes in a group, membership data on the AT&T server systems is updated and synchronized with mobile devices.

286. The Accused Messaging Systems provide acknowledged group messaging.

287. In normal operation of the Accused Messaging Systems, client application software monitors group message information relayed by AT&T servers for group message responses and stores acknowledgement data comprising an indication of no response or an indication of a response by the recipient.

288. The description below accurately describes functionality of AT&T Advanced Messaging:

## Advanced Messaging

**Advanced Messaging**[1] offers an enhanced experience for text and multimedia. You can send files up to 10MB. If a file is too large, Advanced Messaging will attempt to compress it under 10MB or notify you that the file can't be sent.

**Features**
Advanced Messaging offers the following:

- **Up to 10MB file transfer:** Send high-quality pictures and longer videos.
- **Delivery & read receipt:** See when your messages have been delivered and read.
- **Typing notification:** Know when the person you're messaging with is typing a response.
- **Chatbots:** Interact directly with your favorite brands through the use of intelligent software-driven robots that communicate with you.
- **Digital content:** Enhance your messages with stickers, GIFs or animated pictures and emojis, and more through digital content providers and stores.

289. AT&T encourages its users and customers to use the group message functionality of the Accused Messaging Systems.

290. The description below accurately describes the AT&T Business Messenger Group Notification and Response functionality:

## Group notification and response

### What is it?

AT&T Business Messaging is a highly secure group notification and messaging solution that works seamlessly with most business notification applications for enhanced wireless notification and response.

This is business the way you want it; messaging that is familiar yet powerful.

Messaging that acts the same way as your personal messaging (real-time confirmations that your message has been viewed, and that the recipient is responding) with the structure you need: push notifications, broadcast messages and customization.

291. AT&T is on notice of GroupChatter's '207 Patent and the conduct by AT&T and its end users that GroupChatter alleges infringes the '207 Patent.

292. AT&T is on notice that the Accused Messaging Systems client application software and AT&T messaging infrastructure are especially made or especially adapted for use in infringing the '207 Patent and how these applications and products infringe the asserted claims of the '207 Patent.

293. GroupChatter has been damaged as a result of AT&T's infringing conduct.

294. AT&T is liable to GroupChatter in an amount that adequately compensates it for Defendants' infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**COUNT 5**
**INFRINGEMENT OF U.S. PATENT NO. 9,294,888**

295. GroupChatter incorporates the preceding paragraphs herein by reference.

296. GroupChatter is the owner, by assignment, of U.S. Patent No. 9,294,888 (the "'888 Patent"), titled "Method and Apparatus for Efficient and Deterministic Group Alerting."

297. As the owner of the '888 Patent, GroupChatter holds all substantial

rights in and under the ’888 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

298. The United States Patent Office granted the ’888 Patent on March 22, 2016.

299. The ’888 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

300. Defendants are practicing one or more claims of the ’888 Patent, including at least claims 1, 2, 3, 4, 5, 7, 8, 10, 11, 12, 13, 14, 16 and 17, by making, using, offering for sale, monetizing, selling, providing, demonstrating, deploying, operating, testing, and/or importing the AT&T Accused Messaging Systems and subsystems that provide a deterministic group messaging system through which AT&T Business Messenger users and AT&T Advanced Messaging users exchange group messages over wireless networks (e.g., cellular, paging, Wi-Fi, WiMAX, LTE, and wireless broadband).

301. AT&T has directly infringed and continues to infringe the ’888 Patent by making, using, offering for sale, monetizing, selling, providing, deploying, operating, testing, and/or importing the Accused Messaging Systems to provide acknowledged group messaging to users and perform acknowledged group messaging.

302. Components of the Accused Messaging Systems operate on desktop computers, smartphones, laptops, tablets, and mobile devices that communicate using paging, cellular, LTE, and/or Wi-Fi networks.

303. AT&T knowingly induces others, namely AT&T customers of the Accused Messaging Systems, to infringe the asserted claims by encouraging, aiding, and abetting the use, deployment, configuration, installation, and operation of the Accused Messaging Systems.

304. Hardware and software in the Accused Messaging Systems for performing deterministic group communication is dedicated to that function and has no other use of any significance.

305. The Accused Systems provide users the ability to start group conversations and exchange messages among members of a group via mobile devices operating on wireless networks.

306. In normal operation of the Accused Messaging Systems, AT&T stores on AT&T infrastructure (e.g., servers) and on mobile devices data relating to recipients, groups created by users, and group membership information.

307. In the Accused Messaging Systems, AT&T stores data comprising of recipient identifiers and group identifiers corresponding to groups of selected recipients.

308. In the Accused Messaging Systems, IDs are part of a user's profile. Defendants provide this information to help users find other available AT&T Messaging System users. AT&T collects, organizes, and stores user information on AT&T servers.

309. AT&T provides group information (e.g., group membership and recipient identifying data stored on the AT&T servers) to mobile devices running the AT&T client application software.

310. As part of, and in normal operation, the Accused Messaging Systems and AT&T mobile devices transmit and receive group messages via a wireless network.

311. A user can create a group having a group identifier and include members having recipient identifiers.

312. AT&T wirelessly transmits group messages to mobile devices corresponding to each recipient in the selected group.

313. AT&T mobile devices running AT&T Messaging System client application software receive a group message and respond with acknowledgement of receipt, an alphanumeric text reply, and/or indication the group message has been received but not read by the user.

314. AT&T stores acknowledgement data (e.g., confirmation of receipt, a

read receipt, or indication a reply was sent) in memory.

315. AT&T servers monitor for responses from the group members.

316. AT&T sends messages to client application software based on stored acknowledgement data.

317. The table below accurately describes the Delivery Log Status in AT&T Business Messenger:

**Table 2. Delivery Log Status**

| Status | Description |
|---|---|
| Failed | Indicates that the message failed because the recipient is not a provisioned user of AT&T Business Messenger. This applies when the message is sent to only one recipient. |
| Not Delivered | Indicates that the message has been sent but the system is awaiting a delivery acknowledgment. |
| Non-secure | Indicates that the secure message was not delivered because the recipient was a non-secure user. Non-secure users are any recipients who have not been provisioned for secure messaging. |
| Delivered | Indicates that the message was sent and a delivery acknowledgment has been received. |
| Unprovisioned | Indicates that the message was not sent because the recipient is not an AT&T Business Messenger customer. |

318. The Accused Messaging Systems broadcast group messages to group members via a wireless network such as cellular, Wi-Fi, or LTE.

319. The instructions below describe how to send a broadcast message using AT&T Business Messaging:

### *Sending a Broadcast Message*

Any responses to broadcast messages will be sent only to the originator, not to all of the recipients. Broadcast messages are indicated in the Messages list by the icon below.

**Figure 39. Broadcast Message Icon**

1. Tap the **Compose** button. The New Message screen opens.
2. Enter the recipients of the message. Broadcast messages can be sent to up to 20,000 recipients.
3. Enter the subject.
4. Select the **Secure Conversation** option as needed to send a secure or non-secure message.

320. Accused Messaging Systems receive acknowledgement responses from group members via the wireless network.

321. For example, a message-initiating user will see when her message is delivered and when the recipient user sees it.

322. The table below accurately describes message status in AT&T Business Messenger:

**Table 3. Message Status**

| Status | Description |
|---|---|
| Sent | Indicates that the message was sent successfully. |
| Failed to send | Indicates that the message failed in sending. |
| Delivered | Indicates that the message was successfully delivered to the recipient(s). |
| Read | Indicates that the message has been read by the recipient(s). |

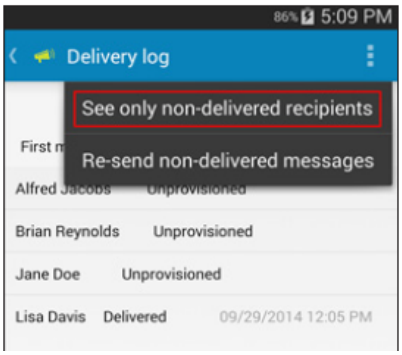
323. AT&T Business Messenger provides acknowledgement responses

indicating to the network client who has seen the group message and who among group members has not.

324. The instructions below accurately describe how to view Delivery Log information:

***Viewing All Non-Delivered Recipients***

1. On the Delivery Log screen, tap **Menu**. The location of the menu button varies by device.
2. Tap **See only non-delivered recipients**. The list is filtered to display a list of all recipients who did not receive the message.




325. Users may respond to group messages with messages or read indicators sent from a mobile device.

326. When membership changes in a group, membership data on the AT&T server systems is updated and synchronized with mobile devices.

327. The Accused Messaging Systems provide acknowledged group messaging.

328. In normal operation of the Accused Messaging Systems, client application software monitors group message information relayed by AT&T servers

for group message responses and stores acknowledgement data comprising an indication that the group message was received, a group message was read or a reply was sent by the recipient.

329. The description below accurately describes functionality of AT&T Advanced Messaging:

## Advanced Messaging

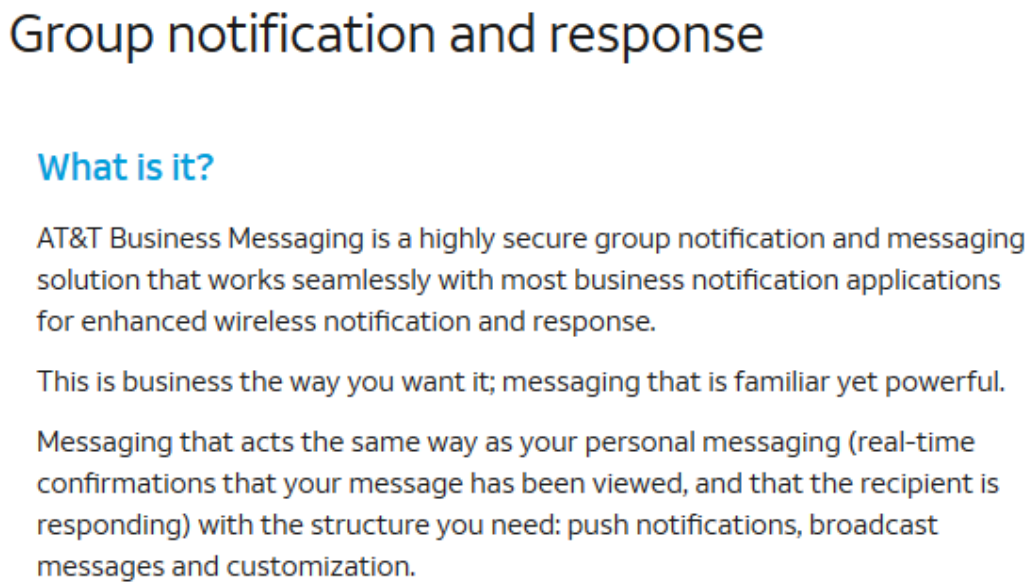
**Advanced Messaging**[1] offers an enhanced experience for text and multimedia. You can send files up to 10MB. If a file is too large, Advanced Messaging will attempt to compress it under 10MB or notify you that the file can't be sent.

**Features**
Advanced Messaging offers the following:

- **Up to 10MB file transfer:** Send high-quality pictures and longer videos.
- **Delivery & read receipt:** See when your messages have been delivered and read.
- **Typing notification:** Know when the person you're messaging with is typing a response.
- **Chatbots:** Interact directly with your favorite brands through the use of intelligent software-driven robots that communicate with you.
- **Digital content:** Enhance your messages with stickers, GIFs or animated pictures and emojis, and more through digital content providers and stores.

330. AT&T encourages its users and customers to use the group message functionality of the Accused Messaging Systems.

331. The description below accurately describes the AT&T Business Messenger Group Notification and Response functionality:




332. AT&T is on notice of GroupChatter's '888 Patent and the conduct by AT&T and its end users that GroupChatter alleges infringes the '888 Patent.

333. AT&T is on notice that the Accused Messaging Systems client application software and AT&T messaging infrastructure are especially made or especially adapted for use in infringing the '888 Patent and how these applications and products infringe the asserted claims of the '888 Patent.

334. GroupChatter has been damaged as a result of AT&T's infringing conduct.

335. AT&T is liable to GroupChatter in an amount that adequately compensates it for Defendants' infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35

U.S.C. § 284.

**COUNT 6**
**INFRINGEMENT OF U.S. PATENT NO. 9,615,239**

336. GroupChatter incorporates the preceding paragraphs herein by reference.

337. GroupChatter is the owner, by assignment, of U.S. Patent No. 9,615,239 (the "'239 Patent"), titled "Method and Apparatus for Efficient and Deterministic Group Alerting."

338. As the owner of the '239 Patent, GroupChatter holds all substantial rights in and under the '239 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

339. The United States Patent Office granted the '239 Patent on April 4, 2017.

340. The '239 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

341. Defendants are practicing one or more claims of the '239 Patent, including at least claims 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 14 and 15 by making, using, offering for sale, monetizing, selling, providing, deploying, operating, testing, and/or importing the Accused Messaging Systems including specifically AT&T's Global Messaging Suite that provide a deterministic group messaging system

through which users exchange group messages over wireless networks.

342. AT&T has directly infringed and continues to infringe the ’239 Patent by making, using, offering for sale, monetizing, selling, providing, deploying, operating, testing, and/or importing the Accused Messaging Systems to provide acknowledged group messaging to users and perform acknowledged group messaging.

343. The Accused Messaging Systems provide acknowledged group messaging.

344. The Accused Messaging Systems operate on desktop computers, smartphones, laptops, tablets, and mobile devices that communicate using paging, cellular and/or Wi-Fi networks.

345. AT&T knowingly induces others, namely AT&T customers of the Accused Messaging Systems, to infringe the asserted claims by encouraging, aiding, and abetting the use, deployment, configuration, installation, and operation of the Accused Messaging Systems.

346. Hardware and software in the Accused Messaging Systems for performing deterministic group communication is dedicated to that function and has no other use of any significance.

347. The Accused Messaging Systems provide users the ability to start group

conversations and exchange messages among members of a group via mobile devices operating on wireless networks.

348. The Accused Messaging Systems include a memory device for storing a device-specific identifying address (e.g., IMEI, telephone number, device ID).

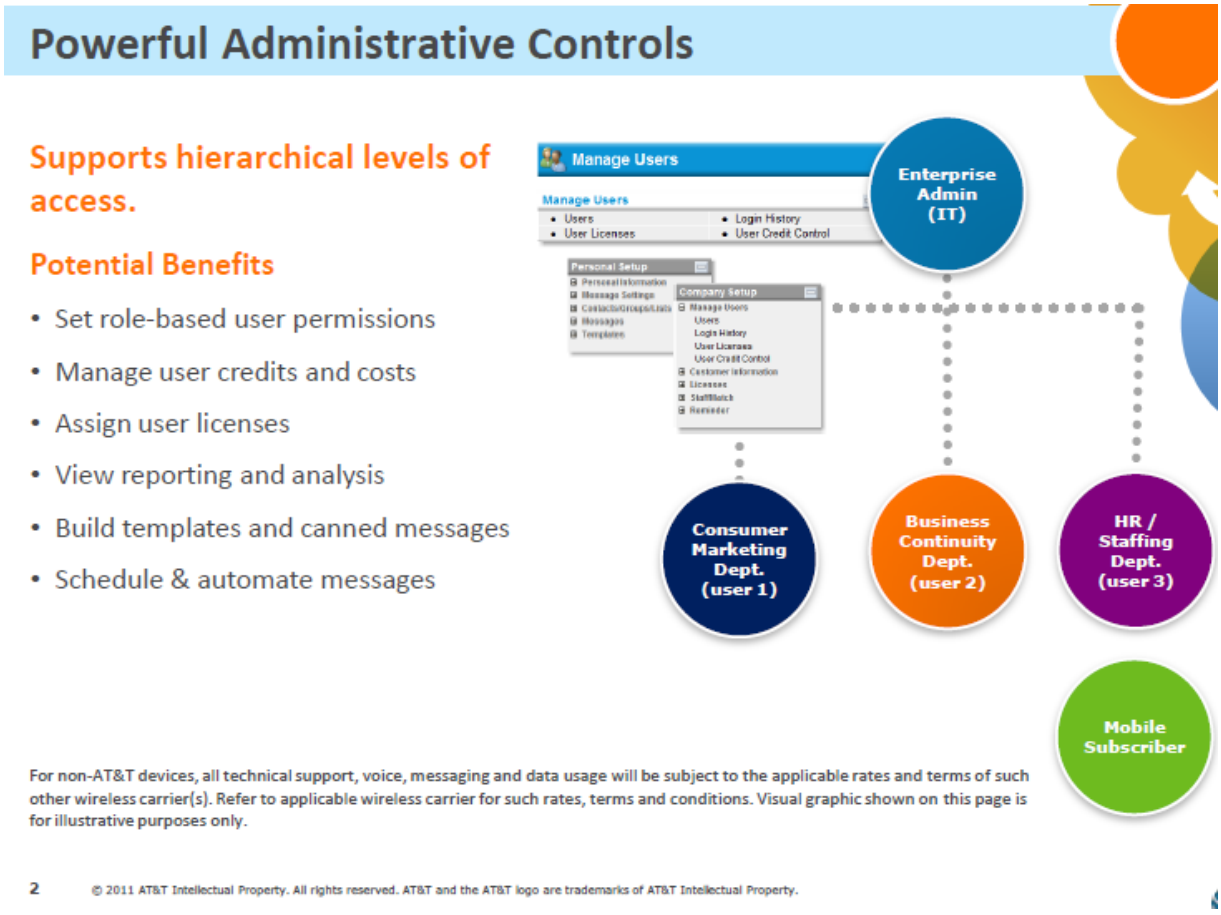
349. The Accused Messaging Systems include a memory device for storing a group-specific address and group membership data comprising device-specific identifying address information.

350. The Accused Messaging Systems include memory in mobile devices storing device-specific identifying address information and group-specific address information for groups to which the corresponding user is a member.

351. The Accused Messaging Systems wirelessly broadcast group messages in normal operation.

352. Broadcast group messages specify action to be taken by a recipient. Such action may be according to available canned responses.

353. The slide below accurately describes administrative controls available in normal operation of the Accused Messaging Systems providing canned messages and responses:




354. The Accused Messaging Systems store a primary identifying addresses for each recipient and group addresses shared by one or more recipient device.

355. The Accused Messaging Systems store data comprising recipient identifiers associated with group addresses.

356. In normal operation of the Accused Messaging Systems, a user is able to send a message via wireless network to a group of recipients

357. In normal operation of the Accused Messaging Systems recipient devices receive a broadcast group message and analyze the group address associated

with the message.

358. In normal operation, AT&T servers in the Accused Messaging Systems transmit group information to a network client.

359. In normal operation, acknowledgement responses are received from recipient devices in response to a group message. Responses contain recipient identifiers and indications of group message status.

360. The table below accurately describes message status in AT&T Business Messenger:

**Table 3. Message Status**

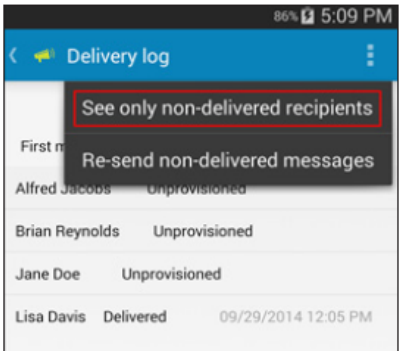
| Status | Description |
|---|---|
| Sent | Indicates that the message was sent successfully. |
| Failed to send | Indicates that the message failed in sending. |
| Delivered | Indicates that the message was successfully delivered to the recipient(s). |
| Read | Indicates that the message has been read by the recipient(s). |

361. AT&T Business Messenger provides acknowledgement responses indicating to the network client who has seen the group message and who among group members has not.

362. The instructions below accurately describe how to view Delivery Log information:

### *Viewing All Non-Delivered Recipients*

1. On the Delivery Log screen, tap **Menu**. The location of the menu button varies by device.
2. Tap **See only non-delivered recipients**. The list is filtered to display a list of all recipients who did not receive the message.




363. Users may respond to group messages with messages or read indicators sent from a mobile device.

364. Acknowledgment responses contain device identifiers allowing a determination of which devices did not receive the message sent to the group.

365. The Accused Messaging Systems provide acknowledged group messaging.

366. In normal operation of the Accused Messaging Systems, AT&T infrastructure and/or a network client monitors group message information for group message responses and stores acknowledgement data comprising an indication that the group message was received, a group message was read, or a reply was sent by the recipient.

367. Acknowledgement responses include device identifiers allowing a

determination of which devices did not receive the message sent to the group.

368. AT&T markets and encourages its users and customers to use the deterministic messaging features of the Accused Messaging Systems.

369. AT&T is on notice of GroupChatter's '239 Patent and the conduct by AT&T and its end users that GroupChatter alleges infringes the '239 Patent.

370. AT&T is on notice that the Accused Messaging System client application software and AT&T messaging infrastructure are especially made or especially adapted for use in infringing the '239 Patent and how these applications and products infringe the asserted claims of the '239 Patent.

371. GroupChatter has been damaged as a result of AT&T's infringing conduct.

372. AT&T is liable to GroupChatter in an amount that adequately compensates it for Defendants' infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

## COUNT 7
## INFRINGEMENT OF U.S. PATENT NO. 9,699,637

373. GroupChatter incorporates the preceding paragraphs herein by reference.

374. GroupChatter is the owner, by assignment, of U.S. Patent No.

9,699,637 (the "'637 Patent"), titled "Method and Apparatus for Efficient and Deterministic Group Alerting."

375. As the owner of the '637 Patent, GroupChatter holds all substantial rights in and under the '637 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

376. The United States Patent Office granted the '637 Patent on Independence Day 2017.

377. The '637 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

378. AT&T is practicing one or more claims of the '637 Patent, including at least claims 1, 2, 3, 4, 5, 7, 8, 9, 11, 12 and 13, by performing the claimed methods in testing, using, deploying, demonstrating, operating, offering for sale, and/or monetizing the Accused Messaging Systems that provide a deterministic group messaging system through which users exchange group messages over wireless networks.

379. AT&T has directly infringed and continues to infringe the '637 Patent by testing, using, deploying, demonstrating, operating, offering for sale, and/or monetizing the Accused Messaging Systems to provide acknowledged group messaging to users and perform acknowledged group messaging.

380. Accused Messaging System client application software operates on desktop computers, smartphones, laptops, tablets, and mobile devices that communicate using paging, cellular and/or Wi-Fi networks.

381. The Accused Messaging Systems provide users the ability to start group conversations and exchange messages among members of a group via mobile devices operating on wireless networks.

382. AT&T and end users and customers perform the methods claimed in the ’637 Patent during normal operation of the Accused Messaging Systems and provision of the group messaging services.

383. The Accused Messaging Systems store recipient identifiers for recipients.

384. The Accused Messaging Systems store group identifiers corresponding to groups of recipients.

385. In normal operation, the Accused Messaging Systems receive a communication from a network client running client application software requesting transmission of a group message.

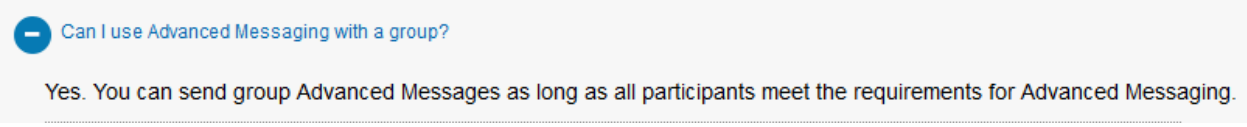
386. AT&T publishes the following information describing AT&T Business Messaging:

## How it works

Business Messaging is easy to set up and use:

- Enable the AT&T Business Messaging feature for recipients' eligible devices.
- Log into the AT&T Business Notification Center at https://bnc-businessmessaging.att.com/ or point your application to one of the AT&T Business Messaging addresses listed at https://bnc-businessmessaging.att.com/#faq.
- For users who want to use the Business Messenger app on Android or iPhone, download from your app store.
- When you're ready to use it, simply type your message, select recipients and send. It's that simple!

387. AT&T publishes the following about AT&T Advanced Messaging:




388. In normal use of the Accused Messaging Systems, AT&T stores corresponding recipient identifiers for each pager.

389. In normal use of the Accused Messaging Systems, AT&T stores group identifiers that are shared among groups of recipients.

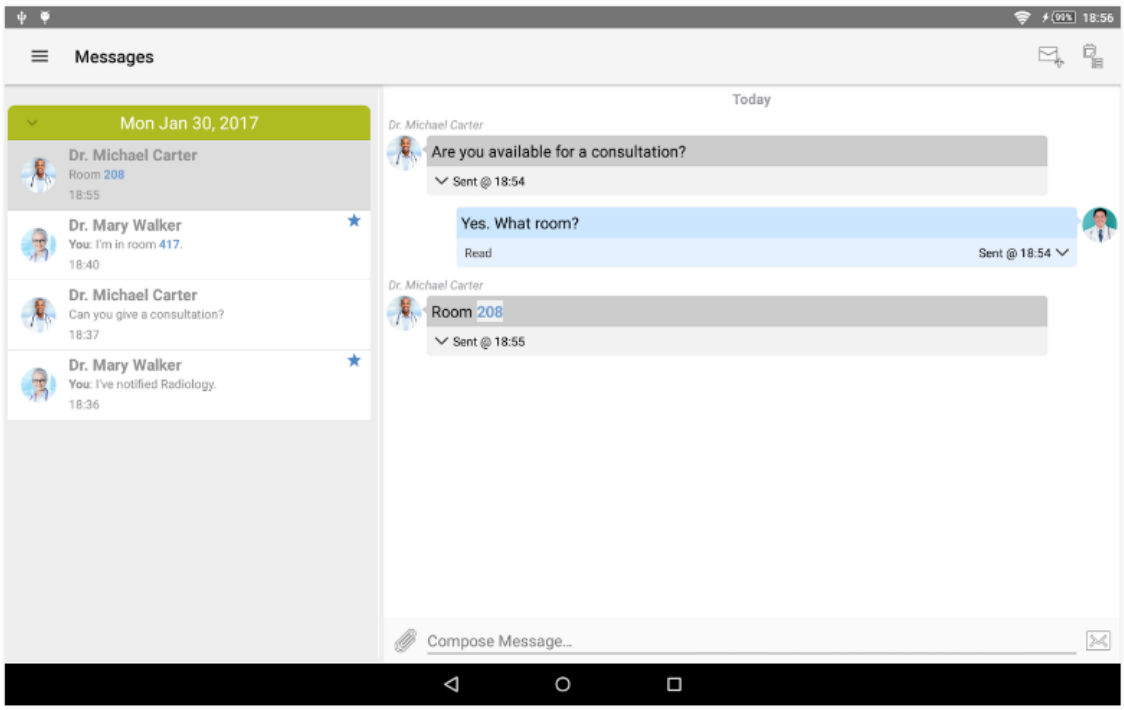
390. In normal use of the Accused Messaging Systems, AT&T provides acknowledgment responses.

391. During normal operation of the Accused Messaging Systems, a user can send a message to a group of recipients via a web interface or mobile device user

interface. These messages are then wirelessly transmitted to the recipients' devices.

392. Accused Messaging Systems provide message alert status indicators indicating that the message was received or that the message has been sent but not received.

393. Below is a screenshot showing alert status indicators in AT&T Business Messenger:




394. AT&T Business Messenger displays a group name corresponding to the selected group identifier.

395. Accused Messaging Systems store on AT&T infrastructure (e.g., servers) data relating to recipients, groups created by users, and group membership

information.

396. In normal operation, the Accused Messaging Systems collect and organize user information internally on the AT&T servers.

397. AT&T Business Messenger provides group information (e.g., group membership and recipient identifying data stored on the AT&T servers) to mobile devices running Accused Messaging Systems client application software.

398. The Accused Messaging Systems wirelessly transmit group messages to mobile devices corresponding to each recipient in the selected group.

399. AT&T servers transmit group information to a network client (e.g., a web portal such as the BNC Portal or Advanced Messaging server).

400. Mobile devices running Accused Messaging Systems client software applications receive a group message and respond with acknowledgement of receipt, an alphanumeric text reply, and/or indication the group message has been received but not read by the user.

401. During normal operation, the Accused Messaging Systems store acknowledgement data (e.g., confirmation of receipt, a read receipt, or indication a reply was sent) in memory.

402. Accused Messaging Systems send messages to client applications based on stored acknowledgement data.

403. The Accused Messaging Systems broadcast group messages to members via wireless networks on which network client devices are operating.

404. The Accused Messaging Systems receive acknowledgement responses from group members via the wireless network being used by the respective user's device.

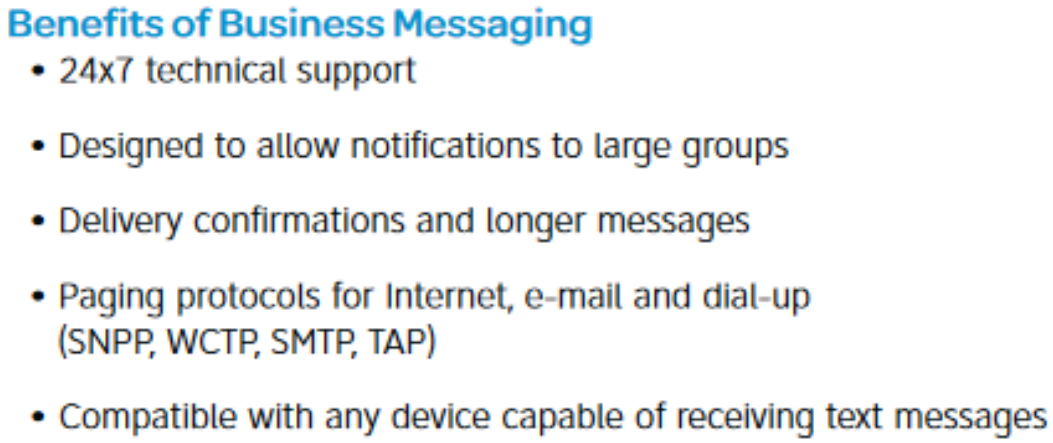
405. For example, a message-initiating user will receive and view an indication when her message is delivered and when the recipient user sees it.

406. In normal operation, Accused Messaging Systems provide acknowledgement responses indicating to the network client who has seen the group message and who among group members has not.

407. Users may respond to group messages with messages or read indicators sent from their mobile device.

408. The Accused Messaging Systems provide acknowledged group messaging.

409. AT&T Business Messaging, for example, provides delivery confirmations:



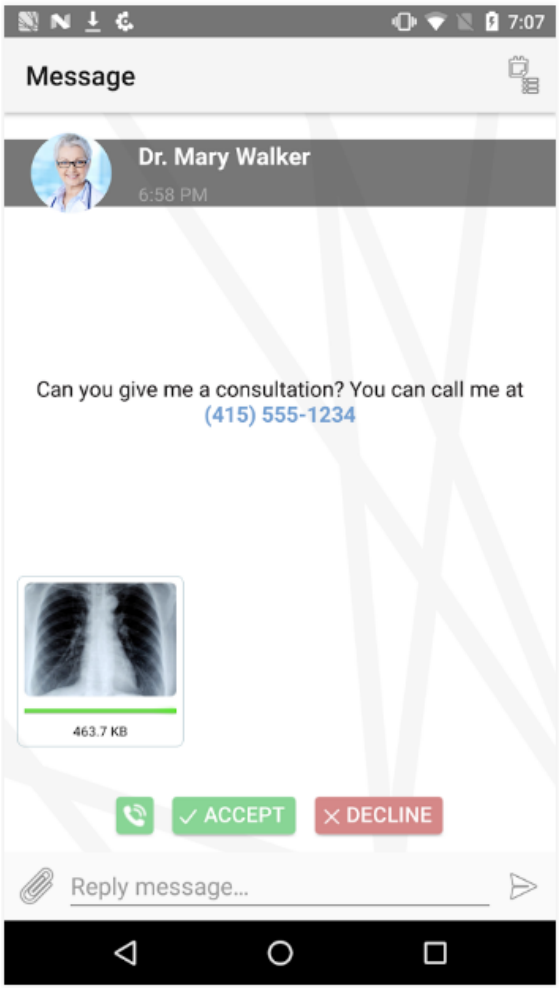

410. Accused Messaging Systems include servers that store recipient identifiers for each group member, a group identifier corresponding to recipient groups, and information about membership of recipients in the recipient groups.

411. When a group message is initiated, a user's client application within the Accused Messaging Systems causes wireless transmission of a group message to mobile devices corresponding to group recipients. Mobile devices receiving the group message transmit a response.

412. Previous group messages and acknowledge information are stored for each message.

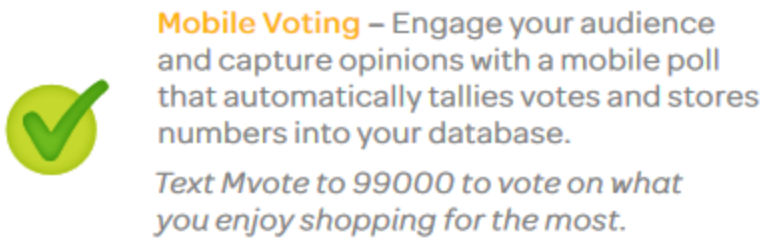
413. In operation, Accused Messaging Systems client applications monitor group message information relayed by AT&T servers for group message responses and store acknowledgement data comprising an indication that the group message was received, a group message was read, or a reply was sent by the recipient.

414. AT&T Business Messenger, for example, provides multiple choice options for responding to a message.




415. Accused Messaging Systems provide for a user to select and transmit "preconfigured responses" and "one touch access to standard replies." See https://www.youtube.com/watch?v=7CgxE5eJHkA.

416. Accused Messaging Systems provide for "voting."




417. AT&T encourages its users and customers to use the Group Chat features in the Accused Messaging Systems.

418. AT&T is on notice of GroupChatter's '637 Patent and the conduct by AT&T and its end users that GroupChatter alleges infringes the asserted claims of the '637 Patent.

419. AT&T is on notice that the Accused Messaging Systems are products and applications especially made or especially adapted for use in infringing the '637 Patent and how these products and applications infringe the asserted claims of the '637 Patent.

420. GroupChatter has been damaged as a result of AT&T's infringing conduct. AT&T is liable to GroupChatter in an amount that adequately compensates it for Defendants' infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**COUNT 8**
**INFRINGEMENT OF U.S. PATENT NO. 10,070,298**

421. GroupChatter incorporates the preceding paragraphs herein by

reference.

422. GroupChatter is the owner, by assignment, of U.S. Patent No. 10,070,298 (the "'298 Patent"), titled "Method and Apparatus for Efficient and Deterministic Group Alerting."

423. As the owner of the '298 Patent, GroupChatter holds all substantial rights in and under the '298 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

424. The United States Patent Office granted the '298 Patent on September 4, 2018.

425. The '298 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

426. AT&T is practicing claims 1-4 of the '298 Patent by performing the claimed methods in testing, using, deploying, demonstrating, operating, offering for sale, and/or monetizing the Accused Messaging Systems, namely AT&T Business Messaging System and AT&T Messaging Toolkit, and/or making, selling, offering to sell, using, and/or importing the Accused Messaging Systems that provide a deterministic group messaging system through which users exchange group messages over wireless networks.

427. AT&T has directly infringed and continues to infringe the '298 Patent

by testing, using, deploying, demonstrating, operating, offering for sale, and/or monetizing the Accused Messaging Systems, namely AT&T Business Messaging System and AT&T Messaging Toolkit, to provide acknowledged group messaging to users and perform acknowledged group messaging.

428. Claim 1 recites, generally, a messaging system comprising a switch communicably connected to a wireless network for communicating with wireless subscriber devices (e.g., smartphones) having an assigned primary address and one or more group addresses and capable of receiving broadcast alert messages directed any of the addresses and to a subscriber device database storing information describing the subscriber devices and their group memberships.

429. Claim 1 further recites the subscriber device database comprises an independent table of subscriber devices and an independent table of groups, each subscriber device row in the table of subscriber devices containing an identifying personal address specific to a respective subscriber device, and each group row in the table of groups containing an identifying group address, an encryption key, and a symbolic name.

430. Claim 1 further recites the subscriber device database comprises a dependent table of membership providing a many-to-many relationship between subscriber devices and group rows, each membership row of the table of

membership assigning one subscriber device to one group, and membership rows of the table of membership containing group address and personal address columns, identifying a group and subscriber device row, respectively, each membership row also containing a subscriber device group number column, a mnemonic value that uniquely identifies the respective group from other groups programmed into the same subscriber device, and a flag to define specific behavioral aspects of the subscriber device, wherein subscriber devices are configured not to respond to messages received by group addresses if their flag is set, and further to be capable of responding to messages received by group addresses if their flag is clear, thereby allowing users of the subscriber devices to monitor alerts to specific groups, without expectation by a source of the alerts for a response.

431. Claim 1 further recites the switch including a processor and memory storing instructions which when executed by the processor cause the processor to execute communication transactions over the wireless network with individual subscriber devices when changes occur to data stored in the database to as to synchronize respective configuration memories of the subscriber devices with corresponding data in the database to maintain an up-to-date image of information from the database in the configuration memory of each subscriber device including a list of group addresses, subscriber device group number values, symbolic names,

encryption keys, and flags.

432. Claim 2 recites, generally, a method of group messaging comprising the steps of receiving a communication from the network client, the communication including a request for transmission of the message to subscriber devices associated with the common group identifier.

433. Claim 2 further recites the step of transmitting a communication to the network client, the communication comprising group information identifying: (a) a count of those subscriber devices having the common group identifier, or (b) recipient identifiers of those subscriber devices having the common group identifier; transmitting the message to those subscriber devices having the common group identifier via the wireless network; receiving acknowledgment responses from respective ones of the subscriber devices having the common group identifier via the wireless network in response to each respective recipient subscriber device's receipt of the message, the acknowledgement responses each comprising recipient identifying information and an indication of successful receipt of the message; storing, for those recipient subscriber devices having the common group identifier, the respective recipient identifying information for each respective recipient subscriber device and a corresponding message alert status indicator indicating at least one of (a) receipt of the message by the respective recipient subscriber device,

or (b) that the message has been sent, but not received by the respective recipient subscriber device; and providing indications of respective ones of said acknowledgment responses to the network client.

434. AT&T Messaging Toolkit is a multi-channel messaging platform:

> AT&T Messaging Toolkit offers a multi-channel messaging platform that combines mobile text (SMS and MMS), email, chat, voice broadcast, and social media into one web-based platform.

435. The Messaging Toolkit platform includes a database for storing contacts including, upon information and belief, address information for each subscriber device.

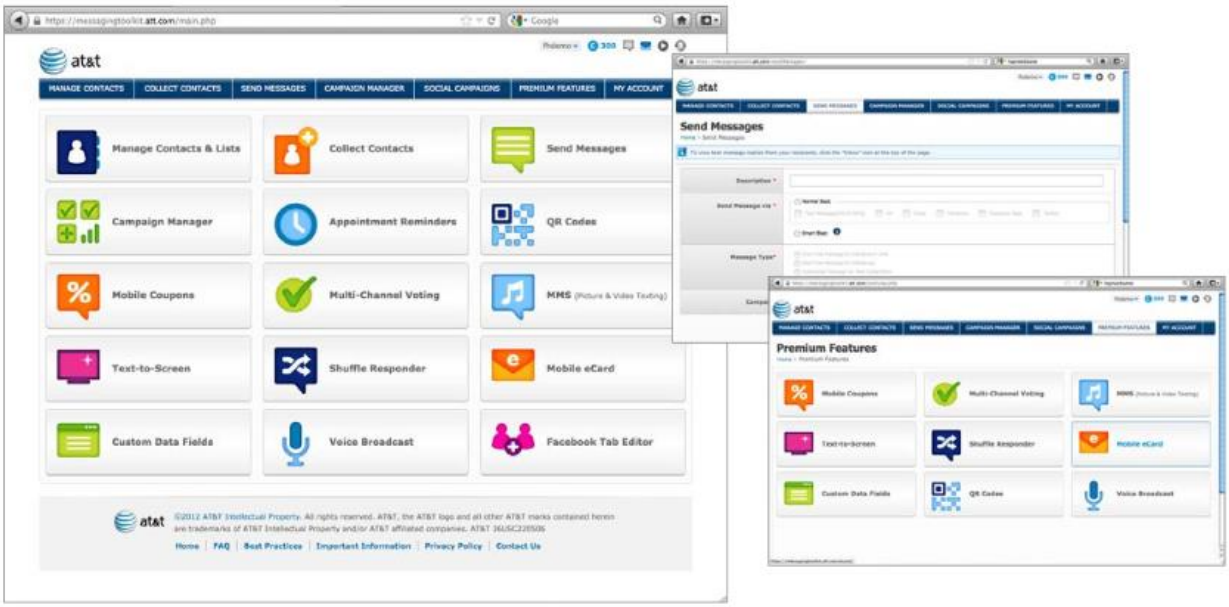
> ▷ **Grow and organize contact lists.**
> Keep your opt-in database growing with multiple tools to collect contacts and keep them organized for greater reach and easier message delivery. And export the database at any time for other uses.

436. The Accused Messaging Systems store message alert status information indicating receipt of a message, that a message has been sent but not received, and provide indications of acknowledgement responses to the network client.

▷ **Manage campaigns and analyze results.**

Create multi-channel campaigns and measure results with detailed reports on sent, delivered, and message responses.

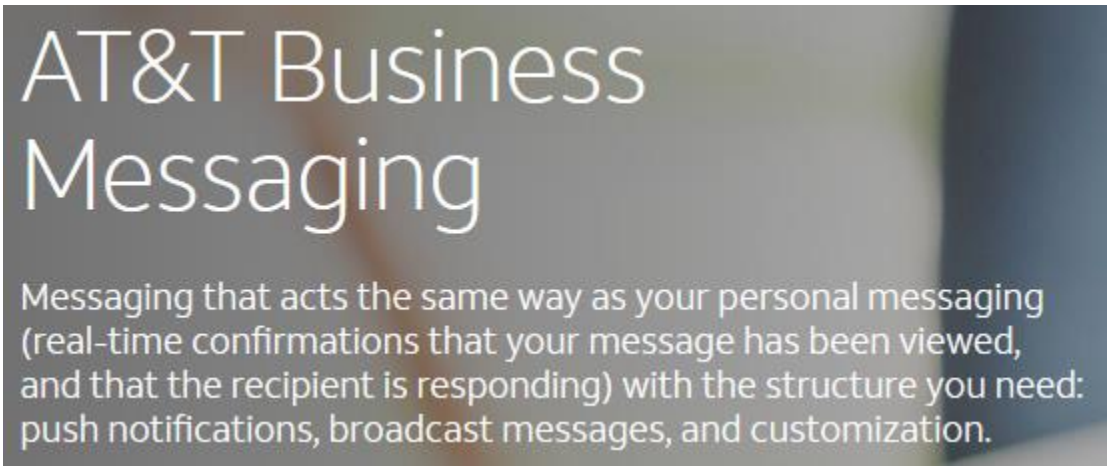
437. On information and belief, the AT&T Messaging Toolkit database includes independent tables of devices and groups including for each subscriber device row identifying personal address information and for each group row group address (e.g., distribution list information), encryption key, and symbolic name information.




438. On information and belief, the AT&T Messaging Toolkit database includes a dependent table of membership providing a many-to-many relationship between subscriber devices and group rows with each membership row assigning

one subscriber device to one group and membership rows containing group address (e.g., distribution list) and personal address columns identifying a group and subscriber device row with each membership row also containing group or distribution list name uniquely identifying the group and a flag defining subscriber device configuration for responding to group messages (e.g., set for receiving SMS notifications or push messages).

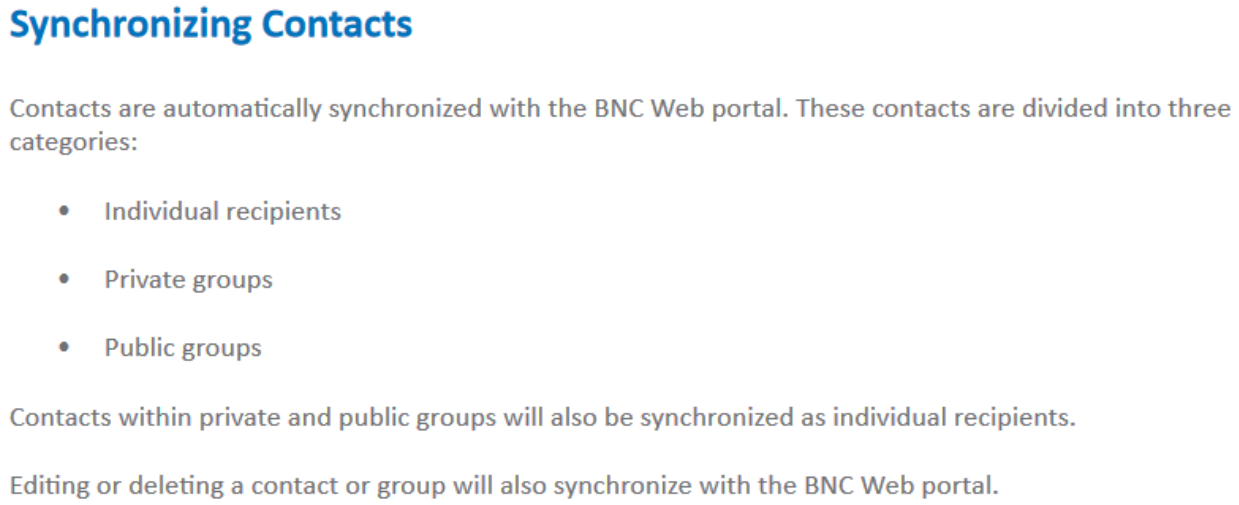
439. The Accused Messaging Systems feature real-time message acknowledgements, push notifications, and broadcast messages.




440. In the Accused Messaging Systems a switch comprising a processor and memory communicates with wireless subscriber devices to synchronize configuration information including a list of group addresses for the particular subscriber device, group number values, symbolic names, and flags indicating behavior of the respective subscriber device such as whether to monitor messages

for specific groups.

441. Configuration information in the Accused Messaging Systems include setting secure messages to expire after a specified time period, deletion after viewing, and notifications.



## Synchronizing Contacts

Contacts are automatically synchronized with the BNC Web portal. These contacts are divided into three categories:

- Individual recipients
- Private groups
- Public groups

Contacts within private and public groups will also be synchronized as individual recipients.

Editing or deleting a contact or group will also synchronize with the BNC Web portal.

442. The Accused Messaging System synchronizes contact information.

443. During normal operation of the Accused Messaging Systems, acknowledgement responses are provided to the network client (e.g., the BNC Portal or administrator's interface) when a message has been received and/or displayed by the subscriber device.

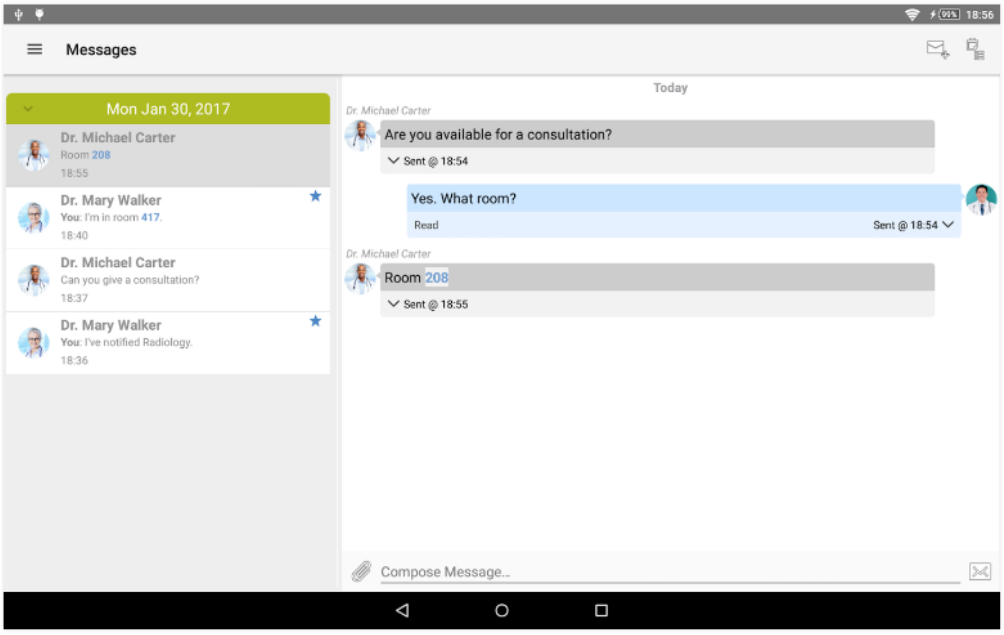
444. AT&T and end users and customers perform the methods claimed in the '298 Patent during normal operation of the Accused Messaging Systems and provision of the group messaging services.

445. In normal operation, the Accused Messaging Systems receive a communication from a network client running client application software requesting transmission of a group message.

446. During normal operation of the Accused Messaging Systems, a user can send a message to a group of recipients via a web interface or mobile device user interface. These messages are then wirelessly transmitted to the recipients' devices.

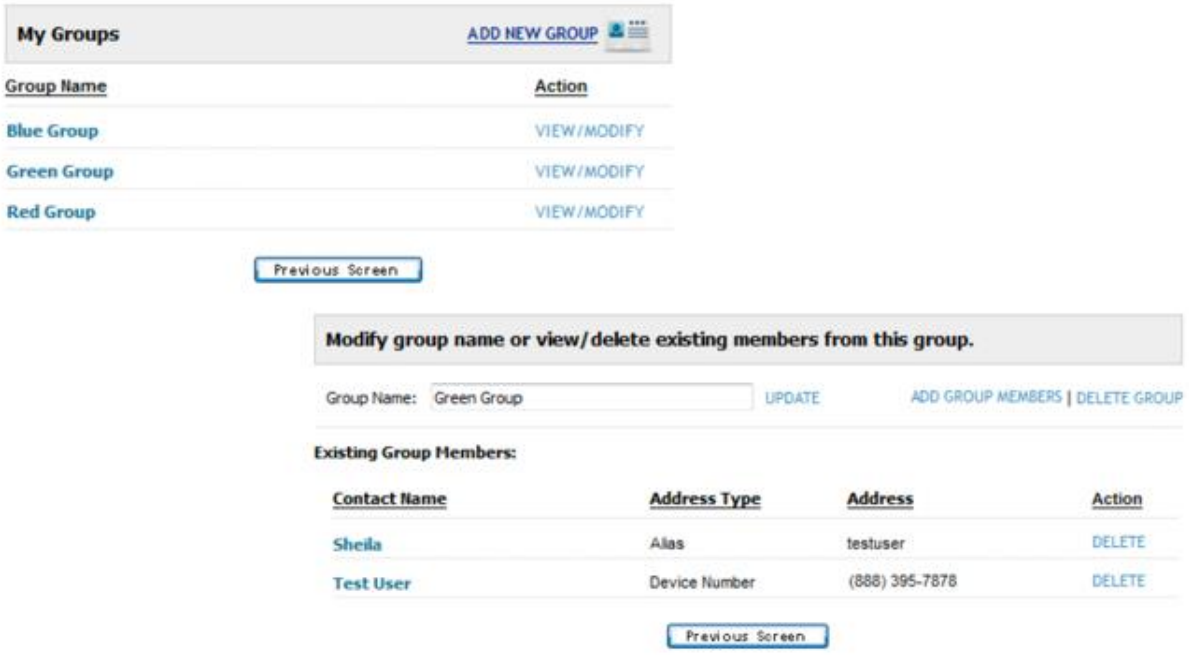
447. Accused Messaging Systems provide message alert status indicators indicating that the message was received or that the message has been received.

448. Below is a screenshot showing alert status indicators in AT&T Business Messenger:



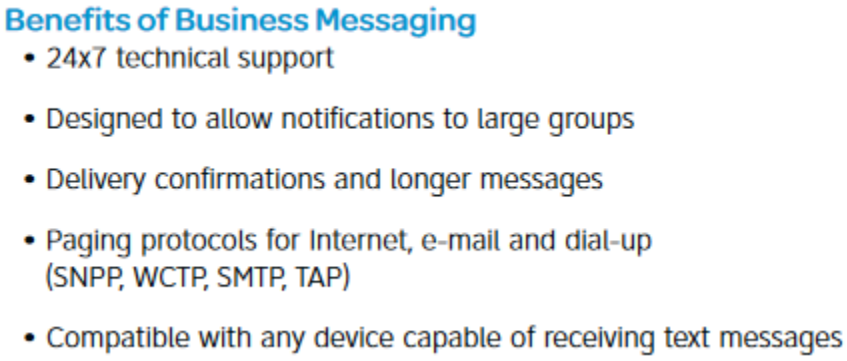

449. AT&T Business Messenger displays a group name corresponding to the

selected group identifier.




450. The Accused Messaging Systems wirelessly transmit group messages to mobile devices corresponding to each recipient in the selected group.

451. AT&T Business Messaging, for example, provides delivery confirmations:




452. Accused Messaging Systems include servers that store recipient

identifiers for each group member, a group identifier corresponding to recipient groups, and information about membership of recipients in the recipient groups.

453. AT&T is on notice of GroupChatter's '298 Patent and the conduct by AT&T and its end users that GroupChatter alleges infringes the asserted claims of the '298 Patent.

454. AT&T is on notice that the Accused Messaging Systems are products and applications especially made or especially adapted for use in infringing the '298 Patent and how these products and applications infringe the asserted claims of the '298 Patent.

455. GroupChatter has been damaged as a result of AT&T's infringing conduct. AT&T is liable to GroupChatter in an amount that adequately compensates it for Defendants' infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**NOTICE**

456. GroupChatter does not currently distribute, sell, offer for sale, or make its own products embodying the asserted GroupChatter Patents.

457. GroupChatter instructs its licensees to mark all licensed products sold, distributed, offered for sale, or made under license to the GroupChatter Patents and has undertaken reasonable efforts as required to comply with the notice requirements

of 35 U.S.C. § 287.

**NOTICE OF REQUIREMENT OF LITIGATION HOLD**

458. Defendants are hereby notified it is legally obligated to locate, preserve, and maintain all records, notes, drawings, documents, data, communications, materials, electronic recordings, audio/video/photographic recordings, and digital files, including edited and unedited or "raw" source material, and other information and tangible things that Defendants know, or reasonably should know, may be relevant to actual or potential claims, counterclaims, defenses, and/or damages by any party or potential party in this lawsuit, whether created or residing in hard copy form or in the form of electronically stored information (hereafter collectively referred to as "Potential Evidence").

459. As used above, the phrase "electronically stored information" includes without limitation: computer files (and file fragments), e-mail (both sent and received, whether internally or externally), information concerning e-mail (including but not limited to logs of e-mail history and usage, header information, and deleted but recoverable e-mails), text files (including drafts, revisions, and active or deleted word processing documents), instant messages, audio recordings and files, video footage and files, audio files, photographic footage and files, spreadsheets, databases, calendars, telephone logs, contact manager information, internet usage

files, and all other information created, received, or maintained on any and all electronic and/or digital forms, sources and media, including, without limitation, any and all hard disks, removable media, peripheral computer or electronic storage devices, laptop computers, mobile phones, personal data assistant devices, Blackberry devices, iPhones, video cameras and still cameras, and any and all other locations where electronic data is stored. These sources may also include any personal electronic, digital, and storage devices of any and all of Defendants' agents, resellers, or employees if Defendants' electronically stored information resides there.

460. Defendants are hereby further notified and forewarned that any alteration, destruction, negligent loss, or unavailability, by act or omission, of any Potential Evidence may result in damages or a legal presumption by the Court and/or jury that the Potential Evidence is not favorable to Defendants' claims and/or defenses. To avoid such a result, Defendants' preservation duties include, but are not limited to, the requirement that Defendants immediately notify their agents and employees to halt and/or supervise the auto-delete functions of Defendants' electronic systems and refrain from deleting Potential Evidence, either manually or through a policy of periodic deletion.

## JURY DEMAND

GroupChatter hereby demands a trial by jury on all claims, issues and damages so triable.

## PRAYER FOR RELIEF

GroupChatter prays for the following relief:

a. That Defendants be summoned to appear and answer;

b. That the Court enter an order declaring that Defendants have infringed the Asserted Patents.

c. That the Court grant GroupChatter judgment against Defendants for all actual, consequential, special, punitive, increased, and/or statutory damages, including, if necessary, an accounting of all damages; pre and post-judgment interest as allowed by law; and reasonable attorneys' fees, costs, and expenses incurred in this action;

d. That GroupChatter be granted such other and further relief as the Court may deem just and proper under the circumstances.

Filed: November 9, 2018

Respectfully submitted,

By: 

Cabrach J. Connor
State Bar No. 20436390
Cab@connorkudlaclee.com
Jennifer Tatum Lee
State Bar No. 24046950
Jennifer@connorkudlaclee.com
Kevin S. Kudlac
State Bar No. 00790089
Kevin@connorkudlaclee.com
**CONNOR KUDLAC LEE PLLC**
609 Castle Ridge Road, Suite 450
Austin, Texas 78746
512.777.1254 Telephone
888.387.1134 Facsimile

**ATTORNEYS FOR PLAINTIFF**