

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

TECHNO LICENSING LLC,	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
PEPPERL + FUCHS, INC.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	
	§	

**COMPLAINT**

Plaintiff Techno Licensing LLC (“Plaintiff” or “Techno”) files this Complaint against Pepperl + Fuchs, Inc. (“Defendant” or “Ecom”) for infringement of United States Patent No. 7,797,011 (hereinafter “the ‘011 Patent”).

**PARTIES AND JURISDICTION**

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its office address at 3411 Preston Rd., Suite C, Frisco, Texas 75034.

4. On information and belief, Defendant is an Ohio corporation with a principal address of 1600 Enterprise Pkwy, Twinsburg, OH 44087-2245. On information and belief, Defendant may be served with process through its agent, CT Corp., at 1601 Elm Street, Dallas,

TX 75201.

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

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

### **VENUE**

7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. Alternatively, or in addition, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District. For instance, on information and belief, Defendant has a regular and established place of business at 502 Cane Island Pkwy, Katy, TX 77493.

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

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

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

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

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

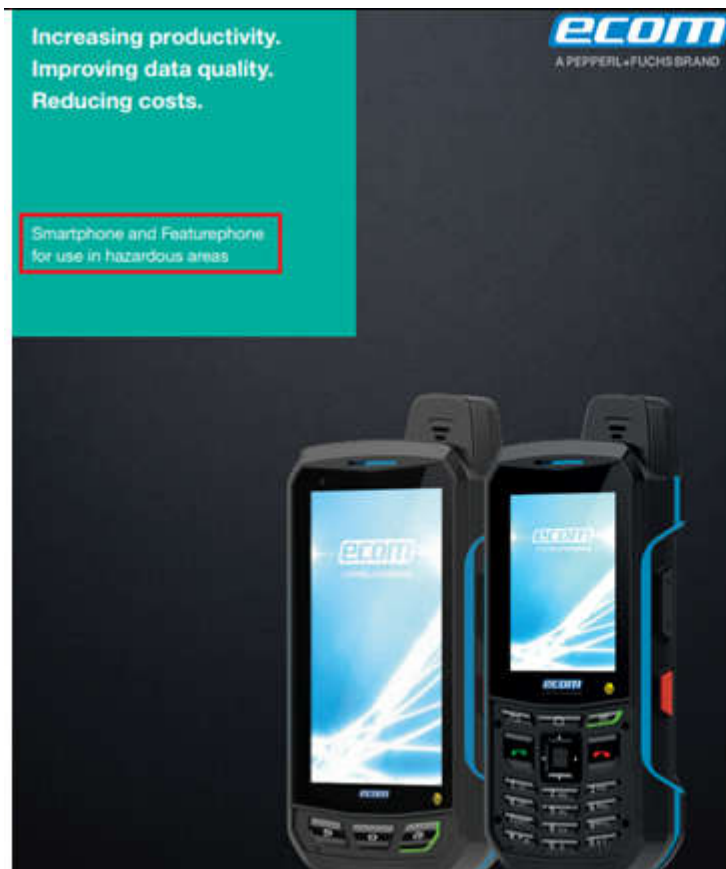
12. The '011 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, 3, 4, and 5 of the '011 Patent by making, using, importing, selling, and/or offering devices and methods for controlling a communication relay, which are covered by at least Claims 1, 3, 4, and 5 of the '011 Patent. Defendant has infringed and continues to infringe the '011 patent directly in violation of 35 U.S.C. § 271.

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

15. In at least testing and usage, the Product implements a communication method of controlling a communication relay (e.g., A PTT server utilized by the accused system such as the TASSTA server controls a communication relay between devices) between a plurality of equipments (e.g., ECOM PTT handsets) in a PoC service (e.g., TASSTA's Push-to-Talk Application enabled devices communicate over a cellular network such as 3G, 4G, LTE) which attains a half-duplex talk session (e.g., touch and hold the on-screen PTT button to take the floor and speak during a call) using a packet communication (e.g., PTT can be used over a cellular data network or Wi-Fi connection) between the plurality of equipments wherein each equipment comprises a talking key (e.g., a PTT button) and at least one operation information transmitting key (e.g., a key for messaging, GPS location). An ECOM PTT device includes a hardware as well as a software-based push to talk key that allows a user to initiate a PTT call. Additionally,

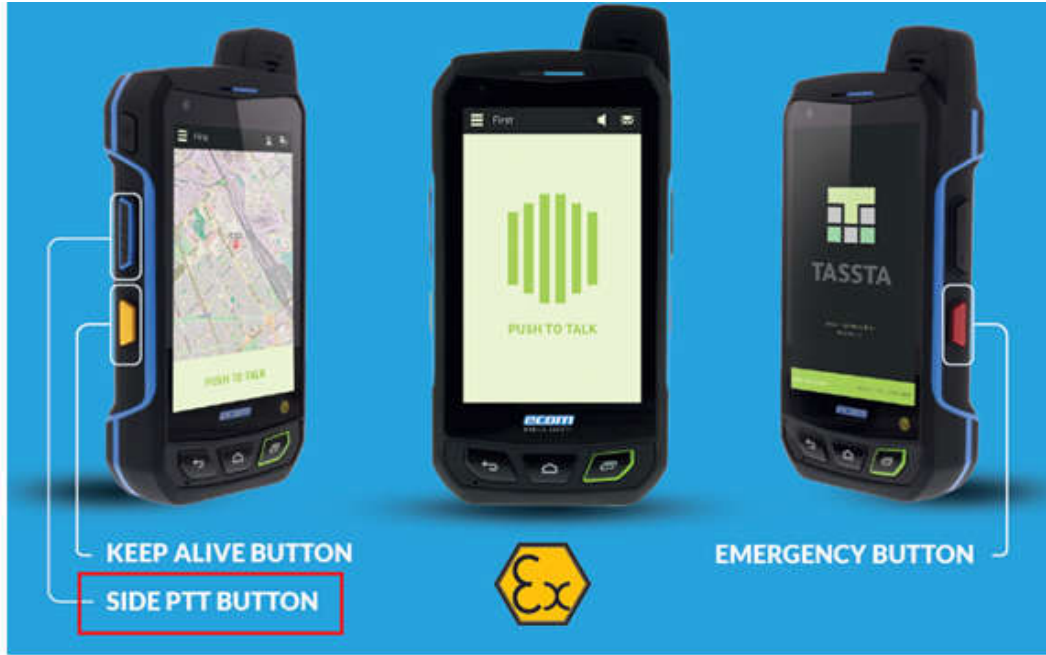
the device will include software-based keys that allow a user to send a personal alert, text message to another user (e.g., the operation information transmitting key). Certain aspects of this element are illustrated in the screen shots below and/or those provided in connection with other allegations herein.



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<https://www.ecom-ex.com/apps/eal/detail/tassta/>



Click the relevant group or user to start a chat. By means of predefined status messages you save time entering a whole text.

<https://www.ecom-ex.com/apps/eal/detail/tassta/>



## INDOOR AND GPS LOCALIZATION

Check user's location and track their GPS routes whenever you want and wherever they are. With the GPS Localization, the GPS information of any user can be uploaded to the network.

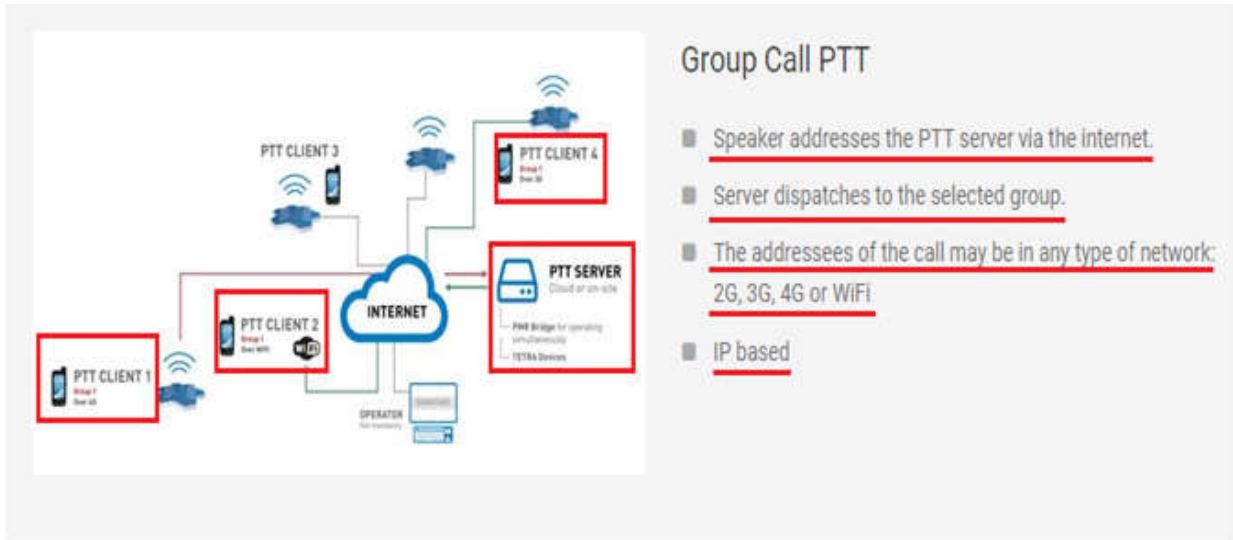
Track all your users on a map accurately. GPS Route or Geofencing facilitate your daily network control while TASSTA's In-house tracking helps you locate your objects and users inside of a building.

Our localization features are more accurate, efficient and adaptive to local environments.

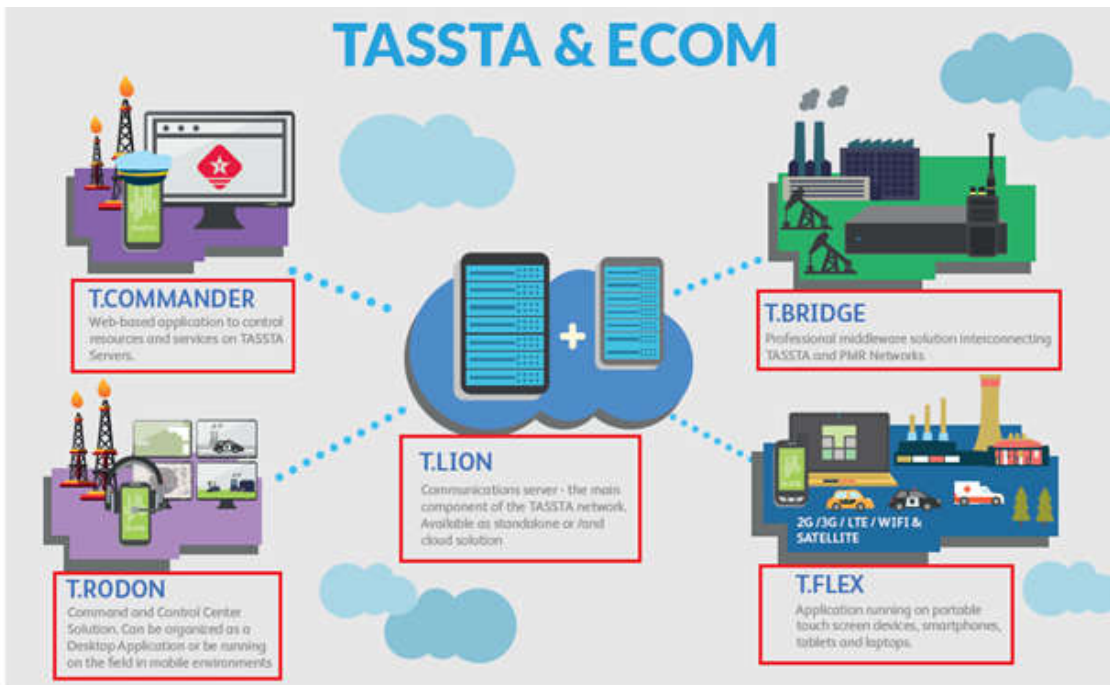


<http://tassta.com/>

16. In at least testing and usage, the Product manages (e.g., management of the system is done via TASSTA software) the equipments (e.g., ECOM's PTT handsets) connected to the server (e.g., A PTT server utilized by the accused system such as TASSTA Server) wherein one of the plurality of equipments has taken "the floor" (e.g., during a PTT call session, only one device can take the floor at one time) in the half duplex talk session (e.g., a half-duplex PTT call). The integrated TASSTA software monitors communication between ECOM PTT handsets over cellular network. This element is illustrated in the screen shots below and/or in those provided in connection with other allegations herein.



<https://www.ecom-ex.com/solutions/push-to-talk/>



[https://www.ecom-ex.com/apps/eal/download/tassta/?tx\\_applibrary\\_list%5BadditionalFile%5D=7468&cHash=635af337a195da2716a333e7eb4b381f](https://www.ecom-ex.com/apps/eal/download/tassta/?tx_applibrary_list%5BadditionalFile%5D=7468&cHash=635af337a195da2716a333e7eb4b381f)



<https://www.ecom-ex.com/apps/eal/detail/tassta/>

PTT Advantages
> <u>Group, individual, priority, emergency &amp; broadcast calls</u>
> Simple & safe communication
> Security / Encryption
> Cost efficient cloud-based solution
> Clear sound - clear understanding
> Additional accessories can be used easily e.g. headsets, RSM, etc.
> Fast and easy installation & administration - No separate infrastructure
> <u>Integration in existing / PMR systems</u>
> <u>No geographical limitations - global communication across borders &amp; oceans</u>
> <u>Text &amp; data exchange</u>
> <u>Voice recording &amp; call history</u>
> <u>Available Wi-Fi and/or public network infrastructure can be used</u>
> <u>Private 2G/3G/4G network installation possible</u>
> Individualization
> <u>Integration of other apps, e.g. Google Maps, LWP, etc.</u>
> <u>GPS localization &amp; tracking (Indoor &amp; outdoor)</u>

<https://www.ecom-ex.com/solutions/push-to-talk/>

17. In at least testing and usage, the Product acquires, as an operation information, a key operation of the operation information transmitting key (e.g., corresponding data is sent to the PTT server utilized by the accused system such as TASSTA Server when a user utilizes a software based key to send a text messaging to another user) of at least one of the plurality of equipments (e.g., ECOM's PTT handsets) that has not taken the floor in the half duplex talk session (e.g., a user device that does not yet hold the floor can nonetheless utilize the software keys to send text) while said one of the plurality of equipments has "the floor" in the half duplex talk session (e.g., a recipient of the text will receive said information even if they currently have the floor in a PTT session). The push to talk app interface contains various software keys that allow a user to send text message during a half-duplex transmission (e.g., a PPT call). This

element is illustrated in the screen shots provided in connection with other allegations herein.

18. In at least testing and usage, the Product transmits the acquired operation information (e.g., the user's selection of a specific operation (e.g., to send a text message) and any data corresponding to said operation (e.g., the text messaging)) to the equipments (e.g., ECOM's PTT handsets) which are managed by a managing unit (e.g., A PTT server utilized by the accused system such as TASSTA Server). The Integrated TASSTA software provides customers with a powerful PTT call management solution integrated with the PTT real-time group communications solution. Certain aspects of this element are illustrated in the screen shots below and/or those provided in connection with other allegations herein.



<https://www.ecom-ex.com/apps/eal/detail/tassta/>

19. In at least testing and usage, the Product displays the operation information on a screen (e.g., sent text messages will be shown in the application interface of receiving devices) of

said one of the plurality of equipment (e.g., ECOM's PTT handsets) that has "the floor" (e.g., who currently has the floor of a PTT conversation will nonetheless receive any text messages sent via the application interface) and/or on a screen of at least another one of the plurality of equipment that has not taken "the floor" (e.g., other users in a group that will receive the sent messages who do not currently hold the floor in a PTT call). This element is illustrated in the screen shots provided in connection with other allegations herein.

20. Regarding Claim 3, in at least testing and usage, the Product utilizes a communication equipment (e.g., ECOM's PTT handsets) for conducting a half-duplex talk session (e.g., PTT calls are half-duplexed wherein there is one caller and one receiver at all times) using a packet communication (e.g., IP-based PoC transmits voice as data packets) with other equipments via a server (e.g., A PTT server utilized by the accused system such as TASSTA Server) into which the communication method (e.g., TASSTAs Push-to-Talk mobile Application) according to claim 1 is loaded. The Product controls a communication relay (e.g., integrated a PTT server utilized by the accused system such as TASSTA Server controls communication relay between devices) between a plurality of equipments (e.g., ECOM's PTT handsets) in a PoC service (e.g., Push-to-talk over cellular) which attains a half-duplex talk session (e.g., PTT communications) using packet communication (e.g., communication over an IP network). These elements are illustrated in the screen shots provided in connection with other allegations herein. These elements are further illustrated by the allegations above in connection with Claim 1.

21. Further regarding Claim 3, in at least testing and usage, the Product utilizes a transmitting unit (e.g., hardware and software that relays user selections in the application interface) that transmits key operations of said communication equipment to the server as

operation information (e.g., corresponding data is sent to by TASSTA server when a user utilizes a software based key to send a text message to another user). The push to talk app interface contains various software-based keys that allow a user to send text message during a half-duplex transmission (e.g., a PPT call). These elements are illustrated in the screen shots provided in connection with other allegations herein. These elements are further illustrated by the allegations above in connection with Claim 1.

22. Further regarding Claim 3, in at least testing and usage, the Product utilizes a receiving unit that receives the operation information (e.g., the recipient device will display a text message that corresponds to a sender's selection of a particular service) transmitted from the server (e.g., via the TASSTA server) the operation information indicating the key operation of respective equipment (e.g., corresponding data is received on recipient device from the TASSTA server per a sender's utilization of software based keys to send a text message). A recipient device will display a text message sent by a sending device. These elements are illustrated in the screen shots provided in connection with other allegations herein. These elements are further illustrated by the allegations above in connection with Claim 1.

23. Regarding Claim 4, in at least testing and usage, the Product practices a communication method wherein the transmits the acquired operation information (e.g., the user's selection of a specific operation (e.g., to send a text message) and any data corresponding to said operation (e.g., the text message)) to all of the equipments (e.g., PTT handsets communicating in a group) which are managed by a managing unit (e.g., TASSTA software console). These elements are illustrated in the screen shots provided in connection with other allegations herein and are further illustrated by the allegations above in connection with Claims 1 and 3.

24. Regarding Claim 5, in at least testing and usage, the Product displays the

operation information on each screen (e.g., sent text messages will be shown in the application interface of receiving devices) of said all of the equipment (e.g., all ECOM's PTT handset devices communicating in a group) to share the operation information among said all of the equipments (e.g., information regarding sent text messages will be shown in the application interface of all receiving devices communicating in a group). A user can send a text message to all members of a particular communication group. These elements are illustrated in the screen shots provided in connection with other allegations herein and are further discussed in connection with claims 1, 3, and 4.

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

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

27. Plaintiff is in compliance with 35 U.S.C. § 287.

#### **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury of any and all causes of action.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks the Court to:

- (a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees,



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

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

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

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

Dated: November 20, 2018

Respectfully submitted,

*/s/ Jay Johnson*

**JAY JOHNSON**

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**D. BRADLEY KIZZIA**

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**ATTORNEYS FOR PLAINTIFF**

**EXHIBIT A**