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

TECHNO LICENSING LLC,	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
UNITECH AMERICA, INC.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	
	§	

COMPLAINT

Plaintiff Techno Licensing LLC ("Plaintiff" or "Techno") files this Complaint against Unitech Amercia, Inc. ("Defendant" or "Unitech") for infringement of United States Patent No. 7,797,011 (hereinafter "the '011 Patent").

PARTIES AND JURISDICTION

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

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

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

4.   On information and belief, Defendant is a California corporation with a principal address of 6182 Katella Ave, Cypress, CA 90630. On information and belief, Defendant may be served with process through its agent, Winny Sun, at 6182 Katella Ave, Cypress, CA 90630.

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 17171 Park Row Dr, Houston, TX 77084.

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 Claims 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 Unitech PA726 Handheld computers devices, the PTT app for Unitech devices, the Unitech 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 product such as Zello Enterprise Server, controls communication relay between accused devices) between a plurality of equipments (e.g., Unitech PA726 handheld computers) in a PoC service (e.g., PTT calls through a PTT application for Unitech PA726 handheld computers are communicated over cellular network such as 2G, 3G, or 4G mobile data) which attains a half-duplex talk session (e.g., touch and hold hardware PTT button provided by Unitech PA726 handheld computer 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 (e.g., Unitech PA726 handheld computers) wherein each equipment comprises a talking key (e.g., a PTT button) and at least one operation information transmitting key (e.g., message, geolocation, alert and an image sending icon). Certain aspects of this element are illustrated in the screen shots

below and/or those provided in connection with other allegations herein.
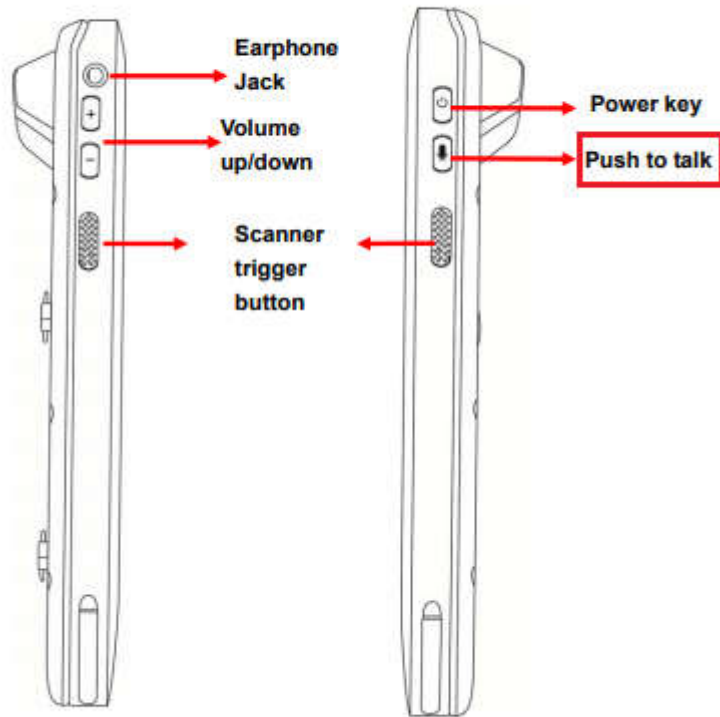

http://us.ute.com/products_info.php?pc1=48&pc2=71&rbu=5&pid=2300

http://us.ute.com/products_info.php?pc1=48&pc2=71&rbu=5&pid=2300

PA726 Left and Right View

http://www.ute.com/products_info.php?pc1=1&pc2=3&rbu=&pid=2279

3.5 Push to Talk

To operate push to talk, please go to Google Play store [Play Store] to download the walkie talkie apps which can support any android device.
For example, *Zello PTT Walkie Talkie* is the most recommended walkie talkie app.

http://www.ute.com/products_info.php?pc1=1&pc2=3&rbu=&pid=2279
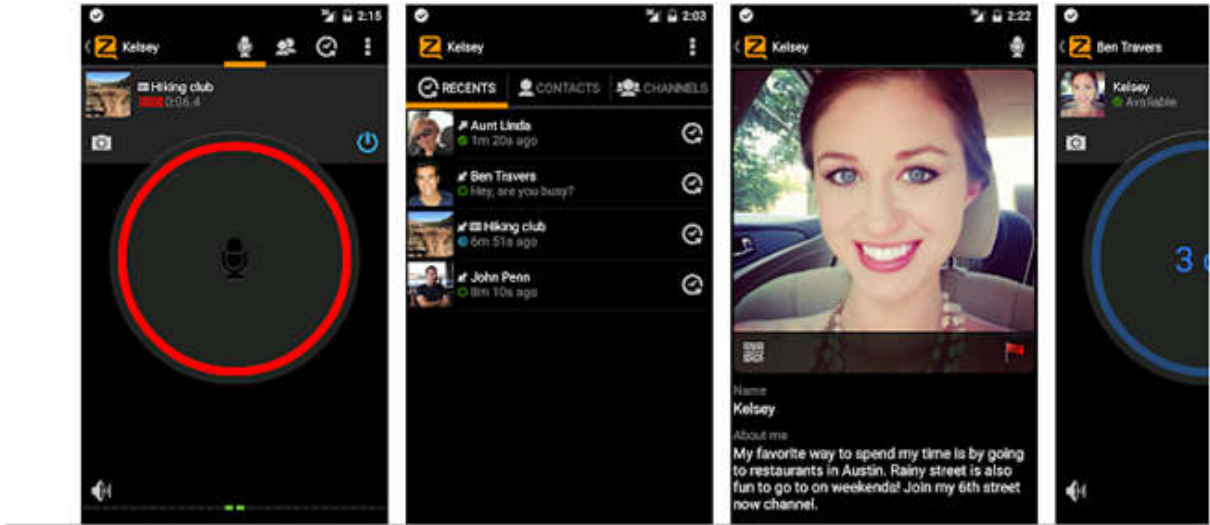
https://play.google.com/store/apps/details?id=com.loudtalks&hl=en_US

Turn your phone or tablet into a walkie talkie with this lightning fast free PTT (Push To Talk) radio app. Talk to your contacts privately or join public channels to engage in a hot debate.
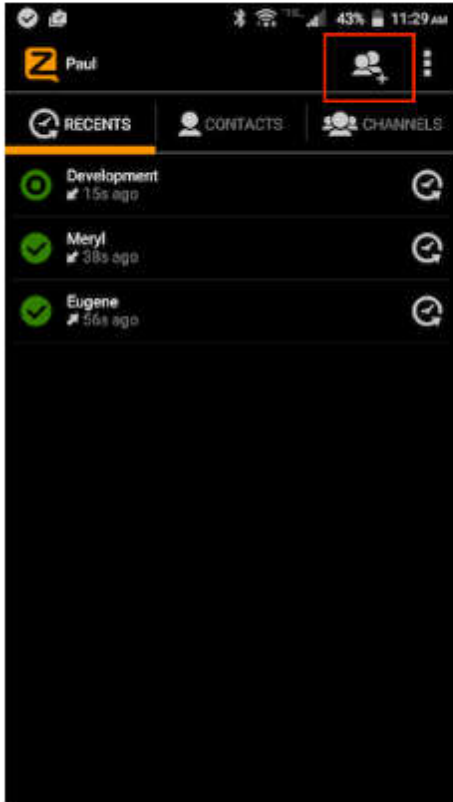
Zello features:

- Real-time streaming, high quality voice
- Contacts availability and text status
- Public and private channels for up to 2500 users
- Option to map hardware PTT (Push To Talk) button
- Bluetooth headset support (selected phones)
- Android Wear support
- Voice history
- Call alert
- Images
- Push notifications
- Works over WiFi, 2G, 3G, or 4G mobile data

Zello uses proprietary low-latency push-to-talk protocol and is not interoperable with Voxer, Sprint Direct Connect or AT&T Enhanced PTT. Zello Android client supports free public service, ZelloWork cloud service, and private Zello Enterprise Server.
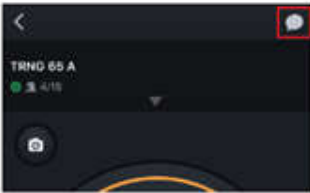
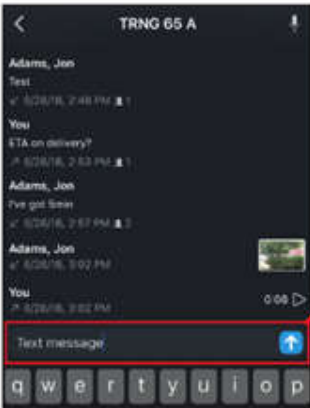https://play.google.com/store/apps/details?id=com.loudtalks&hl=en_US

Android:

https://support.zello.com/hc/en-us/articles/115000237072-How-to-Create-Group-Conversations

1. Select a channel from your Recents or Channel list> Tap on the Conversations icon to view all messages (voice, image, text)

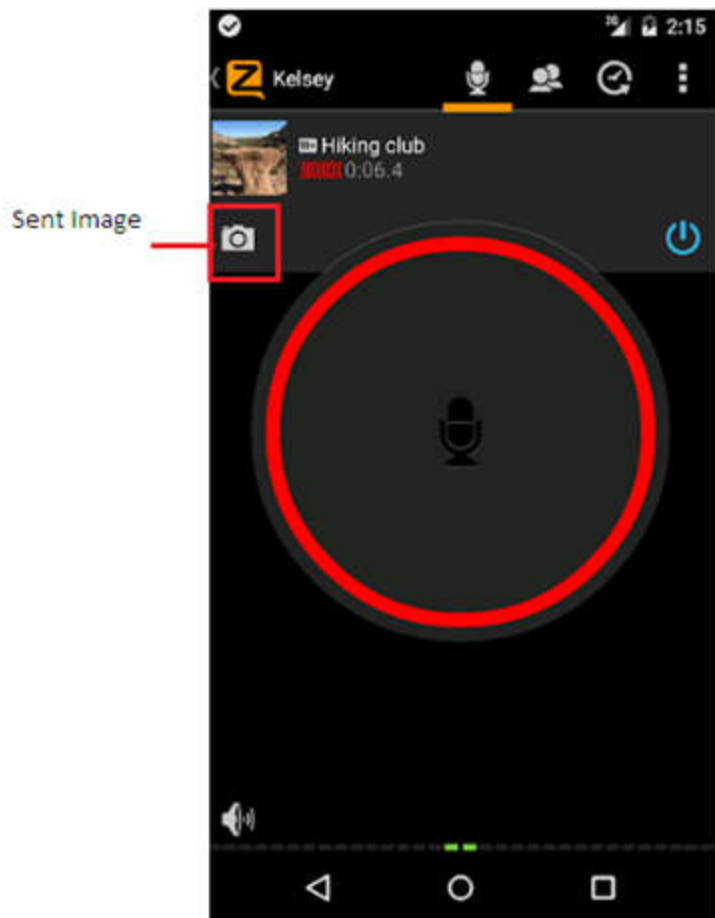
2. Tap on the "Message" box to begin typing your message> Tap Send

Operation information transmitting key

https://support.zellowork.com/hc/en-us/articles/360006423193-How-do-I-send-a-Zello-text-message-

https://play.google.com/store/apps/details?id=com.loudtalks&hl=en_US

Sending texts, call alerts, images, and locations

You can send texts, call alerts, images, and locations to your contacts from the Main Screen:

1. Tap **CONTACTS**
2. Press and hold on name of contact to display the pop-up menu

https://support.zello.com/hc/en-us/articles/230749047-Android-App-Quick-Start-Guide
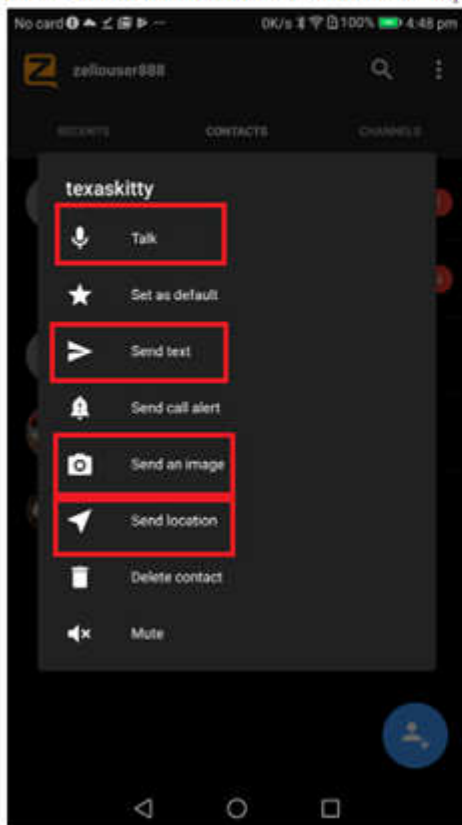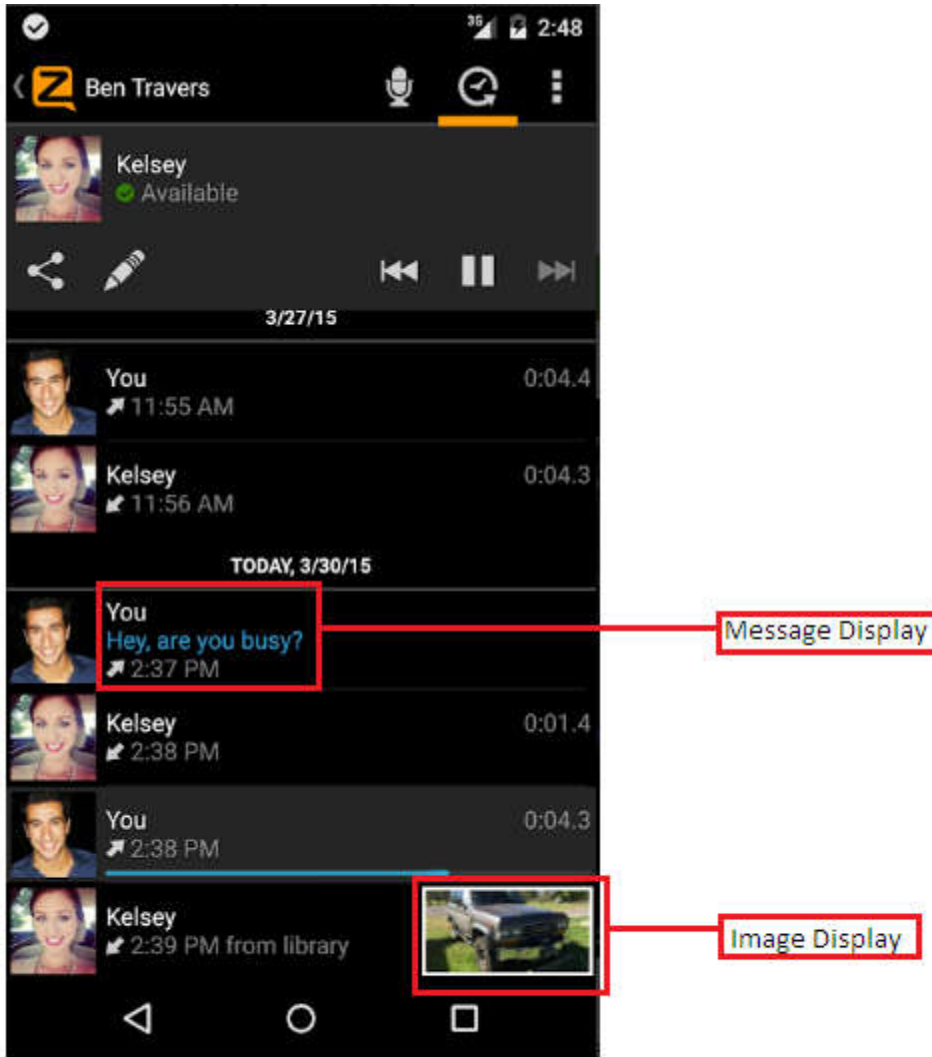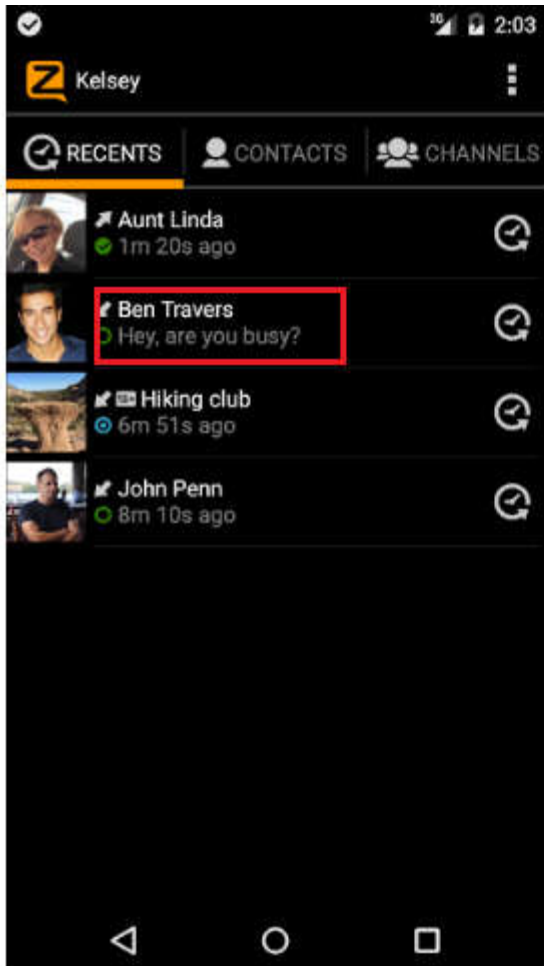
https://play.google.com/store/apps/details?id=com.loudtalks&hl=en_US

https://play.google.com/store/apps/details?id=com.loudtalks&hl=en_US

16.   In at least testing and usage, the Product manages (e.g., management of the system is done via an integrated server software such as Zello enterprise server software) the equipments (e.g., Unitech PA726 handheld computers) connected to the server (e.g., a PTT Server utilized by the accused product such as Zello enterprise server) wherein one of the plurality of equipments (e.g., Unitech PA726 handheld computers) 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). A PTT server such as the Zello enterprise server software manages communication between Unitech PA726 handheld computers over cellular network. This element is illustrated in the screen shots below and/or those provided in connection with

other allegations herein.

Zello Enterprise Server software is efficient and runs well even on commodity server hardware. To support 1000 simultaneous users you'll need:

- Quad-core CPU @2GHz or better
- 13 Gb RAM
- 10 Mbit link

Zello Enterprise Server is deployed as pre-configured and ready to run VMWare image. To load and execute the appliance you need to use a VM engine that can run a virtual appliance with CentOS 6.6.

https://support.zellowork.com/hc/en-us/articles/207385178-What-hardware-does-Zello-Enterprise-Server-need-

2.13 Programmable Keys

The PA726's keys can be programmed for users to be able to perform different functions or applications.

2.13.1 Programming a key

1. Tap [icon] go to APPS, and tap [icon] **Settings.**

2. Go to SYSTEM, Tap **Programmable keys,** and select the keys to remap. (ex. tab Push toTalk)
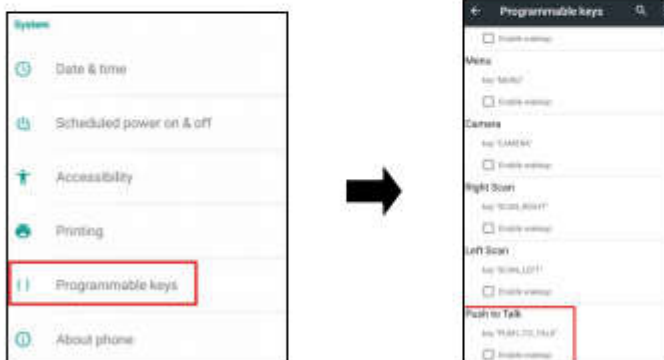
http://www.ute.com/products_info.php?pc1=1&pc2=3&rbu=&pid=2279

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 a PTT Server such as Zello Enterprise Server when a user utilizes a hardware based key for PTT calling and various software based key to send text, photo, geolocation or a personal alert to another user) of at least one of the plurality of equipments (e.g., Unitech PA726 Handheld Computers) 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 a hardware based key for PTT calling and a software based key to send text, photo, geolocation or a personal alert) while said one of the plurality of equipments has "the floor" in the half duplex talk session (e.g., a recipient of the text, photo, geolocation, etc., will receive said information even if they currently have the floor in a PTT session). The accused device that is Unitech PA726 Handheld Computer comprises a hardware button for PTT calling and various software based key to send text, photo, geolocation or a personal alert to another user, 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, photo, geolocation, etc.) and any data corresponding to said operation (e.g., the text, photo and geolocation themselves)) to the equipments (e.g., Unitech PA726 Handheld Computers) which are managed by a managing unit (e.g., management of the system is done via an integrated server software such as Zello enterprise server software). A PTT server such as Zello enterprise server software manages communication between Unitech PA726 Handheld Computers over cellular network in a real-time group communications. Certain aspects of this element are illustrated in the screen shots below and/or those provided in connection with other allegations herein.

19.   In at least testing and usage, the Product displays the operation information on a

screen (e.g., sent text messages, photo, geolocations and voice recordings will be shown in the application interface of receiving devices) of said one of the plurality of equipment (e.g., Unitech PA726 Handheld Computers) that has "the floor" (e.g., who currently has the floor of a PTT conversation will nonetheless receive any text messages, photos, geolocations, or voice recordings sent via the application interface) and/or on a screen of at least another one of the plurality of equipment that has not taken "the floor" (e.g., other users in a group that will receive the sent messages, photo, geolocations, etc., who do not currently hold the floor in a PTT call). 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., Unitech PA726 Handheld Computers) for conducting a half-duplex talk session (e.g., PTT calls are half-duplexed wherein there is one caller and one receiver at all times) using a packet communication (e.g., IP-based PoC transmits voice as data packets) with other equipments (e.g., Unitech PA726 Handheld Computers) via a server (e.g., a PTT server utilized by the accused product such as Zello Enterprise Server) into which the communication method (e.g., Zello PTT Walkie Talkie Application for Unitech PA726 Handheld Computers) according to claim 1 is loaded. The system operating on the accused product is believed to control a communication relay (e.g., a PTT server utilized by the accused product such as Zello Enterprise Server which controls communication relay between devices) between a plurality of equipments (e.g., Unitech PA726 Handheld Computers) 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 interaface) that transmits key operations of said communication equipment to the server as operation information (e.g., corresponding data is sent to a PTT server utilized by the accused product such as Zello Enterprise Server when a user utilizes a hardware based key for PTT calling and various software based key to send text, photo, geolocation or a personal alert to another user). The accused product comprises a hardware based key for PTT calling and various software based key to send text, photo, geolocation or a personal alert to another user 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 Unitech PA726 Handheld Computer will display an image, location, etc., that corresponds to a sender's selection of a particular service) transmitted from the server (e.g., a PTT server utilized by the accused product such as Zello Enterprise Server) the operation information indicating the key operation of respective equipment (e.g., corresponding data is received on recipient device from the PTT Server as per a sender's utilization of hardware based key for PTT calling and various software based key to send text, photo, geolocation or a personal alert). A recipient device will display an image, location, etc., sent by a sending device. The sender and the receiving devices is the accused product i.e. i.e. Unitech PA726 Handheld Computer. 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, photo, geolocation, etc.) and any data corresponding to said operation (e.g., the text, photo and geolocation themselves)) to all of the equipments (e.g., Unitech PA726 Handheld Computers communicating in a group) which are managed by a managing unit (e.g., a management unit utilized by the server such as Zello Enterprise Server software).   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, photo, geolocations and voice recordings will be shown in the application interface of receiving devices) of said all of the equipment (e.g., all Unitech PA726 Handheld Computers communicating in a group) to share the operation information among said all of the equipments (e.g., information regarding sent text messages, photo, geolocations and voice recordings will be shown in the application interface of all receiving devices communicating in a group).   A user can send an image, location, or text message, to all members of a particular communication group.   These elements are illustrated in the screen shots provided in connection with other allegations herein and are further discussed in connection with claims 1, 3, and 4.

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
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                                            ATTORNEYS FOR PLAINTIFF

EXHIBIT A