

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FT. LAUDERDALE DIVISION**

TECHNO LICENSING LLC,	§	
	§	
Plaintiff,	§	Case No:
	§	
vs.	§	PATENT CASE
	§	
KIRISUN AMERICAS, LLC	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	
	§	

COMPLAINT

Plaintiff Techno Licensing LLC (“Plaintiff” or “Techno”) files this Complaint against Kirisun Americas, LLC (“Defendant” or “Kirisun”) 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 Florida limited liability company with a principal address of 2049 S Ocean Dr, Apt. 1604, Hallandale, FL 33009. On information and belief, Defendant may be served with process through its agent, A&G Accounting and Financial

Services LLC at 1200 Anastasia Av Suite 412, Coral Gables, FL 33134.

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 2049 S Ocean Dr, Apt. 1604, Hallandale, FL 33009.

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.

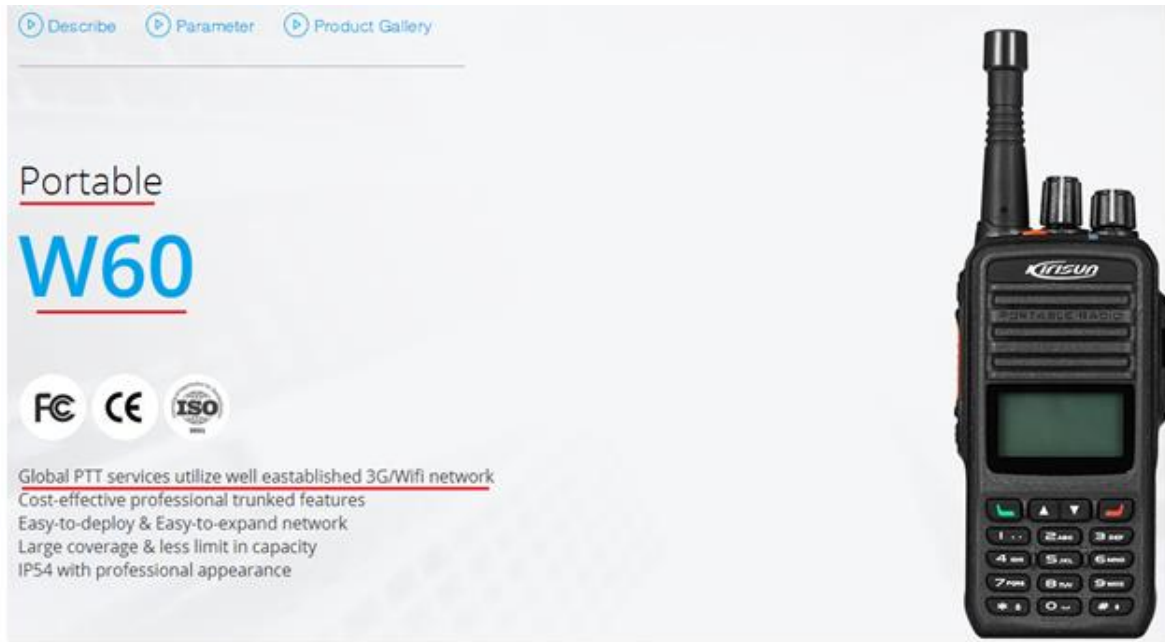
12. The '011 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1 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 Claim 1 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 W60 PTT device, the Kirisun system, and any similar products ("Product"), which infringe at least Claim 1 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 web-based management platform can control communication relay between devices) between a plurality of equipments (e.g., Kirisun PoC portable W60 radios) in a PoC service (e.g., Kirisun PoC portable W60 radios communicate over cellular network such as 2G, 3G) which attains a half-duplex talk session (e.g., touch and hold the side 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 message, location or alert sending software or hardware key). A Kirisun PoC portable W60 radio device includes a hardware-based push to talk key that allows a user to initiate a PTT call. Additionally, the device will include hardware or software-based keys that allow a user to send a text message, geolocation (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.




<https://en.kirisun.com/poc-radios/portable/poc-w60.html>




Global PTT service

Users can use PTT service globally via public operator's existing mature 2G/3G network.



3G/GSM (GPRS) / WIFI transmission


It provides flexible ways of using PTT service under various radio environments, if WIFI is on, WIFI will be the first choice for transmission; if WIFI is off, then 3G comes first, then 2G.



NFC (optional) /Bluetooth

NFC and Bluetooth function modules bring more possibilities for extended use, like patrol system, or other third-party applications.

<https://en.kirisun.com/poc-radios/portable/poc-w60.html>



Remote Programming over the air via public radio network enables lower customer OPEX

Users can modify the setting for the two-way radio through web-based management platform or App in smart phone, then the modified parameters will be sent to radio via 2G/3G network automatically.

<https://en.kirisun.com/poc-radios/portable/poc-w60.html>



Remain user operation habits of critical communication

With supporting basic functions of professional two-way radio, like voice services (all call / group call / private call / alert call etc); Text message (manual message / pre-programmable text); Tone alert (incoming call / outgoing call / text message / talk permit / low battery) etc, users don't need too much extra training for POC two-way radios.



Advanced signaling service

It supports functions radio kill / stun / revive, radio monitor, ambience listening, roaming to enable flexible management.

<https://en.kirisun.com/poc-radios/portable/poc-w60.html>



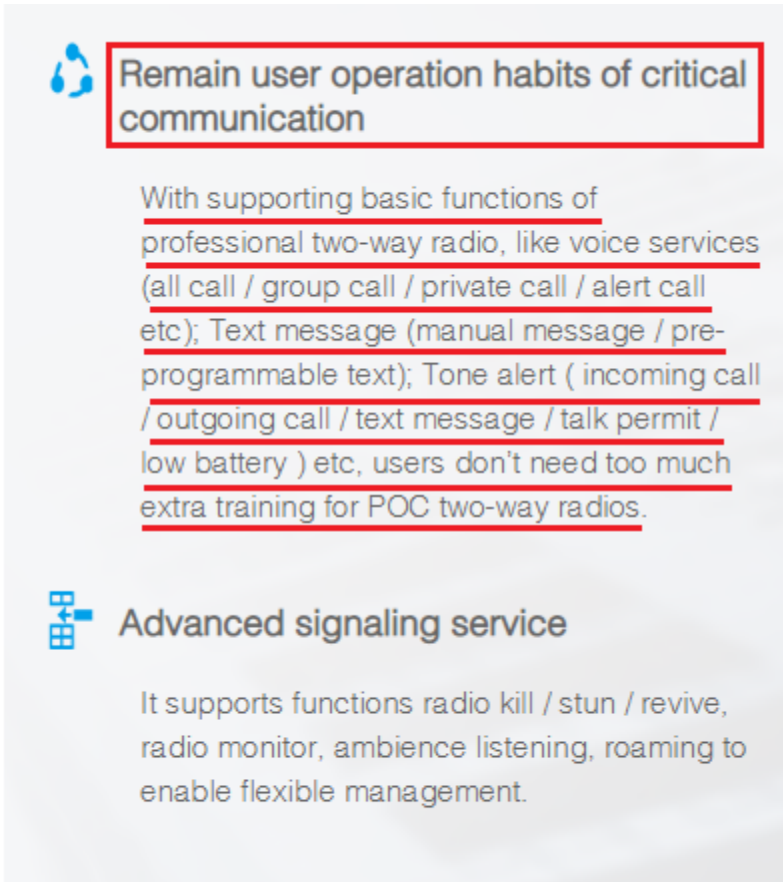
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More accurate positioning: A-GPS


A-GPS (GPS with assistance of base-station in public radio network), GPS module sends the initial GPS data to base-station, after analyzed by base-station, the data will be returned to GPS module for further processing.

<https://en.kirisun.com/poc-radios/portable/poc-w60.html>



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16. In at least testing and usage, the Product manages (e.g., management of the system is done via a web-based management platform) the equipments (e.g., Kirisun PoC portable W60 radios) connected to the server (e.g., a dispatch 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). An integrated dispatch console manages communication between Kirisun PoC portable W60 radio handsets over cellular network. This element is illustrated in the screen shots below and/or in those provided in connection with other allegations herein.



Global PTT service

Users can use PTT service globally via public operator's existing mature 2G/3G network.



3G/GSM (GPRS) / WIFI transmission


It provides flexible ways of using PTT service under various radio environments, if WIFI is on, WIFI will be the first choice for transmission; if WIFI is off, then 3G comes first, then 2G.



NFC (optional) /Bluetooth

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Remain user operation habits of critical communication

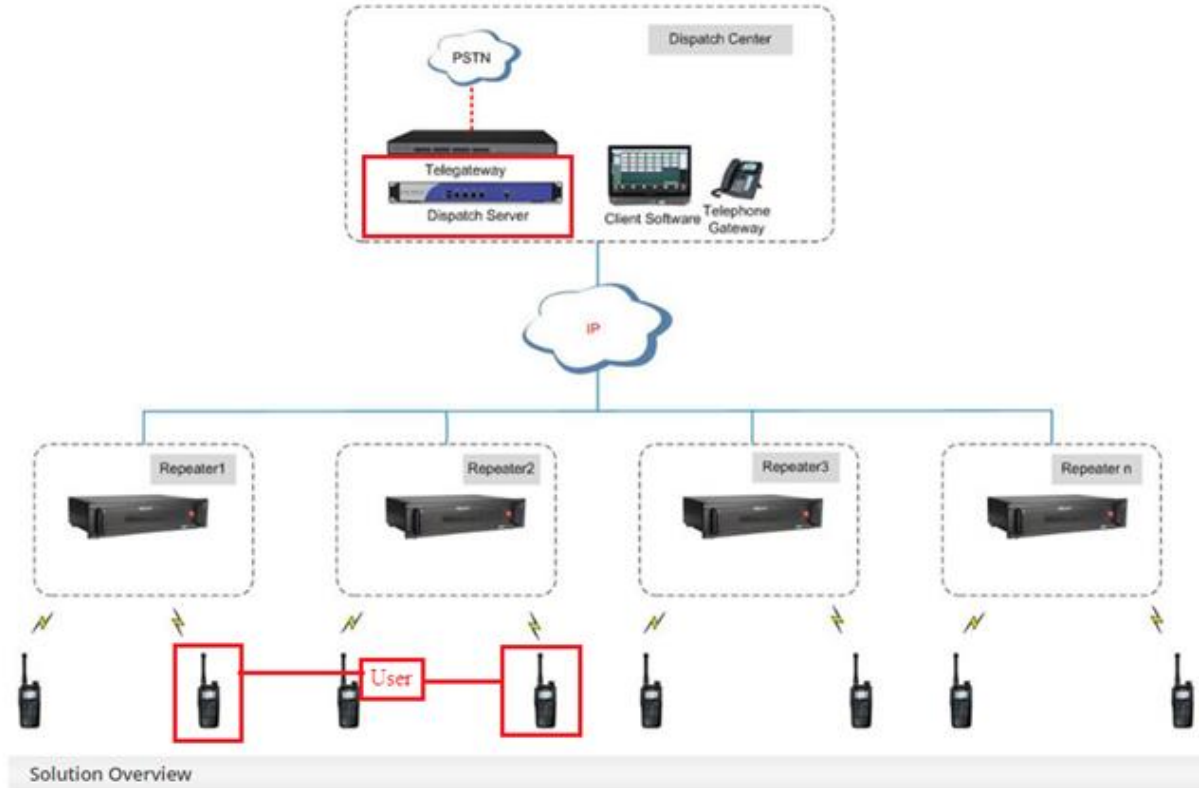
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<https://en.kirisun.com/solutions/transportation-logistics/railway/>

Making a PTT call

Press PTT key to initiate a call, if there is no group member online, then voice prompts "no user online", otherwise the indicator turns green to indicate the call has gotten through. Release the PTT key to finish the call to enter the standby status

Receiving a PTT call

When the radio is in standby status, if a call comes, the indicator will turn solid red. When the call is finished, a sound 'Di' can be heard. When the call is finished, if it's a group call, the indicator will flash green slowly; if it's a individual call, the indicator will turn yellow. If want to call back, press PTT button.

Delay access

Allow radio to access an ongoing group call after a period of time

<https://fccid.io/Q5EW60W65/User-Manual/user-manual-3449624.pdf>

Calling types

➤ Group call

After boot, the radio will enter standby status waiting for group call, press the PTT button can make a group call, and by rotating the channel / group selection knob can switch between the groups

➤ Individual call

First, do the setting for "friend person" for radio in the management platform. Press the programmable key which is programmed to be with "individual call" function, enter into "individual call mode", there is a voice prompts the status and broadcast the name of individual person / radio in the other end. Press again to exit the individual mode. By pressing the side programmable key, each friend in the preset friend list can be selected

<https://fccid.io/Q5EW60W65/User-Manual/user-manual-3449624.pdf>

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 dispatch server when a user utilizes a hardware based key to send a text, geolocation or alert) of at least one of the plurality of equipments (e.g., Kirisun PoC portable W60 radios) 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 hardware keys to send text, geolocations) while said one of the plurality of equipments has "the floor" in the half duplex talk session (e.g., a recipient of the text, geolocation etc., will receive said information even if they currently have the floor in a PTT session). The accused system comprises an equipment (e.g., Kirisun PoC portable W60 radio) comprises various hardware or software keys that allow a user to perform many basic functions such as sending text message, geolocations or alert, 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, geolocation, etc.) and any data corresponding to said operation (e.g., the text, geolocation themselves)) to the equipments (e.g., Kirisun PoC portable W60 radios) which are managed by a managing unit (e.g., an integrated dispatch console). The integrated dispatch console provides customers with a

powerful PTT call management solution integrated with the Instant Connect real-time group communications solution. Certain aspects of this element are illustrated in the screen shots provided in connection with other allegations herein.

19. In at least testing and usage, the Product displays the operation information on a screen (e.g., sent text messages, geolocations will be shown in the screen of receiving devices) of said one of the plurality of equipment (e.g., Kirisun PoC portable W60 radios) that has “the floor” (e.g., who currently has the floor of a PTT conversation will nonetheless receive any text messages, geolocations, or photos 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, geolocations, etc., who do not currently hold the floor in a PTT call). The recipient equipment (e.g., Kirisun PoC portable W60 radio) comprises a display screen that displays received text message, geolocations, 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.

20. Defendant’s actions complained of herein will continue unless Defendant is enjoined by this court.

21. 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.

22. 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 28, 2018

Respectfully submitted,

/s/Howard L. Wernow

Howard L. Wernow, B.C.S.

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