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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **SAN FRANCISCO DIVISION**

11 **TECHNO LICENSING LLC,**

12 Plaintiff,

13 v.

14 **TEAMSPEAK SYSTEMS, INC.,**

15 Defendant.

PATENT

Case No. _____

**ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT
AGAINST TEAMSPEAK SYSTEMS,
INC.**

DEMAND FOR JURY TRIAL

16 Plaintiff Techno Licensing LLC (“Plaintiff” or “Techno”) files this Original
17 Complaint for Patent Infringement against TeamSpeak Systems, Inc. (“Defendant” or
18 “TeamSpeak”) for infringement of United States Patent No. 7,797,011 (hereinafter “the ‘011
19 Patent”). and would respectfully show the Court as follows:

20 **PARTIES AND JURISDICTION**

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

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

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

2 4. On information and belief, Defendant is a California corporation with a principal
3 address of 821 Kuhn Dr., Ste 200 Chula Vista, CA 91914. On information and belief, Defendant
4 may be served with process through its agent, Fred Hasani at 4000 MacArthur, East Tower, Ste
5 500, Newport Beach, CA 92660.

6
7 5. On information and belief, this Court has personal jurisdiction over Defendant
8 because Defendant has committed, and continues to commit, acts of infringement in this District,
9 has conducted business in this District, and/or has engaged in continuous and systematic
10 activities in this District.

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

13
14 **VENUE**

15 7. Venue is proper in this District pursuant to 28 U.S.C. § 1400(b) because
16 Defendant is deemed to reside in this District. Alternatively, or in addition, acts of infringement
17 are occurring in this District and Defendant has a regular and established place of business in this
18 District. For instance, on information and belief, Defendant has a regular and established place of
19 business at 821 Kuhn Dr., Ste 200 Chula Vista, CA 91914.

20
21 **COUNT I**
(INFRINGEMENT OF UNITED STATES PATENT NO. 7,797,011)

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

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

25
26 10. Plaintiff is the owner by assignment of the '011 Patent with sole rights to enforce
27 the '011 Patent and sue infringers.

28 11. A copy of the '011 Patent, titled "Communication Method and Communication

1 Equipment in the PoC Service,” is attached hereto as Exhibit A.

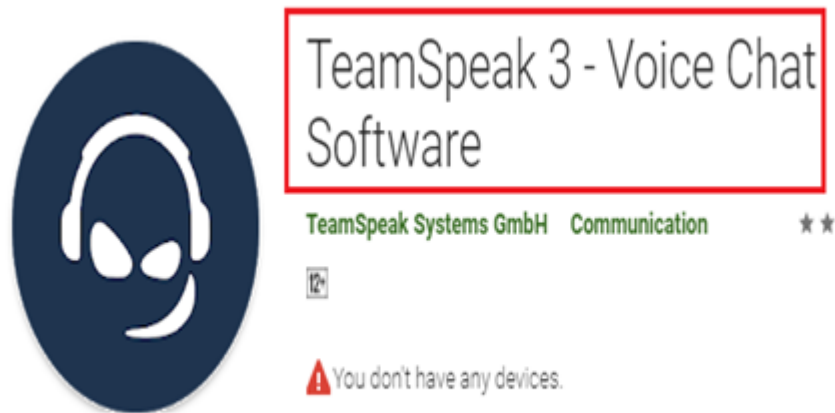
2 12. The ‘011 Patent is valid, enforceable, and was duly issued in full compliance with
3 Title 35 of the United States Code.

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

10 14. Defendant sells, offers to sell, and/or uses (including by at least testing) push-to-
11 talk (PTT) over cellular (PoC) equipment including, without limitation, the TeamSpeak 3 Voice
12 Chat software, the TeamSpeak PTT app, the TeamSpeak PTT system, and any similar products
13 (“Product”), which infringe at least Claim 1 of the ‘011 Patent. The system includes a plurality
14 of communication devices that can operate in a half-duplex session. A user of a device that does
15 not “have the floor” can perform key operation and transmit that key operation to a user of a
16 device that does “have the floor.”

18 15. In at least testing and usage, the Product implements a communication method of
19 controlling a communication relay (e.g., TeamSpeak public test server controls communication
20 relay between devices) between a plurality of equipments (e.g., TeamSpeak3’s PTT enabled
21 handsets) in a PoC service (e.g., TeamSpeak3’s Push-to-Talk Application for iOS/ Android
22 enabled devices communicates over cellular network) which attains a half-duplex talk session
23 (e.g., touch and hold the on-screen PTT button to take the floor and speak during a call) using a
24 packet communication (e.g., PTT can be used over a cellular data network or Wi-Fi connection)
25 between the plurality of equipments (e.g., TeamSpeak3’s PTT enabled handsets) wherein each
26 equipment comprises a talking key (e.g., a PTT button) and at least one operation information
27
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1 transmitting key (e.g., a message, alert icons). A TeamSpeak3 PTT enabled device includes a
2 software-based push to talk key that allows a user to initiate a PTT call. Additionally, the device
3 will include software-based keys that allow a user to send a personal alert, text message, etc.
4 (e.g., the operation information transmitting key). Certain aspects of this element are illustrated
5 in the screen shots below and/or those provided in connection with other allegations herein.
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14
15 https://play.google.com/store/apps/details?id=com.teamspeak.ts3client&hl=en_US

16 TeamSpeak is an advanced voice chat and communication app that enables groups of people to
17 communicate and share information with each other via the internet or through private networks,
18 whether they are using an Android device, PC, MacOS, iOS, or Linux.

19 The preferred voice chat solution for online gamers, friends, family, and small businesses world-wide,
20 TeamSpeak lets you chat with fellow team mates, discuss strategy in real-time, or facilitate online
21 events.

22 TeamSpeak is spam free and can be run on either your own private server, securely connecting with
23 and chatting to your guild, clan or colleagues.

24 Or jump on one of the many public servers and channels.

25 https://play.google.com/store/apps/details?id=com.teamspeak.ts3client&hl=en_US

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FEATURES:

- * Synchronized bookmarks
- * Multi-server connectivity
- * Push-To-Talk (PTT) and voice activation
- * Supports most common admin functions
- * Send and receive text messages
- * Identity and contacts management
- * Detailed channel and player information
- * Player status notifications
- * Ongoing, free app updates

https://play.google.com/store/apps/details?id=com.teamspeak.ts3client&hl=en_US

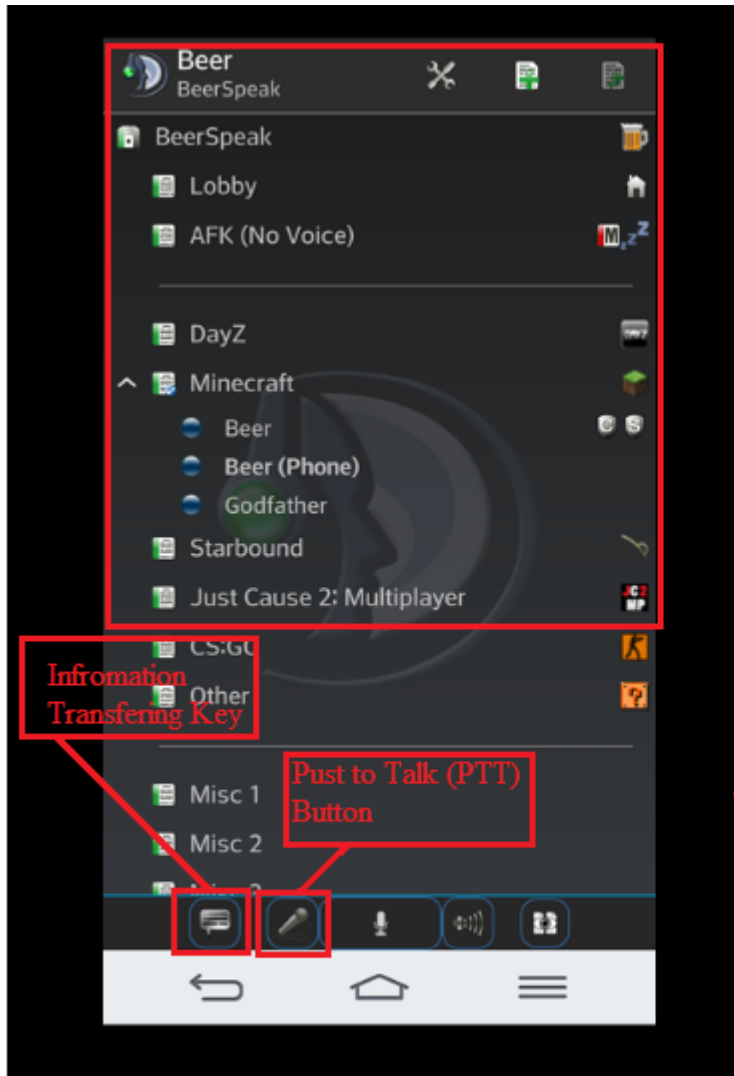


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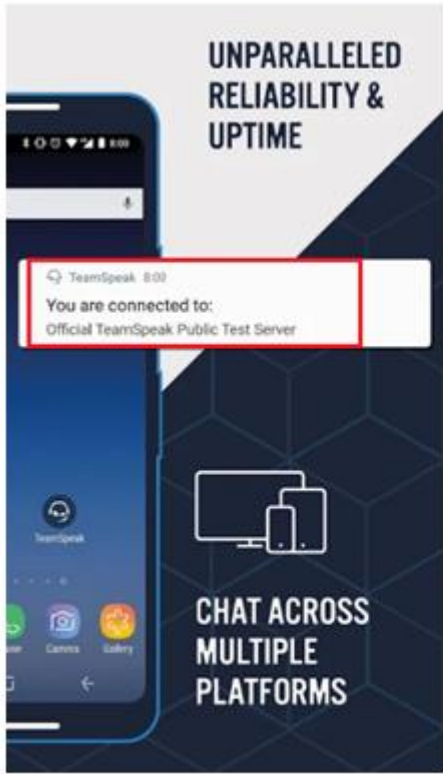
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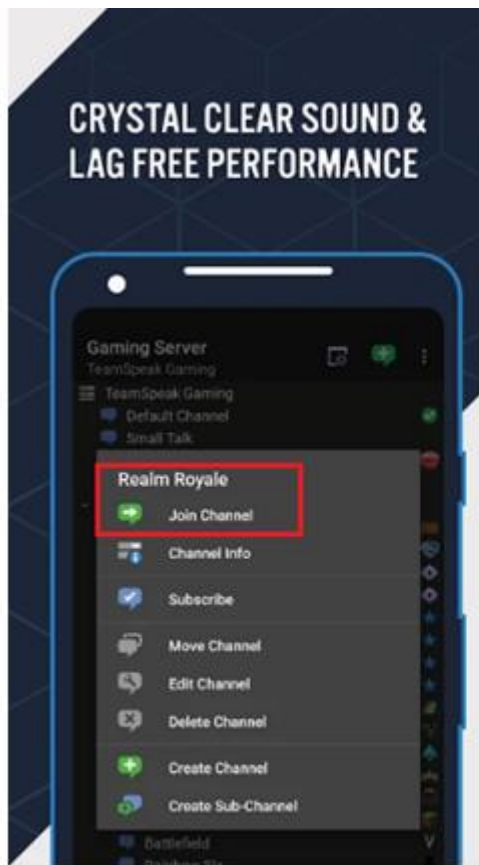


<https://forum.teamspeak.com/threads/95644-ANDROID-Make-the-talk-button-bigger>

16. In at least testing and usage, the Product manages (e.g., Teamspeak's application enabled devices) connected to the server (e.g., TeamSpeak public test server) wherein one of the plurality of equipments (e.g., Teamspeak's application enabled devices) 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 web-based management platform manages communication between Teamspeak's application enabled devices over cellular network. This element is illustrated in the screen shots below and/or those provided in connection with other allegations herein.

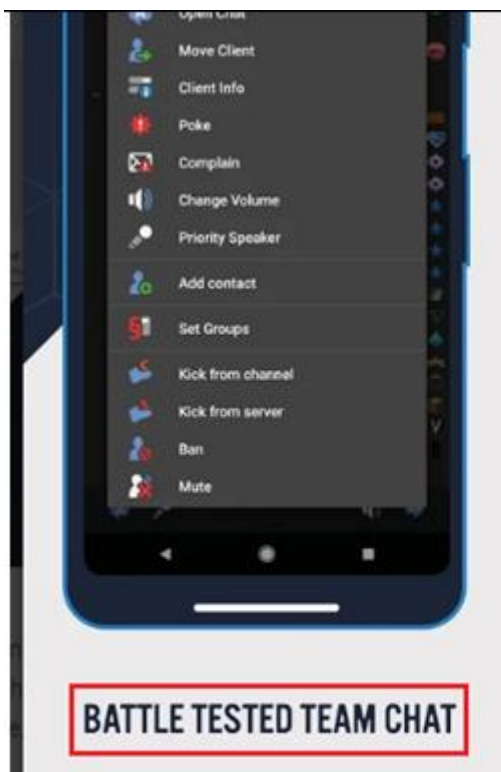


<https://play.google.com/store/apps/details?id=com.teamspeak.ts3client&hl=en> US



15 <https://play.google.com/store/apps/details?id=com.teamspeak.ts3client&hl=en> US

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https://play.google.com/store/apps/details?id=com.teamspeak.ts3client&hl=en_US

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 TeamSpeak public test server when a user utilizes a software based key to send a text message to another user) of at least one of the plurality of equipments (e.g., Teamspeak's application enabled 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 a text message) while said one of the plurality of equipments has "the floor" in the half duplex talk session (e.g., a recipient of the text message 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

1 information (e.g., the user’s selection of a specific operation (e.g., to send a text message) and
2 any data corresponding to said operation (e.g., the text message)) to the equipments (e.g.,
3 TeamSpeak3’s PTT application enable handsets) which are managed by a managing unit (e.g., a
4 web-based management platform). A web-based management platform provides customers with
5 a powerful PTT call management solution integrated with the Teamspeak3 real-time group
6 communications solution. Certain aspects of this element are illustrated in the screen shots
7 below and/or those provided in connection with other allegations herein.
8

9 19. In at least testing and usage, the Product displays the operation information on a
10 screen (e.g., sent text messages will be shown in the application interface of receiving devices) of
11 said one of the plurality of equipment (e.g., TeamSpeak3’s PTT enabled handsets) that has “the
12 floor” (e.g., who currently has the floor of a PTT conversation will nonetheless receive any text
13 messages, photos, geolocations, or voice recordings sent via the application interface) and/or on
14 a screen of at least another one of the plurality of equipment that has not taken “the floor” (e.g.,
15 other users in a group that will receive the sent messages, photo, geolocations, etc., who do not
16 currently hold the floor in a PTT call). Teamspeak3 application enabled devices (e.g., a
17 smartphone) comprise a screen to display received text messages, alerts, etc. This element is
18 illustrated in the screen shots provided in connection with other allegations herein.
19

20 20. Defendant’s actions complained of herein will continue unless Defendant is
21 enjoined by this court.
22

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

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

28 **DEMAND FOR JURY TRIAL**

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

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiff asks the Court to:

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

6 (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees,
7 attorneys, and all persons in active concert or participation with Defendant who receive notice of
8 the order from further infringement of United States Patent No. 7,797,011 (or, in the alternative,
9 awarding Plaintiff a running royalty from the time of judgment going forward);

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

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

13 (e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under
14 law or equity.
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16 **JURY DEMAND**

17 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of
18 any issues so triable by right.
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November 30, 2018

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JURY DEMAND

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

November 30, 2018

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