

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT DELAWARE**

RAINEY CIRCUIT LLC,

Plaintiff,

v.

WHATSAPP INC.,

Defendant.

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Case No.:

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Rainey Circuit LLC (“Plaintiff” or “Rainey”) files this Complaint against WhatsApp Inc. (“Defendant” or “WhatsApp”) for infringement of United States Patent No. 8,131,824 (hereinafter “the ‘824 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 7460 Warren Parkway, Ste. 100, Frisco, TX 75034.

4. On information and belief, Defendant is a Delaware corporation with a principal place of business at 1601 Willow Road, Menlo Park, CA 94025.

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. Additionally, Defendant is a Delaware corporation.

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 be a resident of this District because it is a Delaware corporation.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 8,131,824)

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.*

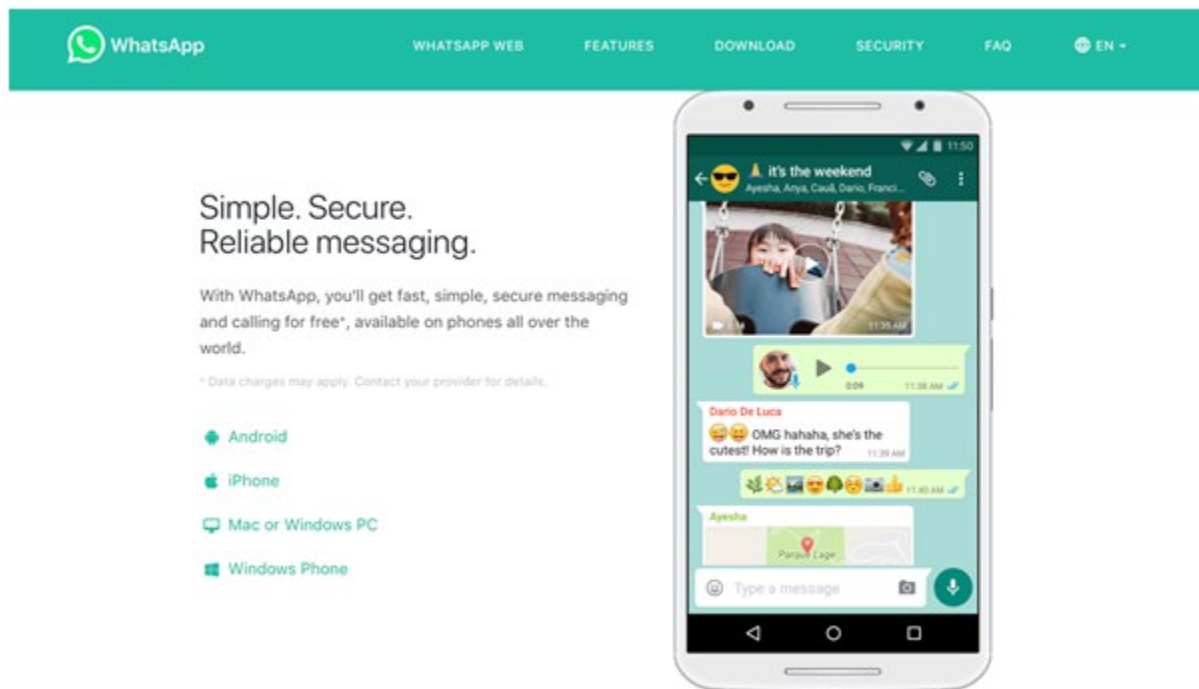
10. Plaintiff is the owner by assignment of the '824 Patent with sole rights to enforce the '824 Patent and sue infringers.

11. A copy of the '824 Patent, titled "Method for the transmission of multimedia data utilizing a signaling signal in a telecommunications network," is attached hereto as Exhibit A.

12. The '824 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, 2, and 16 of the '824 Patent by making, using (at least during internal testing and maintenance), importing, selling, and/or offering for sale, a method of transmitting multimedia messages (e.g., such as video messages), which is covered by at least Claims 1, 2, and 16 of the '824 Patent. Defendant has infringed and continues to infringe the '824 patent directly in violation of 35 U.S.C. § 271.

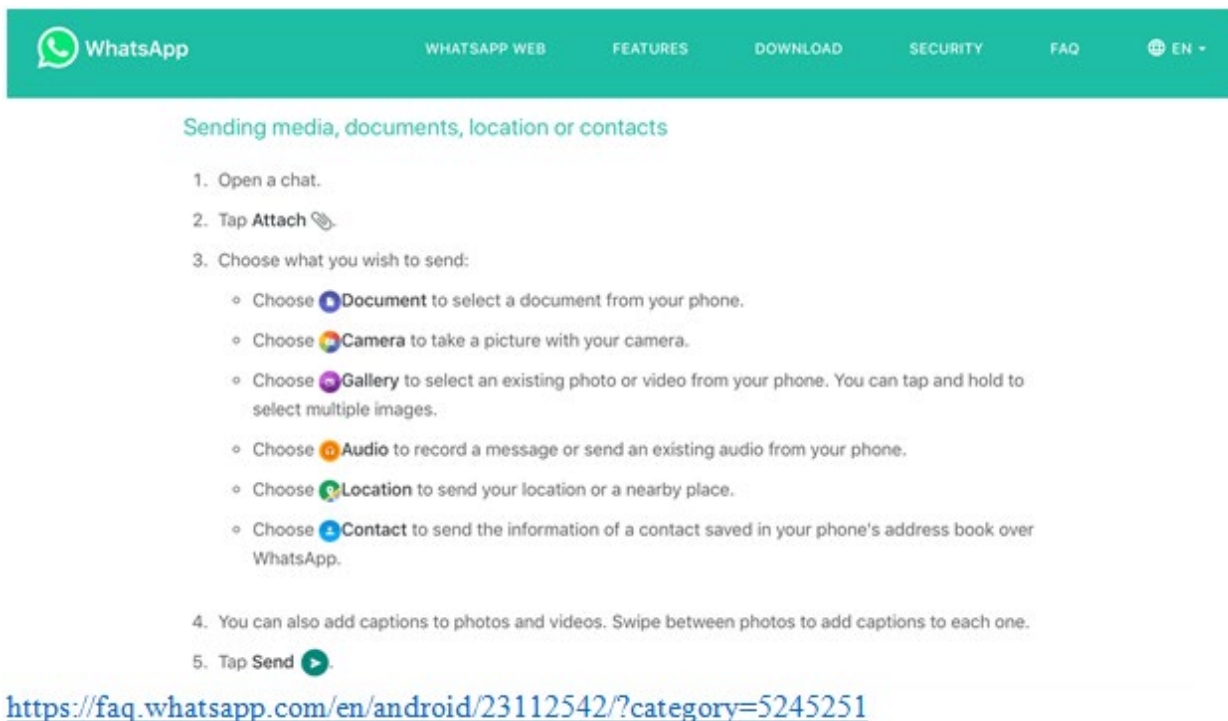
14. Defendant sells, offers to sell, and/or uses a multimedia messaging system and method including, without limitation, the WhatsApp communication network, the WhatsApp application, and any similar systems and/or methods (“Product”), which infringe at least Claims 1, 2, and 16 of the ‘824 Patent. The Product practices a method for transmitting a multimedia message (e.g., a video message) with a plurality of multimedia components (e.g., audio component of the video message, moving picture component of the video message, preview image of the video message, etc.) from a sender to a recipient in a communication system (e.g., the WhatsApp communication/user network). Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

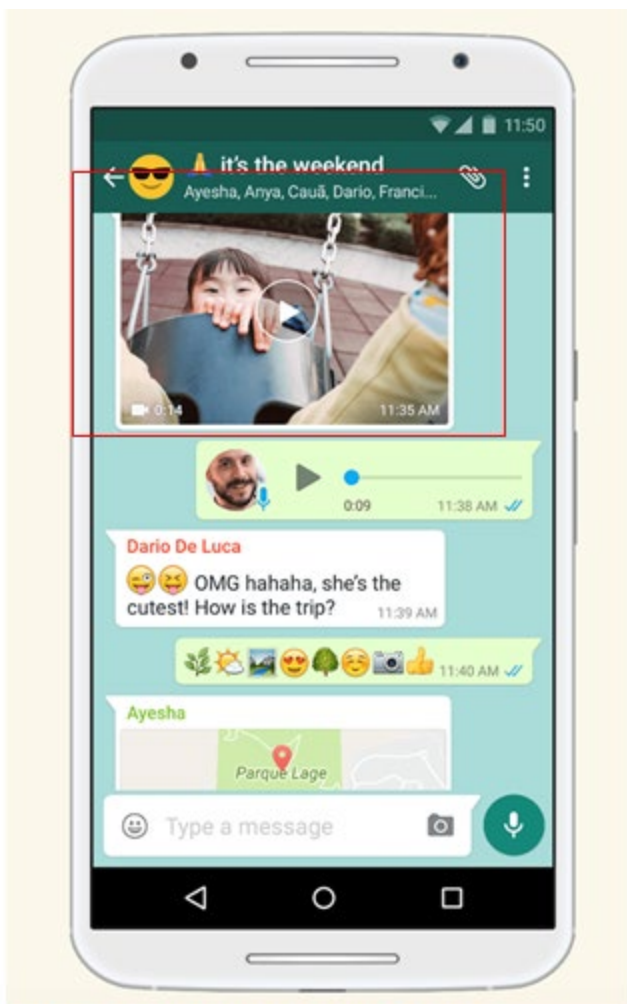


<https://www.whatsapp.com>

15. The Product practices specifying, via at least one multimedia component (e.g., preview image component of the video message/start icon image) of the multimedia message (e.g., video message) an immediate display of the at least one multimedia component one of before and

on arrival of the remaining multimedia components (e.g., audio component of the video message, moving picture component of the video message, etc.). A user of the accused instrumentality composes a video message which has audio component, moving picture component, image of start icon, preview image, etc. The accused instrumentality operates on the video message such that at least one multimedia component (e.g., preview image) is immediately displayed at the recipient side before the arrival of the remaining multimedia components (e.g., audio component of the video message and moving picture component of the video message). The WhatsApp application allows users to send videos. Once a video has been sent using the WhatsApp application, the recipient will receive an immediate display of a preview image of the video at the same time or before the video itself and its components (e.g. image and audio) are received. Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.













<https://www.whatsapp.com/features/>

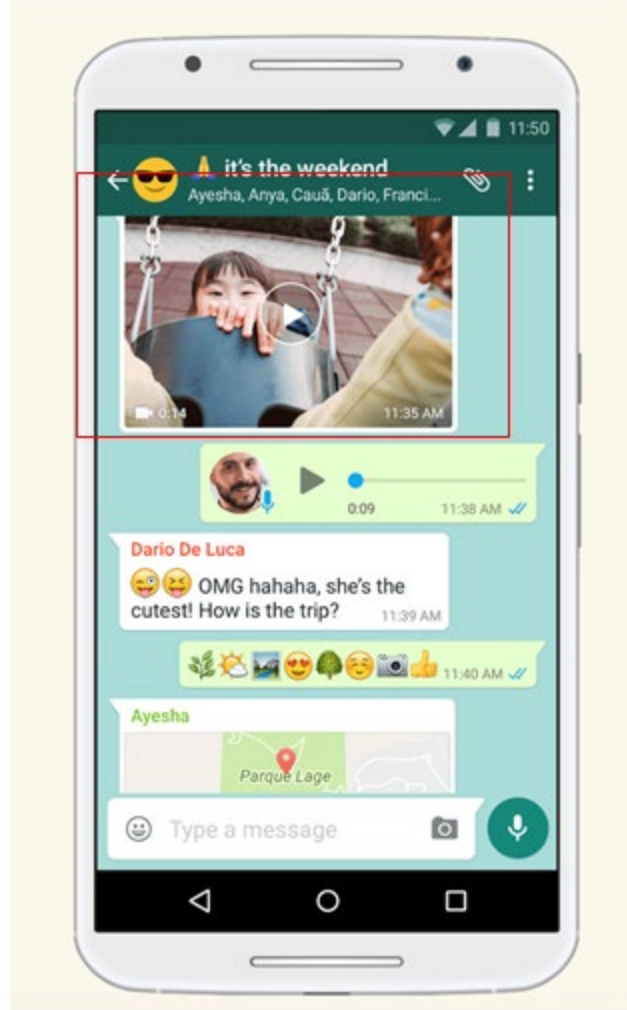
16. The Product practices identifying, by a sender, a predefined subset of the multimedia components (e.g., preview image of the video message) of the multimedia message (e.g., video message) as a signaling signal. When a sender composes a video message, they must select a video to send and in turn select the preview image corresponding to the video being sent. These elements are illustrated in the screen shots provided below and/or in those provided in connection with other allegations herein.



Sending media, documents, location or contacts

1. Open a chat.
2. Tap **Attach** .
3. Choose what you wish to send:
 - Choose  **Document** to select a document from your phone.
 - Choose  **Camera** to take a picture with your camera.
 - Choose  **Gallery** to select an existing photo or video from your phone. You can tap and hold to select multiple images.
 - Choose  **Audio** to record a message or send an existing audio from your phone.
 - Choose  **Location** to send your location or a nearby place.
 - Choose  **Contact** to send the information of a contact saved in your phone's address book over WhatsApp.
4. You can also add captions to photos and videos. Swipe between photos to add captions to each one.
5. Tap **Send** .

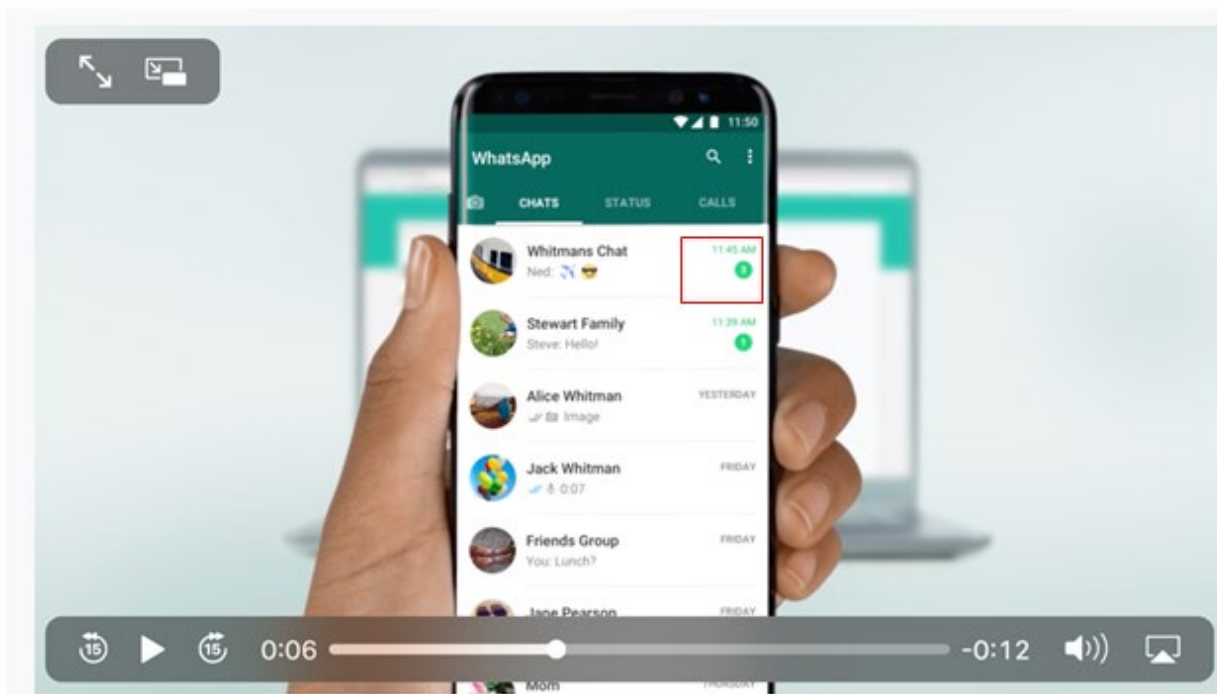
<https://faq.whatsapp.com/en/android/23112542/?category=5245251>



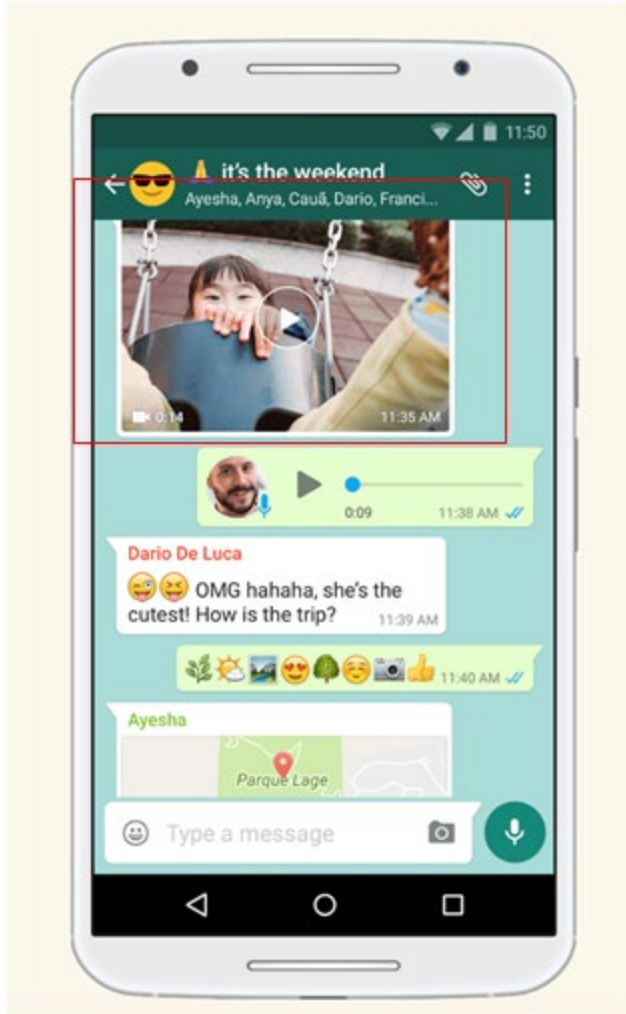
<https://www.whatsapp.com/features/>

17. The Product practices transmitting information to a recipient with the aid of a notification signal, wherein the notification signal indicates that the multimedia message (e.g., video message) is ready in the communication system (e.g., the WhatsApp communication/user network) for downloading, and wherein the multimedia message (e.g., video message) ready for downloading comprises at least one multimedia component (e.g., preview image) which has been identified as a signaling signal. Information is transmitted with the aid of a notification signal (e.g., the application will show a visual indication that a new message has been received). The multimedia message (e.g., video message) ready for download is also shown. The multimedia

message (e.g., video message) comprises a signaling message (e.g., the preview image). Upon clicking play on the preview image, the video will begin to download and play. These elements are illustrated in the screen shots provided below and/or in those provided in connection with other allegations herein.



<https://web.whatsapp.com>



<https://www.whatsapp.com/features/>

18. The Product practices initiating one of immediate and preferred downloading (e.g., the video will download and play when the user decides to click on the play button in the preview image) when the notification signal is received by the recipient, showing that a multimedia component is identified within the multimedia message ready for downloading as a signaling signal. The application will display a visual notification that a message has been received. If said message includes a video, a preview image of said video will also be displayed (i.e., a signaling signal). Said preview image indicates that a video is ready to be downloaded and streamed and said user can select to being said download and playback when they prefer. These elements are

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

19. Regarding Claim 2, the signaling signal (e.g., preview image) is delivered to the recipient before the arrival of the remaining multimedia components (e.g., audio component of the video message, moving picture component of the video message) of the multimedia message (e.g., video message) or of the complete multimedia message and thereafter is immediately displayed. These elements are illustrated in the screen shots provided in connection with other allegations herein.

20. Regarding Claim 16, download of the signaling signal (e.g., preview image) takes place without interaction with the recipient. The preview image is automatically downloaded at the recipient side. These elements are illustrated in the screen shots provided in connection with other allegations herein.

21. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

22. 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.

23. 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. 8,131,824 (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, as well as an accounting of all damages not presented at trial;

(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 30, 2018

Respectfully submitted,

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

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