

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

<p><b>Tenaha Licensing LLC,</b> Plaintiff,  v. <b>Spok, Inc.,</b> Defendant.</p>	<p>Case No. _____  Patent Case  Jury Trial Demanded</p>
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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Tenaha Licensing LLC (“Tenaha”), through its attorney, Isaac Rabicoff, complains against Spok, Inc. (“Spok”) and alleges the following:

**PARTIES**

1. Plaintiff Tenaha Licensing LLC is a limited liability company organized and existing under the laws of Texas with its principal place of business at 3000 Custer Road, Suite 270-7027, Plano, TX 75075.

2. Defendant Spok, Inc. is a corporation organized and existing under the laws of Delaware with its principal place of business at 6850 Versar Ctr, Ste 420, Springfield, VA 22151.

**JURISDICTION**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Spok because it has engaged in systematic and continuous business activities in the District of Delaware and is incorporated in Delaware. Specifically, Spok provides its full range of services to residents in this District. As described below, Spok has committed acts of patent infringement giving rise to this action within this District.

#### **VENUE**

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Spok is incorporated in Delaware. In addition, Tenaha has suffered harm in this District.

#### **PATENT-IN-SUIT**

7. Tenaha is the assignee of all right, title, and interest in United States Patent No. 8,238,869 (the “’869 Patent” or “Patent-in-Suit”), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Tenaha possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Spok.

8. On August 7, 2012, the United States Patent and Trademark Office issued the ’869 Patent. The ’869 Patent is titled “Lifesaver Personal Alert and Notification Device.” The application leading to the ’869 Patent was filed on July 19, 2010 and is a national stage entry of PCT/US2006/023972, which was filed on June 20, 2006, which claims priority from provisional application number 60/693,541, which was filed on June 23, 2005. A true and correct copy of the ’869 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The ’869 Patent is valid and enforceable.

10. The ’869 Patent describes a need for improved systems and methods to provide alerts and notifications of emergencies to members of the general public. Ex. A, 1:58–62.

11. The '869 Patent describes systems, devices, and methods of transmitting emergency and non-emergency notifications to a plurality of users via a combination of wide area and low-range transmissions. Ex. A, 1:65–2:12.

12. The '869 Patent does not take a broad and simplistic method or process and apply it to a general-purpose computer. Instead, the methods and processes described in the '869 Patent specifically establish the process of utilizing various transmission devices such as siren towers, radios, telephones, pagers, and television sets. Ex. A, 2:27–29.

#### **COUNT I: INFRINGEMENT OF THE '869 PATENT**

13. Tenaha incorporates the above paragraphs herein by reference.

14. **Direct Infringement.** Spok has been and continues to directly infringe at least claim 15 of the '869 Patent in this District and elsewhere in the United States by performing the steps of “providing emergency and non-emergency event notification to a plurality of users.” For example, Spok offers the communication platform, Spok Care Connect (the “Spok product”), to provide emergency and non-emergency notifications to users. The Spok product allows operators to send customized messages to target users in mass. *See* <https://www.spok.com/spok-care-connect>; webpage attached hereto as Ex. B, Figure 1.

## A Fully Integrated Enterprise Healthcare Communication Platform

Spok supports more than 1,900 hospitals—both large and small—in their quest to deliver the highest standards of care with communication technology designed to meet today’s challenges. Spok is passionate about critical communications in healthcare. For Spok, every message is important because we know that minutes and seconds matter in a hospital, where patients’ lives are at stake.

We offer a full clinical communication platform, called Spok Care Connect<sup>®</sup>, which integrates with existing workflows in your hospital and will enable you to deliver information quickly and securely into the hands of the clinicians who need to act on it—wherever they are and on whatever device they are using. From the contact center to the patient’s bedside, the Spok Care Connect communication platform provides directory details, on-call schedules, staff preferences, secure texting, and a lot more.


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|---|--|--|
| <ul style="list-style-type: none"> <li>• Workflow-driven communications</li> <li>• <b>Clinical alerting</b></li> <li>• Contact center solutions</li> <li>• Staff scheduling</li> <li>• Secure text messaging</li> </ul> | <div style="border: 1px solid red; padding: 2px; display: inline-block;"><b>Non-emergency notification</b></div> | <ul style="list-style-type: none"> <li>• Preference-directed communications</li> <li>• <b>Critical test results</b></li> <li>• <b>Emergency notification and incident management</b></li> <li>• Enhanced 9-1-1</li> <li>• Paging services</li> </ul> |
|---|--|--|
- Emergency notification**

*Figure 1. The Spok communication platform provides emergency and non-emergency event notifications (e.g., clinical alerting, critical test results, emergency notification and incident management, etc.) to a plurality of users.*


15. The Spok product satisfies claim element 15(a): “using a low-range transceiver to automatically relay within a wide area notification area a first emergency notification signal from a wide area notification device, and to further provide an audible and/or visible alert notification to the first emergency notification signal.” For example, the Spok product operates by using a low-range transceiver (e.g., a smartphone with the Spok Mobile Application installed) to automatically relay within a wide area notification area a first emergency notification signal (e.g., an emergency notification or alert) from a wide area notification device (e.g., the Spok notification server), and to further provide an audible and/or visible alert notification (e.g., a user’s smartphone will display a notification either via the Spok Mobile Applications interface or via SMS, said notification being forwarded to a Smartwatch) in response to the first emergency notification signal.. See Ex. B, Figs. 1, 4; see also <https://www.spok.com/solutions/clinical-alerting-notification>; webpage attached hereto as Exhibit C, Figures 2, 3.



Figure 2. The Spok Product receives an alert from a wide-area notification device.



**Integration to your communication devices**  
Whether your organization uses in-building wireless phones, LED signs, voice communication badges, pagers, smartphones, tablets or even all of them in the same facility, send staff the right alarms and updates on the appropriate devices at all times.

**Mobile web messaging**  
Leverage support for mobile, web-based messaging with any Spok clinical alerting user or station from the mobile app. 


**Alarm filtering**  
Establish rules that direct the right alarms to the right staff members to eliminate unnecessary alerts. Filtering also means off-duty staff aren't bothered by updates that don't occur during their shift. Using live streaming patient data from various patient care devices, unique smart alarms can also be created to filter out alarms that aren't clinically actionable.

**Assignment client**  
Enhance workflows and increase efficiency with assignment and scheduling tools. This means that updates are sent to the right person based on his or her role and device preferences.

**Messages originating from patient care systems already in place**  
Systems such as lab results, radiology results, and patient vitals can be directly linked to your staff's devices for fast updates. Doctors and nurses no longer need to call down to the lab requesting results, lab techs no longer need to play phone tag trying to find the responsible caregiver to receive critical results, and overall patient care is improved by speeding up these communications. Spok is an active participant in the efforts of [Integrating the Healthcare Enterprise \(IHE\)](#) to standardize these systems for ease of implementation. Spok views this organization as the future of hospital system integration and even holds a seat on the IHE standards board.

Figure 3. The Spok Product transmits the wide-area notification to low-range transceivers.

The Spok Difference



**Integrated Suite:**  
Spok offers the most comprehensive suite of enterprise healthcare communication solutions, which work together to support your workflows.

**Workflow-Driven Communications:**  
Our products are not generic call or message products. We provide solutions that drive workflows, whether that's code STEMIs or consult requests, nurse calls or care team communications.

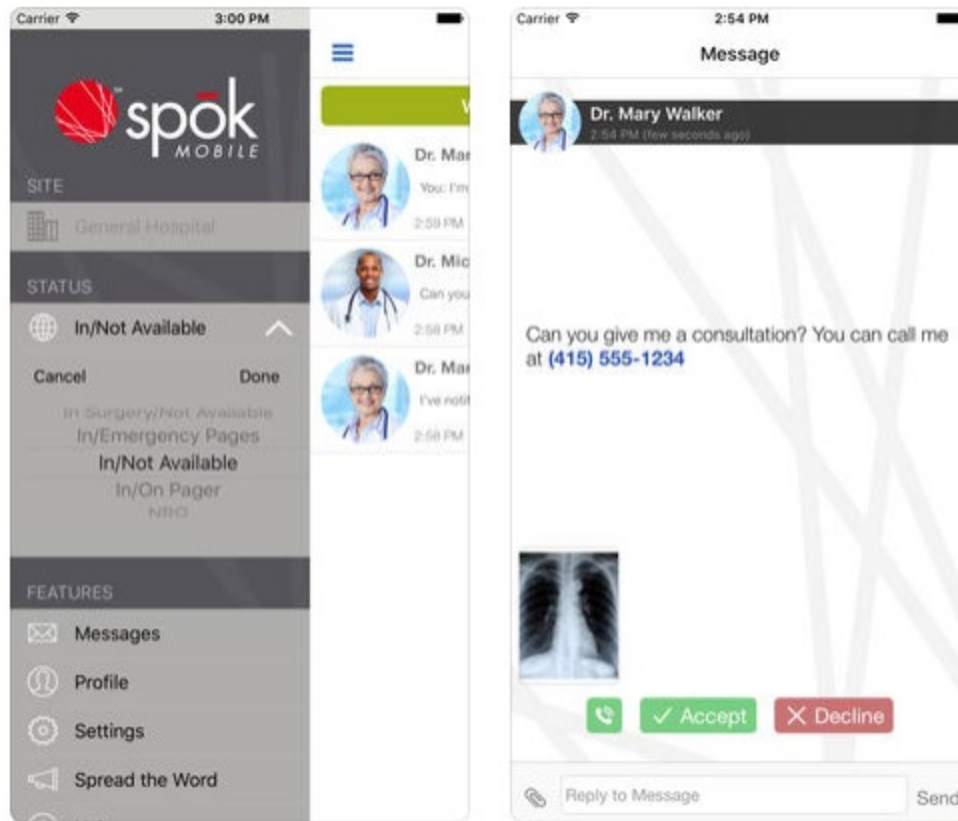
**Multi-Modal:**  
We're not just texting or paging. Our solutions include secure messaging, voice, alarms, and alerts across many modalities, so we offer you the most flexible options.

**Certifications and Integrations:**  
We work extensively with all the leading providers of systems you have in your hospital today. Spok solutions are used in the most critical of environments. We certify our products with many leading vendors as well as government entities such as JITC/DOD, the FDA, and the FCC.

**Enterprise Directory:**  
The directory, scheduling, and preference data at the heart of our system serves as a single source of truth across the hospital.

*Figure 4. The Spok Product receives audible and visible alerts from a wide-area notification system.*

See <https://itunes.apple.com/us/app/spok-mobile/id418057657?mt=8>; webpage attached hereto as Ex. D, Figure 5.



*Figure 5. The Spok Product utilizes a mobile app which allows users to receive emergency and non-emergency alerts on the users smartwatch.*

16. The Spok product satisfies claim element 15(b): “manually, and independently from the first emergency notification signal, providing a second non-emergency notification signal to at least one of the plurality of users using the low-range transceiver, wherein the non-emergency notification signal is a user-specific and event-specific notification signal that is transmitted by an operator of the low-range transceiver to a wireless transmitter that is worn by a user, wherein the

user is a person other than the operator.” For example, the Spok product may provide a second non-emergency notification signal manually and independently from the first emergency notification signal (e.g., an emergency notification, or any other emergency alert), providing a second non-emergency notification signal (e.g., a nurse call, infant protection notification or a general non-emergency notification etc.) to at least one of the plurality of users (e.g., a user with a smartphone) using the low-range transceiver (e.g., a smartphone with the Spok Mobile Application installed), wherein the non-emergency notification signal (e.g., an SMS or In-App notification) is a user-specific and event-specific notification (e.g., the notification is sent to a targeted individual) signal that is transmitted by an operator (e.g., administrator or an operator of the Spok System) of the low-range transceiver to a wireless transmitter (e.g., a smartwatch paired with said user’s smartphone that will receive any notifications received by the smartphone) that is worn by a user (e.g. a smartwatch is worn by a user), wherein the user is a person other than the operator (e.g. the user receiving the notification is one other than the administrator that initiated the notification to be sent).. See Figures 1-5; see also <https://www.spok.com/meet-spok/news-press/news-releases/05-07-15>; webpage attached hereto as Exhibit E; Figure 6.

### Spok Announces Availability of Notification Alerting on Apple Watch

**SPRINGFIELD, Va. (May 7, 2015)** – Spok, Inc. announced today the availability of message notifications on the Apple Watch™ wrist wearable device to enable clinicians to enhance care coordination. The Spok Mobile® secure texting app is currently used by numerous hospitals to give users quick access to the organization’s directory, allowing staff to communicate securely through encrypted text, image, and video messages. In addition, the app can receive alerts from patient care, nurse call, and other monitoring systems to speed response to critical situations. Already a leader in clinical mobile technology, Spok currently provides flexible communication options for a range of devices, now including the new Apple Watch.

The Apple Watch gives Spok Mobile app users the ability to receive message notifications today. Now users will know when they have new messages without having to access their iPhone. In the coming months, additional capabilities will be added to further facilitate the incorporation of wearables.

“Our early in-house integration with wearable devices has shown that wearables can enhance the workflows that already exist with smartphones,” said Vincent D. Kelly, president and chief executive officer of Spok Holdings, Inc. “We see this combination of phone and wearable as something that will push the envelope of communication methods in modern healthcare.”

Spok focuses on providing solutions to support how clinicians want to manage and communicate patient information. This includes the incorporation of new wearable technology, which is poised to have a big impact on healthcare communication processes in the future.

Smartwatch as a wireless transmitter





*Figure 6. The Spok product allows for transmittal of emergency and non-emergency notifications to smartwatches.*

17. **Induced Infringement.** Spok has also actively induced, and continues to induce, the infringement of at least claim 15 of the '869 Patent by actively inducing its customers, including merchants and end-users, to use the Spok product in an infringing manner as described above. Upon information and belief, Spok has specifically intended that its customers use the Spok product that infringes at least claim 15 of the '869 Patent by, at a minimum, providing access to, support for, training and instructions for its website to its customers to enable them to infringe at least claim 15 of the '869 Patent, as described above. Even where performance of the steps required to infringe at least claim 15 of the '869 Patent is accomplished by Spok and a Spok customer jointly, Spok is responsible for the actions that cause each of the steps of at least claim 15 of the '869 Patent to be performed.

18. Tenaha is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

#### **JURY DEMAND**

19. Under Rule 38(b) of the Federal Rules of Civil Procedure, Tenaha respectfully requests a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, Tenaha asks this Court to enter judgment against Spok, granting the following relief:

- A. A declaration that Spok has infringed the Patents-in-Suit;
- B. An award of damages to compensate Tenaha for Spok's direct infringement of the Patents-in-Suit;

- C. An award of damages, including trebling of all damages, sufficient to remedy Spok's infringement of the Patents-in-Suit under 35 U.S.C. § 284;
- D. An accounting for all damages not presented at trial;
- E. A declaration that this case is exceptional, and an award to Tenaha of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An award of prejudgment and post-judgment interest; and
- G. Such other relief as this Court or jury may deem proper and just.

Dated: January 31, 2019

/s/ Timothy Devlin

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