

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

<p>Tenaha Licensing LLC, Plaintiff, v. Vocera Communications, Inc., 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 Vocera Communications, Inc. (“Vocera”) 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 Vocera Communications, Inc. is a corporation organized and existing under the laws of Delaware with its principal place of business at 525 Race Street, San Jose, CA 95126.

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 Vocera because it has engaged in systematic and continuous business activities in the District of Delaware and is incorporated in Delaware. Specifically, Vocera provides its full range of services to residents in this District. As described below, Vocera 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 Vocera 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 Vocera.

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.** Vocera 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, Vocera offers the communication platform Vocera Engage (the “Vocera product”), to provide emergency and non-emergency notifications to users. The Vocera product allows operators to send customized messages to target a large number of users. *See* <https://www.vocera.com/product/vocera-engage>; webpage attached hereto as Exhibit B, Figures 1, 2.

Vocera Engage


Event-Driven Alarm and Alert Management

Are your clinicians ready for less alarm fatigue and more efficient workflows? Vocera Engage can help you manage clinical alarms and alerts in coordination with Vocera Platform Interoperability and the [Vocera Collaboration Suite](#) mobile app.

Engage works behind the scenes to aggregate patient and care team information and deliver it to caregivers on their mobile devices in parallel with secure messaging and event notifications.

Based upon protocols set by your team, built-in workflow intelligence prioritizes alarms and notifications. The system sends only actionable notifications, accompanied by information about the patient, caregiver, and event, to the appropriate recipients.

Figure 1. The Vocera communication platform provides emergency and non-emergency event notifications (e.g., clinical alarms, clinical alerts, and notifications) to a plurality of users.



Key Features: Vocera Engage

- > Enable real-time situational awareness and patient-centric communications: Engage can aggregate patient and care team information and provide it in parallel with secure messaging in Vocera Collaboration Suite.
- > Help reduce interruption fatigue: Engage can use multiple variables to trigger actionable alarm and alert notifications and filter out non-actionable notifications.
- > Inform clinical decision making: Engage allows data to be unified from multiple sources at one time including EHRs, clinical and operational systems, and medical devices.
- > Allow faster response to clinical events: Engage integrates with location technologies to identify which care team members are and are not available to respond.
- > Scale to support the enterprise: Support the needs of your hospital today and scale for the needs of tomorrow across an entire integrated delivery network.

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

See <https://www.vocera.com/product/collaboration-suite>; webpage attached hereto as Exhibit C, Figure 3.

Collaboration Suite

Real-Time Situational Awareness and Integrated Data, Voice, and Secure Text

With real-time situational awareness, there's no delay in patient safety. And Vocera Collaboration Suite delivers it. You can recognize and respond to a change in a patient's status and collaborate with the entire care team quickly. View waveforms and vital signs from anywhere. Send and receive messages tagged with patient data and care team information. And seamlessly access calling and secure texting from within mobile EHR apps.

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

See https://play.google.com/store/apps/details?id=vocera.cs&hl=en_US; webpage attached hereto as Exhibit D, Figure 4.

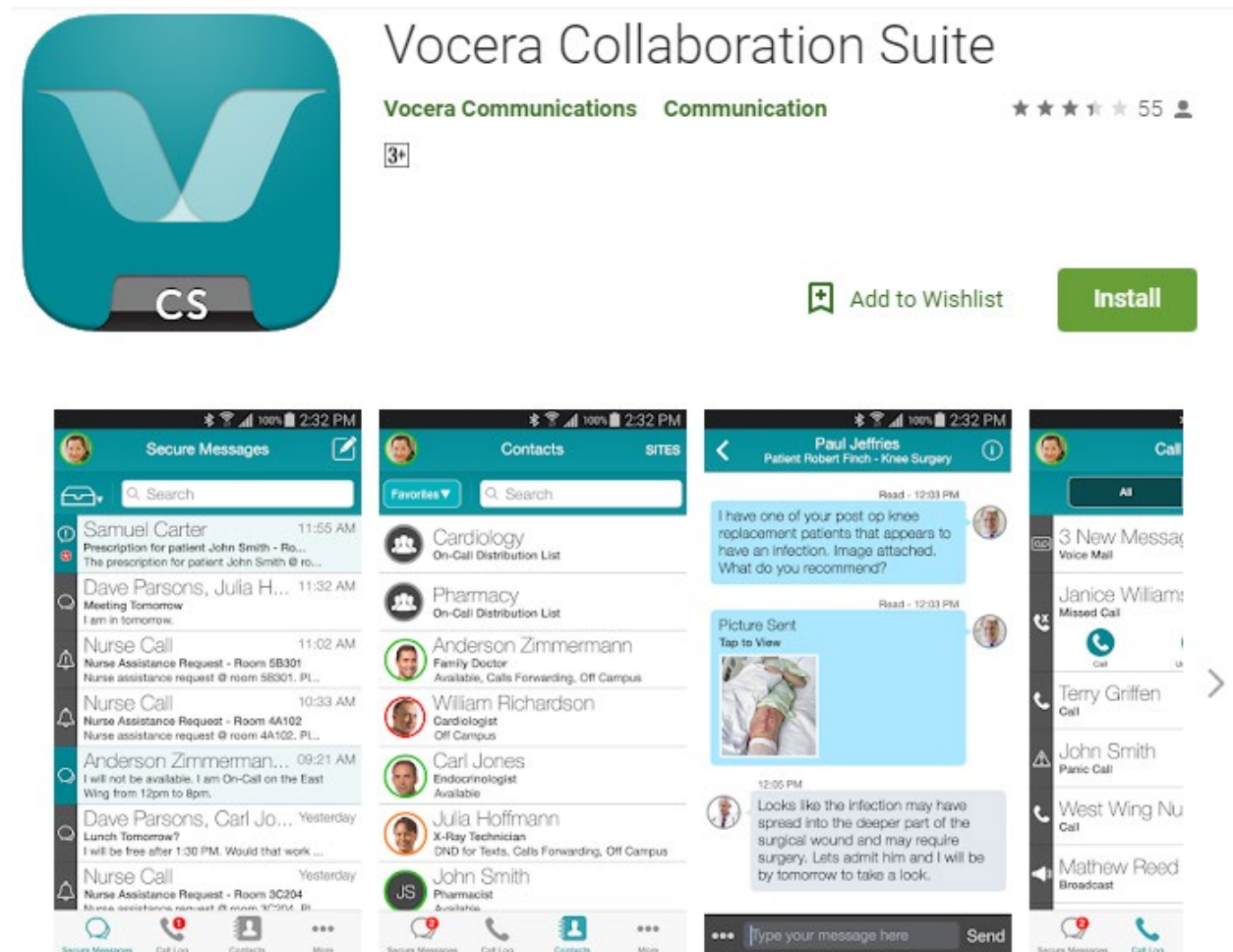


Figure 4. The Vocera mobile app allows users to receive emergency and non-emergency alerts

15. The Vocera 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 Vocera product operates by using a low-range transceiver (e.g., a smartphone with the Vocera Mobile Application installed or a Vocera Badge) 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 Vocera 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 Vocera Mobile Applications interface or via SMS, said notification being forwarded to a Smartwatch) in response to the first emergency notification signal. *See* Figures 1–4. *See* Ex. D, Figure 5.

Vocera Collaboration Suite is the industry's leading enterprise-class, HIPAA compliance enabling voice and secure texting smartphone application that allows you to call by name, group, or broadcast, and integrates with more than 140 clinical systems. Providing real-time situational awareness and actionable patient data to inform clinical decisions, care team members can easily communicate and collaborate, improving the experience of the patient and caregiver. This solution creates a seamless user experience, combining the unique calling, texting, alerting and content distribution capabilities of Vocera into one, secure and easy-to-use mobile application.

Instantly connecting care teams inside or outside the healthcare facility improves staff productivity, patient safety and the overall care experience. Vocera offers a choice of end-user devices to ensure the continuous flow of critical communication. For those clinicians who rely on smart devices, Vocera Collaboration Suite offers the convenience of voice technology with the security to text critical data, and the functionality to integrate with key clinical alerts and alarms systems.

Key Features: Vocera Collaboration Suite

- Support for shared and personal devices to match BYOD policies
- Functionality inside or outside the facility over Wi-Fi® or cellular networks
- Provides secure and auditable delivery and response reporting for alerts and texts
- Allows care team members to reach the right person or group at the right time via Active Directory authentication
- See and interact with Vocera contacts across multiple sites and manage personal favorites lists of users, groups, and global address book entries
- Presence and availability indicators
- Management of critical alarms and messages delivery through on-call scheduling
- Deliver content such as videos, audio files, documents, spreadsheets, and images securely to devices to ensure critical information is at everyone's fingertips
- Permission based access to patient data and care teams with optional access to waveforms and vital signs through integration
- Eases user transition between the smartphone application and the Vocera Badge when hands-free communication is needed

Figure 5. The Vocera product uses a low-range transceiver to automatically relay emergency alerts within a wide area notification area.


See https://pubs.vocera.com/platform/vs/5.3.0/help/admin_help/topics/vs_sites_screen.html;

webpage attached hereto as Exhibit E, Figure 6.

Working with Multiple Sites

Learn about Vocera support for multiple physical locations.

In Vocera, a *site* is a logical division of a single Vocera database that corresponds to a distinct physical location. When you create multiple sites, you allow a centralized Vocera Voice Server or cluster to support multiple physical locations whose users can all communicate with each other. You associate users, groups, and other Vocera entries with specific sites to improve speech recognition and to simplify data management.

 **Note:** You can also support multiple physical locations by using a separate, independent Vocera Voice Server or cluster for each physical location. Because these deployments do not utilize sites, badge users in different locations cannot call each other directly—they must use the telephony interface to communicate. Such deployments may be desirable in situations where a high-speed WAN link between each location is not available.

For example, suppose your organization wants to provide badges to users in three physical locations: New York, Philadelphia, and Washington. You can support these users with either of the following deployments:

- A *multi-site* deployment, with one Vocera Voice Server or cluster and individual New York, Philadelphia, and Washington sites.
This deployment utilizes sites and allows badge users to communicate directly with each other.
- A *multi-server* deployment, with a separate Vocera Voice Server or cluster for each physical location.
This deployment does not utilize sites or allow badge users to communicate directly with each other. The Vocera Voice Servers operate independently and are not connected.

Figure 6. The Vocera product sends notifications to a plurality of users.

See <https://itunes.apple.com/us/app/vocera-engage-mobile-5/id1076576562?mt=8>; webpage attached hereto as Exhibit F; Figure 7.

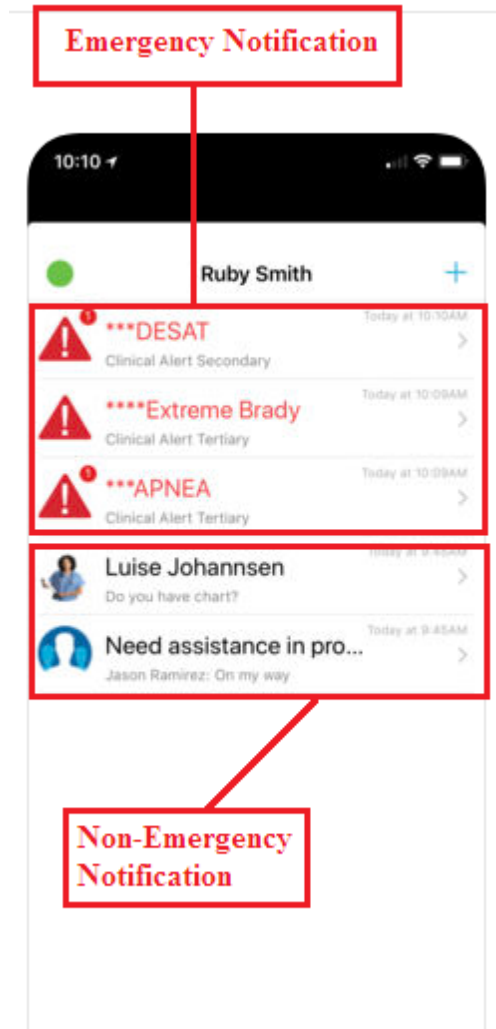


Figure 7. The Vocera product allows emergency and non-emergency alerts.

16. The Vocera 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 Vocera 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 Vocera Mobile Application installed or a Vocera Badge), 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 Vocera 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 or Vocera Badge 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* Exs. B-F, Figs. 1-7; *see also* https://pubs.vocera.com/platform/vs/5.3.0/help/installation_help/topics/vs_stagingserverarch.html; webpage attached hereto as Exhibit G, Figure 8.

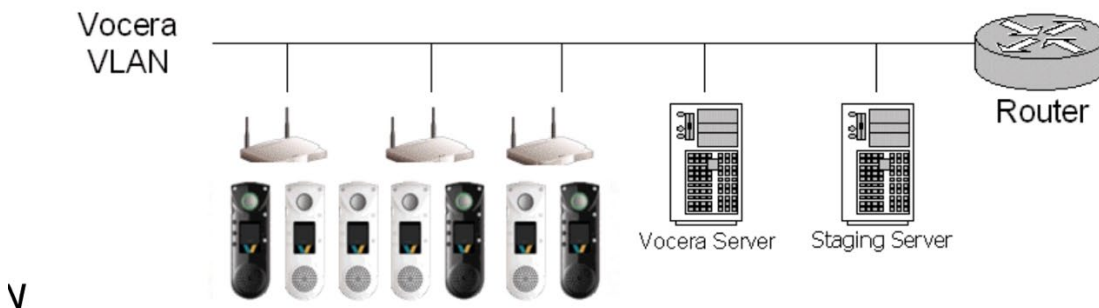


Figure 8. The Vocera product provides emergency and non-emergency alerts via a low-range transceiver to a wireless transmitter.

See <https://www.vocera.com/products/wearables-devices>; webpage attached hereto as Ex. H; Figure 9.



Figure 9. The Vocera product allows for transmittal of emergency and non-emergency notifications to Vocera wearable devices.

17. **Induced Infringement.** Vocera 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 Vocera product in an infringing manner as described above. Upon information and belief, Vocera has specifically intended that its customers use the Vocera 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 Vocera and a Vocera customer jointly, Vocera 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 Vocera, granting the following relief:

- A. A declaration that Vocera has infringed the Patents-in-Suit;
- B. An award of damages to compensate Tenaha for Vocera's direct infringement of the Patents-in-Suit;
- C. An award of damages, including trebling of all damages, sufficient to remedy Vocera's infringement of the Patents-in-Suit under 35 U.S.C. § 284;
- D. An accounting of 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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