IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF DELAWARE

ZENO HOLDINGS, LLC	)
	)
Plaintiff,	)
	) Civil Action No. _____
v.	)
	) **JURY TRIAL DEMANDED**
PIPEDRIVE INC.	)
	)
Defendant.	)
	)

COMPLAINT

For its Complaint, Plaintiff Zeno Holdings, LLC ("Zeno Holdings"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1.   Zeno Holdings is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 400, Plano, Texas 75093.

2.   Defendant Pipedrive Inc. is a Delaware company, with, upon information and belief, a place of business located at 460 Park Avenue South, New York, New York 10016.

3.   On February 27, 2019, Zeno Holdings' licensing agent sent via FedEx a letter to Defendant's Chief Financial Officer informing Defendant of the patents-in-suit and enclosing claim charts. FedEx confirmed that the letter was delivered on February 28, 2019. Defendant did not respond to Zeno Holdings' licensing agent.

JURISDICTION AND VENUE

4.   This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

5.   Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

6.   Upon information and belief, Defendant conducts substantial business in this

forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

7.   Venue is proper in this district pursuant to 28 U.S.C. § 1400(b).

THE PATENTS-IN-SUIT

8.   On August 25, 2015, U.S. Patent No. 9,118,773 (the "'773 patent"), entitled "Automated Prompting Techniques Implemented Via Mobile Devices and Systems," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '773 patent is attached hereto as Exhibit A.

9.   On June 10, 2014, U.S. Patent No. 8,750,836 (the "'836 patent"), entitled "Automated Prompting Techniques Implemented Via Mobile Devices and Systems," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '836 patent is attached hereto as Exhibit B.

10.   Zeno Holdings is the assignee and owner of the right, title and interest in and to the '773 and '836 patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 9,118,773

11.   Zeno Holdings repeats and realleges the allegations of paragraphs 1 through 10 as if fully set forth herein.

12.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claims 1 and 2 of the '773 patent by making, using, importing, offering for sale, and/or selling systems and methods for operating a mobile communication device
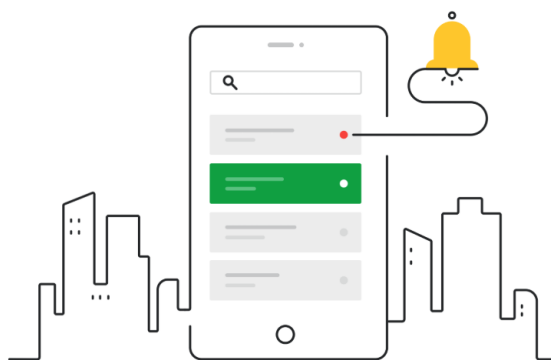
associated with a user, including, but not limited to, Pipedrive Mobile CRM, because each and every element is met either literally or equivalently.

13.   More specifically and upon information and belief, Pipedrive Mobile CRM provides an outgoing/incoming call logging function which allows a user to log a call and take notes about the call after it ends.

https://www.pipedrive.com/en/features/mobile-crm.

https://www.pipedrive.com/en/blog/call-tracking-arrives-for-ios-and-android-apps   ("Pipedrive Blog").

14.   Pipedrive Mobile CRM provides a log outgoing/incoming call feature that enables the user to create notes about the call just after the call ends. In the Pipedrive Mobile CRM app, the user can set specific settings for enabling or disabling the log outgoing/incoming call feature (e.g., "threshold criteria").

CALL TRACKING ARRIVES FOR IOS AND ANDROID APPS

January 06, 2016

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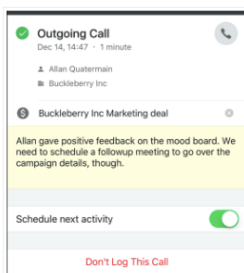### A few things to keep in mind:

1. Call tracking works on outgoing calls only
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4. If you want to turn the feature off, navigate to **More → Preferences** and toggle **Call Logging** off

Pipedrive Blog.

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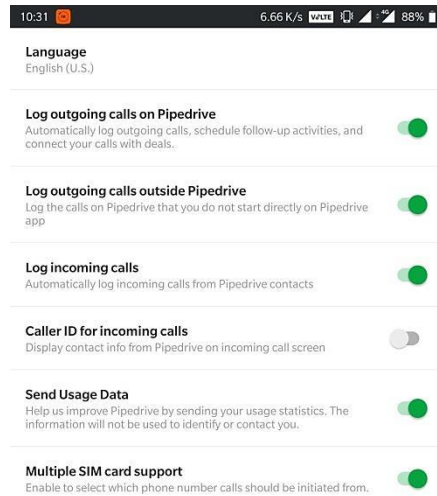

You can start a phone call on Pipedrive app by tapping on the phone number on the contact person view or on the call icon on a deal or activity view.

The call summary will be saved as call-type activity in the Detail View of both the associated person contact and deal.

This feature can be disabled by clicking **More > Preferences**, then switching off call logging.

5

https://support.pipedrive.com/hc/en-us/articles/207208335-iOS-How-to-log-phone-calls-on-Pipedrive-app ("Pipedrive iOS").
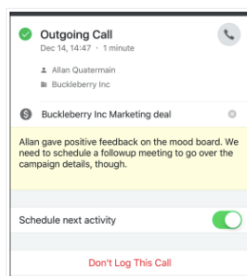

Screenshot of Pipedrive Mobile CRM App.

15.   When the log outgoing/incoming call feature is enabled, an option appears on the user's mobile device when the call ends, which allows the user to log the call and enter comments (e.g., "user interface message prompting the user to initiate a procedure").

Pipedrive iOS; *see also* Pipedrive Blog.

16.   When the user ends the call, Pipedrive Mobile CRM automatically presents the option to log the call and make notes about the call. This shows that Pipedrive Mobile CRM detects when a call ends (e.g., "end of call (EOC) event has been detected").

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> **Outgoing Call**
> Dec 14, 14:47 · 1 minute
>
> 👤 Allan Quatermain
> 🏢 Buckleberry Inc
>
> $ Buckleberry Inc Marketing deal
>
> Allan gave positive feedback on the mood board. We need to schedule a followup meeting to go over the campaign details, though.
>
> Schedule next activity
>
> Don't Log This Call

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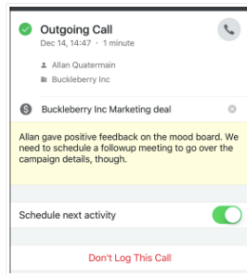
This feature can be disabled by clicking **More > Preferences**, then switching off call logging.

Pipedrive iOS.

iOS: Calling from the mobile app

Calling a contact person for a deal from the Pipedrive mobile app couldn't be easier! When you have a deal or the contact person's page open, just press the green phone in the menu at the bottom and you're on your way.

Once the call is over, the app will then automatically create a completed activity for you with a note where you can write down the outcome of the call.

There are a couple of things to keep in mind though. Mainly, the app only tracks outgoing calls made from within the Pipedrive app. If a contact calls you, or if you just call them from your phone outside the app, then it won't be added as an activity.

https://support.pipedrive.com/hc/en-us/articles/115000943689-iOS-Calling-from-the-mobile-app ("iOS Calling").

17.   When the call ends, Pipedrive Mobile CRM determines if the log outgoing/incoming call feature is enabled or not.

7

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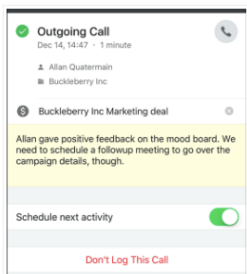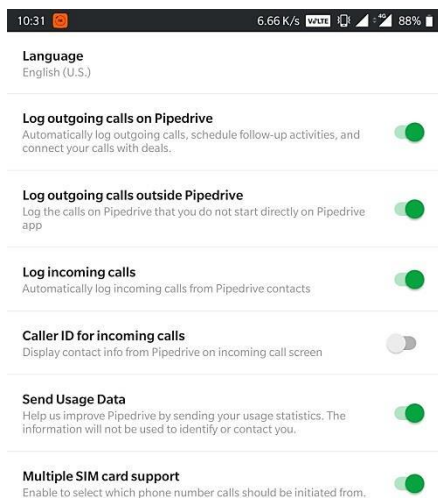
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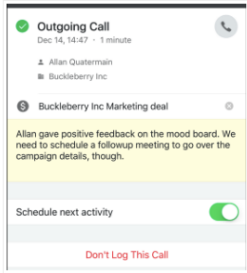
Pipedrive iOS.

Screenshot of Pipedrive Mobile CRM App.

18.   If the call logging is enabled and the call ends, the option to log the call and enter notes about the call appears on the user mobile.

8

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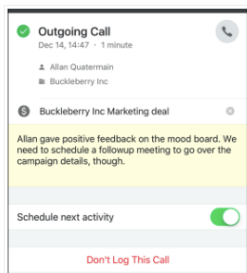
This feature can be disabled by clicking **More > Preferences**, then switching off call logging.

Pipedrive iOS.

19.   The call log option allows the user to enter the notes about the call. If the user does not want to add notes/description, he/she has an option to cancel the call logging (e.g., "the user authorizing initiation of the procedure").

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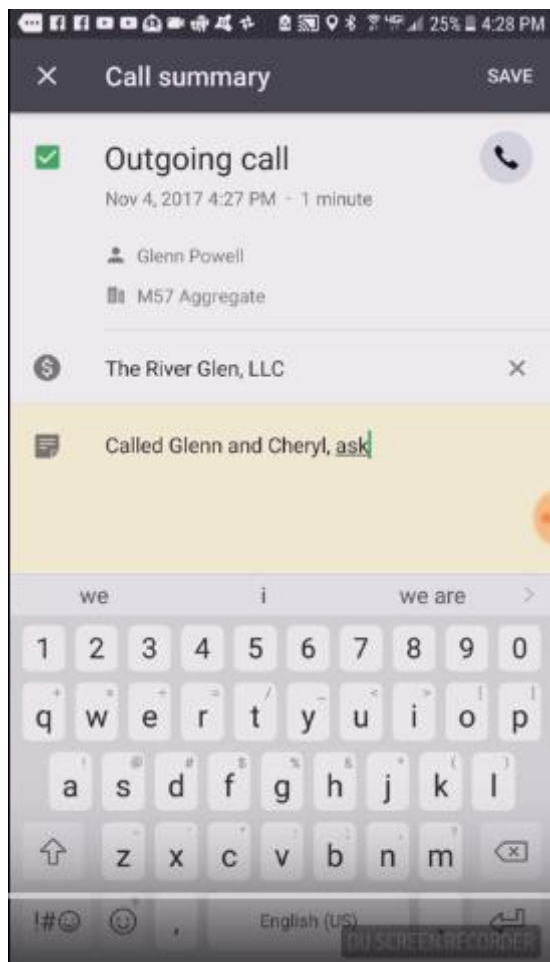
iOS Calling.

20.   The user can enter information such as notes about the call (e.g., "digital content").
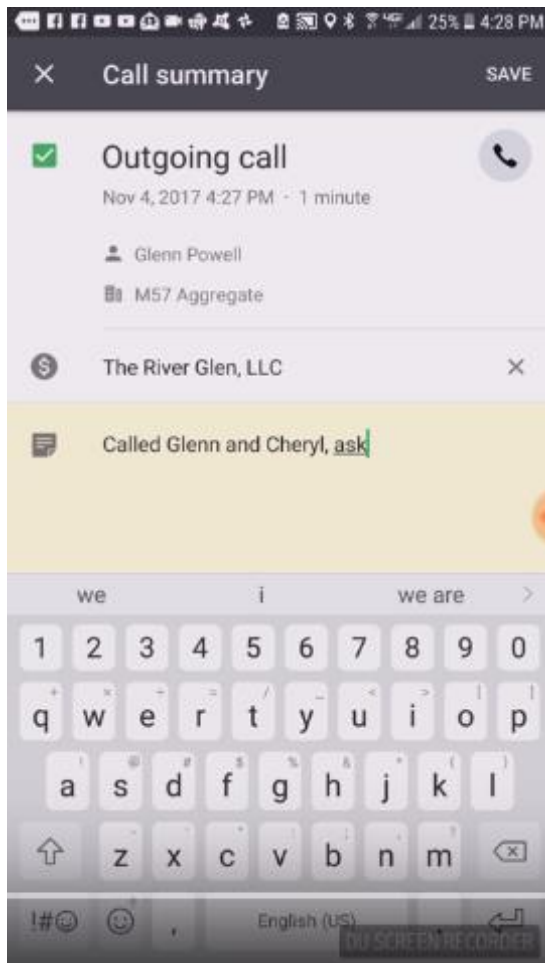
https://youtu.be/r1mvrH6Sf90?t=104 ("Video").

21.   Pipedrive Mobile CRM automatically fetches other details about the call such as duration of the call, called party name, etc. (as saved by the user in contacts).
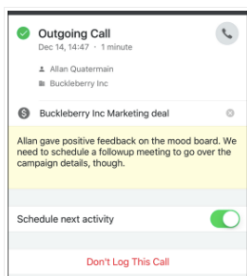
Video.

22.   The call logging feature allows the user to create an electronic file comprising the details of the call such as name of the called party and notes entered by the user.

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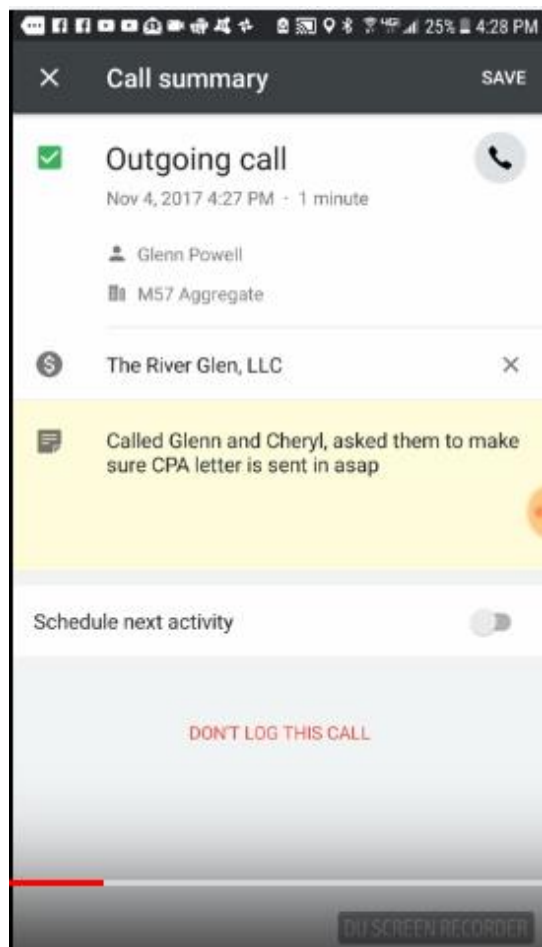
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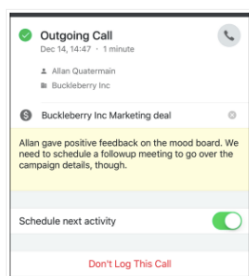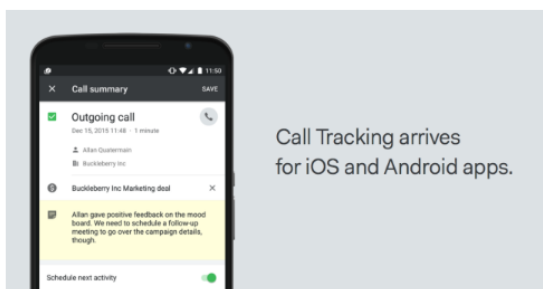
Pipedrive iOS.

23.   After entering all the data, the information is saved and these details are further used to track the customer calls for future reference.

https://www.youtube.com/watch?v=r1mvrH6Sf90&feature=youtu.be&t=131.

Pipedrive iOS.

24.   Pipedrive Mobile CRM allows the user to disable call logging using corresponding settings in the Pipedrive Mobile CRM app. If call logging is disabled, no prompt for logging the call is shown to the user once the call ends.

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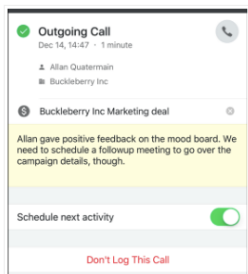- Schedule follow-up activities in Pipedrive

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4. If you want to turn the feature off, navigate to **More → Preferences** and toggle **Call Logging** off

Pipedrive Blog.

14

Pipedrive iOS.

Screenshot of Pipedrive Mobile CRM App.

25.   Zeno Holdings is entitled to recover from Defendant the damages sustained by Zeno Holdings as a result of Defendant's infringement of the '773 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 8,750,836
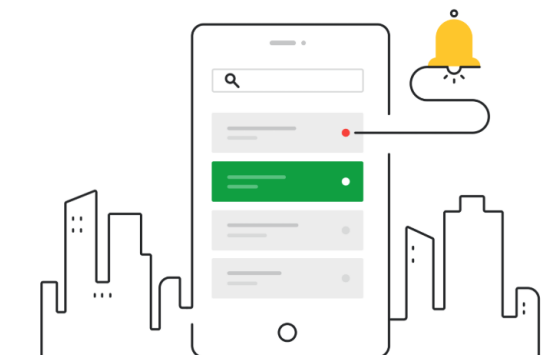
26.   Zeno Holdings repeats and realleges the allegations of paragraphs 1 through 25 as if fully set forth herein.

27.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claims 1 and 2 of the '836 patent by making, using, importing, offering for sale, and/or methods systems and methods for operating a mobile communication device associated with a user, including, but not limited to, Pipedrive Mobile CRM, because each and every element is met either literally or equivalently.

28.   More specifically and upon information and belief, Pipedrive Mobile CRM provides an outgoing/incoming call logging function which allows a user to log a call and take notes about the call after it ends.
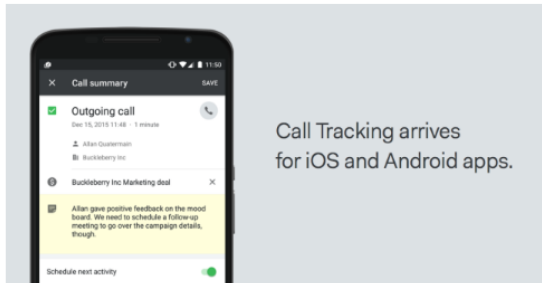

MOBILE CRM

Visualize your day ahead and take action in the moment
Wake up and see your day ahead, maximize selling time on the road and zero in on the right tasks to stay on top of deals. Make tracked contact in a tap and capture precise notes on the spot for the smoothest of follow-ups.

https://www.pipedrive.com/en/features/mobile-crm.

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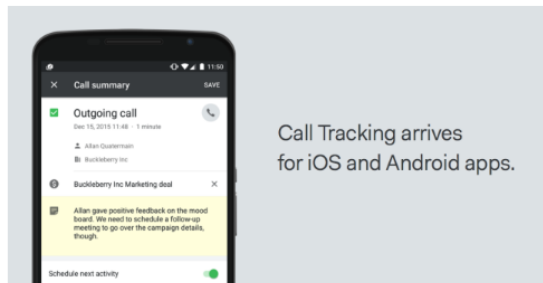**A few things to keep in mind:**

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Pipedrive Blog.

29.   Pipedrive Mobile CRM provides a log outgoing/incoming call feature that enables the user to create notes about the call just after the call ends. In the Pipedrive Mobile CRM app, the user can set specific settings for enabling or disabling the log outgoing/incoming call feature (e.g., "threshold criteria").

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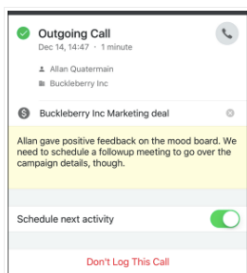- Schedule follow-up activities in Pipedrive

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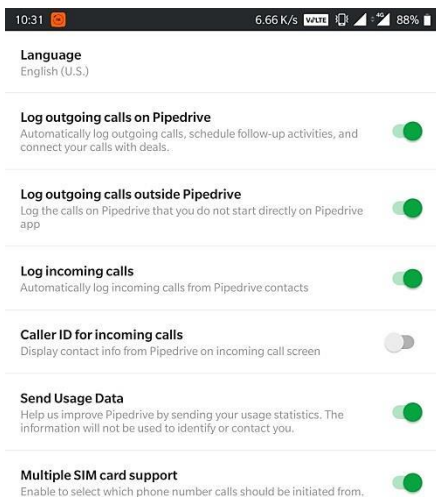

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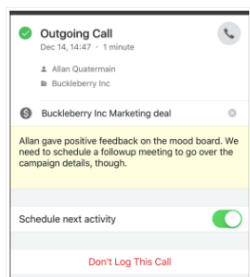
18

Pipedrive iOS.

Screenshot of Pipedrive Mobile CRM App.

30.   When the feature is enabled, an option appears on the user mobile when the call ends, which allows the user to log the call and enter comments (e.g., "user interface message prompting the first user to initiate a procedure").

Pipedrive iOS; *see also* Pipedrive Blog.

31.   The user can initiate a call (e.g., "initiation of a first phone call") to any of the saved contacts from the Pipedrive Mobile CRM app.

https://youtu.be/r1mvrH6Sf90?t=53.

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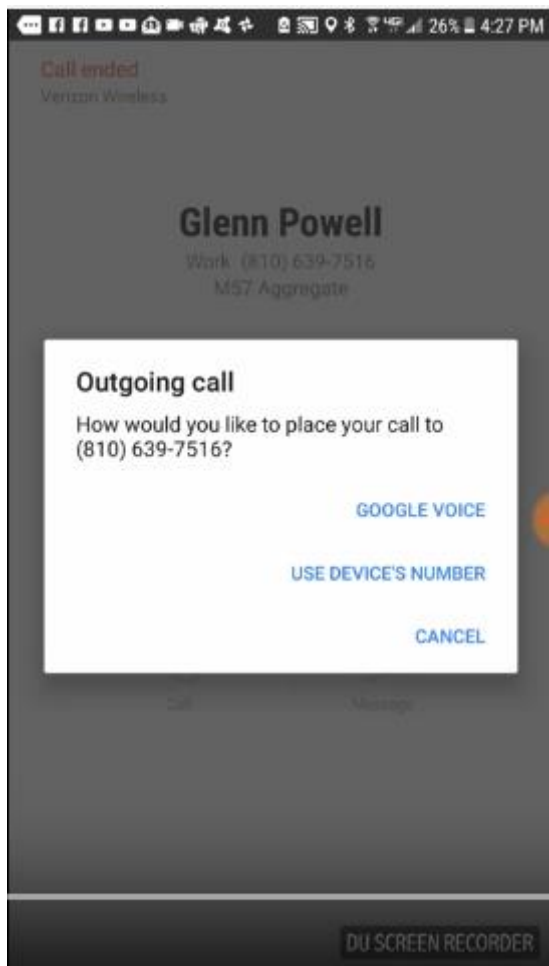In the Call Summary View, you can fill in the call notes and schedule followup activities.

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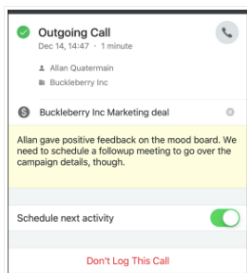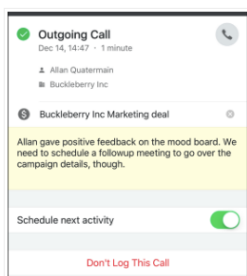
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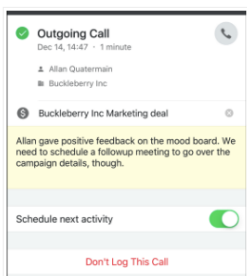
iOS Calling.

33.   When the call ends, Pipedrive Mobile CRM determines if the log outgoing/incoming call is enabled or not.

21

Pipedrive iOS.

Screenshot of Pipedrive Mobile CRM App.

34.   If the call logging is enabled and the call ends, the option to log the call and enter notes about the call appears on the user mobile.

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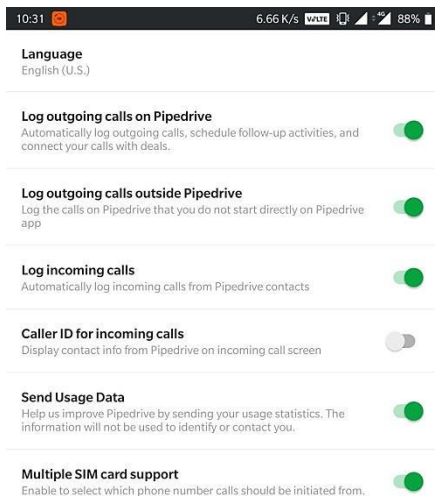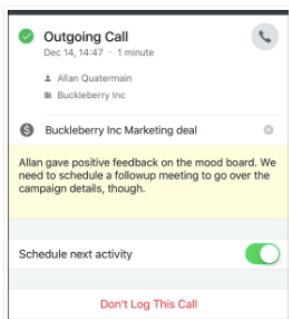
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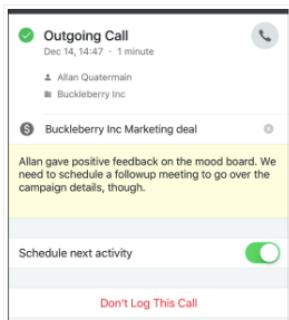
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Calling a contact person for a deal from the Pipedrive mobile app couldn't be easier! When you have a deal or the contact person's page open, just press the green phone in the menu at the bottom and you're on your way.

Once the call is over, the app will then automatically create a completed activity for you with a note where you can write down the outcome of the call.

There are a couple of things to keep in mind though. Mainly, the app only tracks outgoing calls made from within the Pipedrive app. If a contact calls you, or if you just call them from your phone outside the app, then it won't be added as an activity.

iOS Calling.

36.   The user can enter information such as notes about the call (e.g., "digital content").

Video.

37.   Pipedrive Mobile CRM automatically fetches other details about the call such as duration of the call, called party name, etc. (as saved by the user in contacts).
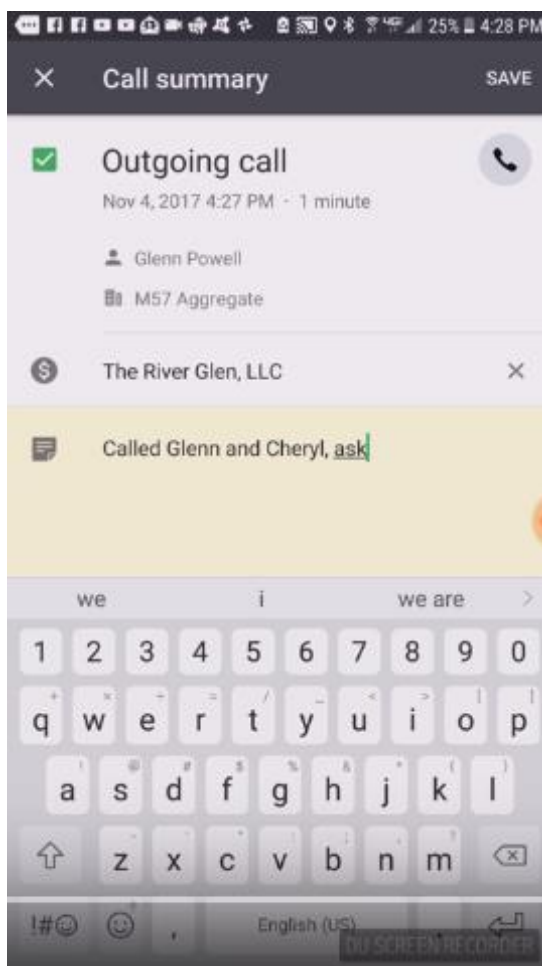
Video.

38.   The call logging feature allows the user to create an electronic file comprising the details of the call such as name of the called party and notes entered by the user.

iOS: How to log phone calls on Pipedrive app?

When you start a phone call from within the Pipedrive app, you will be prompted with the Call Summary View after the call ends.

In the Call Summary View, you can fill in the call notes and schedule followup activities.

You can start a phone call on Pipedrive app by tapping on the phone number on the contact person view or on the call icon on a deal or activity view.

The call summary will be saved as call-type activity in the Detail View of both the associated person contact and deal.

This feature can be disabled by clicking **More > Preferences**, then switching off call logging.
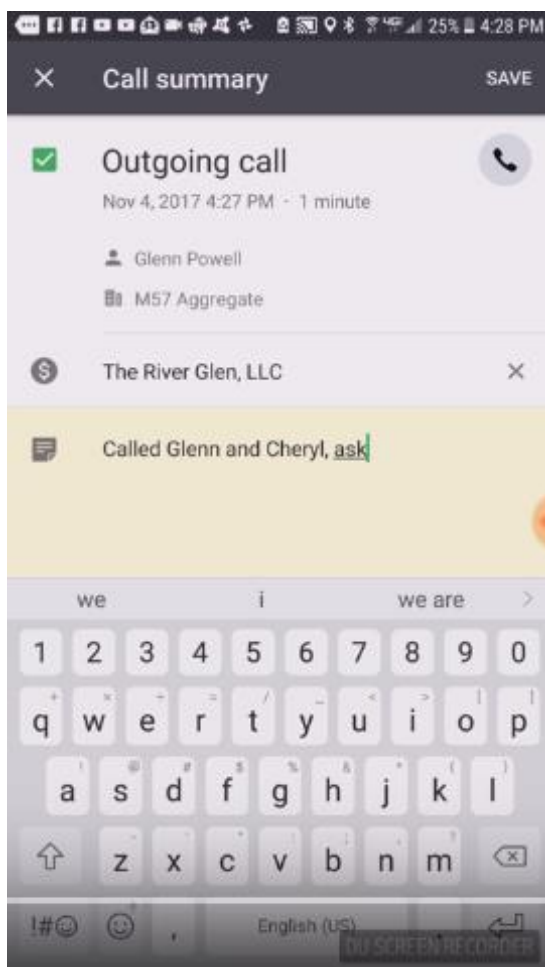
Pipedrive iOS.

39.   After entering all the data, the information is saved and these details are further used to track the customer calls for future reference.

https://www.youtube.com/watch?v=r1mvrH6Sf90&feature=youtu.be&t=131.

Pipedrive iOS.

40.   Pipedrive Mobile CRM allows the user to disable call logging using corresponding settings in the Pipedrive Mobile CRM app. If call logging is disabled, no prompt for logging the call is shown to the user once the call ends.

CALL TRACKING ARRIVES FOR IOS AND ANDROID APPS

January 06, 2016

Call Tracking arrives for iOS and Android apps.

Keeping track of those sales calls just got easier with the arrival of Pipedrive's call tracking mobile app for iOS and Android.

Call tracking allows you to:

- Log phone calls
- Take notes after the call
- Link calls and notes to deals
- Schedule follow-up activities in Pipedrive

A few things to keep in mind:

1. Call tracking works on outgoing calls only
2. Calls need to originate from the Pipedrive app
3. Call logs are saved as activities under the person's name, organization and deal
4. If you want to turn the feature off, navigate to **More → Preferences** and toggle **Call Logging** off

Pipedrive Blog.

Pipedrive iOS.

Screenshot of Pipedrive Mobile CRM App.

41.   Zeno Holdings is entitled to recover from Defendant the damages sustained by Zeno Holdings as a result of Defendant's infringement of the '836 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

WILLFULNESS AND INDIRECT INFRINGEMENT

42.   Zeno Holdings repeats and realleges the allegations of paragraphs 1 through 41 as if fully set forth herein.

43.   Defendant has been on notice of the '773 and '836 patents since, at the latest, its receipt of Zeno Holdings' licensing agent's letter dated February 27, 2019.

44.   Upon information and belief, Defendant has not altered its infringing conduct after receiving the February 27, 2019 letter.

45.   Upon information and belief, Defendant's continued infringement despite its knowledge of the '773 and '836 patents and the claim enclosed in the February 27, 2019 that evidenced infringement has been objectively reckless and willful.

46.   In particular, Defendant's customers' and end-users' use of Defendant's products and services which operate a mobile communication device associated with a user, such as, Pipedrive Mobile CRM, is facilitated by the use of technology patented under the '773 and '836 patents. Thus, Defendant's customers and end-users are able to log calls when using such products and services.

47.   On information and belief, in order to generate profits and revenues, Defendant markets and promotes, e.g., through its website and sales personnel, the use of its products and services that infringe the '773 and '836 patents when used as intended by Defendant's customers and end-users. Defendant's customers and end-users use such products and services (including, e.g., Defendant's software). Defendant further instructs its customers and end-users how to use such products and services in a manner that infringes the '773 and '836 patents (e.g., through on-line technical documentation, instructions, and technical support). Defendant further instructs its customers and end-users to infringe the '773 and '836 patents through the products

and services themselves, e.g., through on-line instructions and intuitive user interfaces, such as those found in Pipedrive Mobile CRM.

48.   In particular, Defendant instructs its customers and end-users through at least on-line support instructions and documentation over the Internet how to keep track and log calls when using Pipedrive Mobile CRM.

49.   Defendant still further makes such products and services accessible to its customers and end-users via mobile apps, thus enabling and encouraging its customers and end-users to use such products and services, including supporting software systems, to infringe the '773 and '836 patents.

50.   On information and belief, even though Defendant has been aware of the '773 and '836 patents and that its customers and end-users infringe these patents since as of its receipt of the February 27, 2019 letter and Defendant has neither made any changes to the functionality, operations, marketing, sales, technical support, etc. of such products and services to avoid infringing the '773 and '836 patents nor informed its customers or end-users how to avoid infringing the '773 and '836 patents. To date, Defendant has not identified a single action that it has taken to avoid infringement (e.g., by designing around or notifying its customers or end-users how to avoid infringement) by itself or its customers or end-users since it became aware of the '773 and '836 patents.

51.   On information and belief, Defendant itself is unaware of any legal or factual basis that its actions solely, or in combination with the actions of its customers and end-users, do not constitute direct or indirect infringement of the '773 and '836 patents. To date, Defendant has not produced any opinion of counsel, request for opinion of counsel, evaluation, analysis, or investigation relating to the validity, scope, interpretation, construction,

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enforceability, unenforceability, or the infringement or potential infringement of any claim of the '773 and '836 patents.

52.   As such, on information and belief, despite the information Defendant obtained from the February 27, 2019 letter, Defendant continues to specifically intend for and encourage its customers and end-users to use its products and/or services in a manner that infringe the claims of the '773 and '836 patents. In addition, since at least its receipt of the February 27, 2019 letter, Defendant has deliberately avoided taking any actions (e.g., designing around, or providing notice to its customers) to avoid confirming that its actions continue to specifically encourage its customers and end-users to use its products and/or services in a manner that infringe the claims of the '773 and '836 patents.

53.   Defendant's actions of, *inter alia*, making, importing, using, offering for sale, and/or selling such products and/or services constitute an objectively high likelihood of infringement of the '773 and '836 patents, which were duly issued by the United States Patent and Trademark Office and are presumed valid. Since at least its receipt of the February 27, 2019 letter, Defendant is aware that there is an objectively high likelihood that its actions constituted, and continue to constitute, infringement of the '773 and '836 patents and that the '773 and '836 patents are valid. Despite Defendant's knowledge of that risk, on information and belief, Defendant has not made any changes to the relevant operation of its products and/or services and has not provided its users and/or customers with instructions on how to avoid infringement the '773 and '836 patents. Instead, Defendant has continued to, and still is continuing to, among other things, make, use, offer for sale, and/or sell products and/or services patented under the '773 and '836 patents. As such, Defendant willfully, wantonly and deliberately infringed and is infringing the '773 and '836 patents in disregard of Zeno Holdings'

rights under the '773 and '836 patents.

JURY DEMAND

Zeno Holdings hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Zeno Holdings requests that this Court enter judgment against Defendant as follows:

A.   An adjudication that Defendant has infringed the '773 and '836 patents;

B.   A judgment that Defendant has induced infringement of the '773 and '836 patents;

C.   An award of damages to be paid by Defendant adequate to compensate Zeno Holdings for Defendant's past infringement of the '773 and '836 patents and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

D.   An award of enhanced damages pursuant to 35 U.S.C. § 284 for Zeno Holdings' willful infringement of the '773 and '836 patents subsequent to the date of its notice of the '773 and '836 patents

E.   A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Zeno Holdings' reasonable attorneys' fees; and

F.   An award to Zeno Holdings of such further relief at law or in equity as the Court deems just and proper.

Dated: March 25, 2019   STAMOULIS & WEINBLATT LLC

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