IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Tenaha Licensing LLC, Plaintiff, v. **Ascom (US) Inc.,** Defendant.	Case No. _____ Patent Case Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Tenaha Licensing LLC ("Tenaha"), through its attorney, Timothy Devlin, complains against Ascom (US) Inc. ("Ascom") 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 Ascom (US) Inc. is a corporation organized and existing under the laws of Delaware with its principal place of business at 300 Perimeter Park Drive, Morrisville, NC 27560.

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

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.** Ascom 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, Ascom offers the communication platform, Ascom Alarm System (the “Ascom product”), to provide emergency and non-emergency notifications to users. The Ascom product allows operators to send customized messages to target users in mass. *See* https://www.ascom.com/north-america/products/software/unite-messaging-suite.html#products; Figure 1.

Advanced Communication For Mobile Staff.

Ascom Unite seamlessly links mission-critical systems with mobile communications. It delivers intelligent integration, advanced messaging, and system management in one unique, powerful package. Ascom Unite extends the reach of these systems to mobile devices to optimize communication for mobile work teams.

Most companies make huge investments in information technology, which often improves the effectiveness of their primary processes, but the benefits of these investments may not be fully realized due to bottlenecks and gaps in information flow. Ascom Unite integrates with multiple information systems including building management, fire alarm, clinical systems, medical health record systems, location-based systems and dispatch systems to enable an improved and integrated workflow environment.

Figure 1. The Ascom 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.

See https://www.ascom.com/products/category/application-software/unite-alarm-management-client.html; Figure 2.

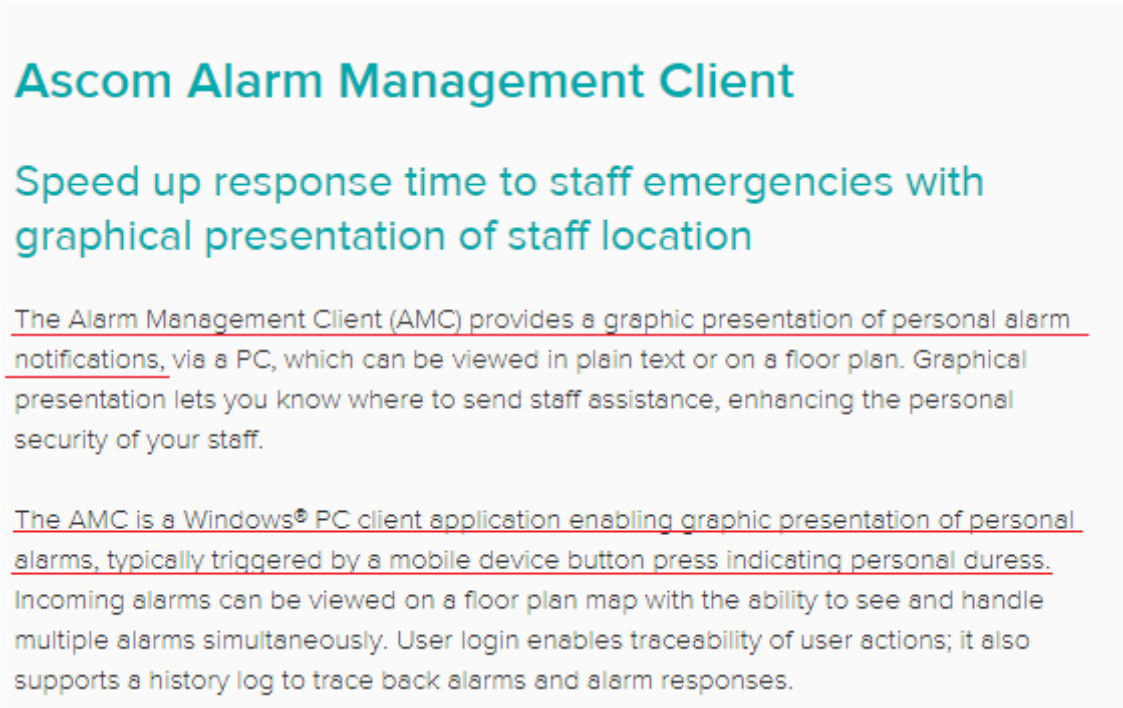


Figure 2.

See https://www.ascom.com/north-america/products/category/management-software/unite-device-management.html; Figure 3.

Figure 3.

See https://www.ascom.com/content/dam/ascom/ws/ready-for-use/global/unite/unite-admin-product-sheet-m0291201-ver-d.pdf; Figure 4.

The Ascom Unite Admin application facilitates the management of all users and groups from one graphical user interface, regardless of the Ascom system deployed, e.g. IP-DECT, VoWiFi, teleCARE IP. It also offers access rights on a discreet user basis, delivering increased information security for staff and patients. The Ascom Unite Admin provides operational simplicity through a unified "control panel" interface resulting in less training time and reduced administrative costs.

Supports simplified administration

The Ascom Unite Admin enables and facilitates a single point of administration of all users, devices and assignments from one graphical user interface. This software application offers significant benefits including a simplified "control panel" approach, assignments of devices (users using a specific device), discreet administrative rights assignment and single point of managing connectivity and integration to other healthcare systems like nurse call.

Manages Ascom users/groups through a single interface

All Ascom users and groups are added and managed through this single admin interface. Furthermore, users can be added to organizational and management structures offering Chief Nursing Officer (CNOs) and other administration staff a more accurate overview. Both these crucial functions ensure that less time is spent on configuring and setting up shifts with more time and focus given to delivering improved patient care.

Manage Ascom device assignment and number plans

Ascom devices can be added and assigned to specific users and numbers. Ascom Unite Admin has the flexibility to designate devices to specific individuals, roles, or as a "shared" device. A "shared" device allows a single handset to support multiple user profiles and phone numbers.

More control, less administration

The system administrator's role is simplified by the Ascom Unite Admin application through an intuitive user interface that is easy to learn. Patient integrity and security are increased through access rights and permissions per configured user. This ensures that staff only have access to specific information necessary for their role.

Figure 4.

See https://www.ascom.com/products/category/wireless-infrastructure.html; Figure 5.

Figure 5.

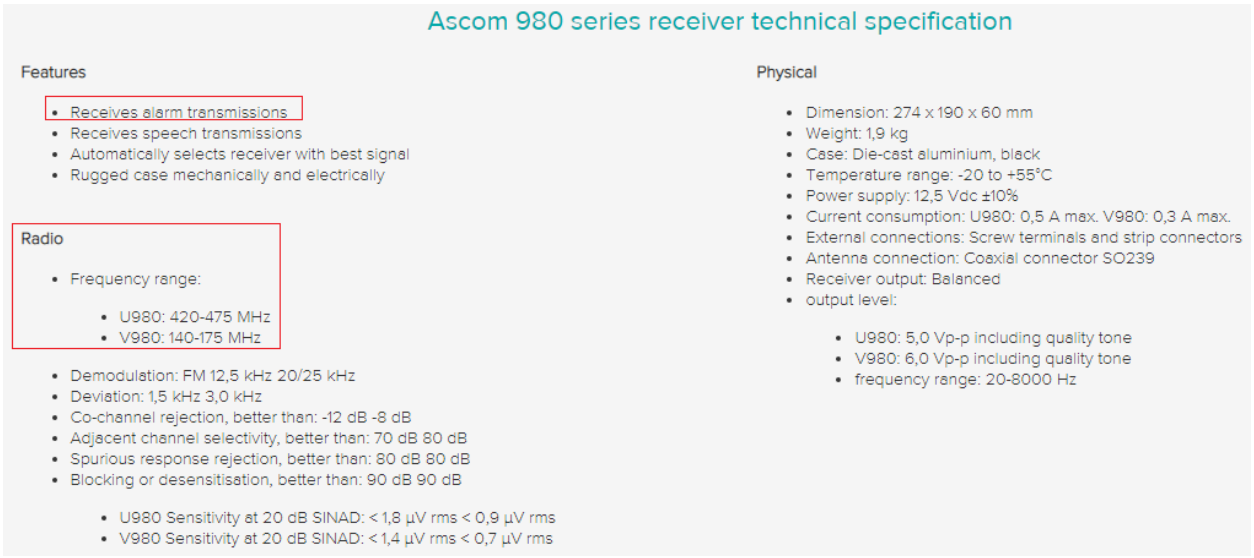
See https://www.ascom.com/products/category/wireless-infrastructure/paging-central-unit.html; Figure 6.

Figure 6.

See https://www.ascom.com/products/category/wireless-infrastructure/paging-receivers.html; Figure 7.

Figure 7.

See https://www.ascom.com/products/category/wireless-infrastructure/paging-receivers.html; Figure 8.



Ascom 980 series receiver technical specification

Features

- Receives alarm transmissions
- Receives speech transmissions
- Automatically selects receiver with best signal
- Rugged case mechanically and electrically

Radio

- Frequency range:
  - U980: 420-475 MHz
  - V980: 140-175 MHz
- Demodulation: FM 12,5 kHz 20/25 kHz
- Deviation: 1,5 kHz 3,0 kHz
- Co-channel rejection, better than: -12 dB -8 dB
- Adjacent channel selectivity, better than: 70 dB 80 dB
- Spurious response rejection, better than: 80 dB 80 dB
- Blocking or desensitisation, better than: 90 dB 90 dB
  - U980 Sensitivity at 20 dB SINAD: < 1,8 µV rms < 0,9 µV rms
  - V980 Sensitivity at 20 dB SINAD: < 1,4 µV rms < 0,7 µV rms

Physical

- Dimension: 274 x 190 x 60 mm
- Weight: 1,9 kg
- Case: Die-cast aluminium, black
- Temperature range: -20 to +55°C
- Power supply: 12,5 Vdc ±10%
- Current consumption: U980: 0,5 A max. V980: 0,3 A max.
- External connections: Screw terminals and strip connectors
- Antenna connection: Coaxial connector SO239
- Receiver output: Balanced
- output level:
  - U980: 5,0 Vp-p including quality tone
  - V980: 6,0 Vp-p including quality tone
  - frequency range: 20-8000 Hz

Figure 8.

See https://www.ascom.com/content/dam/ascom/ws/ready-for-use/global/mobility/legacy-images-and-documents/paging-900-brochure.pdf; Figure 9.

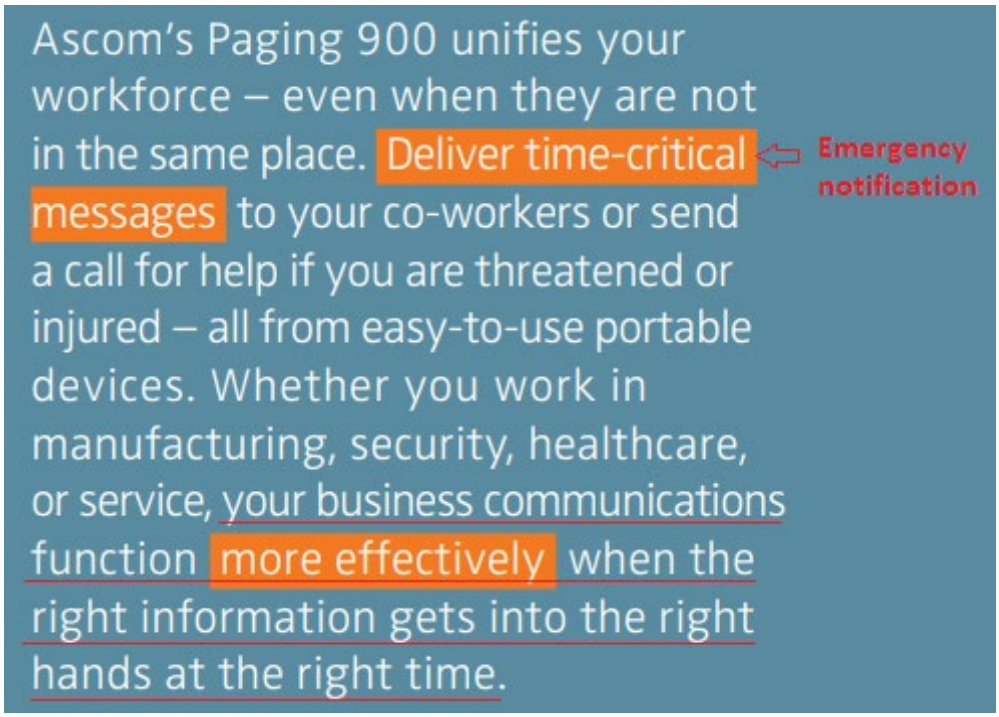


Figure 9.

See https://www.ascom.com/content/dam/ascom/ws/ready-for-use/global/mobility/legacy-images-and-documents/paging-900-brochure.pdf; Figure 10.

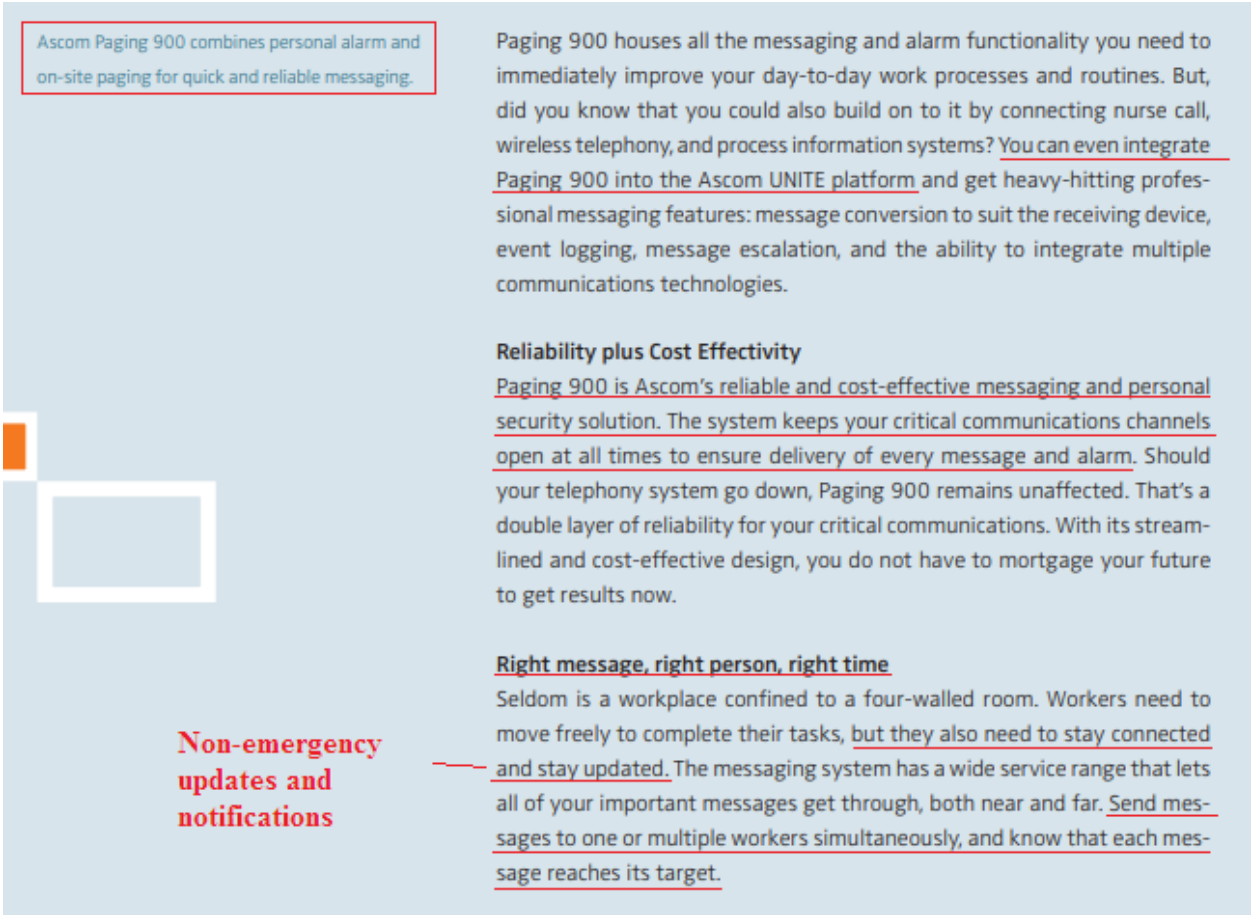


Figure 10.

See https://www.ascom.com/content/dam/ascom/ws/ready-for-use/global/mobility/legacy-images-and-documents/paging-900-brochure.pdf; Figure 11.

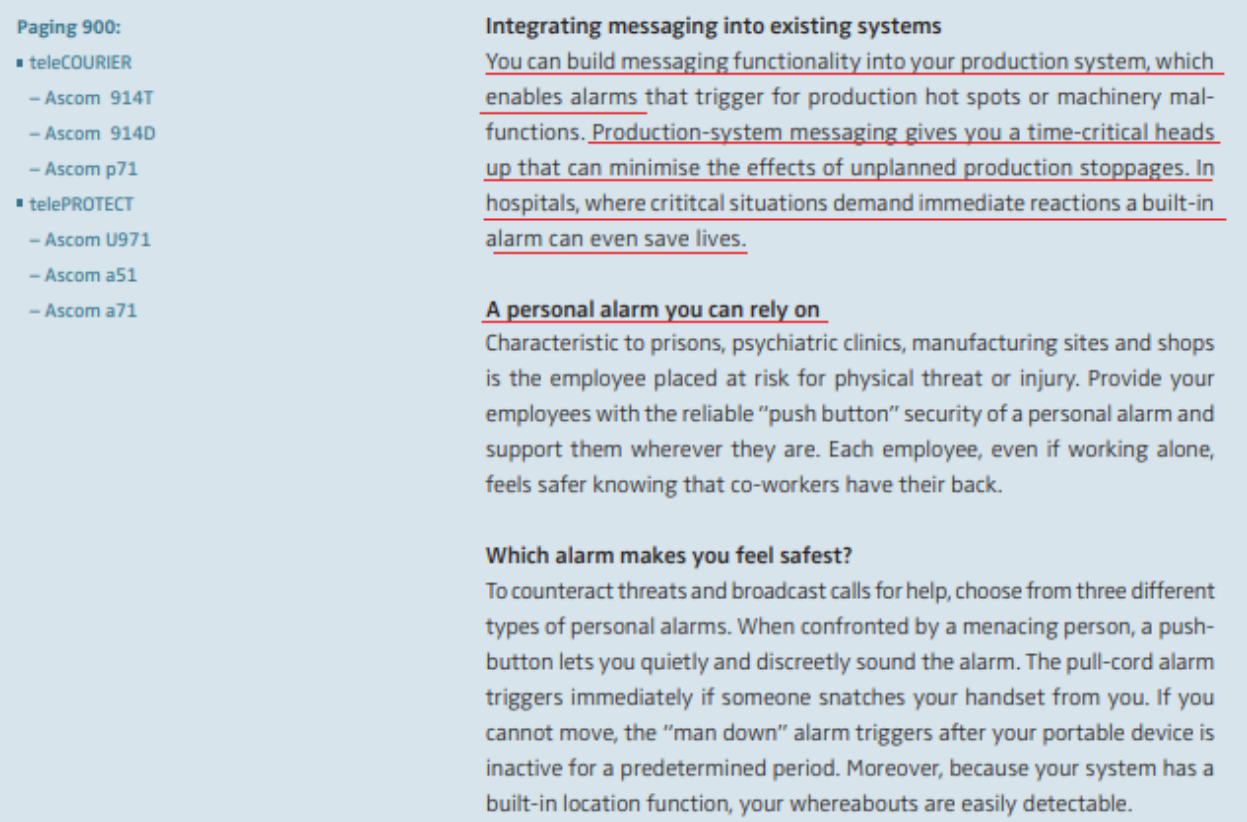


Figure 11.

15. The Ascom 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 Ascom product operates by using a low-range transceiver 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., a central server that can receive alerts from a remotely located source and forward them on to an Ascom Paging System or IP-DECT System), and to further provide an audible and/or visible alert notification (a notification to a user on a paging device or IP-DECT phone) in response to the first emergency notification signal.. *See* Figs. 1-11.

16. The Ascom 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 Ascom 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 Ascom Mobile Application installed), wherein the non-emergency notification signal (e.g., an operator uses the Ascom Paging transmitter or IP-DECT access point to send the 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 Ascom paging system or IP-DECT system) of the low-range transceiver to a wireless transmitter that is worn by a user (e.g., a user with a pager or IP-DECT handset), 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* Figs. 1-11.

17. **Induced Infringement.** Ascom 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 Ascom product in an infringing manner as described above. Upon information and belief, Ascom has specifically intended that its customers use the

Ascom 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 Ascom and a Ascom customer jointly, Ascom 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 Ascom, granting the following relief:

A. A declaration that Ascom has infringed the Patents-in-Suit;

B. An award of damages to compensate Tenaha for Ascom's direct infringement of the Patents-in-Suit;

C. An award of damages, including trebling of all damages, sufficient to remedy Ascom'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: March 26, 2019

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

By: Timothy Devlin (No. 4241)
1306 N. Broom Street, 1st Floor
Wilmington, DE 19806
Phone: (302) 449-9010
tdevlin@devlinlawfirm.com

Kenneth Matuszewski
Isaac Rabicoff
RABICOFF LAW LLC
73 W Monroe St.
Chicago, IL 60603
Telephone: (773) 669-4590
e-mail: kenneth@rabilaw.com
isaac@rabilaw.com

ATTORNEYS FOR PLAINTIFF TENAHA LICENSING LLC