IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VALYRIAN IP LLC, *Plaintiff*, v. POLYCOM, INC., PLANTRONICS, INC., *Defendants*.	)	C.A. No. _____ DEMAND FOR JURY TRIAL

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1. Valyrian IP LLC ("Valyrian IP" or "Plaintiff"), by and through its counsel, hereby brings this action for patent infringement against Polycom, Inc. and Plantronics, Inc., (collectively the "Defendants") alleging infringement of the following validly issued patent (the "Patent-in-Suit"): U.S. Patent No. 6,970,706, titled "Hierarchical Call Control with Selective Broadcast Audio Messaging System" (the '706 Patent), attached hereto as Exhibit A.

NATURE OF THE ACTION

2. This is an action for patent infringement arising under the United States Patent Act 35 U.S.C. §§ 1 et seq., including 35 U.S.C. § 271.

PARTIES

3. Plaintiff Valyrian IP LLC is a company established in Texas with its principal place of business at 6205 Coit Rd., Suite 300-1025, Plano, TX 75024.

4. On information and belief, Defendant Polycom, Inc. is a company incorporated in Delaware and may be served by its registered agent The Corporation Trust Company at

Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

5. On information and belief, Defendant Plantronics, Inc. is a company incorporated in Delaware and may be served by its registered agent The Corporation Trust Company at Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

JURISDICTION AND VENUE

6. This lawsuit is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101 et seq. The Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332, 1338(a), and 1367.

7. The Court has personal jurisdiction over Defendant for the following reasons: (1) Defendant is present within or has minimum contacts within the State of Delaware and the district of Delaware; (2) Defendant has purposefully availed itself of the privileges of conducting business in the State of Delaware and in this district; (3) Defendant has sought protection and benefit from the laws of the State of Delaware; (4) Defendant regularly conducts business within the State of Delaware and within this district, and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Delaware and in this district; and (5) Defendant is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

8. Defendant, directly and/or through intermediaries, ships, distributes, uses, offers for sale, sells, and/or advertises products and services in the United States, the State of Delaware, and the District of Delaware including but not limited to the products which contain the infringing '706 Patent systems and methods as detailed below. Upon information and belief, Defendant has committed patent infringement in the State of Delaware and in this district; Defendant solicits and has solicited customers in the State of Delaware and in this district; and

Defendant has paying customers who are residents of the State of Delaware and this district and who each use and have used the Defendant's products and services in the State of Delaware and in this district.

9. Venue is proper in the District of Delaware pursuant to 28 U.S.C. §§ 1400(b). Defendant is incorporated in this district, has transacted business in this district, and has directly and/or indirectly committed acts of patent infringement in this district.

PATENT-IN-SUIT

10. The Patent-in-Suit teaches systems and methods for a cordless digital telephone system which allows hierarchical call control in a cordless phone system.

11. The invention disclosed in the Patent-in-Suit discloses inventive concepts that represent significant improvements in the art and are not mere routine or conventional uses of computer components. For instance, at the time of filing there existed a lack of capability to simultaneously send a voice message to all mobile units associated with a base unit. *See* '706 Patent 1:39-42. One significant result of this limitation was that prior to the Patent-in-Suit it was impossible for a base station to send a call from an unidentified caller to only a specific mobile unit. *See* '706 Patent, 1:49-53. Additionally, conventional cordless systems were also incapable of broadcasting a message deemed important for a specific group of mobile units. *See* '706 Patent, 1:53-56. The Patent-in-Suit overcame these limitations.

ACCUSED PRODUCTS

12. Defendant makes, uses, offers for sale and sells in the U.S. products, systems, and/or services that infringe the Patent-in-Suit, including, but not limited to its Polycom VVX® D60 (the "Accused Products" or "Accused Instrumentality").

COUNT I
(Infringement of U.S. Patent No. 6,970,706)

13. Plaintiff incorporates by reference the allegations of paragraphs 1-12, the same as if set forth herein.

14. The ’706 Patent is valid, enforceable, and was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) on November 29, 2005. The ’706 Patent is presumed valid and enforceable. *See* 35 U.S.C. § 282.

15. Plaintiff is the owner by assignment of the ’706 patent and possesses all rights of recovery under the ’706 patent, including the exclusive right enforce the ’706 patent and pursue lawsuits against infringers.

16. Without a license or permission from Plaintiff, Defendant has infringed and continues to infringe on one or more claims of the ’706 Patent—directly, contributorily, and/or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the patented ’706 systems and methods, in violation of 35 U.S.C. § 271.

Direct Infringement

17. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the ’706 Patent, for example, through internal testing, quality assurance, research and development, and troubleshooting. *See Joy Techs., Inc. v. Flakt, Inc*., 6 F.3d 770, 775 (Fed.Cir. 1993); *see also* 35 U.S.C. § 271 (2006). For instance, Defendant has directly infringed the Patent-in-Suit by testing, configuring, and troubleshooting the functionality of its location technology.

18. By way of example, Defendant has infringed and continues to infringe at least one

or more claims of the ’706 Patent, including at least Claim 1. Attached hereto as Exhibit B is an exemplary claim chart detailing representative infringement of claim 1 of the Patent-in-Suit.

Contributory Infringement

19. On information and belief, Defendant contributorily infringes on Plaintiff’s ’706 Patent. Defendant knew or should have known, at the very least as a result of its freedom to operate analyses and the filing of this complaint, that third parties, such as its customers, would infringe the ’706 Patent.

20. On information and belief, Defendant’s implementation of the accused functionality has no substantial non-infringing uses. *See, e.g., Lucent Techs., Inc. v. Gateway, Inc*., 580 F.3d 1301, 1321 (Fed. Cir. 2009) (holding that the “substantial non-infringing use” element of a contributory infringement claim applies to an infringing feature or component, and that an “infringing feature” of a product does not escape liability simply because the product as a whole has other non-infringing uses).

Willful Infringement

21. On information and belief, the infringement of the ’706 Patent by Defendant has been and continues to be willful. Defendant has had actual knowledge of Plaintiff’s rights in the ’706 Patent and details of Defendant’s infringement based on at least the filing and service of this complaint. Additionally, Defendant had knowledge of the ’706 Patent and its infringement in the course of Defendant’s due diligence and freedom to operate analyses.

Plaintiff Suffered Damages

22. Defendant’s acts of infringement of the ’706 Patent have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages sustained as a result of Defendant’s wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271.

Defendant's infringement of Plaintiff's exclusive rights under the '706 Patent will continue to damage Plaintiff causing it irreparable harm for which there is no adequate remedy at law, warranting an injunction from the Court.

REQUEST FOR RELIEF

23. Plaintiff incorporates each of the allegations in the paragraphs above and respectfully asks the Court to:

(a) enter a judgment that Defendant has directly infringed, contributorily infringed, and/or induced infringement of one or more claims of each of the '706 Patent;

(b) enter a judgment awarding Plaintiff all damages adequate to compensate it for Defendant's infringement of, direct or contributory, or inducement to infringe, the including all pre-judgment and post-judgment interest at the maximum rate permitted by law;

(c) enter a judgment awarding treble damages pursuant to 35 U.S.C. § 284 for Defendant's willful infringement of the '706 Patent;

(d) issue a preliminary injunction and thereafter a permanent injunction enjoining and restraining Defendant, its directors, officers, agents, servants, employees, and those acting in privity or in concert with them, and their subsidiaries, divisions, successors, and assigns, from further acts of infringement, contributory infringement, or inducement of infringement of the '706 Patent;

(e) enter a judgment requiring Defendant to pay the costs of this action, including all disbursements, and attorneys' fees as provided by 35 U.S.C. § 285, together with prejudgment interest; and

(f) award Plaintiff all other relief that the Court may deem just and proper.

Dated: July 31, 2019

Respectfully submitted,

/s/Stamatios Stamoulis

Stamatios Stamoulis (#4606)
Stamoulis & Weinblatt LLC
800 N. West Street, Third Floor
Wilmington, DE 19801
(302) 999-1540
stamoulis@swdelaw.com

M. GRANT MCARTHUR (SBN 321959)
gmcarthur@budolaw.com
KIRK. J. ANDERSON (SBN 289043)
kanderson@budolaw.com
BUDO LAW, LLP
5610 Ward Rd., Suite #300
Arvada, CO 80002
(720) 225-9440 (Phone)
(720) 225-9331 (Fax)

Attorneys for Plaintiff Valyrian IP LLC