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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 **TEKVOKE, LLC,**
13 Plaintiff,
14 v.
15 **8X8, INC.,**
16 Defendant.

Civil Action No.:

TRIAL BY JURY DEMANDED

17 **COMPLAINT FOR INFRINGEMENT OF PATENT**

18 Now comes, Plaintiff Tekvoke, LLC (“Plaintiff” or “Tekvoke”), by and through undersigned
19 counsel, and respectfully alleges, states, and prays as follows:

20 **NATURE OF THE ACTION**

21 1. This is an action for patent infringement under the Patent Laws of the United States,
22 Title 35 United States Code (“U.S.C.”) to prevent and enjoin Defendant 8x8, Inc. (hereinafter
23 “Defendant”), from infringing and profiting, in an illegal and unauthorized manner, and without
24 authorization and/or consent from Plaintiff from U.S. Patent No. 6,687,343 (“the ‘343 Patent” or the
25 “Patent-in-Suit”) and pursuant to 35 U.S.C. §271, and to recover damages, attorney’s fees, and costs.

26 **THE PARTIES**

27 2. Plaintiff is a Texas limited liability company with its principal place of business at
28 15922 Eldorado Pkwy, Ste 500-1703 Frisco, TX 75035.

1 *Group Brands LLC*, 137 S. Ct. 1514 (2017) through its incorporation, and regular and established
2 place of business in this District.

3 **FACTUAL ALLEGATIONS**

4 10. On February 3, 2004, the United States Patent and Trademark Office (“USPTO”) duly
5 and legally issued the ‘343 Patent, entitled “Internet Communication Control Apparatus and
6 Communication Terminal Calling Method” after a full and fair examination. The ‘343 Patent is
7 attached hereto as **Exhibit A**.

8 11. The application that later became the ‘343 Patent was filed on April 11, 2002.

9 12. The ‘343 Patent was originally assigned to Panasonic Communications Co., Ltd.

10 13. Plaintiff is presently the owner of the ‘343 Patent, having received all right, title and
11 interest in and to the ‘343 Patent from the previous assignee of record. Plaintiff possesses all rights of
12 recovery under the ‘343 Patent, including the exclusive right to recover for past infringement.

13 14. The main object of the invention claimed in the ‘343 Patent is to “provide an Internet
14 communication control apparatus and communication terminal calling method that can easily perform
15 individual calling process, without complicating or upsizing the apparatus, when connected telephones
16 and facsimile apparatuses having incoming calls from multiple parties about the same time with an
17 overlapping of time.” **Ex. A** at 2:13-18.

18 15. Claim 1 of the ‘343 Patent states:

19
20 1. An Internet communication control apparatus selectively connected
21 to a plurality of communication terminals and to a computer network, said
Internet communication control apparatus comprising:

22 a controller configured to transmit calling signals to said plurality of
23 communication terminals, wherein a single calling signal having a
24 first predetermined time period is transmitted to one communication
25 terminal of said plurality of communication terminals when a single
26 calling request is detected from the computer network, and wherein
27 plural calling signals having a second predetermined time period are
sequentially transmitted to plural communication terminals of said
28 plurality of communication terminals when plural calling requests
are detected from the computer network, said plural calling signals
being transmitted one after another to the plural communication
terminals.

1 *See Exhibit A.*

2 16. Defendant commercializes, inter alia, an apparatus having all the elements and
3 components recited in at least one claim of the '343 Patent. More particularly, Defendant makes, uses,
4 sells, offers for sale, or imports a system and/or device that encompasses that which is covered by
5 Claim 1 of the '343 Patent.

6 **DEFENDANT'S PRODUCTS**

7 17. Defendant offers a cloud-based solution, such as the "8x8 VoIP Phone Service" (the
8 "Accused Instrumentality") that integrates phone, video, meetings and messaging into a single easy-
9 to-use system. A non-limiting and exemplary claim chart comparing the Accused Instrumentality to
10 Claim 1 of the '343 Patent is attached hereto as **Exhibit B** and is incorporated herein as if fully
11 rewritten.

12 18. As recited in Claim 1, the Accused Instrumentality (e.g., 8x8 VoIP Phone Service) is
13 an Internet communication control apparatus (e.g., Cloud PBX) selectively connected to a plurality of
14 communication terminals (e.g., desk phones and mobile app installed smart devices) and to a computer
15 network. *See Exhibit B.*

16 19. As recited in Claim 1, the Accused Instrumentality (e.g., 8x8 VoIP Phone Service)
17 utilizes a controller (e.g., Cloud PBX) configured to transmit calling signals to said plurality of
18 communication terminals (e.g., desk phones and mobile app installed smart devices), wherein a single
19 calling signal having a first predetermined time period (e.g., user defined time for ringing) is
20 transmitted to one communication terminal (e.g., user defined single agent) of said plurality of
21 communication terminals (e.g., desk phones and mobile app installed smart devices) when a single
22 calling request (e.g., User Call initiation) is detected from the computer network (e.g., 8x8's cloud
23 VoIP). *See Exhibit B.*

24 20. As recited in Claim 1, the Accused Instrumentality includes plural calling signals
25 having a second predetermined time period (e.g., user defined time for ringing) are sequentially
26 transmitted (e.g., sequential call forwarding) to plural communication terminals (e.g., multiple agents)
27 of said plurality of communication terminals (e.g., desk phones and mobile app installed smart
28 devices) when plural calling requests are detected from the computer network, said plural calling

1 signals being transmitted one after another (e.g., sequential call forwarding) to the plural
2 communication terminals (e.g., multiple agents). *See Exhibit B.*

3 21. As recited in Claim 1, the Accused Instrumentality (e.g., 8x8 VoIP Phone Service)
4 utilizes a controller (e.g., Cloud PBX) which is provided with a sequential call forwarding feature
5 wherein 8x8 Cloud allows users to customize the number of calling agents (i.e. singular or plural
6 calling terminals) as well as predetermined time period for calling signals (i.e. user controlled ringing
7 time which indicates how long should an agent’s phone ring before choosing a new agent to receive
8 the call). In case of multiple agents receiving call agents in the queue (i.e. plural calling signals to
9 plurality of communication terminals) there exist a provision for sequential transmission of call to
10 plurality of communication terminal (i.e. sequential call forwarding in user specified order). *See*
11 **Exhibit B.**

12 **INFRINGEMENT OF THE ‘343 PATENT**

13 22. Plaintiff realleges and incorporates by reference all of the allegations set forth in the
14 preceding Paragraphs.

15 23. In violation of 35 U.S.C. §271, Defendant has directly infringed the ‘343 Patent.

16 24. Defendant has directly infringed at least one claim of the ‘343 Patent by making, using
17 (at least through internal testing or otherwise), selling, offering for sale and/or importing the Accused
18 Instrumentality without authority in the United States. As a direct and proximate result of Defendant’s
19 direct infringement of the ‘343 Patent, Plaintiff has been damaged.

20 25. In addition, Defendant has had knowledge of the ‘343 Patent and the alleged
21 infringement of the ‘343 Patent at least as of the service of the present Complaint. Plaintiff reserves
22 this right to amend this complaint to seek damages for indirect and/or willful infringement to the full
23 extent permitted by law.

24 26. By engaging in the conduct described herein, Defendant has injured Plaintiff and is
25 thus liable for infringement of the ‘343 Patent, pursuant to 35 U.S.C. §271.

26 27. Defendant has committed these acts of infringement without license or authorization.
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Steven W. Ritcheson

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LIST OF EXHIBITS

- A. United States Patent No. 6,687,343
- B. Exemplary Claim Chart