

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VOCALIFE LLC,

Plaintiff,

v.

SONOS, INC.,

Defendant.

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Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Vocalife LLC (“Vocalife” or “Plaintiff”) files this Complaint against Defendant Sonos, Inc. (“Sonos” or “Defendant”), for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1. Vocalife is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 7300 Lone Star Drive, C200 Plano, Texas 75024.

2. Sonos is a Delaware corporation with its principal place of business at 614 Chapala Street, Santa Barbara, California 93101. Upon information and belief, Sonos is registered to do business in Texas and does business in Texas, directly and through intermediaries, and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the Eastern District of Texas.

3. Defendant’s website provides a “Store Locator” that lists the following physical locations for Sonos products sold through the State of Texas, including in this Judicial District:

Best Buy Longview, 422 West Loop 281, Longview, Texas 75606; Best Buy Tyler, 5514 South Broadway Avenue, Tyler, Texas 75703; Stereo and Video Center, 5711 South Broadway, Tyler, Texas 75703; Don's TV & Appliance, Inc., 6714 South Broadway, Tyler, Texas 75703; and Diamond Control Systems, Inc., 6806 Hollytree Circle, Tyler, Texas 75703.

JURISDICTION

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant. Defendant conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States.

6. Sonos lists numerous places of business in this Judicial District on its website at the link labeled "storelocator." (sonos.com/en-us/storelocator). Sonos further indicates that several of the stores located in this Judicial District are designated as either "Platinum" or "Upgrade Partner" locations. These stores are referred to by Sonos as "Dealers."¹ These Dealers serve as places of business of Sonos in this Judicial District. On information and belief, Sonos Dealers provide product demonstrations in this Judicial District at the physical locations set forth above. On information and belief, Sonos Dealers act as agents of Sonos in order to perform such product demonstrations.

7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b)

¹ "To find a location to experience a Sonos demo near you, visit the Sonos dealer locator at sonos.com/storelocator." <https://www.sonos.com/es-us/newsroom/sonos-now-playing-at-6300-retail-locations-across-north-america>

because the Defendant is subject to personal jurisdiction in this Judicial District, has committed acts of patent infringement in this Judicial District, and has a regular and established place of business in this Judicial District, including the physical places of business listed on Sonos' Store Locator.² The Defendant, through its own acts, makes, uses, sells, and/or offers to sell infringing products within this Judicial District, regularly does and solicits business in this Judicial District, and has the requisite minimum contacts with the Judicial District such that this venue is a fair and reasonable one.

8. Sonos is subject to this Court's jurisdiction pursuant to at least its substantial business in this State and District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

PATENTS-IN-SUIT

9. On October 14, 2014, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,861,756 (the "'756 Patent") entitled "Microphone Array System." A true and correct copy of the '756 Patent is attached hereto as Exhibit A.

10. On October 14, 2016, a reissue application was filed for the '756 Patent. As a result, on September 18, 2018, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. RE47,049 (the "'049 Patent") entitled "Microphone Array System." A true and correct copy of the '049 Patent is attached hereto as Exhibit B.

11. On August 2, 2018, a reissue application was filed for the '756 Patent. As a result, on December 29, 2020, the United States Patent and Trademark office duly and legally issued U.S. Patent No. RE48,371 (the "'371 Patent") entitled "Microphone Array System." A true and correct

² <https://www.sonos.com/en-us/storelocator>

copy of the '371 Patent is attached hereto as Exhibit C.

12. Vocalife is the sole and exclusive owner of all right, title, and interest to and in the '049 and '371 Patent (collectively, the "Patents-in-Suit"), and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. Vocalife also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

13. Vocalife has at all times complied with the marking provisions of 35 U.S.C. § 287 with respect to the Patents-in-Suit. On information and belief, prior assignees and licensees have also complied with the marking provisions of 35 U.S.C. § 287.

FACTUAL ALLEGATIONS

14. The Patents-in-Suit were developed at Li Creative Technologies Inc. by Dr. Manli Zhu and Dr. Qi ("Peter") Li who have been at the forefront of audio processing technology for over two decades. In the late 2000's Dr. Li and Dr. Zhu worked to develop novel audio, speech, and image processing technology, including circular microphone arrays. Their work resulted in the issuance of the Patents-in-Suit.

15. In 2011, Dr. Li participated in the Consumer Electronics Show ("CES") where they were awarded the CES Innovations Design and Engineering Award in the Audio Accessories Category.

16. The Patents-in-Suit generally cover systems and methods for use in a microphone array system. The invention described in the Patents-in-Suit were developed by Dr. Manli Zhu and Dr. Qi Li. For example, the invention is implemented by infringing virtual assistant smart speakers. Upon information and belief, Sonos makes, uses, sells, and/or imports infringing virtual assistant smart speakers, such as the Sonos One products.

17. Sonos has also infringed and is continuing to infringe the Patents-in-Suit by making, using, selling, offering to sell, and/or importing, and by actively inducing others to make, use, sell, offer to sell, and/or importing, products including microphone array systems technology and associated software that infringe the Patents-in-Suit. Such products include at least the Sonos Alexa-enabled products including, but not limited to, the Sonos One products. Vocalife manufactures and sells the CrispMic II, a smart microphone as a module for voice interactive products. The CrispMic II is a multiple-microphone array module for smart speakers, robotic devices, smart appliances, and other IoT platforms that require far-field voice capture, speech recognition, and voice control. The CrispMic II is powered by Vocalife's advanced DSP algorithms developed over the past decade to suppress background noise, enhance speech intelligibility, and improve automatic speech recognition accuracy.³

18. Vocalife marks the CrispMic II product with the Patents-in-Suit and has complied with 35 U.S.C. § 287.⁴

19. Sonos' infringement of the Patents-in-Suit is willful. Sonos continues to commit acts of infringement despite a high likelihood that its actions constitute infringement, and Sonos knew or should have known that its actions constituted an unjustifiably high risk of infringement.

COUNT I
(Infringement of the '049 Patent)

20. Paragraphs 1 through 19 are incorporated by reference as if fully set forth herein.

21. Vocalife has not licensed or otherwise authorized Sonos to make, use, offer for sale, sell, or import any products that embody the inventions of the '049 Patent.

22. Sonos has directly infringed and continues to directly infringe the '049 Patent,

³ https://vocalife.com/wp-content/uploads/2019/02/Farfield_Mic_Developer_Module_Vocalife_Datasheet_4Feb2019.pdf

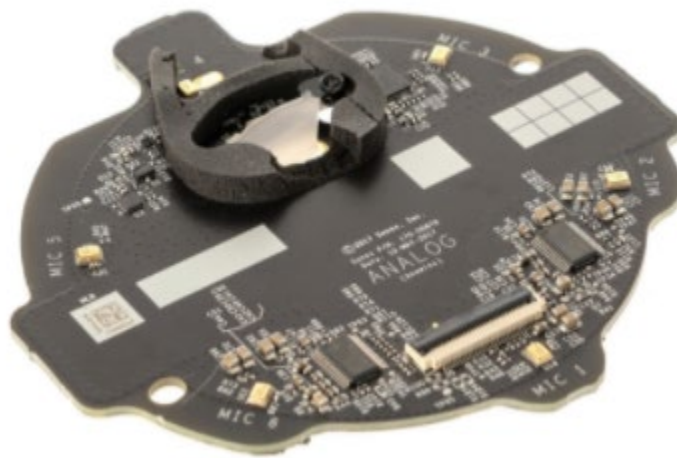
⁴ *Id.*

either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '049 Patent. Such products include virtual assistant smart speakers and other hardware and software implementing a microphone array system. On information and belief, infringing products include at least the Alexa-enabled products, such as the Sonos One products.

23. For example, Sonos has and continues to directly infringe at least claim 1 of the '049 Patent by making, using, offering to sell, selling, and/or importing into the United States virtual assistant smart speakers that utilize a microphone array system.

24. Upon information and belief, the Sonos One products include a microphone array which is an array of sound sensors positioned in a linear, circular, or other configuration, wherein said sound sensors receive said sound signals from a plurality of disparate sound sources, wherein received sound signals comprise said target sound signal from a target sound source among said disparate sound sources, and ambient noise signals. An image of Sonos' One product is shown below.⁵

⁵ <https://medium.com/@BenEinstein/what-cracking-open-a-sonos-one-tells-us-about-the-sonos-ipo-dcab49155643>



25. Upon information and belief, the Sonos One products include a digital signal processor, such as digital signal processors (“DSP”), manufactured by third-parties including Texas Instruments.

26. Upon information and belief, the DSPs included in the Sonos One products implement a sound source localization unit that estimates a spatial location of said target sound signal from said received sound signals, by determining a delay between each of said sound sensors and an origin of said array of said sound sensors as a function of distance between each of said sound sensors and said origin, a predefined angle between each of said sound sensors and a reference axis, and an azimuth angle between said reference axis and said target sound signal, when said target sound source that emits said target sound signal is in a two-dimensional plane, wherein said delay is represented in terms of number of samples, and wherein said determination of said delay enables beamforming for arbitrary numbers of said array of sound sensors and in a

plurality of arbitrary configurations of said array of said sound sensors.⁶

27. Upon information and belief, the DSPs included in the Sonos One products implement an adaptive beamforming unit that steers directivity pattern of said array of said sound sensors in a direction of said spatial location of said target sound signal, wherein said adaptive beamforming unit enhances said target sound signal and partially suppresses said ambient noise signals.⁷

28. Upon information and belief, the DSPs included in the Sonos One products implement a noise reduction unit that suppresses said ambient noise signals for further enhancing said target sound signal.⁸

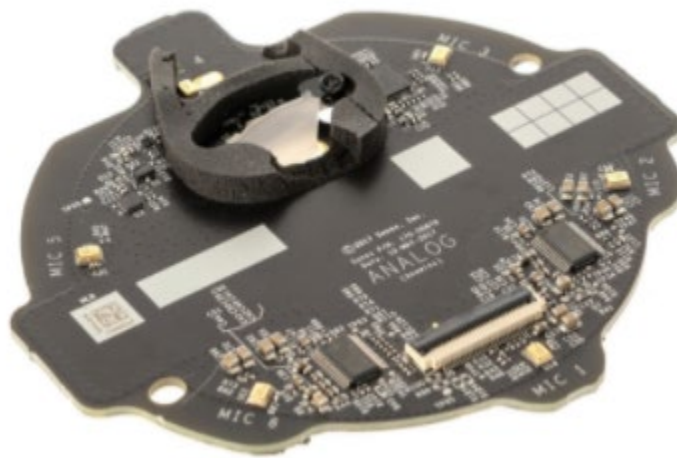
29. For example, Sonos has and continues to directly infringe at least claim 9 of the '049 Patent by making, using, offering to sell, selling, and/or importing into the United States virtual assistant smart speakers that utilize a microphone array system.

30. Upon information and belief, the Sonos One products include a microphone array, which is an array of sound sensors positioned in an arbitrary, linear, circular, or other configuration, wherein said sound sensors receive said sound signals from a plurality of disparate sound sources, wherein said received sound signals comprise said target sound signal from a target sound source among said disparate sound sources, and ambient noise signals.

⁶ <https://mashable.com/2017/10/04/sonos-one-smart-speaker-hands-on/>;
<https://arstechnica.com/gadgets/2017/10/sonos-one-review-a-better-sounding-echo-with-some-holes-left-to-fill/>

⁷ *Id.*

⁸ *Id.*



31. Upon information and belief, the Sonos One products include a digital signal processor, such as digital signal processors (“DSP”), manufactured by third-parties including Texas Instruments.

32. Upon information and belief, the DSPs included in the Sonos One products implement a sound source localization unit that estimates a spatial location of said target sound signal from said received sound signals, by determining a delay between each of said sound sensors and an origin of said array of said sound sensors as a function of distance between each of said sound sensors and said origin, a predefined angle between each of said sound sensors and a reference axis, and an azimuth angle between said reference axis and said target sound signal, when said target sound source that emits said target sound signal is in a two-dimensional plane, wherein said delay is represented in terms of number of samples, and wherein said determination of said delay enables beamforming for arbitrary numbers of said array of sound sensors and in a

plurality of arbitrary configurations of said array of said sound sensors.⁹

33. Upon information and belief, the DSPs included in the Sonos One products implement an adaptive beamforming unit that steers directivity pattern of said array of said sound sensors in a direction of said spatial location of said target sound signal, wherein said adaptive beamforming unit enhances said target sound signal and partially suppresses said ambient noise signals.¹⁰

34. Upon information and belief, the DSPs included in the Sonos One products implement a noise reduction unit that suppresses said ambient noise signals for further enhancing said target sound signal.¹¹

35. Sonos has had knowledge and notice of the '049 Patent at least as of the filing of the Complaint.

36. Sonos has indirectly infringed and continues to indirectly infringe one or more claims of the '049 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others, such as Sonos' customers and end-users, in this District and elsewhere in the United States. For example, Sonos' customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '049 Patent. Sonos induces this direct infringement through its affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and

⁹ <https://mashable.com/2017/10/04/sonos-one-smart-speaker-hands-on/>;
<https://arstechnica.com/gadgets/2017/10/sonos-one-review-a-better-sounding-echo-with-some-holes-left-to-fill/>

¹⁰ *Id.*

¹¹ *Id.*

online documentation. Because of Sonos' inducement, Sonos' customers and end-users use Accused Products in a way Sonos intends and directly infringe the '049 Patent. Sonos performs these affirmative acts with knowledge of the '049 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '049 Patent.

37. Sonos has indirectly infringed and continues to indirectly infringe one or more claims of the '049 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Sonos' affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '049 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '049 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Sonos to be especially made or adapted for use in the infringement of the '049 Patent. Sonos performs these affirmative acts with knowledge of the '049 Patent and with intent, or willful blindness, that they cause the direct infringement of the '049 Patent.

38. Because of Sonos' direct and indirect infringement of the '049 Patent, Vocalife has suffered damages, and will continue to suffer, damages in an amount to be proved at trial.

39. Because of Sonos' direct and indirect infringement of the '049 Patent, Vocalife has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law, unless Sonos' infringement is enjoined by this Court.

40. Sonos has committed and continues to commit acts of infringement that Sonos actually knew or should have known constituted an unjustifiably high risk of infringement of at

least one valid and enforceable claim of the '049 Patent. Sonos' direct and indirect infringement of the '049 Patent has been and continues to be willful, intentional, deliberate, and/or in conscious disregard of Vocalife's rights under the patent. Vocalife is entitled to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

COUNT II
(Infringement of the '371 Patent)

41. Paragraphs 1 through 19 are incorporated by reference as if fully set forth herein.

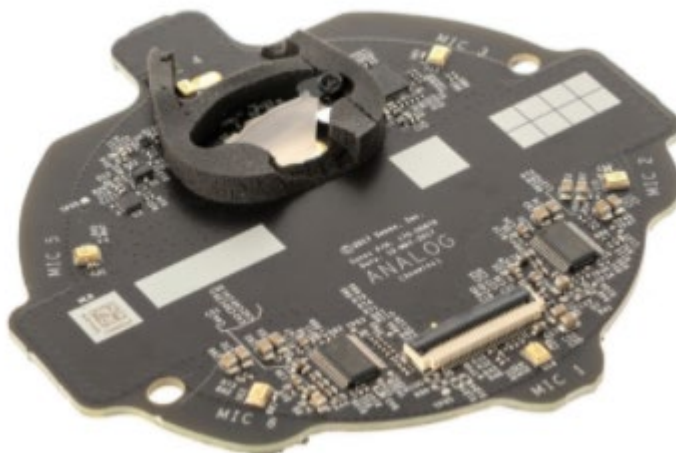
42. Vocalife has not licensed or otherwise authorized Sonos to make, use, offer for sale, sell, or import any products that embody the inventions of the '371 Patent.

43. Sonos has directly infringed and continues to directly infringe the '371 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each and every limitation of one or more claims of the '371 Patent. Such products include virtual assistant smart speakers and other hardware and software implementing a microphone array system. On information and belief, infringing products include at least the Alexa enabled products, such as the Sonos One products.

44. For example, Sonos has and continues to directly infringe at least claim 26 of the '371 Patent by making, using, offering to sell, selling, and/or importing into the United States virtual assistant smart speakers that utilize a microphone array system.

45. Upon information and belief, the Sonos One products include a microphone array which is an array of sound sensors positioned in a linear, circular, or other configuration, wherein said sound sensors receive said sound signals from a plurality of disparate sound sources, wherein received sound signals comprise said target sound signal from a target sound source among said disparate sound sources, and ambient noise signals. An image of Sonos' One product is shown

below.¹²



46. Upon information and belief, the Sonos One products include a digital signal processor, such as digital signal processors (“DSP”), manufactured by third-parties including Texas Instruments.

47. Upon information and belief, the DSPs included in the Sonos One products implement a sound source localization unit that estimates a spatial location of said target sound signal from said received sound signals, by determining a delay between each of said sound sensors and an origin of said array of said sound sensors as a function of distance between each of said sound sensors and said origin, a predefined angle between each of said sound sensors and a reference axis, and an azimuth angle between said reference axis and said target sound signal, when said target sound source that emits said target sound signal is in a two-dimensional plane, wherein said delay is represented in terms of number of samples, and wherein said determination

¹² <https://medium.com/@BenEinstein/what-cracking-open-a-sonos-one-tells-us-about-the-sonos-ipo-dcab49155643>

of said delay enables beamforming for arbitrary numbers of said array of sound sensors and in a plurality of arbitrary configurations of said array of said sound sensors.¹³

48. Upon information and belief, the DSPs included in the Sonos One products implement an adaptive beamforming unit that steers directivity pattern of said array of said sound sensors in a direction of said spatial location of said target sound signal, wherein said adaptive beamforming unit enhances said target sound signal and partially suppresses said ambient noise signals.¹⁴

49. Upon information and belief, the DSPs included in the Sonos One products implement a noise reduction unit that suppresses said ambient noise signals for further enhancing said target sound signal.¹⁵

50. Upon information and belief, the DSPs included in the Sonos One products implement an echo cancellation unit for performing echo cancellation for further enhancing said target sound signal.¹⁶

51. For example, Sonos has and continues to directly infringe at least claim 34 of the '371 Patent by making, using, offering to sell, selling, and/or importing into the United States virtual assistant smart speakers that utilize a microphone array system.

52. Upon information and belief, the Sonos One products include a microphone array, which is an array of sound sensors positioned in a linear, circular, or other configuration, wherein said sound sensors receive said sound signals from a plurality of disparate sound sources,

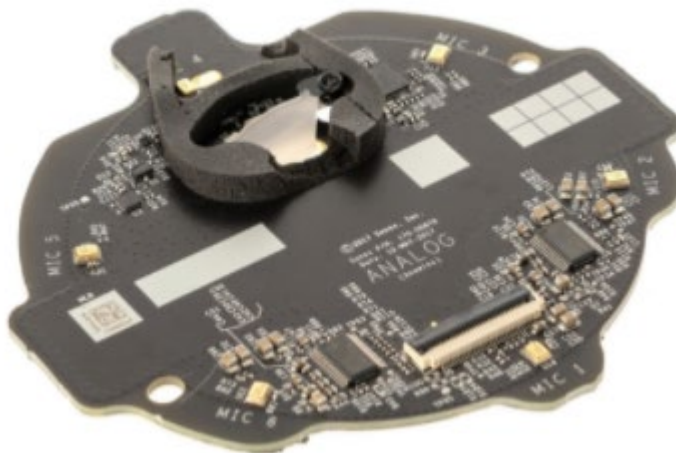
¹³ <https://mashable.com/2017/10/04/sonos-one-smart-speaker-hands-on/>;
<https://arstechnica.com/gadgets/2017/10/sonos-one-review-a-better-sounding-echo-with-some-holes-left-to-fill/>

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

wherein said received sound signals comprise said target sound signal from a target sound source among said disparate sound sources, and ambient noise signals. An image of Sonos' One product is shown below:¹⁷



53. Upon information and belief, the Sonos One products include a digital signal processor, such as digital signal processors (“DSP”), manufactured by third-parties including Texas Instruments.

54. Upon information and belief, the DSPs included in the Sonos One products comprise a sound source localization unit that estimates a spatial location of said target sound signal from said received sound signals, by determining a delay between each of said sound sensors and an origin of said array of said sound sensors as a function of distance between each of said sound sensors and said origin, a predefined angle between each of said sound sensors and a reference axis, and an azimuth angle between said reference axis and said target sound signal,

¹⁷ <https://medium.com/@BenEinstein/what-cracking-open-a-sonos-one-tells-us-about-the-sonos-ipo-dcab49155643>

when said target sound source that emits said target sound signal is in a two-dimensional plane, wherein said delay is represented in terms of number of samples, and wherein said determination of said delay enables beamforming for arbitrary numbers of said array of sound sensors and in a plurality of arbitrary configurations of said array of said sound sensors.¹⁸

55. Upon information and belief, the DSPs included in the Sonos One products comprise an adaptive beamforming unit that steers directivity pattern of said array of said sound sensors in a direction of said spatial location of said target sound signal, wherein said adaptive beamforming unit enhances said target sound signal and partially suppresses said ambient noise signals.¹⁹

56. Upon information and belief, the DSPs included in the Sonos One products comprise a noise reduction unit that suppresses said ambient noise signals for further enhancing said target sound signal.²⁰

57. Upon information and belief, the DSPs included in the Sonos One products comprise an echo cancellation unit that performs echo cancellation for further enhancing said target sound signal.²¹

58. Sonos has had knowledge and notice of the '371 Patent at least as of the filing of the Complaint.

59. Sonos has indirectly infringed and continues to indirectly infringe one or more claims of the '371 Patent, as provided by 35 U.S.C. § 271(b), by inducing infringement by others,

¹⁸ <https://mashable.com/2017/10/04/sonos-one-smart-speaker-hands-on/>;
<https://arstechnica.com/gadgets/2017/10/sonos-one-review-a-better-sounding-echo-with-some-holes-left-to-fill/>

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

such as Sonos' customers and end-users, in this District and elsewhere in the United States. For example, Sonos' customers and end-users directly infringe, either literally or under the doctrine of equivalents, through their use of the inventions claimed in the '371 Patent. Sonos induces this direct infringement through its affirmative acts of manufacturing, selling, distributing, and/or otherwise making available the Accused Products, and providing instructions, documentation, and other information to customers and end-users suggesting that they use the Accused Products in an infringing manner, including technical support, marketing, product manuals, advertisements, and online documentation. Because of Sonos' inducement, Sonos' customers and end-users use Accused Products in a way Sonos intends and directly infringe the '371 Patent. Sonos performs these affirmative acts with knowledge of the '371 Patent and with the intent, or willful blindness, that the induced acts directly infringe the '371 Patent.

60. Sonos has indirectly infringed and continues to indirectly infringe one or more claims of the '371 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as customers and end-users, in this District and elsewhere in the United States. Sonos' affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States and causing the Accused Products to be manufactured, used, sold, and offered for sale contributes to others' use and manufacture of the Accused Products such that the '371 Patent is directly infringed by others. The accused components within the Accused Products are material to the invention of the '371 Patent, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and are known by Sonos to be especially made or adapted for use in the infringement of the '371 Patent. Sonos performs these affirmative acts with knowledge of the '371 Patent and with intent, or willful blindness, that they cause the direct infringement of the '371 Patent.

61. Because of Sonos' direct and indirect infringement of the '371 Patent, Vocalife has suffered damages, and will continue to suffer, damages in an amount to be proved at trial.

62. Because of Sonos' direct and indirect infringement of the '371 Patent, Vocalife has suffered, and will continue to suffer, irreparable harm for which there is no adequate remedy at law, unless Sonos' infringement is enjoined by this Court.

63. Sonos has committed and continues to commit acts of infringement that Sonos actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '371 Patent. Sonos' direct and indirect infringement of the '371 Patent has been and continues to be willful, intentional, deliberate, and/or in conscious disregard of Vocalife's rights under the patent. Vocalife is entitled to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Vocalife prays for relief against Sonos as follows:

a. Entry of judgment declaring that Sonos infringes one or more claims of each of the Patents-in-Suit;

b. Entry of judgment declaring that Sonos' infringement of the Patents-in-Suit is willful;

c. An order awarding damages sufficient to compensate Vocalife for Sonos' infringement of the Patents-in-Suit, but in no event less than a reasonable royalty, including supplemental damages post-verdict, together with pre-judgment and post-judgment interest and costs;

- d. Enhanced damages pursuant to 35 U.S.C. § 284;
- e. Entry of judgment declaring that this case is exceptional and awarding Vocalife its costs and reasonable attorney fees under 35 U.S.C. § 285;
- f. An accounting for acts of infringement;
- g. Such other equitable relief which may be requested and to which the Plaintiff is entitled; and
- h. Such other and further relief as the Court deems just and proper.

Dated: April 8, 2021

Respectfully submitted,

/s/ Alfred R. Fabricant

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**ATTORNEYS FOR PLAINTIFF
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