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10 *Attorneys for Plaintiff*  
MISSED CALL, LLC

11  
12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN JOSE DIVISION**

15 MISSED CALL, LLC  
16 Plaintiff,  
17 v.  
18 8x8, INC.  
19 Defendant.

Case No.: 5:23-cv-06723

**PLAINTIFF’S ORIGINAL  
COMPLAINT FOR PATENT  
INFRINGEMENT**

**(35 U.S.C. § 271)**

**JURY TRIAL DEMANDED**

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22 **PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

23  
24 Plaintiff Missed Call, LLC (“Missed Call”) files this Original Complaint and demand  
25 for jury trial seeking relief from patent infringement of the claims of U.S. Patent Nos.  
26 9,531,872 (“the ‘872 patent”) (referred to as the “Patent-in-Suit”) by 8x8, Inc..  
27 (“Defendant” or “8x8”).  
28

1           **I.       THE PARTIES**

2           1. Missed Call, LLC is a Texas limited liability corporation with its principal  
3 place of business located in Austin, Texas.

4  
5           2. On information and belief, 8x8, Inc. is a corporation organized and existing  
6 under the laws of Delaware having a principal place of business at 675 Creekside  
7 Way, Campbell, CA, 95008, and authorized to do business in California. Defendant  
8 can be served through its registered agent, located at Northwest Registered Agent,  
9 Inc, 8 The Green, Suite B, Dover, Delaware 19901, at its place of business, or  
10 anywhere else it may be found.

11  
12           3. On information and belief, Defendant sells and offers to sell products and  
13 services throughout California, including in this judicial district, introduces products  
14 and services that perform infringing methods or processes into the stream of  
15 commerce knowing that they would be sold in California and this judicial district, and  
16 otherwise directs infringing activities to this judicial district in connection with its  
17 products and services.

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21           **II.       JURISDICTION AND VENUE**

22           4. This Court has original subject-matter jurisdiction over the entire action  
23 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an  
24 Act of Congress relating to patents, namely, 35 U.S.C. § 271.

25  
26           5. This Court has personal jurisdiction over Defendant because: (i) Defendant is  
27 present within or has minimum contacts within the State of California and this judicial  
28

1 district; (ii) Defendant has purposefully availed itself of the privileges of conducting  
2 business in the State of California and in this judicial district; and (iii) Plaintiff's cause  
3 of action arises directly from Defendant's business contacts and other activities in the  
4 State of California and in this judicial district.  
5

6 6. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).  
7 Defendant has committed acts of infringement and has a regular and established place  
8 of business in this District. Further, venue is proper because Defendant conducts  
9 substantial business in this forum, directly or through intermediaries, including: (i) at  
10 least a portion of the infringements alleged herein; and (ii) regularly doing or  
11 soliciting business, engaging in other persistent courses of conduct and/or deriving  
12 substantial revenue from goods and services provided to individuals in California and  
13 this District.  
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17 **III. INFRINGEMENT - Infringement of the '872 Patent**

18 7. On December 27, 2016, U.S. Patent No. 9,531,872 ("the '872 patent", included  
19 as an attachment) entitled "Communication Apparatus For Providing And Indication  
20 About A Missed Call, And Method Thereof" was duly and legally issued by the U.S.  
21 Patent and Trademark Office. Plaintiff owns the '872 patent by assignment.  
22  
23

24 8. The '872 patent relates to novel and improved systems, methods, and  
25 apparatuses for providing an indication about a missed telephone call.  
26

27 9. Defendant maintains, operates, and administers systems, products, and services  
28 that facilitate providing of an indication of a missed telephone call that infringe one

1 or more of claims 1-13 of the '872 patent, literally or under the doctrine of equivalents.  
2 Defendant put the inventions claimed by the '872 patent into service (i.e., used them);  
3 but for Defendant's actions, the claimed-inventions embodiments involving  
4 Defendant's products and services would never have been put into service.  
5 Defendant's acts complained of herein caused those claimed-invention embodiments  
6 as a whole to perform, and Defendant's procurement of monetary and commercial  
7 benefit from it.  
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10 10. Support for the allegations of infringement may be found in the following  
11 exemplary table included as Exhibit A. These allegations of infringement are  
12 preliminary and are therefore subject to change.  
13

14 11. Defendant has and continues to induce infringement. Defendant has actively  
15 encouraged or instructed others (e.g., its customers and/or the customers of its related  
16 companies), and continues to do so, on how to use its systems, products and services  
17 (e.g., facilitating providing an indication of a missed telephone call) such as to cause  
18 infringement of one or more of claims 1-13 of the '872 patent, literally or under the  
19 doctrine of equivalents. Moreover, Defendant has known of the '872 patent and the  
20 technology underlying it from at least the filing date of the lawsuit.<sup>1</sup> For clarity, direct  
21 infringement is previously alleged in this complaint.  
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27 \_\_\_\_\_  
28 <sup>1</sup> Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

1 12. Defendant has and continues to contributorily infringe. Defendant has actively  
2 encouraged or instructed others (e.g., its customers and/or the customers of its related  
3 companies), and continue to do so, on how to use its products and services (e.g.,  
4 facilitating providing an indication of a missed telephone call) and related services  
5 such as to cause infringement of one or more of claims 1-13 of the '872 patent,  
6 literally or under the doctrine of equivalents. Further, there are no substantial  
7 noninfringing uses for Defendant's products and services. Moreover, Defendant has  
8 known of the '872 patent and the technology underlying it from at least the filing date  
9 of the lawsuit.<sup>2</sup> For clarity, direct infringement is previously alleged in this complaint.  
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12 13. Defendant has caused and will continue to cause Plaintiff damage by direct and  
13 indirect infringement of (including inducing infringement of) the claims of the '872  
14 patent.  
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17 **IV. CONDITIONS PRECEDENT**  
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19 14. Plaintiff is a non-practicing entity, with no products to mark. Plaintiff has pled  
20 all statutory requirements to obtain pre-suit damages. Further, all conditions precedent  
21 to recovery are met.  
22

23 **V. PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff prays for relief as follows:

25 a. enter judgment that Defendant has infringed the claims of the '872 patent;  
26

27 \_\_\_\_\_  
28 <sup>2</sup> Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

- 1 b. award Plaintiff damages in an amount sufficient to compensate it for  
2 Defendant's infringement, in an amount no less than a reasonable royalty or  
3 lost profits, together with pre-judgment and post-judgment interest and costs  
4 under 35 U.S.C. § 284;  
5  
6 c. award Plaintiff an accounting for acts of infringement not presented at trial and  
7 an award by the Court of additional damage for any such acts of infringement;  
8  
9 d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award Plaintiff  
10 its attorneys' fees, expenses, and costs incurred in this action;  
11  
12 e. declare Defendant's infringement to be willful and treble the damages,  
13 including attorneys' fees, expenses, and costs incurred in this action and an  
14 increase in the damage award pursuant to 35 U.S.C. § 284;  
15  
16 f. a decree addressing future infringement that either (i) awards a permanent  
17 injunction enjoining Defendant and its agents, servants, employees, affiliates,  
18 divisions, and subsidiaries, and those in association with Defendant from  
19 infringing the claims of the Patents-in-Suit, or (ii) awards damages for future  
20 infringement in lieu of an injunction in an amount consistent with the fact that  
21 for future infringement the Defendants will be an adjudicated infringer of a  
22 valid patent, and trebles that amount in view of the fact that the future  
23 infringement will be willful as a matter of law; and,  
24  
25 g. award Plaintiff such other and further relief as this Court deems just and proper.  
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1 Dated: December 30, 2023

Respectfully submitted,

2  
3 RAMEY LLP

4 /s/ Susan S.Q. Kalra

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby requests a trial by jury on issues so triable by right.

Dated: December 30, 2023

Respectfully submitted,

**RAMEY LLP**

/s/ Susan S.Q. Kalra

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