

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**IP COMMUNICATION SOLUTIONS,
LLC,**

Plaintiff,

v.

LINE2, INC.

Defendant.

Case No. 1:16-cv-132-GMS

PATENT CASE

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff IP Communication Solutions, LLC (“IPCS”) files this First Amended Complaint against Line2, Inc. (“Line2” or “Defendant”) for infringement of U.S. Patent No. 9,247,071 (“the ‘071 patent”).

THE PARTIES

1. IPCS is a Delaware limited liability company with its principal place of business located at 8616 Turtle Creek Blvd., Suite 521, Dallas, Texas 75225.

2. Line2, Inc. is a Delaware corporation with its principal place of business at 230 California St., #500, San Francisco, California 94111.

3. Defendant maintains a registered agent for service of process in Delaware at Incorporating Services, Ltd., 3500 S. DuPont Hwy, Dover, Delaware 19901.

JURISDICTION AND VENUE

4. IPCS brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business involving the accused products in this judicial district, and/or has regular and established places of business in this district.

6. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process, due at least to its substantial business in this State and judicial district, including: (A) committing acts of infringement in this judicial district as described herein; (B) is legally housed and/or incorporated in this judicial district; and (C) regularly conducting or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods and products sold and services provided to Delaware residents.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 9,247,071)

7. IPCS incorporates paragraph 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

9. IPCS is the owner of the '071 patent, entitled "Methods and Systems for Providing Portable VOIP Services," with all substantial rights to the '071 patent, including the exclusive right to enforce, sue, and recover damages for past and future infringement. A copy of the '071 patent is attached as Exhibit 1.

10. The '071 patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

(Direct Infringement)

11. Defendant has, and continues to, directly infringe one or more claims of the '071 patent in this judicial district and elsewhere in the United States.

12. In particular, Defendant has, and continues to, infringe at least claims 1, 6, 7, 11, 13, 15, 20, 21, 25, 30, 49, 51, 52, 54 and 56 of the '071 patent by, making, using, selling, offering to sell, and/or selling within, and/or importing into, the United States, a VOIP server system that supports the Line2 mobile application.

13. Attached hereto as Exhibit 2 is an exemplar claim chart containing additional factual allegations comparing claims 1, 6, 7, 11, 13, 15, 20, 21, 25, 30, 49, 51, 52, 54, and 56 of the '071 patent to Defendant's VoIP server system that supports its Line2 mobile application with VoIP calling capabilities.

14. Defendant is liable for these direct infringements pursuant to 35 U.S.C. § 271.

(Indirect Infringement)

15. Based on the information presently available to IPCS, absent discovery, and in the alternative to its direct infringement claims against Defendant, IPCS contends that Defendant has and continues to indirectly infringe the '071 patent since at least April 3, 2016 (the date IPCS sent an exemplar claim chart to Line2) by inducing end users of Line2 to infringe at least claims 1, 6, 7, 11, 13, 15, 20, 21, 25, 30, 49, 51, 52, 54 and 56 via their use of the VoIP server system that supports the Line2 mobile application. In the alternative, Defendant has indirectly infringed these claims since at least May 17, 2016 (the date IPCS sent Line2 claim charts for the claims identified in this paragraph).

16. Defendant has been on notice of the '071 patent since at least service of the original complaint in this matter.

17. Since Defendant was on notice of the '071 patent, Defendant knowingly induced infringement of the '071 patent, including at least claims 1, 6, 7, 11, 13, 15, 20, 21, 25, 30, 49, 51, 52, 54 and 56 of the '071 patent, and possessed specific intent to encourage others' infringement.

18. Since Defendant was on notice of the '071 patent, Defendant knew or should have known that its actions alleged herein would induce actual infringement of the '071 patent, including at least claims 1, 6, 7, 11, 13, 15, 20, 21, 25, 30, 49, 51, 52, 54 and 56 of the '071 patent.

19. Defendant instructs and encourage users to use Line2, and the VoIP server system that supports the Line2 mobile application, in a manner that infringes the '071 patent.

20. For example, Defendant instructs and encourages end users to use Line2 via its website and marketing and promotional materials. *See e.g.*, <https://www.line2.com/>; <https://play.google.com/store/apps/details?id=com.toktumi.line2&hl=en>; <https://itunes.apple.com/us/app/line2-second-number-on-your/id319185557?mt=8>.

21. Defendant has issued numerous press releases advertising its VoIP mobile application and encouraging end users to use the same. *See e.g.*, <http://news.line2.com/category/press-release/>.

22. Defendant provides detailed instructions, help, and support informing end users on how to use its VoIP mobile application. *See e.g.*, <https://support.line2.com/hc/en-us>.

23. Specifically, Defendant instructs, encourages, and provides detailed instructions, help, and support to end users of its VoIP mobile application to use its VoIP mobile application in a manner that infringes the claims of the '071 patent, including, but not limited to, using its VoIP mobile application to place VoIP calls, including calls to other VoIP endpoints, such as other users of the Line2 VoIP mobile application.

24. In accordance with Fed. R. Civ. P. 11(b)(3), IPCS will likely have additional evidentiary support for its indirect infringement claim after a reasonable opportunity for further investigation and/or discovery on this issue.

25. IPCS has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is, thus, liable to IPCS in an amount that adequately compensates IPCS for Defendant's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

IPCS requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff asks that the Court find in its favor and against Defendant and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of the '071 patent have been infringed, either literally and/or under the doctrine of equivalents by Defendant;
- b. Judgment that Defendant account for and pay to Plaintiff all damages and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein;
- c. Judgment that Defendant account for and pay to Plaintiff a reasonable, ongoing, post judgment royalty because of Defendant's infringing activities and other conduct complained of herein;
- d. That Plaintiff be granted pre-judgment and post judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and
- e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED: June 13, 2016

IP COMMUNICATION SOLUTIONS, LLC

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