

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

**IP COMMUNICATIONS SOLUTIONS,
LLC,**

Plaintiff,

v.

TANGOME, INC., d/b/a TANGO,

Defendant.

Case No. 1:16-CV-00133-GMS

PATENT CASE

JURY TRIAL DEMANDED

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff IP Communication Solutions, LLC (“IPCS”) files this Amended Complaint against TangoMe, Inc. (“Tango” 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. TangoMe, Inc. is a Delaware corporation with its principal place of business at 475 Ellis Street, Mountain View, California 94043.

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 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 its Tango mobile VoIP application (*i.e.*, the Tango VoIP app).

13. Attached hereto as Exhibit 2 is an exemplar claim chart containing additional factual allegations comparing claims 54 and 56 of the '071 patent to the VoIP server system that supports Tango's VoIP app, which detail Defendant's use of the VoIP server system that supports its Tango VoIP app.

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, since at least service of this Amended Complaint, and continues to, indirectly infringe the '071 patent by inducing end users of the Tango VoIP app to infringe at least claims 54 and 56 via their use of the VoIP server system that supports the Tango VoIP app.

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

17. Since at least service of this Amended Complaint, Defendant was on notice of the '071 patent, and despite such notice, Defendant knowingly induced infringement of the '071

patent, including at least claims 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 54 and 56 of the '071 patent.

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

20. For example, Defendant instructs and encourages end users to use the Tango VoIP app and the VoIP server system that supports the Tango VoIP app. *See e.g.*, www.tango.me.

21. Defendant has a detailed help and support page providing specific instructions to end users on how to use the Tango VoIP app to make VoIP calls using the VoIP server system that supports the Tango VoIP app. *See e.g.*, support.tango.me/home.

22. Defendant routinely publicizes the Tango VoIP app, encouraging end users to download and use the Tango VoIP app to make VoIP calls using the VoIP server system that supports the Tango VoIP app. *See e.g.*, www.tango.me/press.

23. 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.

24. 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 29, 2016

IP COMMUNICATION SOLUTIONS, LLC

By: /s/ Timothy Devlin
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CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2016, I caused the foregoing Amended Complaint to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

/s/ Timothy Devlin
Timothy Devlin