

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

<b>VERNA IP HOLDINGS, LLC,</b> <b>Plaintiff,</b>	)	
	)	
	)	<b>Civil Action No. <u>3:22cv018</u></b>
<b>v.</b>	)	
	)	
<b>EVERBRIDGE, INC.,</b> <b>Defendant.</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	

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

Verna IP Holdings, LLC (“VernaIP”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,265,938 (“the ’938 patent”) ( “Patent-in-Suit”) by Everbridge, Inc. (“Everbridge”).

**I. THE PARTIES**

1. Plaintiff VernaIP is a New Mexico Limited Liability Company with its principal place of business located in Bernalillo County, New Mexico.

2. On information and belief, Everbridge is a corporation existing under the laws of the State of Delaware, with a regular and established place of business located at 19775 Belmont Executive Plaza, Ashburn, VA 20147. On information and belief, Everbridge sells and offers to sell products and services throughout Virginia, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Virginia and this judicial district. Defendant may be served through its registered agent or wherever they may be found.

**II. JURISDICTION AND VENUE**

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

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Virginia and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Virginia and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Virginia and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in Virginia, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Virginia and this District.

### **III. INFRINGEMENT**

#### **A. Infringement of the '938 Patent**

6. On September 11, 2012, U.S. Patent No. 8,265,938 ("the '938 patent", attached) entitled "Voice alert methods, systems and processor-readable media" was duly and legally issued by the U.S. Patent and Trademark Office. VernalIP owns the '938 patent by assignment.

7. The '938 patent relates to a novel and improved methods, systems and processor-readable media for providing instant/real-time Voice alerts automatically to remote electronic devices.

8. Everbridge maintains, operates, and administers devices/products and systems that infringe one or more claims of the '938 patent, including one or more of claims 1-18, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '938 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.


9. Support for the allegations of infringement may be found in the following preliminary table:

<p>18. A processor-readable medium storing code representing instructions to cause a processor to perform a process to automatically provide instant voice alerts to wireless <u>hand held</u> device users in a specified region, said code comprising code to:</p>	<p>For example, Everbridge provides voice alerts in different languages in emergency situations.</p> <p>Everbridge, recognized by Gartner as a leader in their <a href="#">2012 Magic Quadrant for U.S. Emergency / Mass Notification Services</a>, is using the latest technology to ensure the continued resiliency and performance of multinational communications while maintaining the regulatory compliance and familiarity of a local operation in several areas:</p> <p><b>Localization</b></p> <ul style="list-style-type: none"> <li>• Support for 13 languages in text-to-speech functionality</li> <li>• English, Spanish and French functionality in the Admin UI</li> <li>• Toll-free numbers available in 16 countries worldwide</li> <li>• Voice messaging in every country</li> <li>• SMS support in 99% of all countries worldwide</li> </ul> <p><b>Closed-loop, secure collaboration solution.</b></p> <p>Unique, easy-to-use messaging tools enable clinician real-time communication and collaboration across multiple devices and modalities including video, text, voice, and images. Designed by clinicians to work the way clinicians do.</p> <ul style="list-style-type: none"> <li>• Multi-modal communication including image sharing, text messaging, video calling, push-to-talk, and group messaging</li> <li>• <u>Mobile device and desktop access</u></li> <li>• HIPAA-compliant and auditable</li> <li>• Open network enabling you to communicate with clinicians outside your network</li> </ul> <p><a href="#">Everbridge Announces Expansion of International Presence and Product Capabilities with New UK-Based Office Serving the EMEA Region</a></p>
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<p>determine an emergency, situation affecting a specified region and requiring emergency notification of said emergency situation to wireless <u>hand held</u> device users in said specified region;</p>	<p>For example, Everbridge provides voice and text alerts in different languages for public safety threats.</p> <p><b>About Everbridge</b></p> <p>Everbridge, Inc. (NASDAQ: EVBG) is a global software company that provides enterprise software applications that automate and accelerate organizations' operational response to critical events in order to keep people safe and businesses running faster. During public safety threats such as active shooter situations, terrorist attacks or severe weather conditions, as well as critical business events such as IT outages, cyber-attacks or other incidents such as product recalls or supply-chain interruptions, over 3,700 global customers rely on the company's SaaS-based platform to quickly and reliably aggregate and assess threat data, locate people at risk and responders able to assist, automate the execution of pre-defined communications processes, and track progress on executing response plans. The company's platform sent over 2 billion messages in 2017 and offers the ability to reach more than 200 countries and territories with secure delivery to over 100 different communication devices. The company's critical communications and enterprise safety applications include Mass Notification, Incident Management, Safety Connection™, IT Alerting, Visual Command Center®, Crisis Commander®, Community Engagement™ and Secure Messaging. Everbridge serves 9 of the 10 largest U.S. cities, 8 of the 10 largest U.S.-based investment banks, 25 of the 25 busiest North American airports, six of the 10 largest global consulting firms, six of the 10 largest global auto makers, all four of the largest global accounting firms, four of the 10 largest U.S.-based health care providers and four of the 10 largest U.S.-based health insurers. Everbridge is based in Boston and Los Angeles with additional offices in San Francisco, Lansing, Orlando, Beijing, London, and Stockholm. For more information, visit <a href="http://www.everbridge.com">www.everbridge.com</a>, read the company <a href="#">blog</a>, and follow on <a href="#">Twitter</a> and <a href="#">Facebook</a>.</p> <p><b>Closed-loop, secure collaboration solution.</b></p> <p>Unique, easy-to-use messaging tools enable clinician real-time communication and collaboration across multiple devices and modalities including video, text, voice, and images. Designed by clinicians to work the way clinicians do.</p> <ul style="list-style-type: none"> <li>• Multi-modal communication including image sharing, text messaging, video calling, push-to-talk, and group messaging</li> <li>• <u>Mobile device and desktop access</u></li> <li>• HIPAA-compliant and auditable</li> <li>• Open network enabling you to communicate with clinicians outside your network</li> </ul> <p><a href="#">Everbridge Announces Expansion of International Presence and Product Capabilities with New UK-Based Office Serving the EMEA Region</a></p>
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<p>generate and convert a text message indicative of said emergency situation into a digitized voice alert;</p>	<p>For example, Everbridge provides text to voice alerts in different languages in emergency situations.</p> <p>Everbridge, recognized by Gartner as a leader in their <b>2012 Magic Quadrant for U.S. Emergency / Mass Notification Services</b>, is using the latest technology to ensure the continued resiliency and performance of multinational communications while maintaining the regulatory compliance and familiarity of a local operation in several areas:</p> <p><b>Localization</b></p> <ul style="list-style-type: none"> <li>• Support for 13 languages in text-to-speech functionality</li> <li>• English, Spanish and French functionality in the Admin UI</li> <li>• Toll-free numbers available in 16 countries worldwide</li> <li>• Voice messaging in every country</li> <li>• SMS support in 99% of all countries worldwide</li> </ul> <p><a href="https://www.everbridge.com/press-releases/2019/07/everbridge-announces-expansion-of-international-presence-and-product-capabilities-with-new-uk-based-office-serving-the-emea-region">Everbridge Announces Expansion of International Presence and Product Capabilities with New UK-Based Office Serving the EMEA Region</a></p> <p><a href="https://nintendo.fandom.com/DS">https://nintendo.fandom.com/DS</a> Ctrl+Click to follow link</p>
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<p>convert said digitized voice alert into more than one language from among a plurality of languages for broadcast of said digitized voice alert in consecutively different languages through said at least one wireless handheld device;</p>	<p>For example, Everbridge provides text to voice alerts in different languages to mobile devices in emergency situations.</p> <p>Everbridge, recognized by Gartner as a leader in their <b>2012 Magic Quadrant for U.S. Emergency / Mass Notification Services</b>, is using the latest technology to ensure the continued resiliency and performance of multinational communications while maintaining the regulatory compliance and familiarity of a local operation in several areas:</p> <p><b>Localization</b></p> <ul style="list-style-type: none"> <li>• Support for 13 languages in text-to-speech functionality</li> <li>• English, Spanish and French functionality in the Admin UI</li> <li>• Toll-free numbers available in 16 countries worldwide</li> <li>• Voice messaging in every country</li> <li>• SMS support in 99% of all countries worldwide</li> </ul> <p><a href="https://www.everbridge.com/press-releases/2019/07/everbridge-announces-expansion-of-international-presence-and-product-capabilities-with-new-uk-based-office-serving-the-emea-region">Everbridge Announces Expansion of International Presence and Product Capabilities with New UK-Based Office Serving the EMEA Region</a></p> <p><b>Closed-loop, secure collaboration solution.</b></p> <p>Unique, easy-to-use messaging tools enable clinician real-time communication and collaboration across multiple devices and modalities including video, text, voice, and images. Designed by clinicians to work the way clinicians do.</p> <ul style="list-style-type: none"> <li>• Multi-modal communication including image sharing, text messaging, video calling, push-to-talk, and group messaging</li> <li>• Mobile device and desktop access</li> <li>• HIPAA-compliant and auditable</li> <li>• Open network enabling you to communicate with clinicians outside your network</li> </ul> <p><a href="https://www.everbridge.com/products/careconverge/">https://www.everbridge.com/products/careconverge/</a></p> <p><a href="https://nintendo.fandom.com/DS">https://nintendo.fandom.com/DS</a> Ctrl+Click to follow link</p>
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<p>and transmit said digitized voice alert through specific towers of a cellular communications network in said specified region for distribution of an automatic emergency announcement about said emergency situation provided by said digitized voice alert to at least one wireless <u>hand held</u> device in communication with said specific towers of said cellular communications network said specified region.</p>	<p>For example, Everbridge provides text to voice alerts through a city's cell tower to a person's mobile device.</p>  <p><b>One Mobile App for Critical Event Managers</b></p> <p>Chances are when an emergency occurs, some of the crisis responders will not be at their desk or may even be asleep. Everbridge ManageBridge brings the same set of rich features available to Mass Notification, Safety Connection and IT Alerting administrators who frequently use smartphones and tablets. The free, native mobile application is available to Everbridge clients, providing them with more control than ever before over their critical event response.</p> <p><a href="https://www.everbridge.com/products/mobile-apps/">https://www.everbridge.com/products/mobile-apps/</a></p>
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10. These allegations of infringement are preliminary and are therefore subject to change.

11. Everbridge has and continues to induce infringement. Everbridge has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., remote alert notification) such as to cause infringement of one or more of claims 1–18 of the '938 patent, literally or under the doctrine of equivalents. Moreover, Everbridge has known of the '938 patent and the technology underlying it from at least the date of the filing of the lawsuit.<sup>1</sup>

12. Everbridge has and continues to contributorily infringe. Everbridge has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., remote alert notification) such as to cause infringement of one or more of claims 1–18 of the '938 patent, literally or under

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<sup>1</sup> VernaIP reserves the right to amend this date of knowledge through discovery.

the doctrine of equivalents. To be clear, Everbridge directly infringes one or more of claims 1-18 of the '938 patent, as provided herein. The Everbridge products further have no noninfringing uses. Further, Everbridge's products are a material part of the claimed invention as they are the complete invention. Moreover, Everbridge has known of the '938 patent and the technology underlying it from at least the date of the filing of the lawsuit.<sup>2</sup>

13. Everbridge has caused and will continue to cause VernaIP damage by direct and indirect infringement of (including inducing infringement of) the claims of the '938 patent.

#### **IV. JURY DEMAND**

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

#### **V. PRAYER FOR RELIEF**

WHEREFORE, VernaIP prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the Patent-in-Suit;
- b. award VernaIP damages in an amount sufficient to compensate it for Defendant's infringement of the Patent-in-Suit in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award VernaIP an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award VernaIP its attorneys' fees, expenses, and costs incurred in this action;

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<sup>2</sup> VernaIP reserves the right to amend this date of knowledge through discovery.

- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award VernalIP such other and further relief as this Court deems just and proper.

Respectfully submitted,  
KENEALY VAIDYA LLP  
by Counsel

/s/

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