

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

BUFFALO PATENTS, LLC,

Plaintiff,

v.

LOGMEIN, INC., GOTO GROUP, INC.,
and GOTO TECHNOLOGIES USA, INC.
F/K/A LOGMEIN USA, INC.

Defendants.

CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Buffalo Patents, LLC (“Buffalo Patents” or “Plaintiff”) files this original complaint against Defendant LogMeIn, Inc., GoTo Group, Inc., and GoTo Technologies USA, Inc. f/k/a LogMeIn USA, Inc. (“GoTo” or “Defendants”), alleging, based on its own knowledge as to itself and its own actions and based on information and belief as to all other matters, as follows:

PARTIES

1. Buffalo Patents is a limited liability company formed under the laws of the State of Texas, with its principal place of business at 1200 Silver Hill Dr., Austin, Texas, 78746.

2. Defendant LogMeIn, Inc. (“LogMeIn”) is a corporation organized and existing under the laws of the State of Delaware. LogMeIn may be served with process through its registered agent, Corporation Service Company, at Corporation Trust Center, 251 Little Falls Drive, Wilmington, Delaware, 19808.

3. Defendant GoTo Group, Inc. (“GoTo Group”) is a corporation organized and existing under the laws of the State of Delaware. GoTo Group may be served with process

through its registered agent, Corporation Service Company, at Corporation Trust Center, 251 Little Falls Drive, Wilmington, Delaware, 19808.

4. Defendant GoTo Technologies USA, Inc. f/k/a LogMeIn USA, Inc. (“GoTo Technologies USA”) is a corporation organized and existing under the laws of the State of Delaware. GoTo Technologies USA may be served with process through its registered agent, Corporation Service Company, at Corporation Trust Center, 251 Little Falls Drive, Wilmington, Delaware, 19808.

5. The GoTo Defendants are companies that together—along with their affiliates—represent a leading provider of remote-work technologies, including multiple cloud services technologies relevant to today’s work-from-anywhere economy. The Defendants offer a portfolio of products that facilitate people and businesses around the globe to connect “on any device, from any location and at any time.”¹ GoTo Meeting, for example, “enables users to schedule, convene and moderate meetings using the GoTo Meeting web site, mobile application, or executable customer software.”² The GoTo Defendants have tens of millions of active users, over \$1.3 billion in annual revenue, and about 2 million customers worldwide.³

6. The Defendants named above and their affiliates are part of the same corporate structure and distribution chain for the making, importing, offering to sell, selling, and using of the accused devices in the United States, including in the State of Delaware generally and this judicial district in particular.

¹ See Global Newswire (Aug. 31, 2020), www.globenewswire.com/news-release/2020/08/31/2086214/0/en/Francisco-Partners-and-Evergreen-Coast-Capital-Complete-Acquisition-of-LogMeIn.html.

² See Service Descriptions for GoTo Services, www.goto.com/company/legal/service-descriptions#gotomeeting

³ *Id.*

7. The Defendants named above and their affiliates share the same management, common ownership, advertising platforms, facilities, distribution chains and platforms, and accused product lines and products involving related technologies.

8. Thus, the Defendants named above and their affiliates operate as a unitary business venture and are jointly and severally liable for the acts of patent infringement alleged herein.

9. The parties to this action are properly joined under 35 U.S.C. § 299 because the right to relief asserted against defendants jointly and severally arises out of the same series of transactions or occurrences relating to the making and using of the same products or processes. Additionally, questions of fact common to all defendants will arise in this action.

JURISDICTION AND VENUE

10. This is an action for infringement of United States patents arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

11. This Court has personal jurisdiction over GoTo because each of the GoTo Defendants is organized under the laws of Delaware.

12. Venue is proper in this district as to each of the GoTo Defendants under 28 U.S.C. § 1400(b). Each of the GoTo Defendants is incorporated in the State of Delaware, so each resides in this district.

BACKGROUND

13. The patent-in-suit generally relates to an improved method and system of managing conference calls. The patented technology allows communities of individuals to initiate, join, and participate in conference calls. In particular, members of a community (even unknown to one another) can meet and collaborate in a freeform and unscheduled way, and yet

“retain collective and individual degrees of organizational control,” such as through providing conference call data, designation of users as “speakers,” limiting the time a user is permitted to speak, etc.

14. The technology disclosed by the patent-in-suit was developed by award-winning software developers, known especially for game and graphic design. Since the 1980s, Jordan Weisman has worked on and created interactive entertainment software, including a plethora of role-playing and alternative reality games. Mr. Weisman has earned more than 100 awards throughout his career and, in 2003, he was selected as the Pacific Northwest Entrepreneur of the Year by Ernst & Young. Elan Lee is best known as a designer of computer games, and has had extensive experience with creating interactive programming for audiences. He has also won much acclaim, including multiple industry awards for design and innovation. Bill Redmann is an engineer who has worked on creating virtual reality technologies, including the design of interactive technologies, since the 1980s. Mr. Redmann is a named inventor on over 70 patents.

15. The invention disclosed in the patent-in-suit has been cited during patent prosecution nearly 300 times and multiple times by electronics companies, including Alcatel-Lucent, Amazon, Apple, AT&T, Avaya, Blackberry, Canon, Cisco, Dolby, Ericsson, Fujitsu, Google, IBM, Hewlett-Packard, Infineon, Intel, Lenovo, LG Electronics, Microsoft, Motorola Solutions, Nokia, Nortel Networks, Palm, Panasonic, Qualcomm, Samsung, Sharp Labs, Siemens, Sony, Sprint, T-Mobile, Verizon, and Vodafone.

COUNT I

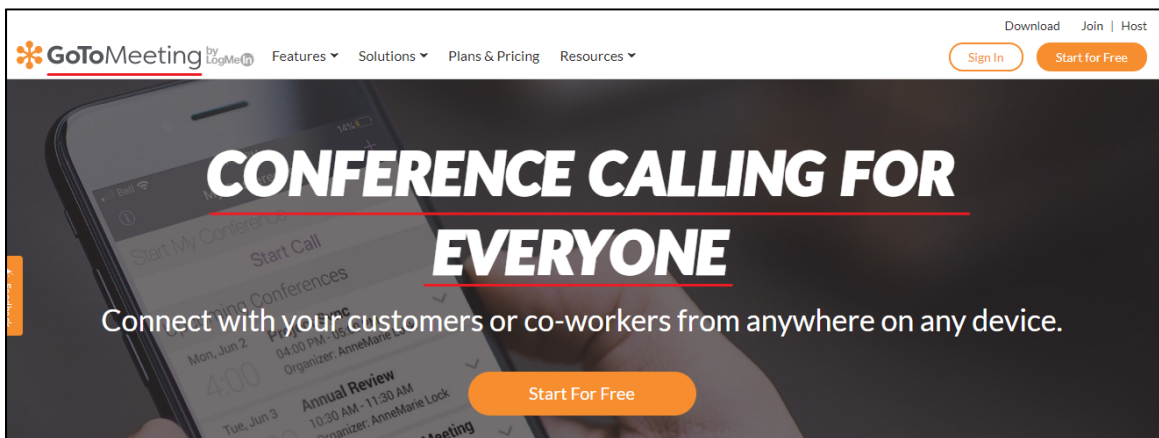
DIRECT INFRINGEMENT OF U.S. PATENT NO. 6,839,417

16. On January 4, 2005, United States Patent No. 6,839,417 (“the ’417 Patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention

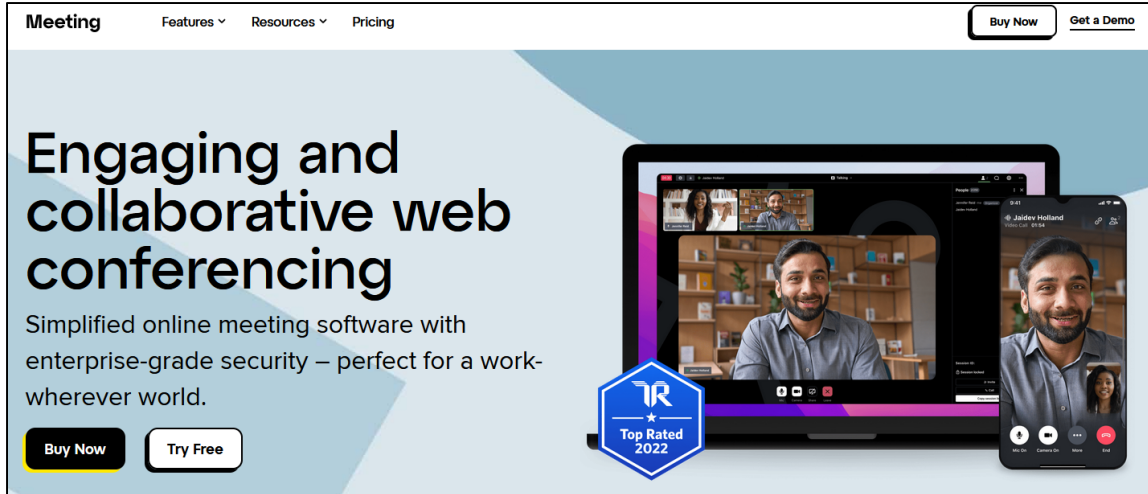
entitled “Method and Apparatus for Improved Conference Call Management.” A true and correct copy of the ’417 Patent is attached as Exhibit A.

17. Buffalo Patents is the owner of the ’417 Patent, with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the ’417 Patent against infringers, and to collect damages for all relevant times.

18. GoTo made, had made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems including, for example, its GoToMeeting platform, GoTo Meeting platform, and other products and/or services that allow users to set up and join a conference call, and receive a list of available conference calls (“accused products”):



Source: <https://www.gotomeeting.com/features/conference-call>



Source: <https://www.goto.com/meeting#>

19. By doing so, GoTo has directly infringed (literally and/or under the doctrine of equivalents) at least Claim 38 of the '417 Patent. GoTo's infringement in this regard is ongoing.

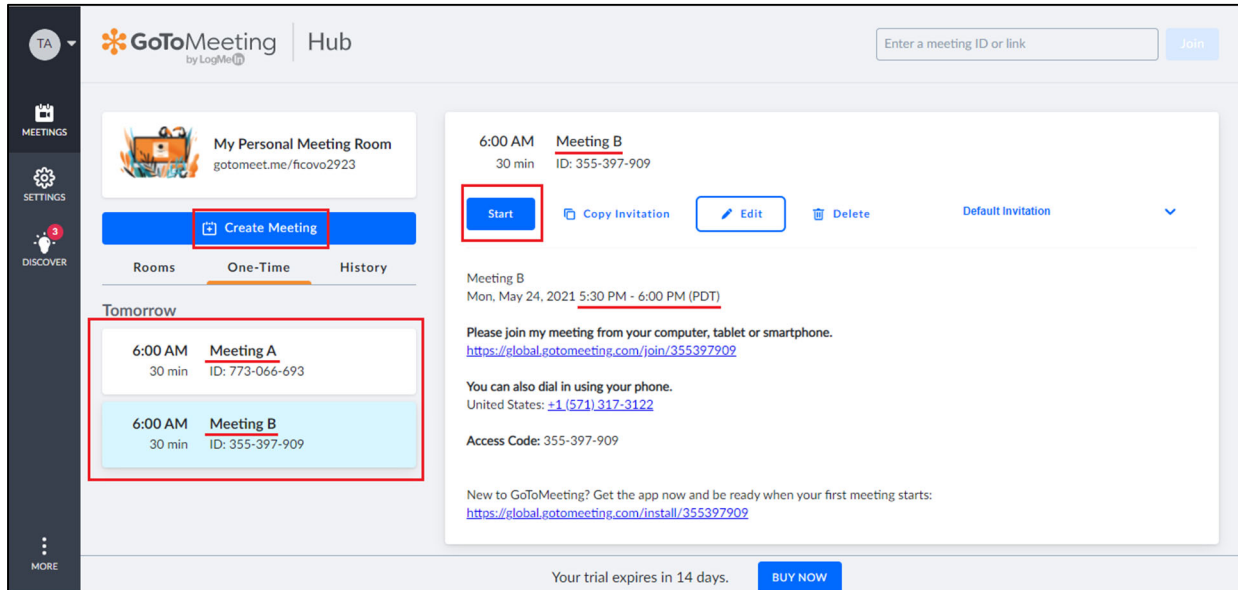
20. The GoToMeeting and GoTo Meeting platforms are exemplary accused products.⁴

21. GoTo has infringed the '417 Patent by using the accused products and thereby practicing a method for a selecting participant to access a conference call.

22. For example, GoToMeeting and GoTo Meeting are cloud-based communications platforms that allow a user to set up conference calls. The GoToMeeting and GoTo Meeting platforms allow a user to create multiple meetings ("conference call"). The user ("selecting participant") can view all of the scheduled meetings.

⁴ In its FAQs, GoTo explains that "GoTo Meeting is the same as GoToMeeting, and includes all the same powerful features and fast, secure video conferencing." See www.goto.com/meeting.

GoToMeeting

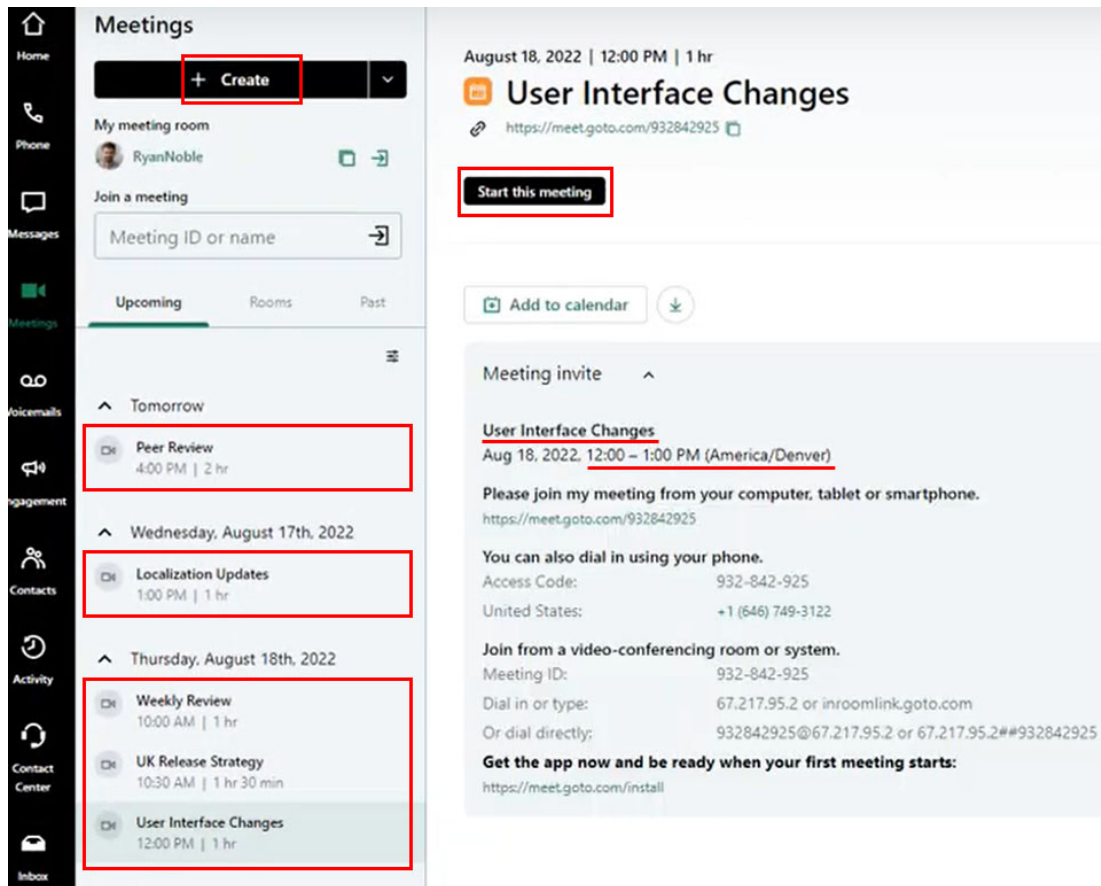


Source: Screenshot taken during testing.

GoTo Meeting



Source: <https://www.goto.com/meeting#>

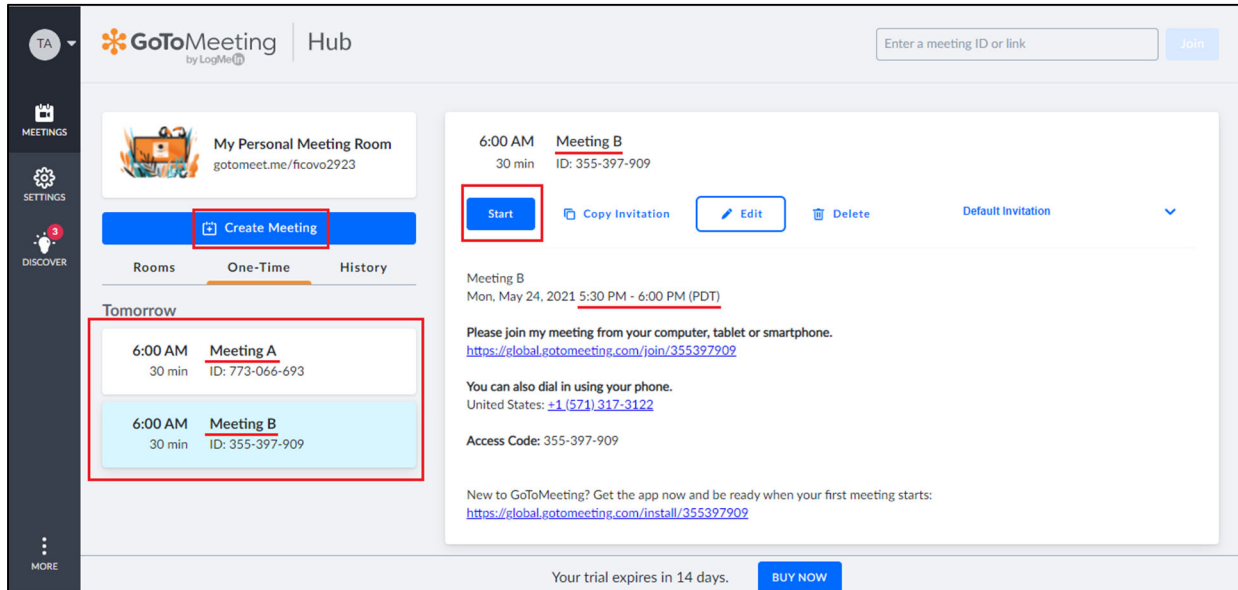


Source: https://www.youtube.com/watch?v=_y6cdjsiT8g (2:12)

23. The method practiced using the accused products includes the step of providing to the selecting participant a list of conference call data representing a subset of conference calls available.

24. For example, GoToMeeting and GoTo Meeting are cloud-based communications platforms that allow a user to set up conference calls. GoToMeeting and GoTo Meeting allow a user to create meetings. A user can select and join a meeting from a list of scheduled meetings. These scheduled meetings can include information, such as title of the meeting, topic of the meeting, interval of the meeting, etc. A user (“selecting participant”) is also provided a list of available scheduled meetings (“representing a subset of conference calls”).

GoToMeeting



Source: Screenshot taken during testing.

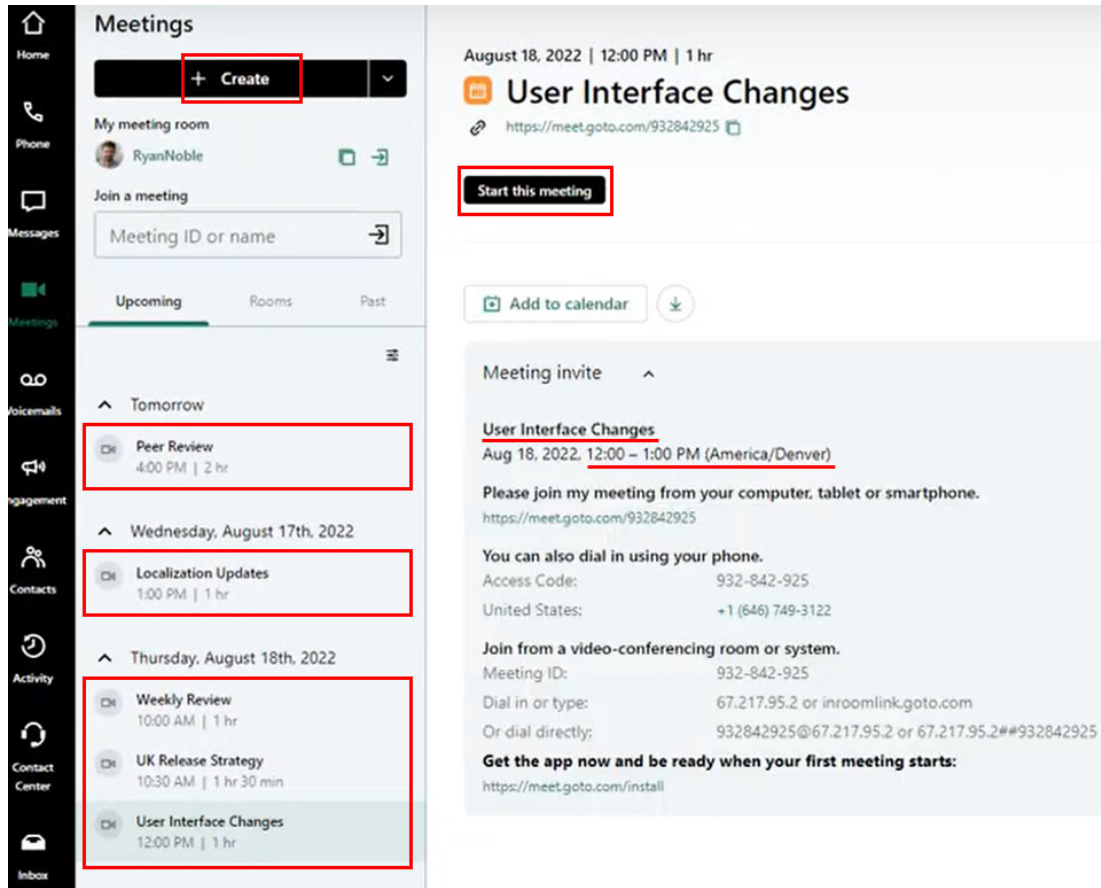
How do I start a scheduled or recurring meeting?

To start a previously scheduled or recurring meeting on a PC:

1. Find the GoToMeeting icon in your system tray, right-click it and select **My Meetings**.
2. Log in to your account and select the meeting you'd like to start in the My Scheduled Meetings dialog box.
3. Click **Start** and your meeting is underway.

Source: <https://www.gotomeeting.com/features/instant-and-scheduled-meetings>

GoTo Meeting



Source: https://www.youtube.com/watch?v=_y6cdjsiT8g (2:12)

Start or join a meeting

There are several way you can start your own meeting and join other meetings. In the meeting invite (sent via email, chat, etc.) click the meeting link. Alternatively, you can join from GoTo.

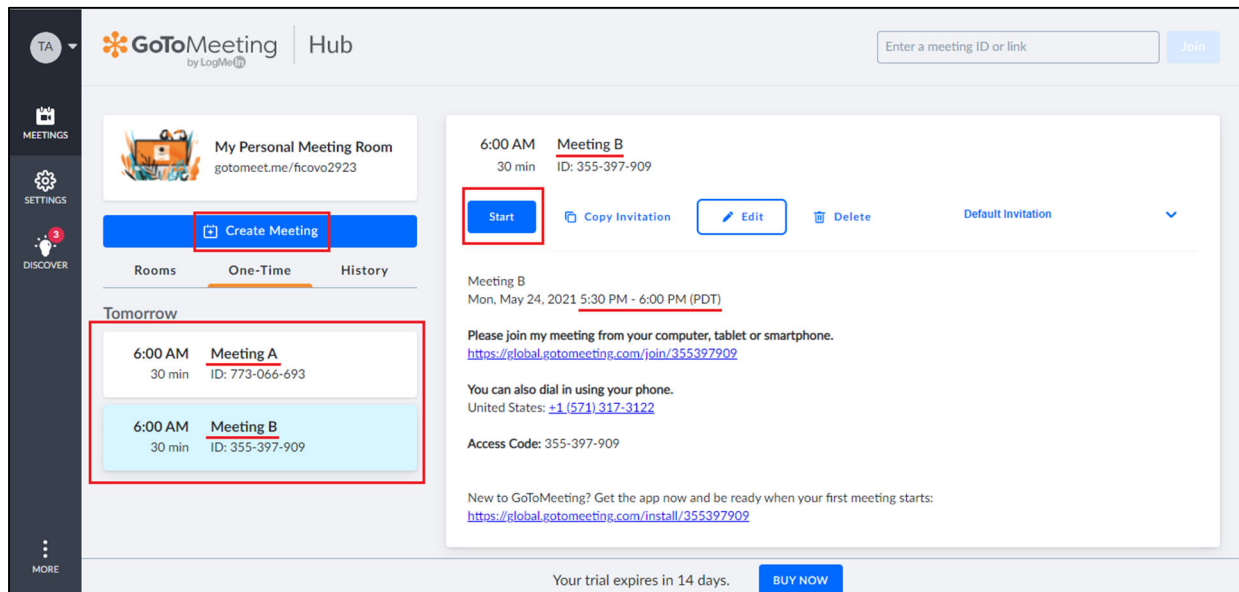
- (1) Start your own [personal meeting room](#).
- (2) [Start an upcoming scheduled meeting](#).
- (3) Join someone else's meeting (you must need their meeting ID or room name).

Source: <https://support.goto.com/meeting/goto-eap-guide>

25. The method practiced using the accused products includes the step of receiving from a selecting participant, a designation of the conference call from the list.

26. For example, GoToMeeting and GoTo Meeting are cloud-based communications platforms that allow a user to set up conference calls. GoToMeeting and GoTo Meeting allow a user to create meetings. When a user starts a meeting, the user is provided with the option of either joining the meeting with audio or without audio. As one example, GoToMeeting enables a user (“selecting participant”) to choose the option “I don’t need any audio” when joining the meeting. As another example, GoTo Meeting enables a user to choose the “No audio” option when joining the meeting. The GoToMeeting and GoTo Meeting conference servers receive an indication that the user will only be able to view or monitor (“designation”) the meeting.

GoToMeeting



Source: Screenshot taken during testing.

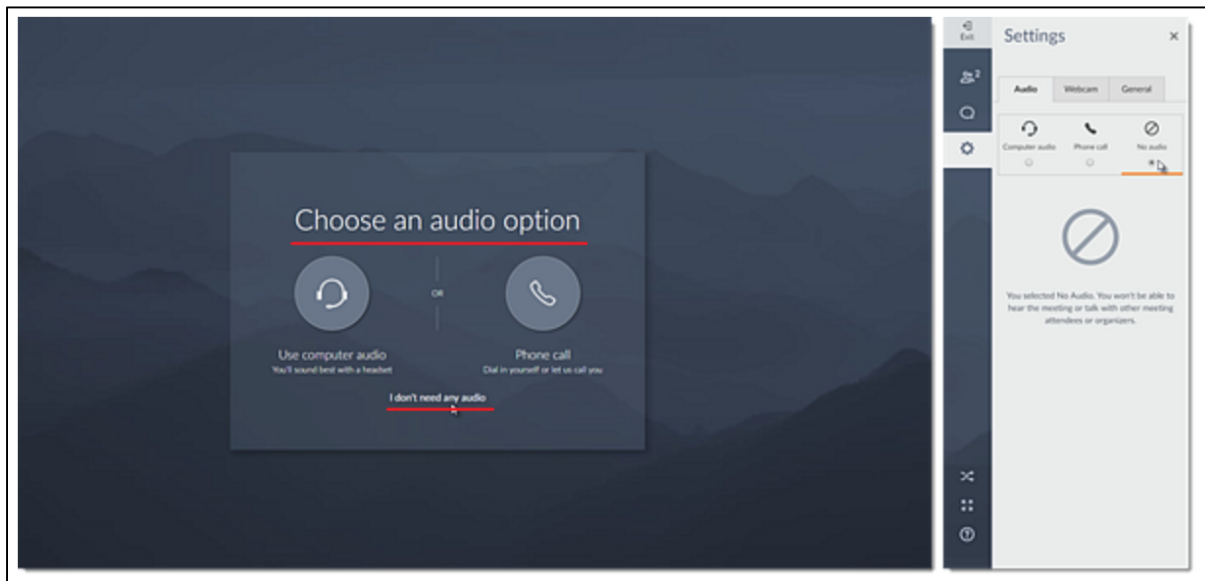
How do I join a meeting with no audio?

You can connect to the meeting with no audio, which allows you to join from multiple devices without experiencing audio feedback. When connected with no audio, you won't be able to hear the meeting or talk to other participants from that device.

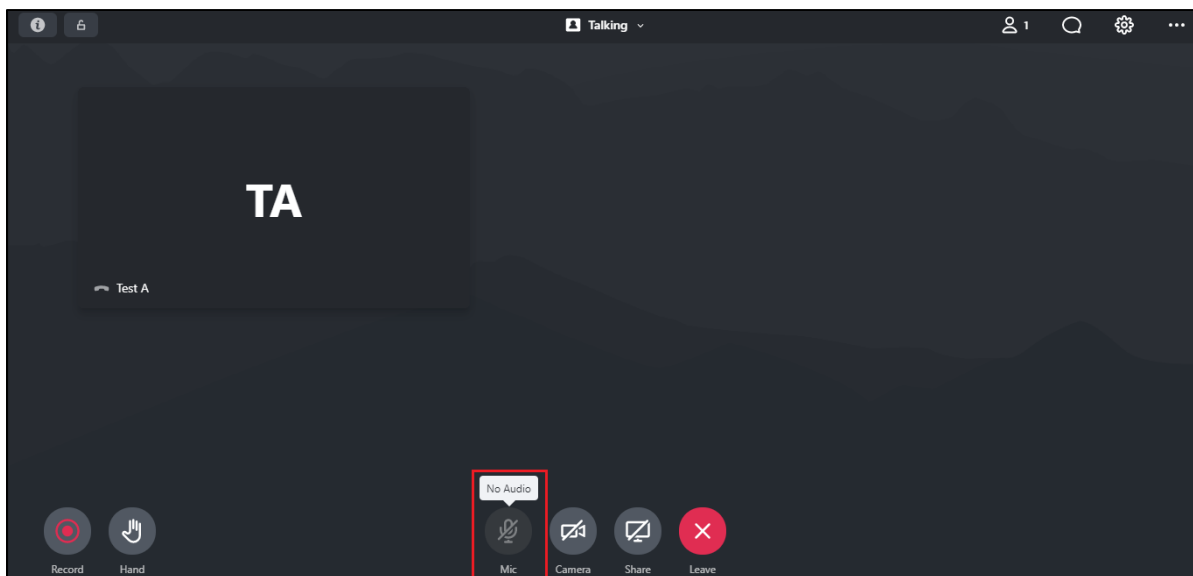
Source: <https://support.goto.com/meeting/help/join-session-with-no-audio-g2m050059>

1. Join or start a meeting from the Web App.
2. If you're in the pre-session Audio window, click I don't need audio. If you're already in session, click the Settings icon in the toolbar and click **No audio** in the Audio tab.

Source: <https://support.goto.com/meeting/help/join-session-with-no-audio-g2m050059>

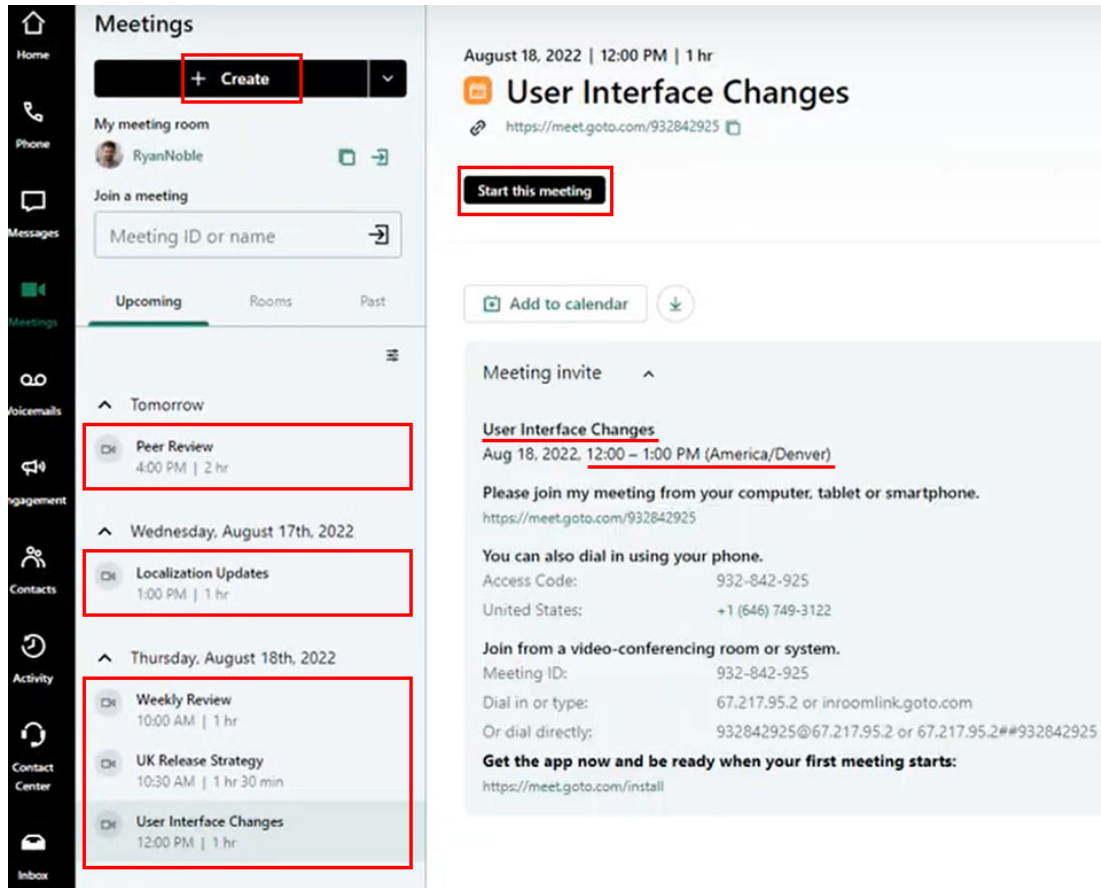


Source: <https://support.goto.com/meeting/help/join-session-with-no-audio-g2m050059>

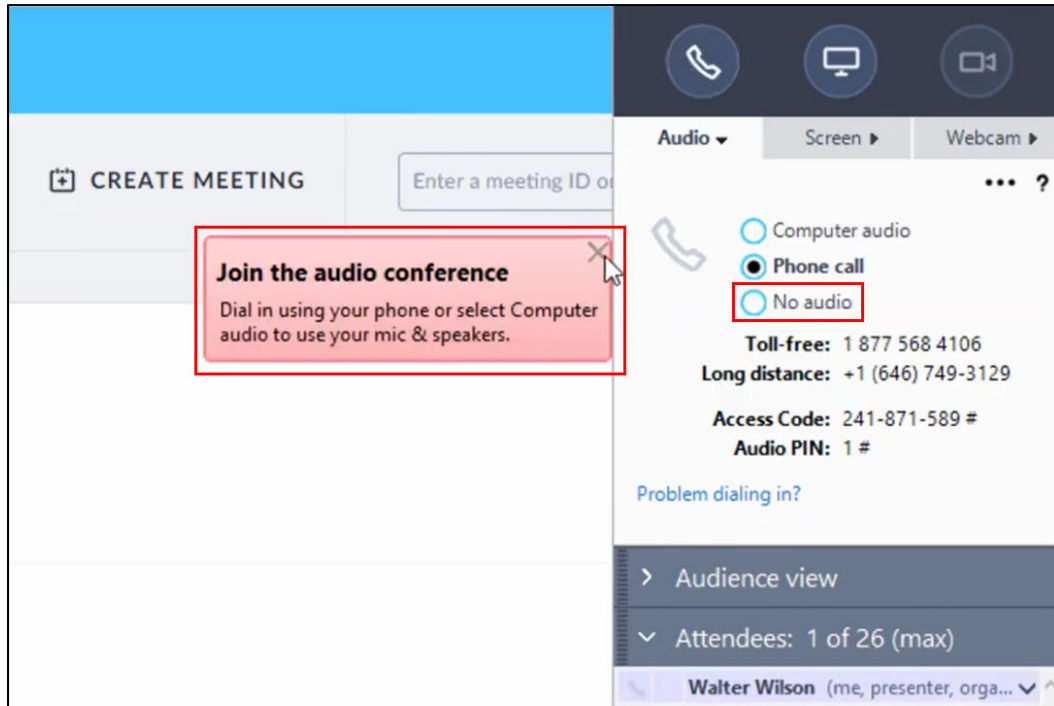


Source: Screenshot taken during testing.

GoTo Meeting



Source: https://www.youtube.com/watch?v=_y6cdjsiT8g (2:12)



Source: <https://www.youtube.com/watch?v=BujtS8vX8ww&t=26s> (1:27)

27. The method practiced using the accused products includes the step of granting access to the selecting participant into the conference call as a participant.

28. For example, GoToMeeting and GoTo Meeting are cloud-based communications platforms that allow a user to set up conference calls. GoToMeeting and GoTo Meeting allow a user to create meetings. When a user starts a meeting, the user is provided with the option of either joining the meeting with audio or without audio. As one example, GoToMeeting enables a user (“selecting participant”) to choose the option, “I don’t need any audio” when joining the meeting. As another example, GoTo Meeting enables a user to choose the “No audio” option when joining the meeting. The user is then granted access as a participant and will only be able to view or monitor the meeting. As a participant, the user cannot hear the meeting or talk to other participants.

GoToMeeting

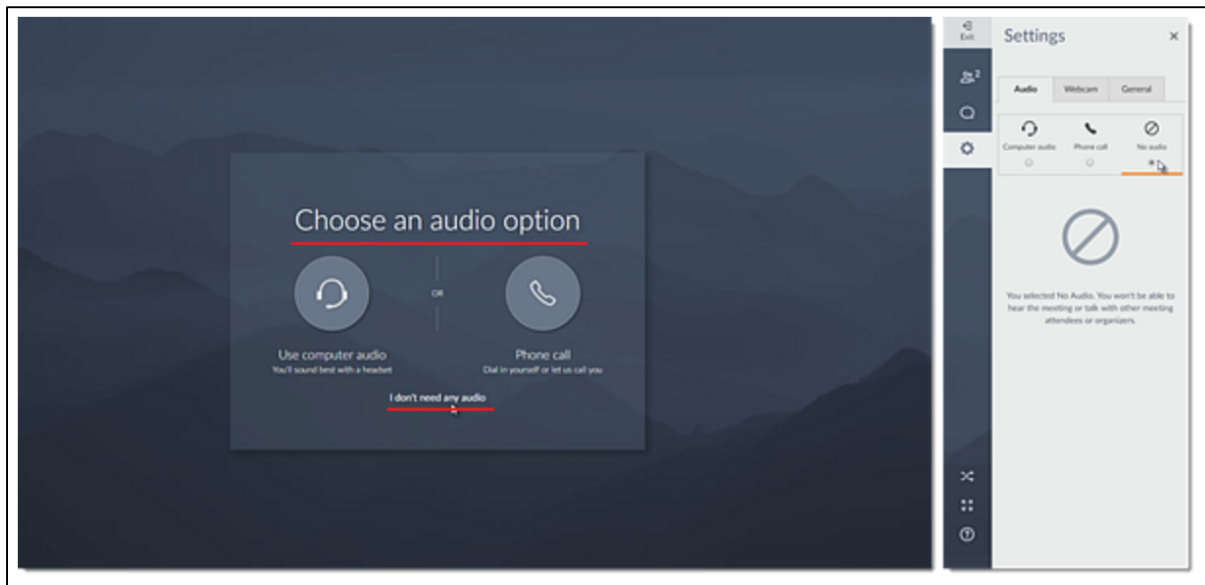
How do I join a meeting with no audio?

You can connect to the meeting with no audio, which allows you to join from multiple devices without experiencing audio feedback. When connected with no audio, you won't be able to hear the meeting or talk to other participants from that device.

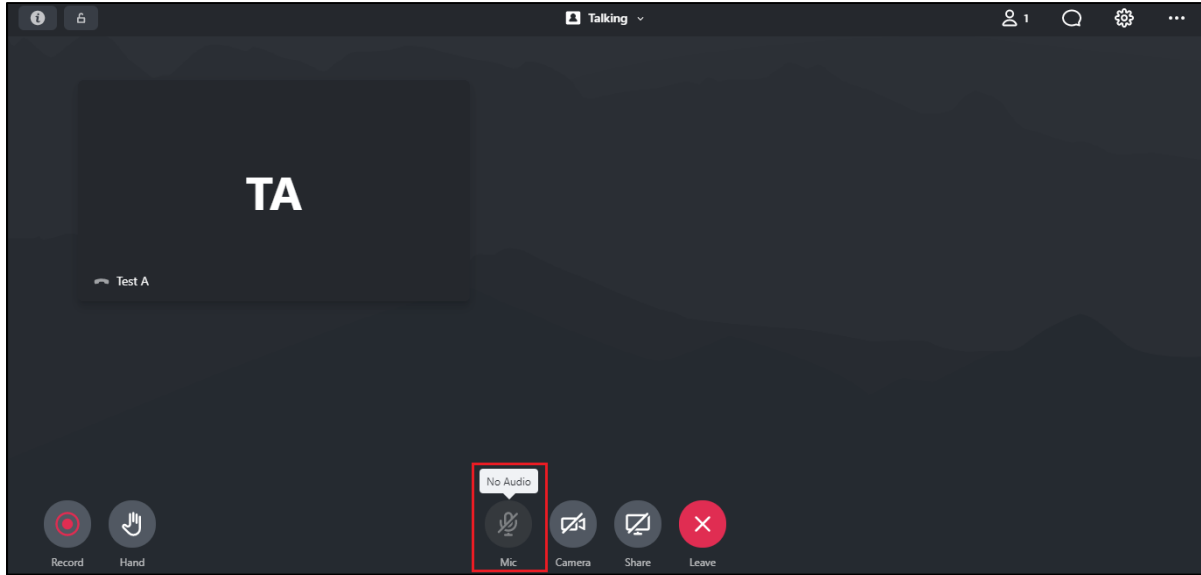
Source: <https://support.goto.com/meeting/help/join-session-with-no-audio-g2m050059>

1. Join or start a meeting from the Web App.
2. If you're in the pre-session Audio window, click I don't need audio. If you're already in session, click the Settings icon in the toolbar and click **No audio** in the Audio tab.

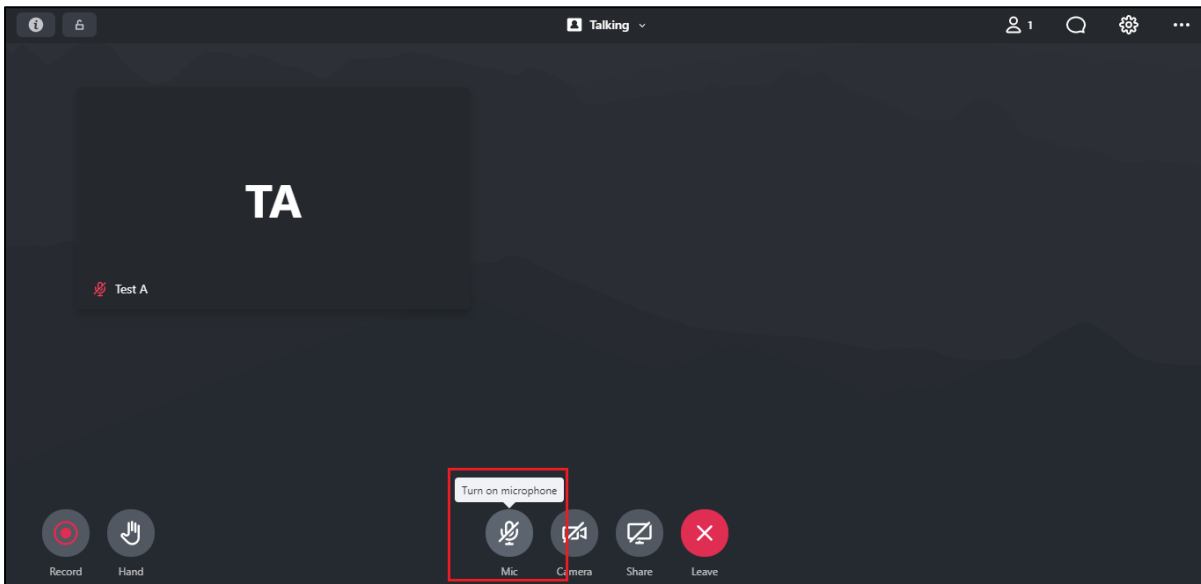
Source: <https://support.goto.com/meeting/help/join-session-with-no-audio-g2m050059>



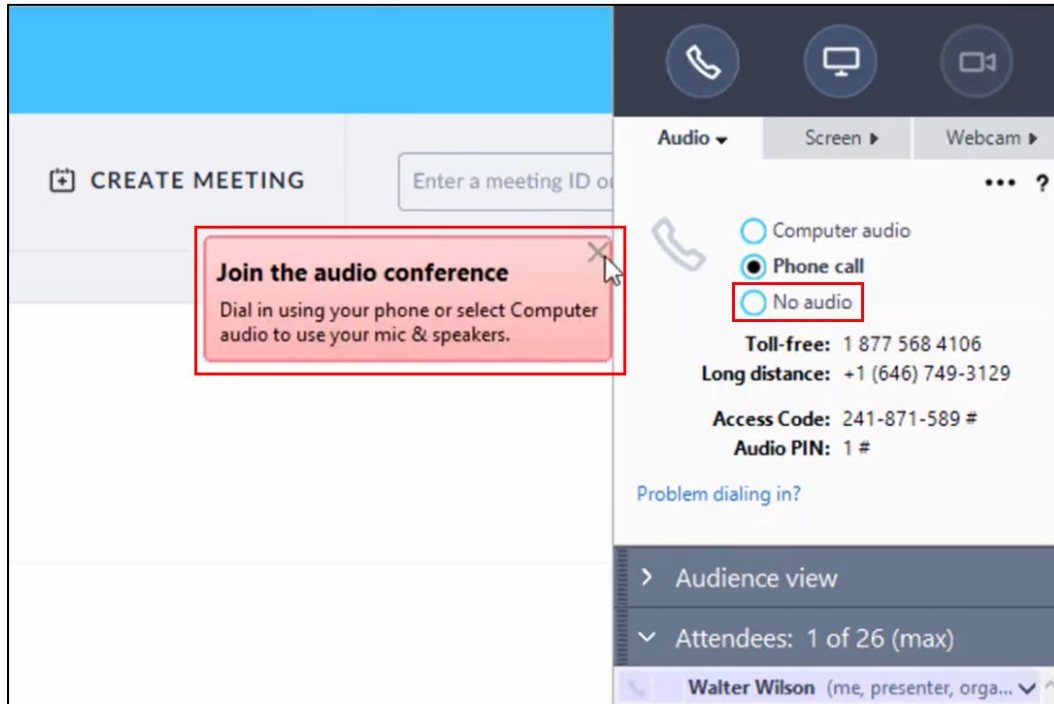
Source: <https://support.goto.com/meeting/help/join-session-with-no-audio-g2m050059>



Source: Screenshot taken during testing (when joining with the “I don’t need any audio” option).



Source: Screenshot taken during testing (when joining with audio)

GoTo Meeting

Source: <https://www.youtube.com/watch?v=BujtS8vX8ww&t=26s> (1:27)

29. GoTo has directly infringed at least through its use of the accused products through its own testing of the accused products, and through joint infringement with its affiliates, with its subsidiaries, with its business partners, with other agents of GoTo, and/or with its customers and end-users, at least using the claimed method. Such acts of infringement include directing or controlling other persons to engage in conduct satisfying one or more elements of the asserted claims, deriving a financial or other benefit from doing so. GoTo's direction or control of its affiliates and end-users includes regularly contracting with those affiliates and end-users. Also, as explained further below, GoTo took active steps and advised or directed customers and end-users to use the accused products in an infringing manner. *See, e.g., supra* ¶¶ 24, 26, 28.

30. GoTo has had knowledge of the '417 Patent at least as of the date when it was notified of the filing of this action, and as early as February 2, 2022, when GoTo received a letter from Buffalo notifying it of the '417 Patent.

31. Buffalo Patents has been damaged as a result of the infringing conduct by GoTo alleged above. Thus, GoTo is liable to Buffalo Patents in an amount that adequately compensates it for such 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.

32. Buffalo Patents has neither made nor sold unmarked articles that practice the '417 Patent, and is entitled to collect pre-filing damages for the full period allowed by law for infringement of the '417 Patent.

ADDITIONAL ALLEGATIONS REGARDING INFRINGEMENT

33. GoTo has also indirectly infringed the '417 Patent by inducing others to directly infringe the '417 Patent.

34. GoTo has induced the end users and/or GoTo's customers to directly infringe (literally and/or under the doctrine of equivalents) the '417 Patent by using the accused products.

35. GoTo took active steps, directly and/or through contractual relationships with others, with the specific intent to cause them to use the accused products in a manner that infringes one or more claims of the '417 Patent, including, for example, Claim 38 of the '417 Patent.

36. Such steps by GoTo included, among other things, advising or directing customers, end users, and others to use the accused products in an infringing manner; advertising and promoting the use of the accused products in an infringing manner; and/or distributing

instructions that guide users to use the accused products in an infringing manner. Examples of the steps GoTo has taken include the following:⁵

Keep things professional with this easy-to-use solution for your hard sell

- ✓ With face-to-face video conferences, building stronger relationships can happen anywhere.
- ✓ Customize web **meeting rooms**, links and invites to give your clients that extra special touch.
- ✓ One-tap meetings makes it even easier to connect with your clients whenever.

Source: <https://www.goto.com/meeting>

We modernized meetings with a fully redesigned interface and intuitive session controls, to boost your productivity. Features like commuter mode and simplified scheduling match the present-day workstyle, giving your team the confidence to meet anytime, anywhere.

We revolutionized the way your team collaborates with the ability to join crystal clear audio and video meetings 65% faster. Not only is it faster to join, but we've added features that will save time and transform your team's efficiency, like automated meeting notes and action items.

We'll futurize your business with innovative technology that is scalable and affordable, plus it's easy to deploy and manage. With new ecommerce pricing, bundle offers and enterprise discounts, GoToMeeting is best way to prepare your business for whatever challenges may come in the future.

Source: https://logmeincdn.azureedge.net/sc-gotomedia/pdf/E-Book_Meetings%20Modernized.pdf

⁵ See also *supra* ¶¶ 24, 26, 28.

Pre-Meeting:

- **Meet the Hub.** Streamline your workday with a single interface containing all your meetings, complete with meeting information and diagnostics. You also have the ability to chat, schedule, and start or join meetings.
- **Flexible scheduling.** It's never been easier to choose between one-time or any-time meetings. Hosts can also create multiple personal meeting rooms with custom branding – perfect for internal or external audiences. (Or both!)
- **Even more plugins and integrations.** Add your favorite email plugin, or integrate GoToMeeting with several popular business tools like Salesforce, Zoho, Slack, and more.
- **Faster join times.** Joining a GoToMeeting is 65% faster than before, making it industry-leading and totally seamless! As an attendee, you can also choose *how* you join, whether it's through a download-free web meeting or our new desktop or mobile apps.

Source: https://logmeincdn.azureedge.net/gotomeetingmedia/-/media/pdfs/introducing-the-new-gotomeeting-product-snapshot.pdf?_ics=1665080298345&irclickid=undefined&_ga=2.93472021.984506137.1665071393-1758422347.1663002694

37. GoTo performed these steps, which constitute joint and/or induced infringement, with the knowledge of the '417 Patent and with the knowledge that the induced acts constitute infringement.

38. GoTo was and is aware that the normal and customary use of the accused products by GoTo's customers would infringe the '417 Patent. GoTo's inducement is ongoing.

39. GoTo has also indirectly infringed by contributing to the infringement of the '417 Patent. GoTo has contributed to the direct infringement of the '417 Patent by the end user of the accused products.

40. The accused products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe the '417 Patent, including, for example, Claim 38 of the '417 Patent.

41. The special features include, for example, hardware and/or software features that provide a participant in a conference call with a list of available conference calls, used in a manner that infringes the '417 Patent.

42. These special features constitute a material part of the invention of one or more of the claims of the '417 Patent, and are not staple articles of commerce suitable for substantial non-infringing use.

43. GoTo's contributory infringement is ongoing.

44. GoTo has had actual knowledge of the '417 Patent at least as of the date when it was notified of the filing of this action, and as early as February 2, 2022, when GoTo received a letter notifying it of the '417 Patent. Since at least that time, GoTo has known the scope of the claims of the '417 Patent, the products that practice the '417 Patent, and that Buffalo Patents is the owner of the '417 Patent.

45. By the time of trial, GoTo will have known and intended (since receiving such notice) that its continued actions would infringe and actively induce and contribute to the infringement of one or more claims of the '417 Patent.

46. GoTo's customers have infringed the '417 Patent. GoTo encouraged its customers' infringement.

47. GoTo's direct and indirect infringement of the '417 Patent has been, and/or continues to be willful, intentional, deliberate, and/or in conscious disregard of Buffalo Patents' rights under the patent-in-suit.

48. Buffalo Patents has been damaged as a result of GoTo's infringing conduct alleged above. Thus, GoTo is liable to Buffalo Patents in an amount that adequately

compensates it for such 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

Buffalo Patents hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

Buffalo Patents requests that the Court find in its favor and against GoTo, and that the Court grant Buffalo Patents the following relief:

- a. Judgment that one or more claims of the '417 Patent have been infringed, either literally and/or under the doctrine of equivalents, by GoTo and/or all others acting in concert therewith;
- b. A permanent injunction enjoining GoTo and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '417 Patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of the '417 Patent by such entities;
- c. Judgment that GoTo account for and pay to Buffalo Patents all damages to and costs incurred by Buffalo Patents because of GoTo's infringing activities and other conduct complained of herein, including an award of all increased damages to which Buffalo Patents is entitled under 35 U.S.C. § 284;
- d. That Buffalo Patents be granted pre-judgment and post-judgment interest on the damages caused by GoTo's infringing activities and other conduct complained of herein;
- e. That this Court declare this an exceptional case and award Buffalo Patents its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- f. That Buffalo Patents be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: October 11, 2022

Of Counsel:

Matthew J. Antonelli
Zachariah S. Harrington
Larry D. Thompson, Jr.
Christopher Ryan Pinckney
Rehan M. Safiullah
matt@ahtlawfirm.com
zac@ahtlawfirm.com
larry@ahtlawfirm.com
ryan@ahtlawfirm.com
rehan@ahtlawfirm.com

ANTONELLI, HARRINGTON
& THOMPSON LLP
4306 Yoakum Blvd., Ste. 450
Houston, TX 77006
(713) 581-3000

Respectfully submitted,

FARNAN LLP

/s/ Michael J. Farnan
Brian E. Farnan (Bar No. 4089)
Michael J. Farnan (Bar No. 5165)
919 N. Market St., 12th Floor
Wilmington, DE 19801
Tel: (302) 777-0300
Fax: (302) 777-0301
bfarnan@farnanlaw.com
mfarnan@farnanlaw.com

Attorneys for Buffalo Patents, LLC