

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SONGBIRD TECH, LLC,

Plaintiff

v.

TCL TECHNOLOGY GROUP CORP.

Defendant

Case No. 6:24-cv-00618

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Songbird Tech, LLC (“Plaintiff” or “Songbird”) hereby asserts the following claims for patent infringement against TCL Technology Group Corp. (“Defendant”), and alleges, on information and belief, as follows:

THE PARTIES

1. Songbird Tech, LLC is a limited liability company organized and existing under the laws of the State of Texas with a principal place of business in Waco, Texas.
2. Upon information and belief, TCL Technology Group Corp. is a company organized and existing under the laws of China²²/F, TCL Technology Building, 17 Huifeng 3rd Road, Huizhou, Guangdong, 516000 P.R. China..
3. Defendant’s products are offered for sale throughout this judicial District, including.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1391 and 1400.

5. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and this judicial district and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

6. Venue is proper in this District under 28 U.S.C. § 1400 because Defendant is a foreign company.

THE PATENT-IN SUIT

7. Songbird is the lawful owner of all right, title, and interest in United States Patent No. 8,825,787 (the “’787 Patent”), entitled “Audio message Driven Customer Interaction Queuing System,” including the right to sue and to recover for infringement thereof. The ’787 Patent was duly and legally issued on September 2, 2014.

ACCUSED PRODUCT

8. On information and belief, Defendants make, use, import, sell, and/or offer for sale the BlackBerry Q5 (the “Accused Product”).

9. On information and belief, the Accused Product is made, used, sold, offered for sale, and/or imported in the United States by Defendants.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,825,787

10. Songbird repeats and realleges the allegations of each of the above paragraphs as if fully set forth herein.

11. Claim 10 of the ’787 Patent recites:

10. An electronic device of a user, said electronic device comprising:

 a non-transitory computer readable storage medium configured to store a client application;

 at least one processor communicatively coupled to said non-transitory computer readable storage medium, said at least one processor configured to execute said client application;

 at least one input device communicatively coupled to said processor, wherein said input device comprises a microphone; and

 said client application configuring said at least one processor to:

 locally record an audio query message received through said microphone;

 store said recorded audio query message on said electronic device;

 and

 transmit said stored audio query message.

12. On information and belief, Defendant, without license or authorization, has directly infringed and continue to infringe the '787 Patent by making, using, importing, selling, and/or, offering for sale the Accused Product in the United States.

13. On information and belief, as illustrated below with respect to the BlackBerry Q5, Defendant's actions satisfy each and every element of claim 10:

10. An electronic device of a user, said electronic device comprising:

The Q5 is an electronic mobile phone and satisfies as the claimed electronic device of a user.

a non-transitory computer readable storage medium configured to store a client application;

The Q5 includes system memory that stores applications including the BlackBerry Assistant application. This memory satisfies as the claimed non-transitory computer readable storage medium.

at least one processor communicatively coupled to said non-transitory computer readable storage medium, said at least one processor configured to execute said client application;

The Q5 includes a microprocessor that executes stored applications including the BlackBerry Assistant application. This processor satisfies as the claim processor.

at least one input device communicatively coupled to said processor, wherein said input device comprises a microphone; and

The Q5 has a microphone, which satisfies as the claimed input device that comprises a microphone.

said client application configuring said at least one processor to:

The Q5 includes the BlackBerry Assistant application, which satisfies as the claimed client application.

locally record an audio query message received through said microphone;

The BlackBerry Assistant application records audio queries spoken by a user of the device, which satisfies as the claimed client application configured to locally record an audio query message.

store said recorded audio query message on said electronic device; and

The BlackBerry Assistant application stores audio queries in memory, which

satisfies as the claimed client application configured to store audio query messages.
transmit said stored audio query message.

The BlackBerry Assistant application encrypts stored audio to a network server, which satisfies as the claimed client application configured to transmit stored audio query messages.

14. Songbird has been damaged by Defendants' infringing activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

WHEREFORE, Songbird requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendant has infringed the '787 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Songbird for Defendant's past infringement of the '787 patents and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Songbird's reasonable attorneys' fees; and
- D. An award to Songbird of such further relief at law or in equity as the Court deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: December 4, 2024

Respectfully Submitted

/s/ Raymond W. Mort, III

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