

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VOCALIFE LLC,

Plaintiff,

v.

AMAZON.COM, INC. and
AMAZON.COM SERVICES, INC.,

Defendants.

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Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Vocalife, LLC (“Vocalife” or “Plaintiff”) files this Complaint against Defendants Amazon.com, Inc. and Amazon.com Services, Inc. (collectively, “Amazon” or “Defendants”), for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1. Vocalife is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 7300 Lone Star Drive, C200 Plano, Texas 75024.

2. Upon information and belief, Defendant Amazon.com, Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 410 Terry Avenue North, Seattle, Washington 98109-5210.

3. Upon information and belief, Defendant Amazon.com Services, Inc. is a corporation organized and existing under the laws of the State of Delaware, which is headquartered at 410 Terry Avenue North, Seattle, Washington 98109-5210.

4. Upon information and belief, Amazon.com, Inc. is the ultimate parent of

Amazon.com Services, Inc.¹ Amazon is a leading manufacturing and seller of virtual assistant smart speakers in the world and in the United States.²

JURISDICTION

5. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Amazon. Amazon regularly conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this District and/or has contributed to patent infringement by others in this District, the State of Texas, and elsewhere in the United States.

7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b) because, among other things, upon information and belief Amazon maintains regular and established physical places of business in Texas and in the Eastern District of Texas, directly or through intermediaries.

8. Amazon has admitted that it operates an Amazon Fulfillment Center within this District.³

9. Amazon has admitted that it employs information technology personnel at its Fulfillment Center in Denton County, which is in this District.⁴

¹ See *Vocalife, LLC v. Amazon.com, Inc. and Amazon.com, LLC*, Case No. 2:19-cv-00123-JRG, Dkt. 226 at 2 (E.D. Tex. July 31, 2020) (“Amazon.com, Inc. is the parent company of Amazon.com Services, Inc.”).

² See *id.* (“Amazon admits that subsidiaries of Amazon.com, Inc. sell virtual assistant smart speakers in the United States and outside the United States.”).

³ See Exhibit A at ¶¶ 7 and 16; see also *Vocalife LLC v. Amazon.com, Inc. and Amazon.com, LLC*, Case No. 2:19-cv-00123-JRG, Dkt. 226 at 2 (“Amazon admits that subsidiaries of Amazon.com, Inc. operate a fulfillment center in this district.”).

⁴ *Id.* at ¶ 20.

10. Upon information and belief, Amazon, by itself and/or through its subsidiaries, operates one or more “Fulfillment Centers” within this Judicial District including, at least, a Fulfillment Center located in Denton County at 15201 Heritage Parkway, Fort Worth, Texas 76177.

11. Upon information and belief, Amazon has a regular and established place of business in this Judicial District, including, at least, a distribution facility located at 1649 W. Frankford Road, Carrollton, Texas 75007, Amazon “lockers,”⁵ employees, and other business.

12. Upon information and belief, Amazon has a regular and established place of business in this Judicial District, including, at least, a Fulfillment Center located in Denton County at 4121 International Parkway, Carrollton, Texas, 75007.

13. Upon information and belief, Amazon has property in Denton County appraised on the property tax rolls by Denton County at \$104,448,891.00⁶ and \$26,168,603.00.⁷ Amazon and/or its subsidiaries employ individuals within this Judicial District responsible for the distribution of its products including those accused of infringement below.

14. Amazon offers its products and/or services, including those accused of infringement below, to customers and potential customers located in Texas and in this District.

15. Amazon offers its products and/or services, including those accused of infringement below, to customers and potential customers located in Texas and in this District.

16. Amazon is subject to personal jurisdiction in this District, has a regular and established place of business in this District including Amazon Fulfillment Centers in this District

⁵ Amazon operates “Amazon Hub Lockers” in at least the following locations: Plano, Carrollton, The Colony, and Lewisville. *See* <https://www.amazon.com/gp/css/account/address/view.html>.

⁶ <https://www.dentoncad.com/home/details?search=699143&year=2020>.

⁷ <https://www.dentoncad.com/home/details?search=776100&year=2020>.

and throughout Texas, has purposely transacted business involving the Accused Products in this District, has purposely transacted business involving the Accused Products in this District, including sales to one or more customers in Texas, has employees in this District, and certain of the acts complained of herein occurred in this District.

17. Amazon is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and District, including (a) at least part of its past infringing activities, (b) regularly doing or soliciting business in Texas, and/or (c) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

PATENT-IN-SUIT

18. On October 14, 2014, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,861,756 (the "'756 Patent") entitled "Microphone Array System." A true and correct copy of the '756 Patent attached hereto as Exhibit B.

19. On August 2, 2018, a reissue application was filed for the '756 Patent. As a result, on December 29, 2020, the United States Patent and Trademark office duly and legally issued U.S. Patent No. RE48,371 (the "'371 Patent") entitled "Microphone Array System." A true and correct copy of the '371 Patent is attached hereto as Exhibit C.

20. Vocalife is the sole and exclusive owner of all right, title, and interest in the '371 Patent, and holds the exclusive right to take all actions necessary to enforce its rights to the '371 Patent, including the filing of this patent infringement lawsuit. Vocalife also has the right to recover all damages for past, present, and future infringement of the '371 Patent and to seek injunctive relief as appropriate under the law.

21. Vocalife has at all times complied with the marking provisions of 35 U.S.C. § 287

with respect to the '371 Patent. On information and belief, prior assignees and licensees have also complied with the marking provisions of 35 U.S.C. § 287.

FACTUAL ALLEGATIONS

22. The '371 Patent was developed at Li Creative Technologies Inc. by Dr. Manli Zhu and Dr. Qi (“Peter”) Li who have been at the forefront of audio processing technology for over two decades. In the late 2000’s Dr. Li and Dr. Zhu worked to develop novel audio, speech, and image processing technology, including circular microphone arrays. Their work resulted in the issuance of the '371 Patent.

23. In 2011, Dr. Li participated in the Consumer Electronics Show (“CES”) where they were awarded the CES Innovations Design and Engineering Award in the Audio Accessories Category.

24. On or about September 20, 2011, Jerry Wu from A2Z Development Center, Inc., d/b/a Lab126 (“Lab126”), the hardware design arm of Defendant Amazon, reached out to Dr. Li expressing interest in the 3D audio, noise and echo cancellation technology and, in particular, adaptive beamforming technology.

25. On or about October 17, 2011, Dr. Li accepted an invitation by Lab126 and met with at least Aleksandar Pance, Wei Li,⁸ and Matthew Holland from Lab126 (the “Meeting”). At the Meeting, Dr. Qi Li performed a confidential demonstration and presented the invention including a circular microphone array, 3D sound, acoustic echo cancellations, and sound source localization, including both hardware and software. Dr. Li’s presentation materials, which were provided to Amazon, referenced Li Creative’s pending and issued patents. Dr. Li also

⁸ Wei Li was a former employee at Li Creative and, while employed by Lab126, had knowledge that Li Creative had filed patents on circular microphone array, noise reduction, noise cancellation, and sound source localization technologies.

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