

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

VOIP-PAL.COM, INC.

Plaintiff,

v.

FACEBOOK, INC. and WHATSAPP, INC.,

Defendants.

CIVIL ACTION NO. 20-cv-267

JURY TRIAL DEMANDED

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff VoIP-Pal.com, Inc. (“VoIP-Pal”), for its Complaint against Defendants Facebook, Inc. (“Facebook”) and WhatsApp, Inc. (“WhatsApp”) alleges as follows:

**THE PARTIES**

1. Plaintiff VoIP-Pal.com, Inc. (“VoIP-Pal”) is a Nevada corporation with its principal place of business located at 10900 NE 4th Street, Suite 2300, Bellevue, Washington 98004.

2. On information and belief, Defendant Facebook, Inc. (“Facebook”) is a Delaware corporation with physical addresses in this District at 607 West 3rd Street, Austin, Texas 78701 and 300 West Sixth Street, Austin, Texas 78701. Facebook may be served with process through its registered agent, the Corporation Service Company, at 211 East 7th Street, Suite 620, Austin, Texas 78701. Facebook is registered to do business in the State of Texas and has been since at least April 8, 2009.

3. On information and belief, Defendant WhatsApp, Inc. (“WhatsApp”) is a Delaware corporation with a principal place of business 1601 Willow Avenue, Menlo Park,

California 94025. WhatsApp has physical addresses in this District at 607 West 3rd Street, Austin, Texas 78701 and 300 West Sixth Street, Austin, Texas 78701. WhatsApp may be served with process through its registered agent, the Corporation Service Company, at 211 East 7th Street, Suite 620, Austin, Texas 78701. On information and belief, WhatsApp is a wholly-owned subsidiary of Facebook.

4. On information and belief, Facebook and WhatsApp regularly conduct and transact business in the State of Texas, throughout the United States, and within this District, and as set forth below, have committed and continue to commit, tortious acts of infringement within and outside the State of Texas and within this District.

#### **JURISDICTION AND VENUE**

5. This action is a civil action for patent infringement arising under the patent laws of the United States, Title 35, United States Code (“U.S.C.”) §1 et seq., including 35 U.S.C. §§ 271 and 281-285. This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338.

6. This Court has personal jurisdiction over Facebook and WhatsApp by virtue of their systematic and continuous contacts with this jurisdiction, as alleged herein, as well as because the injury to VoIP-Pal occurred in the State of Texas and the claim for relief possessed by VoIP-Pal against Facebook and WhatsApp for that injury arose in the State of Texas. On information and belief, Facebook and WhatsApp have purposely availed themselves of the privileges of conducting business within the State of Texas, such business including but not limited to: (i) at least a portion of the infringements alleged herein; (ii) purposefully and voluntarily placing one or more infringing products into the stream of commerce with the expectation that they will be purchased by consumers in this forum; or (iii) regularly transacting

or soliciting business, engaging in other persistent courses of conduct, or deriving or attempting to derive substantial revenue and financial benefits from goods and services provided to individuals residing in the State of Texas and in this District. Thus, Facebook and WhatsApp are subject to this Court's specific and general personal jurisdiction under due process and the Texas Long Arm Statute.

7. Personal jurisdiction also exists specifically over Facebook and WhatsApp because Facebook and WhatsApp, directly or through subsidiaries or intermediaries (including customers, distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, sells, imports, advertises, or markets in the State of Texas and in this District, one or more products that infringe the Patent-in-Suit, as described particularly below. Facebook and WhatsApp have purposefully and voluntarily placed one or more of their infringing products, as described below, into the stream of commerce with the awareness and/or intent that these products will be purchased by consumers in this District. Facebook and WhatsApp have knowingly and purposefully shipped infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District.

8. VoIP-Pal's claim for relief for patent infringement arises directly from the activities of Facebook and WhatsApp in this District.

9. Upon information and belief, Facebook and WhatsApp maintain offices in Austin, Texas, which they collectively staff with roughly 1,200 employees. *See* <https://www.bizjournals.com/austin/news/2019/09/04/first-look-facebook-headcount-swells-as-social.html>. The Facebook/WhatsApp office at 607 W. Third St in Austin occupies 11 floors—accounting for 256,500 square feet of office space—and has room for 1,550 employees. *Id.*

Facebook and WhatsApp also occupy four floors at 300 W. 6th St., Austin. *Id.* Facebook has additional offices within this District. *Id.* Facebook has maintained an office in Austin since at least 2010. *Id.* Facebook's and WhatsApp's offices in this District collectively house employees from at least sixteen different teams, including: (1) software engineering; (2) product management (3) enterprise engineering; (4) infrastructure; (5) data & analytics; (6) legal, finance, facilities & admin.; (6) sales & marketing; (7) research; and (8) WhatsApp. *See* [https://www.facebook.com/careers/locations/austin/?locations\[0\]=Austin%2C%20TX&divisions\[0\]=WhatsApp](https://www.facebook.com/careers/locations/austin/?locations[0]=Austin%2C%20TX&divisions[0]=WhatsApp) (last visited Mar. 20, 2020). As of March 20, 2020, open Facebook positions in Austin included: engineering manager, global operations engineering; data engineer; hardware systems engineer; systems project manager, solutions; technology program manager; VP of partner operations; SMB marketing manager, global business marketing; and vertical marketing manager, e-commerce. As of March 20, 2020, Facebook had 168 open position in Austin, including four WhatsApp positions: risk analyst, trust, and safety; payment risk operations manager, WhatsApp; vendor program manager, customer operations; and anti-abuse specialists, WhatsApp Business – Trust & Safety. *See* [https://www.facebook.com/careers/locations/austin/?locations\[0\]=Austin%2C%20TX](https://www.facebook.com/careers/locations/austin/?locations[0]=Austin%2C%20TX) (last visited March 20, 2020); [https://www.facebook.com/careers/locations/austin/?locations\[0\]=Austin%2C%20TX&divisions\[0\]=WhatsApp](https://www.facebook.com/careers/locations/austin/?locations[0]=Austin%2C%20TX&divisions[0]=WhatsApp) (last visited March 20, 2020).

10. On information and belief, Facebook and WhatsApp, directly and/or through their customers have transacted business in this District and has committed acts of patent infringement in this District. Facebook and WhatsApp have a regular and established place of

business in this District. Thus, venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b).

**BACKGROUND OF THE TECHNOLOGY AND THE PATENT-IN-SUIT**

11. United States Patent No. 10,218,606 (the “’606 patent”) entitled “Producing Routing Messages For Voice Over IP Communications” was duly and legally issued by the United States Patent and Trademark Office on February 26, 2019. A copy of the ’606 patent is attached hereto as Exhibit 1.

12. The ’606 patent is referred to in this Complaint as the “Patent-in-Suit”.

13. The inventions of the Patent-in-Suit originated from breakthrough work and development in the internet protocol communications field.

14. VoIP-Pal has provided significant improvements to communications technology by the invention of novel methods, processes and apparatuses that facilitate communications across and between internet protocol based communication systems and networks, such as internally controlled systems and external networks (e.g., across private networks and between private networks and public networks), including the classification and routing thereof.

15. The earliest telephone systems to receive public use within the United States involved a telephone directly connected to a human operator. A portion of the phone rested on a mechanical hook such that the operator was signaled when the portion was lifted from the hook. A caller would then say the name of the person they wished to call to the operator. If the callee was connected to the same telephone switch board the operator would physically pull out a cable associated with the caller’s phone and plug the cable into a socket associated with the callee’s telephone. If the callee was associated with a different switchboard, and thus out of reach of the operator, a second operator would be involved to bridge the gap to the appropriate switchboard.

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