

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(Worcester Division)**

VOICE DOMAIN TECHNOLOGIES, LLC,)	
)	
Plaintiff,)	Case No. 13-cv-40138
)	
v.)	
)	JURY TRIAL DEMANDED
APPLE INC.,)	
)	
Defendant.)	
)	
)	

COMPLAINT

Voice Domain Technologies, LLC (“Voice Domain”), by its undersigned attorneys, files this complaint for patent infringement against Apple Inc. (“Apple”) and alleges as follows:

PARTIES

1. Plaintiff Voice Domain Technologies, LLC is a Connecticut limited liability company founded by inventor Bruce Barker in 1999. Mr. Barker is the inventor of several patents relating to portable data entry, voice dictation, and digital recording devices, and Voice Domain is the assignee of his inventions. Voice Domain’s principal place of business is 176 East Main Street, Suite 6, Westborough, Massachusetts 01581.
2. Voice Domain is the owner of United States patent number 6,281,883 (“the ’883 Patent”), entitled “Data Entry Device.” The ’883 Patent was duly issued by the United States Patent and Trademark Office on August 28, 2001 to Mr. Barker and assigned to Voice Domain. A true and correct copy of the ’883 Patent is attached hereto as Exhibit A.

3. Voice Domain has secured several licenses to various patents in its portfolio, including the '883 Patent. Voice Domain has licensed the '883 Patent to major corporations whose products incorporate Mr. Barker's inventions.
4. Upon information and belief, Defendant Apple Inc. is a California corporation having its principal place of business at 1 Infinite Loop, Cupertino, California 95014. Apple is registered to do business in the Commonwealth of Massachusetts. Apple sells products within and derives revenue from the Commonwealth of Massachusetts. For instance, Apple operates Apple Retail Stores in Boston, Braintree, Burlington, Cambridge, Chestnut Hill, Dedham, Hingham, Holyoke, Natick, and Peabody.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code.
6. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.
7. This Court has personal jurisdiction over Apple in this action because Apple regularly transacts business within this district, derives revenue from this district, and/or has committed acts of patent infringement within this district giving rise to this action. Apple is registered to do business in the Commonwealth of Massachusetts and identifies CT Corporation System, 155 Federal Street, Suite 700, Boston, Massachusetts 02110 as its Registered Agent.
8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Apple is subject to personal jurisdiction in this district, has regularly conducted business in this

district, derives revenue from this district, and has committed acts of patent infringement within this district.

FIRST CLAIM FOR RELIEF

9. The allegations of paragraphs 1 through 9 are incorporated by reference.
10. Upon information and belief, Defendant Apple has infringed, and continues to infringe, at least claim 1 of the '883 Patent in violation of 35 U.S.C. §§ 271 by manufacturing, using, selling, offering for sale and/or importing products that embody the patented invention described and claimed in the '883 Patent through the inclusion of the Siri functionality in devices, including, but not limited to iPhone 4S, iPhone 5, iPhone 5C, iPhone 5S, iPad (3rd generation), iPad (4th generation), iPad Air, iPad Mini (1st generation), iPad Mini (2nd generation), and iPod Touch (5th generation) (“the infringing products”) throughout the United States, including in this district.
11. Upon information and belief, each of the infringing products embodies a data entry system comprising a handheld peripheral and a processing system wherein the handheld peripheral comprises a microphone for providing a microphone signal representative of a user’s voice, as described and claimed in the '883 Patent.
12. Upon information and belief, each of the infringing products embodies a data entry system comprising a handheld peripheral and a processing system wherein the handheld peripheral comprises a voice command button for providing a command notification signal indicating whether the voice command button is asserted, as described and claimed in the '883 Patent.
13. Upon information and belief, each of the infringing products embodies a data entry system comprising a handheld peripheral and a processing system wherein the handheld

peripheral comprises a voice data button for providing a data notification signal indicating whether the voice data button is asserted, as described and claimed in the '883 Patent.

14. Upon information and belief, each of the infringing products embodies a data entry system comprising a handheld peripheral and a processing system wherein the handheld peripheral comprises a cursor position transducer for providing a cursor signal representative of a desired cursor position on a display screen of a processing system, as described and claimed in the '883 Patent.
15. Upon information and belief, each of the infringing products embodies a data entry system comprising a handheld peripheral and a processing system wherein the handheld peripheral comprises a coupling mechanism for providing a microphone signal, a command notification signal, a data notification signal, and a cursor signal to a processing system, as described and claimed in the '883 Patent.
16. Upon information and belief, each of the infringing products embodies a data entry system comprising a handheld peripheral and a processing system wherein the processing system comprises a display screen, as described and claimed in the '883 Patent.
17. Upon information and belief, each of the infringing products embodies a data entry system comprising a handheld peripheral and a processing system wherein the processing system comprises a microphone interpretation mechanism which, in response to command and data notification signals, determines when the microphone signal represents command and when it represents data, as described and claimed in the '883 Patent.

18. Voice Domain has been, and continues to be, damaged by Apple's infringement of the '883 Patent.

SECOND CLAIM FOR RELIEF

19. The allegations of paragraphs 1 through 18 are incorporated by reference.

20. Apple obtained actual notice of its infringement of the '883 Patent on or about January 11, 2013.

21. Apple's conduct constitutes willful infringement, as Apple has acted despite an objectively high likelihood that its actions constituted infringement of the '883 Patent, and Apple knew or should have known that its actions held an unjustifiably high risk of infringement of the '883 Patent.

22. Apple's conduct warrants an award of enhanced damages pursuant to 35 U.S.C. § 284 and establishes that this is an exceptional case justifying an award of attorney fees pursuant to 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Voice Domain demands judgment against Apple, including its affiliates, officers, agents, servants, employees, and all persons in active concert or participation with Apple, as follows:

- A. A judgment that Apple has infringed the '883 Patent;
- B. An award to Voice Domain of monetary damages for the infringement of the '883 Patent, together with pre-judgment and post-judgment interest;
- C. A permanent injunction prohibiting Apple from further acts of infringement of the '883 Patent;

- D. An award to Voice Domain of the costs of this action and its reasonable attorneys' fees;
- E. An award of enhanced damages and attorney fees to Voice Domain for Apple's willful infringement of the '883 Patent; and
- F. Any other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Voice Domain demands a trial by jury.

Date: November 25, 2013

Respectfully submitted,

/s/ Bruce J. Barker

Alan M. Fisch
(pro hac vice admission pending)
Jason F. Hoffman
(pro hac vice admission pending)
R. William Sigler
(pro hac vice admission pending)
Thomas C. Chen
(pro hac vice admission pending)
FISCH HOFFMAN SIGLER LLP
5335 Wisconsin Avenue, NW
Eighth Floor
Washington, DC 20015
(202) 362-3500
Alan.Fisch@FischLLP.com
Jason.Hoffman@FischLLP.com
Bill.Sigler@FischLLP.com
Thomas.Chen@FischLLP.com

Silvia Jordan
(pro hac vice admission pending)
FISCH HOFFMAN SIGLER LLP
432 Park Avenue South
Fourth Floor
New York, NY 10016
(212) 235-0440
Silvia.Jordan@FischLLP.com

Bruce J. Barker (BBO No. 551102)
CHAO HADIDI STARK & BARKER LLP
176 East Main Street
Suite 6
Westborough, MA 01581
(508) 366-3800
bbarker@chsblaw.com

*Attorneys for
Voice Domain Technologies, LLC*