

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TELECOMM INNOVATIONS, LLC,

Plaintiff

v.

INGENICO SA ,
INGENICO CORP. and
INGENICO INC.,

Defendants

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Telecomm Innovations, LLC (“Telecomm” or “Plaintiff”), for its Complaint against Defendants Ingenico SA (“Ingenico SA”), Ingenico Corp. (“Ingenico Corp.”) and Ingenico Inc. (“Ingenico Inc.”) (collectively, “Defendants”), alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff Telecomm is a limited liability company organized under the laws of the State of Delaware with a place of business at 1209 Orange Street, Wilmington, Delaware, 19801.

3. Upon information and belief, Ingenico SA is a corporation organized and existing under the laws of the Country of France, with its principal executive offices at 28/32, Boulevard de Grenelle, 75015 Paris. Upon information and belief, Ingenico SA sells and offers to sell products and services throughout the United States, including in this judicial district and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

4. Upon information and belief, Ingenico Corp. is a corporation organized and existing under the laws of the State of Delaware, with its principal executive offices at 3025 Windward Plaza, Suite 600, Alpharetta, Georgia 30005. Upon information and belief, Ingenico Corp. sells and offers to sell products and services throughout the United States, including in this judicial district and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

5. Upon information and belief, Ingenico Inc. is a corporation organized and existing under the laws of the State of Georgia, with its principal executive offices at 3025 Windward Plaza, Suite 600, Alpharetta, Georgia 30005. Upon information and belief, Ingenico Inc. sells and offers to sell products and services throughout the United States, including in this judicial district and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

7. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

9. Upon information and belief, each Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Delaware. Further, this Court has personal jurisdiction over Defendant Ingenico Corp.

because it is incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,396,519

10. The allegations set forth in the foregoing paragraphs 1 through 9 are incorporated into this First Claim for Relief.

11. On March 7, 1995, U.S. Patent No. 5,396,519 Patent (“the ’519 Patent”), entitled “Method and Apparatus for Adaptively Providing Precoding and Preemphasis Conditioning to Signal Data for Transfer over a Communication Channel,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’519 Patent is attached as Exhibit A.

12. Telecomm is the assignee and owner of the right, title and interest in and to the ’519 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

13. Upon information and belief, Defendants have and continue to directly infringe one or more claims of the ’519 Patent by using, and/or providing and causing to be used products that incorporate dial up modems or functionalities that perform the signal conditioning method claimed in the ’519 Patent, including, without limitation, point of sale devices such as iCT220, iCT250, i5100, and others (the “’519 Accused Instrumentalities”).

14. Defendants were made aware of the ’519 Patent and their infringement thereof at least as early as its receipt of correspondence from Telecomm providing notice of the ’519 Patent and Defendants’ infringement thereof sent to Defendants Ingenico Inc. and Ingenico Corp. on November 29, 2012. These letters were sent certified mail with return receipt requested. Telecomm has since received the return receipt for Defendants Ingenico Inc. and Ingenico Corp.,

indicating that Defendants, including Ingenico SA, as related companies, each have notice of the '519 Patent and its infringement.

15. Upon information and belief, since at least the time it received notice, Defendants have induced and continue to induce others to infringe at least one claim of the '519 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to, Defendants' partners and customers, whose use of the '519 Accused Instrumentalities constitutes direct infringement of at least one claim of the '519 Patent.

16. In particular, Defendants' actions that aid and abet others such as their partners and customers to infringe include advertising and distributing the '519 Accused Instrumentalities and providing instruction materials, training, and services regarding the '519 Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with the specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '519 Patent and that their acts were inducing their customers to infringe the '519 Patent since at least the date Defendants received notice that such activities infringed the '519 Patent.

17. Despite Telecomm's notice regarding the '519 Patent, Defendants have continued to infringe the '519 Patent. On information and belief, Defendants' infringement has been and continues to be willful.

18. Telecomm has been harmed by Defendants' infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Telecomm demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Telecomm demands judgment for itself and against Defendants as follows:

- A. An adjudication that Defendants have infringed the '519 Patent;
- B. An award of damages to be paid by Defendants adequate to compensate Telecomm for their past infringement of the '519 Patent, 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 Plaintiff's reasonable attorneys' fees; and
- D. An award to Telecomm of such further relief at law or in equity as the Court deems just and proper.

Dated: July 19, 2013

STAMOULIS & WEINBLATT LLC

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