

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

URGENSYNC, LLC,

Plaintiff,

v.

EFONICA FZ LLC AND FUSION
TELECOMMUNICATIONS INTERNATIONAL, INC.,

Defendant.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which UrgenSync, LLC (“UrgenSync” or “Plaintiff”) makes the following allegations against Efonica FZ LLC (“Efonica”) and Fusion Telecommunications International, Inc. (“Fusion”) (collectively “Defendants”).

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant’s infringement of United States Patent No. 8,295,802 (the “802 Patent”) (“the Patent-in-Suit”).

PARTIES

2. Plaintiff, UrgenSync, is a Texas limited liability company with its principal place of business at 211 East Tyler St., Suite 600-A, Longview, TX 75601.

3. On information and belief, Efonica is a New York corporation with a principal place of business at 236 North Anthony St., Bridgeport CT 06606. On information and belief, Efonica may be served with process at 236 North Anthony St., Bridgeport CT 06606.

4. On information and belief, Fusion is a Delaware corporation with a principal place of business at 420 Lexington Ave, Suite 1718 New York, NY 10170. On information and belief, Fusion may be served with process via its registered agent, Corporation Service Company

DBA CSC-Lawyers Incorporating Service Company at 211 E. 7th St. Suite 620, Austin, TX 78701.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. The Court has personal jurisdiction over Defendants, including because Defendants have minimum contacts within the State of Texas; Defendants have purposely availed themselves of the privileges of conducting business in the State of Texas; Defendants regularly conduct business within the State of Texas; and UrgenSync's cause of action arises directly from Defendants' business contacts and other activities in the State of Texas. Further, Defendants have an interactive website that is accessible from the State of Texas and the Eastern District of Texas.

7. On information and belief, within the State of Texas and the Eastern District of Texas, Defendants have made and/or used the patented invention in compliance with the FCC regulations that govern emergency call services over VoIP systems as identified below. In addition, on information and belief, Defendants have derived substantial revenues from its infringing activities within the State of Texas and the Eastern District of Texas.

8. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendants have transacted business in this district, and have committed acts of patent infringement in this district.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 8,295,802

9. Plaintiff is the owner by assignment of the '802 Patent entitled "Communication Control Device and Communication Control Method for an Emergency Call Over the Internet" including all rights to recover for past and future acts of infringement. The '802 Patent was issued on October 23, 2012. A true and correct copy of the '802 Patent is attached as Exhibit A.

10. On information and belief, Defendants have been and now are directly infringing the '802 Patent in this judicial district and elsewhere in the United States. Infringement by Defendants include, without limitation, making and/or using communication control apparatuses for emergency calls placed using VoIP services such as those described at the website www.efonica.com and www.fusionconnect.com and associated sites ("Accused Systems"), infringing at least claim 1 of the '802 Patent. Defendants are thus liable for infringement of the '802 Patent under 35 U.S.C. § 271.

11. Each of Defendants' aforesaid activities has been without authority and/or license from UrgenSync.

12. UrgenSync is entitled to recover from Defendants the damages sustained by UrgenSync as a result of Defendants' wrongful acts in an amount subject to proof at trial, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment:

1. In favor of Plaintiff that Defendants have infringed the '802 Patent;

2. Requiring Defendants to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '802 Patent as provided under 35 U.S.C. § 284; and

3. Granting Plaintiff any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: April 17, 2015

Respectfully submitted,

/s/ Todd Y. Brandt

Todd Y. Brandt

TX SB # 24027051

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