

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Keith Raniere, an individual residing in the State of New York,)	
)	
Plaintiff,)	CIVIL ACTION NO. _____
)	
-against-)	COMPLAINT FOR PATENT INFRINGEMENT
)	
AT&T Corp., a New York corporation with headquarters in Bedminster, New Jersey,)	<u>JURY TRIAL DEMANDED</u>
)	
Defendant.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Keith Raniere, for his complaint against Defendant AT&T Corp., alleges as follows:

INTRODUCTION

1. Plaintiff brings this action for patent infringement against Defendant AT&T Corp. for infringement of U.S. Patent Numbers: 6,373,936; 6,819,752; 7,215,752; 7,391,856; and 7,844,041.

THE PARTIES

2. Plaintiff is an individual residing in the State of New York.
3. Defendant AT&T Corp. (“AT&T”) is a corporation organized under the laws of New York, with a principal place of business at One AT&T Way, Bedminster, New Jersey 07921.

JURISDICTION AND VENUE

4. This is an action for infringement of United States patent arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Upon information and belief, Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

6. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to Defendant's substantial business in this forum, including: (i) at least a portion of the infringing activity alleged herein; and/or (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 Texas and in this district.

PATENTS-IN-SUIT

7. On April 16, 2002, United States Patent No. 6,373,936 ("the '936 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Intelligent Switching System for Voice and Data." A true and correct copy of the '936 patent is attached hereto as Exhibit A.

8. Plaintiff is the owner of the '936 patent with all substantial rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the '936 patent against infringers, and to collect damages for all relevant times.

9. On November 16, 2004, United States Patent No. 6,819,752 ("the '9752 patent") was duly and legally issued by the United States Patent and Trademark Office for an invention

entitled “Intelligent Switching System for Voice and Data.” A true and correct copy of the ’9752 patent is attached hereto as Exhibit B.

10. Plaintiff is owner of the ’9752 patent with all substantial rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the ’9752 patent against infringers, and to collect damages for all relevant times.

11. On May 8, 2007, United States Patent No. 7,215,752 (“the ’5752 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “Intelligent Switching System for Voice and Data.” A true and correct copy of the ’5752 patent is attached hereto as Exhibit C.

12. Plaintiff is the owner of the ’5752 patent with all substantial rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the ’5752 patent against infringers, and to collect damages for all relevant times.

13. On June 24, 2008, United States Patent No. 7,391,856 (“the ’856 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “Intelligent Switching System for Voice and Data.” A true and correct copy of the ’856 patent is attached hereto as Exhibit D.

14. Plaintiff is the owner of the ’856 patent with all substantial rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the ’856 patent against infringers, and to collect damages for all relevant times.

15. On November 30, 2010, United States Patent No. 7,844,041 (“the ’041 patent”) was duly and legally issued by the United States Patent and Trademark Office for an invention entitled “Intelligent Switching System for Voice and Data.” A true and correct copy of the ’041 patent is attached hereto as Exhibit E.

16. Plaintiff is the owner of the '041 patent with all substantial rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the '041 patent against infringers, and to collect damages for all relevant times.

FACTUAL ALLEGATIONS

17. Defendant AT&T offers for sale, sells, and provides to third parties AT&T Connect.

18. Third parties directly infringe the patents at issue when they use AT&T Connect.

19. Defendant AT&T provides third parties with assistance with regard to the implementation and use of AT&T Connect in an infringing manner as evidenced by at least AT&T Connect Initiating and Running an AT&T Connect Conference, AT&T Connect Event Materials Editor Guide, AT&T Connect Installation Guide, AT&T Integrated Edition Web Conferencing: Best Practices, and AT&T Connect myAT&T User Guide, which are attached hereto as Exhibits F – J, respectively. Each of these documents is or was available to the general public on AT&T' website.

20. Plaintiff informed AT&T that its AT&T Connect product infringed one or more of the above listed patents on or about May 30, 2014. A copy of this notice is attached as Exhibit K. On or about July 21, 2014, Plaintiff provided AT&T with claim charts demonstrating how AT&T Connect infringes one or more claims of each of the '936, '9752, '5752, '856, and '041 patents. A copy of the letter sent to AT&T at this time is included as Exhibit L.

21. Notwithstanding Plaintiff's May 30, 2014 and July 21, 2014 letters, AT&T has continued to induce others to use AT&T Connect in an infringing manner whereby the users directly infringe one or more claims of each of the above listed patents.

22. AT&T directly infringed one or more claims of each of the '936, '9752, '5752, '856, and '041 patents when it created the above mentioned documents.

COUNT I

23. Plaintiff repeats and realleges the statements and allegations set forth in paragraph 1-22 above.

24. AT&T knew that its AT&T Connect product infringed one or more claims of the '936 patent at least as early as about May 30, 2014.

25. Despite this knowledge, AT&T induced third parties to directly infringe one or more claims of the '936 patent by, for example, providing AT&T Connect software and instructions as to how to install, configure, and use AT&T Connect in an infringing manner.

26. AT&T directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and offered for sale products, systems, and methods (including at least the AT&T Connect product and service) that infringed one or more claims of the '936 patent.

COUNT II

27. Plaintiff repeats and realleges the statements and allegations set forth in paragraph 1-26 above.

28. AT&T knew that its AT&T Connect product infringed one or more claims of the '9752 patent at least as early as about May 30, 2014.

29. Despite this knowledge, AT&T induced third parties to directly infringe one or more claims of the '9752 patent by, for example, providing AT&T Connect software and instructions as to how to install, configure, and use AT&T Connect in an infringing manner.

30. AT&T directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and offered for sale products, systems, and methods (including at least the AT&T Connect product and service) that infringed one or more claims of the '9752 patent.

COUNT III

31. Plaintiff repeats and realleges the statements and allegations set forth in paragraph 1-30 above.

32. AT&T knew that its AT&T Connect product infringed one or more claims of the '5752 patent at least as early as about May 30, 2014.

33. Despite this knowledge, AT&T induced third parties to directly infringe one or more claims of the '5752 patent by, for example, providing AT&T Connect software and instructions as to how to install, configure, and use AT&T Connect in an infringing manner.

34. AT&T directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and offered for sale products, systems, and methods (including at least the AT&T Connect product and service) that infringed one or more claims of the '5752 patent.

COUNT IV

35. Plaintiff repeats and realleges the statements and allegations set forth in paragraph 1-34 above.

36. AT&T knew that its AT&T Connect product infringed one or more claims of the '856 patent at least as early as about May 30, 2014.

37. Despite this knowledge, AT&T induced third parties to directly infringe one or more claims of the '856 patent by, for example, providing AT&T Connect software and instructions as to how to install, configure, and use AT&T Connect in an infringing manner.

38. AT&T directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and offered for sale products, systems, and methods (including at least the AT&T Connect product and service) that infringed one or more claims of the '856 patent.

COUNT V

39. Plaintiff repeats and realleges the statements and allegations set forth in paragraph 1-38 above.

40. AT&T knew that its AT&T Connect product infringed one or more claims of the '041 patent at least as early as about May 30, 2014.

41. Despite this knowledge, AT&T induced third parties to directly infringe one or more claims of the '041 patent by, for example, providing AT&T Connect software and instructions as to how to install, configure, and use AT&T Connect in an infringing manner.

42. AT&T directly or through intermediaries, made, had made, used, imported, provided, supplied, distributed, sold, and offered for sale products, systems, and methods (including at least the AT&T Connect product and service) that infringed one or more claims of the '041 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Keith Ranieri prays for the entry of a judgment from this Court:

A. Declaring that Defendant AT&T has directly infringed and/or induced infringement of one or more claims of the '936, '9752, '5752, '856, and '041 patents;

B. Awarding Plaintiff damages in accordance with 35 U.S.C. § 284;

C. Awarding Plaintiff its pre-judgment interest and post-judgment interest at the maximum rate allowed by law, including an award of prejudgment interest, pursuant to 35 U.S.C. § 284, from the date of each act of infringement of the '936, '9752, '5752, '856, and '041 patents by Defendant to the day a damages judgment is entered, and further an award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid, at the maximum rate allowed by law;

D. Declaring this case to be an exceptional case pursuant to 35 U.S.C. § 285 and ordering Defendant to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285;

E. Awarding Plaintiff enhanced damages pursuant to 35 U.S.C. § 284;

F. Awarding Plaintiff such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

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

DATED: July 10, 2015

Keith Raniere

By: /s/ Bradley W. Caldwell
Bradley W. Caldwell,
Caldwell Cassady & Curry PC
2101 Cedar Springs Road, Suite 1000
Dallas, Texas 75201
Telephone: (214) 888-4848
Facsimile: (214) 888-4849
bcaldwell@caldwellcc.com

Nicholas R. Valenti, *pro hac vice*
Attorney for Plaintiff
Schmeiser, Olsen & Watts, LLP
22 Century Hill Drive, Ste. 302
Latham, New York 12110
Telephone: (518) 220-1850
Facsimile: (518) 220-1857
nvalenti@iplawusa.com