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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

VOIP-PAL.COM, INC., a Nevada corporation,

Plaintiff,

v.

VERIZON WIRELESS SERVICES, LLC, a
Delaware limited liability corporation;
VERIZON COMMUNICATIONS, INC., a
Delaware corporation; AT&T, INC., a
Delaware corporation; AT&T CORP., a
Delaware corporation; and DOES I through X,
inclusive,

Defendants.

CASE NO.: 2:16-cv-00271-RCJ-VCF

**SECOND AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

[JURY DEMAND]

Plaintiff, Voip-Pal.com, Inc.’s (“VPLM”) Second Amended Complaint against Defendants Verizon Wireless Services, Inc. and Verizon Communications, Inc. (collectively, “Verizon”) and AT&T, Inc. and AT&T Corp. (collectively, “AT&T”), allege infringement of U.S. Patent No. 8,542,815 (“the ‘815 patent”), and its continuation patent, U.S. Patent No. 9,179,005 (“the ‘005 patent”) VPLM further complains and alleges as follows:

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THE NATURE OF THE ACTION

1
2 1. VPLM is a leader in Voice-over-Internet Protocol (“VoIP”) technology and owns a
3 portfolio of VoIP-related patents and patent applications.

4 2. On September 24, 2013, the ‘815 patent entitled “Producing Routing Messages for
5 Voice Over IP Communications” was duly and legally issued with Clay Perreault, Steve Nicholson,
6 Rod Thomson, Johan Emil Viktor Bjorsell, and Faud Arafa as the named inventors after full and fair
7 examination. VPLM is the owner of all rights, title, and interest in and to the ‘815 patent and
8 possesses all rights of recovery under the ‘815 patent. A copy of the ‘815 patent is attached as

9 **Exhibit A.**

10 3. On November 3, 2015, the ‘005 patent entitled “Producing Routing Messages for
11 Voice Over IP Communications” was duly and legally issued with Clay Perreault, Steve Nicholson,
12 Rod Thomson, Johan Emil Viktor Bjorsell, and Faud Arafa as the named inventors after full and fair
13 examination. VPLM is the owner of all rights, title, and interest in and to the ‘005 patent and
14 possesses all rights of recovery under the ‘005 patent. A copy of the ‘005 patent is attached as

15 **Exhibit B.**

16 4. VPLM’s patents represent fundamental advancements to Internet Protocol (“IP”)
17 based communication, including improved functioning, call classification, call routing and reliability
18 for VoIP, messaging, and IP-based transmission of video, photographs and mixed media.

19 5. Verizon and AT&T employ VPLM’s innovative technology and products, features,
20 and designs, and have widely distributed infringing products and/or services that have undermined
21 VPLM’s technology monetization and marketing efforts, including VPLM’s efforts to secure
22 licensing revenue for these patents. Instead of incorporating non-infringing technology into its
23 products and services, Verizon and AT&T have employed VPLM’s patented communication
24 classification and routing technology, in violation of VPLM’s valuable intellectual property rights.

25 **PARTIES**

26 6. Plaintiff, VoIP-Pal.com, Inc. (“VPLM”), is a Nevada corporation with its principal
27 place of business located 10900 NE 4th Street, Suite 2300, Bellevue, Washington 98004.
28

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7. Defendant, Verizon Wireless Services, LLC, is a Delaware limited liability company with its principal place of business at One Verizon Way, Basking Ridge, New Jersey 07920. On information and belief, Verizon Wireless Services, LLC regularly conducts and transacts business in the District of Nevada and throughout the United States, and, as set forth below, has committed and continues to commit, tortious acts of patent infringement within the District of Nevada.

8. Defendant, Verizon Communications, Inc., is a Delaware corporation with its principal place of business at 140 West St., New York City, New York 10007. On information and belief, Verizon Communications, Inc. regularly conducts and transacts business in the District of Nevada and throughout the United States, and, as set forth below, has committed and continues to commit, tortious acts of patent infringement within the District of Nevada.

9. Defendant, AT&T, Inc., is a Delaware corporation with its principal place of business at 175 East Houston, San Antonio, Texas 78205. On information and belief, AT&T, Inc. regularly conducts and transacts business in the District of Nevada and throughout the United States, and, as set forth below, has committed and continues to commit, tortious acts of patent infringement within the District of Nevada.

10. Defendant, AT&T Corp., is a Delaware corporation with its principal place of business at One AT&T Way, Bedminster, New Jersey 079201. On information and belief, AT&T Corp. regularly conducts and transacts business in the District of Nevada and throughout the United States, and, as set forth below, has committed and continues to commit, tortious acts of patent infringement within the District of Nevada.

11. As a result of Verizon and AT&T's infringement as alleged herein, between July 2014 and December 2015, VPLM provided numerous notices to Verizon and AT&T in connection with its violation of VPLM's patent rights. See **Exhibit C**, Correspondence to Verizon; See **Exhibit D**, Correspondence to AT&T. Despite the notices, Verizon and AT&T have infringed and continue to infringe VPLM's patents.

12. The true names of Defendants I through X, inclusive, whether individual, corporate, associate or otherwise are unknown to the Plaintiff, who therefore sues each Defendant designated herein as DOE is in some way responsible for the damages claimed by the Plaintiff herein. The

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Plaintiff will ask leave of this Court to amend this Complaint to insert the true names and capacities of Defendants DOES I through X, inclusive, when the identities have been ascertained, to formulate appropriate allegations, and to join such Defendants in this action.

JURISDICTION AND VENUE

13. This action arises under the patent laws of the United States, i.e., 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337, and 1338.

14. This Court has personal jurisdiction over Verizon and AT&T because they have committed and continue to commit acts of infringement in violation of 35 U.S.C. § 271 by placing infringing products and services into the stream of commerce, either directly or through subsidiaries and/or intermediaries, with the knowledge or understanding that such products are sold in the District of Nevada. The acts by Verizon and AT&T cause injury to VPLM within this District. Upon information and belief, Plaintiff alleges that the Verizon and AT&T derive substantial revenue from the sale of infringing products within this District, have expanded its market share through its use of infringing products within this District, have engaged in this infringement with the expectation that their actions will have consequences within this District, and derive substantial revenue from interstate and international commerce.

15. Venue is proper within this District under 28 U.S.C. § 1391(b), (c), and § 1400(b) because Verizon and AT&T maintain a regular and established place of business and offer products and/or services for sale in Nevada. On information and belief, Verizon and AT&T have certain communication and computing infrastructure for their infringing products and services located in Nevada, such as servers. Furthermore, venue is proper in that Verizon and AT&T have and continue to infringe VPLM’s patents causing harm to VPLM in Nevada, including via said communication and computing infrastructure. Furthermore, VPLM is incorporated in Nevada.

FACTUAL ALLEGATIONS

16. VPLM has protected its innovative designs and technologies through a broad range of intellectual property rights. Among the patents that VPLM has been awarded are the ‘815 patent and ‘005 patent to which VPLM owns all rights, title, and interest.

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Verizon’s Infringement of VPLM’S Patents

17. As detailed in the attached **Exhibit E** (Asserted Claims and Infringement Contentions Regarding Verizon Concerning the ‘815 Patent and the ‘005 Patent), VPLM is informed and believes, and on that basis alleges that Verizon’s practices directly and indirectly employ and infringe certain claims of the ‘815 patent and the ‘005 patent by utilizing a caller dialing profile comprising a plurality of calling attributes to establish network classification criteria for routing calls/messages.

18. VPLM is informed and believes, and on that basis alleges that Verizon engages in the following specific infringing practices:

A. Asserted Claim No. 1 regarding Verizon’s Use of Calling Attributes in VoIP Services in On-Premises Equipment, Servers and/or Gateways (the ‘815 patent)

19. Verizon practices directly and indirectly certain claims of the ‘815 Patent by utilizing a caller dialing profile comprising a plurality of calling attributes to establish network classification criteria for routing calls on its VoIP on-premises equipment, servers and/or gateways. Verizon offers VoIP services utilizing an adapter at the customer or business premises and a collection of servers and/or gateways. In the case of VoIP, the on-premises equipment initiates a call and identifies a caller and a callee. The callee may be a Verizon subscriber, or a non-subscriber. Verizon directly and/or indirectly practices certain claims of the ‘815 patent as illustrated in **Chart 1** of Exhibit E by utilizing a caller dialing profile comprising a plurality of calling attributes to establish network classification criteria to support its VoIP systems and methods.

B. Asserted Claim No. 2 regarding Verizon’s Use of Calling Attributes in Verizon’s Mobile-to-Mobile Messaging Services Such as Utilizing a Software Application that runs on Smartphones and Desktop Computers. (the ‘815 patent)

20. A Verizon practices directly and indirectly certain claims of the ‘815 Patent by utilizing a caller dialing profile comprising a plurality of calling attributes to establish network classification criteria in its mobile to mobile messaging services. In the case of messaging, the Verizon Messages application connects to a Verizon server to identify a caller and a callee and to send a message. The callee may be a Verizon subscriber or a non-subscriber. A caller profile that includes calling attributes is used as part of a process that classifies the message and then routes the

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1 message from the Verizon subscriber to either another Verizon subscriber or to a non-subscriber.
2 Verizon directly and/or indirectly practices certain claims of the ‘815 patent as illustrated in **Chart**
3 **2** of Exhibit E by utilizing a caller dialing profile comprising a plurality of calling attributes to
4 establish network classification criteria to support its messaging systems and methods.

5 **C. Asserted Claim No. 3 regarding Verizon’s WiFi Calling (the ‘815 patent)**

6 21. Verizon manufactures and supports devices related to a calling platform (“Verizon
7 WiFi Calling”) that includes Verizon mobile devices, software running on such devices and servers
8 operated by Verizon that allows calls to be placed over Wi-Fi networks. Verizon induces the
9 infringement of certain claims of the ‘815 patent as illustrated in **Chart 3** of Exhibit E.

10 22. Verizon Wi-Fi Calling allows a mobile device to initiate a call or message between a
11 caller and a callee using a carrier assisted voice over IP (“VoIP”) system and the callee may be a
12 Verizon subscriber or a non-subscriber. A profile that includes calling attributes is used as part of a
13 process that classifies the call or message for routing. Verizon directly and/or indirectly practices
14 certain claims of the ‘815 patent by utilizing a caller dialing profile comprising a plurality of calling
15 attributes to establish network classification criteria to support its WiFi calling system as illustrated
16 in Chart 3 of Exhibit E.

17 **D. Asserted Claim No. 4 regarding Verizon’s Use of Calling Attributes in VoIP Services in**
18 **On-Premises Equipment, Servers and/or Gateways (the ‘005 patent)**

19 23. Verizon practices directly and indirectly certain claims of the ‘005 Patent by utilizing
20 a caller dialing profile comprising a plurality of calling attributes to establish network classification
21 criteria on its VoIP on-premises equipment, servers and/or gateways. Verizon offers VoIP services
22 utilizing an adapter at the customer or business premises and a collection of servers and/or gateways.

23 In the case of VoIP, the on-premises equipment initiates a call and identifies a caller and a callee.
24 The callee may be a Verizon subscriber, or a non-subscriber. Verizon directly and/or indirectly
25 practices certain claims of the ‘005 patent as illustrated in **Chart 4** of Exhibit E by utilizing a caller
26 dialing profile comprising a plurality of calling attributes to establish network classification criteria
27

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1 to support its VoIP systems and methods.

2
3 **E. Asserted Claim No. 5 regarding Verizon’s Use of Calling Attributes in Verizon’s**
4 **Mobile-To-Mobile Messaging Services Such As Utilizing a Software Application that**
5 **Runs on Smartphones and Desktop Computers (the ‘005 patent)**

6 24. Verizon practices directly and indirectly certain claims of the ‘005 patent by utilizing
7 a caller dialing profile comprising a plurality of calling attributes to establish network classification
8 criteria for message routing in its mobile-to-mobile messaging services. In the case of messaging,
9 the Verizon Messages application connects to a Verizon server to identify a caller and a callee and to
10 send a message. The callee may be a Verizon subscriber or a non-subscriber. A caller profile that
11 includes calling attributes is used as part of a process that classifies the message, and then routes the
12 message from the Verizon subscriber to either another Verizon subscriber or a non-subscriber.
13 Verizon directly and/or indirectly practices certain claims of the ‘005 patent as illustrated in **Chart**
14 **5** of Exhibit E by utilizing a caller dialing profile comprising a plurality of calling attributes to
15 establish network classification criteria to support its messaging systems including the Verizon
16 Messages application.

17
18 **F. Asserted Claim No. 6 regarding Verizon’s WiFi Calling (the ‘005 patent)**

19 25. Verizon manufactures and supports devices related to a calling platform (“Verizon
20 WiFi Calling”) that includes Verizon mobile devices, software running on such devices and servers
21 operated by Verizon that allows calls or messages to be placed over Wi-Fi networks. Verizon
22 induces the infringement of certain claims of the ‘005 patent as illustrated in **Chart 6** of Exhibit E.

23
24 26. Verizon Wi-Fi Calling allows a mobile device to initiate a call or message between a
25 caller and a callee using a carrier assisted voice over IP (“VoIP”) system and the callee may be a
26 Verizon subscriber or a non-subscriber. A profile that includes calling attributes is used as part of a
27 process that classifies the call or message. Verizon directly and/or indirectly practices certain claims
28

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1 of the '005 patent by utilizing a caller dialing profile comprising a plurality of calling attributes to
2 establish network classification criteria to support its WiFi calling system as illustrated in Chart 6 of
3 Exhibit E.

4
5 27. Verizon's infringement of the VPLM utility patents identified in this Complaint
6 provides Verizon with valuable functionality for its products and services that is the result of
7 VPLM's protected intellectual property. Rather than utilizing non-infringing technology for
8 call/message classification and routing of Public to Public, Private to Private, Public to Private and
9 Private to Public telephony, messaging and media transfers, Verizon has employed VPLM's patented
10 technology, including its classification and routing systems and methods.

11
12 28. Verizon continues to choose to infringe VPLM's patent rights through its
13 classification and routing systems and methods, as illustrated in the Exhibits, including at least these
14 infringing Verizon products: VoIP services, Verizon Messages and Wi-Fi based communication via
15 local gateways and/or servers.

16
17 29. Verizon has not obtained permission or a license from VPLM to use its inventions in
18 the identified utility patents.

19 **AT&T's Infringement of VPLM'S Patents**

20 30. As detailed in the attached **Exhibit F** (Asserted Claims and Infringement Contentions
21 Regarding AT&T Concerning the '815 Patent and the '005 Patent), VPLM is informed and believes,
22 and on that basis alleges that AT&T's practices directly and indirectly employ and infringe certain
23 claims of the '815 patent and the '005 patent by utilizing a caller dialing profile comprising a
24 plurality of calling attributes to establish network classification criteria for routing calls and
25 messages.

26 31. VPLM is informed and believes, and on that basis alleges that AT&T engages in the
27 following specific infringing practices:

28 ///

1 **A. Asserted Claim No. 7 regarding AT&T's Use of Calling Attributes in VoIP Services in**
2 **On-Premises Equipment, Servers and/or Gateways (the '815 patent)**

3 32. AT&T offers VoIP services utilizing an adapter at the customer or business premises
4 and/or a collection of servers and gateways. AT&T practices directly and indirectly certain claims of
5 the '815 patent, as illustrated in **Chart 1** of Exhibit F, by utilizing a caller dialing profile comprising
6 a plurality of calling attributes to establish network classification criteria for routing a call. In the
7 case of VoIP, the on-premises equipment initiates a call and identifies a caller and a callee. The
8 callee may be an AT&T subscriber, or a non-subscriber.
9

10 **B. Asserted Claim No. 8 regarding Messaging (the '815 patent)**

11 33. AT&T offers mobile-to-mobile messaging services utilizing a software application
12 that runs on smartphones and desktop computers. In the case of messaging, AT&T practices directly
13 and indirectly certain claims of the '815 patent, as illustrated in **Chart 2** of Exhibit F, in the AT&T
14 Messages application as the application connects to an AT&T server to classify a caller and a callee
15 and to send a message to a callee who may be an AT&T subscriber or a non-subscriber. A caller
16 profile that includes calling attributes is used as part of a process that classifies and routes the call or
17 the message from the AT&T subscriber to either another AT&T subscriber or a non-subscriber.

18 **C. Asserted Claim No. 9 regarding AT&T's WiFi Calling (the '815 patent)**

19 34. AT&T manufactures and supports devices related to a calling platform ("AT&T WiFi
20 Calling") that includes AT&T mobile devices, software running on such devices and/or servers
21 operated by AT&T that allows calls or messages to be placed over Wi-Fi networks. AT&T induces
22 the infringement of certain claims of the '815 patent as illustrated in Chart 3 of Exhibit G.

23 35. AT&T Wi-Fi Calling allows a mobile device to initiate a call between a caller and a
24 callee using a carrier assisted VoIP system and the callee may be an AT&T subscriber or a non-
25 subscriber. A profile that includes calling attributes is used as part of a process that classifies a call
26 or message. AT&T directly and/or indirectly practices certain claims of the '815 patent by utilizing a
27 caller dialing profile comprising a plurality of calling attributes to establish network classification
28 criteria to support its WiFi calling system as illustrated in **Chart 3** of Exhibit F.

1 **D. Asserted Claim No. 10 regarding AT&T'S Use of Calling Attributes in VoIP Services in**
2 **On-Premises Equipment, Servers and/or Gateways (the '005 patent)**

3 36. AT&T offers VoIP services utilizing an adapter at the customer or business premises
4 and a collection of servers and gateways. AT&T practices directly and indirectly certain claims of
5 the '005 patent, as illustrated in **Chart 4** of Exhibit F, by utilizing a caller dialing profile comprising
6 a plurality of calling attributes to establish network classification criteria for routing a call. In the
7 case of VoIP, the on-premises equipment initiates a call and identifies a caller and a callee. The
8 callee may be an AT&T subscriber, or a non-subscriber.

9 **E. Asserted Claim No. 11 regarding Messaging (the '005 patent)**

10 37. AT&T offers mobile-to-mobile messaging services utilizing a software application
11 that runs on smartphones and desktop computers. In the case of messaging, AT&T practices directly
12 and indirectly certain claims of the '005 patent, as illustrated in **Chart 5** of Exhibit F, in the AT&T
13 Messages application as the application connects to an AT&T server to identify a caller and a callee
14 and to send a message. The callee may be an AT&T subscriber or a non-subscriber. A caller profile
15 that includes calling attributes is used as part of a process that classifies and routes the call or the
16 message from the AT&T subscriber to either another AT&T subscriber or a non-subscriber.

17 **F. Asserted Claim No. 12 regarding AT&T's WiFi Calling (the '005 patent)**

18 38. AT&T manufactures and supports devices related to a calling platform ("AT&T WiFi
19 Calling") that includes AT&T mobile devices, software running on such devices and/or servers
20 operated by AT&T that allows calls or messages to be placed over Wi-Fi networks. AT&T induces
21 the infringement of certain claims of the '005 patent as illustrated in **Chart 6** of Exhibit F.

22 39. AT&T Wi-Fi Calling allows a mobile device to initiate a call or message between a
23 caller and a callee using a carrier assisted VoIP system and the callee may be an AT&T subscriber or
24 a non-subscriber. A profile that includes calling attributes is used as part of a process that classifies a
25 call or message. AT&T directly and/or indirectly practices certain claims of the '005 patent by
26 utilizing a caller dialing profile comprising a plurality of calling attributes to establish network
27 classification criteria to support its WiFi calling system as illustrated in Chart 6 of Exhibit G
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belief is alleged to be two billion, three hundred and eighty-two million, eight hundred and seventy-two thousand, 100 dollars (\$2,382,872,100), based upon the calculations contained in **Exhibit H**, attached hereto.

48. VPLM has sustained damages as a direct and proximate result of Verizon’s infringement of the ‘815 and ‘005 patents. The amount of such damages shall be proven at trial.

49. VPLM will suffer and is suffering irreparable harm from Verizon’s continuing infringement of the ‘815 and ‘005 patents.

SECOND CLAIM FOR RELIEF

(Infringement of the ‘815 and ‘005 Patents by AT&T)

50. VPLM incorporates and re-alleges paragraphs 1 through 51 of this Complaint.

51. AT&T has infringed and continues to infringe, directly and indirectly through contributory and/or induced infringement, one or more claims of the ‘815 and ‘005 patents by using, selling and/or offering to sell in the United States: VoIP services, messaging services and Wi-Fi based call/message routing services.

52. AT&T’s infringing activities violate 35 U.S.C. § 271.

53. VPLM is informed and believes, and on that basis alleges, that AT&T’s infringement of the ‘815 and ‘005 Patents has been and continues to be intentional, willful, and without regard to VPLM’s rights because it had actual knowledge of the ‘815 and ‘005 patents through direct and indirect communications with VPLM and constructive notice due to AT&T’s active participation in IP-based communication, at the time of the international PCT publication of WO2008/052340, the predecessor of the the ‘815 patent, on May 8, 2008.

54. VPLM is informed and believes, and on that basis alleges, that AT&T has gained increased profits by virtue of its infringement of the ‘815 and ‘005 patents. The portion of such increased profits attributable to the incremental value of the infringed property is, upon information and belief alleged to be one billion, eight hundred and four million, seven hundred ninety five thousand, seven hundred and four dollars (\$\$1,804,795,745), based upon the calculations contained in Exhibit H, attached hereto.

1 55. VPLM has sustained damages as a direct and proximate result of AT&T's
2 infringement of the '815 and '005 patents. The amount of such damages shall be proven at trial.

3 56. VPLM will suffer and is suffering irreparable harm from AT&T's continuing
4 infringement of the '815 and '005 patents.

5 **PRAYER FOR RELIEF AS TO VERIZON**

6 WHEREFORE, VPLM prays for relief, as follows:

- 7 1. A judgment that each of VPLM's asserted patents is valid and enforceable;
- 8 2. A judgment that Verizon has infringed, contributorily infringed, and/or induced
- 9 infringement of one of more claims of each of VPLM's asserted patents;
- 10 3. An order and judgment permanently enjoining Verizon and its officers, directors,
- 11 agents, servants, employees, affiliates, attorneys, and all others acting in privity or in
- 12 concert with them, and their parents, subsidiaries, divisions, successors and assigns
- 13 from further acts of infringement of VPLM's asserted patents;
- 14 4. A judgment awarding VPLM all damages adequate to compensate for Verizon's
- 15 infringement of VPLM's asserted patents, and in no event less than a reasonable
- 16 royalty for Verizon's acts of infringement, including all pre-judgment and post-
- 17 judgment interest at the maximum rate permitted by law;
- 18 5. A judgment awarding VPLM all damages, including treble damages, based on any
- 19 infringement found to be willful, pursuant to 35 U.S.C. § 284, together with
- 20 prejudgment interest;
- 21 6. A judgment awarding VPLM all of Verizon's profits that were a result of the
- 22 infringements of Plaintiff's patents, pursuant to 35 U.S.C. § 289 together with pre-
- 23 judgment interest;
- 24 7. Actual damages suffered by VPLM as a result of Verizon's unlawful conduct, in an
- 25 amount to be proven at trial, as well as prejudgment interest as authorized by law;
- 26 8. A judgment that this is an exceptional case and an award to VPLM of its costs and
- 27 reasonable attorneys' fees incurred in this action as provided by 35 U.S.C. § 285; and
- 28 9. Such other relief as this Court deems just and proper.

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PRAYER FOR RELIEF AS TO AT&T

WHEREFORE, VPLM prays for relief, as follows:

1. A judgment that each of VPLM’s asserted patents is valid and enforceable;
2. A judgment that AT&T has infringed, contributorily infringed, and/or induced infringement of one of more claims of each of VPLM’s asserted patents;
3. An order and judgment permanently enjoining AT&T and its officers, directors, agents, servants, employees, affiliates, attorneys, and all others acting in privity or in concert with them, and their parents, subsidiaries, divisions, successors and assigns from further acts of infringement of VPLM’s asserted patents;
4. A judgment awarding VPLM all damages adequate to compensate for AT&T’s infringement of VPLM’s asserted patents, and in no event less than a reasonable royalty for AT&T’s acts of infringement, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;
5. A judgment awarding VPLM all damages, including treble damages, based on any infringement found to be willful, pursuant to 35 U.S.C. § 284, together with prejudgment interest;
6. A judgment awarding VPLM all of AT&T’s profits derived from the infringement of Plaintiff’s patents pursuant to 35 U.S.C. § 289, together with prejudgment interest;
7. Actual damages suffered by VPLM as a result of AT&T’s unlawful conduct, in an amount to be proven at trial, as well as prejudgment interest as authorized by law;
8. A judgment that this is an exceptional case and an award to VPLM of its costs and reasonable attorneys’ fees incurred in this action as provided by 35 U.S.C. § 285; and
9. Such other relief as this Court deems just and proper.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, VPLM hereby demands trial by jury on all issues so triable under the Complaint.

DATED this 4th day of May, 2016.

ALVERSON, TAYLOR,
MORTENSEN & SANDERS

/s/ Kurt R. Bonds
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