

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SPYCURITY LLC,

Plaintiff,

v.

RAD DATA COMMUNICATIONS, INC.,

Defendant.

Case No. 2:18-cv-3243-WHW-CLW

Patent Case

Jury Trial Demanded

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Spycurity LLC (“Spycurity”), through its attorney, complains of Rad Data LLC (“Rad Data”), and alleges the following:

PARTIES

1. Plaintiff Spycurity LLC is a limited liability company organized and existing under the laws of Texas that maintains its principal place of business at 15922 Eldorado Pkwy, Suite 500-1536, Frisco, Texas 75035.
2. Defendant Rad Data LLC is a corporation organized and existing under the laws of New Jersey that maintains its principal place of business at 900 Corporate Drive, Mahwah, NJ 07430.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.
4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Rad Data because it has engaged in systematic and continuous business activities in the District of Delaware. Specifically, Rad Data provides its full range of services to residents in this District. As described below, Rad Data has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Rad Data has committed acts of patent infringement in this District and has a regular and established place of business in this District. Specifically, Rad Data provides its full range of services to residents in this District. In addition, Spycurity has suffered harm in this district.

PATENT-IN-SUIT

7. Spycurity is the assignee of all right, title and interest in United States Patent No. 5,809,118 (the “’118 Patent” or the “Patent-in-Suit”), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Spycurity possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Rad Data.

The ’118 Patent

8. On September 15, 1998, the United States Patent and Trademark Office issued the ’118 Patent. The ’118 Patent is titled “System and Method for Triggering Actions at a Host Computer by Telephone.” The application leading to the ’118 Patent was filed on May 30, 1996. A true and correct copy of the ’118 Patent is attached hereto as Exhibit A and incorporated herein by reference.
9. The ’118 Patent is valid and enforceable.

10. The invention in the '118 Patent provides a system and method for remotely triggering a predetermined program, or sequence of events, at a host computer system using a ring signal, wherein the sequence of events is, for example, a stored script of commands that cause the host system to connect to a computer network, such as the Internet. Ex. A at 4:11-17.
11. The inventors recognized that small companies and individuals paid large costs to lease and support a dedicated connection to the Internet. *Id.* at 4:7-10. The invention allows small companies and individuals to have their own Internet server computers, without having to shoulder the expense and complexity of a dedicated link to an Internet Service Provider. *Id.* at 4:17-21.

I. Infringement of the '118 Patent

12. Spycurity incorporates the above paragraphs herein by reference.
13. **Direct Infringement.** Rad Data has been and continues to directly infringe at least claim 1 of the '118 Patent in this District and elsewhere in the United States by providing a system, for example, Rad Data's Megaplex-4, that performs the steps for triggering a program stored at a host computer system using a telephone ring signal, wherein the host system includes a ring detection circuit connected to a phone line. For example, Rad Data's Megaplex-4 functions as a carrier-class, TDM and Ethernet aggregator, which allows telephone calls and analog voice transmission. Upon information and belief, Rad Data has performed each step of claim 1 by at least internal testing of the Megaplex-4.
14. Rad Data performs the step of dialing the telephone number of the phone line connected to the host system, thereby generating a ring signal on the phone line. For example, Rad Data's Megaplex-4 can control and monitor all network elements, including SDH/SONET access and ring units.

15. Rad Data performs the step of detecting the ring signal on the phone line using a ring detection circuit, and then generating a trigger signal to the host system indicating a phone call has been detected. For example, Rad Data's Megaplex-4 has outbound relays, which can indicate phone calls, that are triggered by major and minor alarms.
16. Rad Data performs the step of the host system receiving the trigger signal and executing a predetermined program stored at the host system, wherein the predetermined program executed by the host system creates a connection between the host system and the Internet using a communication device connected to the host system. For example, Rad Data's Megaplex-4 can be connected with Ethernet Private Lines, Private LANs, and E-TREES, which can be connected to various communication devices.
17. **Induced Infringement.** Rad Data has also actively induced, and continues to induce, the infringement of at least claim 1 of the '118 Patent by actively inducing its customers, including merchants and end-users to use Rad Data's products in an infringing manner as described above. Upon information and belief, Rad Data has specifically intended that its customers use its products that infringe at least claim 1 of the '118 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the '118 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '118 Patent is accomplished by Rad Data and Rad Data's customer jointly, Rad Data's actions have solely caused all of the steps to be performed.
18. Spycurity is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

19. Spycurity will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

JURY DEMAND

20. Under Rule 38(b) of the Federal Rules of Civil Procedure, Spycurity respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Spycurity asks this Court to enter judgment against Rad Data, granting the following relief:

- A. A declaration that Rad Data has infringed the Patent-in-Suit;
- B. An award of damages to compensate Spycurity for Rad Data's direct infringement of the Patent-in-Suit;
- C. An order that Rad Data and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patent-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy Rad Data's willful infringement of the Patent-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Spycurity of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An award of prejudgment and post-judgment interest; and
- G. Such other relief as this Court or jury may deem proper and just.

Respectfully submitted,
/s/ Stamatios Stamoulis
Counsel for Plaintiff

Stamatios Stamoulis (#4606)
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
(302) 999-1540
Stamoulis@swdelaw.com

Richard C. Weinblatt (#5080)
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
(302) 999-1540
Weinblatt@swdelaw.com

Isaac Rabicoff
(Pro Hac Vice Admission Pending)
RABICOFF LAW LLC
73 W Monroe St
Chicago, IL 60603
773.669.4590
isaac@rabilaw.com

Kenneth Matuszewski
(Pro Hac Vice Admission Pending)
RABICOFF LAW LLC
73 W Monroe St
Chicago, IL 60603
(708) 870-5803
kenneth@rabilaw.com