

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

KLAUSNER TECHNOLOGIES, INC.,  
a New York corporation,

Plaintiff,

vs.

Research in Motion Corporation, a Delaware corporation; Research in Motion Limited, a Canadian corporation; Motorola, Inc., a Delaware corporation; HTC America, Inc., a Texas corporation; HTC Corporation, a Taiwanese corporation; YouMail, Inc., a Delaware corporation;

Defendants.

CASE NO. 6:09cv232

**First Amended Complaint for Patent Infringement  
(U.S. Patent Nos. 5,572,576 and 5,283,818);**

**Demand for Jury Trial.**

Plaintiff Klausner Technologies, Inc. (“Klausner Technologies”), in his First Amended Complaint, sues Defendants Research in Motion Corporation, Research in Motion Limited, Motorola, Inc., HTC America, Inc., HTC Corporation, and YouMail, Inc. (“Defendants”) and on information and belief, alleges as follows:

**Introduction**

1. Plaintiff Klausner Technologies owns the inventions described and claimed in United States Patent Nos. 5,572,576 entitled “Telephone Answering Device Linking Displayed Data with Recorded Audio Message” (the “‘576 Patent”) and 5,283,818 entitled “Telephone Answering Device Linking Displayed Data with Recorded Audio Message” (the “‘818 Patent”). Defendants (a) have used and continue to use Plaintiff’s patented technology in products that they make, use, sell, and offer to sell, without Plaintiff’s permission, and (b) have contributed to or induced, and continue to contribute to or induce, others to infringe the ‘576 and

‘818 Patents. Plaintiff Klausner Technologies seeks damages for patent infringements and an injunction preventing Defendants from making, using, selling, or offering to sell, and from contributing to and inducing others to make, use, sell, or offer to sell, Plaintiff’s patented technology without permission.

**Jurisdiction and Venue**

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 and 281, et seq. The Court has original jurisdiction over this patent infringement action under 28 U.S.C. §§ 1338(a).

3. Venue is proper in this Court because the Defendants are responsible for acts of infringement occurring in the Eastern District of Texas as alleged in this Complaint, and have delivered or caused to be delivered its infringing products in the Eastern District of Texas.

**Plaintiff Klausner Technologies**

4. Plaintiff Klausner Technologies, Inc. is a corporation existing under and by virtue of the laws of the State of New York.

**The ‘576 Patent**

5. The United States Patent and Trademark Office issued the ‘576 Patent on November 5, 1996. A copy of the ‘576 Patent is attached as Exhibit A. Through assignment, Plaintiff is the owner of all right, title, and interest, including rights for damages for past infringements, in the ‘576 Patent.

**The ‘818 Patent**

6. The United States Patent and Trademark Office issued the ‘818 Patent on February 1, 1994. A copy of the ‘818 Patent is attached as Exhibit B. Through assignment, Plaintiff is the owner of all right, title, and interest, including rights for damages for past infringements, in the ‘818 Patent.

**Defendants**

**RIM**

7. Upon information and belief, Defendant Research in Motion Corporation is a corporation organized and existing under the laws of the State of Delaware, with its principle place of business in Irving, Texas.

8. Upon information and belief, Defendant Research in Motion Limited is a corporation organized and existing under the laws of Ontario, Canada with its principle place of business in Waterloo, Ontario, Canada. The two Research in Motion Defendants are referred to collectively as “Research in Motion.”

**Motorola**

9. Upon information and belief, Defendant Motorola, Inc. is a Delaware corporation with its principal place of business in Schaumburg, Illinois.

**HTC**

10. Upon information and belief, Defendant HTC America, Inc. is a Texas corporation with its principal place of business in Bellevue, Washington.

11. Upon information and belief, Defendant HTC Corporation is a Taiwanese corporation with its principal place of business in Taoyuan, Taiwan, R.O.C.

**YouMail, Inc.**

12. Upon information and belief, Defendant YouMail, Inc. is a Delaware corporation with its principal place of business in Aliso Viejo, California.

**First Claim for Patent Infringement (‘576 Patent)**

13. On or about November 5, 1996, the ‘576 Patent, disclosing and claiming a “Telephone Answering Service Linking Displayed Data with Recorded Audio Message,” was duly and legally issued by the United States Patent and Trademark Office.

14. Plaintiff Klausner Technologies is the owner of the '576 Patent with full rights to pursue recovery of royalties or damages for infringement of such patent, including full rights to recover past and future damages.

15. Defendants have infringed, contributed to the infringement, and induced others to infringe the '576 Patent and, unless enjoined, will continue to infringe the '576 Patent by manufacturing, using, selling, offering for sale, or by using the method(s) claimed in the Patent or by contributing to or inducing others to make, use, sell, or offer to sell, the claimed invention or use the claimed methods(s) without a license or permission from Plaintiff.

16. Plaintiff has been damaged by Defendants' infringement of the '576 Patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the '576 Patent.

**Second Claim for Patent Infringement ('818 Patent)**

17. Plaintiff incorporates by reference each of the allegations in paragraphs 1 - 16 above.

18. On or about February 1, 1994, the '818 Patent, disclosing and claiming a "Telephone Answering Service Linking Displayed Data with Recorded Audio Message," was duly and legally issued by the United States Patent and Trademark Office.

19. Plaintiff Klausner Technologies is the owner of the '818 Patent with full rights to pursue recovery of royalties or damages for infringement of such patent, including full rights to recover past and future damages.

20. Defendants have infringed, contributed to the infringement, and induced others to infringe the '818 Patent and, unless enjoined, will continue to infringe the '818 Patent by manufacturing, using, selling, offering for sale, or by using the method(s) claimed in the Patent or by contributing to or inducing others to make, use, sell, or offer to sell, the claimed invention or use the claimed methods(s) without a license or permission from Plaintiff.

21. Plaintiff has been damaged by Defendants' infringement of the '818 Patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the '818 Patent.

22. Plaintiff demands trial by jury of all issues.

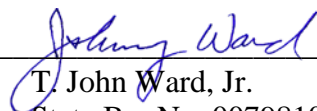
WHEREFORE, Plaintiff prays for judgment as follows:

- A. A decree preliminarily and permanently enjoining Defendants, their officers, directors, employees, agents, and all persons in active concert with them, from infringing, and contributing to or inducing others to infringe, the '576 and '818 Patents;
- B. Compensatory damages awarding Plaintiff damages caused by Defendants' infringement of the '576 and '818 Patents;
- C. For costs of suit and attorneys fees;
- D. For pre-judgment interest; and
- E. For such other relief as justice requires.

Dated: April 26, 2010

Respectfully submitted,

By: \_\_\_\_\_



T. John Ward, Jr.  
State Bar No. 00798108  
Ward & Smith Law Firm  
11 W. Tyler St.  
Longview, Texas 75601  
Telephone: (903) 757-6400  
Facsimile: (903) 757-2323  
Email: [jw@jwfirm.com](mailto:jw@jwfirm.com)

Eric M. Albritton  
Texas Bar No. 00790215  
ALBRITTON LAW FIRM  
P.O. Box 2649  
Longview, Texas 75606  
Telephone: (903) 757-8449

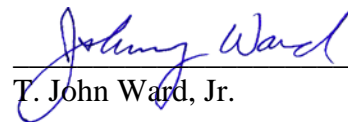
Facsimile: (903) 758-7397  
[ema@emafirm.com](mailto:ema@emafirm.com)

Gregory S. Dovel  
State Bar No. 135387  
Sean A. Luner  
State Bar No. 165443  
Dovel & Luner, LLP  
201 Santa Monica Blvd., Suite 600  
Santa Monica, CA 90401  
Telephone: 310-656-7066  
Facsimile: 310-657-7069  
Email: [greg@dovellaw.com](mailto:greg@dovellaw.com)

ATTORNEYS FOR PLAINTIFF,  
KLAUSNER TECHNOLOGIES, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email on this the 26 day of April, 2010.

  
\_\_\_\_\_  
T. John Ward, Jr.