

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

**TOBI GELLMAN, AS TRUSTEE OF THE  
MAYER MICHAEL LEBOWITZ TRUST**

**Plaintiff,**

**v.**

**ADT SECURITY SERVICES, INC.,**

**Defendant.**

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**Civil Action No. 2:10-cv-501**

**JURY TRIAL DEMANDED**

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff Tobi Gellman (“Ms. Gellman”), trustee of the Mayer Michael Lebowitz Trust, brings this action against Defendant ADT Security Services, Inc. (“ADT”) and for its cause of action alleges:

**The Parties**

1. Ms. Gellman is an individual residing in Dallas, Texas.
2. Upon information and belief, ADT is a corporation organized and existing under the laws of the State of Delaware, having its primary place of business at One Town Center Road, Boca Raton, FL 33431-0835, and is doing business in this judicial district and elsewhere. ADT can be served with process by serving its registered agent, CT Corporation System at 350 N. St. Paul St., Dallas, TX 75201.

**Jurisdiction and Venue**

3. This action arises under the Patent Laws of the United States, 35 United States Code, particularly § § 271 and 281 and Title 28 United States Code, particularly § 1338 (a).
4. Venue is proper in this Court under 28 United States Code § § 1391(b) and (c) and

1400 (b).

### **Claim for Patent Infringement**

5. On June 13, 2000, United States Patent No. 6,075,451 (“the ‘451 patent”), entitled “RF Cellular Technology Network Transmission System for Remote Monitoring Equipment” duly and legally issued to Mayer M. Lebowitz (“Mr. Lebowitz”) and James Sievert. A copy of the ‘451 patent is attached as Exhibit A.

6. The Mayer Michael Lebowitz Trust (“the Lebowitz Trust”) is the owner of the ‘451 patent. Tobi Gellman as trustee of the Mayer Michael Lebowitz Trust has the right to enforce the ‘451 patent and collect damages for all relevant times. The ‘451, in general, relates to the use of cellular telephone networks in alarm systems.

7. The Lebowitz Trust’s ownership of the ‘451 patent has been challenged in the related litigation, C.A. No. 2:07-cv-00282, with a Motion to Dismiss for Lack of Standing. As of the filing of this complaint, the Court has not ruled on the Motion to Dismiss for Lack of Standing. For the reasons stated by Gellman in the related litigation, Plaintiff believes she is the sole owner of the ‘451 patent.

8. Upon information and belief, ADT develops, markets, and sells products and services, such as the Safewatch® CellGuard® line of products, to its customers that are designed to transmit alarm signals using a cellular network. By providing such products, ADT infringes claim 21 of the ‘451 patent either literally or under the doctrine of equivalents.

9. ADT had knowledge of the ‘451 patent by at least July 6, 2007 when the Lebowitz Trust filed a patent infringement action against ADT. Despite such knowledge, ADT has made, and continues to make alarm systems that are designed to transmit alarm signals using a cellular network covered by the ‘451 patent. ADT’s infringement of the ‘451 patent is therefore willful.

10. As a result of ADT's infringing conduct, ADT has damaged the Lebowitz Trust. ADT is liable to the Lebowitz Trust in an amount that adequately compensates it for ADT's infringement which by law can be no less than a reasonable royalty.

**Demand for Jury Trial**

11. Plaintiff hereby demands a jury trial on all issues triable of right by a jury.

**Prayer for Relief**

12. Wherefore, Ms. Gellman prays for entry of judgment:

- A. That ADT has infringed one or more claims of U.S. Patent No. 6,075,451;
- B. That ADT account for and pay to Ms. Gellman all damages and costs caused by infringement of U.S. Patent No. 6,075,451;
- C. That Ms. Gellman be granted pre-judgment and post judgment interest on the damages caused by reason of Defendants' infringement of U.S. Patent No. 6,075,451;
- D. That Ms. Gellman be granted her reasonable attorneys' fees in this action;
- E. That costs be awarded to Ms. Gellman.
- F. That Ms. Gellman be granted such other and further relief that is just and proper under the circumstances.

Date: November 19, 2010

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