

PARTIES

2. Plaintiff Marshall Network Security, Inc. is a limited liability company organized and existing under the laws of the State of Texas. MNS maintains its principal place of business at 505 East Travis Street, Suite 112, Marshall, Texas 75670. MNS is the owner and assignee of all rights, title, and interest in and to the '565 Patent and possesses all rights and recovery under the '565 Patent, including but not limited to the right to sue for infringement and recover past damages.

3. Defendant Securus Technologies, Inc. ("Securus") is a corporation organized and existing under the laws of the State of Delaware, with its principle place of business located at 14561 Dallas Parkway, Suite 600, Dallas, Texas 75254.

4. Defendant T-NETIX ("T-NETIX") is a corporation organized and existing under the laws of the State of Delaware, with its principle place of business located at 14561 Dallas Parkway, 6th Floor, Dallas, Texas 75254.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. The Court has personal jurisdiction over each Defendant. Each Defendant has conducted and does conduct business within the State of Texas. Each Defendant, directly and/or through intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells, and/or advertises its products in the United States, the State of Texas, and the Eastern District of Texas. Each Defendant has purposefully and

voluntarily placed one or more of its infringing products, as described below in Count 1, into the stream of commerce with the expectation that they will be purchased by consumers in the Eastern District of Texas. These infringing products have been and continue to be purchased by consumers in the Eastern District of Texas. Each Defendant has committed the tort of patent infringement within the State of Texas, and, more particularly, within the Eastern District of Texas.

7. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I – INFRINGEMENT OF U.S. PATENT 5,142,565

8. MNS refers to and incorporates herein the allegations of Paragraphs 1-7 above.

9. United States Patent No. 5,142,565 (the “’565 Patent”), entitled “Controller for Managing Data Communication with a Host Computer for the Purpose of User Verification by Voice Processing,” was duly and legally issued by the United States Patent and Trademark Office on August 25, 1992 after a full and fair examination. MNS is the assignee of all rights, title, and interest in and to the ‘565 Patent and possesses all rights of recovery under the ‘565 Patent, including the right to sue for infringement and recover past damages.

10. Upon information and belief, Securus has infringed and continues to infringe the ‘565 Patent by making, using, offering to sell, selling (directly or through intermediaries), importing, in this district and elsewhere in the United States, specialized secure call-processing equipment and services for correctional facilities employing voice

verification functionality that utilize the invention disclosed and claimed in the '565 patent. Upon information and belief, Securus has also contributed to the infringement of the '565 Patent, and/or actively induced others to infringe the '565 Patent, in this district and elsewhere in the United States.

11. Upon information and belief, T-NETIX has infringed and continues to infringe the '565 Patent by making, using, offering to sell, selling (directly or through intermediaries), importing, in this district and elsewhere in the United States, specialized secure call-processing equipment and services for correctional facilities employing voice verification functionality that utilize the invention disclosed and claimed in the '565 patent. Upon information and belief, T-NETIX has also contributed to the infringement of the '565 Patent, and/or actively induced others to infringe the '565 Patent, in this district and elsewhere in the United States.

12. MNS is entitled to recover from each Defendant the damages sustained by MNS as a result of each Defendant's wrongful acts in an amount subject to proof at trial.

13. Each Defendant's infringement of MNS's exclusive rights under the '565 Patent will continue to damage MNS, causing irreparable harm for which there is no adequate remedy at law, unless it is enjoined by this Court.

JURY DEMAND

14. Plaintiff demands a trial by jury on all issues and has paid the required jury fee.

PRAYER FOR RELIEF

16. Plaintiff MNS respectfully requests this Court to enter judgment in its favor against each Defendant, granting the following relief:

- A. An adjudication that each Defendant has infringed and continue to infringe claims of the '565 Patent;
- B. An award to MNS of damages adequate to compensate MNS for each Defendant's acts of infringement together with prejudgment interest;
- C. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining each Defendant from further acts of (1) infringement, (2) contributory infringement, and (3) active infringement with respect to the claims of the '565 Patent; and
- D. Any further relief that this Court deems just and proper.

Respectfully submitted,

By: 

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