

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

CATCH CURVE, INC.,	)	
	)	
Plaintiff,	)	Civil Action File No.
	)	
v.	)	
	)	
MYVFM.COM, INC.,	)	<b>JURY TRIAL</b>
	)	<b>DEMANDED</b>
Defendant.	)	
_____	)	

**COMPLAINT**

Plaintiff Catch Curve, Inc. ("Catch Curve") states its Complaint against Defendant MyVFM.com, Inc. ("Defendant"), as follows:

**JURISDICTION AND VENUE**

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.
2. This Court has subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*
3. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §§1391(b) and (c) and 1400(b) in that Defendant has done business in this District, has committed acts of infringement in this District, and continues to commit acts of infringement in this District, entitling Catch Curve to relief.

**PARTIES**

4. Catch Curve, Inc. is a Delaware corporation with its principal place of business in Gwinnett County, Georgia. Catch Curve is the owner, by assignment, of all right, title, and interest in and to the following United States Patents, including the right to bring suit for patent infringement: United States Patent Nos. 7,365,884 (“the ‘884 patent”), 6,785,021 (“the ‘021 patent”), 6,643,034 (“the ‘034 patent”), 5,459,584 (“the ‘584 patent”), and 4,944,926 (“the ‘926 patent”). The ‘884 patent, the 021 patent, the ‘034 patent, the ‘584 patent, and the ‘926 patent are referred to herein collectively as “the patents-in-suit.”

5. Upon information and belief, Defendant MyVFM.com, Inc. is a Texas corporation with its principal place of business in Pearland, Texas. Upon information and belief, the Court has personal jurisdiction over this Defendant.

**COUNT ONE:  
INFRINGEMENT OF U.S. PATENT NO. 7,365,884**

6. Catch Curve realleges and incorporates herein the allegations of paragraphs 1 through 5 of this Complaint as if fully set forth herein.

7. Catch Curve holds all rights and interest in United States Patent No. 7,365,884 (“the ‘884 patent”) for “Facsimile Telecommunications System and Method.” A true and correct copy of the ‘884 patent is attached hereto as Exhibit A.

8. Upon information and belief, Defendant MyVFM.com, Inc. has infringed directly and/or indirectly and continues to infringe directly and/or indirectly the ‘884 patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendant’s FlatRateFax.com Fax to Email Service.

9. The acts of infringement of the ‘884 patent by the Defendant have caused damage to Catch Curve and Catch Curve is entitled to recover from the Defendant the damages sustained

by Catch Curve as a result of the Defendant's wrongful acts in an amount subject to proof at trial. The infringement of Catch Curve's exclusive rights under the '884 patent by the Defendant will continue to damage Catch Curve, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**COUNT TWO:**  
**INFRINGEMENT OF U.S. PATENT NO. 6,785,021**

10. Catch Curve realleges and incorporates herein the allegations of paragraphs 1 through 5 of this Complaint as if fully set forth herein.

11. Catch Curve holds all rights and interest in United States Patent No. 6,785,021 ("the '021 patent") for "Facsimile Telecommunications System and Method." A true and correct copy of the '021 patent is attached hereto as Exhibit B.

12. Upon information and belief, Defendant MyVFM.com, Inc. has infringed directly and/or indirectly and continues to infringe directly and/or indirectly the '021 patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendant's FlatRateFax.com Fax to Email Service.

13. The acts of infringement of the '021 patent by the Defendant have caused damage to Catch Curve and Catch Curve is entitled to recover from the Defendant the damages sustained by Catch Curve as a result of the Defendant's wrongful acts in an amount subject to proof at trial. The infringement of Catch Curve's exclusive rights under the '021 patent by the Defendant will continue to damage Catch Curve, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**COUNT THREE:**  
**INFRINGEMENT OF U.S. PATENT NO. 6,643,034**

14. Catch Curve realleges and incorporates herein the allegations of paragraphs 1 through 5 of this Complaint as if fully set forth herein.

15. Catch Curve holds all rights and interest in United States Patent No. 6,643,034 (“the ‘034 patent”) for “Facsimile Telecommunications System and Method.” A true and correct copy of the ‘034 patent is attached hereto as Exhibit C.

16. Upon information and belief, Defendant MyVFM.com, Inc. has infringed directly and/or indirectly and continues to infringe directly and/or indirectly the ‘034 patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendant’s FlatRateFax.com Fax to Email Service.

17. The acts of infringement of the ‘034 patent by the Defendant have caused damage to Catch Curve and Catch Curve is entitled to recover from the Defendant the damages sustained by Catch Curve as a result of the Defendant’s wrongful acts in an amount subject to proof at trial. The infringement of Catch Curve’s exclusive rights under the ‘034 patent by the Defendant will continue to damage Catch Curve, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**COUNT FOUR:**  
**INFRINGEMENT OF U.S. PATENT NO. 5,459,584**

18. Catch Curve realleges and incorporates herein the allegations of paragraphs 1 through 5 of this Complaint as if fully set forth herein.

19. Catch Curve holds all rights and interest in United States Patent No. 5,459,584 (“the ‘584 patent”) for “Facsimile Telecommunications System and Method.” A true and correct copy of the ‘584 patent is attached hereto as Exhibit D.

20. Upon information and belief, Defendant MyVFM.com, Inc. has infringed directly and/or indirectly and continues to infringe directly and/or indirectly the '584 patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendant's FlatRateFax.com Fax to Email Service.

21. The acts of infringement of the '584 patent by the Defendant have caused damage to Catch Curve and Catch Curve is entitled to recover from the Defendant the damages sustained by Catch Curve as a result of the Defendant's wrongful acts in an amount subject to proof at trial. The infringement of Catch Curve's exclusive rights under the '584 patent by the Defendant will continue to damage Catch Curve, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**COUNT FIVE:**  
**INFRINGEMENT OF U.S. PATENT NO. 4,994,926**

22. Catch Curve realleges and incorporates herein the allegations of paragraphs 1 through 5 of this Complaint as if fully set forth herein.

23. Catch Curve holds all rights and interest in United States Patent No. 4,994,926 ("the '926 patent") for "Facsimile Telecommunications System and Method." A true and correct copy of the '926 patent is attached hereto as Exhibit E.

24. Upon information and belief, Defendant MyVFM.com, Inc. has infringed directly and/or indirectly and continues to infringe directly and/or indirectly the '926 patent. The infringing acts include, but are not limited to, the manufacture, use, sale, importation, and/or offer for sale of Defendant's FlatRateFax.com Fax to Email Service.

25. The acts of infringement of the '926 patent by the Defendant have caused damage to Catch Curve and Catch Curve is entitled to recover from the Defendant the damages sustained by Catch Curve as a result of the Defendant's wrongful acts in an amount subject to proof at

trial. The infringement of Catch Curve' exclusive rights under the '926 patent by the Defendant will continue to damage Catch Curve, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Catch Curve, Inc. prays that the Court enter judgment in its favor and against Defendant MyVFM.com, Inc. as follows:

- A. That the Court enter judgment of infringement against the Defendant;
- B. That the Defendant be ordered to pay damages adequate to compensate Catch Curve for the Defendant's acts of infringement, pursuant to 35 U.S.C. § 284;
- C. That the Court find that this case is exceptional and award Catch Curve its reasonable attorneys' fees pursuant to 35 U.S.C. § 285.
- D. That the Defendant, its officers, agents, employees, and those acting in privity with them, be permanently enjoined from further infringement, contributory infringement, and/or inducing infringement of any of the patents-in-suit, pursuant to 35 U.S.C. § 283;
- E. That the Defendant be ordered to pay prejudgment and post-judgment interest;
- F. That the Defendant be ordered to pay all costs associated with this action; and
- G. That Catch Curve be granted such other and additional relief as the Court deems just, equitable, and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff Catch Curve, Inc. demands a trial by jury of all issues triable of right by a jury.

This 12<sup>th</sup> day of August, 2008.

Respectfully submitted,

PATTON, TIDWELL & SCHROEDER, L.L.P.

By: /s/ J. Kurt Truelove

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