

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

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U.S. DISTRICT COURT
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TEXAS EASTERN

Klausner Technologies, Inc.,
a New York corporation,

Plaintiff,

vs.

Verizon Wireless (Celco Partnership d/b/a
Verizon Wireless), a Delaware general
partnership; Verizon Data Services LLC, a
Delaware limited liability company; Bell
Atlantic Communications, Inc., a Delaware
corporation; Citrix Systems, Inc., a Delaware
corporation; Comverse, Inc., a Delaware
corporation; Cox Communications, Inc., a
Delaware corporation; Embarq
Communications, Inc., a Delaware corporation;
Google Inc., a Delaware corporation;
GrandCentral Communications, Inc., a
Delaware corporation; LG Electronics
Mobilecomm U.S.A., Inc., a California
Corporation; PhoneFusion, Inc., a Delaware
corporation; RingCentral, Inc., a California
Corporation,

Defendants.

CASE NO. 6:08 cv 341 BY

Demand for Jury Trial.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Klausner Technologies, Inc. (“Klausner Technologies”) sues Defendants
Celco Partnership d/b/a/ Verizon Wireless, Verizon Data Services LLC, Bell Atlantic
Communications, Inc., Citrix Systems, Inc., Comverse, Inc., Cox Communications, Inc.,
Embarq Communications, Inc., Google Inc., GrandCentral Communications, Inc., LG
Electronics MobileComm U.S.A., Inc., PhoneFusion, Inc., and RingCentral, Inc.
 (“Defendants”) and on information and belief, alleges as follows:

Introduction

1. Plaintiff Klausner Technologies owns the invention 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 continued 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

Verizon

7. Upon information and belief, Cellco Partnership d/b/a/ Verizon Wireless is a Delaware general partnership having its principal place of business in Basking Ridge, New Jersey ("Verizon Wireless").

8. Upon information and belief, Verizon Data Services, LLC is a Delaware limited liability company having its principal place of business in Temple Terrace, Florida ("Verizon Data").

9. Upon information and belief, Bell Atlantic Communications, Inc. is a Delaware corporation doing business under the name Verizon Long Distance with its principle place of business in New York, New York ("Verizon").

Citrix

10. Upon information and belief, Citrix Systems, Inc. is a Delaware corporation with its principal place of business in Fort Lauderdale, Florida ("Citrix").

Comverse, Inc.

11. Upon information and belief, Comverse, Inc. is a Delaware corporation with its

principle place of business in Wakefield, Massachusetts (“Comverse”).

Cox

12. Upon information and belief, Cox Communications, Inc. is a Delaware corporation having its principal place of business in Atlanta, Georgia (“Cox”).

Embarq

13. Upon information and belief, Embarq Communications, Inc. is a Delaware corporation with its principal place of business in Overland Park, Kansas (“Embarq”).

Google

14. Upon information and belief, Google Inc. is a Delaware corporation having its principal place of business in Mountain View, California (“Google”).

15. Upon information and belief, GrandCentral Communications, Inc. is a Delaware corporation having its principal place of business in Mountain View, California (“GrandCentral”).

LG

16. Upon information and belief, LG Electronics MobileComm U.S.A., Inc. is a California Corporation with its principal place of business in San Diego, California (“LG”).

PhoneFusion, Inc.

17. Upon information and belief, PhoneFusion, Inc. is a Delaware corporation having its principal place of business in Oakland Park, Florida (“PhoneFusion”).

RingCentral, Inc.

18. Upon information and belief, RingCentral, Inc. is a California Corporation with its principal place of business in San Mateo, California (“RingCentral”).

First Claim for Patent Infringement (‘576 Patent)

Against All Defendants

19. Plaintiff incorporates by reference each of the allegations in paragraphs 1

- 18 above.

20. 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.

21. 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.

22. 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.

23. 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)

Against Defendants Verizon Wireless, Verizon Data, Verizon, LG, Google, GrandCentral,

PhoneFusion, RingCentral, and Comverse

24. Plaintiff incorporates by reference each of the allegations in paragraphs 1 - 18 above.

25. 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.

26. 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.

27. Defendants Verizon Wireless, Verizon Data, Verizon, LG, Google, GrandCentral, PhoneFusion, RingCentral, and Converse 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.

28. 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.

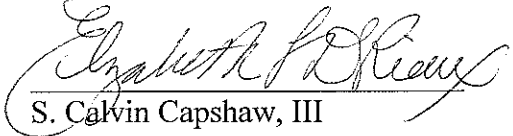
29. Plaintiff demands trial by jury of all issues

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: August 25, 2008

Respectfully submitted,

By: 
S. Calvin Capshaw, III
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
N. Claire Abernathy
State Bar No. 24053063
Capshaw DeRieux, LLP
1127 Judson Road, Suite 220
Longview, Texas 75601
(903) 236-9800 Telephone
(903) 236-8787 Facsimile
E-mail: ccapshaw@capshawlaw.com
E-mail: ederieux@capshawlaw.com
E-mail: chenry@capshawlaw.com

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

ATTORNEYS FOR PLAINTIFF,
KLAUSNER TECHNOLOGIES, INC.