

2. Defendant **ATHOC, INC.** is a Delaware corporation with its principal place of business in San Mateo, California. It may be served with process by serving its registered agent for service of process, Guy Miasnik at 1350 Bayshore Highway, Suite 740, Burlingame, California 94010-1816, or wherever he may be found.

3. Defendant **BROADBLAST, INC.** is a Delaware Corporation, with its principal place of business in Del Mar, New York. It may be served with process by serving its President, Amy Friedman, or any other corporate officer at 159 Delaware Ave #102, Delmar, New York 12504, or wherever she may be found.

4. Defendant **EDULINK SYSTEMS, INC.** is a California corporation with its principal place of business in Orange, California. It may be served with process by serving its registered agent for service of process, David Funderburk at 2568 N. San Miguel Dr., Orange, California or wherever he may be found.

5. Defendant **FIRST CALL NETWORK, INC.** is a Louisiana corporation with its principal place of business in Baton Rouge, Louisiana. It may be served with process by serving its registered agent for service of process, Howard M. Dennis at 5423 Galeria Dr., Baton Rouge, Louisiana, 70816-6008, or wherever he may be found.

6. Defendant **GROUPCAST, LLC** is a Missouri limited-liability company with its principal place of business in Sunset Hills, Missouri. It may be served with process by serving its registered agent for service of process, Brian E. McGovern at 16141 Swingley Ridge Rd., Suite 300, Chesterfield, Missouri 63017-1781, or wherever he may be found.

7. Defendant **PARLANT TECHNOLOGY, INC.** is a Utah corporation with its principal place of business in Provo, Utah. It may be served with process by serving its Secretary, Barry Roberts, or its President, John Graff at 290 North University Avenue, Provo, Utah 84601 or

wherever they may be found.

8. Defendant **RELIANCE COMMUNICATIONS, INC.** is a California corporation with its principal place of business in Santa Cruz, California. It may be served with process by serving its registered agent for service of process, Kent W. Lowry at 603 Missioin St., Santa Cruz, California, or wherever he may be found.

9. Defendant **SAF-T-NET, INC** is a North Carolina corporation with its principal place of business in Raleigh, North Carolina. It may be served with process by serving its registered agent for service of process, National Registered Agents, Inc. at 16055 Space Center Blvd. Suite, 235 Houston, Texas 77062-6212.

10. Defendant **SWN COMMUNICATIONS, INC.** is a Delaware corporation with its principal place of business in New York, New York. It may be served with process by serving its registered agent for service of process, National Registered Agents, Inc. at 16055 Space Center Blvd. Suite, 235 Houston, Texas 77062-6212.

11. Defendant **SWIFTRACH NETWORKS, INC.** is a New Jersey corporation with its principal place of business in Ramsey, New Jersey. It may be served with process by serving its registered agent for service of process, Phil N. Alward at 87 E. Crescent Ave., Allendale, New Jersey 07401-1330, or wherever he may be found.

12. Defendant **TWENTY-FIRST CENTURY COMMUNICATIONS, INC.** is an Ohio corporation with its principal place of business in Columbus, ,Ohio. It may be served with process by serving its registered agent for service of process, James L. Kennedy at 1159 Langland Dr., Columbus, Ohio 43220-2646, or wherever he may be found.

JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), because Plaintiff's claims arise under federal laws relating to patents and unfair competition.

14. This Court has personal jurisdiction over each of the Defendants named above because each of them have transacted business in the Eastern District of Texas, and each of the Defendants have committed acts of patent infringement in the Eastern District of Texas.

15. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b) because each of the Defendants named above is subject to personal jurisdiction in this judicial district, each of them regularly conduct business in the state of Texas and in this judicial district, and each of them have committed acts of infringement in this judicial district.

FACTS

16. TechRadium develops, sells, and services mass notification systems that allow a group administrator to originate a single message that will be delivered simultaneously via multiple communication gateways to members of a group. A group member can receive such message in its choice of any combination of voice message, text message e-mail and so on. This technology is patented by the Plaintiff, TechRadium, and marketed under the trade name "IRIS"™ (Immediate Response Information System). Among other things, the patented IRIS™ technology eliminated the need for an administrator to send multiple identical messages, and allowed group members to select the most convenient form of notification for them.

17. Using prior technology to send a single message through multiple communication

gateways would require the administrator to send the message multiple times—once through each communication gateway. For instance, if one group member chose to be notified via text message, and another chose to be notified via e-mail, then at least two separate messages would have to be originated by the administrator. Additionally, this prior technology did not allow a group member to select their preferred method of notification.

18. TechRadium's patented IRIS™ product includes an administrator interface through which a message is originated. This interface can include a converter for translating the message into the language selected by the group member and a converter for translating text into voice for voice messages. It also has a database for storing the contact device information of the group member, priority for each selected device, and language preference. The database allows for the grouping of certain members (e.g., high school teachers in a school district) and the priority order for contacting such groups. This technology also has the capability to generate response data that sends a message back to the administrator confirming whether the message was successfully delivered or not, and the time and date of the delivery or attempted delivery. The administrator initiates the distribution of the message using the member grouping information, member priority information, and the member priority order and the message is then transferred through at least two industry standard gateways simultaneously to the various group members.

19. TechRadium is the owner of United States Patent Nos. 7,130,389, issued on October 31, 2006 ('389 Patent), and 7,496,183, issued on February 24, 2009 ('183 Patent), and 7,519,165, issued on April 14, 2009 ('165 Patent). The IRIS™ system marketed by TechRadium incorporates claims included in each of these patents. A copy of each of these patents is attached as Exhibits A, B and C, respectively.

20. On information and belief, each of the Defendants named above makes, uses and sells, or attempts to make, use or sell, or otherwise provides throughout the United States and within the geographical area covered by the United States District Court for the Eastern District of Texas products and services which utilize the systems and methods described by claims in the '389, '183 and '165 Patents.

CLAIM FOR INFRINGEMENT OF THE '389 PATENT

21. Plaintiff incorporates the foregoing paragraphs by reference as if fully set forth below.

22. The '389 Patent describes technology for a digital notification and response system that utilizes an administrator interface to transmit a message from an administrator to a user contact device. A copy of the '389 Patent is attached hereto as Exhibit A.

23. The '389, Patent is valid and enforceable.

24. Each of the Defendants named herein have and continue to infringe, contributorily infringe or actively induce the infringement of the '389 Patent by using, selling and offering for use or sale products and services within this judicial district which incorporate TechRadium's patented technology. Each Defendant is offering for sale or use, or selling or using these products without license or authority from TechRadium. The claims of the patent are either literally infringed or infringed under the doctrine of equivalents. These actions by the Defendants are in violation of 35 U.S.C. § 271.

CLAIM FOR INFRINGEMENT OF THE '183 PATENT

25. Plaintiff incorporates the foregoing paragraphs by reference as if fully set forth

below.

26. The '183 Patent describes technology for a digital notification and response system that utilizes an administrator interface to transmit a message from an administrator to a user contact device. A copy of the '183 Patent is attached hereto as Exhibit B.

27. The '183, Patent is valid and enforceable.

28. 28. Each of the Defendants named herein have and continue to infringe, contributorily infringe or actively induce the infringement of the '183 Patent by using, selling and offering for use or sale products and services within this judicial district which incorporate TechRadium's patented technology. Each Defendant is offering for sale or use, or selling or using these products without license or authority from TechRadium. The claims of the patent are either literally infringed or infringed under the doctrine of equivalents. These actions by the Defendants are in violation of 35 U.S.C. § 271.

CLAIM FOR INFRINGEMENT OF THE '165 PATENT

29. Plaintiff incorporates the foregoing paragraphs by reference as if fully set forth below.

30. The '165 Patent describes technology for a digital notification and response system that utilizes an administrator interface to transmit a message from an administrator to a user contact device. A copy of the '165 Patent is attached hereto as Exhibit C.

31. The '165, Patent is valid and enforceable.

32. 32. Each of the Defendants named herein have and continue to infringe, contributorily infringe or actively induce the infringement of the '165 Patent by using, selling and offering for use or sale products and services within this judicial district which incorporate

TechRadium's patented technology. Each Defendant is offering for sale or use, or selling or using these products without license or authority from TechRadium. The claims of the patent are either literally infringed or infringed under the doctrine of equivalents. These actions by the Defendants are in violation of 35 U.S.C. § 271.

ALLEGATIONS COMMON TO ALL COUNTS OF INFRINGEMENT

33. Upon information and belief, Plaintiff alleges that the acts of infringement by each of the Defendants is willful, making this an exceptional case under 35 U.S.C. § 285.

34. Upon information and belief, Plaintiff further alleges that the actions of each Defendant have resulted in substantial lost profits to the Plaintiff, and substantial unjust profits and enrichment to the Defendants, all in amounts yet to be determined. Plaintiff at all times has been and is now willing to grant licenses to qualified parties, including the Defendants, for the use of its patented technology, at a reasonable royalty rate. Defendants' act of infringement have caused irreparable harm to the Plaintiff and will continue to do so unless enjoined by the Court.

DAMAGES

35. As a result of Defendants' acts of infringement, Plaintiff has suffered actual and consequential damages; however, Plaintiff does not yet know the full extent of such infringement and such extent cannot be ascertained except through discovery and special accounting. To the fullest extent permitted by law, Plaintiff seeks recovery of damages for lost profits, reasonable royalties, unjust enrichment, and benefits received by the Defendants as a result of using the misappropriated technology. Plaintiff seeks any other damages to which it may be entitled in law or in equity.

36. Each Defendants' acts of infringement were committed intentionally, knowingly, and with callous disregard of Plaintiff's legitimate rights. Plaintiff is therefore entitled to and now seeks to recover exemplary damages in an amount not less than the maximum amount permitted by law.

ATTORNEYS FEES

37. Plaintiff is entitled to recover reasonable and necessary attorneys fees under applicable law.

CONDITIONS PRECEDENT

38. All conditions precedent to Plaintiff's right to recover as requested herein have occurred or been satisfied.

JURY DEMAND

39. Plaintiff demands a trial by jury pursuant to Fed. R. Civ. P. 38.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff asks that Defendants be cited to appear and answer and, on final trial, that Plaintiff have judgment against Defendants for the following:

- a. Actual economic damages;
- b. Exemplary treble damages as allowed by law;
- c. Permanent injunction;

- d. Attorney fees;
- e. Pre-judgment and post-judgment interest as allowed by law;
- f. Costs of suit; and
- g. All other relief in law or in equity to which Plaintiff may show itself justly entitled.

Respectfully submitted,

/s/ W. Shawn Staples
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Attorneys For Plaintiff, TechRadium, Inc.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 20th day of October, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ W. Shawn Staples
W. Shawn Staples